



# 2025 APPLICATION POLICIES AND PROCEDURES

STATE OF UTAH

COMMUNITY  
DEVELOPMENT BLOCK  
GRANT



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**140 East 300 South**  
**Salt Lake City, UT 84111**  
**[www.jobs.utah.gov/housing/cdbg](http://www.jobs.utah.gov/housing/cdbg)**



# 2025 Community Development Block Grant Application Checklist

Check each step as it is completed

#	✓	
1		Attend CDBG “How to Apply Workshop” in your AOG region - Oct/Nov 2024.
2		Non-profits must be <i>sponsored</i> by a City or County for which the project will serve. The City or County will sub-contract with the Non-Profit (Appendix F).
3		Work with AOG Rep. to determine project type (construction, acquisition, etc.) and if the project is eligible and ‘shovel ready’. Review Ch. 2 and 3 for eligible project types.
4		Register as a user in the WebGrants 3 system if not already assigned a login. <a href="https://webgrants.utah.gov/register.jsp">https://webgrants.utah.gov/register.jsp</a>
5		Evaluate procurement needs to facilitate obtaining an estimate (chapter 7).
6		CDBG applicants AND other recipients of CDBG funds such as Contractors and Engineers must register in SAM.GOV to receive CDBG funds (Appendix A).
7		Review Civil Rights / Equal Opportunity and address any gaps (chapter 5).
8		Contact AOG representative for guidance regarding income survey requirements. The state CDBG staff <u>must</u> approve survey forms and methodology (Appendix D).
9		If required, conduct income survey of residents in project area. Submit original surveys to AOG rep to determine project eligibility. Retain copies. <u>Deadline for AOGs to submit completed surveys to the state CDBG staff is <b>January 15, 2025.</b></u>
10		Prepare scope of work, budget & service map of project activities.
11		Review AOG Rating & Ranking Policies for your region, provided in Appendix H.
12		Based on the entire project scope of work, determine environmental review needs. Call State Environmental Review Specialist for guidance.
13		AOG specific due date for pre application submission ___/___/___
14		Hold 1 <sup>st</sup> Public Hearing prior to <b>January 31, 2025. USE templates</b> in Appendix B.
15		Current CDBG grants must spend down <u>50%</u> of any contracts by <b>February 2025.</b>
16		Complete CDBG Application online in WebGrants. SUBMIT by January 31, 2025.
17		State staff review applications for completeness and eligibility - February 2025.
18		<b>Do not hold 2<sup>nd</sup> public hearing until award notification from AOG is received in March/April 2025.</b>
19		<u>If</u> an Award Notification is received from the AOG, Hold 2 <sup>nd</sup> public hearing. See Appendix B for templates.
20		Update application with 2 <sup>nd</sup> public hearing info. Make any other edits if necessary.
21		Re-submit Application prior to May 31, 2025. WebGrants locks submission at 5:00 PM





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## CHAPTER 1. INTRODUCTION TO PROGRAM GOALS AND OBJECTIVES

### A. The Small Cities Community Development Block Grant Program

The Utah Small Cities Community Development Block Grant (CDBG) program is funded and operated under Title I of the Housing and Community Development Act of 1974, as amended, April 11, 1994, 42 USC 5301 including all operating regulations and memorandums pertaining thereto. Utah State Small Cities program has been administered since 1982.

#### **The Purpose of the Community Development Block Grant Program:**

*"To assist in developing viable communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (LMI)".*

*In a very real sense, this bill [The Housing and Community Development Act of 1974] will help to return power from the banks of the Potomac to people in their own communities. Decisions will be made at the local level. Action will come at the local level. And responsibility for results will be placed squarely where it belongs--at the local level.*

*-President Gerald R Ford's statement on signing the act into law. (August 22, 1974)*

The U.S. Department of Housing and Urban Development (HUD) is responsible for monitoring the state of Utah to ensure compliance with CDBG program requirements. Applicants should be aware that, if funded, they must comply with various federal regulations including Davis-Bacon Labor Act, Civil Rights, and 24 CFR Part 58 - the HUD Environmental Review Regulations.

This book provides instruction and guidance regarding state and federal requirements to cities, counties and other organizations wishing to apply for CDBG funds.

In Utah, the application rating and ranking process is delegated to seven regional planning districts throughout the state. These are the four Associations of Governments (AOGs), R6 Regional Council, Southeastern Regional Development Agency, and Wasatch Front Regional Council. Local and regional priorities are considered by individual AOG/regional council rating and ranking committees when determine which projects will be funded. These regional rating and ranking policies and procedures are included towards the end of this book for your review. This process is designed to provided for involvement of the public through local governments who establish priorities that are consistent with regional and state consolidated plans.

This application policies and procedures manual contains information about the State Small Cities CDBG program to help inform potential applicants and interested persons about the following:

- Compliance with the Consolidated Plan
- Estimated amount of funds available
- Method of Distribution (regional allocation formula)
- CDBG National Objective requirements
- A generalized list of eligible activities
- Application instructions
- State requirements
- Additional federal requirements
- Regional rating and ranking policies and procedures



## **B. Who Administers the CDBG Program?**

The Utah State Department of Workforce Services (DWS), Housing and Community Development Division (HCD) administers the CDBG program. As the lead agency responsible for the program's design and implementation, HCD will:

- Obtain policy guidance from the CDBG Policy Committee, made up of seven elected officials selected by the governor from the regional associations of governments and formally established by a governor's executive order dated November 1, 1985.
- Support the five associations of governments, R6 Regional Council and Wasatch Front Regional Council in developing sound and equitable project review and regional ranking systems that meet the purposes of federal legislation as well as local and state priorities.
- Ensure grantee compliance with all applicable federal/state program regulations and federal overlay statutes.
- Monitor grantee program compliance, Environmental outcomes, and financial performance.
- Ensure that programmatic control of the prioritization of CDBG funding has and will remain with local elected officials.
- Prepare the Annual Action Plan and the five-year Consolidated Plan and the CAPER as required by HUD.
- Carry out the Method of Distribution as approved by the CDBG Policy Committee.
- Provide technical assistance to units of local government and support workshops for citizens and local officials.

### **CDBG Policy Board Members**

The CDBG Policy Committee is composed of the following seven members selected by the governor from each of the seven associations of governments:

<b>Larry Jacobson</b>	Nibley City Mayor	Bear River Association of Governments
<b>Paul Cozzens</b>	Iron County Commissioner	Five County Association of Governments
<b>Kendall Crittenden</b>	Wasatch County Councilman	Mountainland Association of Governments
<b>Scott Bartholomew</b>	Sanpete County Commissioner	Six County Association of Governments
<b>Danny VanWagoner</b>	Castle Dale City Mayor	Southeastern Association of Local Governments
<b>Matthew Tippetts</b>	Daggett County Commissioner	Uintah Basin Association of Governments
<b>Mark Allen</b>	City of Washington Terrace Mayor	Wasatch Front Regional Council

### Technical Assistance

For assistance regarding the CDBG program or other HCD programs, please visit our website:  
<https://jobs.utah.gov/housing/index.html>

Housing & Community Development Division  
140 East 300 South  
Salt Lake City, Utah 84111

<b>Jennifer Domenici</b>	Assistant Director Housing & Community Development	(801) 803-3173 <a href="mailto:jdomenici@utah.gov">jdomenici@utah.gov</a>
<b>Zach Leavitt</b>	Program Manager CDBG Program	(435) 633-5252 <a href="mailto:zleavitt@utah.gov">zleavitt@utah.gov</a>
<b>Julie Tuimauga</b>	Program Specialist CDBG Program	(385) 391-8017 <a href="mailto:jtuimauga@utah.gov">jtuimauga@utah.gov</a>
<b>Nicole Kerr</b>	Program Specialist CDBG Program	(385) 321-4670 <a href="mailto:nkerr@utah.gov">nkerr@utah.gov</a>
<b>Tamara Dockstader</b>	Program Specialist CDBG Program	(385) 395-7715 <a href="mailto:tdockstader@utah.gov">tdockstader@utah.gov</a>
<b>Carver Black</b>	Fiscal Grant Manager DWS Finance	(435) 459-0871 <a href="mailto:carverblack@utah.gov">carverblack@utah.gov</a>
<b>Mike Murdock</b>	Program Manager HEAT	(801) 702-9137 <a href="mailto:mikemurdock@utah.gov">mikemurdock@utah.gov</a>
<b>Matt Turner</b>	Program Manager Weatherization	(801) 368-1173 <a href="mailto:mjturner@utah.gov">mjturner@utah.gov</a>
<b>Dan Murphy</b>	Program Manager Housing, Olene Walker Loan Fund	(385) 630-8368 <a href="mailto:danmurphy@utah.gov">danmurphy@utah.gov</a>
<b>Alyssa Gamble</b>	Program Manager Moderate Income Housing Consolidated Plan/Annual Action Plan	(435) 830-3707 <a href="mailto:angamble@utah.gov">angamble@utah.gov</a>
<b>Candance Powers</b>	Program Manager Community Impact Board	(385) 341-0199 <a href="mailto:cpowers@utah.gov">cpowers@utah.gov</a>

## **Associations of Governments - Counties and Contacts**

For assistance in application preparation, contact any of the following personnel:

### **Bear River AOG**

**CONTACT: Brian Carver**  
Box Elder, Cache, Rich Counties  
Lucas Martin, Executive Director  
170 North Main Street  
Logan, Utah 84321  
PHONE: (435) 752-7242  
E-mail: [brianc@brag.utah.gov](mailto:brianc@brag.utah.gov)

### **Five County AOG**

**CONTACT: Cody Christensen**  
Beaver, Kane, Garfield, Washington, Iron Counties  
Bryan Thiriot, Executive Director  
PO Box 1550  
St. George, Utah 84770  
PHONE: (435) 673-3548  
E-mail: [cchristensen@fivecounty.utah.gov](mailto:cchristensen@fivecounty.utah.gov)

### **Mountainland AOG**

**CONTACT: Jessica Delora**  
Summit, Wasatch Counties  
Michelle Carroll, Executive Director  
586 East 800 North  
Orem, Utah 84097-4146  
PHONE: (801) 229-3691  
E-mail: [jdelora@mountainland.org](mailto:jdelora@mountainland.org)

### **R6 Regional Council**

**CONTACT: Shay Morrison**  
Juab, Millard, Piute, Sanpete, Sevier, Wayne Co.  
Travis Kyhl, Executive Director  
250 North Main  
Richfield, Utah 84701  
PHONE: (435) 893-0737  
E-mail: [shaym@sixcounty.com](mailto:shaym@sixcounty.com)

### **Southeastern Regional Development Agency**

**CONTACT: Korrin Olson**  
Carbon, Emery, Grand, San Juan Counties  
Geri Gamber, Executive Director  
PO Box 1106  
Price, Utah 84501  
PHONE: (435) 773-3209  
E-mail: [kolson@seualg.utah.gov](mailto:kolson@seualg.utah.gov)

### **Uintah Basin AOG**

**CONTACT: Kevin Yack**  
Daggett, Duchesne, Uintah Counties  
Laurie Brummond, Executive Director  
330 East 100 South  
Roosevelt, Utah 84066  
PHONE: (435) 722-4518  
E-mail: [keviny@ubaog.org](mailto:keviny@ubaog.org)

### **Wasatch Front Regional Council**

**CONTACT: Christy Dahlberg**  
Morgan, Tooele, Weber Counties  
Andrew Gruber, Executive Director  
41 North Rio Grande Street, Suite 103  
Salt Lake City, Utah 84101  
PHONE: (801) 363-4250 ext. 5005  
E-mail: [christy@wfrc.org](mailto:christy@wfrc.org)

## **C. Consolidated Plan/Annual Action Plan**

Section 104(a)(2) of Title I of the Housing and Community Development Act requires each state to submit a Consolidated Plan of state-wide community development objectives, projected use of funds, and methods by which the state will distribute funds to local governments. Each Association of



Governments is required to review and update their portion. The Consolidated plan is a 5-year strategic plan which allows the State of Utah to assess affordable housing and community development needs and provides a framework to identify priorities for the state-managed HUD Community Planning and Development (CPD) Programs of: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Housing Trust Fund (HTF), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The current Consolidated Plan for the State of Utah expires in 2024.

The Annual Action Plan (AAP) describes how each of the CPD programs are implementing the Consolidated Plan and is drafted annually. An annual assessment of accomplishments and progress toward Consolidated Plan goals are drafted by the State annually through the Consolidated Annual Performance and Evaluation Report (CAPER).

Additional information regarding compliance with the Consolidated Plan and CAPER is addressed in Chapter 3.

#### **D. State Public Hearing**

The State has developed plans, like the Citizen's Participation Plan, to direct engagement and outreach in the development of the plan. This plan can be found at <https://jobs.utah.gov/housing/reports/>. In April of each year the State of Utah is required to hold a public hearing to gather input and discuss the progress and status of communities statewide as they complete the required elements of the Consolidated Plan.

The hearing is advertised on the State of Utah Public Meeting Notice website (<https://www.utah.gov/pmn/>) 30 days in advance of the hearing. All Associations of Governments, low-income housing agencies, other low-income advocacy groups, and other interested parties are invited to subscribe to the State of Utah Public Meeting Notice website so they will be notified of the hearing date and time. All questions, concerns and suggestions gathered at the hearing will be documented and responded to by HCD staff following the hearing.

#### **E. Goals and Objectives**

The following CDBG goals and objectives serve as a important guides as HCD strives to meet federally mandated requirements and state obligations in serving the non-entitlement communities.

1. Improve public facilities.
2. Develop and use land resourcefully.
3. Provide decent housing through the use of all available programs.
4. Provide needed public services.
5. Promote a strong local government role in the grant selection process through the use of Regional Rating and Ranking Committees (RRCs).
6. Leverage CDBG funds with other available public and private resources.
7. Simplify the CDBG application and management requirements while addressing congressional program intent and existing federal law.

A program requirement established by HUD requires that 70% of the CDBG allocation expended over a three-year period will fund projects that benefit low-to moderate-income (LMI) persons. Each AOG is required to individually meet this goal by adjusting its rating and ranking system and funding allocations, as necessary, to ensure that 70% of its yearly allocation is spent on projects that meet the national objective to benefit LMI persons.

## F. Eligible Grant Applicants

As defined by federal law, the following are eligible applicants for the state CDBG program :

- Incorporated cities and towns with populations of less than 50,000.
- Units of local government recognized by the Secretary of HUD that include six of the seven Associations of Government, excluding the Wasatch Front Regional Council, which is currently sponsored by Tooele County.

Additionally, the Utah State Legislature has required the administration of the Moderate-Income Housing (MIHP) Program be overseen by the Department of Workforce Services (DWS), who has tied funding to meeting the intent of the MIHP. The State of Utah CDBG program requires any applicable city or county interested in applying for funding to have a moderate income housing planning and annual progress reporting as required in Utah Code 10-9a-403, 408 for Cities and Utah Code 17-27a-403, 408 for Counties.

### **Eligibility excludes:**

- CDBG Entitlement formula recipients, which are cities in metropolitan areas over 50,000 in population and designated principal cities of metropolitan statistical areas or urban counties with more than 200,000 people.
- Entitlement cities of Clearfield, Eagle Mountain, Layton, Lehi City, Logan, Ogden, Orem, Provo, St. George, Salt Lake City, Sandy, South Jordan, Taylorsville, West Jordan, and West Valley along with Salt Lake, Davis and Utah Counties have similar programs designated for their areas and are not eligible for the State Small Cities Community Development Block Grant (CDBG) Program. These cities and counties are funded directly by HUD.
- Tribes are ineligible to directly apply for the State's non-entitlement CDBG since they receive their own CBDG allocation directly from HUD. In addition, tribes are considered sovereign entities and as such are not considered a unit of general local government under the state's authority. An eligible non-entitlement city or county may apply for CDBG funds for projects that benefit both tribal and non-tribal member, however state CDBG funds can only be used for the portion of the project that will benefit non-tribal members.

Other potential users of CDBG funds such as non-profit organizations, housing authorities, and special service districts are eligible to receive funding, though they must apply through, and enter into a subcontractor agreements with an eligible applicant who also derives a benefit from the project. These entities must comply with all applicable laws and regulations, same as a grantee. The state encourages units of general local government to cooperate with each other as well as other entities to engage in eligible activities.

**1. Sponsorship of a Non-eligible Recipient** – Eligible applicants (cities or counties) who agree to sponsor a non-eligible sub-recipient must realize that such an agreement carries serious legal implications and responsibilities. Careful consideration and a full understanding of sponsorship must be considered before entering into an agreement. The sponsoring entity and the state will execute the contract and the sponsoring entity (city or county) is legally bound to comply with all pertinent laws and regulations, as is their sub-recipient. Sponsorship of a sub-recipient must be appropriately based on the project area. (e.g., counties must only sponsor projects benefitting the entire county. Cities must only sponsor projects benefitting city residents). Sponsors must execute a subcontractor's agreement with the sub-recipient.

The responsibility for who does what in such a contractual arrangement will depend on each entity, the project, and the degree of comfort that the sponsor has with the sub-recipient. 2 CFR Part 200 streamlines the requirements for all federally funded grantees. This means that the sponsoring entity should do a periodic review of the budget and expenditures of the sub-recipient in the duration of the grant. The state maintains contact with sub-recipients during the project through phone, written correspondence and in-person site visits. These technical assistance efforts are the state's way of assisting the sponsoring entity with some of its oversight needs. Sponsors should realize that final compliance by the sub-recipient ultimately lies with the sponsor.

Sponsorship responsibilities include:

- holding the public hearings
- signing the application and contracts
- ensuring compliance with all civil rights requirements including Americans with Disabilities Act (ADA) laws
- providing a certain amount of administrative and environmental oversight.
- Compliance with any labor related laws

The sponsor should request involvement in the project management to ensure that any local requirement related to procurement are understood and will be followed by the sub-recipient. If the project budget includes any administrative costs for the sponsoring entity, the sponsor's financial records will also be reviewed. Sponsorship also requires assisting with the completion of the final monitoring and the close out process when the project is complete. The sponsor will be monitored at the end of the project in addition to the sub-recipient to ensure this compliance.

## **2. Understanding the Reporting and Oversight Process**

In 2006, the Federal Funding Accountability and Transparency Act (FFATA) set in motion a government-wide reporting procedure that has continued to evolve.

The law requires that information about entities and organizations receiving federal funds be disclosed to the public via a central website, [USASpending.gov](http://USASpending.gov). This information currently includes the entity's name, amount of the grant, funding agency, and location – among other requirements – and is published by the grant-making agency on [USASpending.gov](http://USASpending.gov).

- The federal award recipient called the "prime awardee" by FFATA – files progress reports via the FFATA Sub-award Reporting System (FSRS). This is the State of Utah
- Sub-recipients are those entities receiving sub-grants and are submitting data to the prime awardee. Those sub-recipients with awards of \$25,000 or more must have their data shared by the prime awardee through FSRS. These are the Cities/Counties who are awarded annually.

**3. Public Service** – Public service providers, traditionally non-profit organizations, sponsored by a local level of government are allowed to apply for CDBG funds for **capital improvements and major equipment purchases**. (e.g., vehicles, permanent equipment/fixtures, computer equipment, construction, and remodeling and facility expansion). State policy prohibits the use of CDBG funds for operating and maintenance expenses. This includes paying administrative costs, salaries, etc. No more than 15 percent of the state's yearly allocation of funds may be expended for public service activities.

To utilize CDBG funds for a public service, the service must be either:

- a. A new service; OR



- b. A quantifiable increase in the level of an existing service which has been provided by the grantee or another entity on its behalf through the state or local government funds in the 12 months preceding the submission of the grantee's Consolidated Plan Annual Action Plan to HUD.

This provision was put into place to ensure that localities did not use CDBG funds to replace local or state monies to fund essential services typically offered by the local government entity.

**Definition of Supplanting:** generally, supplanting occurs when a state, local, or Tribal Government reduces state, local, or tribal funds for an activity specifically because federal funds are available or expected to be available.

**Penalties for Supplanting:** The penalties for supplanting can include suspension of future funds for the particular program where the violation occurred, suspension or debarment from all federal grants, repaying the money awarded from the grant along with further civil penalties. In some cases, there may even be criminal penalties.

**4. Non-profit organizations, housing authorities, and special service districts** may apply through an eligible applicant but are not eligible to apply independently.

## CHAPTER 2. FUNDING PROCESSES

### A. State Process

The amount of CDBG funds available for Utah each year varies based upon the federal legislative appropriation passed by congress. That amount is formally announced by the U.S. Department of Housing & Urban Development (HUD) annually in May or June. For the 2024 program year, the following formula was used: \$100,000 plus three percent of the total appropriation was subtracted from the allocation for state administration costs. The remaining funds were then allocated to the Four Associations of Governments (AOGs), R6 Regional Council, Southeastern Regional Development Agency, and Wasatch Front Regional Council (WFRC) based upon the Method of Distribution (MOD) approved by the CDBG Policy Committee during their September 22, 2021 meeting, which is reviewed annually and subsequently reapproved September 19, 2024.



This MOD is in effective for 2024, 2025 and 2026 program years. Each region received a \$400,000 base amount with the balance being allocated on the following criteria:

- % of State LMI population (40%)
- average poverty rate (35%)
- pre-1980 housing (15%)
- number of pre-approved LMI communities (10%).

#### 1. 2024 Method of Distribution

In 2024, the Utah CDBG program received a total of \$ 5,501,208 of which \$ 265,036.24 was deducted for State CDBG administration. The balance of \$ 5,236,717.76 was then made available for distribution to the non-entitlement areas of the state.

After adding unexpended funds from prior year grants, which was \$1,116,601.72; the total amount of funding available for projects was \$ 6,352,773.48. The allocation was divided among each of the seven AOG regions per the approved MOD. This allocation formula includes a \$400,000 base amount for each region.

Association of Governments Region	Allocation
Bear River AOG	\$ 830,828
Five County AOG	\$ 1,040,244
Mountainland AOG	\$ 673,652
R6 Regional Council	\$ 964,646
Southeastern Regional Development Agency	\$ 933,659
Uintah Basin AOG	\$ 761,605
Wasatch Front Regional Council	\$ 1,148,140
<b>Total available for 2024 projects:</b>	<b>\$ <u>6,352,773</u></b>

#### 2. 2025 Method of Distribution

At the time of the CDBG “How to Apply” workshops in Oct/Nov each year, the next federal budget is unknown. The amount of CDBG funding that HUD will allocate to the State of Utah for the

Community Development Block grant program will be announced in May or June 2025. The information below will be updated and provided as soon as it becomes available.

Based on a \$5,500,000 projected allocation, the regional amounts are listed below. This is only an estimate and the actual amount available will vary based on:

- the federal budget
- the amount of unspent funds from previous grants available to re-allocate
- If a new MOD is approved by the CDBG Policy Committee.

### CDBG Estimated Allocations - 2025 Program Year

Association of Governments Region	*Allocation
Bear River Association of Governments	776,520
Wasatch Front Regional Council	978,712
Mountainland Association of Governments	599,749
Uintah Basin Association of Governments	611,749
Six County Association of Governments	847,717
Five County Association of Governments	907,269
Southeastern Utah Association of Local Governments	778,284
<b>* Estimate Only</b>	<b>\$ 5,500,000</b>

## B. Application Review Process

### 1. Role of the Rating and Ranking Committee

Portions of the CDBG application review process have been delegated to the six regional AOGs and Wasatch Front Regional Council (WFRC). Each region has established a Rating and Ranking Committee (RRC). The organization of each RRC varies. In some cases, special subcommittees are formed to conduct part of the application review, while in others the association’s executive committee or board serves as the review body.

The role of the RRC is to review and determine the ranking of CDBG applications in each region. Following this process, individual awards are determined and funded based on a region’s total allocation. This regional body has the responsibility to determine threshold eligibility and consistency with the consolidated plan as well as national objective compliance and alignment of proposed projects with regional priorities. State CDBG staff assist in this process.

All applicants submit an electronic application online through HCD’s WebGrants system. All applications that include an original survey must be reviewed by the state prior to rating and ranking by the AOG, Regional Development Agency or Regional Councils. In February, state CDBG staff meets with each regional representative to review applications for compliance with CDBG program regulations. Following this review and certification of the national objective, consolidated plan compliance and project eligibility, the RRC may then apply their regional rating and ranking scoring. State staff then review the applications for scoring accuracy and compliance with all federal and

state criteria. All slum and blight type applications must be approved by state staff prior to rating and ranking.

**NOTE:** Applicants may not commit funds to a proposed project prior to completing the HUD environmental review process and receiving an executed CDBG grant agreement (contract) from the State of Utah. The start date for CDBG grants is July 1<sup>st</sup> or the date of Environmental Clearance.

## **2. Regional Review Process - Rating and Ranking**

Although the state has overview responsibility for this activity, the development of a regional rating and ranking system must be completed by the RRC. The preparation/approval of these policies occurs in August, prior to the CDBG funding cycle which begins with the “How to Apply” workshops in Oct/Nov. These policies are made public and are available for review and comments.

The ranking criteria must contain, at a minimum, the eight specific criterion found in Appendix G. This appendix also includes the individual RRC’s rating and ranking processes for the next funding cycle. Each region’s process must be approved by its RRC and reviewed by the state in advance of the funding cycle. Scoring criterion must be objective and transparent.

**Projects (not sponsors) that have not spent 50% of their previous grant(s) are not eligible to apply for new CDBG funding. Single-family housing rehabilitation grants carried out by the AOGs are exempt from this requirement. Only complete and accurate applications will be rated and ranked. Late applications will not be accepted. Please review the regional policies found in Appendix H with regard to application deadlines.**

Multi-year funding, up to two years, is only allowed for construction projects. Each regional RRC may determine that multi-year funding is appropriate for certain projects. In these cases, the RRC must document the amount of funding being awarded for the first and second year. All grantees receiving multi-year funding must be made aware that the second year is contingent upon the state program receiving CDBG funding in the 2<sup>nd</sup> year.

Following the completion of the rating and ranking process, each RRC will submit to the state copies of rating and ranking result sheets with the names of all the submitted applications, the actual allocation of all funds and the points awarded to each application.

After review by the state staff, the AOG, Regional Development Agency, or Regional Council will notify the successful applicants that they can proceed with finalizing their application. This will include adding the required second public hearing information (see Appendix B) and revising the budget and scope of work, if necessary.

An applicant may withdraw an application from consideration by the RRC at any time. The the AOG, Regional Development Agency, or Regional Council representative must formally notify all applicants of the rating and ranking results.

State staff assists the RRC, the AOG, Regional Development Agency, or Regional Council staff in regards to the CDBG application requirements in order to provide clarification of state or federal policy. The state will honor the RRC’s rating and ranking decisions but reserves the right of final project approval in determining if a project is an eligible activity, meets one of the three national objectives and complies with other federal regulations and state criteria. Projects are to be fully

funded at the amount requested beginning with any AOG set-aside first, then the top ranked project, continuing until funding is exhausted or there are no more project left to fund.

### **3. Set-asides**

This is a process where a specific amount of money is set-aside from the AOG allocation to be used for a specific category of activity (e.g. housing assistance or economic development). Set-asides may only be used for a general category of activity and not for a specific project.

Annually, each RRC must approve rating and ranking criteria and any set-asides prior to holding the “How to Apply” workshops. Rating and ranking criteria for the set-aside(s) may differ from the primary R&R criteria but must also be specifically established and approved.

The RRC must notify all eligible applicants of the category and funding amount of each set-aside. If funds remain in the set-aside after all viable set-aside applications are funded, the remaining funding will be used to fund applications from the primary funding process.

## **C. Emergency Projects**

Emergency projects distributed statewide are limited on an annual basis to \$500,000. As such, RRCs are asked to be very conservative in their definition of an emergency. To deal with multiple project proposals with similar timeframes, the State CDBG Policy Committee will take into account the nature of each identified emergency. Funding will come from unspent balances of prior years’ rollover amounts, if applicable. The amount of emergency project funding awarded in a region will be deducted from the AOG’s regional allocation during the next funding cycle.

### **1. Projects**

Emergency projects are defined as projects that have a particular urgency, as determined by each of the individual Rating and Ranking Committees (RRCs). They can be funded outside normal allocation cycles as described below. The RRC must determine its own definition of an emergency and adopt a policy that will be applied to all emergency applications. Existing project cost overruns may be funded if the RRC deems it an appropriate emergency.

### **2. Application Procedure**

Requests for emergency funding must be submitted using the state's application checklist form for the most recent funding cycle. AOG staff will review the request for eligibility and check for consistency with the Consolidated Plan. Applications that meet the local RRCs approval criteria must go through a public hearing process. The details of the emergency application must be provided.

All emergency projects must meet all CDBG program requirements, including Environmental impacts and receive Environmental Clearance before expenditure and/or reimbursement of funds, to be determined by state CDBG staff. Following RRC approval, the state staff will review all emergency applications for program eligibility and national objective compliance. The state reserves the right to reject or amend applications that do not meet these threshold requirements. In the case of existing project cost overruns, a new scope of work, budget and public hearing are required. The State CDBG Policy Committee must approve all emergency applications.

Special note about Conflict of Interests:

Rating and Ranking committee members must observe federal regulations on Conflict of Interest and declare any potential real or inferred conflict of interest during the regional rating and ranking process using the DWS form found in Appendix (L).

*24 CFR 570.489 (2) Conflicts prohibited. Except for eligible administrative or personnel costs, the general rule is that no persons described in paragraph (h)(3) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this subpart or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.*

*(3) Persons covered. The conflict of interest provisions for paragraph (h)(2) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the State, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG funds.*

*(4) Exceptions: Thresholds requirements. Upon written request by the State, an exception to the provisions of paragraph (h)(2) of this section involving an employee, agent, consultant, officer, or elected official or appointed official of the State may be granted by HUD on a case-by-case basis. In all other cases, the State may grant such an exception upon written request of the unit of general local government provided the State shall fully document its determination in compliance with all requirements of paragraph (h)(4) of this section including the State's position with respect to each factor at paragraph (h)(5) of this section and such documentation shall be available for review by the public and by HUD. An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the State or unit of general local government as appropriate. An exception may be considered only after the State or unit of general local government, as appropriate, has provided the following: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the attorney for the State or the unit of general local government, as appropriate, that the interest for which the exception is sought would not violate State or local law.*





# CHAPTER 3. NATIONAL OBJECTIVES, ELIGIBLE ACTIVITIES AND FEDERAL COMPLIANCE REQUIREMENTS

## A. National Objective Requirements

Each applicant must identify and meet only ONE of the three national objectives listed below, even though the project might be able to qualify under other national objectives.



### 1. National Objective 1: Low- and Moderate-Income Benefit

*“The projected use of funds has been developed to give maximum feasibility will benefit Low to Moderate Income (LMI) families. . .”*

LMI families are defined as those families whose income does not exceed 80% of the county median income. Appendix C has the county list of 80% of median income ranges by family size, and the definition of what sources are counted as income.

In order to meet this national objective, the applicant must demonstrate a benefit to low- and moderate-income families in one of the following ways:

- i. **Area Benefit Activities:** The benefits of the activity to which are available to all residents in a particular area; where at least 51% of the beneficiaries of the proposed project must consist of families whose **TOTAL FAMILY INCOME** does not exceed 80% of the county median income for the current program year (Appendix C).

An area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity.

Applicants may use either:

- HUD-provided data comparing census data with appropriate low and moderate income levels. These low- and moderate-income summary data (LMISD) are based on special tabulations of the American Community Survey 2011-2015 5-year estimates (2015 ACS) - Appendix D –LMI Communities, OR
- Income Survey data that is methodologically sound, following guidelines in Appendix D – Income Surveys. If the survey demonstrates that 60% or more of the beneficiaries are LMI then the survey is valid for the next five application cycles if the project boundaries and beneficiaries are identical to those in the original survey.

An activity that serves an area not primarily residential in character shall not qualify under this criterion. When either of the methods below are used, the project area must first be identified before the survey is performed.

- a) **Site-Specific Activities:** A site-specific project directly benefits only a portion of the community. An original survey of the defined project area must be performed following the state approved methodology found in Appendix D under the heading “Site-Specific Surveys” to determine LMI population in that specific area. This method **must** be used if the survey is to be accepted.

Some examples of area benefit are:

- Water/sewer line replacement
- Street reconstruction
- Utility work benefiting a water supply corporation service area
- Playground Improvements\*

It is the applicant’s ‘burden of proof’ to carry out the survey in a manner approved by the state CDBG staff. Pre-Approved LMI Community list cannot be applied to these projects.

- b) **City or Countywide Activities:** At least 51% of the beneficiaries of the proposed project area must consist of families whose **TOTAL FAMILY INCOME** does not exceed 80% of the county median income for the current program year for it's size. Applicants will be required to demonstrate how the project benefits the entire community AND, if necessary, perform a community survey to determine if their community is 51% LMI by following the instructions in Appendix D under the heading "Community Wide Surveys".

It is recommended that even if communities are listed on the *Pre-Approved LMI Communities list, Appendix D*, that a survey is also completed in the area to ensure that services are provided appropriately, since the Census Tract/block boundaries may not coincide sufficiently with the service area, or the *Communities list* may not reflect accurate income levels in the service area.

Some examples of citywide benefits are:

- Water/sewer plant improvements
- Water storage tank
- Playground Improvements\*

- ii. **Limited Clientele Activities:** This activity provides benefits to a specific group of persons rather than everyone in an area. To qualify under this category, a Limited Clientele activity must meet one of the following tests. Benefit is limited to a group generally presumed to be 51% or more LMI, unless there is evidence to the contrary. Examples of such controversial indicators may be the lifestyle of the community; the known income figures in the area in which the group resides; the construction of a facility that would not ordinarily be utilized by LMI or which use may be cost prohibitive for LMI; etc. The state requires adequate documentation to demonstrate there is no evidence to the contrary.

1. Benefit a clientele that is generally presumed to be principally LMI, this presumption includes:

- ◆ Abused Children (30% AMI/Very Low Income)
- ◆ Battered Spouses (50% AMI/Low Income)
- ◆ Elderly Persons (Defined by HUD as age 62 or over)
  - Although all senior centers in Utah are open to persons age 60 and over, the state of Utah has determined that the number of persons under 62 served is negligible. See the Older Americans Act (OAA) of 1965.
  - Senior centers are presumed to have incomes that are 80% AMI (Moderate Income). Beneficiaries of other senior services (Meals on Wheels) are presumed to have incomes that are 50% AMI(Low Income).
- ◆ Homeless Persons (30% AMI/Very Low Income)
- ◆ Illiterate Adults (50% AMI/Low Income)
- ◆ Migrant Farm Workers (50% AMI/Low Income)
- ◆ Persons living with AIDS (50% AMI/Low Income)
- ◆ Severely Disabled Adults (50% AMI/Low Income)
  - Includes persons who use a wheelchair or special aid for at least six months; are unable to perform functional activities including seeing, hearing or walking; are prevented from working or have autism, cerebral palsy, Alzheimer's, senility, dementia or mental retardation.

AMI= Area Median Income

2. Require documentation on family size and income demonstrating that at least 51 percent of the clientele are LMI; or
3. Have income eligibility requirements limiting the CDBG-funded activity to LMI persons only; or

4. Be of such nature and location to conclude that clients are primarily LMI. EXAMPLE: a daycare center designated to serve residents of a public housing complex.

- iii. **Targeted Activities:** 100% of the beneficiaries served by this type of activity must be LMI. Lateral utility connections for those who are certified as LMI are considered eligible as housing rehabilitation. CDBG funds cannot be used to pay for sewer laterals for non-LMI individuals. In order to pay connection fees for LMI individuals under this activity, the following must be clarified: HUD views the payment of assessed connection fees as part of the overall project, therefore, when CDBG monies are used for the construction, HUD rules and regulations apply to the ALL construction of the improvements even though connection fees will be paid only for LMI persons in the community. If grantees wish to construct the facility and pay connection fees, the entire project must first be shown to meet a National Objective and to have met and addressed all other CDBG requirements. If grantees wish to pay only connection fees for a utility that is being constructed with other funds, the same requirements apply.

Information must be provided on family size and income must show that 100% of the clientele served are persons whose family income does not exceed the LMI limit (e.g., programs being operated where LMI income certification is routinely requested to allow participation in the program). Some examples of individual Targeted Activities with LMI benefit are:

- Housing rehabilitation or reconstruction for single family homes
- Reimbursement of costs to repair event damaged homes
- Relocation and down payment assistance.

- iv. **ADA Accessibility:** this activity serves to remove architectural barriers to the mobility of elderly and disabled. Sidewalk curb cuts (ADA ramps) do not qualify under this category.
- v. **Planning-only Activities:** (24 CFR 570.483) When such activity is the only activity for which the grant to the unit of general local government is given, or if the planning activity is unrelated to any other activity assisted by the grant, it can be documented that at least 51% of the persons who would benefit from implementation of the plan are low and moderate income persons.

## 2. National Objective #2 - Aiding in the Prevention or Elimination of Slums or Blight;

**Perform Activities on a Spot Basis:** Acquisition, clearance, relocation, historic preservation and building rehabilitation activities that eliminate specific conditions of blight or physical decay on a spot basis will meet this objective. Under this criterion, rehabilitation is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety. To be considered detrimental to public health and safety, a condition must pose a threat to the *public in general*. The state staff must determine compliance with this objective prior to rating and ranking by the AOG rating and ranking committee.

### Documentation required to meet Spot Slum/Blight:

- i. The scope of work detailed in the application must provide a description of the specific condition of blight or physical decay to be treated; and
- ii. Under this standard, any ***rehabilitation performed to non-LMI households is limited to that necessary to eliminate specific conditions detrimental to public health and safety*** and must be acknowledged in the scope of work as detailed in the application.

### 3. National Objective #3 - Urgent Needs

To comply with the national objective of community development needs having a particular urgency, an activity must be designed to alleviate existing conditions that the local government certifies and state concurs:

- ◆ Pose a serious and immediate threat to the health or welfare of the community,
- ◆ Are of recent origin or recently became urgent,
- ◆ Cannot be financed by the state grant recipient on its own, and
- ◆ Does not have other available sources of funding to carry it out.

The jurisdiction's determination of urgent need will be evaluated on the submission of documentation from the appropriate federal or state agency certifying an immediate threat to health and welfare **at time of the application**. Resources from other federal, local or state programs may be used to match or participate in order to relieve the threat. CDBG funds may only be used to complete the funding needed for projects that have maximized all other available funding sources (GAP funding).

A proposed URGENT NEED project will **ONLY** be considered if **ALL FOUR** of the following requirements are met **at the time of application submission**.

- i. A description of the nature and degree of seriousness of the conditions requiring assistance. The determination of "immediate threat" has been made in consultation with an appropriate state or federal agency. The documentation from such agency **must** demonstrate that there is an immediate threat to health and welfare.
- ii. Evidence confirming that other financial resources to alleviate the need were not available. The documentation must include refusals or maximization of assistance from other agencies, not just an indication that they have been contacted.
- iii. Information on the timing of the development of the serious condition. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the state grant recipient's certification.
- iv. Evidence that the state grant recipient certified that the CDBG activity was designed to address the urgent need.

### B. Consistency with the Consolidated Plan

Every applicant is required to document that the project for which they are applying is consistent with the region's **current Consolidated Plan**. Compliance with the requirement will be determined regionally, **prior to the regional rating and ranking process**. The applicant must be a willing partner in the development of the regional consolidated planning process. The project or project type must be a high priority in the investment component of the plan and must help fulfill long term or strategic goals. Association of governments' representatives are required to review the regional consolidated plan submitted by their office on behalf of their communities to ensure that each plan includes a brief narrative identifying the process used to determine the priorities contained in the plan, in addition to any capital improvement lists submitted.

### C. Inclusive Federal Compliance Requirements

Applicants must be in compliance with all applicable federal and state regulations and overlay statutes. The federal statutes that apply to the program include:

- ✓ Davis-Bacon Fair Labor Standards Act
- ✓ Contract Work Hours and Safety Standards Act
- ✓ Title VII of the Civil Rights Act of 1964
- ✓ Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988
- ✓ Cranston-Gonzalez National Affordable Housing Act of 1990

- ✓ Americans with Disabilities Act (ADA) of 1990
- ✓ Fair Housing Act Executive Order 11063, as amended by Executive Order 12259, 12892
- ✓ Equal Employment Opportunities under HUD Assisted Contracts Executive Order 11246
- ✓ Section 504 of the Rehabilitation Act of 1973
- ✓ Section 3 of the Housing and Urban Development Act of 1968
- ✓ Section 109 of the Housing and Community Development Act of 1974
- ✓ Age Discrimination Act of 1975
- ✓ Architectural Barriers Act of 1968
- ✓ Title II of the Americans with Disabilities Act of 1990
- ✓ The Hatch Act (5 USC 1501 et seq; 5 CFR Part 151)
- ✓ The National Environmental Policy Act of 1969; Executive Orders 12898, 13166
- ✓ HUD Environmental Review Procedures – 24 CFR Part 58
- ✓ Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- ✓ Title IV of the Lead-Based Paint Poisoning Prevention Act
- ✓ HUD Reform Act
- ✓ 2 CFR Part 200
- ✓ Section 104(d) of the Housing and Urban Development Act of 1974
- ✓ Residential Lead Based Paint Hazard Reduction Act of 1992 and Final Rule, September 1999
- ✓ Build America, Buy America enacted as part of the Infrastructure Investment and Jobs Act of 2021

#### D. Eligible Activities

Each applicant must select an ELIGIBLE activity from the following HUD Matrix Codes. Applicants should contact the AOG staff to help select the proper Matrix Code.

<b>Matrix Code</b>	<b>Eligible CDBG Activity Descriptions</b>
01	Acquisition of Real Property
11	Privately Owned Utilities (Broadband)
	<b>Construction Activities</b>
03A	Construction - Senior Centers
03B	Construction – Facility for Persons with Disabilities
03C	Construction - Homeless Facilities (not operating costs)
03D	Construction - Youth Centers
03E	Construction - Neighborhood Facilities (community centers)
03F	Construction - Parks, Recreational Facilities
03G	Construction - Parking Facilities
03H	Construction - Solid Waste Disposal Improvements
03I	Construction - Flood Drain Improvements
03J	Construction - Water/Sewer Improvements
03K	Construction - Street Improvements
03L	Construction – Sidewalks
03M	Construction - Child Care Centers
03N	Construction - Tree Planting
03O	Construction - Fire Stations/Equipment
03P	Construction - Health Facilities
03Q	Abused/Neglected Children Facilities
03R	Asbestos Removal



03S	Construction - Facilities for AIDS Patients (no operating costs)
03T	Homeless/Aids Patients Programs (subject to 15% public service cap)
03Z	Other Public Improvements Not Listed in 03A-03S
03Z	Americans With Disabilities Act (ADA Improvements)
04	Clearance and Demolition
04A	Cleanup of Contaminated Sites
	<b>Public Service Activities (Non Construction)</b>
05A	Public Service – Seniors Services
05B	Public Service – Services for Persons with Disabilities
05D	Public Service – Youth Services
05E	Public Service – Transportation Services
05G	Public Service – Services for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking
05J	Public Service – Fair Housing Activities (Subject to 15 % Cap)
05M	Public Service – Health Services
05N	Public Service – Services for Abused and Neglected Children
05P	Public Service – Screening for Lead Based Paint /Lead Hazards
05Q	Public Service – Subsistence Payments (Prevent Homelessness)
05Z	Public Service – Other Public Services Not in 03T and 05A-05Y
	<b>Housing Activities – <i>Carried out by AOGs and Housing Authorities ONLY.</i></b>
13A	Housing Counseling under 24 CFR 5.100, for homeownership see 13B
13B	Homeownership Assistance-excluding Housing Counseling under 24CFR 5.100
14A	Rehabilitation - Single-Unit Residential (Single Family Housing)
14B	Rehabilitation - Multi -Unit Residential (Multi-Family Housing)
14C	Public Housing Modernization
14D	Rehabilitation - Other than Publicly Owned Residential Buildings
14E	Rehabilitation - Public/Private Owned Commercial or Industrial Buildings
14F	Rehabilitation - Energy Efficiency Improvements – (Housing)
14G	Rehabilitation - Acquisition for the purpose of Rehabilitation (Housing)
14H	Rehab Administration Costs
14I	Lead-Based Paint Hazard Testing and Abatement
16A	Residential Historic Preservation
16B	Non- Residential Historic Preservation
	<b>Economic Development (ED) Activities – <i>Please note that the 7 Associations of Government (AOG) are the only eligible entities to carry out these activities.</i></b>
17A	ED -Acquisition by Recipient – Land Acquisition/Disposition
17B	Commercial/Industrial – Infrastructure Development
17C	Commercial/Industrial – Building Acquisition, Construction, Rehab
17D	Commercial/Industrial – Other Improvements
18A	ED – Direct Financial Assistance to For-Profits
18B	ED – Technical Assistance
18C	ED – Micro-Enterprise Assistance
19C	CDBG – Non-Profit Organization Capacity Building
19E	CDBG Operation & Repair of Foreclosed Property
	<b>Administration and Planning Activities (AOG)</b>

20A	Regional/Community Planning (LMI communities ONLY)
20	CDBG Planning
21A	General Program Administration
21C	Public Information
21D	Fair Housing Activities (Subject to 20% Admin Cap)

NOTE: Maintenance and repairs of publicly-owned streets, parks and other facilities are ineligible activities. Sometimes there is a gray area between what is considered maintenance or repairs versus construction or rehabilitation. The regulations specifically state certain items are ineligible in 570.207(b)(2)(i), for example, pothole repairs. Generally, improvements with a useful life of less than five to eight years are considered repairs and not new construction. For example, road sealing is considered maintenance while a new asphalt overlay is considered construction.

### **Continued Use Requirement / Change of Use Requirement / Period of Affordability**

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of \$25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided. 24 CFR 570.505

- (a) A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either:
  - (1) The new use of such property qualifies as meeting one of the national objectives in § 570.208 (formerly § 570.901) and is not a building for the general conduct of government; or
  - (2) The requirements in paragraph (b) of this section are met.
- (b) If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.
- (c) If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in § 570.504(b)(4) or (5), as applicable, shall apply to the use of funds reimbursed.
- (d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

The Grantee shall certify that the jurisdiction will comply with all requirements of 24 CFR Part 570, specifically Sections 488; 489 J, requiring all assisted housing units maintain affordability standards until 5 years following the date of closeout of this contract with the State.

**2024 Alphabetical CDBG Grantee Listing  
(O=Owner, J=Julie, N=Nicole, T-Tamara)**

<b>Contract #</b>	<b>O</b>	<b>Grantee</b>	<b>Amount</b>	<b>Project</b>
25-DWS-0148	J	Bear River Association of Governments	\$50,000.00	CDBG Administration / Consolidated Planning
25-DWS-0149	J	Bear River Association of Governments	\$488,828.00	CDBG 2023 Housing Rehab and Home Buyer Assistance
25-DWS-0150	J	Snowville	\$292,000.00	Deep Creek Bridge Replacement/Rehabilitation
25-DWS-0151	J	Tooele County	\$50,000.00	WFRC Administration/Consolidated Planning
25-DWS-0152	J	Washington Terrace	\$248,875.00	Rohmer Park Improvements
25-DWS-0153	J	Wendover	\$300,000.00	Pilot Peak Waterline Replacement
25-DWS-0154	J	Marriot-Slaterville	\$200,000.00	Sewer Installation
25-DWS-0155	J	Toole County	\$60,000.00	Switchpoint Vehicle Purchase
25-DWS-0156	T	R6 Regional Council	\$50,000.00	CDBG Administration/Consolidated Planning
25-DWS-0157	T	R6 Regional Council	\$50,000.00	CDBG Regional Planning
25-DWS-0158	T	R6 Regional Council	\$100,000.00	CDBG Single Family Rehab
25-DWS-0159	T	Hinkley	\$127,700.00	Water System Improvements
25-DWS-0160	T	Piute County	\$220,025.00	County Fairgrounds Improvements
25-DWS-0161	T	Joseph	\$77,450.00	Town Park Improvements
25-DWS-0162	T	Fountain Green	\$177,916.00	Town Park Improvements
25-DWS-0163	T	Loa	\$161,555.00	Community Center Acquisition
25-DWS-0164	T	Five County	\$50,000.00	CDBG Administration/Consolidated Planning
25-DWS-0165	T	Five County	\$50,000.00	CDBG Regional Planning
25-DWS-0166	T	Cedar City	\$150,000.00	Affordable Housing Purchase
25-DWS-0167	T	Brian Head	\$124,000.00	Fire Station Improvements
25-DWS-0168	N	SERDA	\$50,000.00	CDBG Administration/Consolidated Planning
25-DWS-0169	N	SERDA	\$174,000.00	CDBG Single Family Rehab
25-DWS-0170	N	SERDA	\$50,000.00	CDBG Regional Planning
25-DWS-0171	N	Moab	\$250,000.00	Swanny Park ADA Playground Improvements
25-DWS-0172	N	Castle Valley	\$220,000.00	Placer Creek North Water Crossing
25-DWS-0173	N	SERDA	\$189,659.00	Land Acquisition
25-DWS-0174	J	Uintah Basin Association of Governments	\$50,000.00	CDBG Administration/Consolidated Planning
25-DWS-0175	J	Uintah Basin Association of Governments	\$711,605.00	CDBG Single Family Rehab
25-DWS-0176	N	Mountainland	\$50,000.00	CDBG Administration / Consolidated Planning
25-DWS-0177	N	Mountainland	\$273,632.00	CDBG Single Family Rehabilitation
25-DWS-0178	N	Kamas	\$350,000.00	Sewer Improvements

## E. Ineligible Grant Activities

The following activities may not be assisted with CDBG funds. Refer to 24 CFR Part 500 for specifics.

1. Buildings or portions thereof used for the general conduct of government. This does not include, however, the removal of architectural barriers involving any such building (ADA improvements).
2. General government expenses. Expenses required to carry out the regular responsibilities of the unit of general local government.
3. Political Activities. CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities.

## F. Important Provisions

1. **Purchase of equipment** requires procurement and disposition policy and procedures.
  - The **purchase of construction equipment is not permitted**. However, compensation for the use of such equipment through leasing, depreciation or use allowances pursuant to specific OMB 2 CFR 200, as applicable for an otherwise eligible activity **is** an eligible use of CDBG funds.
  - **The purchase of equipment, fixtures, personal property is generally ineligible** unless it's an integral structural fixture or part of an administration or public service activity.
  - **The purchase of fire protection equipment is eligible** as it is considered to be an integral part of a public facility and is, therefore, eligible.
  - **Meals on Wheels vehicles** - guidance provided at the end of this section.
  - **Ambulances** – Purchase of ambulances that meet the following criteria are allowable:
    - a. The emergency service is provided directly by an eligible applicant
    - b. The service is not contracted to a third party that operates on a for-profit basis
    - c. The purchase is limited to the vehicle and necessary conversion equipment.
    - d. See guidance provided at the end of this section for additional requirements.

### 2. Operating and Maintenance expenses are ineligible

The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with office space for program staff carrying out the CDBG program. Examples of ineligible expenses are:

- Maintenance and repair of publicly owned streets (e.g., chip seal), parks, playgrounds, garbage removal, snow removal, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking and other public facilities and improvements.
- Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.

### 3. New housing construction is not allowed except:

- As provided under last resort housing provisions; or
- When carried out by a community-based development organization (CBDO) pursuant to a neighborhood revitalization project, an economic development project, or energy conservation project.

**4. Income Payments:** A series of subsistence type grant payments made to an individual or family for items such as food, clothing, housing (e.g., rent or mortgage) or utilities are not permitted.

Emergency grant payments made over a period of up to three consecutive months are permitted.

5. Religious organizations are eligible to apply for CDBG funds on the same basis as other eligible organizations, such as non-profits, and require sponsorship from an eligible jurisdiction. Organizations may not use CDBG funding for inherently religious activities, such as worship, religious instruction or proselytizing. Funds may not be used on a structure used inherently for religious activities or for organizations that discriminate based on religion.
6. **Environmental Regulations:** According to the NEPA (40 CFR 1500-1508) and Part 58, the Responsible Entity (RE) (applicant/grant recipient) is required to ensure that environmental information is available before decisions are made and before actions are taken. In order to achieve this objective, Part 58 prohibits the commitment or expenditure of CDBG funds until the environmental review process has been completed and receives Environmental Clearance. The RE is advised to begin the environmental review process as soon as they determine the projected use of HUD assistance (58.30(b)). Therefore, the date on which a project becomes subject to the environmental review requirements is the date the potential applicant commences the initial indication of the Recipient's approval of a specific site for assistance under the program. For other actions that will trigger the environmental review requirements, please refer to the Grantee Handbook.

**Note:** With a Quantifiable Increase in Need, the CDBG state office requires actual Meals on Wheels vehicles or specific flatbed trucks retrofitted with Oven/Refrigerant food catering transport boxes, or ambulances have identifying vehicle wraps and the applicant's assurance that the vehicles will be used and maintained ONLY for the purpose for what they were purchased, and that they will NOT be used for any assistance or activity not eligible for CDBG funding. Agency inventory tracking policy submission will be a requirement.



## CHAPTER 4. APPLICATION PREPARATION and PROGRAM GUIDANCE



### A. Requirements Prior to Submitting Application

#### 1. Regional “How To Apply” Workshops

The state requires each Association of Governments region to hold a public workshop yearly to explain the CDBG program and assist prospective CDBG applicants with the application process. All Utah Open Public Meeting requirements must be adhered to.

These public meetings are referred to as “**How to Apply**” Workshops and are designed to educate applicants about national objectives, eligibility requirements, application preparation, and the rating and ranking process. All major program requirements will be discussed.

Notification of these workshops is made by each AOG office at least seven days prior to the scheduled meeting and must be sent to all interested parties in the region including eligible cities and counties. Notification mailing lists should also include:

- Low-income Advocacy Groups
- Special Service Districts
- Housing Authorities
- Public service providers

It is recommended that an Elected Official representative of each applicant attend a workshop in the applicant’s AOG region. Applicants wishing to attend another region’s workshop must contact their AOG region for approval first for arrangements.

#### 2. Local Public Hearings

Each community, county or AOG wishing to submit an application for CDBG funds is required to hold at least two public hearings to obtain citizen’s views and to respond to proposals and questions, each at a different stage of the process. Public hearings must be conducted in a manner that will meet the needs of non-English speaking residents where a significant number of non-English speaking residents reasonably can be expected to participate. Accommodations must also be made for disabled persons.

**Preparing Public Hearing Notices:** It is recommended that Applicants utilize the Sample Notices in **Appendix B**. Applicants must provide citizens with the address, phone number and time for submitting complaints and grievances **either** in the first notice, or during the first public hearing.

There must be reasonable notice of the hearings, established as:

- Each hearing must be posted on the state of Utah Public Meeting Notice website (<https://www.utah.gov/pmn/>) for a **minimum of seven (7) days prior to the scheduled meeting** using the template(s) provided in Appendix B.
- Publication of the Notice in a newspaper of local circulation within a reasonable amount of time prior to the hearing.

**Documentation:** Applicants must include the following with their application:

- a) Documentation that the notice(s) had been posted on the State of Utah Public Meeting Notice website (<https://www.utah.gov/pmn/>)



- b) Detailed minutes of the meeting(s). See **Appendix B** for required format. The minutes should include the following:
  - 1) Names of all persons who attended (citizens; and city officials by name and title)
  - 2) Amount of CDBG funding available, eligible activities, past projects accomplished with CDBG funds in the community and any activities which might displace LMI persons,

All comments, suggestions, and questions plus the responses given. When responses must be provided other than at the hearing, that response should be made within 15 working days.

### 1. **First Public Hearing**

- a) The FIRST notice **MUST NOT IDENTIFY** a specific project, but must invite ideas and suggestions from citizens.
- b) This must be held **BEFORE** submission of the pre-application. See **Appendix B for sample notices**. The first public hearing must be held prior to the initial application deadline of **January 31, 2025** in order to:
- c) Provide information to the public that includes at least the following:
  - The amount of CDBG funds expected to be available for projects for the new year
  - The types of activities that may be undertaken with CDBG funds (Chapter 3)
- d) Identify and discuss the community development needs of the community
  - Obtain citizens' views and suggestions regarding possible projects
  - Respond to those suggestions and questions

### 2. **Second Public Hearing**

- a) Applicants whose projects are not funded **do not** hold this second hearing.
- b) This must be held **AFTER** an applicant is notified that their application has been funded by the AOG Rating and Ranking committee (RRC) (Spring 2025)
- c) But, held **BEFORE** the finalized application deadline of **May 31, 2025**
- d) The purpose of the second public hearing is to:
  - Identify the project that has been approved for funding
  - Identify the amount of funding to be received
  - Respond to specific concerns and questions of citizens, particularly those who may be immediately impacted by the project

### 3. **Allowable Grant Administration Costs**

Subject to State approval, no more than 10 percent of a CDBG grant can be used for CDBG administrative costs. Administrative costs must be broken out from the rest of the project costs in the project budget. The administration budget covers the cost of implementing/managing a local project and may include such things as:

- Salaries and wages of individuals' time working specifically on the CDBG project
- Travel costs incurred for official business in carrying out the project
- Other contract costs for professional services associated with program administration.

### 4. **Grant Administration Capacity**

All applicants **MUST** have the capacity to undertake and complete the project they are proposing. All first time applicants are assumed to have this capacity. If an applicant does not have the administrative capability to keep fiscal records and required supporting documentation,

it must contract with an organization to administer the grant for them. The capacity of a repeat grantee to successfully carry out another CDBG grant will be evaluated by the state CDBG staff.

#### **5. Water /Wastewater Treatment Plant Project Plan Approval**

Wastewater treatment plant projects and some water/sewer projects (not maintenance) must submit specifications to the Department of Environmental Quality (DEQ) for approval. The state CDBG staff must receive written approval from DEQ before contracting for CDBG funds.

**Applicant plan must be in compliance with DEQ Division of Water Quality.**

#### **6. Real Property Acquisition**

The State of Utah Small Cities CDBG Program is subject to the Uniform Relocation Act (URA) and implementing regulations at 49 CFR Part 24. The State CDBG Program only allows voluntary acquisitions; however, the state requires substantial compliance with guidelines for acquisition under the Uniform Relocation Act. The State CDBG Program prohibits use of the power of eminent domain or condemnation. Furthermore, the state program does not allow projects that would trigger displacement and/or relocation expenses.

Real Property Acquisition must have Beneficiaries to report on within a reasonable amount of time.

The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water- related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

#### **7. Planning or Engineering-Only Projects**

Title I of the Housing and Community Development Act requires that any community receiving a grant for planning or engineering activities must be procured and] meet a national objective in the same manner as any other grantee. (See Chapter 3, Section B of this manual)

- i. Communities wishing to receive funding for **planning or engineering-only projects** must provide evidence in the CDBG application to show compliance with the requirements of the LMI national objective as described in this application manual. They may also submit information to satisfy the slum/blight prevention/elimination national objective as described in Chapter 3, page 5, if applicable.
- ii. Association of Governments wishing to apply for Planning Only grants must identify which communities will be receiving the assistance, AND document if and how the regions meet the LMI threshold. The region will be required to account for staff time and other related costs for each Planning Only project.

## 8. Housing Applications

Applicants interested in a housing project should review Chapter 5. Only agencies that have established policies and procedures and the necessary background and experience are allowed to apply for funding for housing activities. CDBG funds CANNOT be used to construct single family housing; however, funds can be used to construct the infrastructure in *support* of housing such as water and sewer lines and other utilities.

Additionally, the following basic criteria must be included in housing rehabilitation policies and procedures with respect to manufactured housing:

- i. Applicant must own the home and the property on which the home is located.
- ii. Manufactured homes built prior to 1978 are not eligible for rehabilitation.
- iii. Rehabilitation costs that exceed 50% of the value of the home are not eligible.
- iv. The maximum amount allowed on manufactured homes is \$19,999.

*NOTE: Single family rehabilitation programs can be carried out only by Associations of Governments. Multi-family rehabilitation projects can only be carried out only by Housing Authorities.*

## 9. Project Duration

Most grant agreements start July 1. Grant agreements **will not** be executed until the grantee completes the HUD environmental review (ERR) process and receives an environmental clearance letter from the State.

**\*ERRs on projects can be started or completed ANYTIME. An applicant does not have to receive a CDBG award notice in order to complete an ERR.**

All projects will have 18 months to complete all activities outlined in the scope of work from the application. Grantees may not be able to complete their construction projects within this 18 month period unless they meet various milestones. Extensions are discouraged but are allowed on a case-by-case basis. Any requests for an extension will be based on how well a grantee has met the following milestones:

- i. Environmental review process completed by September 30.
- ii. State contract signed and returned to the state CDBG staff by October 31.
- iii. Engineering design/bid ready specifications completed one year prior to contract expiration date.
- iv. Advertisements for construction bids published nine months prior to contract expiration date
- v. Notice to proceed issued six months prior to contract expiration date.

The state staff will closely monitor each grantee's progress towards these deadlines. Failure to meet these deadlines may invoke the right to terminate the contract on the basis the project cannot be completed within the contract time limits. The state must give each grantee a 30-day notice of termination and if the grantee can meet the deadlines then the termination will be canceled and the project may proceed. The grantee may appeal termination notices. Appeals must be made in writing within ten days following the receipt of the notice of termination. The CDBG Policy Committee will arbitrate appeals cases. The grantee does not need to be in attendance at the policy committee meeting and decisions can be made based on telephone conference calls and emails. Non-construction projects may also be extended on a case-by-case basis by the state staff based on need and grantee performance.

## 10. Grantee Training

Each recipient of CDBG award is required to attend the grantee training workshop held in Spring. Experienced grantees that have demonstrated a capacity to manage and complete CDBG projects in a timely manner may be exempt from this training at the discretion of the state CDBG staff.

## 11. Grant Agreement

After grant funds are awarded by the regional RRC, the grantee will execute a formal grant agreement with the State of Utah only *after* the HUD environmental review process is completed. This agreement identifies specific CDBG contractual requirements including: HUD environmental review regulations, federal labor standards, procurement and civil rights.

## 12. Prior Costs Incurred

Any costs incurred prior to the ERR completed, and/or July 1 of the contract year **are not eligible** for reimbursement, EXCEPT under special conditions; see “Pre-agreement Expenditures” below.

**NOTE: Applicants may NOT commit funds to a proposed project prior to completing the HUD environmental review process. The start date for CDBG grants is July 1.**

## 13. "Pre-Agreement" Expenditures

Based on amendments made to the State Small Cities CDBG Program regulations in 1992, there is an allowance under certain conditions, for the commitment and expenditure of funds before a grant agreement is executed between the State of Utah and a grantee. This approval can only take place after the actual award of funds by the RRC and the state’s approval of the CDBG application. The HUD environmental review process must be completed and the ACTIVITIES must have environmental clearance prior to incurring these expenditures. Common activities that may be pre-approved on a case-by-case basis include appropriately procured engineering costs. In other cases, it is advantageous for grantees to get started sooner when other state or federal funding is involved and timing is an issue.

- i. A written request on letterhead from the grantee must be submitted to the state, signed by the chief elected official of the grantee agency, that fully explains the need for the expenditure, a description of the activity to be performed and why it must be done before the contract is executed. See the template example on the next page.
- ii. No expenditures may be incurred prior to completing the necessary environmental review and receiving an environmental clearance. The one exception is expenses related to preparing the environmental review. No pre-agreement is required to incur costs related to preparing the environmental review record (ERR)

Sample Pre-agreement Request

**SMITHVILLE**  
A City of Smiths since 1901

May 17, 2025

Zach Leavitt, CDBG Program Manager  
Department of Workforce Services  
Housing & Community Development  
140 East 300 South  
Salt Lake City, UT 84111

Dear Zach:

**Pre-agreement for Spring Development for Culinary Water System**

Smithville, Utah, is requesting a pre-agreement to allow the city to begin incurring costs associated with this CDBG project prior to the execution of a state contract. This project consists of the re-development of the spring collection area.

The town is in need of this agreement because of deteriorating transmission lines associated with the Smithville Spring that need to be repaired and replaced immediately. Because water is essential to daily living, it is urgent to undertake this project prior to the start of the new funding year. At this point Smithville would like to start isolating the spring from the transmission line into the town. The town also needs to discharge the water collected to a natural drainage for the duration of the construction and we want to secure funding for this part of the project at this time.

Smithville understands that only eligible project costs can be reimbursed and that HUD environmental clearance is required before we begin the expenditure of any funds associated with this project. Furthermore, we understand that commitment of federal funds prior to receiving environmental clearance is a violation of federal code and will result in Smithville forfeiting its right to CDBG funding for this project.

Sincerely,

Joe A. Smith, Mayor

## B. Completing the Application

**Applications must be submitted on-line no later than 5:00 PM, January 31, 2025.**

### 1. Application Preparation/Submission

The state requires applicants to submit their applications electronically through the WebGrants system. The application along with any supplemental information required by each RRC, will be used to ensure that the proposed project meets all federal compliance requirements. AOG staff will review each application. If threshold criteria **have not** been met by the deadline, including a completed, valid income survey, if applicable; the application **will not** be rated and ranked and will not be eligible for funding.

- i. State Review: The state CDBG staff will review all applications using the State CDBG Application Review Checklist (see exhibit 2) to ensure that they meet the minimum thresholds for eligibility and national objective compliance.
- ii. An applicant may submit more than one application. See specific Rating and Ranking policies for each AOG region in Appendix G.

### 2. Sub-Contract Agreement

Applicants other than cities, counties and AOGs must execute an agreement with the sponsoring jurisdiction. Refer to Appendix F for a sample of this agreement. The sample does not need to be used if the agency has their own. Housing authorities and other organizations must execute this agreement if they are awarded CDBG funding, and provide it in the Final Application submission.

### 3. SAM Unique Entity Identifier (UEI)

All recipients of CDBG funding must have an active registration in *sam.gov*, e.g. grantees, contractors, professional service providers, subcontractors and nonprofits. This number must be documented in the CDBG application. For sub-recipients being sponsored by a city or county, the *sam UEI* number of the city or county is required. The state CDBG staff will verify this registration prior to the execution of the state contract. Step-by-step instructions are provided in Appendix A.

4. **A Residential Anti-Displacement Plan** is required for all cities and counties. The provision of this plan shall be in addition to the requirements set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1970 (URA). See Appendix E for a template. **Most jurisdictions have a resolution that approved this plan already. If so,** a copy should be on the organization's home page in WebGrants.

## C. Administration

**Timely Distribution of Funds:** The state is required by HUD to ensure that CDBG funds are allocated and distributed in a "timely" manner. In order to meet this requirement, the state has established the following policies and procedures that address applications, regional funding allocations and state contracts.

### 1. Applications

- i. Applicants who are notified of funding award by the AOG region must submit finalized applications in WebGrants by the May 31, 2025. Applications that do not meet the deadline will not be funded.
- ii. If an applicant fails to meet the application requirements and application deadline, the regional AOG Rating and Ranking Committee (RRC) shall award the forfeited funding to



the next applicant on the rating and ranking list. If there are no other applicants in the region, the remaining funding will be awarded to other eligible applicants at the discretion of the state.

- iii. After the funding cycle has ended, all funds left unallocated in a region will lapse and will be re-allocated to other eligible applicants at the discretion of the State.

## 2. State Contracts

- i. Funded applicants (Grantees) must sign and return their state contract for processing by **September 30**, unless prior arrangements are made with CDBG staff.
- ii. **After September 30**, the state reserves the right to re-allocate any un-contracted funds to other projects at its discretion.

## D. WebGrants Registration and Use

CDBG Application is completed and submitted using WebGrants3 website:

<https://webgrants.utah.gov/index.do>

Registration for new users requires the use of the Register Here link, reflected below. Steps to start and complete applications can be found in Webgrants3 and on the State CDBG publications website

<https://jobs.utah.gov/housing/community/cdbg/publications.html>

**WebGrants 3**

System Compatibility

**Log In**

**Log In**

User ID:\*

Password:\*

[Forgot User Id?](#)

[Reset Password](#)

**New to Webgrants 3?**

[Register Here](#)

**Announcements**

For security reasons and your convenience, WebGrants will remind you to change your password at regular intervals. Please do so when prompted.

All funding is for the benefit of entities within the State of Utah only.

## CHAPTER 5. CIVIL RIGHTS & EQUAL OPPORTUNITY



The CDBG Program requires equal access to the program and all funded projects and their benefits to all persons regardless of race, national origin, religion, color, sex, age or physical or mental disability.

Additionally, the Federal Government requires that all grantees comply with Equal Employment Opportunity laws and regulations.

Your responsibility is twofold. First, your organization and the sponsoring jurisdiction must make every effort to avoid discrimination and provide equal opportunities to all groups. Second, you must advise your contractor and subcontractor to do the same.

### A. Overview

The civil rights requirements have the basic purpose of protecting specific groups and/or individuals from discrimination. The civil rights laws are applicable not only to the beneficiaries of a federally assisted project, but also to the employees of a CDBG grantee or sub-recipient.

- Employment discrimination is prohibited based on race, color, religion, sex, national origin, age (over 40) and disability.
- Housing (rental, sale, financing) discrimination is prohibited based on race, color, national origin, religion, sex, familial status and disability.

These laws protect individuals from discrimination in:

1. Housing
2. Benefits and services resulting from activities funded in full or in part by CDBG dollars
3. Employment
4. Business opportunities
5. Relocation (resulting from CDBG-funded activities)

A list of the applicable laws can be found on page 3 of this section.

### B. Civil Rights Checklist

In order to help grantees comply with HUD's Fair Housing and Equal Opportunity (FHEO) requirements, CDBG staff has provided samples of checklists and templates of plans, policies and procedures that jurisdictions can adopt to meet HUD's FHEO requirements. Please see the "Civil Rights Exhibits" section of this handbook. These documents can be provided electronically upon request.

### C. Grantee Responsibilities

CDBG grantees are required to take certain actions directed toward the following two categories:

1. Non-discrimination and equal opportunity, which may be documented by showing EEOE posting in all public advertisements.
2. Affirmative action to remedy and overcome the effects of past discrimination.

These requirements apply to administration of grant activities and any of the three major program areas—public facilities, housing, and economic development. Under the non-discrimination requirements, a grantee must take actions to ensure that no person or group is denied benefits such as employment, training, housing and contracts generated by a local CDBG activity. As a project progresses, a grantee must monitor the extent to which protected groups within the community are participating in and receiving benefits from a CDBG activity.

For some projects, this is quite simple. For instance, CDBG funding of a local rehabilitation program is awarded based on information provided in the grant application. It is easy to identify the extent to which protected groups will be impacted by the housing rehabilitation program. It is equally easy to report how many households headed by minorities, women, the elderly, or disabled individuals were actually rehabilitated.

For other types of projects, identifying beneficiaries may not be as simple. A Main Street revitalization program may be intended to benefit protected groups; however, the extent to which these groups are actually impacted is harder to determine by the administering agency. At minimum, a locality should take actions to ensure that members of protected groups have equal access to all information related to training and job opportunities associated with CDBG-funded projects.

Finally, local grant recipients must demonstrate non-discrimination in the decision-making process by which elements of a particular CDBG project were determined. For example, if a locality is acquiring land for a senior citizens center, the chosen location must be as equally accessible to neighborhoods with large concentrations of minority residents as it is to those with high concentrations of non-minority households.

If local government employment is not representative of the general population of the jurisdiction, the CDBG administrator or administering agency should consider designing an affirmative action program to provide greater employment, training and promotion opportunities for members of protected groups.

#### **D. Affirmatively Furthering Fair Housing**

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, sex and national origin. It was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and expand its coverage to prohibit discrimination on the basis of familial status and disability. By amending this law, Congress demonstrated a renewed commitment to achieving fair housing.

In addition to prohibiting a wide range of discriminatory practices, the Fair Housing Act requires the Secretary of HUD to ensure that all HUD programs affirmatively further fair housing. State CDBG grantees are required by Sections 104(b)(2) and 106(d)(5)(B) of the HUD Act of 1974, as amended, to certify that they will affirmatively further fair housing as a condition of receiving CDBG funds.

Activities a community can complete that affirmatively further fair housing may include:

- ✓ Adopting a resolution or proclamation furthering fair housing
- ✓ Attending training on fair housing practices
- ✓ Publishing information in the local paper on fair housing
- ✓ Including information on the community website on fair housing
- ✓ Distributing flyers or displaying posters on fair housing practices
- ✓ Providing information to local realtors

Each community will be asked to share what activities they undertook. In addition to the above related activities, the community shall identify the following:

1. Actions taken on behalf of the local government to remove negative effects of public policy that serve as a barrier to affordable housing.
2. What actions, if any were taken to reduce lead-based paint hazards in affordable housing?
3. What actions, if any were taken to reduce the number of poverty-level families within your

community?

4. What actions, if any were taken to improve coordination with social service agencies serving your community?
5. What actions, if any were taken to remove impediments to fair housing outside those actions listed above?

Additionally, Section 105(b)(13) of the National Affordable Housing Act (NAHA) of 1990, as amended, requires submission of such a certification from a state as part of its Consolidated Plan.

### **1. State Responsibilities**

The state CDBG final regulations, at 24 CFR 570, Subpart I, contain three suggested actions for states to take in fulfilling their certification to affirmatively further fair housing. These suggestions include conducting training and actively providing educational material and activities to the participating local grantees on federal and state fair housing laws and procedures; analyzing relevant state-level data on impediments to fair housing choice, as well as the results of any local analyses; and working actively with existing state entities (public or non-profit) whose goal is to further fair housing.

### **2. Grantee Responsibilities**

Section 570.487(b)(2) instructs local government recipients to develop proposed actions to affirmatively further fair housing at the local level for state review and approval. The state will consider the locality to have met its certification to affirmatively further fair housing if the locality has carried out the state-approved actions.

At this time the state requirement is that grantees prepare an assessment of local ordinances that can be used to identify housing discrimination in the above areas. This will be explained and discussed during the grantee workshop with an assessment and review of the supporting documentation during the monitoring visit at the end of the project.

## **E. Applicable Laws**

Civil rights compliance and monitoring responsibilities are contained in the following listing of federal laws, executive orders and regulations. The listing for each applicable law contains the citation, general objective and any features (e.g., thresholds) that may be relevant to the administration of CDBG-funded activities.

### **1) Title VI of the Civil Rights Act of 1964 and 24 CFR Part I**

Title VI prohibits discrimination on the bases of race, color or national origin in all federally assisted programs.

### **2) Title VIII of the Fair Housing Act of 1968, as amended (the Fair Housing Act), and 24 CFR 91.225, Local Jurisdictions; 91.323, States; and 91.425, Consortia**

The federal Fair Housing Act prohibits discrimination in housing on the bases of race, color, national origin, religion, sex, familial status and disability. Section 808(e)(5) of the Fair Housing Act requires the Secretary of HUD to ensure that all HUD programs affirmatively further fair housing.

### **3) Section 3 of the Housing and Urban Development Act of 1968 and 24 CFR Part 135.32**

Section 3 requires grantees to provide job training, employment and contract opportunities to low- or very low-income residents in connection with projects and activities in their neighborhoods to the greatest extent feasible.

- 4) **Section 3 Minority Owned Business and Women Owned Business of the HUD Act of 1968 (12 U.S.C .§ 1701u) and its associated regulations (24 CFR Part 75)**  
 Section 3 is both race and gender neutral. The standards provide under this regulation are based on income-level and location. Section 3 regulations were designed to encourage recipients of HUD funding to direct employment, training, and contracting opportunities to low income individuals and the business that employ these persons within their community regardless of race and/or gender. A minority and/or woman owned business enterprise must provide evidence that it meets at least one criterion of a Section 3 business concern in order to receive preference under Section 3. However, section 3 will serve to support, and not impede, contract opportunities for minority business enterprises.
- 5) **Section 109 of Title I of the Housing and Community Development Act of 1974 (Section 109) and 24 CFR Part 6**  
 Section 109 prohibits discrimination on the bases of race, color, national origin, religion and sex in any program or activity funded in whole or in part with federal financial assistance.
- 6) **Age Discrimination Act of 1975, as Amended (42 USC 6101)**  
 Prohibits age discrimination in programs or activities receiving federal financial assistance.
- 7) **Section 504 of the Rehabilitation Act of 1973 (Section 504) and 24 CFR Part 8/Title II of the Americans with Disabilities Act of 1990 (ADA) and 28 CFR Part 35**  
 Section 504 prohibits discrimination based on disability under any federally assisted program or activity.
- 8) **Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identify (Equal Access Rule) 24 CFR Part 5**  
 HUD's Equal Access Rule, effective March 5, 2012, is a HUD program requirement that ensures equal access to housing in HUD programs, regardless of sexual orientation, gender identity or marital status. The Equal Access Rule prohibits inquiries of an applicant's or occupant's sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available.
- 9) **Equal Employment Opportunity (Executive Order 11246, September 24, 1965), as Amended**  
 To ensure that no employer performing construction work for a recipient of federal assistance discriminates against any employee or applicant for employment on the basis of race, color, religion, sex or national origin.
- 10) **Equal Opportunity in Housing (Executive Order 11063)**  
 Prohibits discrimination based on race, color, religion, sex or national origin in housing and related facilities that are owned or operated by the federal government or housing and related facilities provided by federal financial assistance, including mortgage insurance and guaranty programs.
- 11) **Americans With Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101)**  
 The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to

the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life: Employment, Public Services (State and Local Government, Public Accommodations and Services Operated by Private Entities, Telecommunications, and Transportation.

## **F. Additional Resources**

For additional resources and examples of policies that can be used to support Civil Rights legislation within your own community, please refer to Appendix J.





## CHAPTER 6. CDBG APPEAL PROCEDURES

### A. REGIONAL APPEAL PROCEDURE

If, for any reason, a disagreement occurs between an applicant and the AOG Rating & Ranking Committee (RRC) concerning the way an application was ranked or the process that was followed in determining the rating and ranking, the applicant has the right to appeal the decision as described here. It is hoped that any appeals can be resolved at the regional level. If they cannot, then the state will initiate the appeals procedure as follows:

1. Within 10 working days of the notification of an RRC decision believed by the applicant to be unfair or unreasonable, the applicant must submit a letter to the chairman of the RRC, signed by the chief elected official of the city or county, giving the following information:
  - i. The decision being questioned;
  - ii. The date the applicant was notified of the decision;
  - iii. The rationale of the applicant for considering the decision to be unfair or unreasonable; and
  - iv. A request for a hearing before the RRC, including a statement as to the facts and issues involved.
2. Within 10 working days of the receipt of the applicant's hearing request, the chairman of the RRC shall schedule a hearing by the RRC. AOG staff will contact the applicant prior to the hearing to obtain all pertinent information about the appeal, clarify any misunderstandings concerning facts or RRC policy, and identify any alternatives to an appeal; and to resolve, if possible, the conflict; and obtain a written withdrawal of the appeal.
3. Should the need for a hearing still be required, a hearing subcommittee consisting of RRC members not from the same county will be appointed as the appellant. The chairman of the RRC will conduct the hearing unless the chairman is from the same county as the appellant. Minutes must be taken. If a resolution cannot be reached, the appeal will revert to the State of Utah, and the state will follow the process outlined in the following procedure.

### B. STATE ADJUDICATIVE APPEAL PROCEDURE

All appeal procedures identified here shall be conducted in compliance with the Utah Code Annotated 63G, Chapter 4-203 Procedures for Informal Adjudicative Proceedings.

1. An applicant agency may request an appeal hearing with the Division of Housing and Community Development (HCD). The request must be in writing to the HCD director and copies of the request should be sent to the RRC and any other interested parties and must contain at least the following:
  - i. The names and addresses of all persons receiving a copy of the request
  - ii. Any RRC reference number
  - iii. Date the request was mailed
  - iv. Legal authority under which the request is made (this chapter and UCA)
  - v. A statement of what relief is sought from HCD and the facts and reasons forming the basis for relief



2. The request must be made no later than 10 working days following the denial of the appeal to the RRC. HCD will place a hold on all processing of any contracts from that region until the issue is settled.

3. If it is determined that the appeal meets the requirements of this section, the HCD director or the director's designee will appoint a hearing officer and will, within five days, notify the applicant of the time and date of the hearing. The notification will include: a HCD reference number, a statement that the procedure will be conducted, informally, in accordance with the authorizations contained in UCA 63-46b-4 and 63-46b-5, time, place and purpose of the hearing, name, title, mailing address and telephone number of the HCD director. The notice should indicate that any party not attending will be found in default.

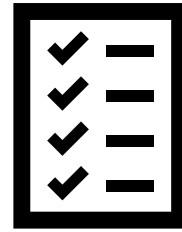
#### 4. Hearing Procedure

- i. The hearing will be held only to appeal the following two issues:
  - a. Whether the RRC has established reasonable, equitable criteria for reviewing applications and has adopted a priority ranking process which is fair for all applicants; and
  - b. Whether the criteria and process were applied equitably and consistently to all applicants.
- ii. During the hearing the parties named in the request for hearing will be permitted to testify, present evidence and comment on issues.
- iii. Discovery is prohibited and subpoenas may not be issued.
- iv. All parties will have access to HCD files and information collected during any investigation as permitted by law.
- v. All hearings are open to all parties and any intervention is prohibited
- vi. Within 21 days after the hearing, the hearing officer shall issue a signed recommendation that states the decision and reasons for the decision to the HCD director. The decision must be based on the facts presented as evidence in the hearing and which are contained in HCD files.
- vii. Within five additional days, the HCD director will issue a signed order which states the decision, reasons for the decision, administrative review available to the parties and the time limit for any requests for reconsideration. The order must be promptly mailed to all parties.
- viii. All hearings shall be recorded at HCD's expense. Any party may have a reporter prepare a transcript of the hearing from the record at that party's expense. HCD has the right to approve the reporter.

5. A default may be ordered by HCD if any affected parties fail to participate in the appeals process. The order must be sent to all parties. The proceedings can continue without the party in default at that time. Utah Rules of Civil Procedure allow for the order to be set aside upon request.

6. Written requests for reconsideration must be received by HCD within 10 days of the issuance of the final order by HCD and will be processed in accordance with Administrative Procedures Act, UCA 63-46b-13 and -13(3). Judicial Review is also allowed as listed in UCA 63-46b-14 and 15.

## CHAPTER 7. PROCUREMENT



CDBG subrecipients are required, at a minimum, to follow the Federal procurement requirements at Uniform Guidance 2 CFR Part 200, Subpart D, Procurement Standards that include the following<sup>1</sup>:

- All procurement transactions for the acquisition of property or services must be conducted consistent with the standards in 2 CFR 200.318 and 2 CFR 200.319, and one of the procurement methods at 2 CFR 200.320.
- All organizations must maintain records detailing the history of your procurement (2 CFR 200.318(2)(i)). These records should include your rationale for the method of procurement used, selection of contract type, contractor selection/rejection process, and the basis for the contract cost or price.
- Pre-qualified lists of vendors/contractors, if used, must be current, must be developed through open solicitation, must include several qualified sources, and must allow entry of other firms to qualify at any time during the solicitation period (2 CFR 200.319(e)).
- To eliminate an unfair competitive advantage, you must exclude contractors that develop or draft specifications, requirements, statements of work, invitations for bids (IFB), and/or requests for proposals from competing for such procurement (2 CFR 200.319(b)).
- You must certify that awards are not made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, “Debarment and Suspension” (24 CFR 570.609 and 2 CFR 200.214).

### A. Local Procurement Policies

Before securing contract services, subrecipients should determine whether their procurement policies and procedures comply with basic federal requirements contained in 2 CFR 200.318-327. If the subrecipient intends to use federal funds to pay for goods or services, and their policy does not contain all federal requirements, it must be amended accordingly. Inadequate policies and procedures do not eliminate the subrecipient’s responsibility to comply with all federal, state, and local laws regarding purchases of goods or services.

Each subrecipient must have a written and adopted procurement policy that addresses the following:

1. Oversight. Subrecipients must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
2. Standards of Conduct. Every subrecipient must maintain written procedures covering conflicts of interest governing the actions of its employees, agents, consultants, and elected officials engaged in the selection, award and administration of contracts, the award of CDBG assistance, or the management of federally-assisted or purchased property. The subrecipient must design a policy that is at least as restrictive as prescribed in 24 CFR Part 570.489.
  - For the procurement of goods and services, no employee, officer, or agent of the subrecipient may participate in the selection, award, or administration of a vendor contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in a tangible personal benefit from a firm considered for a vendor contract. 24 CFR

<sup>1</sup> [www.hudexchange.info/sites/onecpd/assets/File/Playing-by-the-Rules-Handbook-CDBG-Subrecipients-Administrative-Systems-Chapter-3.pdf](http://www.hudexchange.info/sites/onecpd/assets/File/Playing-by-the-Rules-Handbook-CDBG-Subrecipients-Administrative-Systems-Chapter-3.pdf)

570.489(g)

- The officers, employees, or agents of the subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts;
  - The standards of conduct must also provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the subrecipient.
3. Avoidance of Unnecessary or Duplicative Items. Subrecipients' procurement procedures must avoid the acquisition of unnecessary or duplicative items by giving consideration to consolidating or breaking out procurements to obtain a more economical purchase.
  4. Value Engineering Clauses. Subrecipients are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.
  5. Awarding to Responsible Contractors. Subrecipients must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
  6. Record Keeping. Subrecipients must maintain records sufficient to detail the history of procurement. These records shall include, but are not limited to, the following:
    - Rationale for the method of procurement;
    - Selection of contract type;
    - Contractor selection or rejection; and
    - The basis for the contract price.
  7. Time and Materials Contracts. Subrecipients may only use a time and materials type contract after a determination is made that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contracts are the sum of:
    - The actual cost of materials; and
    - Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
  8. Dispute Resolution. Subrecipients alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve subrecipients of any contractual responsibilities under its contracts.
  9. Inventory and Disposition. Applicable to Acquisition of Equipment and Real Property.

## **B. Local Procurement Procedures**

Subrecipients must have written procedures for procurement transactions that ensure all solicitations:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured;
- Identify all requirements which the offerors must fulfill;
- Identify all other factors to be used in evaluating bids or proposals; and
- Are conducted in a manner providing full and open competition;
  - In order to ensure objective contractor performance and eliminate unfair competitive disadvantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or request for proposals must be excluded from competing for

such procurements.

- Some situations considered to be restrictive of competition include, but are not limited to, the following:
  - Placing unreasonable requirements on firms in order for them to qualify to do business;
  - Requiring unnecessary experience and excessive bonding;
  - Noncompetitive pricing practices between firms or between affiliated companies;
  - Noncompetitive contracts to consultants that are on retainer contracts;
  - Organizational conflicts of interest;
  - Specifying only ‘brand name’ products instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement; and
  - Any arbitrary action in the procurement process.

When using prequalified lists such as State Purchasing Multiple Award (MA) contracts, subrecipients must ensure that all lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, subrecipients must not preclude potential bidders from qualifying during the solicitation period. Whenever using CDBG funds to purchase materials or services, document that rules were followed to get the lowest price. To avoid disallowed costs and/or repayment for ineligible expenditures, document the circumstances, need, and details of every purchasing decision. Contract provisions described in Appendix II to Part 200 *Contract Provisions for Non-Federal Entity Contracts under Federal Awards* must be included in any contracts, as applicable.

### **C. Price and Cost Analysis**

For all procurement, subrecipients must perform a cost or price analysis as described in 2 CFR 200.324. If the local or state acquisition threshold is more restrictive then use the stricter of the two. Note that subrecipients must consider price reasonableness for micro-purchases as well as small purchases.

#### **1. Price Analysis**

Price analysis is the process of evaluating and comparing prices for goods or services without evaluating separate cost elements and should be documented in the procurement file. Price analysis techniques include comparing proposed prices received in response to the solicitation or historical prices for the same or similar items.

Subrecipients must request an adequate number of bids, proposals, or quotes for the materials, supplies, or services being procured for comparison. When comparing prices, it must be determined if the goods or services are comparable. It is the subrecipient’s responsibility to determine that the price is fair and reasonable.

#### **2. Cost Analysis**

A cost analysis is required when price competition does not exist. Subrecipients will utilize this process to help determine if proposed costs are allowable, reasonable and allocable as described in 2 CFR 200.403-405. Prior to receiving bids or proposals, subrecipients should establish an independent cost estimate for the goods or services to be procured.

When conducting a cost analysis, subrecipients must review and evaluate the separate elements of cost and negotiate profit in a received proposal. The Analysis includes review and evaluation of separate cost elements and profit or fee in a proposal. It is the subrecipient’s responsibility to determine that the cost is fair and reasonable.

The following are examples of when cost analysis is used:

- The competitive proposal method is used;
- The sole source procurement method is used;
- Only one bid is received during a sealed bid procurement; and
- A contract modification is requested that changes the price or total estimated cost (either upwards or downwards).

### 3. Conducting a price or cost analysis

Subrecipients should document the following in their analysis:

- Check the accuracy of the prices submitted;
- Evaluate the necessity of the proposed price or cost items;
- Evaluate the price or separate elements of cost;
- Review proposal for potential cost overruns, taking into consideration the vendor's past performance;
- Compare proposed prices or costs subrecipient's independent cost estimate; and
- Compare proposed prices or costs to previous estimates or actual costs incurred for similar work.

### 4. Profit Negotiation

Subrecipients must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. Per HUD's "Quick Guide To Cost And Price Analysis", all of the following criteria should be considered when negotiating profit:

- Complexity of the work to be performed;
- Amount of risk the contractor may be exposed to (performance and/or cost);
- Contractor's investment and resources dedicated to performing the contract (labor, oversight, etc.);
- Use of subcontractors by the prime contractor and the nature of the work to be performed;
- Quality of the contractor's past performance for similar work; and
- Industry profit rates in the surrounding area for similar work.

Subrecipients are responsible for maintaining records and any documentation used to support the profit negotiation. Your organization must not use "cost plus a percentage of cost" pricing for contracts (2 CFR 200.324(d)). You may use "time and material" type contracts only after you have documented that no other contract is suitable, and the contract includes a ceiling price that the contractor exceeds at its own risk. The cost is the sum of the actual materials, direct labor hours, general administration, and profit (2 CFR 200.318(j)(1-2)).

## **D. Contracting with Small and Minority Businesses, Women's Business Enterprises**

Subrecipients must take all necessary steps to affirmatively assure small and minority businesses, women's business enterprises are notified of bidding opportunities and utilized whenever possible. Affirmative steps must include the following:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit

- maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
  5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  6. Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in parts (1)-(5) above.

For a recent list of Small and Minority and women Owned business, please visit the following website:

<https://jobs.utah.gov/housing/community/cdbg/publications.html>

### **E. Suspension and Debarment**

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

The State CDBG staff will ensure, PRIOR to a construction contract/award, that all contractors receiving CDBG funds have met all the eligibility requirements outlined in state and federal law.

Contractors:

- At time of bid award, all contractors, including professional consulting and engineering firms, should be registered, have an active status, and be cleared via a search of the Federal System of Award Management ('SAM') to ensure the contractor is in good standing and has not been debarred. The State CDBG office receives the needed information from the CDBG Grantee after bid tabulation and before award to clear the contractor on both federal and state databases, and provide a "Notice to Proceed"

Subcontractors:

- Subrecipients must notify the selected prime contractors that it is the sole responsibility of the prime contractor to verify subcontractor eligibility based on factors such as past performance, proof of liability insurance, possession of a federal tax number, debarment, and state licensing requirements.

It should be noted that if any of the above listed parties are deemed ineligible to receive CDBG funds after award of contract, the contract will be immediately terminated. The matter must be reported to the State CDBG staff for further action.

### **F. Methods of Procurement**

The methods of procurement should follow the more stringent of local, state, or federal requirement. If it appears requirements contradict federal procurement standards, subrecipients may request Technical Assistance to determine the best method of procurement. The following table established the what are the minimum requirements that subrecipients must utilize. For additional information regarding federal procurement standards and requirements, please refer to Appendix K:

Method	Preferred for:	Type of Purchases	Solicitation Method	Other Requirements
Micro-Purchase <sup>2</sup>	Total Purchase is less than \$10,000	For supplies or services.	No solicitation required	You must distribute purchases equitably among qualified suppliers
Small Purchase <sup>3</sup> (\$50,000 or SAT)	Simple and informal purchasing decisions	Supplies, services, or other property Not exceeding Simplified Acquisition Threshold (SAT <sup>4</sup> )	Quotations Submitted Bids	Must receive price quotes from several qualified sources. Costs over the SAT may not be broken up solely to qualify for this less complicated process.
Competitive Sealed Bid (IFB - formal advertising) <sup>5</sup>	Firm, Fixed-price (lump sum or unit price) where the selection is based on Price	Preferred for but not limited to construction services	Invitation for Bid (IFB) results in the receipt of Submitted Bids	2 or more responsible bidders willing and able to compete. IFB includes complete, accurate and realistic specifications needed for bidders to properly respond. Bids opened publicly at the time and place stated in the IFB Awarded to lowest responsive and responsible bidder, or all bids rejected for reasonable and documented issues, and put out to bid again. After 2 unsuccessful bid attempts, contact State Staff.
Competitive Proposals (RFP/RFQ - formal advertising) <sup>6</sup>  NOT to be used for construction services.	Fixed price or cost reimbursement where the award is based upon evaluation and not solely on price	Most Professional services (Architectural/Engineering Services), technology systems, software, etc.	Request for Proposals (RFP) or Request for Qualifications (RFQ) results in the receipt of Submitted Proposals	Only used when conditions are not appropriate for IFB sealed bids. RFP/RFQ clearly states technical requirements for goods and services, publicized, identifying all evaluation factors and their relative importance. Negotiation is possible with responsive, responsible respondents within a competitive price range. Competitive proposal procedures for qualifications-based procurement of A/E, in which case the qualifications are evaluated for selection, subject to negotiation of fair and reasonable compensations.

<sup>2</sup> [2 CFR 200.320\(a\)\(1\)](#)

<sup>3</sup> [2 CFR 200.320\(a\)\(2\)](#)

<sup>4</sup> Simplified Threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (definitions) and in accordance with 41 U.S. C. 1908 and is periodically adjusted for inflation, currently \$250,000 OMB Memorandum 18-18

<sup>5</sup> [2 CFR 200.320\(b\)\(1\)](#)

<sup>6</sup> [2 CFR 200.320\(b\)\(2\)](#)

Method	Preferred for:	Type of Purchases	Solicitation Method	Other Requirements
Noncompetitive Proposals/Sole Source <sup>7</sup>	Single Source, Public emergency or condition.	Single Family Rehab activities less than \$25,000 <sup>8</sup> or State Approved sourcing	Requested quotations	Noncompetitive negotiations used ONLY under very limited circumstances when another procurement method is not feasible because: Item or Service only available from a single source Public emergency or condition requiring urgency that cannot be delayed Federal or passthrough agency has authorized noncompetitive proposals upon written request After Solicitation from several sources, competition is determined inadequate

### G. Conflict of Interest

Conflicts of Interest regulations and provisions of the federal code of regulations (CFR), 24 CFR Subpart I, 570.489(h) apply to the following activities assisted in whole or in part with CDBG funds: procurement of supplies, equipment, construction and services; professional services (A/E), acquisition and disposition of real property; and the provision of assistance to individuals, businesses, and other private entities.

- a) Persons covered by the Conflict of Interest Requirements – The conflict of interest provisions in this section apply to any person who is an employee, agent, consultant, officer, elected official or appointed official of the unit of general local government or of any designated public agencies that are receiving CDBG funds.
- b) Conflicts Prohibited—Generally, except for eligible administrative and personnel costs, none of the persons covered by the Conflict of Interest Requirements who exercise or have exercised any functions or responsibilities with respect to CDBG assisted activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity. Also, such persons may not have any interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.
- c) Exceptions to the Conflict of Interest Requirements—HCD may grant an exception to the provisions of this section upon written request of the unit of general local government provided the state can

<sup>7</sup> 2 CFR 200.320(c)

<sup>8</sup> For complicated rehabilitation projects or unique human service activities, other forms of competitive and non-competitive procurement may be necessary or desirable. When the price is not the single most important objective, it is still important to assure the highest quality of purchase at the lowest reasonable price through “open and free competition.”



fully document its determination in compliance with all federal requirements in 24 CFR Subpart I, 570.489 (h)(4) and (5)

## **H. Bonding Requirements**

Subrecipients are encouraged to accept the bonding policy and requirements for construction and facility improvement contracts and subcontracts exceeding the simplified acquisition threshold. For contracts over \$50,000, subrecipients are encouraged to require a bid guarantee from each bidder equivalent to five percent of the bid price consisting of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

- For contracts over \$100,000, Subrecipients should require a performance bond on the part of the contractor for one hundred percent of the contract price as executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- Subrecipients should require a payment bond on the part of the contractor for one hundred percent of the contract price as executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract;
  - Municipalities: A payment bond is required if the contract exceeds \$50,000.
  - Counties: A payment bond is required if the contract exceeds \$25,000.

## **I. Equipment Purchases**

Equipment purchased with CDBG funds must be used by the subrecipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the CDBG award. The subrecipient must not encumber the property without prior written approval from the State CDBG staff. Subrecipients must consult their State CDBG staff prior to utilizing the equipment for other purposes.

When no longer needed for the original program or project\*, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority:

- Activities under the CDBG award which funded the original program or project; then
- Activities under federal awards from other federal awarding agencies. This includes consolidated equipment for information technology systems

A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years. When acquiring replacement equipment, subrecipients should use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

**A. Equipment Records.** Subrecipients must maintain a property record that includes the following information:

- Description of property;
- Serial or other identifying number;
- Federal Award Identification Number (FAIN)- funding source of property;
- Title holder;
- Acquisition date;
- Cost, including CDBG cost share percentage if applicable;
- Location;
- Use and condition of the property; and

- Disposition date and sales price, if applicable.

## **B. Disposition Requirements**

Prior to disposing of any equipment purchased with CDBG funds, subrecipients must request disposition instructions from the State CDBG staff if required by the terms and conditions of the Subrecipient Agreement. Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the State CDBG staff. However, any proceeds received may be considered program income.

## **J. Build America Buy America (BABA)**

On November 15, 2021, the Build America, Buy America Act (the Act) was enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58. The Act establishes a domestic content procurement preference, the BAP, for Federal programs that permit Federal financial assistance to be used for infrastructure projects.

In Section 70912, the Act further defines a project to include “the construction, alteration, maintenance, or repair of infrastructure in the United States” and includes within the definition of infrastructure those items traditionally included along with buildings and real property.

The domestic content procurement preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States.

The term “‘infrastructure’” includes, at a minimum, the structures, facilities, and equipment for, in the United States: (1) roads, highways, and bridges; (2) public transportation; (3) dams, ports, harbors, and other maritime facilities; (4) intercity passenger and freight railroads; (5) freight and intermodal facilities; (6) airports; (7) water systems, including drinking water and wastewater systems; (8) electrical transmission facilities and systems; (9) utilities; (10) broadband infrastructure; and (11) buildings and real property.

To be considered “produced” in the United States, the entire process for manufacturing of steel and iron (from melting to applying coatings) and construction materials must occur in the United States and at least 55 percent of the total cost of the components of manufactured products must be mined, produced, or manufactured in the United States.

HUD has released proposed waivers to the Act that limit the application of BABA to recipients of federal funds.

- The De Minimis, Small Grant, and Minor Components waiver would exempt infrastructure projects that have a total cost at or below the simplified acquisition threshold (currently \$250,000). Small grants of federal financial assistance are also excluded. BABA also would be waived for minor components of infrastructure projects.
- The De Minimis, Small Grant, and Minor Components waiver includes three key items. First, it would waive application of BABA to infrastructure projects that have a total cost at or below the simplified acquisition threshold (currently \$250,000). Second, small grants of federal financial assistance are also excluded from the BABA requirements. A small grant is an award of funds from a federal entity to a non-federal entity that is at or below the simplified acquisition threshold. An example of a small grant would be the annual Public Housing Capital Funds Grant of \$200,000 to a small or medium PHA. Third, BABA would be waived for minor components of infrastructure projects. A “minor component” is a non-domestically produced small component comprising no more than a total of five percent (to a cap of \$1 million) of the total cost of the iron, steel, manufactured products, and construction materials used in the project. These waivers would be available for five years and HUD would have to review the waivers within the five year period and revoke, amend, or extend the waivers.
- The Exigent Circumstances waiver excludes projects using federal financial assistance to respond

quickly to address critical needs to ensure protection of life, safety, and property of residents and communities.

- The Exigent Circumstances waiver excludes from the BABA requirements projects using federal financial assistance to respond quickly to address critical needs to ensure protection of life, safety, and property of resident sand communities. The remediation of defects impacting housing quality standards that HUD requires to be completed in 30 days or less are considered to meet the exigent circumstances standard. This waiver would be available for five years and HUD would have to review the waiver within the five-year period and revoke, amend, or extend the waiver.

### **Demonstrated Compliance**

Grantees will ensure that the products delivered to the construction site are accompanied by proper documentation that demonstrate compliance with the law and made available to the funding authority upon request. The documentation may be received and maintained in hard copy, electronically, or could be embedded in construction management software. The use of a signed certification letter for the project is the most direct and effective form of compliance documentation for ensuring products used on site are BABA-compliant prior to their installation; however, other forms of documentation are also acceptable if collectively, the following can be demonstrated:

- Documentation linked to the project. For example, this can be in the form of the project name, project location, contract number, or project number.
- Documentation linked to the product used on the project. For example, description of product(s) (simple explanation sufficient to identify the product(s)), or an attached (or electronic link to) purchase order, invoice, or bill of lading.
- Documentation includes statement attesting that the products supplied to the assistance recipient are compliant with BABA requirement. Reference to the Infrastructure Investment and Jobs Act (“IIJA”) or the Bipartisan Infrastructure Law (BIL) are also acceptable. For iron and steel items under BABA, references to the American Iron and Steel (AIS) requirements are also acceptable and reciprocal with BABA for such items.
- Documentation that manufacturing occurred in the United States, which could include, for example, the location(s) of manufacturing for each manufacturing step that is being certified. It is acceptable for manufactured products to note a single point of manufacturing, documenting that the final point of manufacturing is in the United States. Note that each BABA category may require different determinations for compliance.
- Signature of company representative (on company letterhead and signature can be electronic). The signatory of the certifying statement affirms their knowledge of the manufacturing processes for the referenced product(s) and attests that the product meets the BABA requirements.

In addition to compliance documentation, Grantees or their representatives should also conduct a visual inspection of the product when it arrives to the project site, especially for iron and steel products which are often stamped with the country of origin.

Note: A country of origin stamp alone is not sufficient verification of compliance with BABA and assistance receipts should not rely on it to ensure compliance.

### **K. Recordkeeping**

For each different type of service, a separate file must be created for documentation records. Subrecipients must maintain and make available all documentation utilized during the procurement process, including but not limited to:

- Policies and procedures for procurement;
- Procurement Checklist;

- Copies of all Invitation for Bids (“IFB”) and RFP/RFQs published and mailed;
  - Proof of advertisement, if applicable;
  - Proof that an adequate number of firms/individuals were directly contacted for proposals (e.g., copies of sent emails, certified mail receipts, and/or fax confirmations);
- Copies of bidding and/or proposal packages;
- Bid and proposal responses;
- Records of bid and proposal evaluation, bid tabulation and evidencing method of selection used;
- Evidence of cost and price analysis, if applicable;
- Verification that the vendor is not on the [SAM.gov](https://www.sam.gov) debarred list;
- Other procurement correspondence;
- Minutes of award or hiring resolution;
- Executed contract including all required contract provisions;
- Record of equipment purchases (inventory), if applicable;
- Disposition/sales procedures for equipment purchased with CDBG funds.



# APPENDIX A

## Registration in SAM.gov

The System for Award Management (SAM) is a Federal Government system managed by the U.S. General Services Administration that is “FOR OFFICIAL USE ONLY”.

CDBG applicants (cities or counties) AND other recipients of CDBG funds such as Contractors and Professional Service Providers must register in SAM to be eligible to receive CDBG funds.

Only individuals who are authorized to represent a particular entity, or individuals representing themselves as an entity, may register an entity in SAM. <https://sam.gov/content/home>

Follow these steps for registering for a Unique Entity ID (UEI) for SAM.Gov for non-Federal agencies in the System of Award Management website.


TOPIC	
Overview	(00:00)
WHAT IS THE UNIQUE ENTITY ID (SAM)?	(00:32)
WHAT IS ENTITY REGISTRATION?	(00:59)
GET A UNIQUE ENTITY ID (SAM)	(02:30)

The Unique Entity ID (SAM) is a 12-character alphanumeric value assigned, managed, and owned by the federal government.

The Unique Entity ID (SAM) is a verification that your organization is what you say it is.

- ✓ UNIQUE ENTITY ID (SAM)
- ✓ 12-character alphanumeric value
- ✓ Assigned, managed, and owned by the federal government

The Unique Entity ID from SAM validates your organization's legal business name and address.




TOPIC	
Overview	(00:00)
WHAT IS THE UNIQUE ENTITY ID (SAM)?	(00:32)
WHAT IS ENTITY REGISTRATION?	(00:59)
GET A UNIQUE ENTITY ID (SAM)	(02:30)

The Unique Entity ID (SAM) is a 12-character alphanumeric value assigned, managed, and owned by the federal government.

The Unique Entity ID (SAM) is a verification that your organization is what you say it is.

- ✓ UNIQUE ENTITY ID (SAM)
- ✓ 12-character alphanumeric value
- ✓ Assigned, managed, and owned by the federal government
- ✓ Validates your organization's legal business name and address

It is a verification that your organization is what you say it is.




TOPIC	
Overview	(00:00)
WHAT IS THE UNIQUE ENTITY ID (SAM)?	(00:32)
WHAT IS ENTITY REGISTRATION?	(00:59)
GET A UNIQUE ENTITY ID (SAM)	(02:30)


You need to register your entity in SAM.gov when you want to bid directly on federal contracts as a prime contractor or seek federal assistance as a prime awardee.

Entity registrations include getting the Unique Entity ID (SAM) and require assertions, representations and certifications, and other information about your business.

## ENTITY REGISTRATION



**Register your entity in SAM.gov to bid or apply *directly* for federal awards**




TOPIC	
Overview	(00:00)
WHAT IS THE UNIQUE ENTITY ID (SAM)?	(00:32)
WHAT IS ENTITY REGISTRATION?	(00:59)
GET A UNIQUE ENTITY ID (SAM)	(02:30)


You need to register your entity in SAM.gov when you want to bid directly on federal contracts as a prime contractor or seek federal assistance as a prime awardee.

Entity registrations include getting the Unique Entity ID (SAM) and require assertions, representations and certifications, and other information about your business.

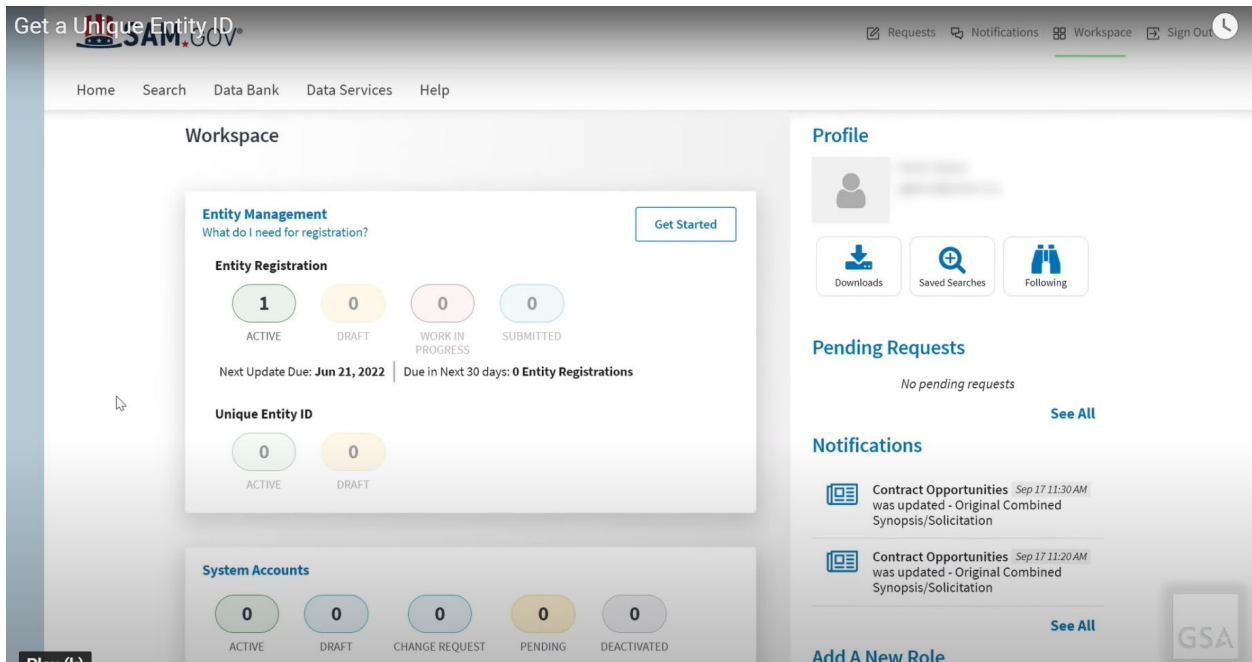
## ENTITY REGISTRATION



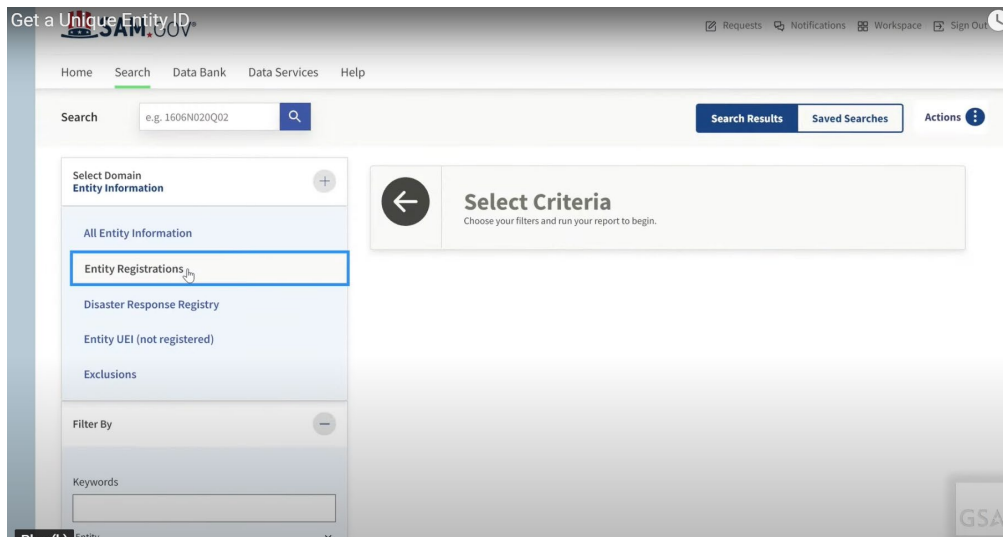
**Unique Entity ID (SAM)  
Assertions  
Representations & Certifications  
Other Business Information**



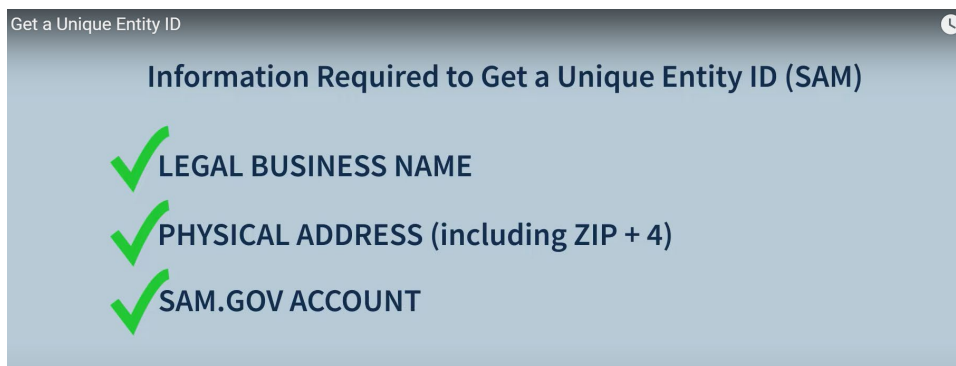
If your organization had a registration in SAM.GOV already, active or inactive, you are all set. Your UEI was already assigned.



You can sign-in to SAM.GOV and locate your entity registration in the organization workspace, or in an entity search.

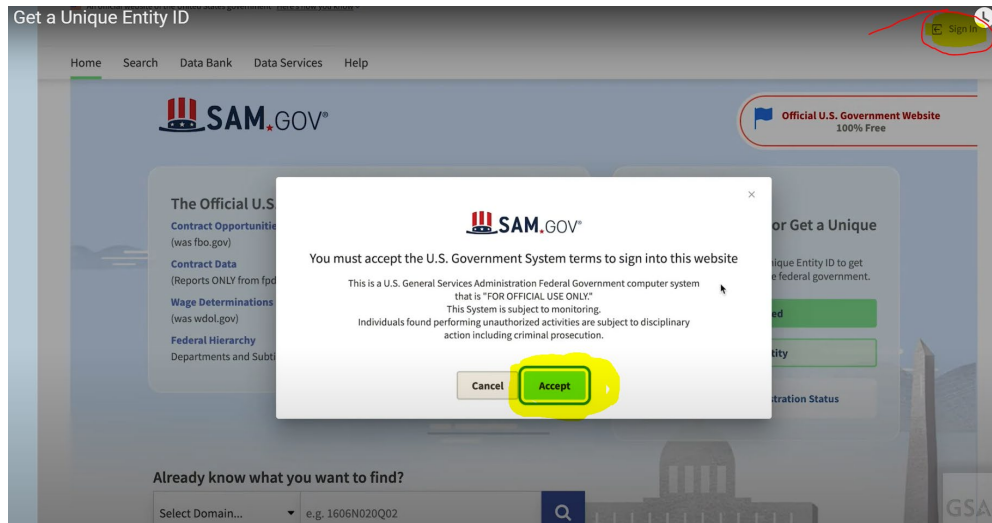


If you do not have a registration in SAM.GOV, but you do need to get one, you first need to create an account. You need the following information:

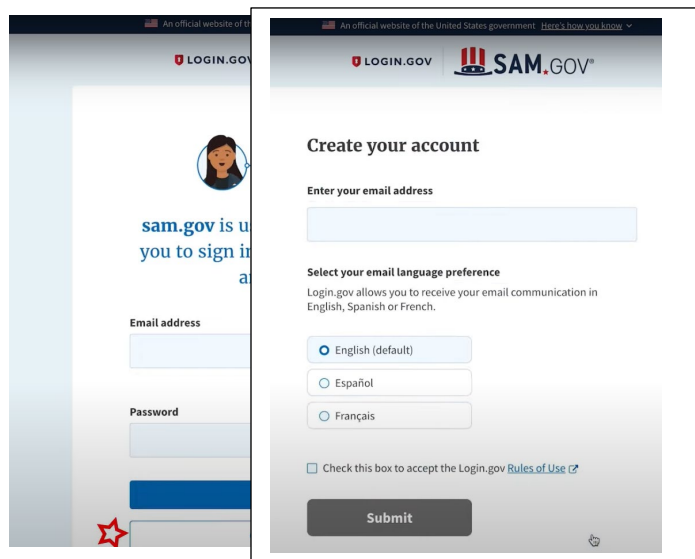


If you do not have a SAM.GOV account, it's easy to set one up. Select "Sign In" from the upper right hand corner of the browser page, and accept the terms



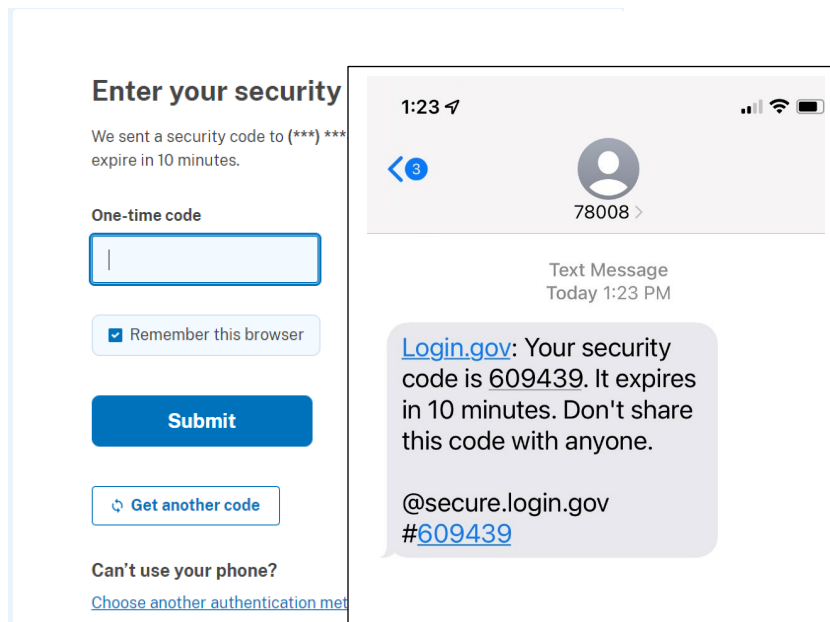


You can login on the next screen, or select "Create an Account".

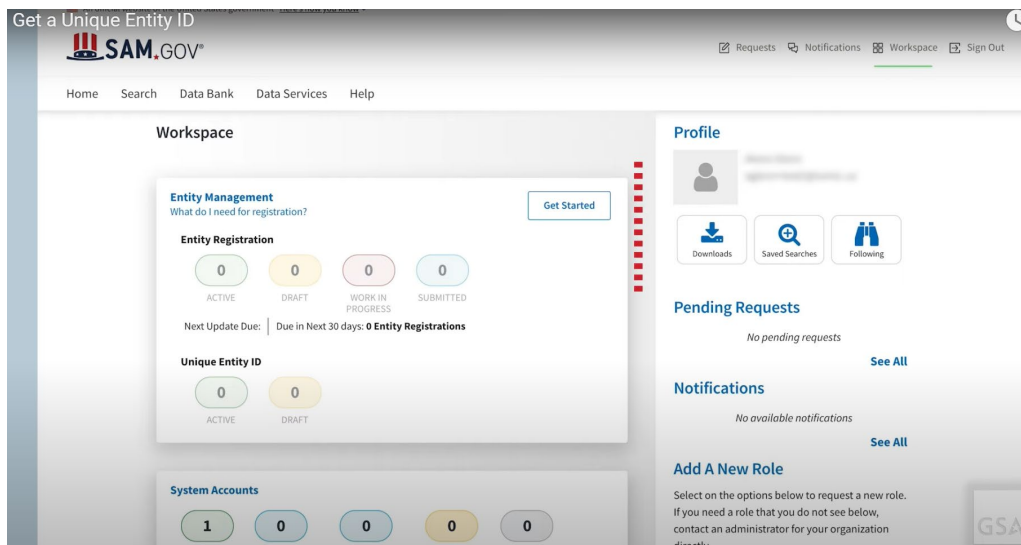


Follow the on screen instructions.

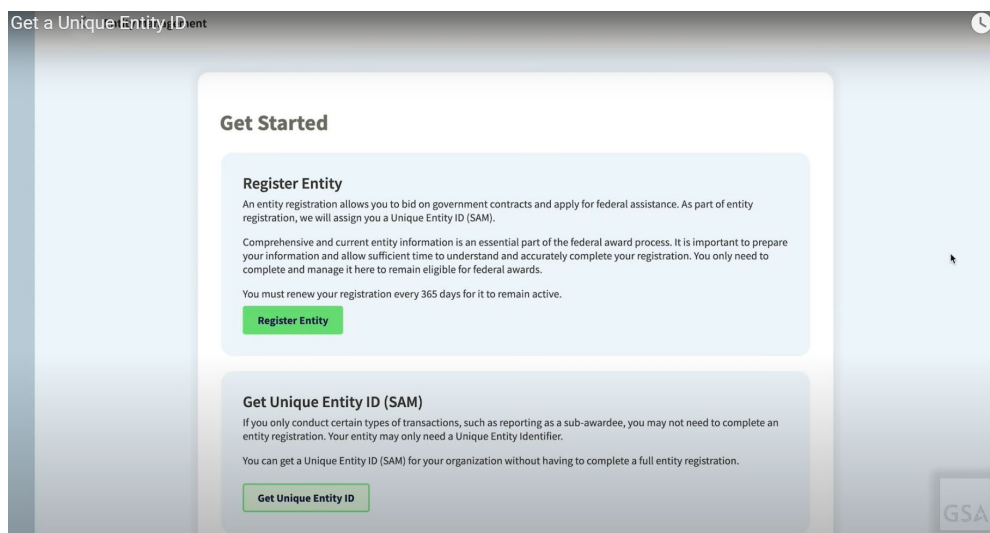
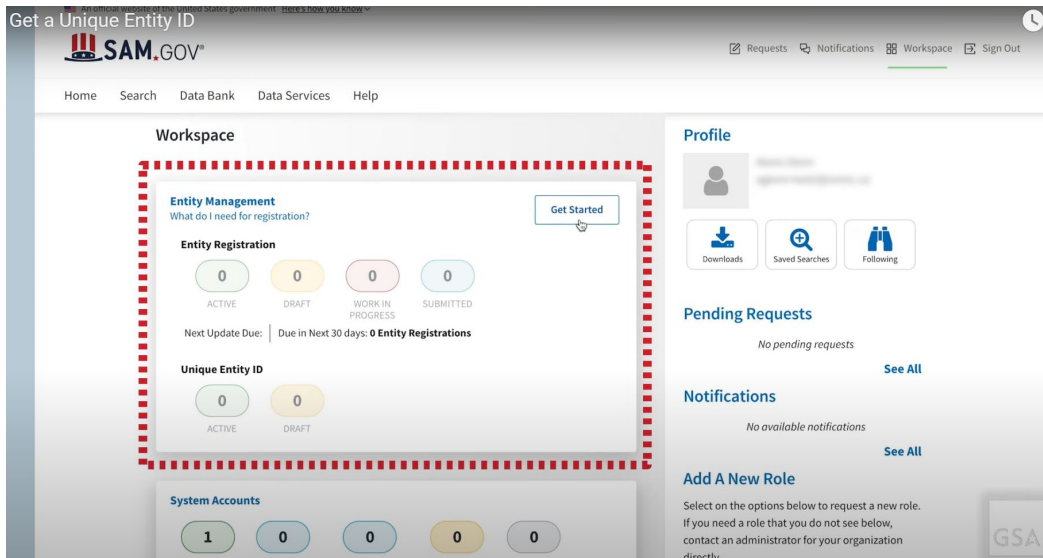
To login, you will use your email and password created in the last step, and submit those to the system on the login screen. SAM.GOV utilizes a two-factor authentication system, and so when a login attempt is made, a code will be sent to the phone number you registered with by text:



You will need to enter this code into the secondary login screen in SAM.GOV. When complete, you will be navigated to your workspace:

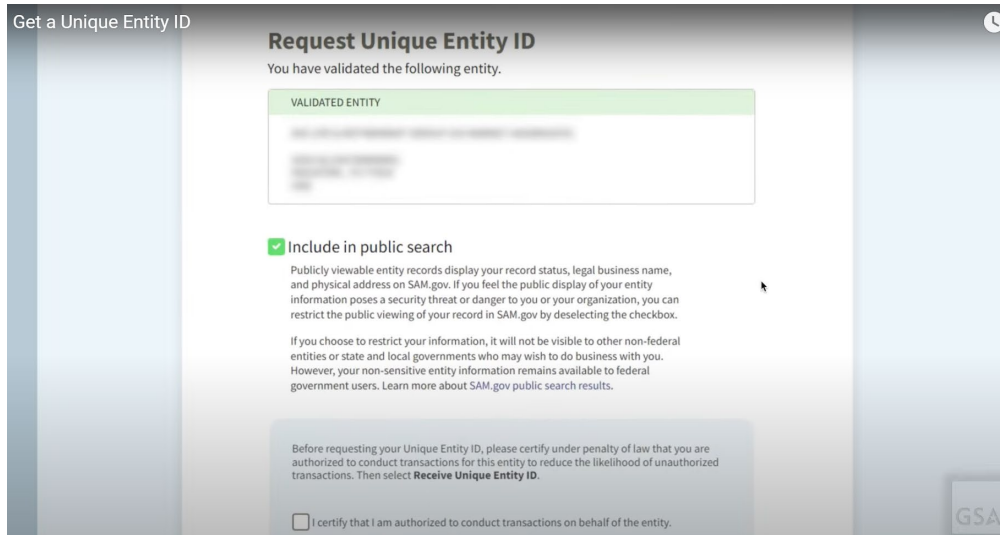


On the Entity Management Widget, select the “Get Started” button to begin the request for your UEI for your entity:

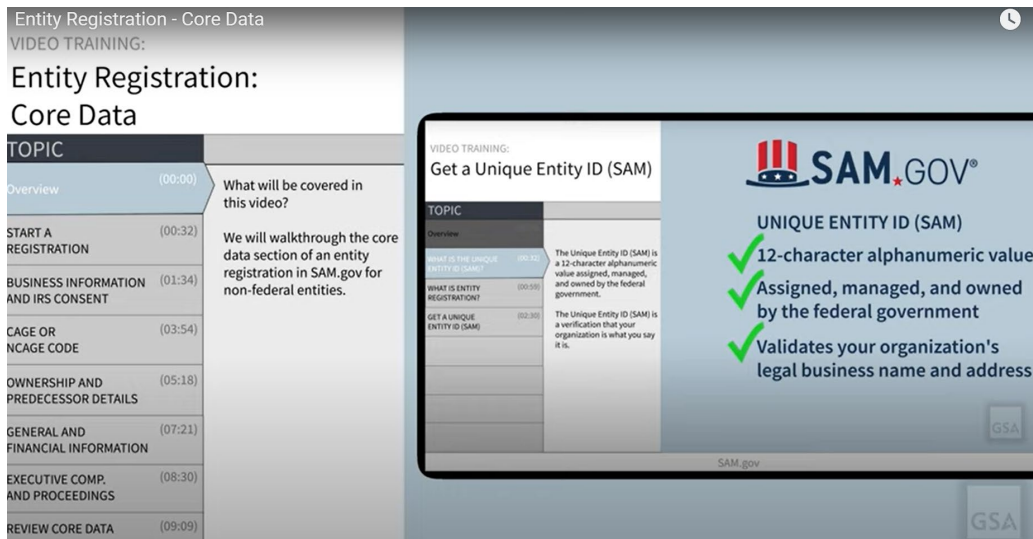


This page offers two options, to get a UEI only; or start an entity registration that allows your organization the active status needed to bid on and receive federally funded jobs. You do not need to register your entity to get a UEI.

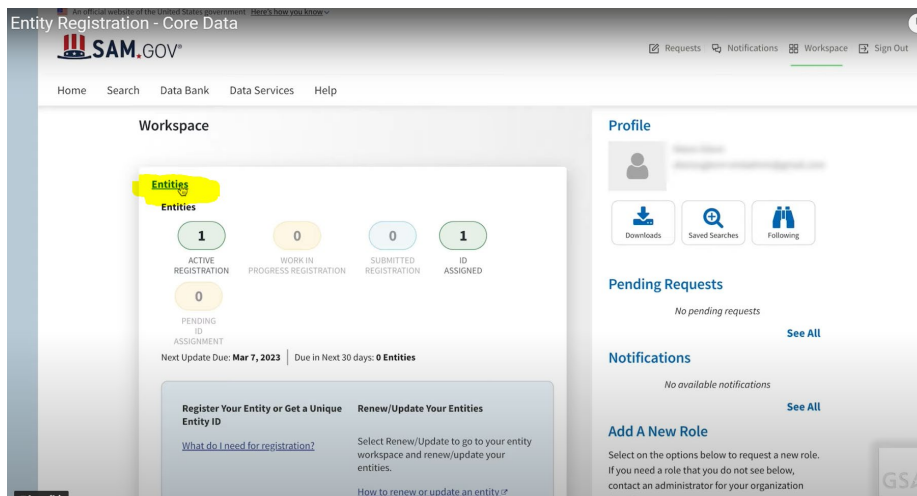
During registration, you have the opportunity to restrict the public access from viewing your entity information. Do NOT do this! Ensure your entity is registered publicly so that verification can be made by our office for any awards you are eligible for. If you uncheck this box, then only you and the federal government can view your information.

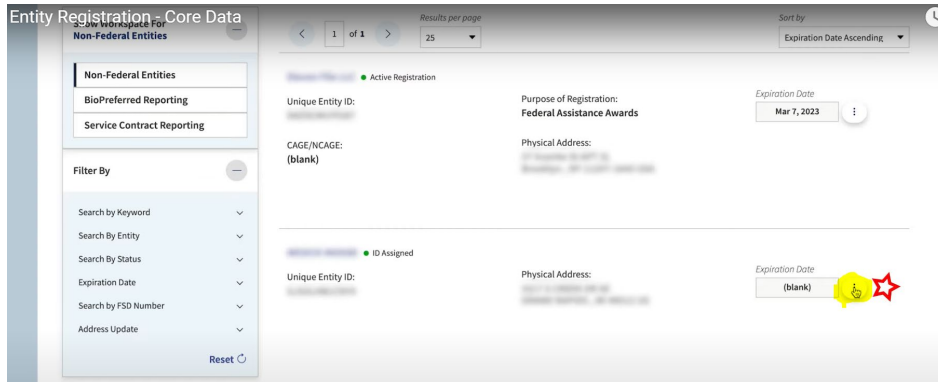


To continue the registration process, you are required to complete the Core Data entry:

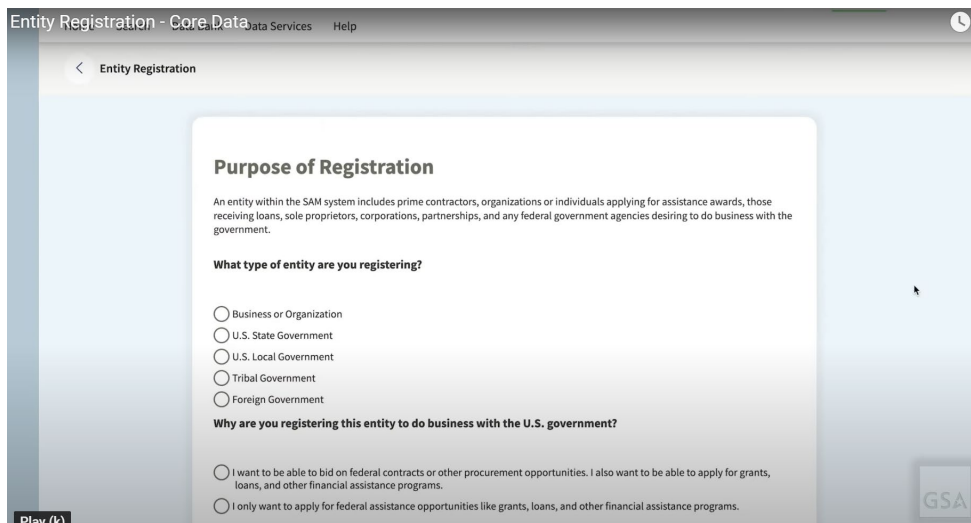
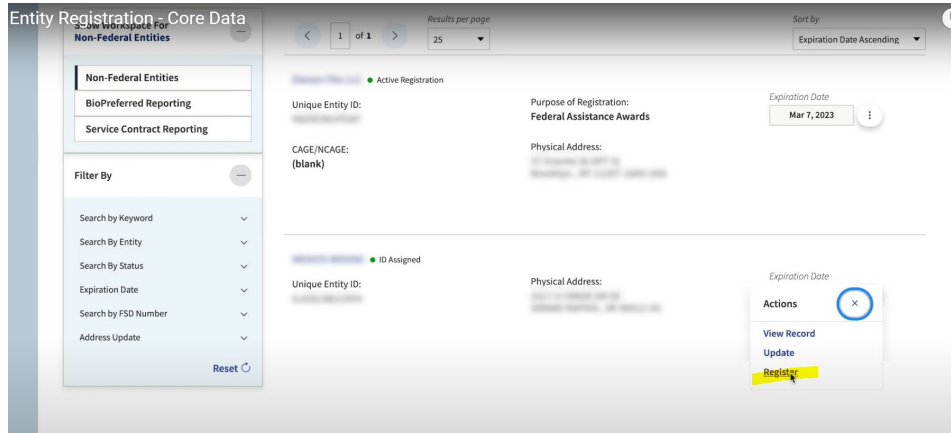


When logged in, find the Entity you want to register by clicking the Entities link on the main workspace widget:





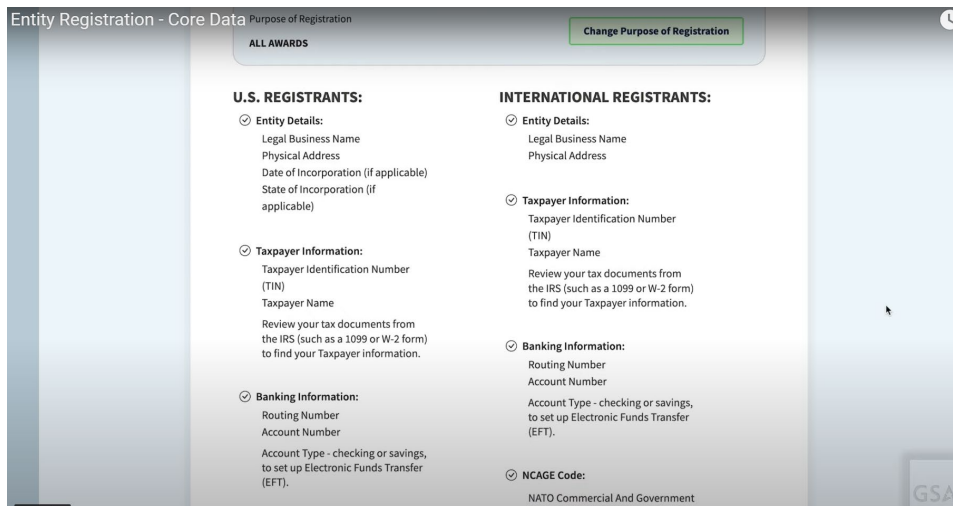
Select the 3 dots next to the entity name and select "Register"



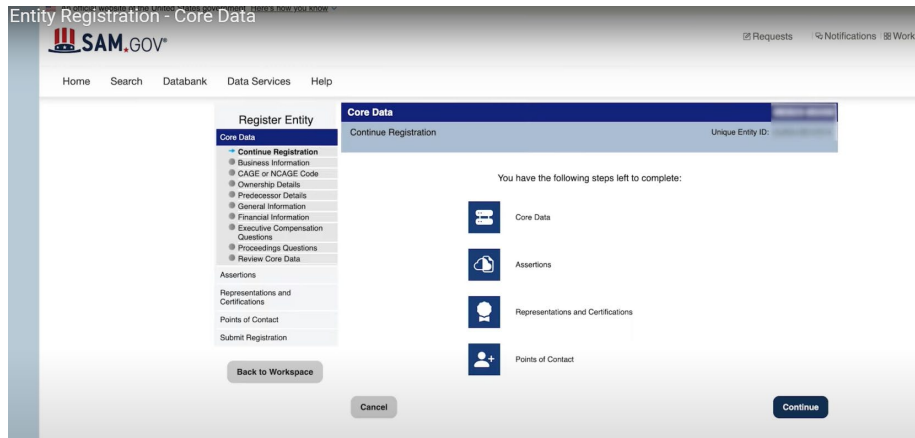
Select your entity Type, and Purpose of Registration



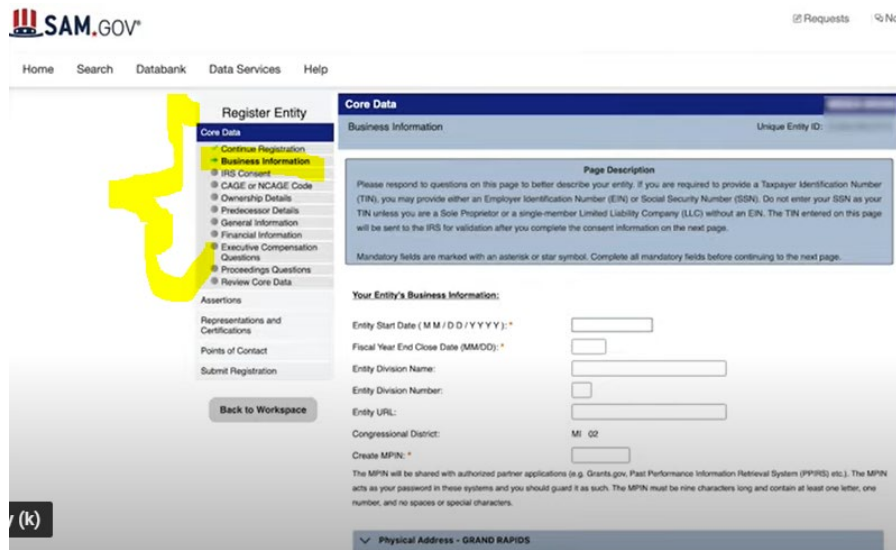
Confirm the information on the next page



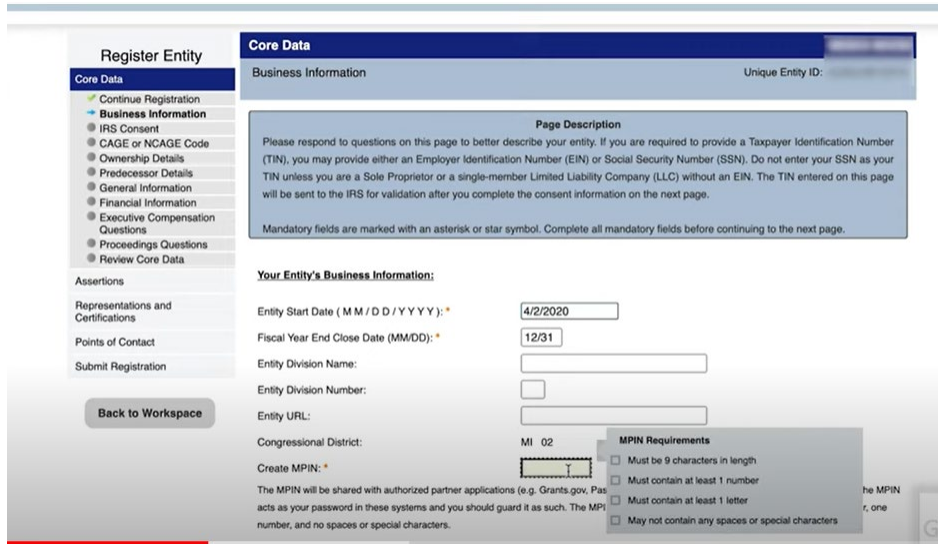
Review the information you will be required to provide in order to register



Then continue your registration. This page shows the 'sections' that need to be completed. Select "Continue".

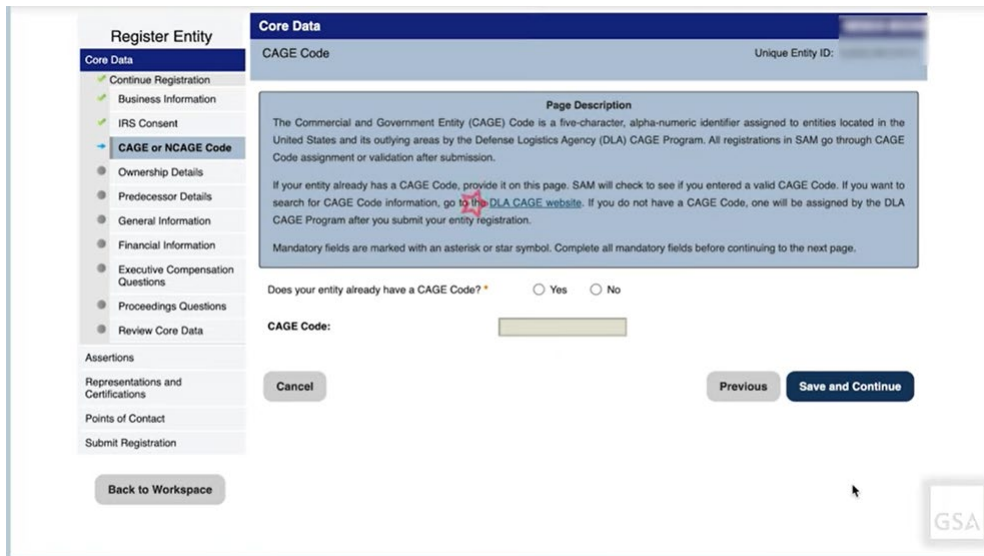


The next page that displays is the Business Information Page. The fields with the red asterisk are required. This page also requires a Marketing Partner ID Number(MPIN) to be created. Be sure to remember it, you WILL need it later and will also be used in other authorized partner applications

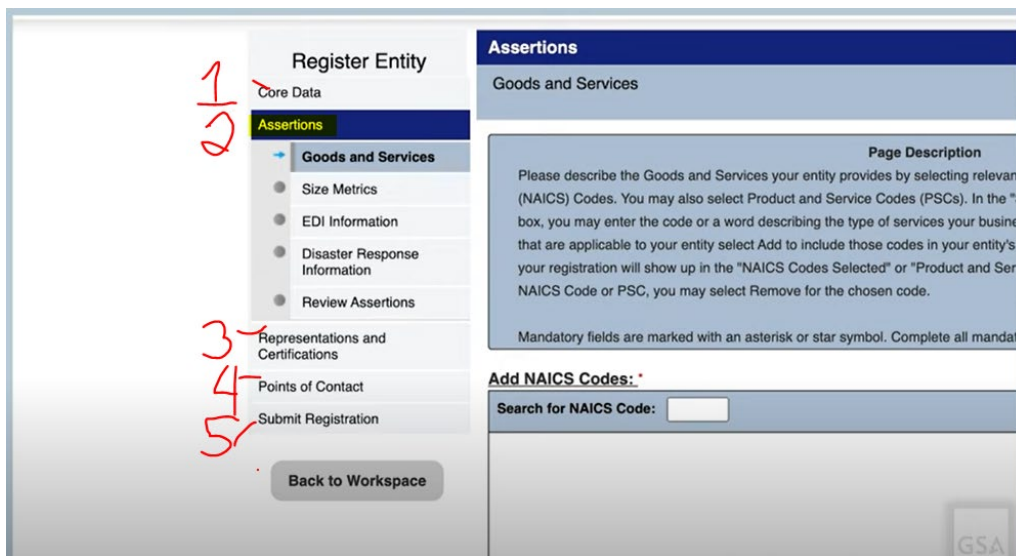


Read through and complete the required and applicable fields on all the remaining pages reflected on the index on the left side. Continue to save and complete forms until you have provided all the information required. READ CAREFULLY!  
2025 Application Policies & Procedures

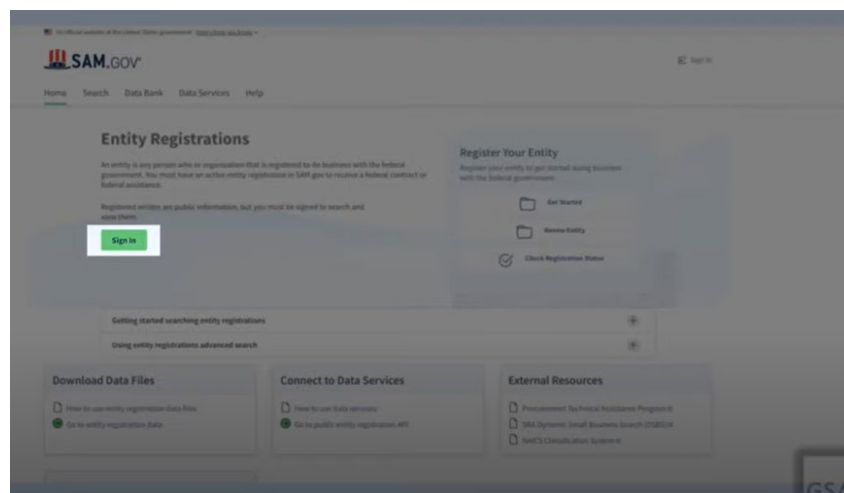




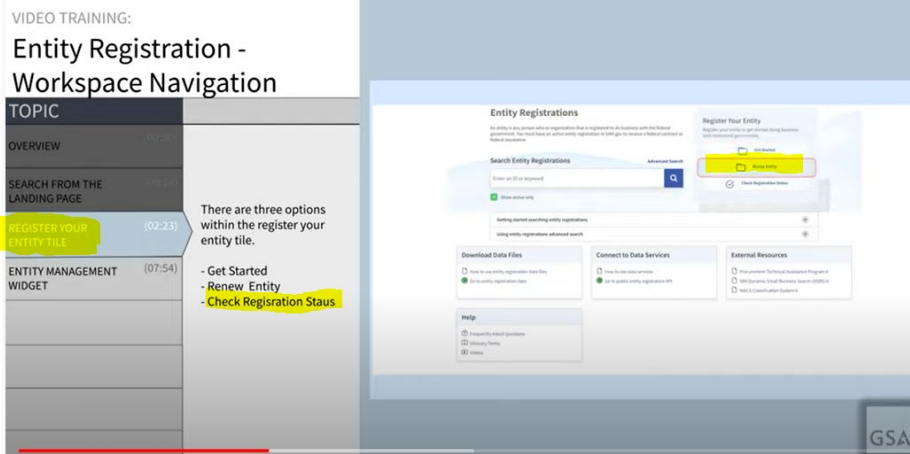
The next section, "Assertions" is the information needed in order to bid on and receive federal contracts. It is the second section out of the 5 that needs to be completed.



After completing all the components, you can sign back in anytime to check on the progress of your registration, renew your registration or update information.

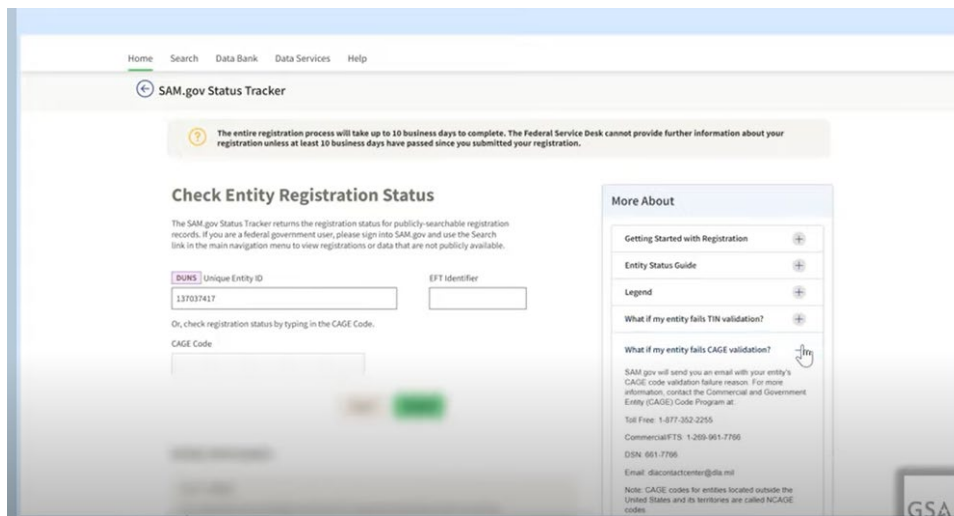




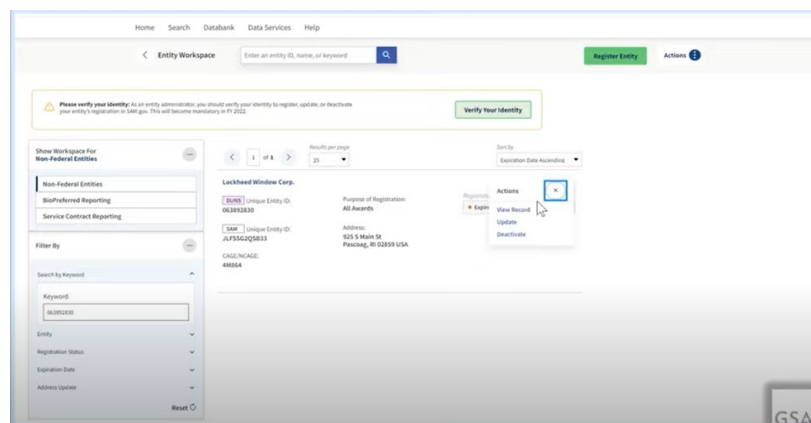


If needed, you can check your registration status within the “Register your Entity” Tile.

There is additional information available after you search for your registration status and find it had been stalled using the “More About” widget.



To renew a registered entity, login and find the entity that needs to be renewed. Use the side ellipsis (three vertical dots) next to the record and click “Update” to begin the registration renewal process.



**For additional assistance regarding SAM.gov registration**

The Governor's Office of Economic Opportunity has a dedicated team of specialists who can help entities register and maintain their statuses in the federal SAM.gov database. For additional assistance, please visit their website at <https://business.utah.gov/apex/> or call 801-538-8630



# APPENDIX B

## CDBG PUBLIC HEARING TEMPLATES FOR NOTICE /MINUTES

### TO MEET STATE REQUIREMENTS:

1. Post this notice on Utah’s Public Meeting Notice Website – [www.utah.gov/pmn](http://www.utah.gov/pmn) a MINIMUM of seven (7) days prior to and MAXIMUM of thirty (30) days until public hearing date.
2. Post written notice at the principal office of the public body or, if no principal office exists, at the building where the meeting is to be held.
3. Community Development Block Grant (CDBG) First Public Hearing Notice needs to be it’s own meeting. This meeting should not be part of any other meeting.

### TO MEET HUD REQUIREMENTS:

3. Provide notice to a newspaper of general circulation within the geographic jurisdiction of the public body TO PUBLISH within a reasonable amount of time before the hearing date. A non-comprehensive list of newspapers is at the end of this section.
4. Provide several hard copies at nearest DWS Employment Centers for the public to pick up
5. Record and retain evidence of when the publishing and posting were completed, ensuring that there was sufficient notice given as indicated in item 1, above.

## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST PUBLIC HEARING NOTICE

Notice is hereby given that **APPLICANT (CITY or COUNTY or AOG)**<sup>1</sup> will hold a public hearing on **(DATE)** at **(ADDRESS, ROOM #)** at **(TIME)**. **APPLICANT** is eligible to apply to the Utah Department of Workforce Services for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Utah, Housing and Community Development Division (HCD). **APPLICANT** is eligible to apply for CDBG funding provided **APPLICANT** meets the applicable program requirements.

The purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications. This public hearing will cover eligible activities, program requirements, and expected funding allocations in the region. The CDBG Program can fund a broad range of activities, including, but not limited to: construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, and provision of public services such as food banks or homeless shelters. In the event that **APPLICANT** chooses to apply for CDBG funding, a second public hearing will be held at a later time to discuss the project. Further information can be obtained by contacting **APPLICANT POINT OF CONTACT** at **PHONE**.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify **APPLICANT POINT OF CONTACT** at **LOCATION AND COMPLETE ADDRESS** at least three days prior to the hearing. Individuals with speech and/or hearing impairments may call the Relay Utah by dialing 711. Spanish Relay Utah: 1.888.346.3162.

Published on State of Utah’s Public Meeting Notice Website – [www.utah.gov/pmn](http://www.utah.gov/pmn) on **DATE**

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<sup>1</sup>Public hearings must be held by one of these entities. Other entities wishing to apply must have one of these eligible applicants sponsor their application and hold a public hearing.

**FIRST CDBG PUBLIC HEARING MINUTES**  
**(Name of Municipality) FIRST CDBG PUBLIC HEARING**  
**HEARING HELD (Location, Date and Time)**

The (Name of City or County) first CDBG public hearing was held on (Day and Date), in the (Location), meeting commenced at (Exact Time).

Present: (Mayor/Commissioner and Council names) \_\_\_\_\_,  
(Other public or elected officials or employees) \_\_\_\_\_,  
(Public in attendance, including those attending for the CDBG Public Hearing)

City Recorder: \_\_\_\_\_ (include name of city recorder)

City Clerk: \_\_\_\_\_ (include name of city clerk)

City Attorney: \_\_\_\_\_ (include name of city attorney)

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING:**

Mayor/Commissioner (Name) opened the public hearing for the CDBG program and stated that the purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications for the **20\_\_** funding cycle. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The (Name of Region), in which (Name of Municipality) is a member, is expecting to receive approximately (Amount AOG representative indicated region could expect to receive) in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor/Commissioner (Name) read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Mayor/Commissioner (Name) indicated that in the past (Name of Municipality) has received (Indicate number of grants and what they accomplished). The city has handed out its capital investment plan as part of the regional “Consolidated Plan”. This list shows which projects the city has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing. Mr./Mrs. (Name) asked if (Suggestion). Mayor/Commissioner (Name) responded to suggestion by stating that (Response). Mayor/Commissioner (Name) then opened the meeting up to further suggestions from the audience. Mr./Mrs. (Name) said that (Suggestion). Mayor/Commissioner (Name) (Response). Mayor/Commissioner (Name) then asked if there were any other suggestions. No further questions were asked and then the hearing was adjourned at (Time).

# DO NOT POST THE 2<sup>ND</sup> CDBG PUBLIC HEARING NOTICE UNLESS Project is AWARDED by the AOG RRC.

## CDBG PUBLIC HEARING NOTICE /MINUTES TEMPLATES

### TO MEET STATE REQUIREMENTS:

1. Post this notice on Utah's Public Meeting Notice Website – [www.utah.gov/pmn](http://www.utah.gov/pmn) a MINIMUM of seven (7) days prior to and MAXIMUM of thirty (30) days until public hearing date.
2. Post written notice at the principal office of the public body or, if no principal office exists, at the building where the meeting is to be held.
3. Community Development Block Grant (CDBG) Second Public Hearing Notice needs to be it's own meeting. This meeting should not be part of any other meeting.

### TO MEET HUD REQUIREMENTS:

3. Provide notice to a newspaper of general circulation within the geographic jurisdiction of the public body TO PUBLISH within a reasonable amount of time before the hearing date. A non-comprehensive list of newspapers is at the end of this section.
4. Provide several hard copies at nearest DWS Employment Centers for the public to pick up
5. Record and retain evidence of when the publishing and posting were completed, ensuring that there was sufficient notice given as indicated in item 1, above.

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## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SECOND PUBLIC HEARING NOTICE

APPLICANT (CITY or COUNTY or AOG)<sup>2</sup> will hold a public hearing to discuss the project determined to be applied for in the CDBG Small Cities Program in Program Year 20\_\_ . **PROJECT - INCLUDE SPECIFICS IF APPROPRIATE (I.E. LOCATION.)** Comments will be solicited on project scope, implementation and its effects on residents. The hearing will begin at TIME P.M. on DATE and will be held at LOCATION AND COMPLETE ADDRESS. Further information such as a copy of the proposed application can be obtained by contacting APPLICANT POINT OF CONTACT at PHONE.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify APPLICANT POINT OF CONTACT at LOCATION AND COMPLETE ADDRESS at least three days prior to the hearing. Individuals with speech and/or hearing impairments may call the Relay Utah by dialing 711. Spanish Relay Utah: 1.888.346.3162.

Published the State of Utah's Public Meeting Notice Website – [www.utah.gov/pmn](http://www.utah.gov/pmn) on DATE

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<sup>2</sup>Public hearings must be held by one of these entities. Other entities wishing to apply must have one of these eligible applicants sponsor their application and hold a public meeting.

**SECOND CDBG PUBLIC HEARING MINUTES**  
**(Name of Municipality) SECOND CDBG PUBLIC HEARING**  
**PUBLIC HEARING HELD (Location, Date and Time)**

The (Name of City or County) second CDBG public hearing was held on (Day and Date), in the (Location), meeting commenced at (Exact Time).

Present: (Mayor/Commissioner and Council names) \_\_\_\_\_,  
(Other public or elected officials or employees) \_\_\_\_\_,  
(Public in attendance, including those attending for the CDBG Public Hearing)

City Recorder: \_\_\_\_\_ (include name of city recorder)

City Clerk: \_\_\_\_\_ (include name of city clerk)

City Attorney: \_\_\_\_\_ (include name of city attorney)

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING:**

Mayor/Commissioner (Name) opened the second public hearing for the CDBG program. Mayor/Commissioner (Name) stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the (Grant Year) Community Development Block Grant Program. The city/county has amended its capital investment plan and decided to apply for funds on behalf of the (Project and Location). The Mayor/Commissioner introduced (Project Manager) from the (Project). The Mayor/Commissioner explained that the application was successful in the regional rating and ranking process and (Name of Project and Grant Award Amount and total project cost). The Mayor/Commissioner explained the project to those in attendance. The Mayor/Commissioner then asked for any comments, questions and concerns from the audience. The only question came from Mr./Mrs. (Name), who wanted to know (Question). The Mayor/Commissioner indicated that (Response to Question). The Mayor/Commissioner stated that copies of the capital investment plan are available if anyone would like a copy. There were no more comments and the hearing was adjourned at (Time).

# Appendix B

## CDBG Public Notice Website Publishing

A user account associated with the applicant’s entity must be created first. Once a login is established, if necessary, follow these steps to guide the process of creating the CDBG Public Notice Posting. For assistance in posting on the public notice website, contact your CDBG program specialist.

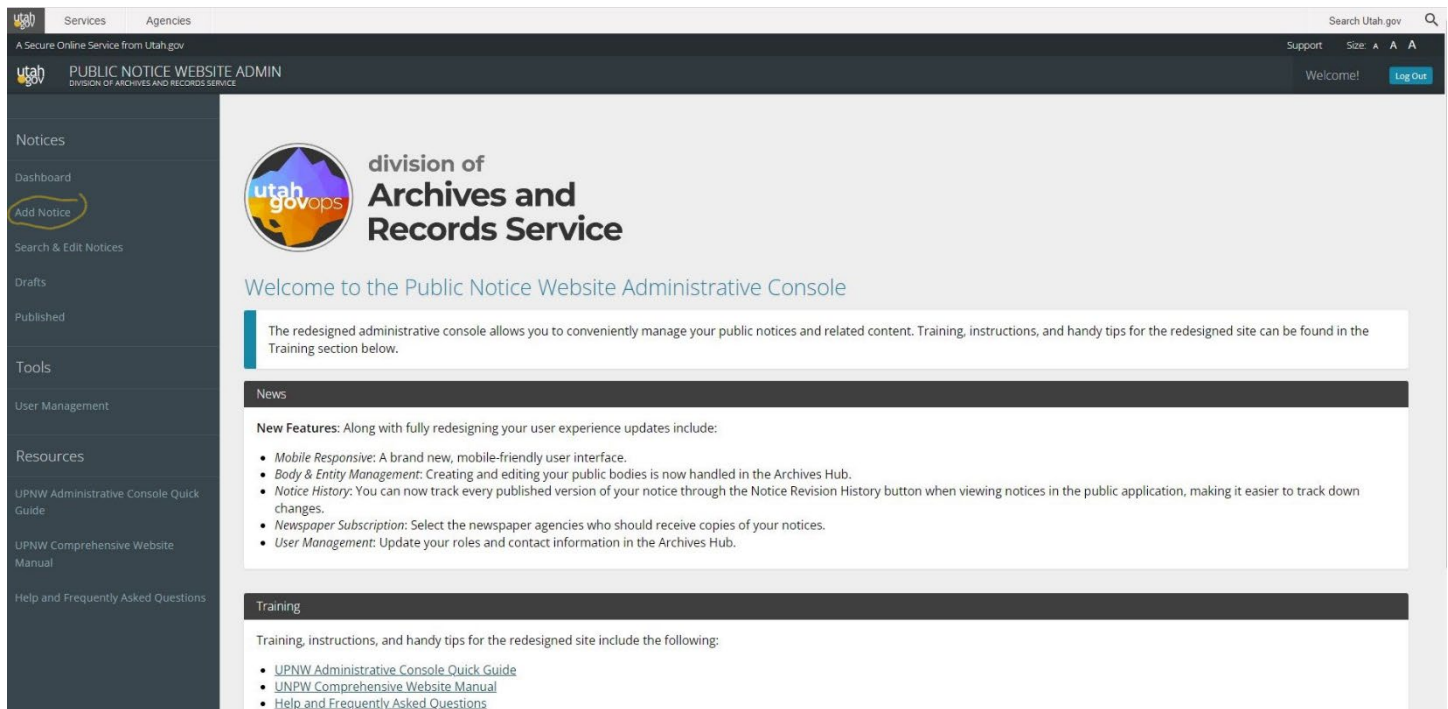
### Newspaper Notices:

**Public hearing notices must be published in a local paper within a reasonable amount of time prior to the hearing, providing sufficient notice to area residents.**

### Utah Public Notice Website:

**Public hearing notice must be posted **CORRECTLY** on the website at least 7 days prior to the day the public hearing is scheduled.**

Step 1: After logging into the Utah Public Notice Website, Under *Notices* click “Add Notice”



Step 2: In the *Add Notice* section, choose the necessary Government Type, Entity, and Public Body from the dropdown lists:





Step 3: Follow the steps in the CDBG Public Notice Templates to add the correct information to the *Notice Information* Section. The Notice must be Titled correctly, or it will be disqualified.

Department of Workforce Services  
 Public Body:  
 Community Development Block Grant (CDBG) Program

**Notice Information**

This is an Emergency

Notice Title:  
Title of Notice

Notice Subject:  
Please Select Subject

Notice Subject 2:  
Please Select Subject

Notice Type(s):

Notice

Meeting

Hearing

Bond

Event Start Date & Time:  
mm/dd/yyyy --:-- --

The date of the public meeting being

Event End Date & Time:

*Notice Title* is First (or Second) Community Development Block Grant (CDBG) Public Hearing

If the hearing is held during a bigger meeting, the notice must be posted separately.

*Notice Subject* is Public Hearing

Leave the Subject 2 blank

*Notice Type* is Hearing

---

*Event Start Date & Time* must be posted at least 7 days before the actual hearing date. Count from the date of the meeting and the posting must be the 8th day before the hearing date.

*Event End Date & Time* project at least 30 minutes for the hearing.

## Step 4: Add the address of the meeting

Meeting Information

Street Address:  
123 Main St.

Street Address, Line 2:  
P.O. Box 123

City:  
Salt Lake City

ZIP Code:  
12345

**Step 5: Add in the completed template for the public hearing provided in the CDBG Application Policy and Procedure handbook to the *Description/Agenda* section. The complete CDBG public hearing template **MUST** be posted here, not just attached as a separate document:**

Description/Agenda:

CDBG POLICY COMMITTEE AGENDA

September 20, 2023

Location: 1385 South State Street

SLC, UT 84115 - Conference Room 157A

10:00 A.M. - 1:00 P.M.

Link to join the meeting electronically-

<https://meet.google.com/kud-cmhc-ydo?authuser=0>

10:00 A.M. Welcome & Introduction - Kendall

10:10 A.M. Acceptance of March 9 & June 5, 2023 -Meeting Minutes - Kendall-  
MOTION

10:15 A.M. Oath of Office and Conflict of Interest - Robert Andreasen

10:20 A.M. CDBG Method of Distribution Discussion - Jennifer

**If there is an option being provided to join electronically, add that information to the *Notice of Electronic or Telephone Participation* section:**

Notice of Electronic or Telephone Participation:

NA

Electronic or Telephonic Participation: Pursuant to UCA 52-4-207, please note whether or not electronic or telephonic participation is available for the meetings of this Body.

Email copy of notice to:

person1@example.com,person2@example.com

Multiple email addresses can be added by adding a comma between each email address. No spaces. Ex: email@email.com,anotheremail@email.com)

Other Information:

Please add any other information you would like to include.

**Step 6: *EMAIL COPY OF NOTICE TO:* needs to have at LEAST your AOG's CDBG Representative email so they can review the notice for accuracy. It is their job. And probably add in your own so you can provide evidence of posting.**

**Step 6: Add attachments, such as an Agenda or the print copy of the CDBG Public Hearing Notice Template by clicking "Choose File":**

**Attachments**

Attachment Requirements

**Audio file attachments:** .MP3, .M4A, .WAV, FTR Gold (200MB max)

**Other file attachments:** .PDF - Portable Document Format | .DOC - Word Document | .DOCX - 2007/2010 Word Document | .WPD - Word Perfect Document | .RTF - Rich Text Format | .XLS - Excel Spreadsheet | .XLSX - Excel Spreadsheet | .ZIP - Compressed file | .DOCX - Open XML Formatted file

Add Attachments

Choose File No file chosen

PUBLISH PUBLISH & CREATE NEW PREVIEW SAVE AS DRAFT CANCEL

**Step 7 (above): Be sure to click Preview to see if anything needs to be fixed before clicking Publish.**

CDBG HUD Income Limits - 05/01/2024

<b>PERSONS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>BEAVER</b>								
VERY LOW INCOME (30%)	\$19,300	\$22,050	\$24,800	\$27,550	\$29,800	\$32,000	\$34,200	\$36,400
LOW INCOME (50%)	\$32,200	\$36,800	\$41,400	\$45,950	\$49,650	\$53,350	\$57,000	\$60,700
MODERATE INCOME (80%)	\$51,450	\$58,800	\$66,150	\$73,500	\$79,400	\$85,300	\$91,150	\$97,050
<b>BOX ELDER</b>								
VERY LOW INCOME (30%)	\$19,400	\$22,200	\$24,950	\$27,700	\$29,950	\$32,150	\$34,350	\$36,600
LOW INCOME (50%)	\$32,350	\$37,000	\$41,600	\$46,200	\$49,900	\$53,600	\$57,300	\$61,000
MODERATE INCOME (80%)	\$51,750	\$59,150	\$66,550	\$73,900	\$79,850	\$85,750	\$91,650	\$97,550
<b>CACHE</b>								
VERY LOW INCOME (30%)	\$20,150	\$23,000	\$25,900	\$28,750	\$31,050	\$33,350	\$35,650	\$37,950
LOW INCOME (50%)	\$33,550	\$38,350	\$43,150	\$47,900	\$51,750	\$55,600	\$59,400	\$63,250
MODERATE INCOME (80%)	\$53,700	\$61,350	\$69,000	\$76,650	\$82,800	\$88,950	\$95,050	\$101,200
<b>CARBON</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>DAGGETT</b>								
VERY LOW INCOME (30%)	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$38,300	\$40,750
LOW INCOME (50%)	\$36,050	\$41,200	\$46,350	\$51,450	\$55,600	\$59,700	\$63,800	\$67,950
MODERATE INCOME (80%)	\$57,650	\$65,850	\$74,100	\$82,300	\$88,900	\$95,500	\$102,100	\$108,650
<b>DUCHESNE</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>EMERY</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800

CDBG HUD Income Limits - 05/01/2024

<b>PERSONS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>GARFIELD</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>GRAND</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>IRON</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>JUAB</b>								
VERY LOW INCOME (30%)	\$22,900	\$26,200	\$29,450	\$32,700	\$35,350	\$37,950	\$40,550	\$43,200
LOW INCOME (50%)	\$38,150	\$43,600	\$49,050	\$54,500	\$58,900	\$63,250	\$67,550	\$71,950
MODERATE INCOME (80%)	\$61,050	\$69,750	\$78,500	\$87,200	\$94,200	\$101,200	\$108,150	\$115,150
<b>KANE</b>								
VERY LOW INCOME (30%)	\$20,200	\$23,100	\$26,000	\$28,850	\$31,200	\$33,500	\$35,800	\$38,100
LOW INCOME (50%)	\$33,650	\$38,450	\$43,250	\$48,050	\$51,900	\$55,750	\$59,600	\$63,450
MODERATE INCOME (80%)	\$53,800	\$61,500	\$69,200	\$76,850	\$83,000	\$89,150	\$95,300	\$101,450
<b>MILLARD</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>MORGAN</b>								
VERY LOW INCOME (30%)	\$23,200	\$26,500	\$29,800	\$33,100	\$35,750	\$38,400	\$41,050	\$43,700
LOW INCOME (50%)	\$38,650	\$44,200	\$49,700	\$55,200	\$59,650	\$64,050	\$68,450	\$72,900
MODERATE INCOME (80%)	\$61,850	\$70,650	\$79,500	\$88,300	\$95,400	\$102,450	\$109,500	\$116,600

CDBG HUD Income Limits - 05/01/2024

<b>PERSONS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>PIUTE</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>RICH</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>SAN JUAN</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>SANPETE</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>SEVIER</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>SUMMIT</b>								
VERY LOW INCOME (30%)	\$32,150	\$36,750	\$41,350	\$45,900	\$49,600	\$53,250	\$56,950	\$60,600
LOW INCOME (50%)	\$53,550	\$61,200	\$68,850	\$76,500	\$82,650	\$88,750	\$94,900	\$101,000
MODERATE INCOME (80%)	\$68,500	\$78,250	\$88,050	\$97,800	\$105,650	\$113,450	\$121,300	\$129,100
<b>TOOLEE</b>								
VERY LOW INCOME (30%)	\$22,700	\$25,950	\$29,200	\$32,400	\$35,000	\$37,600	\$40,200	\$42,800
LOW INCOME (50%)	\$37,800	\$43,200	\$48,600	\$54,000	\$58,350	\$62,650	\$66,950	\$71,300
MODERATE INCOME (80%)	\$60,500	\$69,100	\$77,750	\$86,400	\$93,300	\$100,250	\$107,150	\$114,050

CDBG HUD Income Limits - 05/01/2024

<b>PERSONS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>UINTAH</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>WASATCH</b>								
VERY LOW INCOME (30%)	\$25,400	\$29,000	\$32,650	\$36,250	\$39,150	\$42,050	\$44,950	\$47,850
LOW INCOME (50%)	\$42,300	\$48,350	\$54,400	\$60,400	\$65,250	\$70,100	\$74,900	\$79,750
MODERATE INCOME (80%)	\$67,700	\$77,350	\$87,000	\$96,650	\$104,400	\$112,150	\$119,850	\$127,600
<b>WASHINGTON</b>								
VERY LOW INCOME (30%)	\$20,300	\$23,200	\$26,100	\$28,950	\$31,300	\$33,600	\$35,900	\$38,250
LOW INCOME (50%)	\$33,800	\$38,600	\$43,450	\$48,250	\$52,150	\$56,000	\$59,850	\$63,700
MODERATE INCOME (80%)	\$54,050	\$61,800	\$69,500	\$77,200	\$83,400	\$89,550	\$95,750	\$101,950
<b>WAYNE</b>								
VERY LOW INCOME (30%)	\$19,250	\$22,000	\$24,750	\$27,500	\$29,700	\$31,900	\$34,100	\$36,300
LOW INCOME (50%)	\$32,100	\$36,650	\$41,250	\$45,800	\$49,500	\$53,150	\$56,800	\$60,500
MODERATE INCOME (80%)	\$51,350	\$58,650	\$66,000	\$73,300	\$79,200	\$85,050	\$90,900	\$96,800
<b>WEBER</b>								
VERY LOW INCOME (30%)	\$23,200	\$26,500	\$29,800	\$33,100	\$35,750	\$38,400	\$41,050	\$43,700
LOW INCOME (50%)	\$38,650	\$44,200	\$49,700	\$55,200	\$59,650	\$64,050	\$68,450	\$72,900
MODERATE INCOME (80%)	\$61,850	\$70,650	\$79,500	\$88,300	\$95,400	\$102,450	\$109,500	\$116,600



# CDBG Program Income Qualification Guidelines - Types of Income to Count – 24 CFR Part 5

24 CFR Subpart F - Section 8 and Public Housing, and Other HUD Assisted Housing Serving Persons with Disabilities: Family Income

Family income includes all income determined eligible by HUD's Part 5 Annual Income. It includes the following income of family members 18 years of age and older

## Income Types:

1. **PAYROLL.** The full amount, before payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. **BUSINESS.** The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in the income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. **INTEREST/DIVIDENDS.** Any net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness. Any withdrawal of cash or assets from an investment will be included in the income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined per HUD.
4. **SOCIAL SECURITY.** The full amount of periodic amounts received from SS, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount.
5. **UNEMPLOYMENT.** Payments in lieu of earnings, such as disability or unemployment, worker's compensation, and severance pay.
6. **WELFARE ASSISTANCE.** Temporary Assistance for Needy Families (TANF). TANF regulations are complex, so please call the DOH to assist in income determination when TANF payment applies.
7. **ALLOWANCES.** If payments are determinable, such as alimony and/or child support, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. **REGULAR PAY.** All regular, special pay, and allowances of a member of the Armed Forces. **Exception:** The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

## Types of Income to Exclude:

1. **MINORS.** Income from employment of children under the age of 18 years.
2. **FOSTER CARE.** Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. **ONE-TIME PAYMENTS.** Lump-sum additions to family assets, inheritances, insurance payments, capital gains, and settlement for personal or property losses.
4. **REIMBURSEMENTS.** Payments related to reimbursement of medical expenses for any family member.
5. **LIVE-IN AIDS.** If a person qualifies as live-in aide and is paid by the family or a social service program, their income is not counted.
6. **DISABILITY INCREASE.** Certain increases in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance.
7. **STUDENT FINANCIAL ASSISTANCE.** Pay directly to the student or to the educational institution.
8. **HUD TRAINING.** Amounts received under training programs funded by HUD. a. Supplemental Security Income under PASS. b. Reimbursement of out-of-pocket expenses to participate in a specific program (special equipment, transportation, childcare, clothing) c. Resident service stipend not to exceed \$200/month received by a resident of PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to fire patrol, hall monitoring, lawn maintenance. d. Incremental earning and benefits resulting from participation in qualifying state or local employment training programs (training not affiliated with local government).
9. **TEMPORARY PAYMENTS.** Sporadic income including gifts.
10. **REPARATION.** Payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
11. **STUDENT.** Income in excess of \$480/month for each full-time student 18 years or older with exception of student – head of household.
12. **ADOPTION.** Payments in excess of \$480 per child.
13. **SUPPLEMENTAL SS.** Periodic deferred amounts that are received in a lump-sum amount.
14. **REFUND.** Any rebates under the state or local law for property taxes paid on the dwelling unit.
15. **DEVELOPMENTAL DISABILITY/EQUIPMENT.** Any payments from state agency to a family with a member who has developmental disability and is living at home to offset the cost of services and equipment needed to keep the member at home.





# APPENDIX D

## CDBG Income Survey Checklist

*Check off the steps below as they apply to the proposed project.*

<p>Contact the Association of Governments (AOG) representative in your region to discuss the proposed project. The AOG rep will determine if the project is an eligible CDBG activity. The next step is to determine who will benefit from the proposed project.</p>	
<p><b>1.</b> Provide the AOG rep with a map of the project area. The AOG rep will determine whether the project benefits the entire community, just a portion of the community or targets a specific group of people such as elderly, disabled, etc.</p>	
<p><b>2.</b> If the project will benefit a <i>targeted group</i> of people that HUD has determined, as a group, to be at least 51% low or moderate income, an income survey is <i>not</i> required. Provide other documentation to support the determination of Targeted Group identified.</p>	
<p>↙ Site-Specific Survey Checklist</p>	<p>↙ Community-Wide Survey Checklist</p>
<p>If the project will benefit a <i>specific area</i> of a community, an income survey of ALL the homes will be required.</p>	<p>If the project will benefit the <i>entire community</i>, a random income survey of a <i>portion</i> of the community will be required.</p>
<p>Provide a map to the AOG rep with each of the homes marked as being vacant, occupied or seasonal. This map must be approved by the state CDBG staff prior to conducting the survey.</p>	<p>Check the pre-approved community list in Appendix D. If the community is listed as pre-approved, or if a prior income survey is still valid, no income survey is required.</p>
<p>The AOG rep will prepare the income survey form and it <u>must</u> be approved by the state CDBG staff prior to conducting the survey.</p>	<p>The AOG rep will prepare the income survey form and it <u>must</u> be approved by the state CDBG staff prior to conducting the survey.</p>
<p>An attempt must be made to survey <b>all</b> of the homes in the project area.</p>	<p>The AOG rep will determine the number of homes that must be surveyed. Only a <i>sample</i> of homes will be surveyed.</p>
	<p>This calculation must be approved by the State CDBG staff prior to conducting the survey. The AOG rep will assist in randomizing the homes to be surveyed.</p>
	<p>A community utility list will be used to determine which homes to survey.</p>
	<p>Applicants will conduct the survey. Extra homes will be surveyed in the event more responses are needed to make the survey valid.</p>
<p><b>Make copies of the completed surveys.</b>  <b>Send the <i>original</i> completed surveys to AOG rep for tallying.</b></p>	

AOG reps must submit the original survey forms to the state CDBG staff to be tallied and certified by **January 15, 2025.**

**Applicants who miss this deadline will not be eligible for funding.**

## APPENDIX D

**INCOME SURVEYS** - Most projects funded by the Utah Small Cities CDBG program qualify under the **National Objective #1 Benefit to Low and Moderate Income Persons**. (Chapter 3). Low- and moderate-income persons (LMI) are persons and families whose incomes are no more than 80% of the median income of the area involved. In order to qualify, at least 51% of the project beneficiaries must be LMI. Appendix C provides the HUD income limits based on family size for each county.

An applicant must be able to defend the method determining the income eligibility of the project beneficiaries. Some projects provide a benefit to a small area such as a street or neighborhood (site specific), while others provide benefit to an entire city, town or county (community wide). The information in this chapter will assist applicants as they identify the type of data that will be required for the proposed project's eligibility determination under the CDBG National Objective #1.

Applicants **MUST** use, in consultation with the AOG representative, data from either:

1. HUD-provided data comparing census data with appropriate low and moderate income levels, resulting in the Pre-Approved LMI Communities list, Appendix D. This data is provided in accordance with HUD CPD Notice 19-02 as the American Community Survey (ACS) derived Low- to Moderate-Income Statistical Data (LMISD), and must be used 'to the fullest extent feasible'. As soon as updated or revised LMISD data is published by HUD the most current LMIS data must be utilized by the program and will be immediately effective.
2. Service Area Identification, using Places or Block Groups, as demonstrated by HUD's Director of State and Small Cities Division, Robert Peterson, at <https://youtu.be/UW4Nqo11iOw> at approximately 17 minutes in, and utilizing the HUD GIS resource specific to CDBG: <https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=ffd0597e8af24f88b501b7e7f326bedd>
3. Income survey data that is at least as good as HUD's data, and is methodologically sound. Income surveys are valid for more than one application cycle under the following conditions:
  - i. The project beneficiaries and boundaries of the original project are identical to the new project beneficiaries and boundaries;
  - ii. The area's population has not changed more than 20% since the year the survey was administered.
  - iii. The income survey may be used for up to **three** application cycles if the survey shows that 51-59% of the beneficiaries are LMI;
  - iv. The income survey may be used for up to **five** application cycles if the original survey shows that 60% or more of the beneficiaries are LMI.

It is recommended that, even if communities are listed on the *Pre-Approved LMI Communities list, Appendix D*, a survey is also completed to ensure that services are provided appropriately, since the Census Tract/block boundaries may not coincide sufficiently with the service area, or the *Communities list* may not reflect accurate income levels in the service area. Other sources of data, even the Census data sources, will not be accepted.

The AOG representative will contact the State CDBG staff to review the proposed survey form and process **before** the applicant proceeds with the survey. **It is critical that applicants receive approval from the state CDBG staff prior to conducting the survey. Surveys conducted incorrectly will not be accepted.**

## HOW TO PREPARE TO CONDUCT AN INCOME SURVEY

1. First, decide if the proposed project is an eligible activity. Applicants must determine the whole project scope, not just that portion funded by CDBG, they wish to carry out, and identify which activity type/Matrix Code from the list in Chapter 3 aligns best with their planned activities.
2. Next, the applicant must determine the boundaries of the project and the persons who will be benefitting from it. The AOG representative will assist the applicant in this determination.
3. The unit of government with direct jurisdiction over the majority (60%) of the proposed beneficiaries must be the sponsor or applicant. If a sponsorship is desired, APPLICATION must be made by government agency, and indicate the sub-recipient as the non-profit organization.
4. The size and scope of the project determines which type of income survey is required.

**Note:** Income surveys are not required for projects that benefit a Limited Clientele group (Chapter 3, pg 2). HUD presumes that at least 51% of persons in these groups are low or moderated income (LMI). One example of a project for a limited clientele is a senior center because at least 51% of seniors are *presumed* to be LMI. All the seniors in a town would be counted as beneficiaries of the project.

**SITE-SPECIFIC SURVEYS** - If the project does not benefit the entire population of the community it is considered a *site-specific* project and will require a site-specific survey. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion. Site-Specific surveys are based on actual number of HOMES in the service area that will benefit from the project. Examples of projects that require a site-specific survey typically include the following projects:

- Water and sewer lines adjacent to homes
- Curb and gutter projects along secondary streets
- Road improvements along secondary streets
- Sidewalks along secondary streets
- Neighborhood parks

**COMMUNITY-WIDE SURVEYS** - If a project serves an entire community rather than a neighborhood or several blocks, a community wide survey must be completed. Community Wide Surveys are based on number of PEOPLE in the service area that will benefit from the project. A community wide survey must be random and only a portion (sample) of the residents are surveyed. The number of homes to be surveyed depends on the population of the city or town. Examples of projects that would benefit an entire community include:

- Culinary water tanks that provide water to all residents
- Sewer lagoons or treatment plant
- Road, curb, gutter and sidewalk improvements on main street
- A main water line from the city water tank
- A fire station that serves ALL residents, not just one part of town
- Community centers
- Main city park (not a small neighborhood park)

## HOW TO CONDUCT A SITE-SPECIFIC SURVEY

1. Applicants must provide a map of the project area that clearly shows the number of homes in the project area. Barns, sheds and other buildings can be mistaken for homes on an aerial map. ONLY homes must be marked so the total number can be determined. Empty lots must be marked with an "E."
2. Applicants must determine which homes are occupied and which are vacant. If no one is living in the home, the home must be marked on the map as being vacant. Vacant homes must be marked with a "V" and seasonal homes with an "S." Seasonal residents may participate in

surveys for activities such as installation of sewer lines, sewage treatment plants, etc., but not for activities considered incidental, like libraries or community centers.

3. Once the homes are identified, a survey form is prepared by the AOG representative using the most current HUD income limits for the county in which the project is located. (Appendix C)
4. An attempt must be made to survey 100% of the occupied homes in the project area.
5. In order for the survey to be valid, surveys from 80% of the homes must be completed. If there are 30 occupied homes in the project area, at least 24 surveys must be completed.  $.80 \times 30 \text{ homes} = 24 \text{ homes}$  minimum to be surveyed
6. Homes with families that refuse to respond to the survey must be marked “R”.
7. Those families refusing to answer the survey will be added into the total number of beneficiaries of the project. Everyone in the project area benefits from the project even if they don’t respond to the survey.
8. Once the surveys are completed, the AOG representative will tally the results.
9. If at least 51% of the persons in the project area must be LMI in order for the project to qualify as meeting the CDBG national objective of **benefit to low and moderate income persons**.

### HOW TO CONDUCT A COMMUNITY-WIDE SURVEY

1. Applicants **must** contact the AOG representative for guidance and approval before proceeding.
2. Applicants determine the **number** of residents in the city or town using the most current census figure, or if another source, documentation must be provided.
3. A utility billing or other complete list identifying residents can be used to determine homes that will be included in the survey. The AOG representative will:
  - a) calculate the *number of persons* to be surveyed. HUD recommends entering number of community residents in this tool: <https://www.surveymonkey.com/mp/sample-size-calculator/> with the Confidence level set at 90%, and the margin of error provided by state CDBG staff, or at 10%.
  - b) Calculate the *number of homes*, based on average family size that will need to be surveyed. ACS data can be used to find the average family size in the area. <https://www.census.gov/quickfacts/fact/table/US/PST045219> enter the town and state in the upper left hand search bar, choose from the options, and scroll to find the Persons Per Household. An extra 15 homes should be marked differently on the list, surveyed and set aside so that the *number of persons* that need to be surveyed can always be reached without having to assess additional surveys.
  - c) Determine the minimum responses required. If 235 people need to be surveyed and the average family size for the town is 2.3, then it is *projected* that 102 homes will need to be surveyed.  $(235/2.3)$  If, in the end, the tally shows that fewer than 235 people were surveyed, then additional surveys will need to be conducted to get to 235.
4. Once the *number* of homes to be surveyed is determined, the next step is to determine *which* homes to survey. Using dice or a ‘random number generator’ website ([www.random.org](http://www.random.org)), a number is chosen. If, for example, the number eight is chosen, then the applicant will go down the list marking every eighth house. This process is repeated until the pre-determined number of homes is reached.
5. Only the homes marked on the list are surveyed. Homes on the list should be marked “V” for vacant or “R” for ‘refused to respond’.

### SEASONAL HOMES

**Seasonal homes** (recreational or vacation property) that are not occupied at the time of the survey, or **empty lots** (undeveloped sites) will not be counted (included in the survey) as long as they do not make up more than 30 percent of the homes in the survey area. Project areas that are more than 30 percent vacant, un-occupied or undeveloped at the time of the survey will not qualify as meeting the 51 percent

LMI requirement. Seasonal or part-time residents (e.g., migrant farmers who reside in manufactured homes) may not participate in an income survey if their benefit of a service or an activity is incidental. Seasonal residents may participate in income surveys for CDBG-funded activities such as installation of sewer lines and sewage treatment plants, etc. ACS defined residency in terms of ‘current residence’ – a unit is defined as the current residence if the household is living in the unit for at least two months upon receipt of the survey, even if the household lives somewhere else for most of the year.

### **ADDITIONAL SURVEY GUIDANCE**

If an applicant will not be using the survey form provided below, a separate similar script should be used by the surveyors. Detailed written instructions should be provided so that respondents understand the process. This documentation must be submitted with the CDBG application. This section provides an Income Definition Sheet, and also defines what is a family, to assist in the administration of surveys.

### **PUBLICITY**

To promote citizen participation, advance notice may be needed. A notice in a local newspaper, or announcements at churches or civic organizations let people know that you will be conducting a survey to determine the income levels of the area. Citizens can also be informed through government websites and/or email listserves used for sending announcements to residents. If people are notified in advance how, why, and when they will be contacted, they may be more likely to cooperate. Any publicity must be worded so that it does not bias the results. It is better to say that the community is applying for a CDBG grant and to determine eligibility of the project, the community has to provide current estimates of incomes of the residents of the service area. It is NOT appropriate to say that, in order for the community to receive desired funding, a survey must be conducted to show that most of the residents of the service area have low and moderate incomes.

### **ADDITIONAL INFORMATION THAT CAN BE COLLECTED FROM THE SURVEY**

As applicants prepare city/county wide surveys, it is suggested that they take full advantage of the survey by including questions similar to those found on the census such as national origin, race, single female head of household, etc. Also, the community may be interested in attitudes concerning community issues and other informational statistics that may be of value to community leaders.

### **CONDUCTING SURVEYS: TELEPHONE, MAIL-OUT OR IN-PERSON**

Regardless of the type of survey method, consideration must be given to the needs of residents with limited English proficiency as well as residents with visual/hearing/speech impairments. It is strongly advised to conduct surveys door to door rather than by telephone or by mail. Applicants planning to use any method **other** than door-to-door, in person surveys **must receive approval** from the CDBG staff prior to initiating the survey. Telephone and mailed surveys are less accurate and less successful than door-to-door surveys. Respondents can be given the survey along with an envelope to put it in and then they can deposit it in a closed box to maintain anonymity. The person responsible for conducting the survey must certify that a standard script was read.

The survey script must be **submitted to HCD** prior to conducting the survey and cannot be “loaded” or biased. Surveyors must not influence responses by making leading statements during the interview. No leading statements should be included in the language in the survey form itself that is presented to the resident. A copy of the written script to be read to each participant, if separate from survey form. The organization performing the survey should also have copies translated to other most commonly used languages in the area, to be left and returned by mail or a drop box collection system.

## Sample Family Income Survey Form - (Insert Applicant Name)

**Note:** Applicants must use the most current HUD income limits for the county where the project is located. It is also recommended that surveyors carry the Income Definition sheet provided as a resource on what is considered 'Income'.

(Insert Applicant) is considering applying for a portion of FEDERAL grant funds allocated regionally through the (Insert Association of Governments). These grant funds, if awarded, would be used to undertake eligible projects in (Insert Grantee). In order to apply for funds, (Insert Applicant) must be able to adequately document the actual current income of the families in (Insert Applicant). Your assistance in completing this survey is appreciated.

Could you please take a few moments and complete the following questions? The information requested in this survey is confidential, so names or addresses are not to be used on the form or envelope. **Please fold the completed survey form, place it in the envelope provided and seal it before returning it to the person conducting the survey.** Thank you.

1. How many persons are there in your family?    
 (If you are single, with no dependents mark 1)
2. If more than one family lives at this address, each family must complete a separate survey. Please indicate if this is an additional survey for this address: Yes \_\_\_ No \_\_\_
3. Have you lived at this address for 2 months or longer? Yes \_\_\_ No \_\_\_
4. What is the current combined income of all family members living at this address? Include any related, dependent persons over 62 or working, dependent children over 18

Enter an **X** to the left of the income level that reflects your combined annual family income:

↓	Less Than:	↓	Less Than:	↓	Less Than:
	\$11,700 (for example)				
	(Enter limits from				
	Lowest to highest)				
Note: If family income is more than Highest number, please indicate amount here: \$					

## REQUIRED SURVEY DOCUMENTATION

Applicants must be able to document the following questions regarding how the survey was developed and conducted. Documentation to be used as evidence that the guidelines included in this manual were met should be stored at the Applicant, AOG and State level.

**These questions will be part of the CDBG application.**

1. Was an appropriate survey prepared and conducted based on the type of project: site-specific or community-wide?
2. Was the survey tabulation completed in compliance with the process shown in this Application Policies and Procedures manual and was the tabulation sheet included with the application?
3. If the survey was city or county-wide how were the following determined?
  - a. Population
  - b. Average family size
  - c. Randomness of the survey
4. If the survey was site specific, did the applicant provide a detailed map identifying the service area and each home surveyed?
5. Was the survey form/script approved in advance by the AOG and the CDBG staff?
6. Did the applicant document how the survey was conducted?

## TABULATING THE SURVEY RESPONSES

Once the survey is completed, the calculation of the low- and moderate-income (LMI) beneficiaries and non-LMI beneficiaries can be done. **The original surveys should be sorted by family size and submitted to the AOG representative for tallying.** Applicants should keep copies of all the surveys for their files. Applicants are welcome to tally their surveys, but it is not required. The CDBG staff will also tally the surveys and **certify** the results.

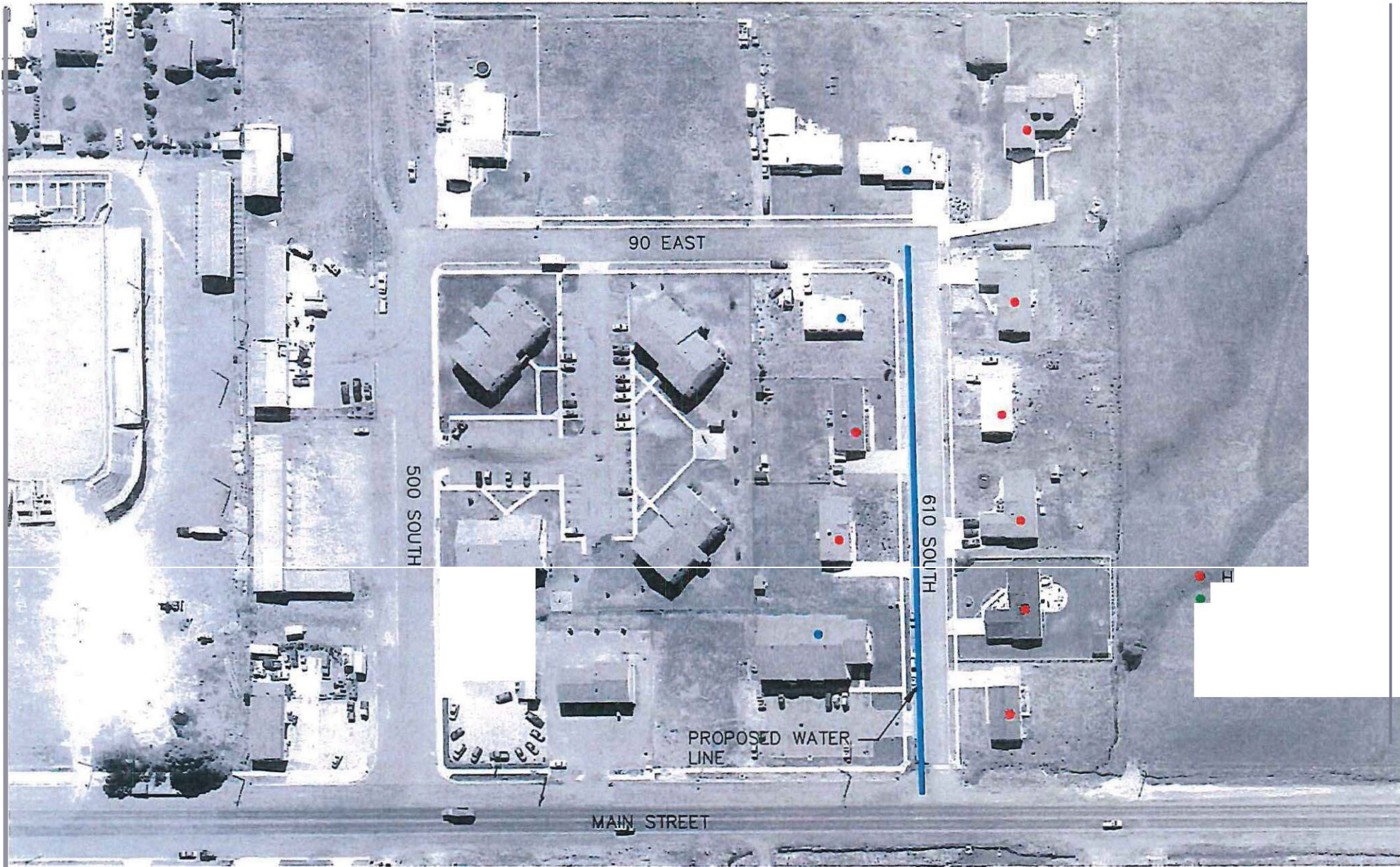
A sample table is included on the next page. The table includes the various family sizes along the top. The appropriate county income limits for each family size (per Appendix C) are entered down the left margin. The numbers used should be the same as the numbers included on the survey form. The table shows all families who are LMI broken down by 30%, 50% and 80% of average median income (AMI). The number of families that are **not** LMI is collected in the shaded boxes. Once the numbers of families are tallied by size and income on the table, the total number of persons is computed by multiplying the number of families in each column by the respective family size. Then, the total of all persons surveyed is added up. The number of LMI persons is divided by the total of all persons surveyed to obtain the percent of LMI persons in the survey area. If the percent is at least 51, the project meets the income requirements of the program.

The table is used by the AOG representative to calculate the percentage of low and very low income households. This information is used in the rating and ranking process to score the projects.



Income Survey Tally Sheet												
		Family Size										
INCOME LEVELS		1	2	3	4	5	6	7	8	9	10	Totals
Tally the 3 Types of LMI Persons →												
Income Levels ↓		30% VI										
Very Low	Low	50% VI	Non LMI ↓									
	Mod	80% VI		Non LMI ↓								
					Non LMI ↓							
						Non LMI ↓						
							Non LMI ↓					
								Non LMI ↓				
									Non LMI ↓			
										Non LMI ↓		
											Non LMI ↓	
		1	2	3	4	5	6	7	8	9	10	Totals
A - # of Very Low Income Persons												
B - # of Low Income Persons												
C - # of Moderate Income Persons												
D - # of Non-LMI Persons												

# Sample Project Area Map for Site-Specific Project Survey



728 WEST 100 SOUTH, #2  
WEST END, UTAH, 84403  
(435) 654-2226

## APPENDIX D

### HUD Pre-Approved LMI Communities & Census Designated Places (CDP)\*\*

Organization	LMI %
Aneth CDP, Utah	63.00%
Beryl Junction CDP, Utah	85.70%
Boulder town, Utah	61.00%
Cache CDP, Utah	100.00%
Circleville town, Utah	52.30%
Clearfield city, Utah	52.30%
Coalville city, Utah	55.70%
Cove CDP, Utah	58.20%
Dammeron Valley CDP, Utah	51.40%
Delta city, Utah	51.70%
Deseret CDP, Utah	58.00%
East Carbon city, Utah	61.30%
Echo CDP, Utah	77.80%
Elberta CDP, Utah	57.80%
Ephraim city, Utah	52.80%
Escalante city, Utah	55.40%
Fielding town, Utah	51.20%
Fort Duchesne CDP, Utah	82.80%
Garden CDP, Utah	83.70%
Glendale town, Utah	57.60%
Green River city, Utah	59.70%
Halchita CDP, Utah	72.70%
Hanksville town, Utah	73.20%
Hideout town, Utah	65.20%
Hildale city, Utah	58.90%
Jensen CDP, Utah	80.00%
Junction town, Utah	72.20%
Kamas city, Utah	54.40%
Kanosh town, Utah	55.10%
Kingston town, Utah	89.40%
Koosharem town, Utah	82.10%
Lake Shore CDP, Utah	60.20%
La Sal CDP, Utah	56.90%
La Verkin city, Utah	68.30%
Levan town, Utah	55.70%
Lynndyl town, Utah	64.70%
Marysvale town, Utah	53.30%
Moab city, Utah	53.90%

The low- and moderate-income summary data (LMISD) are based on special tabulations by HUD of the American Community Survey 2016-2020 5-year estimates (2020 ACS), and other data sources.

## APPENDIX D

### HUD Pre-Approved LMI Communities & Census Designated Places (CDP)\*\*

Montezuma Creek CDP, Utah	52.30%
Myton city, Utah	55.00%
Navajo Mountain CDP, Utah	85.70%
Newcastle CDP, Utah	63.50%
Oljato-Monument Valley CDP, Utah	83.20%
Ophir CDP, Utah	100.00%
Panguitch city, Utah	52.40%
Parowan city, Utah	57.50%
Pine Valley CDP, Utah	54.20%
Portage town, Utah	57.40%
Price city, Utah	52.90%
Randlett CDP, Utah	100.00%
Richfield city, Utah	56.00%
Riverdale city, Utah	54.50%
Rockville town, Utah	63.40%
Rocky Ridge town, Utah	73.80%
Salina city, Utah	51.10%
Scofield town, Utah	60.00%
Sterling town, Utah	70.70%
Summit CDP, Utah	52.00%
Sunset city, Utah	55.30%
Sutherland CDP, Utah	100.00%
Tabiona town, Utah	59.10%
Teasdale CDP, Utah	87.20%
Thompson Springs CDP, Utah	100.00%
Timber Lakes CDP, Utah	77.60%
Tooele city, Utah	51.30%
Torrey town, Utah	62.50%
Trenton town, Utah	52.30%
Tselakai Dezza CDP, Utah	80.00%
Vernon town, Utah	54.30%
Virgin town, Utah	51.20%
Wallsburg town, Utah	54.50%
Wellington city, Utah	67.30%
Wendover city, Utah	67.50%
White Mesa CDP, Utah	78.60%
Whiterocks CDP, Utah	77.00%
Piute County, Utah	61.00%
San Juan County, Utah	51.80%

The low- and moderate-income summary data (LMISD) are based on special tabulations by HUD of the American Community Survey 2016-2020 5-year estimates (2020 ACS), and other data sources.



# Appendix D

## Communities that have conducted Community-Wide Income Surveys

Year Conducted	Community	LMI %	Expires
2019	Emery Town	65.8%	2023
2019	Howell Town	63.4%	2023
2019	Sigurd Town	71.1%	2023
2020	Hinckley	71.9%	2024
2020	Lyman	74.7%	2024
2020	Lyndyll	68.3%	2024
2020	Echo	69.4%	2024
2021	Angell Springs	52.9%	2023
2021	Beaver City	55.5%	2023
2021	Castle Dale City	52.7%	2023
2021	Duchesne	77.0%	2025
2021	Huntington	68.2%	2025
2021	Huntsville	71.1%	2025
2021	Newcastle	65%	2025
2021	Kamas	52.3%	2023
2021	Redmond/Salina	58.7%	2023
2021	Terra	63.1%	2025
2021	Vernal	52.3%	2023
2021	Wallsburg	82.2%	2025
2022	Snowville	52.4%	2024
2022	Bicknell	92.7%	2026
2022	Bluff	51.5%	2024

**Note:** Surveys with 51-59 % Low-Mod Income (LMI) persons are valid for 3 application cycles

Surveys with >60 % Low-Mod Income (LMI) persons are valid for 5 application cycles

# APPENDIX E

## SAMPLE PLAN

### RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION

It shall be the declared policy of **NAME OF JURISDICTION** to establish and follow the plan described below to minimize the adverse impacts on low- and moderate-income persons resulting from acquisition and relocation activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. This plan does not replace but is supplementary to the acquisition and relocation requirements stated in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24), as amended, as well as the Utah Relocation Assistance Act.

#### 1. REPLACEMENT OF DWELLING UNITS

- A. **NAME OF JURISDICTION** will replace all occupied and vacant occupiable low-to moderate-income dwelling units demolished or converted to a use other than as low-to moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) on a one-for-one basis, unless a written waiver has been received as provided for in 24 CFR 570.606(b)(1)(iii).
- B. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, **NAME OF JURISDICTION** will make public and submit to the Housing & Community Development Division the following information in writing:
  - i. A description of the proposed assisted activity
  - ii. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity
  - iii. A time schedule for the commencement and completion of the demolition or conversion
  - iv. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units
  - v. The source of funding and time schedule for the provision of replacement dwelling units
  - vi. The basis for concluding that each replacement dwelling unit will remain a low-to moderate-income dwelling unit for at least 10 years from the date of initial occupancy

## 2. RELOCATION ASSISTANCE

**NAME OF JURISDICTION** will provide relocation assistance, as described in 24 CFR 570.606(b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

## 3. DISPLACEMENT STRATEGY

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, as amended, **NAME OF JURISDICTION** will take the following steps to minimize the displacement of persons from their homes:

- A. Stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, rehabilitation of empty units to allow the shifting of tenants during rehabilitation of occupied units;
- B. Provide counseling to assist homeowners and renters to understand the range of assistance options available utilizing existing housing counseling programs to the greatest extent possible;
- C. Give priority in assisted housing units in the neighborhood to area residents facing displacement;
- D. Provide counseling and referral services to assist displaced homeowners and renters, finding alternative housing in the affected neighborhood; and
- E. Work with area landlords and real estate brokers to locate vacancies for households facing displacement.

## 4. CERTIFICATION

I certify that **NAME OF JURISDICTION** has adopted the above Anti-displacement and Relocation Assistance Plan by formal resolution on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Name of Jurisdiction)

By: \_\_\_\_\_  
(Signature)

WITNESS: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name and Title)

(SEAL)

# APPENDIX F

## SUB-CONTRACT AGREEMENT EXAMPLE

**THIS AGREEMENT** entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between \_\_\_\_\_, a body politic of the state of Utah, hereinafter referred to as "Contractor," and \_\_\_\_\_, a local organization organized under the laws of the state of Utah, hereinafter referred to as "Subcontractor."

WITNESSETH:

WHEREAS, Contractor will enter into a Contract Agreement with \_\_\_\_\_, hereinafter referred to as the "Community Development Block Grant Agreement" and

WHEREAS, Contractor desires to subcontract with Subcontractor to provide said project as outlined in Attachment D, Scope of Work, and

WHEREAS, the Subcontractor desires to perform the project for Contractor as outlined in the Scope of Work, upon the following terms and conditions,

NOW, THEREFORE, in consideration of the mutual covenants and promises contained hereafter, the parties hereto agree as follows:

1. Subcontractor agrees to abide by all of the terms and conditions and perform all of the responsibilities and obligations of the Community Development Block Grant Agreement. A copy of said Block Grant Agreement, which is incorporated herein and by this reference made a part hereof, shall be made available to Subcontractor upon written request.
2. Contractor hereby agrees to pay to Subcontractor such funds as it may receive, and shall make available all rights, privileges and responsibilities Contractor may have under the Block Grant Agreement, subject to Subcontractor's full performance of the terms and conditions hereof.
3. Subcontractor shall provide the services set forth in the scope of work, and in doing so shall, in addition to the requirements of Paragraph 1 above, perform according to the provisions of the attached Standard Terms and Conditions, any additional terms and conditions; and other, performance requirements established by Contractor, if any. A copy of each attachment is attached hereto and by this reference made a part hereof.
4. Subcontractor acknowledges that Contractor, as a condition of receiving a block grant under the Community Development Block Grant Agreement, has agreed to hold the State of Utah harmless from such claims, damages, loss or injury as the state may suffer in the event Contractor fails to comply with the terms of the Block Grant Agreement. Recognizing that default by Subcontractor in performance of the terms and conditions of this Agreement may result in default by Contractor in its obligations to State of Utah under the Block Grant Agreement, Subcontractor hereby agrees to hold Contractor harmless from any and all such claims, damages, loss, or injury as Contractor may suffer as a result of Subcontractor's failure to comply with the terms and conditions of this Agreement.



WHEREFORE, the parties have signed this Contract the day and year first above written.

**CONTRACTOR**

By: \_\_\_\_\_

Printed Name \_\_\_\_\_

Title: \_\_\_\_\_

**WITNESS:**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**SUBCONTRACTOR**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**WITNESS:**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

# APPENDIX G

## Housing and Community Development (HCD) – Other Housing Programs

State policy encourages all grant applicants to participate in and coordinate with other federal housing programs including:

### A. OLENE WALKER HOUSING LOAN FUND (OWHLF)

The OWHLF grants and loans assist very low-income, low-income, and moderate-income households as defined by the Department of Housing and Urban Development (HUD).

OWHLF receives new federal and state funding annually in July. Funding sources typically consist of HUS's Housing Trust Fund (HTF) funds, HUD's HOME Investment Partnerships Program (HOME) funds, and Utah State low-income housing funds.

Activities supported by OWHLF help develop, rehabilitate, or replace homebuyer or rental housing types, including:

- i. Multifamily - The Multifamily program provides financial assistance for the acquisition, construction, or rehabilitation of affordable rental housing of five or more units that will serve low-income households at or below 60% of the Area Median Income (AMI). Financial assistance can range from fully amortizing loans to cash flow loans to deferred loans. Eligible entities can apply for funding on a quarterly basis. Applications are competitively scored and ranked and then presented at quarterly board meetings where funding may be awarded.
- ii. Single Family Rehabilitation and Reconstruction Program (SFRRP) – The SFRRP offers financial assistance to low-income home owners in rural Utah, at or below 80% AMI, whose homes are in need of rehabilitation, to keep homes decent, safe, and sanitary. Financial assistance is typically fully amortizing loans with low interest rates. The program is administered through sub-grantees consisting of local Associations and Government and a non-profit corporation.

For more information please visit: <https://jobs.utah.gov/housing/affordable/owhlf/programs.html>

### B. Section 502 Rural Housing Loans

This program's objective is to provide eligible persons living in rural areas with an opportunity to obtain adequate but modest, decent, safe, and sanitary dwellings and related facilities. Loans are available to qualified applicants to buy, build, rehabilitate, improve or relocate a dwelling and provide related facilities for use by the applicant as a permanent residence, and for a farm owner to provide housing for farm managers, tenants, sharecroppers and farm laborers. Monies may also be used to purchase sites, pay reasonable acquisition costs, provide adequate and safe water supply and/or sewage disposal facility, provide site preparation, and purchase and install essential equipment in the dwelling.

<https://www.rd.usda.gov/programs-services/single-family-housing-programs/single-family-housing-direct-home-loans/ut>

### C. Section 504 Rural Housing loans and grants

The purpose of this program is to assist eligible very low-income owner-occupants of single-family dwellings in rural areas, who lack repayment ability, to obtain loans to repair or improve their dwellings. Those repairs will result in the removal of most health or safety hazards, thereby making the dwellings safer and more sanitary for the occupants, their families, and the community. Authorized loan and grant purposes include, but are not limited to, installation and/or repair of sanitary water and waste disposal systems, together with related plumbing and fixtures; payment of reasonable connection fees for utilities that are required to be paid by the applicant which cannot be paid from other funds; energy conservation

measures; repair or replacement of heating systems; electrical wiring; and repair or provision of structural supports, roofs, siding and other necessary repairs when it is clearly necessary to remove health hazards to the occupants. Maximum grants are \$7,500, maximum loans are \$20,000 and grant loan combination maximums are \$27,500. The only eligible applicants for grants are those 62 years of age and older. <https://www.rd.usda.gov/programs-services/single-family-housing-programs/single-family-housing-repair-loans-grants>

#### **D. Section 515 Rural Rental Housing Loans**

The objective of this program is to provide eligible occupants economically designed and constructed rental housing and related facilities suited to their living requirements. The purposes of the loan are to construct new housing; purchase existing buildings only when major rehabilitation is necessary; purchase and improve the necessary land on which the housing will be located; develop and install water supply, sewage disposal, streets, heating, cooling and lighting systems necessary in connection with the housing; develop other related facilities; construct office and living quarters for the resident manager and other operating personnel; and construct fallout shelters or similar structures and other related costs. <https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-direct-loans>

#### **E. Emergency Solutions Grant (ESG)**

The purpose of ESG is to create robust programs that: engage homeless individuals and families living on the street, improve the quality of emergency shelters for homeless individuals and families, help operate these shelters, provide essential services to shelter residents, rapidly re-house homeless individuals/families and prevent individuals/families from becoming homeless.

- Eligible activities are:**
- ◆ Street Outreach
  - ◆ Emergency Shelter
  - ◆ Homelessness Prevention
  - ◆ Rapid Rehousing Assistance
  - ◆ Homeless Management Information System

In the spring of each year, the Utah Office of Homeless Services typically releases information concerning the availability of this funding in coordination with other funding sources dedicated to ending homelessness.

#### **F. Section 8 Housing Assistance**

City and county housing authorities administer the HUD Section 8 Existing Housing Voucher and Certificate Programs. The programs provide rent subsidies for low-income persons that are paid directly to a qualified landlord. Assistance is provided to low-income persons who have to pay large portions of their income for rent and utilities.

#### **G. Weatherization Assistance Program (WAP)**

The WAP network consists of 7 sub-grantees, Local Associations of Government and Utah Community Action. Weatherization serves low-income households that are at or below 200% of federal poverty and households that are Home Energy Assistance (HEAT) qualified. WAP installs energy efficient retrofits and approved health & safety measures on both rental and owner occupied dwellings. Participating homes experience an average of a 30 percent reduction in energy usage. Weatherization is only for energy efficiency NOT general rehabilitation or home repair.

WAP also delivers a Crisis Service Call program for qualified HEAT clients. This is an emergency repair or replacement program for heating, cooling and water heaters. Cooling and Water Heaters are restricted to “target” clients who are Elderly, Disabled, or households with pre-school age children.

#### **H. Pamela Atkinson Homeless Trust Fund**

Funds are awarded to various non-profit and local government agencies throughout the State of Utah for activities related to making homelessness rare, brief, and non-recurring. It is restricted by State code where 20 percent of the funding must go to areas outside of the Wasatch Front. In the spring of each year, the Utah Office of Homeless Services typically releases information concerning the available amount of this funding in coordination with other funding sources dedicated to ending homelessness.

#### **I. Other HCD Housing Opportunities**

The Housing and Community Development Division welcomes opportunities to partner with local governments, quasi-governmental agencies such as public housing authorities and non-profits in providing affordable housing opportunities to Utahans. These partnerships have applied successfully in national competitions for the following federal housing programs, with the division often pledging a significant portion of the required matching dollars:

**Housing Opportunities for People with Aids (HOPWA)** is a federally funded HUD program. It provides short- and long-term housing assistance to prevent homelessness and maintain stable housing for those receiving medical treatment for HIV/AIDS.

The HOPWA program is administered throughout the state by various agencies: Salt Lake Community Action, Housing Authority of Salt Lake City, Housing Authority of Salt Lake County and the Ogden Housing Authority.

The State HOPWA program manager works closely with the HIV/AIDS Steering Committee that meets bi-monthly to ensure that the needs of households with HIV/AIDS are being met. Active members of the Steering Committee include University of Utah Clinic 1-A, Utah Aids Foundation, Salt Lake City's HOPWA providers and the state's HOPWA providers.

### **CONTACT PERSONS FOR THE VARIOUS PROGRAMS LISTED ABOVE**

**Matthew Turner, Weatherization Program**  
Housing and Community Development Division  
Building A-16-D Freeport Center  
Clearfield, Utah 84015  
(801) 368-1173

**Daniel Murphy, OWHLF Housing Programs**  
Housing and Community Development Division  
140 East 300 South  
Salt Lake City, Utah 84111  
(385) 630-8368

**Tricia Davis, Homeless Program Office**  
Utah Office of Homeless Services  
140 East 300 South  
Salt Lake City, Utah 84111  
(801) 859-4805



# APPENDIX H

## STATE RATING AND RANKING

It is the state's policy to decentralize decision-making in the prioritization and awarding of applications for the State's Small Cities Community Development Block Grant Program. The state has delegated project selection to the Association of Governments (AOGs) and Wasatch Front Regional Council (WFRC) through their Regional Review Committees, also known as Rating and Ranking Committees (RRC). Each RRC has established policies, procedures and an objective rating and ranking system that is used to evaluate projects for funding. The state reviews and approves these systems annually in August.

The delegation of the rating and ranking process to the RRCs does not remove the state's responsibility to ensure CDBG national objective and eligible activity compliance. The state maintains the right to refuse funding to any project that does not meet minimum State and Federal requirements.

The state requires that these rating and ranking systems contain at least **eight** basic criteria. This requirement has been instituted to bring some consistency to the ranking of applications statewide. The RRCs are not required to use the identical language shown in addressing these criteria, but they must meet the general intent.

### 1. Public Participation

Section 104(a)(2) of the Housing & Community Development Act of 1974, as amended, requires that CDBG grantees implement a citizen participation process as a prelude to the allocation and expenditure of CDBG funds. The primary goal is to provide citizens, especially low and moderate income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. To that end, the regional policies and rating and ranking process of each AOG must be transparent.

The following actions are required of each AOG. Documentation of each of these actions must be provided to the state.

1. The RRC meetings must be documented with dates, members present, minutes and decisions made.
2. The proposed policies (updated annually) must be posted on the State of Utah Public Meeting Notice website with the public invited to comment for 30 days.
3. The proposed policies should be posted on the AOG website and also mailed/emailed to all eligible communities/counties in the region.
4. The policies and rating and ranking criteria must be formally approved by the AOG in a public meeting.
5. Regional application scoring documents must be submitted to the state CDBG Program Manager for review and approval BEFORE formal announcement of awards by the AOG.
6. The annual regional awards must be announced in a public meeting and documented in the meeting minutes.
7. The list of regional awards must be publicized, at a minimum, on the State Public Meeting Notice website; not as a meeting, but just a notice. Other options such as newsletters, websites or social media, could also be utilized to publish the award announcement.

8. The Housing and Community Development Division will post the list of statewide awards on the State Public Meeting Notice website annually in May.

## **2. Capacity to Carry Out the Grant**

The grantee must have a history of successful grant administration in order to receive full points in this category. To adequately evaluate grantee performance, the RRC must consult with the state staff regarding scoring for this criteria. Staff will rate performance on a scale of 1-5.

- A. Project manager consistency (1 point)
  - Project was appropriately managed by applicants project manager on previous grant
- B. Communication with state staff (1 point)
  - Level of communication with agency using email history and/or annotations in Webgrants
- C. Project completed in contract period (1 point)
  - How many claims submitted depending on type of project
- D. Compliance with regulations/laws (1 point)
  - Level of completeness in agency's efforts to meet all requirements without follow-up requests
- E. Project management documents in WebGrants (1 point)
  - Accurate documentation was provided in a timely manner for Webgrant submission. First-time grantee: default is 2.5 points.

In order to be eligible to receive new funding, a grantee/sub-grantee must have drawn down at least 50 percent of their previous year's CDBG grant funds by February, prior to application rating and ranking.

## **3. Housing Stock**

Because housing is a state priority, housing projects that improve or expand the communities housing stock must be weighted to receive additional points in rating and ranking systems.

## **4. Affordable Housing Plan**

House Bill 259 was passed during the 2018 state legislative session and mandates that all cities and counties address the problems associated with the availability of affordable housing in their local plans. Cities with less than 1,000 persons and counties less than 25,000 are exempt from this requirement. Applications for projects that are intended to address some element of that plan will be given additional points.

The State of Utah CDBG program requires any city or county interested in applying for funding to meet the requirements for moderate income housing planning and annual progress reporting as required by 10-9a-403, 408 for municipalities and 17-27a-403, 408 for counties.

Additional information and lists of communities required to meet this requirement can be found at <https://jobs.utah.gov/housing/affordable/moderate/reporting/>

## **5. Extent of Poverty**

Points must be given for the percent of "low income" and "very low income" persons benefiting either from the project or carried out in a low-income community. Low-income persons are members of families whose income is 50 percent of the area median income per year. Very low-income families are those whose income is 30 percent of the area median income per year.

## **6. Financial Commitment to Community Development**

It is difficult to compare all the various ways commitment to community development can be measured. Donated property and financial commitment to a project are examples. The state will only require that additional points be given to communities who show commitment based on criteria selected by the RRC. A sliding points system is encouraged that gives greater points for higher match percentages based on the size of the community.

## **7. Project Maturity**

Each application must contain a specific and detailed scope of work that contains a narrative description and a detailed cost estimate. Rating and ranking questions should allow the RRC to determine the "immediate viability" of the project. Additional points may be given to applicants that have demonstrated progress and organization in their application. Examples of this can be demonstrated by advanced procuring of engineering services or having a dedicated and involved project manager. Simple projects should not be penalized compared to more complex projects; maturity should not be confused with complexity. Applicants may demonstrate maturity by leveraging the CDBG funds being requested. RRCs must give additional points for applicants that provide a cash match to the CDBG funding. Other funding sources must be committed prior to rating and ranking to ensure a project is viable.

## **8. Planning**

The state of Utah emphasizes the importance of incorporating planning in the operation of government. RRC's must review previous year's consolidated plan, establish regional priorities and award points according to those priorities. Communities that demonstrate their desire to improve through planning should receive additional points in the rating and ranking process.

In the rating and ranking of CDBG applications, each region will recognize an applicant's accomplishments consistent with these principles by adding additional points for the following:

- A. Demonstration of local responsibility for planning and land use in their communities in coordination and cooperation with other governments.
- B. Development of efficient infrastructure including water and energy conservation.
- C. Incorporation of fair housing opportunity and affordability into community planning.
- D. Protection and conservation plan for water, air, critical lands, important agricultural lands and historic resources.
- E. Removal of barriers to accessibility of programs and facilities for all persons.

**In addition to the criteria listed above, the State will award 0-5 points to each application based on whether or not all the required elements are addressed, and documentation is attached to the application.**





# Bear River Region CDBG Allocation Policies 2025 Funding Year

- 1) The Bear River Regional Community Development Block Grant (CDBG) project rating and ranking and funding allocation process will be administered by the Bear River Association of Governments (BRAG) Governing Board. In this capacity, the Board shall function as the CDBG Rating and Ranking Committee (the Committee) and with BRAG staff will review, rate and rank all applications.
- 2) The highest ranked CDBG project will be funded first. As a rule, funding requests will not be reduced if it would mean a reduced scale of the project unless the project is the last one funded. The next ranked project will be considered and funded similarly. This process will continue until the funds available are exhausted.
- 3) In the event of a tie for the last funding position, the project with the most project beneficiaries will be funded.
- 4) Any remaining funds, after all competitive requests have been fully funded, will be applied to the BRAG Emergency Home Repair program.
- 5) Any project that does not score a minimum of 40 points in the BRAG Rating & Ranking Application will not be considered for funding.
- 6) Pre-applications must be substantially completed in WebGrants3 by 5:00 PM of December 15<sup>th</sup> of the Program Year for BRAG staff to provide administrative support and draft the Annual Action Plan. Applicants that do not meet this requirement will not be eligible for CDBG funding.
- 7) Applicants must participate in the regional consolidated planning process which ensures that projects considered for funding are those which are of high priority and part of the applicant's previous planning process. Applicants and those submitting projects through a sponsoring city or county must make reasonable effort to amend the sponsor's capital improvement list in a timely manner as determined by the Committee.
- 8) The Committee may request an allocation of emergency funding outside of the regular CDBG application cycle from or on behalf of a city or county from the next program year's allocation, (i.e. 2026). The Committee has defined "emergency" to mean any public health and safety crisis experienced by a city or county which could not have been foreseen (i.e. fire, flood, act of God) and where no other alternative funding or temporary solution is available. Such projects must meet a CDBG national objective. The Committee will review and forward all such applications to the State CDBG Policy Committee for final approval on a case-by-case basis.
- 9) When a city or county presents a project that is intended to address an emergency situation that is a clear threat to public health and safety, the Committee may determine said project to meet the urgent need national objective of the CDBG program. In this case the applicant may present their application in accordance with Policy 8 above. There are strict CDBG program requirements that must be met. State CDBG staff will determine if the project meets the national thresholds.

- 10) When an applicant submits more than one application, only the highest ranked application will be considered for funding unless all other projects have been funded. This excludes applications that are sponsored by a city or county on behalf of another organization.
- 11) Logan City receives CDBG funds from US Housing and Urban Development (HUD) as an Entitlement community. Projects located within Logan City that provide substantial benefits to Entitlement community residents are eligible to apply for BRAG CDBG Program assistance only if the BRAG funding provided is proportional to the number of beneficiaries from the non-entitlement area. Logan City Entitlement resources or other non-Small Cities CDBG funds must be used to cover the proportion of cost comparable to the number of beneficiaries from within the Entitlement area. Per guidance from HUD Memo: State CDBG Activities benefitting Entitlement Community Residents, May, 2006.
- 12) The minimum CDBG allocation per project will be \$30,000 with no maximum. Any applicant that receives an award of \$200,000 or more must wait 24 months before applying for a new grant.
- 13) Multiple year projects will be allowed only at the discretion of the Committee for a maximum of two (2) years. The applicant must demonstrate clearly why two years are required to complete the project.
- 14) The Committee may approve regional CDBG set-asides under the following three conditions: a) they are consistent with the priorities established in the Bear River District Consolidated Plan; b) they are approved prior to the CDBG applicant “How-to-Apply” meetings for the region; and c) the opportunity for public comment is accommodated by publishing the proposed allocation on the State Public Notice website and receiving public input via a public hearing.
- 15) Public service providers, traditionally non-profit organizations, are encouraged to apply for CDBG funds for capital improvements and major durable equipment purchases. Examples are fixtures, construction, remodeling, and facility expansion. State policy prohibits the use of CDBG funds for operations and maintenance. This includes paying administrative costs, salaries, purchasing non-durable equipment, supplies, etc. No more than 15 percent of the state’s yearly allocation of funds may be expended for public service activities.
- 16) BRAG will only act as sponsor for non-profit organizations with CDBG projects having regional implications.
- 17) These policies will be revised annually and will be published for public comment in July preceding the program year.
- 18) Should an applicant feel that their project was unfairly rated, ranked, or otherwise considered by the Committee, they may file a grievance in writing no later than ten (10) business days following the Rating & Ranking date of March 26, 2025 to Brian Carver, Community & Economic Development Director, Bear River Association of Governments, 170 North Main, Logan, Utah. Responses will be provided in writing within 15 business days of receipt. If a response satisfactory to the aggrieved is not issued by the Committee, an appeal may be made to the BRAG Governing Board. Any appeal of the local determination made by the BRAG Governing Board should be filed with the State of Utah CDBG Policy Board, as set forth in the State of Utah CDBG policies and procedures.

**REGIONAL PROJECT ALLOCATIONS 2025**

The following set-asides are recommended for the 2025 CDBG Program Year.

**A) ADMINISTRATION AND PLANNING (\$50,000):**

In order to assure that applicants have the assistance they need in accessing the CDBG Program, \$35,000 will be provided to fund staff at the Bear River Association of Governments to help the CDBG applicants in Box Elder, Cache, and Rich Counties; and \$15,000 will be provided to complete the Regional Consolidated Plan Action Plan Update.

**B) ASSISTANCE TO LOW INCOME FAMILIES FOR WATER/SEWER REPAIRS OR HOOK-UPS AND HOUSING REHABILITATION \$120,000):**

In order to remedy health hazards associated with failing water and waste water systems and provide urgently needed housing rehabilitation, BRAG will operate a grant/loan program to assist low-income families in Box Elder, Cache, and Rich Counties with up to \$7,500 in assistance.

**C) PROGRAM DELIVERY AND ADMINISTRATION \$40,000):**

Emergency Home Repair program delivery costs (\$36,400) (=11% admin) and Administration costs (\$3,600) for the home buyer assistance program for BRAG staff.

**D) FIRST TIME HOME BUYER PROGRAM 40,000):**

Up to \$3,000 loan to first time low to moderate income home buyers to pay costs related to purchasing a home. Grantees must complete home ownership workshops. \$10,000 will be used to provide homeownership workshops.

**Bear River Association of Governments  
Community Development Block Grant (CDBG)  
2025 Rating & Ranking Criteria**

This application can be found on the web at <https://brag.utah.gov/community-development-block-grants/>

<b>1) What percent of the project beneficiaries fall into the following income groups?</b> <i>20 points possible</i>							<b>My Project Percentage</b>
<b>80% CMFI*</b>	<51% <b>0 points</b>	51-55% <b>8 points</b>	56-60% <b>9 points</b>	61-70% <b>10 points</b>	71-80% <b>11 points</b>	81-100% <b>12 points</b>	
<b>50% CMFI</b>	65% or more of total project beneficiaries have household income at or below 50% CMFI <b>4 points</b>						
<b>30% CMFI</b>	40% or more of total project beneficiaries have household income at or below 30% CMFI <b>4 points</b>						
<b>Opting to meet a HUD National Objective without income data**</b>	<p>Projects that meet a HUD National Objective by meeting the criteria for “presumed Low-to-Moderate Income (LMI)” groups or qualified Urgent Need projects may opt to not document specific LMI beneficiaries and receive <b>8 points</b> automatically.</p> <p>Qualified Slum &amp; Blight projects may opt to receive <b>8 points</b> without providing income documentation</p> <p>Urgent Need projects are not required to provide proof of income qualification and are limited in budget size and scope and may receive <b>9 points</b> without documenting specific LMI beneficiaries.</p>					<p><b>Project Meets Criteria and opts to not document LMI</b></p> <p><u>      </u> Yes</p>	

\* County Median Family Income (see [jobs.utah.gov/housing/community/cdbg/publications.html](https://jobs.utah.gov/housing/community/cdbg/publications.html) or State Application Appendix C).

**How to Document: Consult BRAG staff to determine the best way to document income for your project.** \*\*Projects that meet a HUD National Objective (see Chapter III of State Application Guide) by serving a HUD specified “Presumed Low-to-Moderate income (LMI) group or that aid in the prevention of slum or blight (National Object #2) or respond to an Urgent Need (National Object #3) may opt to receive “default” points in this category automatically without having to document LMI beneficiaries. Otherwise they must document LMI benefit and will not be eligible for default points. You must consult with BRAG staff if you think your project may qualify.

<b>2) Is the jurisdiction implementing Fair Housing, Civil Rights and Quality Growth Principles?</b> <i>10 points possible</i>		<b>My Jurisdiction Is Participating</b>
<b>3 Points</b>	Is the moderate income housing plan of your jurisdiction compliant with State Code Title 10-9a-403(2)(a)(iii)? (Towns with populations under 1,000 receive 2 points if no plan)	
<b>2 Points</b>	Does this project implement moderate income housing or homeless goals as identified in your general plan (whether required by state code or not) or in BRAG’s Consolidated Plan?	
<b>3 Points*</b>	Has your jurisdiction adopted ordinances to protect and conserve water, air, energy resources, critical lands, important agriculture lands and/or historic places?*	
<b>1 Point</b>	The Community has a regularly updated Capital Asset Inventory or Capital Improvement List	
<b>1 Point</b>	The Community has adopted the following Accessibility policies – 1) Grievance Procedure under the Americans with Disabilities Act, 2) Section 504 and ADA Effective Communication Policy, 3) Language Access Plan and 4) Section 504 and ADA Reasonable Accommodation Policy	

\* Applicants will receive one point for each ordinance adopted to protect or conserve water, air quality, energy resources, critical lands, important agriculture lands, and/or historic places. Up to three points possible. Attach copies of ordinances and planning documents to Application Packet.

**3a) For Community-wide Projects – Does the jurisdiction have capacity to fund the project through increased taxes?**

<b><u>Your Jurisdiction's Tax Rate as a Percentage of State Ceiling</u></b>

10 points possible

<b><u>Tax Rate as a % of Ceiling*</u></b>	<u>Tax rate &lt;15% of ceiling</u> <b>0 points</b>	<u>Tax rate 16-25% of ceiling</u> <b>5 points</b>	<u>Tax rate &gt;25% of ceiling</u> <b>10 points</b>
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**How to Document:** BRAG staff will use the tax rate data produced by the Utah Tax Commission to confirm your jurisdiction taxing position. No documentation required.

**OR**

**3b) For Drinking Water/Waste Water Projects – Are the system user fees competitive according to State Drinking Water and Water Quality standards?**

<b><u>Your Jurisdiction's Utility Rate as a Percentage of MAGI</u></b>

10 points possible

<b><u>Maximum Affordable Water Bill (1.75% of MAGI)</u></b>	<u>Fee rate &lt;0.6% of MAGI</u> <b>0 points</b>	<u>Fee rate 0.61-1.40% of MAGI</u> <b>5 points</b>	<u>Fee rate &gt;1.40% of MAGI</u> <b>10 points</b>
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***Regional Priority***

**4) How does the project rate with regional priorities, goals, and policies? Regional priorities are determined by the Community Investment Council and BRAG Governing Board.**

20 points possible

<b>Regional priorities, goals, and policies</b>	Other Projects 0 points	Community Facilities (non-recreational) 4 points	Removing Barriers 8 points	Public Safety Activities 12 points	Public Utility Infrastructure 16 points	LMI Housing 20 points	
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**Public Utility Infrastructure** – Projects designed to increase the capacity of public utility systems to better serve the community. May include drinking water, wastewater disposal projects and transportation facilities. Infrastructure that serves LMI Housing construction will be rated using the **LMI Housing** category score.

**Public Safety Activities** - Projects related to the protection of life or property, would include activities such as flood control, fire protection, or abuse prevention projects in a community.

**Community Facilities** – Non-administrative and non-recreational facilities and service activities such as senior citizen centers, health clinics, and food banks, etc.

**LMI Housing** – Projects designed to provide for the housing needs of families earning less than 30%, 60% and 80% of the area median income. May include the acquisition property, acquisition and/or rehabilitation of existing dwelling units or the development of public infrastructure that would serve LMI housing projects or homeless shelters. May **NOT** be used to construct new housing, but may be used to construct infrastructure to serve housing for qualified LMI households.

**Removing Barriers** – Accessibility to public facilities by persons with disabilities is mandated by federal law. Projects will remove accessibility barriers in existing public buildings and facilities constructed prior to 1996.

**5) When was the last time the jurisdiction or organization was funded with CDBG and did you manage the project satisfactorily? 10 points possible**

						Program Year Last Funded with CDBG
<b>Last funded with CDBG*</b>	Applicant funded in 2023 <b>0 Points</b>	Applicant funded in 2022 <b>1 Point</b>	Applicant funded in 2021 <b>2 Points</b>	Applicant funded in 2020 <b>3 Points</b>	Applicant funded in 2019 or never funded. <b>5 Points</b>	
<b>Applicant Capacity to Administer Grant</b>	Project Manager Consistency <b>1 point</b>	Documentation/ Communication <b>1 point</b>	Project Completed in Contract Period <b>1 point</b>	Compliance with Regulations & Laws <b>2 points</b>	<b>First-time applicant default: 2.5 Points</b>	

**6) What is the overall project impact? 15 points possible**

<b>Project Impact Geography</b>	The project benefits fewer than 50 individuals <b>0 Points</b>	The project benefits between 51 and 100 individuals <b>4 Points</b>	The project benefits between 101 and 500 individuals <b>6 Points</b>	The project benefits between 501 and 1000 individuals <b>8 Points</b>	The project benefits more than 1000 individuals <b>10 Points</b>	
<b>Project Impact Beneficiaries</b>	The project benefits a targeted population. <b>2.5 Points</b> AND The project addresses a critical need. <b>2.5 Points</b>					

Targeted population includes LMI populations and HUD-specified “presumed” LMI populations such as homeless, elderly, disabled adults, victims fleeing abuse, etc.

“Critical need” would include health and safety emergencies and special needs as defined in the Consolidated Plan such as transitional housing, mobility, respite care, etc.

**7) Per Capita Funding – How much CDBG money is invested in each beneficiary? 5 points possible**

<b>Project CDBG \$'s per Beneficiary</b>	<u>&gt;\$1,000</u> <b>1 point</b>	<u>\$800-999</u> <b>2.5 points</b>	<u>\$400-800</u> <b>5 points</b>	<u>\$200-800</u> <b>7.5 points</b>	<u>\$1-200</u> <b>10 points</b>	
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**8) Does the project have competitive matching funds or leverage of funds?**

*10 points possible*

<b><i>Applicant contribution and any other outside funding (Beneficiary Population &gt;5,000)</i></b> Percentage of non-CDBG funds invested in project	>40%	30.1-40%	20.1-30%	10.1-20%	<10%	
	<b>10 Points</b>	<b>7.5 Points</b>	<b>5 Points</b>	<b>2.5 Points</b>	<b>0 Points</b>	
<b><i>Applicant contribution and any other outside funding (Beneficiary Population 1,001-5,000)</i></b> Percentage of non-CDBG funds invested in project	>30%	23.1-30%	15.1-23%	7.1-15%	<7%	
	<b>10 Points</b>	<b>7.5 Points</b>	<b>5 Points</b>	<b>2.5 Points</b>	<b>0 Points</b>	
<b><i>Applicant contribution and any other outside funding (Beneficiary Population 501-1,000)</i></b> Percentage of non-CDBG funds invested in project	>20%	15.1-20%	10.1-15%	5.1-10%	<5%	
	<b>10 Points</b>	<b>7.5 Points</b>	<b>5 Points</b>	<b>2.5 Points</b>	<b>0 Points</b>	
<b><i>Applicant contribution and any other outside funding (Beneficiary Population &lt;500)</i></b> Percentage of non-CDBG funds invested in project	>10%	7.1-10%	4.1-7%	1-4%	<1%	
	<b>10 Points</b>	<b>7.5 Points</b>	<b>5 Points</b>	<b>2.5 Points</b>	<b>0 Points</b>	





**FIVE COUNTY ASSOCIATION OF GOVERNMENTS  
COMMUNITY DEVELOPMENT BLOCK GRANT  
GENERAL POLICIES**

1. Weighted Value utilized for Rating and Ranking Criteria: The Rating and Ranking Criteria utilized by the Five County Association of Governments contains a weighted value for each of the criteria. Point values are assessed for each criterion and totaled. In the right-hand columns, the total points received are then multiplied by a weighted value to obtain the total score. These weighted values may change from year to year based on the region's determination of which criteria have higher priority.
2. Five County AOG staff require a visit with each applicant for an evaluation/review meeting.
3. All applications must be complete to be Rated and Ranked. All applications will be evaluated by the Five County Association of Governments Community and Economic Development staff using criteria approved by the Regional Review Committee (RRC) (Steering Committee).
4. Staff will present prioritization recommendations to the RRC for consideration and approval. Membership of the RRC includes two elected officials (mayor and commissioner) and a school board representative from each of the five counties. Appointments to the RRC are reviewed and presented annually in February for the two elected officials of each county as well as the county school boards.
5. There will be no maximum limit for projects. Multi-year projects will not be funded in the Five County Region.
6. Public hearing notices must be sent to the AOG CDBG staff immediately after posting. Any changes to the public hearing notices must be sent to the AOG Staff immediately after posting said change with notes describing the change.
7. Applications on behalf of sub-recipients (i.e., special service districts, non-profit organizations, etc.) are encouraged. However, the applicant town, city, or county must understand that even if they name the sub-recipient as project manager the town, city, or county is still responsible for the project's viability and program compliance. The applying entity must be willing to maintain an active oversight of both the project and the sub-recipient's contract performance. An inter-local agreement between the applicant entity and the sub-recipient must accompany the CDBG application. The inter-local agreement must detail who will be the project manager and how the sponsoring entity and sub-recipient will coordinate work on the project.
8. Applicant Deadlines to the AOG
  - **Applicants must Consult with AOG CDBG Staff by November 15, 2024** – The project manager from the applicant jurisdiction must meet with AOG CDBG staff to be eligible for funds.
  - **Income Surveys must be conducted and received by the AOG for tabulation no later than January 3, 2025, at 5:00 PM.** Surveys must be conducted using a state approved methodology and submitted by the deadline for AOG tabulation.

- **Capital Improvements Lists (CIL)- due January 3, 2025 at 5:00 p.m.** The project applied for must be included on the prioritized capital improvements list (CIL) that the entity submits for inclusion in the Consolidated Plan. If the CIL list containing the project is not submitted by the deadline, the project application will not be rated and ranked. Applicants may not amend Capital Improvements List after the deadline.
- **Complete Applications must be submitted in WebGrants3 by December 20, 2024 at 5:00 PM** for Five County CED staff to provide administrative support and draft the Annual Action Plan. Applicants that do not meet this requirement will not be eligible for CDBG funding.

9. Set-Aside Funding:

- \$100,000 to Five County Association of Governments (\$50,000 for Administration, Consolidated Plan Planning, Rating & Ranking, \$50,000 for Planning Assistance, Affordable Housing Planning, and Economic Development TA).

10. Emergency projects may be considered by the Regional Review Committee (FCAOG Steering Committee) at any time. Projects applying for emergency funding must still meet a national objective and regional goals and policies.

Projects may be considered as an emergency application if:

- Funding through the normal application time frame will create an unreasonable risk to health or property.
- An appropriate third-party agency has documented a specific risk (or risks) that; in their opinion; needs immediate remediation.

If an applicant wishes to consider applying for emergency funds, they should contact the Five County Association of Governments CDBG Program Specialist as soon as possible to discuss the state required application procedure as well as regional criteria. Emergency funds (distributed statewide) are limited on an annual basis to \$500,000. The amount of any emergency funds distributed during the year will be subtracted from the top of the appropriate regional allocation during the next funding cycle.

11. Public service providers may apply for CDBG funds for capital improvement and major equipment purchases. Examples are delivery trucks, furnishings, fixtures, computer equipment, construction, remodeling, and facility expansion. State policy guidelines prohibit the use of CDBG funds for operating and maintenance expenses, including paying administrative costs, salaries, etc. No more than 15 percent of the state's yearly allocation of funds may be expended for public service activities.

12. State policy has established the minimum project size at \$30,000. Projects less than the minimum size will not be considered for rating and ranking.

13. In accordance with state policy, grantees with open grants from previous years who have not spent 50 percent of their previous grant prior to rating and ranking are not eligible to be rated and ranked.
14. It is the policy of the Five County Association of Governments RRC that CDBG funding of housing related projects shall be directed to:
- The development of infrastructure supporting affordable housing, and/or eligible limited clientele housing.
  - Rehabilitation of multifamily rental housing managed by a public housing authority.
  - Acquisition of real property for affordable housing that will be managed by a public housing authority.

CDBG funds in this region shall not be utilized for LMI rental assistance or direct housing assistance payments.

15. It is the policy of the RRC that lots for single family homes may not be procured with CDBG funding in the Five County region unless the homes remain available as rental units under the auspices of a public housing authority.
16. In the event of a tie for the last funding position during rating and ranking of projects, the following will be awarded one (1) point for each criterion answered affirmatively:
- The project that has the highest percentage of LMI.
  - The project that has the most local funds leveraged.
  - The project with the most other funds leveraged.
  - The largest geographical area benefitted.
  - The project with the largest number of LMI beneficiaries.

If a tie remains unbroken after the above-mentioned tie breaker, the members of the RRC will vote and the project that receives the majority vote will be ranked higher.

17. Funding for CDBG projects in the Five County Region is contingent on receiving the allocation from HUD and the State. If available funds are less than anticipated, the award amount will be reduced from the project in the last funding position.
18. Grantees who are awarded CDBG funding and choose to not undertake the project in a timeframe that will allow for redistribution of funds in the Five County region, during the same program year, will be prohibited from re-applying for the same project. Grantees who choose not to follow through on their project within the allocated timeframe, will not be permitted to apply for CDBG in the following program year. A request for an exception to this policy may be considered by the RRC if a project circumstantially could not be completed (E.g., environmental conditions do not permit). Cost overruns and overbidding are unacceptable circumstances for not undertaking the project and shall not be considered by the RRC, as grantees should plan for such events.

19. Public Participation

Section 104(a)(2) of the Housing & Community Development Act of 1974, as amended, requires that CDBG grantees implement a citizen participation process as a prelude to the allocation and expenditure of CDBG funds. The primary goal is to provide citizens, especially low- and moderate-income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. To that end, the regional policies and rating and ranking process of each AOG must be transparent.

The following actions are required of each AOG. Documentation of each of these actions must be provided to the state.

1. The RRC meetings must be documented with dates, members present, minutes and decisions made.
2. The proposed policies (updated annually) must be posted on the State of Utah Public Meeting Notice website with the public invited to comment for 30 days.
3. The proposed policies should be posted on the AOG website and mailed/emailed to all eligible communities/counties in the region.
4. The policies and rating and ranking criteria must be formally approved by the AOG in a public meeting.
5. Regional application scoring documents must be submitted to the state CDBG Program Manager for review and approval BEFORE formal announcement of awards by the AOG.
6. The annual regional awards must be announced in a public meeting and documented in the meeting minutes.
7. The list of regional awards must be publicized, at a minimum, on the State Public Meeting Notice website, not as a meeting, but just a notice. Other options such as newsletters, websites or social media, could also be utilized to publish the award announcement.
8. The Housing and Community Development Division will post the list of statewide awards on the State Public Meeting Notice website annually in May.

**FIVE COUNTY ASSOCIATION OF GOVERNMENTS  
CDBG HOW-TO-APPLY APPLICATION WORKSHOP  
ATTENDANCE POLICY**

Attendance at one workshop within the region is mandatory by all prospective applicants or an official representative of said applicant. [State Policy]

Attendance at the workshop by an elected official or town, city, or county staff person satisfies this attendance requirement.

Attendance by prospective eligible “sub-grantees”, which may include non-profit agencies, special service districts, housing authorities, etc. is strongly recommended so that they may become familiar with the application procedures. If a town, city, or county applicant elects to sponsor a sub-grantee it is the responsibility of that jurisdiction to ensure the timely and accurate preparation of the CDBG application on behalf of the sub-grantee.

Jurisdictions may formally designate a third-party representative (i.e., consultant, engineer, or architect) to attend the workshop on their behalf. Said designation by the jurisdiction shall be in writing and delivered to the AOG no later than 7-days following the workshop.

**FIVE COUNTY ASSOCIATION OF GOVERNMENTS  
CDBG RATING AND RANKING PROGRAM YEAR 2023  
DATA SOURCES**

**1. CAPACITY TO CARRY OUT THE GRANT**

The grantee must have a history of successful grant administration to receive full points in this category. To adequately evaluate grantee performance, the RRC must consult with the state staff regarding scoring for this criterion. Staff will rate performance on a scale of 1-5.

- A. Project manager consistency (1 point)
  - a. Project was appropriately managed by applicant's project manager on previous grant
- B. Communication with state staff (1 point)
  - a. Level of communication with agency using email history and/or annotations in Webgrants
- C. C. Project completed in contract period (1 point)
  - a. How many claims submitted depending on type of project
- D. Compliance with regulations/laws (1 point)
  - a. Level of completeness in agency's efforts to meet all requirements without follow-up requests
- E. Project management documents in Webgrants (1 point)
  - a. Accurate documentation was provided in a timely manner for Webgrant submission. First time grantee: default is 2.5 points.

In order to be eligible to receive new funding, a grantee/sub-grantee must have drawn down at least 50 percent of their previous year's CDBG grant funds by February, prior to application rating and ranking.

- 2. GRANT ADMINISTRATION:** Those making a concerted effort to minimize grant administration costs taken from CDBG funds will be awarded extra points, with applicants using zero CDBG funds toward administration receiving 3 points.
- 3. UNEMPLOYMENT:** Points are awarded to projects serving jurisdictions in counties that are above the state average unemployment, using data "Utah Economic and Demographic Profiles" (most current issue available prior to rating and ranking), provided by Utah Office of Planning and Budget or The Kem Gardner Policy Institute; or "Utah Labor Market Report" (most current issue with annual averages), provided by Department of Workforce Services.
- 4. FINANCIAL COMMITMENT TO COMMUNITY DEVELOPMENT (Self-Help Financing):** Documentation by the applicant in the grant application of the source(s) and status (whether already secured or not) of all proposed "matching" funds must be provided prior to the rating

and ranking of the application by the RRC. Any changes made in the dollar amount of proposed funding, after rating and ranking has taken place, shall require reevaluation of the rating received on this criterion. A determination will then be made as to whether the project's overall ranking and funding prioritization is affected by the score change.

Use of an applicant's local funds and/or leveraging of other matching funds is strongly encouraged in CDBG funded projects. This allows for a greater number of projects to be accomplished each year. Acceptable matches include property, materials available and specifically committed to this project, and cash. Due to federal restrictions unacceptable matches include donated labor, use of equipment, etc. All match proposed must be quantified as cash equivalent through an acceptable process before the match can be used. Documentation on how and by whom the match is quantified is required. "Secured" funding means that a letter or applications of intent exist to show that other funding sources have been requested as match to the proposed project. Documentation of matching funds must be included in the application. If leveraged funds are not received, then the points given for that match will be deducted and the project's rating reevaluated.

A jurisdiction's population (most current estimate provided by the Census, ACS, or Kem C. Gardner Policy Institute.) will determine whether they are Category A, B, C, or D for the purposes of this criteria. A jurisdiction is defined as an incorporated town, city, county, or a defined special service district area. All public housing authorities or similar non-profits shall be considered a 4B jurisdiction for this criterion.

5. **CDBG FUNDS REQUESTED PER CAPITA:** Determined by dividing the dollar amount requested in the CDBG application by the beneficiary population.
6. **LOCAL JURISDICTIONS COMMUNITY DEVELOPMENT OBJECTIVES: THRESHOLD CRITERIA:** Every applicant is required to document that the project for which they are applying is consistent with that community's and the Five County District Consolidated Plan. The project, or project type, must be a high priority in the investment component (CASI or equivalent). The applicant must include evidence that the community was and continues to be a willing partner in the development of the regional (five-county) consolidated planning process. Refer to the Utah CDBG Application Policies and Procedures Handbook section about Consistency with the Consolidated Plan for further information.
7. **COUNTY'S COMMUNITY DEVELOPMENT GOALS AND POLICIES:** Prioritization will be determined by the three (3) appointed RRC members representing the county in which the proposed project is located. The three (3) members of the Steering Committee include: one County Commission Representative, one Mayor's Representative, and one School Board Representative. (Note: for AOG applications that are not set asides, determination is made by the Steering Committee Chair, in consultation with the AOG Executive Committee.)
8. **REGIONAL COMMUNITY DEVELOPMENT GOALS AND POLICIES:** Determined by the Executive Director with consultation of the AOG Finance Committee members. The Finance Committee is comprised of one County Commissioner from each of the five counties.



#1 priority	6 points X 2.0 (weighting) =	12.0 points
#2 priority	5 points X 2.0 (weighting) =	10.0 points
#3 priority	4 points X 2.0 (weighting) =	8.0 points
#4 priority	3 points X 2.0 (weighting) =	6.0 points
#5 priority	2 points X 2.0 (weighting) =	4.0 points
#6 priority	1 points X 2.0 (weighting) =	2.0 points

**Regional Prioritization**

**Justification**

#1	<b>Public Infrastructure</b>	Projects designed to increase the public infrastructure systems. Examples include but are not limited to transportation, utilities, storm water projects, etc.
#2	<b>Public Safety Activities</b>	Projects related to the protection of property include activities such as flood control projects or fire protection improvements.
#3	<b>LMI Housing Activities</b>	Projects designed to provide for the housing needs of low- and moderate-income persons.
#4	<b>Community Facilities</b>	Examples include but are not limited to senior citizens centers, health clinics, food banks, and/or public service activities. Includes parks and recreation facilities.
#5	<b>Public Services</b>	Construction and equipment for public service projects which are not community facilities or LMI housing activities.
#6	<b>Projects to remove Architectural Barriers</b>	Projects that address accessibility of public facilities for the provision of services to people with disabilities on an equal basis. See the Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal for Existing Facilities to assess facilities and see examples of potential solutions.

**Note:** The Executive Director, in consultation with the Finance Committee members, reviewed and obtained approval of this regional prioritization for the CDBG program FY2024.

9. **IMPROVEMENTS TO, OR EXPANSION OF, LMI HOUSING STOCK, OR PROVIDING AFFORDABLE HOUSING ACCESSIBILITY TO LMI RESIDENTS:** Information provided by the applicant. Applicant must adequately explain reasoning which supports proposed figures, for the number of LMI housing units to be constructed, substantially rehabilitated with the assistance off this grant, or the number of units this grant will make accessible to LMI residents through loan closing or down payment assistance.

- 10. AFFORDABLE HOUSING PLAN IMPLEMENTATION:** The CDBG State Policy Committee has established that communities and counties that are not in compliance with current state low- and moderate-income housing requirements are not eligible to apply for CDBG funding. Applicants must provide documentation that they are in compliance in their CDBG application. Communities may find information about Moderate Income Housing planning and reporting requirements at <https://jobs.utah.gov/housing/affordable/moderate/index.html>. Projects which demonstrate implementation of a jurisdiction's Affordable Housing Plan policies will be given full points. Towns applying for credit under this criterion must show that the project either meets a goal in its adopted annual housing report/affordable housing element of their General Plan, or a regional affordable housing goal in the Consolidated Plan. Applicants must provide sufficient documentation to justify that their project complies with this criterion.

House Bill 259 was passed during the 2018 state legislative session and mandates that all cities and counties address the problems associated with the availability of affordable housing in their local plans. Cities with less than 1,000 persons and counties less than 25,000 are exempt from this requirement. Applications for projects that are intended to address some element of that plan will be given additional points. The State of Utah CDBG program requires any city or county interested in applying for funding to meet the requirements for moderate income housing planning and annual progress reporting as required by 10-9a-403, 408 for municipalities and 17-27a-403, 408 for counties. Additional information and lists of communities required to meet this requirement can be found at <https://jobs.utah.gov/housing/affordable/moderate/reporting/>

- 11. GEOGRAPHIC EXTENT OF PROJECT'S IMPACT:** Describes the actual area to be benefitted by the project applied for. Housing projects are considered a site-specific project.
- 12. PROPERTY TAX RATE FOR JURISDICTION:** Base tax rate for community or county, as applicable, will be taken from the "Statistical Review of Government in Utah", or most current source available prior to rating and ranking. Basis for determining percent are the maximum tax rates allowed in the Utah Code: 0.70% for municipalities, and 0.32% for counties. Full points will be awarded to jurisdictions that tax at greater than 50%.

A default of 3 points will be awarded for non-taxing jurisdictions.

- 13. PERCENTAGE OF PROJECT AREA WHO ARE LOW TO MODERATE INCOME:** The figures will be provided from the results of a Housing and Community Development Division (HCDD) approved income survey conducted by the applicant of the project benefit area households, or pre-approved LMI communities list in the Policies and Procedures book, HUD CHAS data, or the HUD LMI Map Application Tool.
- 14. EXTENT OF POVERTY:** The percentage of the total population of the project area who are Low Income ( $\leq 50\%$  of AMI) or Very-Low Income ( $\leq 30\%$  AMI) directly benefitting from the project. The AOG staff will use the income surveys (for those who conducted a survey), or pre-approved

LMI communities list in the Policies and Procedures book, HUD CHAS data, or the HUD LMI Map Application Tool.

15. **LIMITED CLIENTELE GROUP:** Applicant will provide information as to what percent of the proposed project will assist a presumed LMI group as defined in the current program year CDBG Application Guide handbook. Applicants serving limited clientele group(s) must include intake forms or other documentation to show that their program or organization serves LMI persons.
  
16. **CIVIL RIGHTS COMPLIANCE:** Applicants will receive points for compliance with federal laws, executive orders and regulations related to civil rights. (Checklist and templates available from State CDBG staff.) An applicant can be awarded a maximum of two points for this criterion if the checklist is completed AND the Civil Rights policies have been adopted for the jurisdiction.  
  
**1 Point** – Complete “ADA Checklist for Readily Achievable Barrier Removal” for applicant town, city, or county office.  
  
**1 Point** – Applicant town, city, or county has adopted the following policies – Grievance Procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan and Section 504 and ADA Reasonable Accommodation Policy.
  
17. **PRO-ACTIVE PLANNING:** The State of Utah emphasizes the importance of incorporating planning into the operation of government. Communities that demonstrate their desire to improve through planning will receive additional points in the rating and ranking process.

In the rating and ranking of CDBG applications, the region will recognize an applicant’s accomplishments consistent with these principles by adding additional points when evaluating the following:

- \*\* Demonstration of proactive land use planning in the community.**
- \*\* Demonstration that project is in accordance with an applicable adopted Plan in the benefiting community.**
- \*\* Development of efficient infrastructure including water and energy conservation.**
- \*\* Protection and conservation plan for water, air, critical lands, important agricultural lands, and historic resources.**
- \*\*Removal of barriers to accessibility of programs and facilities for all persons.**

The applicant is responsible for attaching supplemental documents and describing the criteria met in the application. Worksheet #17 will be used in the rating and ranking process for applicants who provide documentation showing the community’s proactive planning efforts.

18. **APPLICATION QUALITY:** Quality of the Pre-Application is evaluated in terms of project problem identification, justification, well-defined scope of work likely to address identified problems, identification of a realistic project timeline, and a detailed architectural/engineering report.

- 19. PROJECT MATURITY:** Funding should be prioritized to those projects which are the most "mature". Five County AOG considers mature projects to be those where the applicant: 1) has selected an engineer and/or architect and demonstrate appropriate procurement; 2) has identified a problem, proposed solution, and timeline to proceed immediately; and 3) identifies all funding sources committed or pending.

Projects that are insufficiently mature may not be rated and ranked.

**FIVE COUNTY ASSOCIATION OF GOVERNMENTS  
FY 2024 CDBG RATING AND RANKING CRITERIA and APPLICANT'S PROJECT SCORE SHEET**

The Five County Association of Governments Steering Committee (RRC) has established these criteria for the purpose of rating and ranking fairly and equitably all Community Development Block Grant applications received for funding during FY 2024. Only projects which are determined to be threshold eligible will be rated and ranked. Eligibility will be determined following review of the submitted CDBG application with all supporting documentation provided prior to rating and ranking. **Please review the attached Data Sources Sheet for a more detailed explanation of each criterion.**

<b>Applicant:</b>	<b>Requested CDBG \$'s</b>	<b>Ranking:</b>	<b>of</b>	<b>Total Score:</b>
<b>Application Description:</b>				

CDBG Rating and Ranking Criteria Description Five County Association of Governments		Score	Data Range/Score (circle only one for each criterion)				Score	X Weight	Total Score
ID	Description	Excellent 5 points	Good 4 points	Fair 3 points	Deficient 2 points	Poor 1 point			
1	<b>Capacity to Carry Out the Grant:</b> Performance history of capacity to administer grant. Scored by State CDBG Staff. (First-time & >5-yr grantees: default is 2.5 points)	5 points	4 points	3 points	2 points	1 point		0.4	
2	<b>Grant Administration:</b> Concerted effort made by grantee to minimize grant administration costs.	0% CDBG Funds 3 points	1 - 5% 2 points	5.1 - 10% 1 point				1.0	
3	<b>Unemployment:</b> What percentage is applicant County's unemployment percentage rate above State average percentage rate? Source: <a href="https://jobs.utah.gov/wi/update/une/">https://jobs.utah.gov/wi/update/une/</a>	4.1% or greater above state average 3.0 points	3.1% - 4.0% above state average 2.5 points	2.1% - 3.0% above state average 2.0 points	1.1% - 2.0% above state average 1.5 points	0.1% - 1.0% above state average 1.0 point	Up to state average 0 points	1.5	
4 A	<b>Financial Commitment to Community Development (Self-help Financing) - (Jurisdiction Population &lt;500)</b> Percent of non-CDBG funds invested in total project cost.	> 10% 5 points	7.1 % - 10% 4 points	4.1% - 7% 3 points	1% - 4% 2 points	< 1% 1 point		2.0	
4 B	<b>Financial Commitment to Community Development (Self-help Financing) - (Jurisdiction Population 501 - 1,000)</b> Percentage of non-CDBG funds invested in total project cost. All public housing authorities or similar non-profits shall be considered a 4B jurisdiction for this criterion.	> 20% 5 points	15.1 - 20% 4 points	10.1 - 15% 3 points	5.1 - 10% 2 points	1 - 5.0% 1 point		2.0	
4 C	<b>Financial Commitment to Community Development (Self-help Financing) - (Jurisdiction Population 1,001 - 5,000)</b> Percentage of non-CDBG funds invested in total project cost.	> 30% 5 points	25.1 - 30% 4 points	20.1 - 25% 3 points	15.1 - 20% 2 points	1 - 15% 1 point		2.0	

CDBG Rating and Ranking Criteria Description Five County Association of Governments		Data	Data Range/Score (circle only one for each criterion)						Score	X Weight	Total Score
4	<b>Financial Commitment to Community Development (Self-help Financing) - (Jurisdiction Population &gt;5,000)</b> Percentage of non-CDBG funds invested in total project cost.	%	> 40%	35.1 - 40%	30.1 - 35%	25.1 - 30%	1 - 25%		2.0		
5	<b>CDBG funds Requested Per Capita:</b> CDBG funds requested per beneficiary.		\$1 - 100 5 points	\$101-200 4 points	\$201- 400 3 points	\$401 - 800 2 points	\$801 or > 1 point		1.0		
6	<b>Jurisdiction's Project Priority:</b> Project priority rating in Regional Consolidated Plan, (CASI or equivalent)		# 1 6 points	# 2 5 points	# 3 4 points	# 4 3 points	# 5 2 points	# >5 1 point	2.0		
7	<b>County's Project Priority:</b> Prioritization will be determined by the three (3) appointed RRC members representing the county in which the proposed project is located. The three (3) members of the Steering Committee include: one County Commission Representative, one Mayor's Representative, and one School Board Representative.		# 1 6 points	# 2 5 points	# 3 4 points	# 4 3 points	# 5 2 points	#6 or > 1 point	2.0		
8	<b>Regional Project Priority:</b> Determined by the Executive Director with consultation of the AOG Finance Committee members. The Finance Committee is comprised of one (1) County Commissioner from each of the five counties.		# 1 Public Infrastructure 6 points	# 2 Public Safety 5 points	# 3 LMI Housing 4 points	# 4 Community Facilities 3 points	# 5 Public Service 2 points	#6 or > Remove Architectural Barriers (ADA) 1 point	2.0		
9	<b>LMI Housing Stock:</b> Land, infrastructure for the units, rehabilitation of units, and/or accessibility of units for LMI residents.		> 20 Units 8.5 points	15 - 20 Units 7 points	10 - 14 Units 5.5 points	5-9 Units 4 points	3-4 Units 2.5 points	1-2 Units 1 point	1.0		
10	<b>Affordable Housing Plan Implementation:</b> Points under this criterion are met by providing their adopted Moderate-Income Housing report and demonstrating that their project meets a goal in their report.		Plan provided & applicant explains how Plan goals are met. 3 Points	Plan provided but applicant does not demonstrate how the project meets Plan goals. 1.5 Points	Affordable housing Plan not provided. 0 Points				1.0		
11	<b>Project's Geographical Impact:</b> Area benefitting from project.		Regional 8.0 points	Multi-county 6.0 points	County-wide 4.0 points	Multi-community 2.0 points	Community 1.5 points	Site-Specific 1.0 point	2.0		

CDBG Rating and Ranking Criteria Description Five County Association of Governments	Data	Data Range/Score (circle only one for each criterion)							Score	X Weight	Total Score
		> 50%	40.1 - 50%	30.1 - 40%	20.1 - 30%	10.1 - 20%	< 10%	0 points			
12 <b>Jurisdiction's Property Tax Rate:</b> Communities that maintain a high tax burden as compared to the State tax ceiling will receive higher points for this category. Property tax rate as a percent of the maximum allowed by law. Determined by dividing the local property tax rate by the State allowable maximum. Three-point default for non-taxing jurisdiction.	%	5 points	4 points	3 points	2 points	1 point	0 points		1.0		
13 <b>Jurisdiction's LMI Population:</b> Percent of residents in the project area considered 80 percent or less LMI.	%	91 - 100% 5 points	81 - 90% 4 points	71 - 80% 3 points	61 - 70% 2 points	51 - 60% 1 point			1.0		
14 <b>Extent of Low-Income Population:</b> The percentage of the total population in the project area who are Low Income ( $\leq$ 50% AMI) and Very Low Income ( $\leq$ 30% AMI), directly benefitting from the project.	%	20% or More 5 points	15 - 19% 4 points	10 - 14% 3 points	5 - 9% 2 points	1 - 4% 1 point			0.5		
15 <b>Limited Clientele Groups:</b> Project specifically serves CDBG identified LMI groups, i.e., elderly, disabled, homeless, etc., as stipulated in the state of Utah Small Cities CDBG Application Policies and Procedures.	%	100% 4 points	51% 2 points						1.0		
16 <b>Civil Rights Compliance:</b> Applicants will receive points for compliance with federal laws, executive orders and regulations related to civil rights. <b>1 Point</b> – Complete “ADA Checklist for Readily Achievable Barrier Removal” for town, city, or county office. <b>1 Point</b> – Town, city, or county has adopted the following policies – Grievance Procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan and Section 504 and ADA Reasonable Accommodation Policy.		Complete both criteria 2 points	Adopt Civil Rights Policies described in criterion. 1 point	Complete ADA Checklist 1 point					1.0		
17 <b>Pro-active Planning:</b> Reflects on communities who pro-actively plan for growth and needs in their communities, coordination and cooperation with other governments, development of efficient infrastructure, and protection and conservation plan for water, air, critical lands, important agricultural lands, and historic resources. Refer to Worksheet #17 for scoring criteria.		Very High 4 points	High 3 points	Fair 2 points	Low 1 point				0.5		

CDBG Rating and Ranking Criteria Description Five County Association of Governments	Data	Data Range/Score (circle only one for each criterion)						Score	X Weight	Total Score
		Excellent 5 points	Very Good 4 points	Good 3 points	Fair 2 points	Acceptable 1 point	Poor 0 points			
18 <b>Application Quality:</b> Application identifies the problem, contains a well-defined scope of work, is cost effective, demonstrates that it will be completed in a timely manner, demonstrates that it does not duplicate existing services, and provides an architectural/engineering report. Refer to Worksheet #18 for scoring criteria.		Excellent 5 points	Very Good 4 points	Good 3 points	Fair 2 points	Acceptable 1 point	Poor 0 points		1.5	
19 <b>Project Maturity:</b> Project demonstrates capacity to be implemented and/or completed in the allotted contract period and is clearly documented in the application. Refer to Worksheet #19 for scoring criteria.		Excellent 5 points	Very Good 4 points	Good 3 points	Fair 2 points	Acceptable 1 point	Poor 0 points		2.0	

**PLEASE NOTE:** Criteria marked with a T\* is a THRESHOLD eligibility requirement for the CDBG Program.  
 < Less Than > More Than



**CRITERIA 17 WORKSHEET**

<b>PRO-ACTIVE PLANNING</b>			
<b>Criteria</b>	<b>Support Documentation Provided</b>	<b>Score (4 Points Total)</b>	
1. Has the <b>applicant</b> provided information about the local jurisdiction which demonstrates pro-active planning and land use in their community in coordination and cooperation <b>with other governments?</b>	Yes ___ 0.5 point No ___ 0 points		
2. Has the <b>applicant</b> documented that the project is in accordance with an <b>applicable adopted</b> plan (E.g., water facilities master plan, etc.)	Yes ___ 2 point No ___ 0 points		
3. Has the <b>applicant</b> documented adopted plans or general plan elements addressing protection and conservation of water, air, critical lands, important agricultural lands and historic resources?	Yes ___ 0.5 point No ___ 0 points		
4. Has the <b>applicant</b> documented information about the local jurisdiction which demonstrates pro-active planning for the removal of barriers to accessibility of programs and facilities for all persons?	Yes ___ 0.5 point No ___ 0 points		
5. Has the <b>applicant</b> provided information about the local jurisdiction which demonstrates the development of efficient infrastructure including water and energy conservation.	Yes ___ 0.5 point No ___ 0 points		
<b>Very High</b> = <b>3.5 - 4 Points</b> <b>High</b> = <b>2.5 - 3 Points</b> <b>Fair</b> = <b>1.5 - 2 Points</b> <b>Low</b> = <b>0.5 - 1 Point</b>			<b>Total Points:</b> <b>(Very High, High, Fair, Low)</b>

**CRITERIA 18 WORKSHEET**

Application Quality		
Criteria	Support Documentation Provided	Score (5 Points Total)
1. The problem is clearly identified in the Description of Need.	Yes ___ 0.5 point      No ___ 0 point	
2. The proposed solution is well defined in the Scope of Work.	Yes ___ 0.5 point      No ___ 0 point	
3. The application includes a timeline attachment which describes how the scope of work will be completed in a timely manner.	Yes ___ 1 point      No ___ 0 point	
4. The proposed project does not duplicate any existing services, programs, or activities already available to the beneficiaries in the jurisdiction, either locally or regionally based. <b>Applicant must provide documentation.</b>	Yes ___ 0 point      No ___ 1 point	
5. Detailed Architectural/Engineering Report, design/plans are included in application. Projects that do not require an Architect/Engineer will receive full points if build specification documents are provided when applicable. (E.g., Fire trucks have build specification documents, while acquisition of real property will not have pertinent documents.)	Yes ___ 2 point      No ___ 0 point	
<b>Excellent</b> = <b>5 Points</b> <b>Acceptable</b> = <b>1 Point</b> <b>Very Good</b> = <b>4 Points</b> <b>Poor</b> = <b>0 Points</b> <b>Good</b> = <b>3 Points</b> <b>Fair</b> = <b>2 Point</b>		<b>Total Points</b> _____

**CRITERIA 19 WORKSHEET**

<b>PROJECT MATURITY</b>		
<b>Criteria</b>	<b>Status</b>	<b>Score (5 Points Total)</b>
1. Architect/Engineer already selected and is <b>actively involved in the application process</b> . The application includes procurement policy and a description of how the architect/engineer was procured.	Yes ___ 1 point No ___ 0 points	
2. Is the project <b>ready to proceed immediately</b> ?	(Well Defined) Yes ___ 1 points No ___ 0 points	
3. Funding Status (Maturity).	Select one of the following:  Is CDBG the only funding source for the project? Yes ___ 0 point <b>(or)</b> Other project funding has been identified but not applied for. Yes ___ 0 point <b>(or)</b> Other project funding was applied for but not committed. Yes ___ 2 points <b>(or)</b> All other project funding is in place for immediate use. Yes ___ 3 points	
<b>Excellent</b> = 5 Points = <b>Fair</b> = 2 Points <b>Very Good</b> = 4 Points = <b>Acceptable</b> = 1 Points <b>Good</b> = 3 Points = <b>Poor</b> = 0 Points		<b>Total Points: _____</b> (Excellent, Very Good, Good, Fair, Acceptable, Poor)



## Mountainland CDBG Rating and Ranking Policies - FY25

Approved June 5, 2024

The following policies have been established to govern the MAG CDBG award process so that HUD dollars are targeted toward projects of greatest need and impact, and to determine project eligibility under CDBG federal and state program guidelines. All eligible project applications will be accepted for rating and ranking.

1. In compliance with the policies of the State of Utah CDBG program, in order to be eligible for funding consideration, all grantees or sub-grantees must have expended 50% of any prior year's CDBG funding prior to the Rating and Ranking Committee's (RRC) rating and ranking session (generally mid-January).
2. Applicants must provide written documentation of the availability and status of all other proposed funding at the time the application is submitted, including all sources of funding which are considered local contributions toward the project and its administration. A project is not mature if funding cannot be committed by the time of application.
3. All proposed projects must be listed in the latest capital improvements list submitted by the applicant for the Consolidated Plan, and must meet the regional priorities identified in the Consolidated Plan. First time applicants and those submitting projects through a sponsoring city or county must make reasonable effort to amend the sponsor's listing in MAG's Consolidated Plan in a timely manner as determined by the RRC.
4. To maintain project eligibility, attendance at the annual "How to Apply" Workshops held in the Mountainland Region is mandatory for all applicants and sub-grantees. The project manager and an elected official from the applicant's jurisdiction should be in attendance. Newly elected officials and project managers are especially encouraged to attend since the administrative requirements and commitments of a CDBG project are considerable.
5. HUD regulations provide that no more than 15% of the State CDBG allocation can be used for "Public Service" activities. It is MAG's intent to generally apply that same cap to the regional allocation. Consideration of any exceptions will be coordinated with the State and will be based upon impact to the state-wide cap.
6. The state allows up to \$50,000 in funding for the MAG region for program administration and consolidated planning. The actual amount of funding allocated to the AOG for regional program administration and planning will be determined by the RRC.
7. The minimum CDBG allocation per project is \$200,000, except if it is rated on question 11 (to develop and improve infrastructure) and given a 4-7 point score, then the project can be awarded funds greater than \$30,000 but less than \$199,000.
8. The RRC may establish a set aside for project applications in a broad category on an annual basis based on regional needs identified in the MAG Consolidated Plan (i.e., planning, housing, infrastructure, economic development, public service, etc.). For any such set aside(s) that may be established, the RRC will provide notification to eligible jurisdictions of the type and amount of the set aside(s), and rating and ranking policies to be applied, prior

to the commencement of the application process, usually in August of each year. There is no specific set aside identified for project applications received in the FY2025 program year.

9. Projects that are primarily designed to enhance private businesses or developers will be denied. Ownership of CDBG funded improvements must remain in the public domain.
10. Any project that can or will receive greater than 50% of project from private funding sources (excepting grants), will be ineligible for CDBG funds.
11. Mountainland Association of Governments will provide application assistance at the request of any jurisdiction. Technical assistance provided prior to the award of the contract, such as filling out applications, submitting information for the Consolidated Plan, LMI surveys or public hearings, shall be provided without cost to the applicant.
12. RRC, MAG staff and State staff review of all applications will proceed as follows:
  - a. MAG staff will review all applications and become familiar with each project prior to meeting with State staff for review.
  - b. RRC will interview applicants at least one week prior to the application deadline.
  - c. MAG staff will review all applications with the State CDBG staff to determine eligibility and national objective compliance.
  - d. RRC members will review all applications that are determined eligible.
  - e. RRC members will rate and rank projects.
  - f. The RRC determines final rating and ranking of projects and funding allocations. This information is reported to the Executive Council.
13. Funding will be awarded based on project ranking. The RRC may award less funding than the application request based upon project needs and ability of the jurisdiction to complete the project, including consideration of project planning (is the community prepared to implement the project), project timing (when will the project begin), project phases (can the project be completed in phases), supplemental funding (timing and availability of matching funds), jurisdiction commitment to the project, demonstrated need for the project in the community weighted against project needs for other communities.
14. Multi-year funding (maximum of two years) for projects will generally not be awarded, unless a specific request for multi-year status is received from the project applicant based on defined project needs, and the amount and timing of future funding available can be adjusted to meet such a request.
15. Any appeal of the Mountainland CDBG review process and/or funding allocations will follow the State Regional Appeal Procedure.
16. Emergency Projects: An emergency project is defined as one that addresses a detriment to the health, safety and/or welfare of residents. For any critical project that meets this definition, a jurisdiction may submit an application for emergency CDBG funding outside the normal allocation cycle.
  - a. The application must be made utilizing the state's application form for the most recent funding cycle, and by holding a public hearing. All emergency applications must meet CDBG program requirements, and the Mountainland CDBG policies defined herein, including meeting minimum matching requirements, if any (see Paragraph 5).
  - b. AOG staff will review the application for eligibility and consistency with the Consolidated Plan.
  - c. The RRC will review the project application, including the jurisdiction's capacity to meet funding needs.

- d. If the RRC recommends the application to the State Policy Committee, the state staff will review the application to ensure the project meets program eligibility and national objective compliance. The state reserves the right to reject or amend applications that do not meet these threshold requirements.
  - e. The state will permit applications for emergency projects. The State Policy Committee will make the final review and funding determination on all emergency projects.
  - f. Any emergency funds distributed to projects in the region will be deducted from the region's allocation during the next funding cycle. Therefore, any emergency funds awarded to a jurisdiction will be considered as a funded project in the next funding cycle. Policies on second round funding will be applied as outlined in Paragraph 5.
  - g. Additional information on the Emergency Fund program is available in the Application Policies and Procedures handbook developed annually by the state in Chapter 2, Funding Processes.
17. Membership on the RRC is by appointment of the Chairman of the Executive Council with annual ratification by the full Council. RRC membership will include at least two representatives from each county (1 from the county and 1 from a city/town). There are four members of the RRC. One member of the RRC will be appointed to sit on the State CDBG Policy Committee. RRC members representing jurisdictions that are submitting applications must abstain from ranking their applications.
  18. MAG CDBG Rating and Ranking Policies are updated annually by MAG Staff and the RRC, with consideration given to guidance from the State CDBG Policy Committee and/or State CDBG Staff. Rating and Ranking policies are published for public comment and provided to all eligible cities and counties. The RRC has final review and is responsible to adopt the MAG CDBG Policies and Rating and Ranking System.
  19. In the event of a tie for the last funding position, the following are the tiebreakers in order of priority:
    - a. The project with the highest percentage of LMI
    - b. The project that has highest percent of local funds leveraged
    - c. The project with the most other funds leveraged
    - d. The project with the largest number of LMI beneficiaries
  20. All applications will be fully funded beginning with the highest rated project then sequential to the next highest ranked project and so on. In the event that the next highest ranked project cannot be fully funded the following policies will be implemented to allocate the remaining funds:
    - a. The next ranked application will be evaluated to determine whether or not the project is still viable and can meet a CDBG national objective with reduced funding.
    - b. For projects under the \$200,000 threshold, the committee can award the project less than \$199,000 but greater than \$30,000.
    - c. If there are no applications in the \$30,000 to \$199,000 range, the funds will be allocated to MAG's Single Family Housing Rehab program.

Rating and Ranking System Notes: Underlined Criteria are required by the State of Utah.

1. Percent of the applicant's total population directly benefiting from the project (7 POINTS):  
Regardless of size, the applicant jurisdiction is given greater priority for projects that benefit the highest proportion of the applicant's total population. Direct benefit will result from the project for:

*More than 75% of the applicant's total population - 7 points*

*Between 50-74.9% of the applicant's total population - 5 points*

*Between 25-49.9% of the applicant's total population - 3 points*

*Less than 25% of the applicant's total population - 2 points*

2. Percent of the jurisdiction's LMI population directly benefiting from the project (for site-specific or city/county-wide projects) (5 POINTS):

Points are awarded to applicants serving the highest percentage of their LMI population.

*A substantial proportion of LMI served (>70%) - 5 points*

*A more moderate proportion of LMI served (55-69%) - 4 points*

*A moderate proportion of LMI served (45-54%) - 3 points*

*A small proportion of LMI served (< 45%) - 1 point*

OR

Project serves a limited clientele group (presumed to be 51% LMI) OR targeted LMI group(100% LMI):

Points are awarded to limited clientele activities that serve a HUD presumed LMI group (abused children, elderly, disabled, homeless, etc.), a documented low income group (LMI income certification required for program eligibility), or activities that serve a targeted LMI group, where benefit is provided exclusively to LMI persons based upon their income eligibility (example: construction of new housing whose occupancy is limited exclusively to LMI individuals or families).

*Project serves a limited clientele, or targeted LMI group as defined by HUD - 3 points*

3. Points are awarded to projects which serve low-income (defined as 50% Area Median Income) and very low-income (defined as 30% of the County Median Income) beneficiaries as documented by survey (5 POINTS):

*25% or more of the direct beneficiaries are low or very low income - 5 points*

*20-24.9% - 4 points*

*15-19.9% - 3 points*

*10-14.9% - 2 points*

*1-9.9% - 1 point*

4. Local dollars invested in the project (8 POINTS):

Points are awarded to applicants investing local (city/county) dollars in their own projects, thus leveraging regional CDBG funding. Local contribution must be documented, and

includes bonded indebtedness that is directly attributable to a proposed project, loans, and city/county funds. Points are awarded based upon the following scale:

Population	8 Points	5 Points	3 Points	2 Points	1 Point
< 1,000 population	> 20%	17.1% – 200%	14.1% – 17.0%	10% – 14.0%	<10%
1,001 to 10,000	> 30%	24.1% – 30%	18.1% – 24%	10% – 18%	<10%
> 10,000 population	> 40%	30.1% – 40%	20.1% – 30%	10% – 20%	<10%

5. Amount of outside project leveraging by the applicant (5 POINTS):

Points are awarded to applicants who are able to use CDBG dollars to leverage other state or federal funds. This includes federal and state grants. Leveraging is based on outside funds committed that are currently available.

*Outside funding is 40-49% of the total cost - 5 points*

*Outside funding is 30-39% of the total cost - 4 points*

*Outside funding is 20-29% of the total cost - 3 points*

*Outside funding is 10-19% of the total cost - 2 points*

*Outside funding is 0-9% of the total cost - 0 point*

6. Type of jobs created or retained (permanent or construction)(5 POINTS):

The type of actual jobs created or retained as a result of the project is evaluated as follows:

*Permanent full-time jobs created or retained - 5 points*

*Temporary jobs only - 2 points*

7. The capacity of the grantee to carry out the project (5 POINTS):

Points will be awarded on a scale of 1-5 to grantees who have previously demonstrated the ability to successfully administer and carry out a CDBG project, or to new grantees who have administered other grants in the past and demonstrated an understanding, capacity and desire to successfully administer a CDBG project.

*Previous Performance (Rated by State CDBG Office) - 1-5 Points*

OR

*No Previous Experience - 3 Points*

8. Points are awarded to applicants (not project sponsor) based on the amount of funding received in prior years (5 POINTS):

*Applicant has not received funding in the last two years - 5 Points*

*Applicant received less than \$150,000 in last two years - 3 Points*

*Applicant has received from \$150,000 to \$299,999 in last two years - 1 Points*

*Applicant has received more than \$300,000 in last two years - 0 Points*



9. Moderate income housing planning by the applicant or its sponsor (5 POINTS):

As part of the Housing Plan defined by state statute and/or adopted by city/county ordinance and included in the General Plan. Towns less than 5,000 are not required to have a housing plan. However, they will receive 2 points if they do not have one and 5 points if they do have a housing plan.

*Compliant/Adopted by Ordinance - 5 points*

*Small Cities (less than 5,000) - 2 points*

*Non-compliant - 0 points*

10. Project which support affordable housing for LMI up to 80% AMI (3 POINTS):

The majority of project funds will be used to improve, expand, or support LMI housing education, choice, availability, affordability, or opportunity.

*Projects benefiting 10 or more units or individuals - 3 Points*

*Projects benefiting 5-9 units or individuals - 2 Points*

*Projects benefiting 1-4 units or individuals - 1 Point*

11. Projects which develop/improve infrastructure (7 POINTS):

The majority of project funds are for the expansion of basic infrastructure (water, sewer) or other physical infrastructure (fire stations, community center, etc.) to create suitable living environments for the residents of the community.

*Water/Sewer Projects - 7 Points*

*Secondary Water - 6 Points*

*Storm Drainage - 5 Points*

*Single Family Rehab - 4 Points*

*Streets/Sidewalks - 3 Points*

*Public Health/Safety - 2 Points*

*Other Public Facilities/Housing - 1 Point*

12. For water projects - system user fees are competitive according to state drinking water and water quality standards (7 POINTS)

Maximum Affordable Water Bill = 1.75% of MAGI. Non-Water Projects get a default score of 5

7 Points	5 Points	3 Points	0 Points	Your Jurisdiction's Tax Rate as a Percentage of State Ceiling
Fee rate > 1.25% of MAGI	Fee rate 0.75-1.25% of MAGI	Fee rate 0.51- .75	Fee rate < 0.5% of MAGI	

13. Attendance by an elected official of the applicant at the “How to Apply” workshop (2 POINTS):

*Elected official in attendance - 2 Points*

*Elected official not in attendance - 0 points*

14. Jurisdiction participated in updating the Consolidated Plan (5 POINTS):

*Provided MAG with updated materials for the consolidated plan and capital improvement list - 5 Points*

*Did not provide MAG with updated materials for consolidated plan and capital improvement list - 0 Points*

15. Project meets jurisdiction priorities identified in the consolidated plan priorities (10 POINTS):

Local priorities identified in each jurisdictions capital improvements list will be used to determine jurisdiction priorities.

*On Capital Improvements List - 5 Points*

*Not on list - 0 Points*

16. Completed “ADA Checklist for readily achievable barrier removal” for city/county office (1 POINT):

*Completed checklist - 1 point*

*Did not complete checklist - 0 points*

17. City/County has adopted the following policies: grievance procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan, and Section 504 and ADA Reasonable Accommodation Policy (1 Point)

*Adopted policies - 1 point*

*Has not adopted policies - 0 points*

18. Priority will be given to projects that are mature and have a demonstrated ability to solve the problem (16 POINTS):

A mature project exhibits a specific and detailed scope of work, a timeline, a well thought out funding plan with supplemental funding already applied for and committed, and a detailed engineer's cost estimate. Immediate viability of the project means CDBG dollars can be spent in a timely manner. Points are awarded for each of the following:

- a. *The problem or need is clearly identified in application; applicant is able to present project clearly and concisely and can respond to questions; staff and/or engineer, etc., are involved in and understand the planning process. - 4 points*
- b. *Proposed solution is well defined in Scope of Work and is demonstrated to solve the problem or need. - 5 points*
- c. *Applicant has secured matching funds - 3 points*

*-OR-*

*Applicant is pursuing matching funding. - 1 point*

- d. *Applicant can demonstrate a timeline for project completion during grant period, and can give concise description of how the project will be completed in a timely manner. - 4 points*

19. Projects that have lower CDBG project costs per person will receive more points (2 POINTS):

Dividing the CDBG project request amount by the number of project beneficiaries results in a calculation of the cost per beneficiary. Projects that have a lower cost per beneficiary will receive additional points.

*Projects that cost less than \$1,000 per beneficiary - 3 Points*

*Projects that cost between \$1,001 and \$5,000 per beneficiary - 2 Points*

*Projects that cost over \$5,001 per beneficiary - 0 Points*

UNDER THIS SYSTEM, A MAXIMUM OF 100 POINTS ARE POSSIBLE.

## **R6 Regional Council**

### **CDBG Application Policies**

2025 Program Year

#### **Method of Distribution**

*Community Development Block Grant (CDBG)* – To ensure that CDBG projects administered through the Six County Region meet the national objectives; the R6 Regional Council (R6) Regional Review Committee (RRC) has implemented the following: 1.) An application will be rated and ranked against all submitted applications within the Region. 2.) Successful applications will be funded in order of priority as determined by the rating and ranking process until the regional CDBG funding allocation is exhausted.

#### **CDBG POLICIES – 2025 Program Year**

The following policies have been established to govern the CDBG award process. All eligible project applications submitted by the December 15th deadline will be accepted for rating and ranking.

1. R6 approved \$50,000 of the total annual CDBG allocation for administration of the R6 CDBG program. \$50,000 of the total annual CDBG allocation is also allocated for regional consolidated planning. Lastly, \$100,000 of the total annual CDBG allocation is allocated for Single Family Housing Rehabilitation. The remaining amount of annual R6 CDBG funds is allocated on a competitive basis. To encourage multiple projects and local match, no project will receive more than 50% of the net allocation or \$250,000, whichever is less. Depending on funding, the R6 Regional Review Committee (RRC) reserves the right to eliminate the 50% rule and \$250,000 maximum by a vote of the board.
2. In compliance with the policies of the State of Utah CDBG program, and to be eligible for funding consideration, all grantees or sub-grantees must have drawn down 50% of any prior year's CDBG funding prior to the RRC rating and ranking session.
3. Applicants must provide written documentation of the availability and status of all proposed non-CDBG funding at the time their application is submitted. A project is not mature and will not be funded if non-CDBG funding cannot be secured and committed by December 15th, 2024. If non-CDBG funds aren't secured and committed by December 15th, 2024, the applicant may provide a commitment letter by December 15th, 2024 that clearly states that they will pay the difference to fully complete their project if a different source of non-CDBG funding isn't secured and committed.
4. State policy has established the minimum amount of funding of \$30,000 per project and the maximum amount is limited only by the annual allocation amount, and the R6 CDBG policies outlined in paragraph 1 (one).
5. Projects must align with and be consistent with the Region's Consolidated Plan. Sponsored projects on behalf of an eligible sub-recipient may not necessarily be listed in the

#### **R6 Rating and Ranking Policies**

jurisdiction's capital investment plan, but the sub-recipient's project must meet goals identified in the Region's Consolidated Plan.

6. Attendance at one of the annual "How to Apply" workshops is mandatory for all applicants and sub-grantees. The project manager from the applicant's jurisdiction should be in attendance. Newly elected officials and project managers are especially encouraged to attend, as the administrative requirements and commitments of a CDBG project are considerable.
7. Housing projects are encouraged to use the R6 Housing Department's available resources and emergency projects may be considered by the RRC at any time. Projects applying for emergency funding must still meet a national objective and regional goals and policies. Projects may be considered as an emergency application if:
  - ❑ Funding through the normal application timeframe will create an unreasonable risk to health or property.
  - ❑ An appropriate third-party agency has documented a specific risk (or risks) that in their opinion need immediate remediation.
8. The amount of any emergency funds distributed during the year will be subtracted from the top of the regional allocation during the next funding cycle. Additional information on the emergency fund program is available in the Application Policies and Procedures manual developed annually by the state in Chapter II, Funding Processes.
9. Applications on behalf of sub-recipients (i.e., special service districts, non-profit organizations, etc.) are allowed. The applicant city or county must understand that even if they name the sub-recipient as project manager, the city/county is still responsible for the project's viability and program compliance. A subcontractor's agreement between the applicant entity and the sub-recipient must accompany the application (after funds have been committed to the project).
10. Multi-year projects will be considered. Proposals must contain specific cost estimates and work elements by year so that annual allocations by the RRC can be determined at the outset. No projects over 2 years will be considered.
11. Project maturity will be considered in determining the awarding of funds for the funding cycle, i.e., project can be completed within eighteen months, leveraged funds are in place, detailed scope of work is developed, engineer's cost estimates in place, etc.
12. Applicants that were funded in the year immediately prior to the current program year are not eligible for funding.
13. The application must be submitted by 5:00 PM Mountain Time (MT), December 15, 2024. Any applications received after this date and time will not be considered for funding.
14. Applicants with lower populations may receive additional points in the "Percent of Non-CDBG Funds Invested In Total Project Cost" category.

## **R6 Rating and Ranking Policies**

15. In the event of a tie the following policies will be followed:

- A) The project is in an Economically Distressed Community<sup>1</sup>
- B) The project that has the highest percentage of LMI beneficiaries
- C) The project with the most non-CDBG funds leveraged
- D) The Project with the most points in the Geographical Impact category

16. All projects will be fully funded in the order of their rating and ranking prioritization. Once a balance remains insufficient to fully fund the next project in the order of rating and ranking prioritization, that project will be given an opportunity to receive funds, with two conditions: 1.) The project must be able to maintain the same scope of work that was listed in their initial application. 2.) The project must be able to be rated and ranked the same as their initial application. However, if a project chooses to receive the remaining balance and is required to increase their contribution in order to be funded, it will not alter the initial rating and ranking order previously approved. This process will continue until no additional projects can be funded. The remaining balance will then be added to the region's single-family housing rehab program allocation for that funding cycle.

17. The R6 RRC is filled by the members of the R6 Executive Board. This 12-member committee is composed of a commissioner and a mayor from each county of the region. Members of the committee are appointed by their county and fulfill terms until the end of their elected period or reappointment if they still hold office. Due to election cycles, the approximate term of a board member is 4 years. The chair of the RRC is the chair of the R6 Executive Board.

**The R6 Regional Review Committee has approved the following set-asides for funding:**

**Housing** - \$100,000 if the allocation is over \$400,000. If the allocation is under \$400,000 then 25% of the allocation for the R6 Housing department to help LMI individuals access available housing resources.

**Regional Planning** - \$50,000 for planning activities to be conducted by R6 staff in HUD pre-approved or survey approved Low to Moderate Income communities.

**Administration & Consolidated Planning** - \$50,000 for administration of the CDBG program, updating an annual action plan, and meeting with communities to identify planning needs.

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<sup>1</sup> For these purposes, a distressed community is defined as a "local government with an average unemployment rate of 9 percent or more over the past three years using American Community Survey (ACS) 5-year estimates; a poverty rate of 20 percent or more among individuals not enrolled in higher education as of the most recent ACS 5-year estimates, OR a population decline of 5 percent or more between the 2010 Decennial Census and most recent ACS 5-Year estimates."

**R6 Rating and Ranking Policies**

## R6 Regional Council 2025 CDBG Rating and Ranking Criteria and Project Score Sheet

Applicant & Project:	Total Project Cost:	Non-CDBG Funds:	Score:
CDBG Request:	Data Range/Score (Mark only one for each criteria)	Source of Funds:	Score:
1	Capacity To Carry Out The Grant: Rated by state staff. (See Note #1 for scoring)	5 points	3 points
2	Percent Of Non-CDBG Funds Invested In Total Project Cost: Non-CDBG Funds Amount, Divided by Total Project	4 points	2 points
2a	Jurisdictions with a population less than 500	7.01-10%	1.01-4%
2b	Jurisdictions with a population of 501-1,000	4 points	2 points
2c	Jurisdictions with a population of 1,001-5,000	15.01-20%	5.01-10%
2d	Jurisdictions with a population greater than 5,000	4 points	2 points
3	Non-CDBG Funds Secured: Non-CDBG funds have been Secured, Partially Secured, or Applied for.	20.01-30%	15.01-20%
4	CDBG Funds Requested Per Capita: CDBG funds requested divided by the number of project beneficiaries.	4 points	3 points
5	Jurisdictions with a population of less than 5,000 will receive 1 point.	35.01-40%	25.01-30%
6	Project's Geographical Impact: Projects will be rated on their relative impact in the community both in terms of numbers and relative need.	4 points	2 points
7	LMI Population: Percent of the projects beneficiaries considered 80 percent or less LMI. (based on HUD Pre-Approved LMI Communities or an LMI survey)	Partially Secured	Applied
8	Extent Of Poverty: The percentage of Low Income (LI: 50% AMI) and Very Low Income (VLI: 30% AMI) persons directly benefiting from the project.	2 points	1 point
9	Project Maturity: (See Note #9 for scoring)	\$101-200.99	\$201-400.99
10	Applicant Funded In Previous Program Years:	4 points	3 points
11	Project Priority: Determined by R6 Executive Board members. This Board is composed of a mayor and commissioner from each of the Six Counties.	Yes	No
12	National Objective Compliance: When a project is deemed to fall under Limited Clientele Activities, Targeted Activities, ADA Accessibility, Planning-only Activities, as highlighted under the "National Objectives, Eligible Activities and Federal Compliance Requirements" section of the State of Utah's CDBG Application Policies and Procedures, that applicant will receive 4 points.	Multiple Counties	County
13	Remove Architectural Barriers (ADA): Is the entire project solely focused on ADA compliance?	5 points	4 points
14	Health And Safety: Does the project address serious health and safety threats.	5 points	4 points
15	LMI Housing Stock: Infrastructure for the units, rehabilitation of units, new units and/or accessibility of units for LMI residents. (See Note #14 & #15 for scoring)	>80%	60.01-75%
16	Affordable Housing Plan Implementation: City/County has adopted an Affordable Housing Plan and this project addresses some element of that plan. (See Note #14 & #15 for scoring)	5 points	4 points
17	Pro-active Planning: Communities who pro-actively plan for growth and needs in their communities. (See Note #16 for scoring)	>20%	10.01-15%
18	Civil Rights Compliance: Applicant is in compliance with federal laws and regulations related to civil rights. (See Note #17 for scoring)	5 points	4 points
19	Application Completion: (See note #18) for Scoring	2 points	1 point
		2020 and Prior	2021
		4 points	3 points
		2022	2023
		2 points	1 point
		Water Infrastructure Improvements	Recreation Facility Improvements
		6 points	5 points
		Yes	No
		4 points	0 point
		Yes	No
		2 points	0 point
		Yes	No
		3 points	0 point
		>20 units	15-20 units
		6 points	5 points
		Yes	No
		2 points	0 point
		4 points	3 points
		2 points	1 point
		2 points	1 point
		1 point	0 point
		1 point	0 point
		Total Score: 0	
<b>Notes:</b>			
#1 - This score will come from the CDBG state staff rating, which can be found under "Capacity to Carry Out the Grant" in the CDBG policies and procedures handbook.			
#9 - One point will be awarded if an architect/engineer is already selected and is actively involved in the application process, or a CDBG compliant procurement process has been followed for equipment purchases. One point will be awarded if architectural/engineering designs/plans are completed for the project or a vendor has been selected for an equipment purchase.			
#15 & #16 - Both of these scoring criteria will only be utilized when scoring a housing project.			
#17 - One point will be awarded if the applicants general plan has been updated in the previous 5 years (ex. For the 2025 cycle: updated during or after 2020). One point will be awarded if the applicant maintains a detailed Capital Improvements List for future projects. One point will be awarded if the applicant keeps a detailed Asset Inventory list. One point will be awarded if the applicant can document an active planning and zoning commission. The Capital Improvements List, Asset Inventory list, and documentation of an active Planning and Zoning Commission must be submitted by the R6 December 15th, 2024 deadline.			
#18 - One point will be awarded if the applicant has completed the "ADA Checklist for Readily Achievable Barrier Removal" form. One point will be awarded if the applicant has adopted all of the following policies prior to the SCAG December 15th, 2024 deadline: Grievance Procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan, and Section 504 and ADA Reasonable Accommodation Policy. (Forms available from R6)			
#18 - One point will be awarded to applications that contain all correct required documentation under attachments in Webgrants 3 (i.e., engineer's estimate, scope of work, project location map, public hearing notice proof, public hearing minutes, SAM Registration and photographs of the project area), at the time of application submission, by the December 15th, 2024 R6 deadline.			
*All population figures will be sourced from the most recent data available in the U.S. Census Bureau's American Community Survey.			



## **CDBG RATING AND RANKING POLICIES PROGRAM YEAR 2025**

### **Updated: Waiting Board Approval**

**ALLOCATIONS POLICIES** — the following set-asides are established for the 2025 program year:

1. \$100,000 will be set-aside to fund the Region-wide CDBG administration, consolidated planning, general planning assistance, affordable housing planning, and economic development technical assistance activities operated by the Southeastern Utah Association of Local Governments:
  - Update of the Region's required Consolidated Plan;
  - Coordinate Consolidated Planning activities and efforts with the Region's economic development practitioners, chambers of commerce, travel councils, and the Southeastern Utah Economic Development Region Board and CEDS (Comprehensive Economic Development Strategy) Committee;
  - Coordinate Consolidated Planning activities and efforts with the Region's homeless coordinating committees, agencies providing services to person with disabilities, region housing authorities, and other non-profit and special service agencies that serve low-income clients;
  - Coordinate Consolidated Planning activities with the Region's Rural Transportation Planning Organization for the development and implementation of a mobility management system to provide access and mobility services to senior citizens, persons with disabilities, and low-income workers;
  - Provide technical assistance to the Region's CDBG applicants to ensure the successful completion of their applications.
  - Technical assistance to for-profit businesses located within low- to moderate-income areas and/or low- to moderate-income business owners. Technical assistance includes, but not limited to; workshops, assistance in developing



business plans, marketing, and referrals to lenders or technical resources

Support region-wide planning efforts within the communities of Southeastern Utah. These initiatives will encompass activities such as planning and zoning commission meetings participation, GIS mapping, project mapping, and other tasks requested by local municipalities.

2. \$174,000 will be set-aside to fund the following region-wide housing program operated by the Southeastern Utah Association of Local Governments - single-family housing rehabilitation;
  - 1) At least seventy percent (70%) of the allocated set-aside is to provide rehabilitation of the homes of LMI residents throughout the Region, either as a stand-alone project or in coordination with funds from the Olene Walker Loan Fund, Rural Development, or other sources;
  - 2) Up to thirty percent (30%) of the allocated set-aside is for the cost of program delivery of the Region's housing rehabilitation programs funded by CDBG, by providing loan underwriting services, development of scopes of work, contractor supervision, and housing rehabilitation-repair technical assistance directly to clients and to other entities or agencies providing services to low income persons;
  - 3) Operate the lead-based paint evaluation program for the Region's housing rehabilitation activities, and other agencies that serve low-income clients with housing and rehabilitation services;
3. In compliance with the policies of the State of Utah CDBG Program, and to be eligible for funding, all applicants must have drawn down 50% of any prior year's CDBG funding prior to the Regional Review Committee's (RRC) rating and ranking meeting in March.
4. The State of Utah has established the minimum amount of funding of \$30,000 per project and the maximum amount is limited by the annual allocation amount.
5. Applicants must provide written documentation of the availability and status of all other proposed funding at the time the application is submitted, including all sources of funding which are considered local contributions toward the project and its administration.
6. The Southeastern Utah Association of Local Governments (SEUALG) will aid with the completion of the application of eligible applicants. The initiation and completion of the application will fall solely on the applicant(s). All applications for CDBG funds will be prepared in accordance with the State of Utah and federal regulations.
7. Official representatives of potential applicants **MUST ATTEND ONE** of the "How to Apply Workshops." Applicants that do not attend will not be considered for funding. Official representatives can be elected officials of the applicant entity or management level employees of the entity such as city/county managers or administrators, city/county recorders or clerks, or management staff from the entities' planning or community development department. Third party representation (engineers, architects, lower level entity staff, etc.) will be accepted only if a written designation from the entity is provided at the start of the "How to Apply Workshop". Nonprofit organizations and special service districts executives should attend with the sponsoring city or county, if possible.

- 8.** All applications will be scored by the Rating and Ranking Committee (RRC) based on the rating and ranking criteria approved by the SEUALG Governing Board. SEUALG staff will make recommendations to the RRC on each application and then present the applications to the SEUALG Governing Board for final approval.
- 9.** The SEUALG Governing Board has the final approval for projects. The SEUALG Board consists of one county commissioner and one municipal elected official from each county. The process for selecting these board members from each county is in alignment with the SEUALG Bylaws.
- 10.** The Rating and Ranking Committee will be composed of two recommended individuals from each county to represent the county and municipalities and will be on the Committee for two-year terms. These recommendations will be from the SEUALG Governing Board. The Rating and Ranking Committee creates the Rating and Ranking Policies and Criteria to be approved by the SEUALG Governing Board.
- 11.** Projects must be consistent with the Region's Consolidated Plan.
- 12.** Public service providers, traditionally non-profit organizations, are allowed to apply for CDBG funds for capital improvements, and major equipment purchases. Examples are program delivery vehicles, new construction, rehabilitation, and facility expansion. State of Utah policy prohibits the use of CDBG funds for operating and maintenance expenses. This includes paying administrative costs, salaries, etc. No more than 15% of the state's yearly allocation of funds may be expended for public service activities.
- 13.** Applications on behalf of sub recipients (i.e. special service districts, non-profit organizations, etc.) are allowed. The applicant city or county must understand that even if they name the sub recipient as project manager the city or county is still responsible for the project's viability and program compliance. A subcontractor's agreement between the applicant entity and the sub recipient must accompany the application. A letter from the governing board of the sub recipient requesting the sponsorship of the project must accompany the application. The letter must be signed by the board person. To utilize CDBG funds for a public service, the service must be either a new service or a quantifiable increase in the level of existing services which has been provided by the applicant in the previous 12 months.
- 14.** To qualify for Americans with Disabilities Act (ADA) points a project must be an adaptation to an existing facility or structure. New construction must be ADA compliant by law, so while these projects may meet a National Objective and qualify for CDBG funding, they will be rated and ranked as community development projects.
- 15.** A - Project Maturity (Construction): Funding should be prioritized to those projects which are the most "mature". Maturity is defined as those situations where: 1) the applicant has assigned a qualified project manager; 2) has selected an engineer and/or architect; 3) proposed solution to problem identified in the Scope of Work and ready to proceed immediately; 4) has completed architectural/engineering design (blueprints); and 5) identifies all funding sources and funding maturity status. Projects that are determined to not be sufficiently mature to be ready to proceed in a timely manner, may not be rated and ranked.  
B - Project Maturity (Non-Construction): Funding should be prioritized to those projects which are the most "mature". Maturity is

defined as those situations where: 1) the applicant has assigned a qualified project manager; 2) can provide proof of site control; 3) proposed solution to problem identified in the Scope of Work and ready to proceed immediately; 4) has completed a statement of need; and 5) identifies all funding sources and funding maturity status. Projects that are determined to not be sufficiently mature to be ready to proceed in a timely manner, may not be rated and ranked.

**16.** When an applicant submits more than one application, only the highest ranked application will be considered for funding unless all other applications have been funded.

**17.** Emergency projects may be considered by the RRC at any time during the year. Projects that are considered for emergency CDBG funding must still meet a national objective and regional goals set by the RRC. Projects may be considered an emergency if the following apply:

- ❖ Funding through a normal CDBG funding cycle would create an unreasonable health and or safety risk to people or property.

If an applicant deems it necessary to apply for emergency funding, they must contact the Southeastern Utah Association of Local Governments promptly to discuss the details of the project and the state required application procedure and the RRC criteria. Emergency funds are limited on a statewide basis and will need approval from the State CDBG Policy Board. The amount of emergency funds awarded will be subtracted from the top of Region's next yearly allocation.

**18.** In regards to applications scoring, the following policies will be followed in the event of a tie:

1. The project that has the highest percentage of LMI persons benefiting.
2. The project with the most local leveraged funds.
3. The project with the most other leveraged funds.
4. The largest geographical area benefitted.
5. The project with the largest number of LMI beneficiaries.

**19.** All applications will be fully funded beginning with the highest ranked project then sequential to the next highest ranked project and so on. In the event the next highest ranked project cannot be fully funded, the following policies will be implemented to allocate the remaining funds:

1. The next ranked application will be evaluated to determine whether or not the project is still viable and can meet a CDBG national objective with reduced funding.
2. If the next ranked application cannot be awarded partial funding, AOG staff will move to the next highest ranked application and follow the same evaluation process. This process will be followed until all applications have been evaluated and funding is exhausted.
3. If none of the remaining applications can be adequately funded with the remaining funds, the funds will be allocated to the

region-wide housing programs.

- 20.** To ensure all requirements and time constraints for the CDBG application deadline of January 31 are met, applicants must have a project consultation meeting with SEUALG CDBG staff prior to December 1. Those applicants that do not consult with SEUALG CDBG staff prior to December 1 will not be eligible to apply for CDBG funding, unless given SEUALG Board approval.

**Definitions by Criteria Number:**

- 1.** Capacity to Carry Out Grant (5 points possible): Grantee’s history in administering CDBG grants. In the case that this is a grantee’s first CDBG grant, 2.5 points will be given. The State of Utah CDBG Staff determines this score by the following:

  - a. Applicant’s capacity to administer grant: project manager consistency (1 point)
  - b. Documentation/communication (1 point)
  - c. Project completed in contract period (1 point)
  - d. Compliance with regulations/laws (2 points)
  
- 2.** A - Project Maturity-Construction (10 points possible): A qualified project manager has been selected, meaning the project manager is an employee or elected official that will be with the applicant or sub-recipient entity to oversee the grant until closeout; an architect or engineer has been selected and is working with applicant; applicant has a well-defined scope of work illustrating the problem and solution of the project including demographics, data, address of project, work to be performed, etc.; completed architectural/engineering design (blueprints) are completed and submitted; funding in place meaning all other forms of funding is secured/committed and supporting documents are attached with the application.

B - Project Maturity-Non Construction (10 points possible): A qualified project manager has been selected, meaning the project manager is an employee or elected official that will be with the applicant or sub-recipient entity to oversee the grant until closeout; applicant can provide proof of site control (e.g., MOU, ownership, etc.); applicant has a well-defined scope of work illustrating the problem and solution of the project including demographics, data, address of project, work to be performed, etc; has completed a statement of need; and submitted funding in place meaning all other forms of funding is secured/committed and supporting documents are attached with the application.
  
- 3.** A. Public Facility Development/Improvements (7 points possible): Development and improvements on housing, economic revitalization and development, infrastructure, work force, community safety, healthcare or transportation needs. All activities must be eligible for CDBG Activities.

**-OR-**

B. Improvement of LMI Housing (5 points possible): Improvement of existing housing stock with rehabilitation. This includes but is not limited to; energy-efficiency improvements, infrastructure, ADA accessibility, rehabilitating an existing building to become LMI housing.

**-OR-**

C. Development of LMI Housing (7 points possible): Development of new housing that is to benefit low- to moderate-income families and individuals. This includes but is not limited to; infrastructure, property acquisition for housing projects, construction.

- 4.** Affordable Housing Plan (2 points possible): City or county has adopted an affordable housing plan and the project implements items addressed in the plan. Those projects that do not implement items in plan will receive 0 points.
- 5.** Extent of Poverty (5 points possible): Extent of extremely low- to very low- income (0-50% AMI) households or beneficiaries in a project area divided by total households or population of a project area.
- 6.** LMI Project Beneficiaries (4 points possible): Percentage of project beneficiaries that are low- to moderate-income (LMI).
- 7.** Project Overall Impact (10 points possible): The area in which the beneficiaries are located. Those projects impacting the community/county as a whole will receive more points than those projects that are site specific or targeting a population.
- 8.** CDBG Funds Requested per Capita (5 points possible): Total CDBG funds divided by the communities' population. Points will then be given in relation to the cost per person (8 a-d).
- 9.** Applicant Last Funded (5 points possible): Points are given to those applicants based on when they last received CDBG funding.
- 10.** Jurisdiction Property Tax Rate (5 points possible): The communities/counties that maintain an already high tax burden, as compared to the tax ceiling set by set law (municipalities .007 per dollar [Utah Code 10.6.133]; counties .0032 or .0036 per dollar [Utah Code 59.2.908]), will be given higher points in this category.
- 11.** Civil Rights Compliance (2 points possible): Applicant is in compliance with federal laws and regulations related to civil rights. One point will be awarded if the applicant has completed the "ADA Checklist for Readily Achievable Barrier Removal" form. One point will be awarded if the applicant has adopted all the following policies: Grievance Procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan, and Section 504 and ADA Reasonable Accommodation Policy (Forms available from SEUALG).
- 12.** Pro-Active Planning (5 points possible): The State of Utah emphasizes the importance of integrating pro-active planning into government operations. Additional points will be given to communities that show a commitment to improvement through planning that meet the following guidelines:
  - a. Demonstration of local responsibility for planning and land use in their communities in coordination with other governments.
  - b. Development of efficient infrastructure including water and energy conservation.
  - c. Incorporation of fair housing opportunity and affordability into community planning .
  - d. Protection and conservation plan for water, air, critical lands, important agricultural lands and historic resources.
  - e. Removal of barriers to accessibility of programs and facilities for all persons.

2024 CDBG Application Scoring Criteria							Score
1	Capacity to Carry Out Grant	Excellent 5 points	Very Good 4 points	Good 3 points	Average 2 points	Below Average 1 point	
2 a	Project Maturity (Construction)	Project Manager 1 point	Architect or Engineer 1 point	Scope of Work 3 points	Completed Architectural or Engineering Design 3 points	Funding in Place 2 points	
2 b	Project Maturity (Non-Construction)	Project Manager 1 point	Proof of Site Control 1 point	Scope of Work 4 points	Statement of Need 2 points	Funding in Place 2 points	
3 a	Public Facility Development/Improvements	Housing 7 points	Economic Revitalization & Development 6 points	Infrastructure 5 points	Workforce 4 points	Healthcare 2 points	Transportation 1 points
	OR						
3 b	Improvement of LMI Housing	>6 units 5 points	3-5 units 4 points	<2 units 3 points			
	OR						
3 c	Development of LMI Housing	9+ units 7 points	5-8 units 6 points	1-4 units 5 points			
4	Affordable Housing Plan	Yes 2 points	No 0 points				
5	Extent of Poverty in Project Area	>20% 5 points	15%-19% 4 points	10%-14% 3 points			
6	LMI Project Beneficiaries	>76% 4 points	66%-75% 3 points	56%-65% 2 points	51%-55% 1 point		
7	Project's Overall Impact	County/Community Wide 10 points	Site Specific or Targeted Population 5 points				

<b>8</b>	<b>CDBG Funds Requested per Capita</b>							
<b>8 a</b>	Jurisdictions with a population of less than 500	\$1-\$1000 5 points	\$1001-\$2000 4 points	\$2001-\$3000 3 points	\$3001-\$4000 2 points	\$4001+ 1 point		
<b>8 b</b>	Jurisdictions with a population of 501-1,000	\$1-\$500 5 points	\$501-\$1000 4 points	\$1001-\$1500 3 points	\$1501-\$2000 2 points	\$2001+ 1 point		
<b>8 c</b>	Jurisdictions with a population of 1,001- 5,000	\$1-\$250 5 points	\$251-\$500 4 points	\$501-\$1000 3 points	\$1001-\$1500 2 points	\$1501+ 1 point		
<b>8 d</b>	Jurisdictions with a population of greater than 5,000	\$1-\$125 5 points	\$126-\$250 4 points	\$251-\$500 3 points	\$501-\$750 2 points	\$751+ 1 point		
<b>9</b>	Applicant Last Funded	Last Funded PY2018 or earlier 5 points	Last Funded PY2019 4 points	Last Funded PY2020 3 points	Last Funded PY2021 2 points	Last Funded PY2022 0 points		
<b>10</b>	Jurisdiction Property Tax Rate	>50% 5 points	40-49% 4 points	30-39% 3 points	20-29% 2 points	10-19% 1 point	<10% 0 points	
<b>11</b>	Civil Rights Compliance	Fully Compliant 1 point	Completed ADA Checklist 1 point					
<b>12</b>	Pro-Active Planning (Add Points Together for each Met Requirement)	Cooperation with other Governments 1 point	Efficient Infrastructure 1 point	Fair Housing Opportunity and Affordability 1 point	Protection and Conservation Plan 1 point	Accessibility 1 Point		
						<b>Total Points</b>	<b>/ 65</b>	





**Uintah Basin Association of Governments  
Regional Review Committee (RRC)  
Community Development Block Grant (CDBG)  
Rating and Ranking Criteria  
Program Year 2025  
Policy and Procedures**

1. The Uintah Basin Association of Governments (UBAOG) will provide assistance in completion of the CDBG application. All applications for CDBG funds will be made and processed in accordance with Utah State and Federal Regulations.
2. Applicants that do not attend the UBAOG CDBG “How to Apply Workshop” **will not** be eligible to apply for funding. Applications submitted after the deadline **will not** be considered for funding.
3. All applications will be scored by the UBAOG staff using criteria approved by the Rating and Ranking Committee (RRC). The RRC is comprised of 19 members: three County Commissioners in each county, Daggett, Duchesne and Uintah Counties, as well as the Mayors of Altamont, Duchesne, Tabiona, Roosevelt, Myton, Ballard, Vernal, Naples, Dutch John, and Manila. Committee members serve on the RRC as long as they retain their elected position of the respective county or city. Staff will make recommendations to the RRC on each application. Staff will present the applications to the RRC for final rating and ranking and approval. State CDBG staff must review/approve all applications as being “threshold eligible” prior to rating and ranking.
4. Timeline for rating and ranking criteria
  - Spring 2024 — rating and ranking distributed to all committee members
    - I. June – 2024 Final approval of rating and ranking criteria by committee members
    - II. Submittal to the State Community Block Grant Program staff
5. Eligible applicants are cities, towns and counties. Applications on behalf of sub-recipients (i.e., special service districts, non-profit organizations, etc.) are allowed. City and county sponsors will be responsible for sub-recipient’s project viability and program compliance. They must maintain active oversight of the project and sub-recipient’s performance. An inter-local agreement between the sub-recipient and the sponsoring city or county must accompany the application. This inter-local agreement must state the details of the coordination between the sponsor and the sub-recipient and how the sponsor will monitor the sub-recipient.
6. All projects must be consistent with the region’s Consolidated Plan. All projects applied for **must be** on the prioritized one-year capital improvement’s list. Projects not on the one-year list will not be considered for funding.
7. The minimum project size for CDBG funding is \$30,000 as per state policy. Projects less than \$30,000 will not be considered.

8. As per state policy, grantees with open grants from previous years that have not yet spent 50 percent of their previous funding are not eligible to apply for new CDBG funds.
9. Applicants must provide written documentation of the availability and status of any matching funds for the project at the time of application. Changes in funding after this time may result in a modified rating and ranking.
10. In case of scoring ties the project with the most LMI beneficiaries will get funded. In a case of a tie, the project with the most leveraged funds will have priority.
11. After all projects have been fully funded in the order of their Rating and Ranking prioritization and a balance remains insufficient for the next project in priority to complete a project, the funds will be first applied to the highest scoring project. An amount, determined by the RRC, will be used for construction contingency. Any remaining balance not allocated to the highest scoring project will be allocated to the region's single family housing rehab program.
12. The Uintah Basin Regional Review Committee has approved the following set asides:
  - \$50,000 set aside for administration of region-wide administration and consolidated planning activities of the AOG.
  - \$200,000 set aside for Housing Rehabilitation
  - \$60,000 set aside for Housing Rehabilitation program delivery
  - \$40,000 set aside for Homebuyers assistance
  - \$8,000 set aside for Homebuyers assistance/Other administration
  - Total Housing set aside = \$ 358,000
13. Emergency projects may be considered by the Regional Review Committee at any time during the year. Projects that are considered for emergency CDBG funding must still meet a national objective and regional goals set by the committee. Projects may be considered an emergency if the following apply:
  - Funding through a normal CDBG funding cycle time frame would create an unreasonable health and/or safety risk to people or property.
  - A public health and safety crisis experienced by a city or county which could not have been foreseen (i.e. fire, flood, act of God)
  - Alternative funding or temporary solution is not available.

If an applicant deems it necessary to apply for emergency funding, they must contact the Uintah Basin AOG promptly to review the project. Emergency funds are limited on a statewide basis and require approval from the State CDBG Policy Board. The amount of emergency funds awarded will be deducted from the region's allocation during the next funding cycle.
14. The maximum multiple-year grant amount is \$350,000 per year, up to two years (amount may change based on funding appropriation). All applicants proposing projects requiring two years of funding must have a cost estimate and/or breakdown for each year. If a project has been awarded a two-year grant, the second year's grant

amount will be taken from the region's appropriation at the beginning of that year's rating and ranking process.

15. Pre-applications must be submitted to the Uintah Basin Association of Governments by December 31 to be considered eligible for CDBG funding.

### **Application Scoring Information**

Application scoring by the UBAOG and the RRC members will be according to the following guidelines.

1. **Capacity to Carry-Out Grant:** The grantee must have a history of successful grant administration in order to receive full credit in the category. First time grantees and grantees that have not had an application funded in the past six years will receive 2.5 by default. Applicants with poor past performance must present a plan, at the time of application, showing how they will overcome past issues and make this a successful application. The state CDBG staff will award 1-5 points for this criteria.
2. **Project Maturity:** Funding should be prioritized to those projects which are the most "mature". For the purposes of this process, maturity is defined as those situations where: 1) the applicant has assigned a qualified project manager; 2) has selected an engineer and/or architect; 3) proposed solution to problem is identified in the Scope of Work and ready to proceed immediately; 4) has completed architectural/engineering design (blueprints); and 5) identifies all funding sources and funding maturity status. Projects that are determined to not be sufficiently mature so as to be ready to proceed in a timely manner, may not be rated and ranked.
3. **Infrastructure:** Ten points are awarded to any Infrastructure project.
4. **Improvement of Housing Units:** Rehabilitation of housing units will receive points based on the units being rehabilitated. The number of units to be rehabilitated must be provided at the time of application.
5. **Health and Safety:** Projects that address a threat to public health, safety or the ability to provide basic services (water, sewer, natural disaster) to an area or serve a need will receive ten points. These projects must be presented as a health or safety issue at the time of application.
6. **LMI Beneficiaries:** Points will be awarded based on the percentage of project beneficiaries that are Low-Moderate Income (LMI) based on information provided by the most current census data or approved income survey. LMI population of more than 76% will be awarded 4 points, 66% 3 points, 56% 2 points, and 51-55% 1 point.

7. **Targeted LMI Population:** Projects that target the percentage of the beneficiaries that are LMI beneficiaries will receive 5 points. Applicant must demonstrate that 100% of the beneficiaries are LMI.
  
8. **Financial Commitment-Outside Funds:** If funds are contributed from an outside source, points will be awarded based on the amount of funds contributed. If more than \$50,000 is contributed, full points will be awarded. \$25,000 to \$49,999 contributed will receive three points. \$10,000 to \$24,999 will receive two points. And \$500 to \$9,999 will receive one point.
  
9. **Consolidated Plan-Capital Improvements List:** Projects must be listed in the Regional Consolidated Plan's One-Year Capital Improvements List to be considered for funding. Projects that have been considered for a longer amount of time and have shown prior planning will be given more points. Projects that have been on the list for four or more years will receive four points, three years will receive three points, two years will get two points, one year will get one point.
  
10. **Consolidated Plan:** Each entity is required to submit information for the annual update of the Regional Consolidated Plan. Those entities that have submitted their information, in a timely manner, to the UBAOG to complete that update will be awarded full points.
  
11. **Area Served by Project:** Points are given based on the area served by the project. If a project will benefit multiple counties (UBAOG), it will receive 10 points. If the project will benefit one entire county, it will receive 7 points. If the project benefits a city or town it will receive 5 points. If the project benefits a specific site it will receive 2 points.
  
12. **Civil Rights Compliance:** Applicants (City/County) will receive points for compliance with federal laws, executive orders and regulations relate to civil rights. 1 Point will be given by completing the "ADA Checklist for Readily Achievable Barrier Removal" for city/county office.  
  
**Civil Rights Compliance:** 1 point will be given to a city/county who has adopted the following policies – Grievance Procedure under the Americans with Disabilities Act, Section 504 and ADA Effective Communication Policy, Language Access Plan and Section 504 ADA Reasonable Accommodation Policy.
  
13. **Completed Application** - City/County has attached and completed all necessary documents for the CDBG application. If the application has all required documents, the applicant will be given 5 points. 0 points will be given with an incomplete application.

## WASATCH FRONT REGIONAL COUNCIL

### 2025 RATING AND RANKING CRITERIA - GENERAL POLICIES

The Wasatch Front Regional Council (WFRC) staff assists applicants through the CDBG process. Applicants are encouraged to take advantage of this service to help reduce administrative costs. Contact Christy Dahlberg at [christy@wfrc.org](mailto:christy@wfrc.org) or 801-363-4250 with questions.

#### FUNDING INFORMATION

- 1 Minimum grant amount is \$30,000 per year.
- 2 The maximum multiple-year grant amount is \$200,000 per year, up to two years (unless the applicant has not been funded for 5 or more years). All applicants proposing projects requiring two years of funding must have a cost estimate and/or breakdown for each year. If a project has been awarded a two-year grant, the second year's grant amount will be taken from the region's appropriation at the beginning of that year's rating and ranking process. If the applicant has not been awarded CDBG in 5 or more years, they may apply for a multi-year grant totaling \$700,000 over two years, with the maximum amount in the first year being \$500,000.
- 3 The maximum grant amount per year for community infrastructure projects is \$350,000, unless they have not been awarded CDBG funds in 5 or more years in which case they may apply for up to \$500,000. Community infrastructure projects can include water, sewer, street, sidewalk, curb, and gutter projects.
- 4 A single entity may not receive more than \$350,000 in one funding cycle. Multiple projects may be awarded to a single entity in one funding cycle, so long as they do not exceed \$350,000. An exception will be made if there is more funding available after all eligible projects have been funded.
- 5 After fully funding all projects in ranked order, any remaining funds shall be awarded to the next ranked project if it is determined that partial funding is a reasonable option. If partial funding is not an option, then the next ranked project shall be reviewed and funded if possible and so on.

6	<p>In compliance with the policies of the State of Utah CDBG program, and to be eligible for funding, all grantees or sub grantees must have drawn down at least 50% of any prior year’s CDBG funding before the RRC’s rating and ranking meeting.</p>
<p style="text-align: center;"><b>APPLICANT INFORMATION</b></p>	
7	<p>All applicants are required to attend the region’s annual "How to Apply" workshop. The project manager should attend the workshop. If the project manager cannot attend, he or she needs to identify an alternate representative. If sponsorship is required, representatives from the sponsoring city or county and the sub-recipient must also attend. See number 8 to determine if you need a sponsor.</p>
8	<p>Only cities and counties are eligible to receive CDBG funding. Applicants, other than cities or counties, are required to gain the sponsorship of a city or county no later than the date of the first public hearing. The decision to sponsor non-governmental entities is entirely up to the city or county. Sponsoring entities are required to ensure all program requirements are met including, attending the How to Apply workshop, ensure that the project is viable, and provide active oversight of the project and contract performance. Sponsors are also required to ensure that the project is part of the Consolidated Plan and that a subcontractor’s agreement is mutually agreed on and signed by both entities.</p>
<p style="text-align: center;"><b>PROJECT INFORMATION</b></p>	
9	<p>Public service providers are encouraged to apply for capital improvement projects and/or major equipment purchases. Examples include delivery trucks and other public service vehicles, fixtures, computer equipment, construction, remodeling, and facility expansion. State policy prohibits the use of CDBG funds for operating and maintenance expenses including administrative costs or salaries and items that can be easily removed from the building such as office supplies, cleaning supplies, etc. No more than 10% of the state's yearly allocation of funds may be expended for public service projects.</p>
10	<p>Projects must be consistent with the region’s Consolidated Plan and included in a city or county prioritized capital investment list and meet the overall goals identified in the Plan.</p>

11

Emergency projects may be considered by the RRC at any time. An emergency project is one that eliminates or mitigates an imminent threat to health and safety. These projects must meet all CDBG requirements. Applicants must work closely with WFRC staff to ensure program compliance. Emergency projects will be reviewed by the RRC to ensure that a regional goal listed in the Consolidated Plan will be met. Emergency



	<p>projects must be approved by the statewide CDBG Policy Committee. Any funding awarded for emergency projects will be deducted from the subsequent year's annual regional allocation.</p>
12	<p>WFRC staff will visit each applicant on site for a project evaluation/review.</p>
13	<p>The RRC may approve regional CDBG set-asides under the following conditions: 1) they are consistent with the region's Consolidated Plan; 2) they are approved prior to the "How to Apply" workshop.</p>
<p><b>RATING AND RANKING INFORMATION</b></p>	
14	<p>In order to receive points for any of the evaluation criteria, applicants must state and include the necessary information as an attachment in WebGrants. The RRC reserves the right to eliminate incomplete applications.</p>
15	<p>All applicants must complete or nearly complete their WebGrants application and schedule a meeting with AOG staff to review the status of your application in December.</p>
16	<p>WFRC staff preliminarily evaluate all applications using these criteria. The pre-evaluation will be shared with the RRC who makes the final rating and ranking and funding recommendations to the Housing and Community Development Division.</p>
17	<p>In the event that two or more projects receive the same rating and ranking score, the RRC will rank them using the regional priorities identified in Criterion 10. If there is still a tie score, the applicant with the highest percentage of other matching funds shall prevail.</p>
18	<p>Prior to adoption, these Criteria shall be publicly noticed and made available for a 30-day public comment period and public open house.</p>
<p><b>REGIONAL REVIEW COMMITTEE (RRC) INFORMATION</b></p>	
19	<p>The members of the RRC are listed below along with their respective appointed terms. The RRC consists of six members, two from each of the three counties plus one staff member from WFRC. Each County Council of Governments appoints one elected official and one staff person to represent their county on the RRC. Each member serves a two-year term with no limit upon succession.</p>

20	The RRC reviews the Rating and Ranking Criteria annually to ensure the available funding promotes regional needs and program goals.
21	RRC Membership:  John Olson, Mayor, Vernon Town, January 2024 – December 2025 Rachelle Custer, Community Development Director, Tooele County, January 2024 – December 2025
	Mark Allen, Mayor, Washington Terrace City, Weber County, January 2024 – December 2025
	Stephanie Russel, Weber County Economic Development Director, January 2024 – December 2025
	Dave Alexander, Councilmember, Morgan City, January 2024 – December 2025
	Josh Cook, Morgan County, January 2023 - December 2024
	SET-ASIDES
21	The Wasatch Front Regional Council will set aside \$50,000 of the region’s annual CDBG allocation to provide administration and planning assistance to eligible entities.

**WASATCH FRONT REGIONAL COUNCIL**

**2025 RATING AND RANKING CRITERIA**

<i>Rank</i>				
<i>Applicant</i>				
<i>Sub-Applicant</i>				
<i>Project</i>				
<i>Total Points</i>				
<i>Total Project Cost</i>				
<i>2025 CDBG Request</i>				
<i>2026 CDBG Request</i>				
<i>% Match</i>				
<i>ACTUAL 2025 CDBG Funding</i>				
<b>CRITERIA</b>	<b>MAX SCORE</b>	<b>DESCRIPTION</b>	<b>APPLICANT SCORE</b>	
<b>1. CAPACITY</b>	<b>5</b>	The grantee's capacity to carry out the CDBG grant. Points are awarded based on historical CDBG grant administration. State staff set and award points for these criteria.	<b>0</b>	
Project manager consistency	1			
Documentation and communication	1			
Project was completed within the contract period	1			
Compliance with regulations and laws	2			
First time grantees (default is 2.5 points - no other points awarded)	2.5			
<b>2. HOUSING STOCK</b>	<b>8</b>	Project results in the construction of housing units; or, housing units made accessible to LMI households. Projects may include acquisition of property and/or construction of infrastructure in support of the proposed housing units. Double the score if the	<b>0</b>	
	<b>*select up to 2</b>			

			project serves chronically homeless individuals (up to 8 points). Add 1 additional point if the project serves homeless individuals or families (up to 7 points).	
	1 housing units	1		
	2 housing units	2		
	3 housing units	3		
	4 housing units	4		
	5 housing units	5		
	>5 housing units	6		
	Project serves chronically homeless individuals	x2		
	Project serves homeless individuals or families	1		
<b>3. MODERATE INCOME HOUSING PLAN</b>		<b>3</b>	<b>Project results in the development, update, or implementation of a housing project identified in the jurisdiction's Moderate Income Housing Plan. Towns not required to comply will receive 1 point if the project benefits an affordable housing goal identified in the Consolidated Plan.</b>	<b>0</b>
	Project results in the development of a Moderate Income Housing Plan	1		
	Project results in the update to a Moderate Income Housing Plan	1		
	Project implements a Moderate Income Housing Plan element	2		
	Project implements a Consolidated Planning housing goal (towns)	1		
<b>4a. EXTENT OF VERY LOW INCOME SERVED BY THE PROJECT</b>		<b>6</b>	<b>Project directly benefits very low-income households (household income is at or less than 30% area median income).</b>	<b>0</b>
	1 - 5%	1		

6 - 10%	2		
11 - 15%	3		
16 - 20%	4		
21 - 25%	5		
>26%	6		
<b>4b. EXTENT OF <u>LOW</u> INCOME SERVED BY THE PROJECT</b>	<b>5</b>	<b>Project directly benefits low-income households (household income is 31%-50% area median income).</b>	<b>0</b>
1 - 10%	*select 1		
11 - 20%	1		
21 - 30%	2		
31 - 40%	3		
>41%	4		
<b>4c. EXTENT OF <u>MODERATE</u> INCOME SERVED BY THE PROJECT</b>	<b>4</b>	<b>Project directly benefits moderate income households (household income is 51%-80% area median income).</b>	<b>0</b>
1 - 20%	*select 1		
21 - 40%	1		
41 - 60%	2		
>61%	3		
<b>4d. PRESUMED LMI GROUPS OR TARGETED LMI</b>	<b>6</b>	<b>Projects that are completed by a public service provider and directly benefit the following: PRESUMED LMI GROUPS: elderly (62+), severely disabled adults, homeless, abused children, battered spouses, migrant farm workers, illiterate adults, and persons living w/AIDS. TARGETED LMI: project targets persons or households that are less than 80% area median income (must be income qualified).</b>	<b>0</b>
Presumed 51% LMI persons or households	*select 1		
Targeted 100% LMI persons or households	5		
	6		

5. FINANCIAL MATCH	6	The percent of non-CDBG funds the applicant commits toward the total project cost. Percentage is based on the jurisdiction's population (where the project is located).	0
Less than 1,500 persons	*select 1	1,501 to 7,000 persons	
Match is 1 - 4%	1	Match is 5 - 9%	
Match is 5 - 8%	2	Match is 10 - 14%	
Match is 9 - 12%	3	Match is 15 - 19%	
Match is 13 - 16%	4	Match is 20 - 24%	
Match is 17 - 20%	5	Match is 25 - 29%	
Match is >21%	6	Match is >30%	
7,001 to 10,000 persons	*select 1	10,001 to 20,000 persons	
Match is 8 - 13%	1	Match is 11 - 17%	
Match is 14 - 19%	2	Match is 18 - 24%	
Match is 20 - 25%	3	Match is 25 - 31%	
Match is 26 - 31%	4	Match is 32 - 38%	
Match is 32 - 37%	5	Match is 39 - 45%	
Match is >38%	6	Match is >46%	
More than 20,000 persons Or Public Service Providers	*select 1		
Match is 14 - 21%	1		
Match is 22 - 29%	2		
Match is 30 - 37%	3		
Match is 38 - 45%	4		
Match is 46 - 53%	5		
Match is >54%	6		

6. MATURITY OF PROJECT	5 *select up to 5	The applicant has proven that the project is mature and have provided the necessary information in their application.	0
Project manager is dedicated, involved, and attended the How to Apply workshop	1		
Scope of work is complete, detailed, and concise	1		
Detailed cost estimate with map AND photos of the project area	1		
Project manager has provided a timeline showing that the project can be completed within an 18-month period (12 months for non-construction projects)	1		
Architectural or engineering design is complete (If N/A, this is a free point)	1		
7. REGIONAL QUALITY PLANNING	4 *select up to 4	Applicants can receive points if they provide information in their application proving, they abide by regional quality planning efforts. Applicants must provide documentation.	0
Coordinates planning w/other governments in accordance w/Wasatch Choice 2050	1		
Plans and develops infrastructure efficiently including roads, water, and utilities	1		
Incorporates fair housing opportunity and affordability into community planning	1		
Plans/protects/conserves critical land, water, air, and historic sites	1		
8. LOCAL PLANNING	4 *select 1	The applicant's project must be included in the jurisdiction's Capital Investment Plan (CIP). Points are awarded to CIP projects ranked 1 - 4.	0
High/Medium #4	1		
High/Medium #3	2		

High #2	3		
High #1	4		
<b>9. RECENT CDBG FUNDING</b>	<b>6</b>	<b>The applicant or sub-applicant, when applicable, has not received CDBG funding in recent years (based on the CDBG program's fiscal year).</b>	<b>0</b>
Received CDBG funding in FY2024	*select 1		
Received CDBG funding in FY2023	2		
Received CDBG funding in FY2022 or older	3		
Has never received CDBG funding	4		
	6		
<b>10. REGIONAL PROJECT PRIORITY</b>	<b>6</b>	<b>Project meets one more of the region's priorities that are identified in the region's Consolidated Plan.</b>	<b>0</b>
Public health and safety equipment	*select 1		
Community facilities or Removal of ADA barriers	2		
Public service activities	3		
Public utility infrastructure	4		
LMI housing activities	5		
	6		
<b>11. GEOGRAPHICAL IMPACT</b>	<b>5</b>	<b>Area impacted by and benefitting from the project.</b>	
Site specific	*select 1		<b>0</b>
Community-wide	1		
	5		
<b>12. BENEFIT COST RATIO</b>	<b>5</b>	<b>Project benefits the most people with the least amount of investment. Points are determined by dividing the total CDBG dollar amount requested by the number of proposed beneficiaries.</b>	
>\$6,001	*select 1		<b>0</b>
\$4,001 - \$6,000	1		
	2		



\$2,001 - \$4,000	3		
\$1,001 - \$2,000	4		
<\$1,000	5		
<b>13. PROPERTY TAX RATE</b>	<b>5</b>	<b>Jurisdictions with a higher tax rate will receive additional points. Points awarded based on the jurisdiction's rate as a percent of the maximum rate allowed by law (compared to the tax ceiling set by State Tax Commission). For non-taxing entities, the jurisdiction's tax rate applies where the majority of the beneficiaries reside.</b>	
0 - 19%	*select 1		0
20 - 30%	2		
31 - 40%	3		
41 - 50%	4		
>51%	5		
<b>14. AMERICANS WITH DISABILITIES ACT (ADA) CHECKLIST</b>	<b>1</b>	<b>Jurisdictions will receive one point if they have completed the ADA checklist for "Readily Achievable Barrier Removal" for their city/county office and provide documentation in the application.</b>	
Completed the checklist and provided documentation	*select 1		0
<b>15. CIVIL RIGHTS COMPLIANCE</b>	<b>1</b>	<b>Jurisdictions will receive one point if they have adopted Civil Rights Compliance procedures and provided documentation in the application.</b>	
Adopted an ADA Grievance Procedure	*select 1		0
Adopted an ADA Effective Communication Policy, Language Access Plan	1		
Adopted an ADA Reasonable Accommodation Policy	1		

TOTAL	85	
		0

WASATCH FRONT REGIONAL COUNCIL		
2024 RATING AND RANKING CRITERIA - SUPPLEMENTAL SCORING INFORMATION for CERTAIN CRITERIA		
2. HOUSING STOCK		
Definition of a homelessness:	<p>1) literally homeless - individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who resided in an emergency shelter or a place not meant for human habitation and who is exiting an institution where he or she temporarily resided.</p> <p>2) Imminent risk of homelessness - individuals and families who will imminently lose their primary nighttime residence.</p> <p>3) Unaccompanied youth - unaccompanied youth and families with children and youth who are defined as homeless under other federal statutes who do not otherwise qualify as homeless under this definition.</p> <p>4) Fleeing/attempting to flee domestic violence - individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.</p>	
Definition of chronically homelessness:	<p>1) Chronically homeless individual with a disability who lives in a place not meant for human habitation, a safe haven, an emergency shelter,</p>	

	or institutional care facility continuously for 12 months or on at least 4 separate occasions in the last 3 years that total 12 months.	
	2) Chronically homeless families have an adult or minor head of household who meets the "individual" definition of chronically homeless.	
Resource:	<a href="https://www.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf">https://www.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf</a>	
If applicable, explain how the project benefits homeless persons/families.		
<b>3. MODERATE INCOME HOUSING PLAN</b>		
ALL APPLICANTS must provide documentation showing their plan is in compliance.		
<b>4a. EXTENT OF <u>VERY LOW</u> INCOME SERVED BY THE PROJECT</b>		
Cities and counties use this criterion to determine the extent of low to moderate income beneficiaries.	Household income is at or less than 30% area median income.	
If applicable, provide survey packet (survey methodology, map, tally sheets, and results).		
<b>4b. EXTENT OF <u>LOW</u> INCOME SERVED BY THE PROJECT</b>		

Cities and counties use this criterion to determine the extent of low to moderate income beneficiaries.	Household income is 31%-50% area median income.		
If applicable, provide survey packet (survey methodology, map, tally sheets, and results).			
<b>4c. EXTENT OF <u>MODERATE</u> INCOME SERVED BY THE PROJECT</b>			
Cities and counties use this criterion to determine the extent of low to moderate income beneficiaries.	Household income is 51%-80% area median income.		
If applicable, provide survey packet (survey methodology, map, tally sheets, and results).			
<b>4d. <u>PRESUMED LMI</u> GROUPS OR TARGETED LMI</b>			
Public service providers use this criterion to determine the extent of low to moderate income beneficiaries.	Projects that directly benefit the following. <b>PRESUMED LMI GROUPS:</b> Elderly (62+), severely disabled adults, homeless, abused children, battered spouses, migrant farm workers, illiterate adults, and persons living w/AIDS. <b>TARGETED LMI:</b> project targets persons or households that are less than 80% area median income (must be income qualified).		
<b>5. FINANCIAL MATCH</b> (Population bracket) <span style="float: right;">(Actual population based on most recent available data)</span>			
<b>0-1500:</b>	Vernon	256	
	Lake Point	2,599	

	Erda	3,163
	Rush Valley	548
	Huntsville	697

	Stockton	630
	Uintah	1430
	Wendover	1258
1500-7000:	Marriott-Slaterville	2307
	Morgan City	4441
	Harrisville	6893
7000-10000:	Plain City	8634
	Farr West	8380
	Riverdale	9407
	Hooper	9838
	Washington Terrace	9406
10000-20000:	Pleasant View	11703
	Grantsville	15342
	Morgan County	13144
	West Haven	18033
	South Ogden	17680
>20000:	North Ogden	22436
	Tooele	39572

Roy		39252	
Tooele County		79069	
Weber County (excluding Ogden City population)		185540	
<b>6. MATURITY OF PROJECT</b>			
All APPLICANTS must provide a concise scope of			

work, detailed cost estimate, map and photos of the project area.		
<b>7. REGIONAL QUALITY PLANNING</b>		
<p>ALL APPLICANTS must provide their designation as a Quality Growth Community; or, information detailing how they meet each of the 4 planning goals. Acceptable documents to prove compliance with the outlined criterion include but are not limited to; adopted plans and conservation easements. If you have any questions about acceptable documentation, please contact Christy Dahlberg.</p>	<p>Accepted documents to prove quality planning include but are not limited to; adoption of policies that allow for more affordable housing options such as an ADU policy, higher density allowances in a center or station area, etc., adoption and/or implementation of a center, a multi-city plan, and adopted plans and conservation easements. To inquire about additional documents that may qualify, contact Christy Dahlberg, <a href="mailto:christy@wfrc.org">christy@wfrc.org</a>.</p>	
<b>8. LOCAL PLANNING</b>		
<p>ALL APPLICANTS must provide their jurisdiction's Capital Investment/Facilities Plan</p>		

and highlight the proposed CDBG project.			
<b>10. REGIONAL PROJECT PRIORITY</b>			
Public health and safety equipment:	Projects that protect property such as lead based paint screening, flood control and fire protection.		
Community facilities or Removal of ADA barriers:	Projects can include senior citizen centers, food banks, or health clinics. Removal of ADA barriers refers to projects that improve the accessibility of public facilities to persons with disabilities.		
Public service activities:	Projects can include services for child care, youth, seniors, handicapped, mental health, legal, transportation, substance abuse, abused and neglected children, and battered and abused spouses.		
LMI housing activities:	Projects can include fair housing activities, rental housing, housing counseling, homeownership assistance, rehabilitation of housing,.		
Public infrastructure and public utilities:	Public infrastructure and public utility projects include the construction of streets, water, and sewer facilities and projects that increase the capacity and safety of water and sewage systems.		
<b>12. BENEFIT COST RATIO</b>			
Example:	A project seeking \$200,000 that benefits 250 people has a cost benefit of \$800 (200,000 / 250 = 800).		
<b>13. PROPERTY TAX RATE</b>			
city max rate:	0.007		
county max rate:	0.0032		
0 - 19%	Farr West	0.000424	6%
	Harrisville	0.001123	16%



	Hooper	0.000544	8%
	Huntsville	0.000939	13%
	Marriott-Slaterville	0	0%
	Plain City	0.000463	7%
	Pleasant View	0.000941	13%
	Riverdale	0.000848	12%
	Rush Valley	0.000908	13%
	Uintah	0.000594	8%
	Vernon	0.000888	13%
	West Haven	0	0%
20 - 30%	Morgan City	0.001471	21%
	North Ogden	0.00118	17%
	Tooele County		
	Tooele City	0.002763	39%
31 - 40%	Grantsville	0.001901	27%
	Morgan County	0.002291	33%
	Roy	0.001733	25%
	South Ogden	0.00265	38%
	Stockton	0.002605	37%
	Washington Terrace	0.002187	31%

41 - 50%	Weber County			43%
	Wendover		0.003226	46%
>51%				
<b>14. ADA CHECKLIST</b>				
ALL APPLICANTS shall provide a copy of their jurisdiction's ADA				

checklist titled, Readily Achievable Barrier Removal.				
<b>15. TITLE IV COMPLIANCE</b>				
ALL APPLICANTS shall provide a copy of their jurisdiction's adopted Title IV Compliance procedures.				



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING CIVIL RIGHTS POLICIES FOR THE CITY OF \_\_\_\_\_**

WHEREAS, the City of \_\_\_\_\_ (hereafter "City") is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, the City Council is the legislative body of the City;

WHEREAS, the City desires to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and Executive order # 13166, "Improving Access to Services for Persons with Limited English Proficiency";

WHEREAS, the City has developed the Civil Rights Policies set forth in this resolution;

WHEREAS, THE City Council desires to adopt the Civil Rights Policies set forth herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of \_\_\_\_\_, Utah that:

Section 1. The City hereby adopts the following policies: Section 504 and ADA Reasonable Accommodation Policy, Language Access Plan, Section 504 and ADA Effective Communication Policy, and Grievance Procedure under the Americans with Disabilities Act (ADA).

Section 2. This resolution shall take effect immediately upon its passage.

Passed and Adopted by the Council on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**CITY OF \_\_\_\_\_**

\_\_\_\_\_  
By: **[name of mayor]**  
Mayor

ATTEST: \_\_\_\_\_  
By: **[(name of clerk)]**  
City Clerk

(Resolution Continues with Policies Attached)

# Section 504 and ADA Effective Communication Policy

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In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, \_\_\_\_\_ will ensure that communications with individuals who have hearing, speech, vision, communication and cognitive limitations are as effective as communications with others in the delivery of its programs, services and activities.

Upon the request of a qualified individual with a disability affecting hearing, vision, speech or cognitive limitations, \_\_\_\_\_ will furnish appropriate auxiliary aids and services where necessary to afford such an individual an equal opportunity to participate in and have access to \_\_\_\_\_, services and activities.

## **Request for Auxiliary Aids and Services**

A qualified individual who anticipates participation in any \_\_\_\_\_ service or activity should make a request for the type of auxiliary aid or service that he/she needs within 48 hours of the time the aid or service is needed. The qualified individual's authorized representative may make the request for aid or service on his/her behalf. \_\_\_\_\_ may make reasonable requests for documentation regarding the disability and the appropriateness of, or need for a specific auxiliary aid.

\_\_\_\_\_ will evaluate each request for an auxiliary aid or service on a case-by-case basis. Decisions for granting or denying an auxiliary aid or service will not be based on any generalized rules or broad policies, but may include evaluation of whether another equally effective means of communication is available.

In addition, \_\_\_\_\_ is not required to provide an auxiliary aid or service if such would result in a fundamental alteration in the nature of the \_\_\_\_\_ service, program, or activity or in an undue financial and administrative burden.

Requests for auxiliary aids and services should be made to \_\_\_\_\_, Section 504/ADA Compliance Coordinator whose contact information is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Grievance/Complaint Procedure**

Any individual who believes that there has been a violation of this policy may register a complaint with \_\_\_\_\_. In addition to, or in lieu of, filing a complaint with \_\_\_\_\_, an individual may submit a written complaint within 45 days of the date of the alleged violation to:

Casey Cameron, State Equal Opportunity Officer  
Utah Department of Workforce Services  
P.O. Box 45249  
Salt Lake City, UT 84145-0249  
1-844-795-1697  
State Relay 711 or Spanish Relay 1-888-346-3162  
eo@utah.gov  
-or-  
Director, Civil Rights Center (CRC),  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123

Washington, DC 20210

or electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc)

(202) 693-6500

-or-

Office of Fair Housing and Equal Opportunity

U.S. Department of Housing and Urban Development

1670 Broadway, 22<sup>nd</sup> Floor

Denver, CO 80202

Web: [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)



For employment related complaints, based on disability:

Utah Anti-Discrimination and Labor Division (UALD)

160 East 300 South, 3<sup>rd</sup> Floor

Salt Lake City, UT 84114

(801) 530-6800

- or -

Equal Employment Opportunity Commission

950 17th Street

Suite 300

Denver, CO 80202 (800) 669-4000

TTY- 1(800) 669-6820

<https://publicportal.eeoc.gov/Portal/Login.aspx>

Any citizen who elects to first file a complaint with \_\_\_\_\_ is advised that the above 180-day deadline for filing a written complaint with a federal agency still applies.

### **Notification of Policy**

Notification of this policy will be provided to \_\_\_\_\_ employees and to applicants, participants, and member of the public who have hearing, speech, vision and cognitive limitations in a manner determined by staff including making the policy available in audio and large print format. A staff member may also read this policy to a qualified individual upon request.

# Language Access Plan

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Name of Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_

## Plan Statement

\_\_\_\_\_ has adopted this plan to provide access to its programs and activities by persons with Limited English Proficiency (LEP). A Limited English Proficient (LEP) person is a person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English. In accordance with federal guidelines, \_\_\_\_\_ will make reasonable efforts to provide or arrange free language assistance for its LEP citizens.

## Population Statistics

According to the U. S. Census Bureau data, the estimated population of \_\_\_\_\_ for 2022 was \_\_\_\_\_. Of that total \_\_\_\_\_% spoke a language other than English at home. The other languages spoken include Spanish Speakers \_\_\_\_\_%, other Indo-European \_\_\_\_\_%, Asian/Pacific Islander \_\_\_\_\_% and other languages \_\_\_\_\_. Contact with persons of 'Limited English Proficiency' shows **Spanish** language assistance is by far the primary language assistance needed.

\_\_\_\_\_ currently has \_\_\_\_\_ residents that do not speak English very well. Over the past year \_\_\_\_\_ has had calls/requests from non-English speaking citizens amounting to less than 1% of the calls/requests for the city. Those calls were in \_\_\_\_\_.

## Language Assistance

\_\_\_\_\_ will make available 'I Speak Cards' to any applicant or resident that has LEP. They will be located in the \_\_\_\_\_ and visible to anyone. We will also post information that translators can be made available upon request and that translators will be provided to applicants and residents who have LEP. We will also provide a link on our website that directs applicants to the 'I Speak Cards' online. Translators will be provided for Spanish speaking people with LEP using current employees from \_\_\_\_\_ that speak Spanish. Other languages that need translating will be provided by \_\_\_\_\_, located at \_\_\_\_\_. Their telephone number is \_\_\_\_\_. Interpreter hours of operation are 24/7.

## LAP Plan Distribution and Training

The LAP Plan will be distributed to all staff at \_\_\_\_\_ and will be available in the \_\_\_\_\_. \_\_\_\_\_ staff will receive annual training on the Language Access Plan (LAP). All new employees will be trained upon hiring so that they understand the LAP.

**Signature:**

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# “I Speak Cards” - Language References

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- |  |                        |
|--|------------------------|
| <input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                                 | 1. Arabic              |
| <input type="checkbox"/> Մարդու՞մ ե՞նք նշում՞ կատարեք այս քանակազուտում, եթե խոսում՞ կամ՞ կարդում՞ եք հայերեն: | 2. Armenian            |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                                | 3. Bengali             |
| <input type="checkbox"/> ឈ្មួញបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                               | 4. Cambodian           |
| <input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.          | 5. Chamorro            |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。  | 6. Simplified Chinese  |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。  | 7. Traditional Chinese |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                       | 8. Croatian            |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                                | 9. Czech               |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                           | 10. Dutch              |
| <input type="checkbox"/> Mark this box if you read or speak English.   | 11. English            |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید.                           | 12. Farsi              |

- |   |                    |
|---|--------------------|
| <input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.                                | 16. Haitian Creole |
| <input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                       | 17. Hindi          |
| <input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.                   | 19. Hungarian      |
| <input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.                    | 20. Ilocano        |
| <input type="checkbox"/> Marchi questa casella se legge o parla italiano.                                     | 21. Italian        |
| <input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。   | 22. Japanese       |
| <input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.   | 23. Korean         |
| <input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືຢາກພາສາລາວ.   | 24. Laotian        |
| <input type="checkbox"/> Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратич укколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้ทำเครื่องหมายลงในช่องว่างที่ท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

# **[Name of public entity] Grievance Procedure Under The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **[name of public entity]**. The **[e.g. State, City, County, Town]**'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**[Insert ADA Coordinator's name]  
ADA Coordinator [and other title if appropriate]  
[Insert ADA Coordinator's mailing address]**

Within 15 calendar days after receipt of the complaint, **[ADA Coordinator's name]** or **[his/her]** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **[ADA Coordinator's name]** or **[his/her]** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of public entity]** and offer options for substantive resolution of the complaint.

If the response by **[ADA Coordinator's name]** or **[his/her]** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee.

Within 15 calendar days after receipt of the appeal, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **[name of ADA Coordinator]** or **[his/her]** designee, appeals to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.



# ADA Checklist for Existing Facilities

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Based on the 2010 ADA Standards for Accessible Design



Produced by

**Institute for Human Centered Design**  
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**ADA National Network**  
[www.ADAta.org](http://www.ADAta.org)

Questions on the ADA 800-949-4232 voice/tty  
Questions on checklist 617-695-0085 voice/tty  
[ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

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Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit [www.ADAchecklist.org](http://www.ADAchecklist.org).

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# ADA Checklist for Existing Facilities

The Americans with Disabilities Act (ADA) requires state and local governments, businesses and non-profit organizations to provide goods, services and programs to people with disabilities on an equal basis with the rest of the public.

Some people think that only new construction and alterations need to be accessible and that older facilities are “grandfathered,” but that’s not true. Because the ADA is a civil rights law and not a building code, older facilities are often required to be accessible to ensure that people with disabilities have an equal opportunity to participate.

The ADA has different requirements for state and local governments and for places of public accommodation (businesses and non-profit organizations that serve the public).

## Requirements for State and Local Governments

State and local governments must ensure that services, programs and activities, when viewed in their entirety, are accessible to people with disabilities. This is part of public entities’ program accessibility obligations. Alterations to older buildings may be needed to ensure program accessibility. Generally this is a greater obligation than “readily achievable barrier removal” the standard that applies to public accommodations. State and local governments are not required to take any action that would result in undue financial and administrative burdens.

# How to Use this Checklist

## Get Organized

One person can conduct a survey, but it’s easier with two people. One person can take measurements and the other person can fill out the checklist and take photos.

## Obtain Floor Plan or Make Sketch

A floor plan helps the surveyors to get organized and to know how many elements there are, such as entrances and toilet rooms. If plans are not available, sketch the exterior and interior layout of interior and exterior spaces and mark the elements on the sketch.

## Make Copies of the Checklist

Determine how many copies of each section of the checklist you need. For example, most facilities have more than one toilet room.

## Gather Tools

- Checklist
- Clipboard
- Tape measure
- Electronic or carpenter’s level - 24 inches
- Door pressure gauge or fish scale
- Camera
- Bag to hold these items

State and local governments' ADA obligations for program accessibility are in the Department of Justice's ADA Title II regulations 28 CFR Part 35.150.

## **Requirements for Places of Public Accommodation**

Businesses and non-profit organizations that serve the public must remove architectural barriers when it is "readily achievable" to do so; in other words, when barrier removal is "easily accomplishable and able to be carried out without much difficulty or expense."

The decision of what is readily achievable is made considering the size, type, and overall finances of the public accommodation and the nature and cost of the access improvements needed. Barrier removal that is difficult now may be readily achievable in the future as finances change.

Public accommodations' ADA obligations for barrier removal are in the Department of Justice's ADA Title III regulations 28 CFR Part 36.304.

## **Priorities for Accessibility**

The checklist follows the four priorities that are listed in the Department of Justice ADA Title III regulations. These priorities are equally applicable to state and local government facilities.

Priority 1 - Accessible approach and entrance

Priority 2 - Access to goods and services

Priority 3 - Access to public toilet rooms

Priority 4 - Access to other items such as water fountains and public telephones

## **Conduct the Survey**

### **Start Outside**

Start from site arrival points such as drop-off areas and sidewalks. Determine if there is an accessible route to an accessible entrance. If there is a parking lot or garage check for the correct number of accessible parking spaces, including van-accessible spaces. Is there an accessible route from the accessible parking spaces to an accessible entrance? Next survey the entrances. If there is an accessible entrance, determine if there are signs at inaccessible entrances directing people to the accessible entrance. Go inside and continue through the facility.

### **Keep Good Notes**

Write on the front of each checklist where you are surveying. You may end up with six toilet room checklists. When you get back to your office you'll want to know which one is the checklist for the first floor women's room. If there isn't an accessible entrance you'll want to indicate how many steps there are and how much space is available to install a ramp or lift. This is a good time to take photographs.

### **Take Good Measurements**

When in doubt write it down. It's better to have too much information than not enough. Even if something is in compliance it's helpful to have exact measurements.



## 2010 ADA Standards for Accessible Design

The checklist is based on the 2010 ADA Standards for Accessible Design (2010 Standards). The checklist does not include all sections of the 2010 Standards. For example there are no questions about patient rooms in hospitals or guest rooms in hotels. Consult the 2010 Standards for situations not covered in the checklist. Full compliance with the 2010 Standards is required only for new construction and alterations.

## Safe Harbor – Construction Prior to March 15, 2012

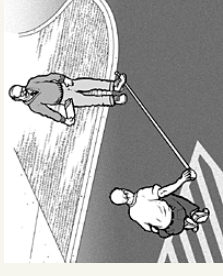
Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow 54 inches maximum for a side reach range to a control such as the operating part of a paper towel dispenser. The 2010 Standards lower that side reach range to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012 with the highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches.

## Elements in the 2010 Standards that aren't in the 1991 Standards

The 2010 Standards contain elements that are not in the 1991 Standards. These elements include recreation facilities such as swimming pools, team and player seating, accessible routes to court sports facilities, saunas and steam rooms, fishing piers, play areas, exercise machines, golf facilities, miniature golf facilities, amusement rides,

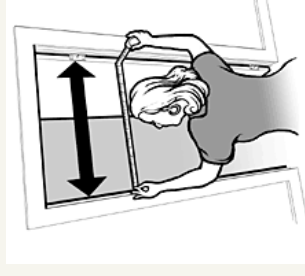
### Parking Spaces

Measure from the center of marking lines. If lines are not adjacent to another space or aisle the measurement can be to the full width of the line.



### Door Clear Width

Open the door 90 degrees, measure from the face of the door to the edge of the door stop.

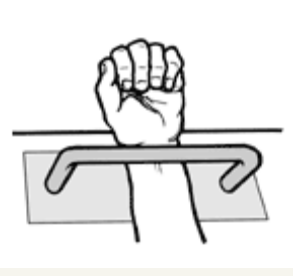


### Door Opening Force

Place the door pressure gauge where you would push open the door.



If you're using a fish scale, place it where you would pull open the door.



shooting facilities with firing positions, and recreational boating facilities. Because these elements are not in the 1991 Standards, they are not subject to the safe harbor exemption. State and local governments must make these items accessible if necessary to ensure program accessibility, unless an undue burden would result. Public accommodations must remove architectural barriers to these items.

### **What this Checklist is Not**

The ADA Title II and III regulations require more than program accessibility and barrier removal. The regulations include requirements for nondiscriminatory policies and practices and for the provision of auxiliary aids and services, such as sign language interpreters for people who are deaf and material in Braille for people who are blind. This checklist does not cover those requirements.

Since this checklist does not include all of the 2010 Standards it is not intended to determine compliance for new construction or facilities being altered.

### **What are Public Accommodations?**

Under the ADA public accommodations are private entities that own, lease, lease to or operate a place of public accommodation. This means that both a landlord who leases space in a building to a tenant and the tenant who operates a place of public accommodation have responsibilities to remove barriers.

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories:

- 1) Places of lodging (e.g., inns, hotels, motels, except for owner-occupied establishments renting fewer than six rooms)

### **Accessible Slopes**

You can measure slope with a 24 inch level and a tape measure. Put the level on the surface in the direction you are



measuring. Put one end at the high point of the surface and raise the other end so that the bubble is in the middle of the level's gauge. The level is now level. Measure the distance between the end of the level at its bottom point and the surface.

For a ramp the maximum running slope allowed is 1:12. That means for every inch of height change there should be at least 12 inches of ramp run. If the distance between the bottom of the level and the ramp surface is 2 inches or less, then the slope is 1:12 or less ( $2:24 = 1:12$  and  $1.5:24 = 1:16$  which is a more gradual slope than 1:12). If the distance is greater than 2 inches, the ramp is too steep. For example, if the distance is 3 inches, then the slope is 1:8 ( $3:24 = 1:8$  which is a steeper slope than 1:12).

For the parts of an accessible route that aren't a ramp, the maximum running slope allowed is 1:20. That means for every inch of height change there must be at least 20 inches of route run. The distance from the bottom edge of the level to the surface should be no more than 1.2 inches ( $1.2:24 = 1:20$ ).

- 2) Establishments serving food or drink (e.g. , restaurants and bars)
- 3) Places of exhibition or entertainment (e.g. , motion picture houses, theaters, concert halls, stadiums)
- 4) Places of public gathering (e.g. , auditoriums, convention centers, lecture halls)
- 5) Sales or rental establishments (e.g. , bakeries, grocery stores, hardware stores, shopping centers)
- 6) Service establishments (e.g. , laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals)
- 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation)
- 8) Places of public display or collection (e.g. , museums, libraries, galleries)
- 9) Places of recreation (e.g. , parks, zoos, amusement parks)
- 10) Places of education (e.g. , nursery schools, elementary, secondary, undergraduate, or postgraduate private schools)
- 11) Social service center establishments (e.g. , day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies)

For the cross slope of an accessible route the maximum slope allowed is 1:48. The distance from the bottom edge of the level to the surface should be no more than ½ inch (5:24 = 1:48). The cross slope of an accessible route is the slope that is perpendicular to the direction of pedestrian travel.

Slopes may also be measured using a digital level. Be sure to read the instructions. Measure with the percent calculation rather than the degrees calculation. For a ramp the maximum running slope allowed is 8.33% (8.33% is a 1:12 slope). For an accessible route without a ramp the maximum running slope allowed is 5% (1:20). For the cross slope of an accessible route the maximum slope allowed is 2.083% (1:48).

**Check that You Got Everything** - Before you leave the site review all the checklists. Make sure you know which checklist goes with which entrance and which toilet room and that you've got all the information you need. It is better to do it now than to have to go back.

## After the Survey

**List Barriers and Solutions** - Consider the solutions listed beside each question on the checklist and add your own ideas. Consult with building contractors and equipment suppliers to estimate the costs for making modifications.

12) Places of exercise or recreation (e.g. , gymnasiums, health spas, bowling alleys, golf courses).

## Resources

### U.S. Department of Justice ADA Information

800-514-0301 voice  
800-514-0383 TTY  
[www.ada.gov](http://www.ada.gov)

### ADA National Network

800-949-4232 voice/TTY connects to your regional ADA Center  
[www.adata.org](http://www.adata.org)

### U.S. Access Board

800- 872-2253 voice  
800-993-2822 TTY  
[www.access-board.gov](http://www.access-board.gov)

### ADA Title III Regulations 28 CFR Part 36

[www.ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm)

### 2010 ADA Standards for Accessible Design

[www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

### 1991 ADA Standards for Accessible Design

[www.ada.gov/stdspdf.htm](http://www.ada.gov/stdspdf.htm)

### Tax Deductions and Credits for Barrier Removal

[www.ada.gov/taxincent.htm](http://www.ada.gov/taxincent.htm)

**Develop a Plan** – State and local governments were required to develop a Transition Plan a few years after the ADA went into effect. Conducting a current survey is a good opportunity to update the plan.

Although places of public accommodation are not required to have a plan,, the Department of Justice recommends one: "*...Such a plan...could serve as evidence of a good faith effort to comply...*"

Prioritize items, make a timeline, decide who is responsible to carry out the plan and develop a budget.

### Make Changes

- Use the 2010 ADA Standards for Accessible Design. Check whether local and state building codes require greater accessibility when alterations are undertaken.

### Follow Up

- Review the plan each year to evaluate whether more access improvements can be made.

## **Acknowledgements**

Many of the illustrations are from the U.S. Department of Justice and the U.S. Access Board or are based on illustrations produced by the U.S. Access Board and the U.S. Department of Justice.

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## ADA Checklist for Existing Facilities

# Priority 1 – Approach & Entrance

Based on the 2010 ADA Standards for Accessible Design



Project

Building

Location

Date

Surveyors

Contact Information

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**An accessible route from site arrival points and an accessible entrance should be provided for everyone.**



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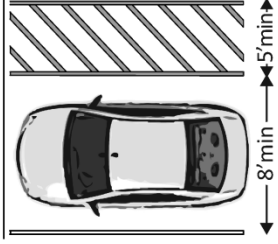
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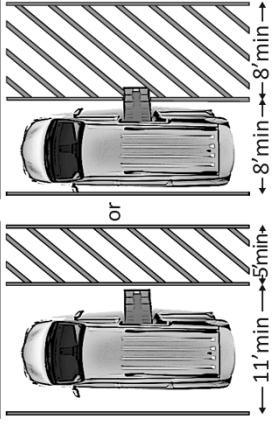
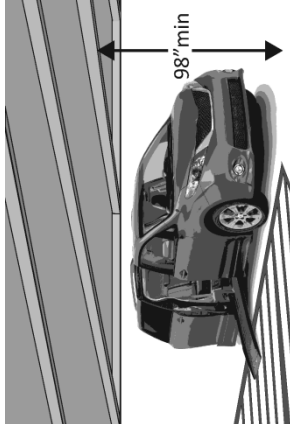
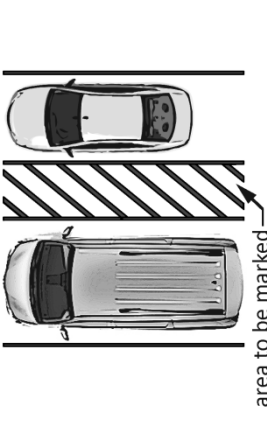
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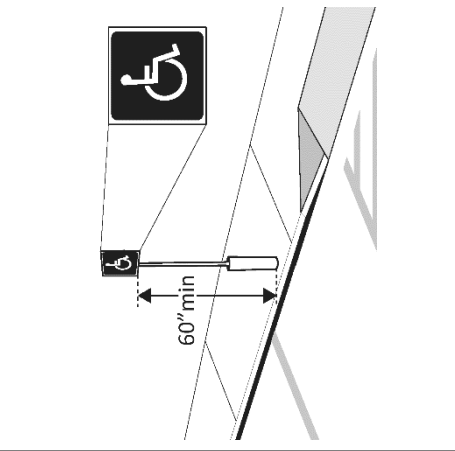
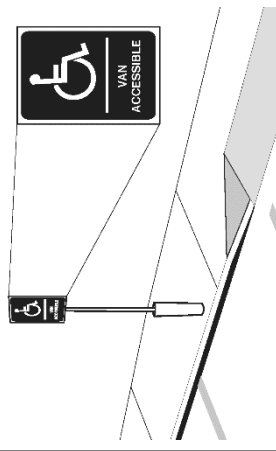
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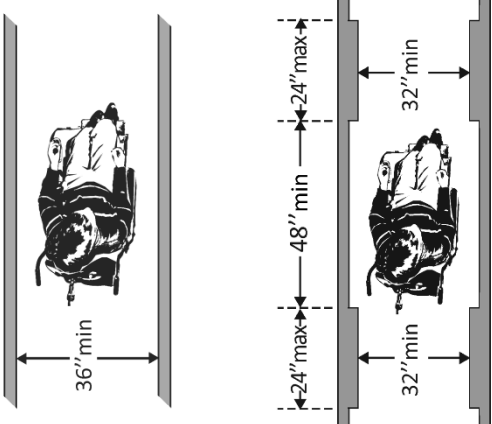


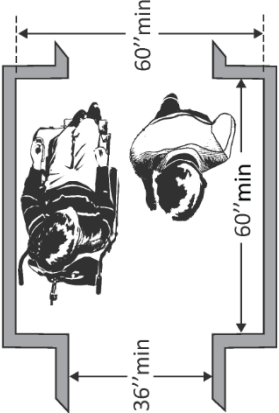
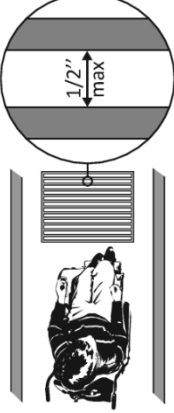
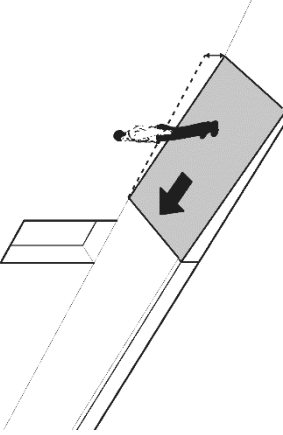
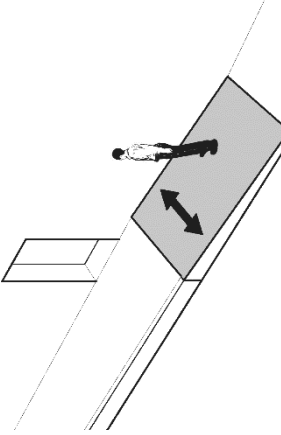
Priority 1 – Approach & Entrance		Comments		Possible Solutions											
<p><b>1.1</b> Is there at least one route from site arrival points (parking, passenger loading zones, public sidewalks and public transportation stops) that does not require the use of stairs? [See 2010 ADA Standards for Accessible Design – 206.2.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, location of route:</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Add a ramp</li> <li>• Regrade to 1:20 maximum slope</li> <li>• Add a lift if site constraints prevent other solutions</li> </ul>												
<p><b>Parking</b> Accessible parking spaces should be identified by size, access aisle and signage.</p>															
<p><b>1.2</b> If parking is provided for the public, are an adequate number of accessible spaces provided? [208.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Total #:</p> <p>Accessible #:</p>	<table border="1"> <thead> <tr> <th>Total Spaces</th> <th>Accessible Spaces</th> </tr> </thead> <tbody> <tr> <td>1 - 25</td> <td>1</td> </tr> <tr> <td>26 - 50</td> <td>2</td> </tr> <tr> <td>51 - 75</td> <td>3</td> </tr> <tr> <td>76 - 100</td> <td>4</td> </tr> <tr> <td colspan="2">100+ see 2010 Standards 208.2</td> </tr> </tbody> </table> <p>Photo #:</p>	Total Spaces	Accessible Spaces	1 - 25	1	26 - 50	2	51 - 75	3	76 - 100	4	100+ see 2010 Standards 208.2		<ul style="list-style-type: none"> <li>• Reconfigure by repainting lines</li> <li>•</li> <li>•</li> </ul>
Total Spaces	Accessible Spaces														
1 - 25	1														
26 - 50	2														
51 - 75	3														
76 - 100	4														
100+ see 2010 Standards 208.2															
<p><b>1.3</b> Of the accessible spaces, is at least one a van accessible space?* [208.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>*For every 6 or fraction of 6 parking spaces required by the table above, at least 1 should be a van accessible space.</p>	<ul style="list-style-type: none"> <li>• If constructed before 3/15/2012, parking is compliant if at least 1 in every 8 accessible spaces is van accessible</li> <li>• Reconfigure by repainting lines</li> </ul>												
<p><b>1.4</b> Are accessible spaces at least 8 feet wide with an access aisle at least 5 feet wide? [502.2, 502.3]</p> <p>Note: Two spaces may share an access aisle. Check state/local requirements; some specify</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Reconfigure by repainting lines</li> <li>•</li> <li>•</li> </ul>												

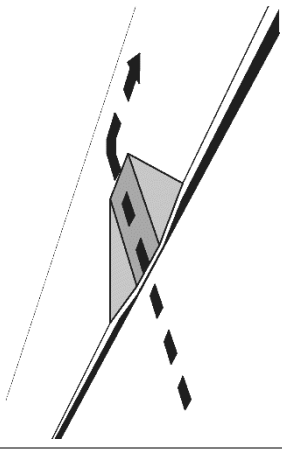
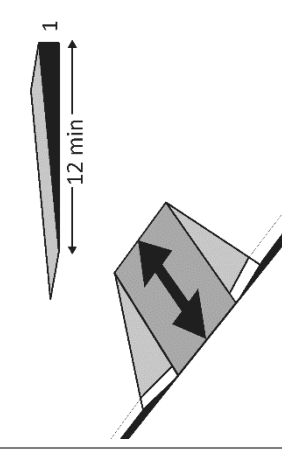
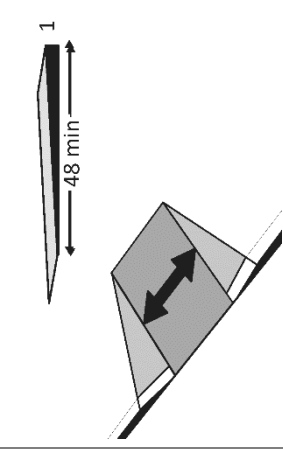
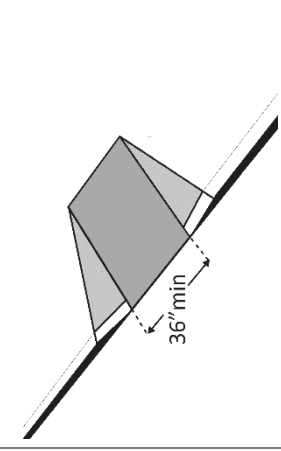


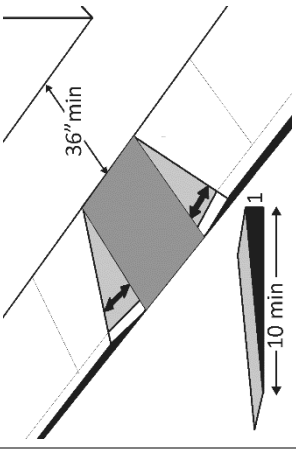
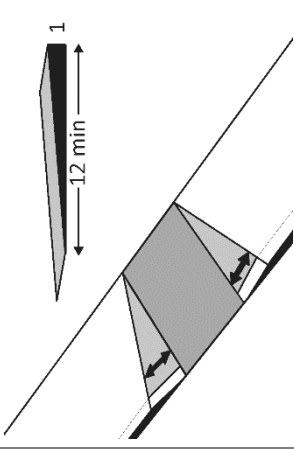
<p>that each space have its own aisle.</p>			<p>Photo #:</p>	
<p><b>1.5</b> Is the van accessible space:                  At least 11 feet wide with an access aisle at least 5 feet wide?                  Or                  At least 8 feet wide with an access aisle at least 8 feet wide?                  [502.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Reconfigure to provide van-accessible space(s)</li> <li>•</li> <li>•</li> </ul>
<p><b>1.6</b> Is at least 98 inches of vertical clearance provided for the van accessible space?                  [502.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Reconfigure to provide van-accessible space(s)</li> <li>•</li> <li>•</li> </ul>
<p><b>1.7</b> Are the access aisles marked so as to discourage parking in them?                  [502.3.3]                  Note: The marking method and color may be addressed by state/local requirements.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Mark access aisles</li> <li>•</li> <li>•</li> </ul>
<p><b>1.8</b> Is the slope of the accessible parking spaces and access aisles no steeper than 1:48 in all directions?                  [502.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Regrade surface</li> <li>•</li> <li>•</li> </ul>

<p><b>1.9</b> Do the access aisles adjoin an accessible route? [502.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Create accessible route</li> <li>• Relocate accessible space</li> <li>•</li> </ul>
<p><b>1.10</b> Are accessible spaces identified with a sign that includes the International Symbol of Accessibility?  Is the bottom of the sign at least 60 inches above the ground? [502.6]  Note: The International Symbol of Accessibility is not required on the ground.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install signs</li> <li>•</li> <li>•</li> </ul>
<p><b>1.11</b> Are there signs reading “van accessible” at van accessible spaces? [502.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install signs</li> <li>•</li> <li>•</li> </ul>
<p><b>1.12</b> Of the total parking spaces, are the accessible spaces located on the closest accessible route to the accessible entrance(s)? [208.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Reconfigure spaces</li> <li>•</li> <li>•</li> </ul>

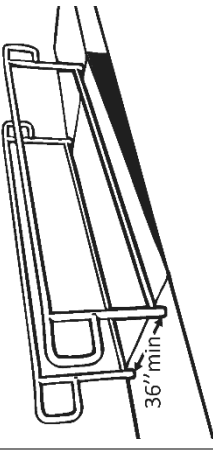
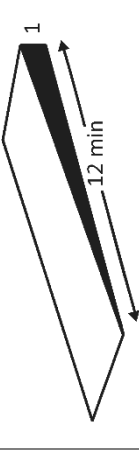
<p>Note: If parking serves multiple entrances, accessible parking should be dispersed.</p>			Photo #:	
<b>Exterior Accessible Route</b>				
<p><b>1.13</b> Is the route stable, firm and slip-resistant? [302.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		Photo #:	<ul style="list-style-type: none"> <li>• Repair uneven paving</li> <li>• Fill small bumps and breaks with patches</li> <li>• Replace gravel with asphalt or other surface</li> </ul>
<p><b>1.14</b> Is the route at least 36 inches wide? [403.5.1]</p> <p>Note: The accessible route can narrow to 32 inches min. for a max. of 24 inches. These narrower portions of the route must be at least 48 inches from each other.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>The diagram illustrates two scenarios for wheelchair accessibility. The top scenario shows a wheelchair on a path that is at least 36 inches wide. The bottom scenario shows a wheelchair on a path that is at least 32 inches wide, with narrower sections (24 inches max) that are at least 48 inches apart.</p>	Photo #:	<ul style="list-style-type: none"> <li>• Change or move landscaping, furnishings or other items</li> <li>• Widen route</li> <li>•</li> </ul>

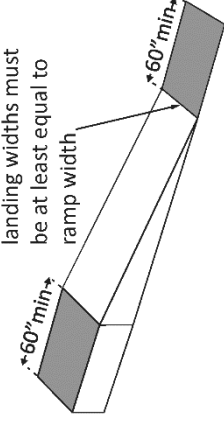
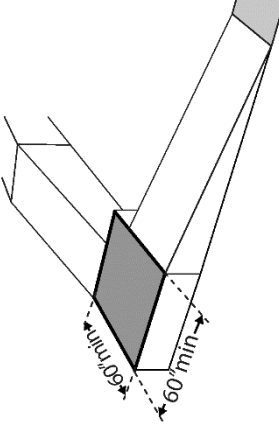
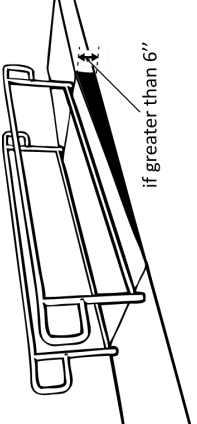
<p><b>1.15</b> If the route is greater than 200 feet in length and less than 60 inches wide, is there a passing space no less than 60 x 60 inches? [403.5.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>36" min 60" min 60" min</p>	<ul style="list-style-type: none"> <li>• Widen route for passing space</li> <li>•</li> <li>•</li> </ul>
<p><b>1.16</b> If there are grates or openings on the route, are the openings no larger than ½ inches?  Is the long dimension perpendicular to the dominant direction of travel? [302.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	 <p>1/2" max</p>	<ul style="list-style-type: none"> <li>• Replace or move grate</li> <li>•</li> <li>•</li> </ul>
<p><b>1.17</b> Is the running slope no steeper than 1:20, i.e. for every inch of height change there are at least 20 inches of route run? [403.3]  Note: If the running slope is steeper than 1:20, treat as a ramp and add features such as edge protection and handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Regrade to 1:20 max.</li> <li>•</li> <li>•</li> </ul>
<p><b>1.18</b> Is the cross slope no steeper than 1:48? [403.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Regrade to 1:48 max.</li> <li>•</li> <li>•</li> </ul>

Curb Ramps			
<p><b>1.19</b> If the accessible route crosses a curb, is there a curb ramp? [402.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install curb ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>1.20</b> Is the running slope of the curb ramp no steeper than 1:12, i.e. for every inch of height change there are at least 12 inches of curb ramp run? [406.1, 405.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Regrade curb ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>1.21</b> Is the cross slope of the curb ramp, excluding flares, no steeper than 1:48? [406.1, 405.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Regrade curb ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>1.22</b> Is the curb ramp, excluding flares, at least 36 inches wide? [406.1, 405.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Widen curb ramp</li> <li>•</li> <li>•</li> </ul>

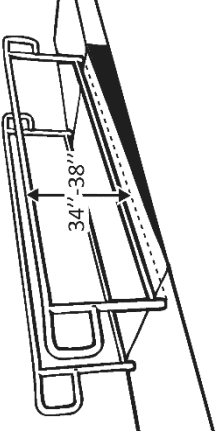
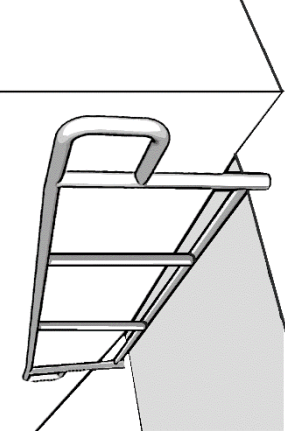
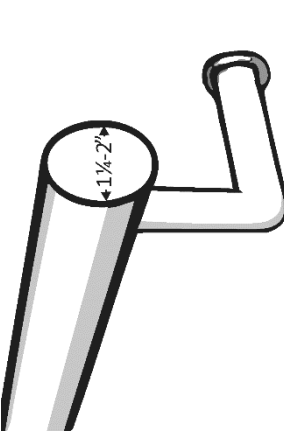
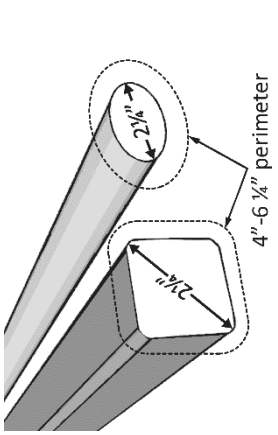
<p><b>1.23</b> At the top of the curb ramp is there a level landing (slope no steeper than 1:48 in all directions) that is at least 36 inches long and at least as wide as the curb ramp? [406.4]</p> <p>If there are curb ramp flares, are the slopes of the flares no steeper than 1:10, i.e. for every inch of height change there are at least 10 inches of flare run? [406.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Reconfigure</li> <li>• Add ramp flares</li> <li>•</li> </ul>
<p><b>1.24</b> If the landing at the top is less than 36 inches long, are there curb ramp flares?</p> <p>Are the slopes of the flares no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of flare run? [406.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Add ramp flares</li> <li>• Regrade flares</li> <li>•</li> </ul>

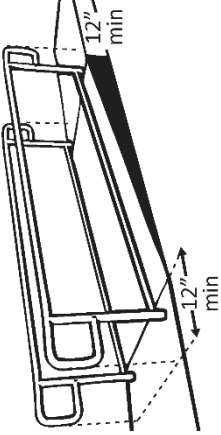
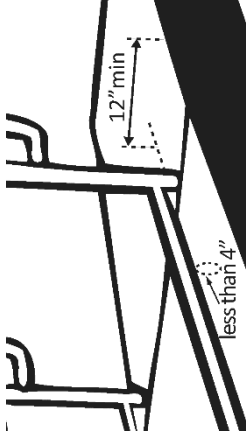
**Ramps** If any portion of the accessible route is steeper than 1:20, it should be treated as a ramp.

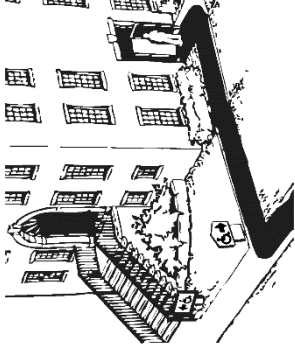


<p><b>1.25</b> If there is a ramp is it at least 36 inches wide? [405.5]</p> <p>Note: If there are handrails, measure between the handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>1.26</b> Is the surface stable, firm and slip resistant? [405.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Resurface ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>1.27</b> For each section of the ramp, is the running slope no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of ramp run? [405.2]</p> <p>Note: Rises no greater than 3 inches with a slope no steeper than 1:8 and rises no greater than 6 inches with a slope no steeper than 1:10 are permitted when such slopes are necessary due to space limitations.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Relocate ramp</li> <li>• Lengthen ramp to decrease slope</li> <li>•</li> </ul>

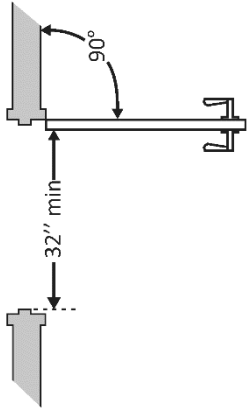
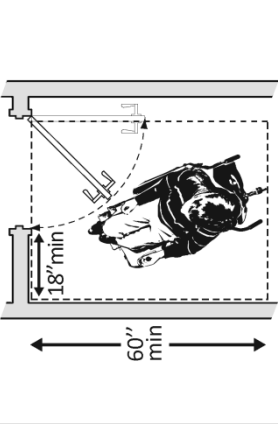
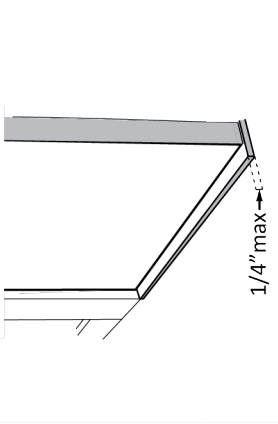
<p><b>1.28</b> Is there a level landing that is at least 60 inches long and at least as wide as the ramp:  At the top of the ramp?  At the bottom of the ramp? [405.7.2, 405.7.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>landing widths must be at least equal to ramp width *60" min* *60" min*</p>	<p>Photo #:  • Alter ramp • Relocate ramp •</p>
<p><b>1.29</b> Is there a level landing where the ramp changes direction that is at least 60 x 60 inches? [405.7.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>*60" min* *60" min*</p>	<p>Photo #:  • Alter ramp • Increase landing size •</p>
<p><b>1.30</b> If the ramp has a rise higher than 6 inches, are there handrails on both sides? [405.8]  Note: Curb ramps are not required to have handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>if greater than 6"</p>	<p>Photo #:  • Add handrails • •</p>

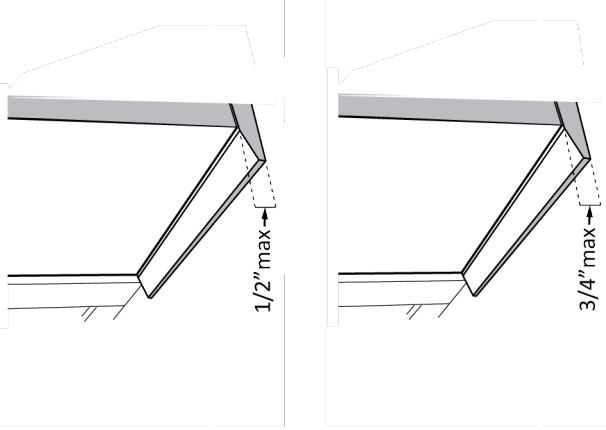



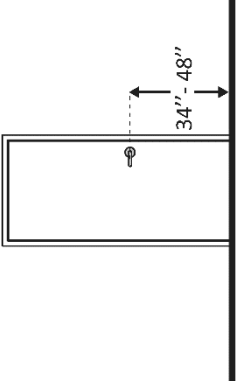
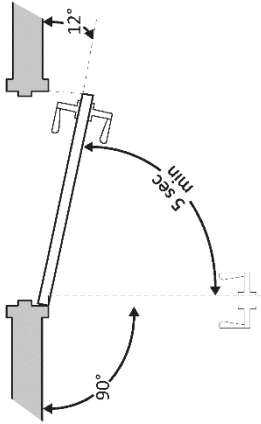
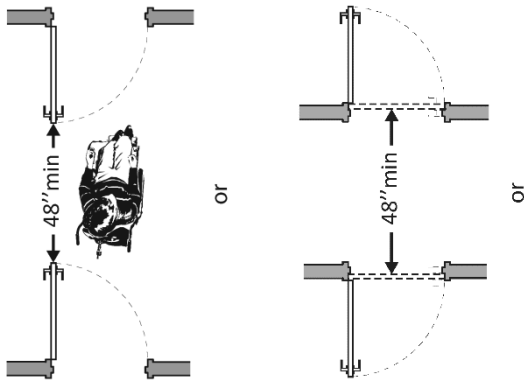
<p><b>1.31</b> Is the top of the handrail gripping surface no less than 34 inches and no greater than 38 inches above the ramp surface? [505.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure or replace handrails</li> <li>• Adjust handrail height</li> </ul>
<p><b>1.32</b> Is the handrail gripping surface continuous and not obstructed along the top or sides? [505.3] If there are obstructions, is the bottom of the gripping surface obstructed no greater than 20%? [505.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure or replace handrails</li> </ul>
<p><b>1.33</b> If the handrail gripping surface is circular, is it no less than 1 ¼ inches and no greater than 2 inches in diameter? [505.7.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Replace handrails</li> </ul>
<p><b>1.34</b> If the handrail gripping surface is non-circular: Is the perimeter no less than 4 inches and no greater than 6 ¼ inches?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Replace handrails</li> </ul>

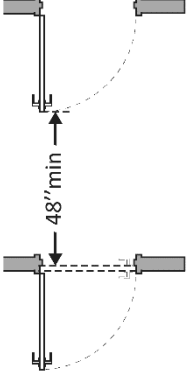
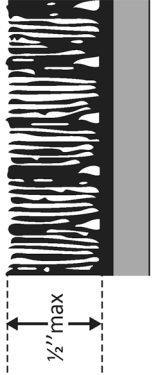
<p>Is the cross section no greater than 2¼ inches? [505.7.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	
<p><b>1.35</b> Does the handrail: Extend at least 12 inches horizontally beyond the top and bottom of the ramp? Return to a wall, guard, or landing surface? [505.10.1] Note: If a 12 inch extension would be a hazard (in circulation path) it is not required.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter handrails</li> <li>•</li> <li>•</li> </ul>
<p><b>1.36</b> To prevent wheelchair casters and crutch tips from falling off: Does the surface of the ramp extend at least 12 inches beyond the inside face of the handrail? Or Is there a curb or barrier that prevents the passage of a 4-inch diameter sphere? [405.9.1, 405.9.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Add curb</li> <li>• Add barrier</li> <li>• Extend ramp width</li> <li>•</li> </ul>

Entrance			
<p><b>1.37</b> Is the main entrance accessible?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Redesign to make it accessible</li> <li>•</li> <li>•</li> </ul>
<p><b>1.38</b> If the main entrance is not accessible, is there an alternative accessible entrance?  Can the alternative accessible entrance be used independently and during the same hours as the main entrance?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Designate an entrance and make it accessible</li> <li>• Ensure that accessible entrance can be used independently and during the same hours as the main entrance</li> <li>•</li> </ul>
<p><b>1.39</b> Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? [216.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install signs</li> <li>• Install signs on route before people get to inaccessible entrances so that people do not have to turn around and retrace route</li> <li>•</li> </ul>
<p><b>1.40</b> If not all entrances are accessible, is there a sign at the accessible entrance with the International Symbol of Accessibility? [216.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install sign</li> <li>•</li> <li>•</li> </ul>

<p><b>1.41</b> Is the clear opening width of the accessible entrance door at least 32 inches, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter door</li> <li>• Install offset hinges</li> <li>•</li> </ul>
<p><b>1.42</b> If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus at least 60 inches clear depth?</p> <p>Note: See 2010 Standards 404.2.4 for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door</p> <p>On both sides of the door, is the ground or floor surface of the maneuvering clearance level (no steeper than 1:48)? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove obstructions</li> <li>• Reconfigure walls</li> <li>• Add automatic door opener</li> </ul>
<p><b>1.43</b> If the threshold is vertical is it no more than ¼ inch high?</p> <p>Or</p> <p>No more than ½ inch high with the top ¼ inch beveled no steeper than 1:2, if the threshold was installed on or</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove or replace threshold</li> <li>•</li> <li>•</li> </ul>

<p>after the 1991 ADA Standards went into effect (1/26/93)?</p> <p>Or</p> <p>No more than ¼ inch high with the top ½ inch beveled no steeper than 1:2, if the threshold was installed before the 1991 ADA Standards went into effect (1/26/93)? [404.2.5, 303.2]</p> <p>Note: The first ¼ inch of the ½ or ¾ inch threshold may be vertical; the rest must be beveled.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	
<p><b>1.44</b> Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist?</p> <p>Door handle?</p> <p>Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Replace inaccessible knob with lever, loop or push hardware</li> <li>• Add automatic door opener</li> <li>•</li> </ul>

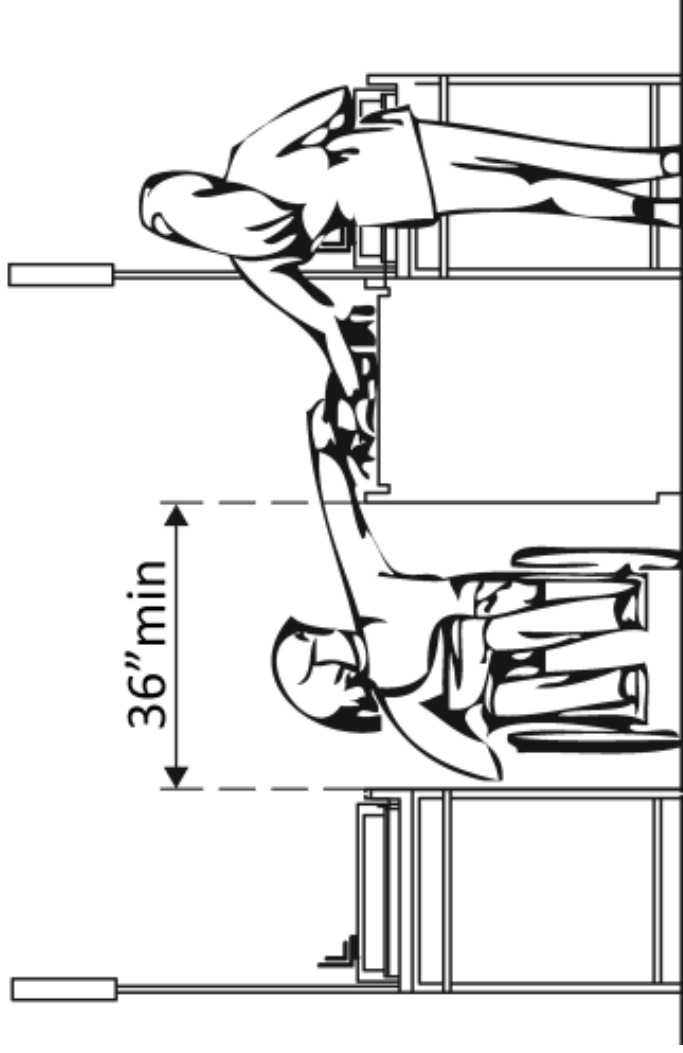
<p><b>1.45</b> Are the operable parts of the door hardware no less than 34 inches and no greater than 48 inches above the floor or ground surface? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Change hardware height</li> <li>•</li> <li>•</li> </ul>
<p><b>1.46</b> If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust closer</li> <li>•</li> <li>•</li> </ul>
<p><b>1.47</b> If there are two doors in a series, e.g. vestibule, is the distance between the doors at least 48 inches plus the width of the doors when swinging into the space? [404.2.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove inner door</li> <li>• Change door swing</li> <li>•</li> </ul>

			<p>Photo #:</p>	
<p><b>1.48</b> If provided at the building entrance, are carpets or mats no higher than 1/2 inch thick? [302.2]</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                      Measurement:                 </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Replace or remove mats</li> <li>•</li> <li>•</li> </ul>
<p><b>1.49</b> Are edges of carpets or mats securely attached to minimize tripping hazards? [302.2]</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                 </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Secure carpeting or mats at edges</li> <li>•</li> <li>•</li> </ul>
	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                 </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>
	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                 </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>

# ADA Checklist for Existing Facilities

## Priority 2 – Access to Goods & Services

Based on the 2010 ADA Standards for Accessible Design



Project \_\_\_\_\_

Building \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_

Surveyors \_\_\_\_\_

Contact Information \_\_\_\_\_

**The layout of the building should allow people with disabilities to obtain goods and services and to participate in activities without assistance.**



Institute for Human Centered Design  
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ADA National Network  
Questions on the ADA 800-949-4232 voice/tty  
[www.ADAchecklist.org](http://www.ADAchecklist.org)




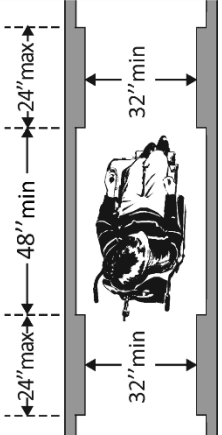
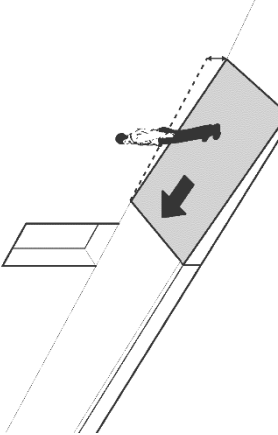
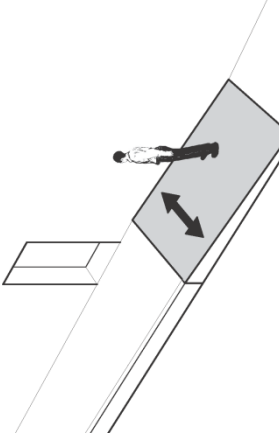
This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or [ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

For the full set of checklists, including the checklists for recreation facilities visit [www.ADAchecklist.org](http://www.ADAchecklist.org).

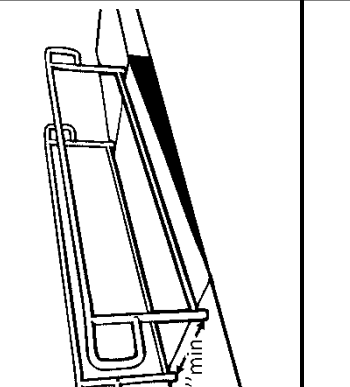
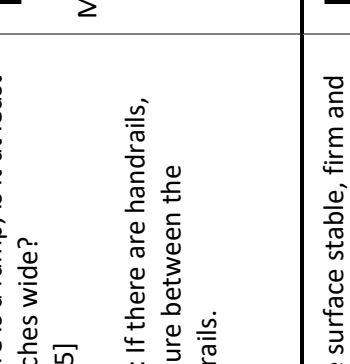
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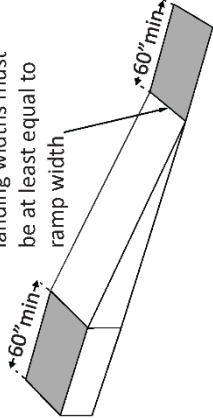
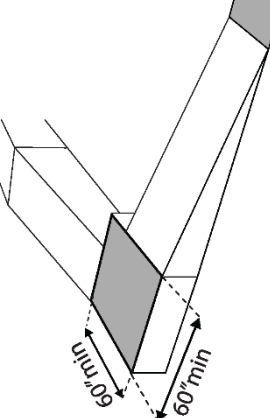
Priority 2 – Access to Goods & Services		Comments	Possible Solutions
2.1	Does the accessible entrance provide direct access to the main floor, lobby and elevator? [See 2010 ADA Standards for Accessible Design – 206.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No  Photo #:	<ul style="list-style-type: none"> <li>• Create accessible route</li> <li>•</li> <li>•</li> </ul>
<b>Interior Accessible Route</b>			
2.2	Are all public spaces on at least one accessible route? [206.2.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No  Photo #:	<ul style="list-style-type: none"> <li>• Create accessible route</li> <li>•</li> <li>•</li> </ul>
2.3	Is the route stable, firm and slip-resistant? [40.2, 302.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No  Photo #:	<ul style="list-style-type: none"> <li>• Repair uneven surfaces</li> <li>•</li> <li>•</li> </ul>
2.4	Is the route at least 36 inches wide? [403.5.1]  Note: The accessible route can narrow to 32 inches min. for a max. of 24 inches. These narrower portions of the route must be at least 48 inches from each other.	<input type="checkbox"/> Yes <input type="checkbox"/> No  Measurement:  	<ul style="list-style-type: none"> <li>• Widen route</li> <li>•</li> <li>•</li> </ul>

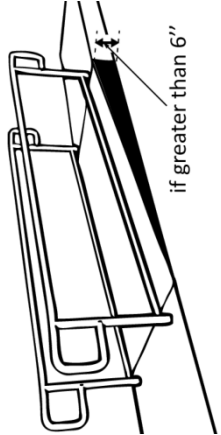
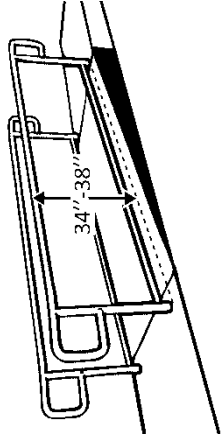
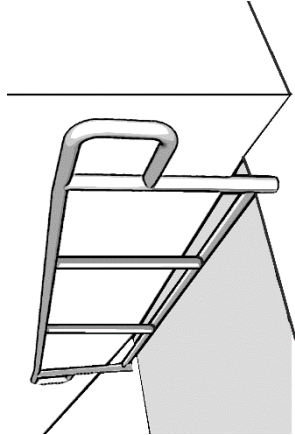
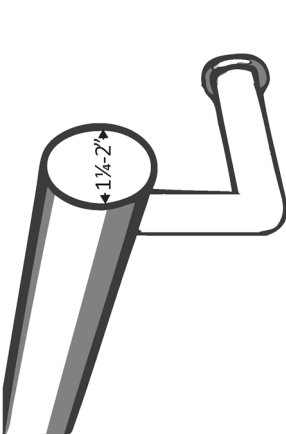
<p><b>2.5</b> If the route is greater than 200 feet in length and less than 60 inches wide, is there a passing space no less than 60 x 60 inches? [403.5.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Widen route for passing space</li> <li>•</li> <li>•</li> </ul>
<p><b>2.6</b> Is the running slope no steeper than 1:20, i.e. for every inch of height change there are at least 20 inches of route run? [403.3]  Note: If the running slope is steeper than 1:20, treat as a ramp and add features such as edge protection and handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Regrade</li> <li>•</li> <li>•</li> </ul>
<p><b>2.7</b> Is the cross slope no steeper than 1:48? [403.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Regrade</li> <li>•</li> <li>•</li> </ul>

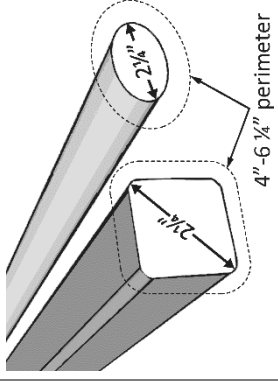
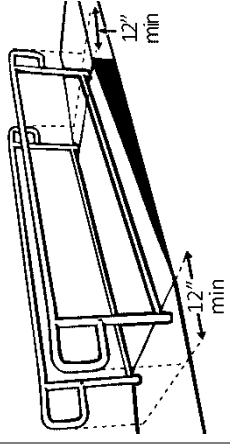
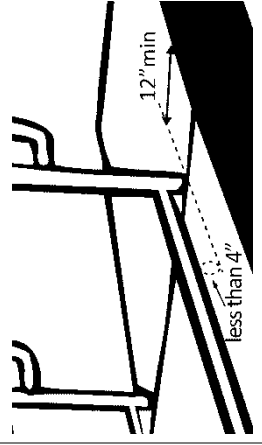
<p><b>2.8</b> Do all objects on circulation paths through public areas, e.g. fire extinguishers, drinking fountains, signs, etc., protrude no more than 4 inches into the path?</p> <p>Or</p> <p>If an object protrudes more than 4 inches, is the bottom leading edge at 27 inches or lower above the floor? [307.2]</p> <p>Or</p> <p>Is the bottom leading edge at 80 inches or higher above the floor? [307.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Remove object</li> <li>• Add tactile warning such as permanent planter or partial walls</li> </ul>
<p><b>2.9</b> Are there elevators or platform lifts to all public stories?</p> <p>Note: Vertical access is not required in new construction or alterations if a facility is less than three stories or has less than 3,000 square feet per story, unless the facility is a shopping center, shopping mall,</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Install if necessary</li> <li>• Offer goods and services on an accessible story</li> </ul>

<p>professional office of a health care provider, transportation terminal, state facility or local government facility</p>			<p>Photo #:</p>	
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Ramps				
<p><b>2.10</b> If there is a ramp, is it at least 36 inches wide? [405.5]  Note: If there are handrails, measure between the handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>2.11</b> Is the surface stable, firm and slip resistant? [405.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Resurface ramp</li> <li>•</li> <li>•</li> </ul>
<p><b>2.12</b> For each section of the ramp, is the running slope no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of ramp run? [405.2]  Note: Rises no greater than 3 inches with a slope no steeper than 1:8 and rises no greater</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Lengthen ramp to decrease slope</li> <li>• Relocate ramp</li> <li>•</li> </ul>

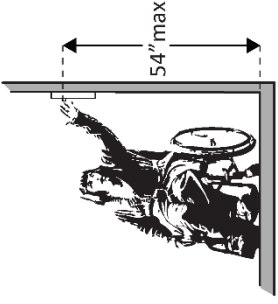
<p>than 6 inches with a slope no steeper than 1:10 are permitted when due to space limitations.</p>			<p>Photo #:</p>	
<p><b>2.13</b> Is there a level landing that is at least 60 inches long and at least as wide as the ramp:  At the top of the ramp?  At the bottom of the ramp? [405.7.2, 405.7.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter ramp</li> <li>• Relocate ramp</li> <li>•</li> </ul>
<p><b>2.14</b> Is there a level landing where the ramp changes direction that is at least 60 x 60 inches? [405.7.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Increase landing size</li> <li>•</li> <li>•</li> </ul>

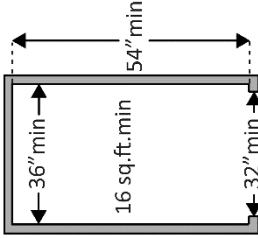
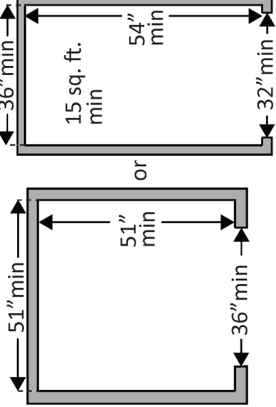
<p><b>2.15</b> If the ramp has a rise higher than 6 inches are there handrails on both sides? [405.8]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add handrails</li> <li>•</li> <li>•</li> </ul>
<p><b>2.16</b> Is the top of the handrail gripping surface no less than 34 inches and no greater than 38 inches above the ramp surface? [505.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust handrail height</li> <li>•</li> <li>•</li> </ul>
<p><b>2.17</b> Is the handrail gripping surface continuous and not obstructed along the top or sides? [505.3] If there are obstructions, is the bottom of the gripping surface obstructed no more than 20%? [505.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure or replace handrails</li> <li>•</li> <li>•</li> </ul>
<p><b>2.18</b> If the handrail gripping surface is circular, is it no less than 1 ¼ inches and no greater than 2 inches in diameter? [505.7.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Replace handrails</li> <li>•</li> <li>•</li> </ul>

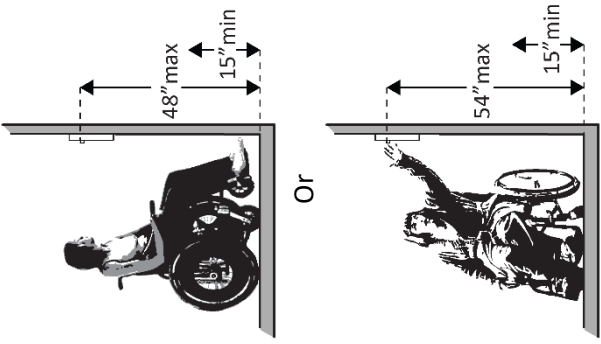
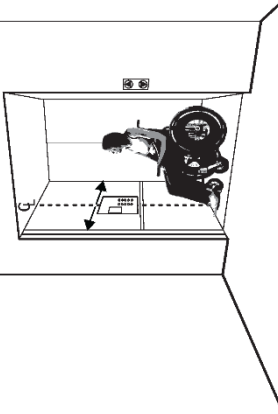
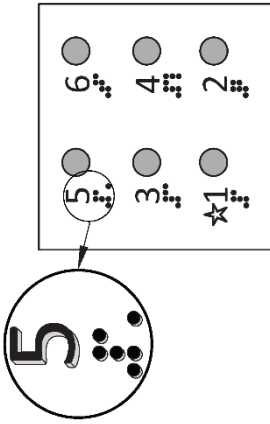
<p><b>2.19</b> If the handrail gripping surface is non-circular: Is the perimeter no less than 4 inches and no greater than 6 3/4 inches?  Is the cross section no greater than 2 1/4 inches in diameter? [505.7.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> 	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Replace handrails</li> <li>•</li> <li>•</li> </ul>
<p><b>2.20</b> Does the handrail: Extend at least 12 inches horizontally beyond the top and bottom of the ramp? Return to a wall, guard, or landing surface? [505.10.1]  Note: If a 12" extension would be hazardous (in circulation path), it is not required</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> 	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter handrails</li> <li>•</li> <li>•</li> </ul>
<p><b>2.21</b> To prevent wheelchair casters and crutch tips from falling off: Does the surface of the ramp extend at least 12 inches beyond the inside face of the handrail? Or</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> 	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Add curb</li> <li>• Add barrier</li> <li>• Extend ramp width</li> <li>•</li> <li>•</li> </ul>



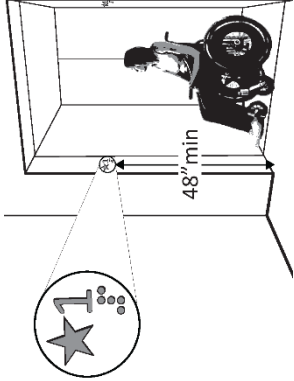
<p>Is there a curb or barrier that prevents the passage of a 4-inch diameter sphere? [405.9.1, 405.9.2]</p>	<p>Measurement:</p>		<p>Photo #:</p>	
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Elevators – Full Size & LULA (limited use, limited application) LULA elevators are often used in alterations.				
<p><b>2.22</b> If there is a full size or LULA elevator, are the call buttons no higher than 54 inches above the floor? [407.2.1.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Change call button height</li> <li>•</li> <li>•</li> </ul>
<p><b>2.23</b> If there is a full size or LULA elevator, does the sliding door reopen automatically when obstructed by an object or person?*</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<p>* If constructed before 3/15/2012 and manually operated, the door is not required to reopen automatically</p> <ul style="list-style-type: none"> <li>• Install opener</li> <li>•</li> </ul>

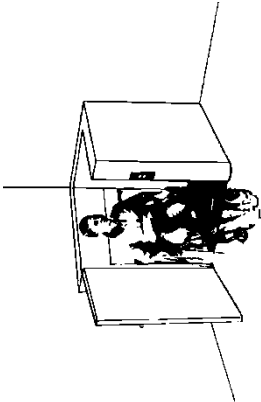
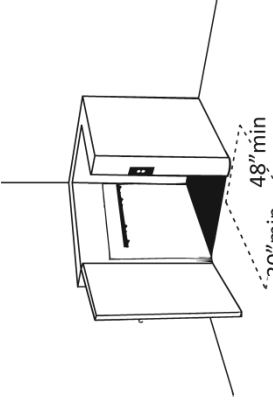
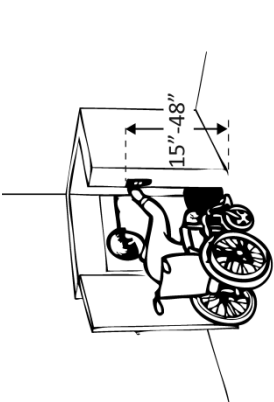
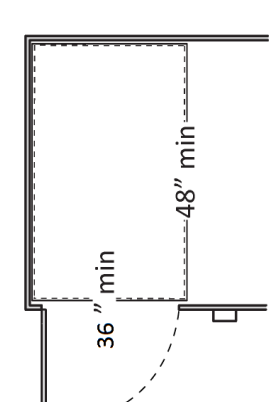
<p><b>2.24</b> If there is a LULA elevator with a swinging door:                  Is the door power- operated?                  Does the door remain open for at least 20 seconds when activated?                  [403.3.2]</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Time:             </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Add power operated door</li> <li>• Adjust opening time</li> <li>•</li> </ul>
<p><b>2.25</b> If there is a full size elevator:                  Is the interior at least 54 inches deep by at least 36 inches wide with at least 16 sq. ft. of clear floor area?                  Is the door opening width at least 32 inches?                  [407.4.1 Exception]</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:             </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Replace elevator</li> <li>•</li> <li>•</li> </ul>
<p><b>2.26</b> If there is a LULA elevator, is the interior:                  At least 51 inches deep by 51 inches wide with a door opening width of at least 36 inches?                  Or                  At least 54 inches deep by at least 36 inches wide with at least 15 sq. ft. of clear floor area and a door opening width of at least 32 inches?                  [408.4.1 Exceptions 1 and 2]</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:             </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Replace elevator</li> <li>•</li> <li>•</li> </ul>

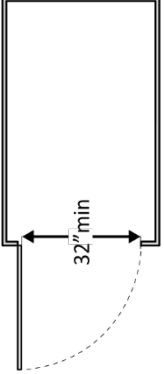
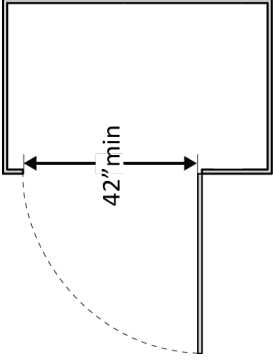
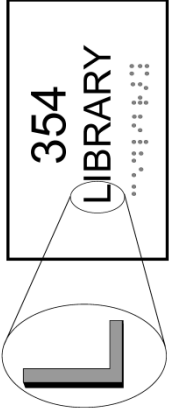
<p><b>2.27</b> If there is a full size or LULA elevator, are the in-car controls:</p> <p>No less than 15 inches and no greater than 48 inches above the floor?</p> <p>Or</p> <p>Up to 54 inches above the floor for a parallel approach? [408.4.6, 407.4.6.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Change control height</li> <li>•</li> <li>•</li> </ul>
<p><b>2.28</b> If there is a LULA elevator, are the in-car controls centered on a side wall? [408.4.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure controls</li> <li>•</li> <li>•</li> </ul>
<p><b>2.29</b> If there is a full size or LULA elevator:</p> <p>Are the car control buttons designated with raised characters?</p> <p>Are the car control buttons designated with Braille?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add raised characters</li> <li>• Add Braille</li> <li>•</li> </ul>

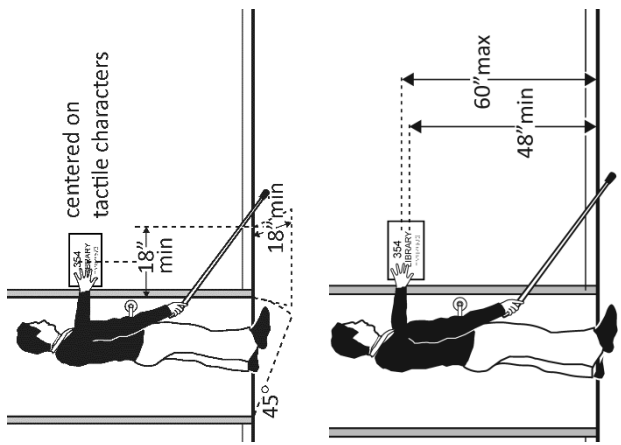
<p>[407.4.7.1, 703.2]</p>		Photo #:	
<p><b>2.30</b> If there is a full size elevator, are there audible signals which sound as the car passes or is about to stop at a floor? [407.4.8]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Photo #:	<ul style="list-style-type: none"> <li>• Install audible signals</li> <li>•</li> <li>•</li> </ul>
<p><b>2.31</b> If there is a full size or LULA elevator:</p> <p>Is there a sign on both door jambs at every floor identifying the floor?</p> <p>Is there a tactile star on both jambs at the main entry level?</p> <p>Do text characters contrast with their backgrounds?</p> <p>Are text characters raised?</p> <p>Is there Braille?</p> <p>Is the sign mounted between 48 inches to the baseline of the lowest character and 60 inches to the baseline of the highest character above the floor?*</p> <p>[407.2.3, 408.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	Photo #:	<ul style="list-style-type: none"> <li>• Install signs</li> <li>• Change sign height</li> <li>•</li> <li>•</li> </ul> <p>* If constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation is not required</p>

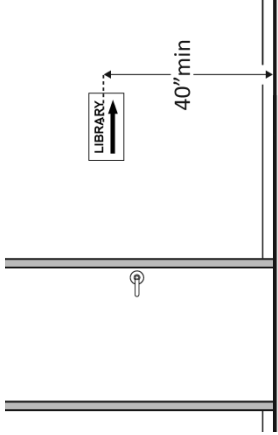
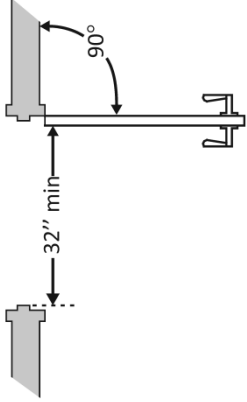
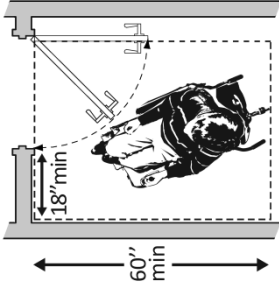


**Platform Lifts**

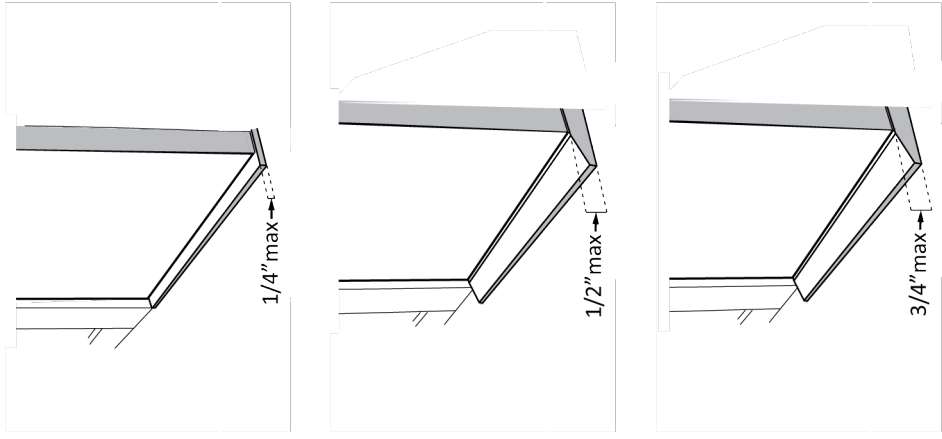
<p><b>2.32</b> If a lift is provided, can it be used without assistance from others? [410.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure so independently operable</li> <li>•</li> <li>•</li> </ul>
<p><b>2.33</b> Is there a clear floor space at least 30 inches wide by at least 48 inches long for a person using a wheelchair to approach and reach the controls to use the lift? [410.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove obstructions</li> <li>•</li> <li>•</li> </ul>
<p><b>2.34</b> Are the lift controls no less than 15 inches and no greater than 48 inches above the floor? [410.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Change control height</li> <li>•</li> <li>•</li> </ul>
<p><b>2.35</b> Is there a clear floor space at least 36 inches wide by at least 48 inches long inside the lift? [410.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Replace lift</li> <li>•</li> <li>•</li> </ul>

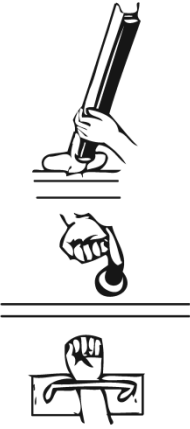
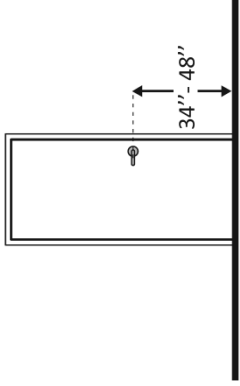
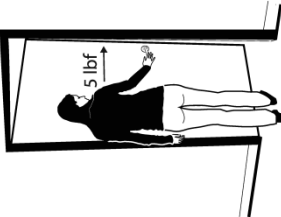
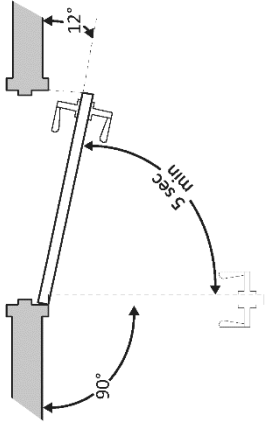
<p><b>2.36</b> If there is an end door, is the clear opening width at least 32 inches? [410.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter door width</li> <li>•</li> <li>•</li> </ul>
<p><b>2.37</b> If there is a side door, is the clear opening width at least 42 inches? [410.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter door width</li> <li>•</li> <li>•</li> </ul>
<p><b>Signs</b> “Tactile characters” are read using touch, i.e. raised characters and Braille.</p>			
<p><b>2.38</b> If there are signs designating permanent rooms and spaces not likely to change over time, e.g. room numbers and letters, room names, and exit signs: [216.2]</p> <p>Do text characters contrast with their backgrounds? [703.5]</p> <p>Are text characters raised? [703.2]</p> <p>Is there Braille? [703.3]</p> <p>Is the sign mounted:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install tactile sign</li> <li>• Relocate sign</li> <li>•</li> </ul>

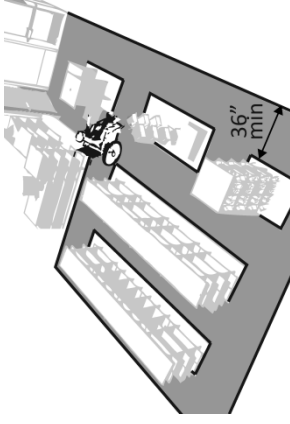
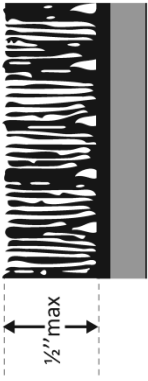
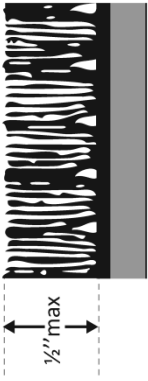
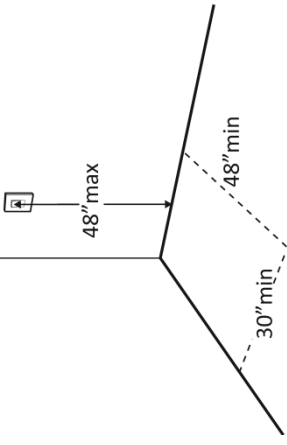
<p>On the wall on the latch side of the door? [703.4.2]</p> <p>Note: Signs are permitted on the push side of doors with closers and without hold-open devices.</p> <p>With clear floor space beyond the arc of the door swing between the closed position and 45-degree open position, and 18 x 18 inches centered on the tactile characters?*</p> <p>[703.4.2]</p> <p>So the baseline of the lowest character is at least 48 inches above the floor and the baseline of the highest character is no more than 60 inches above the floor? *</p> <p>[703.4.1]</p> <p>Note: If the sign is at double doors with one active leaf, the sign should be on the inactive leaf; if both leaves are active, the sign should be on the wall to the right of the right leaf.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>* If constructed before 3/15/2012 and a person may approach within 3 inches of the sign without encountering protruding objects or standing within the door swing, relocation not required</p> <p>* If constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation not required</p>
		<p>Photo #:</p>	

<p><b>2.39</b> If there are signs that provide direction to or information about interior spaces: Do text characters contrast with their backgrounds? [703.5.1] Is the sign mounted so that characters are at least 40 inches above the floor? [703.5.6] Note: Raised characters and Braille are not required.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Install signs with contrasting characters • Change sign height •</p> <p>Photo #:</p>
<p><b>Interior Doors – to classrooms, medical exam rooms, conference rooms, etc.</b></p>			
<p><b>2.40</b> Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Install offset hinges • Alter the doorway •</p> <p>Photo #:</p>
<p><b>2.41</b> If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus at least 60 inches clear depth? Note: See 2010 Standards 404.2.4 for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Remove obstructions • Reconfigure walls • Add automatic door opener</p>



<p>On both sides of the door, is the floor surface of the maneuvering clearance level (no steeper than 1:48)? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	
<p><b>2.42</b> If the threshold is vertical is it no more than ¼ inch high? Or No more than ½ inch high with the top ¼ inch beveled no steeper than 1:2, if the threshold was installed on or after the 1991 ADA Standards went into effect (1/26/93)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Remove or replace threshold</li> <li>•</li> <li>•</li> </ul>
<p>Or No more than ¾ inch high with the top ½ inch beveled no steeper than 1:2, if the threshold was installed before the 1991 ADA Standards went into effect (1/26/93)? [404.2.5, 303.2] Note: The first ¼ inch of the ½ or ¾ inch threshold may be vertical; the rest must be beveled.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	

<p><b>2.43</b> Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist? Door handle? Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Replace inaccessible knob with lever, loop or push hardware</p> <p>• Add automatic door opener</p> <p>•</p> <p>Photo #:</p>
<p><b>2.44</b> Are the operable parts of the hardware no less than 34 inches and no greater than 48 inches above the floor? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Change hardware height</p> <p>•</p> <p>•</p> <p>Photo #:</p>
<p><b>2.45</b> Can the door be opened easily (5 pounds maximum force)? [404.2.9]</p> <p>Note: You can use a pressure gauge or fish scale to measure force. If you do not have one you will need to judge whether the door is easy to open.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Adjust or replace closers</p> <p>• Install lighter doors</p> <p>• Install power-assisted or automatic door openers</p> <p>Photo #:</p>
<p><b>2.46</b> If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Adjust closer</p> <p>•</p> <p>•</p> <p>Photo #:</p>

Rooms and Spaces – stores, supermarkets, libraries, etc.			
<p><b>2.47</b> Are aisles and pathways to goods and services, and to one of each type of sales and service counters, at least 36 inches wide? [403.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Rearrange goods, equipment and furniture</p> <p>•</p> <p>•</p> <p>Photo #:</p>
<p><b>2.48</b> Are floor surfaces stable, firm and slip resistant? [302.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Change floor surface</p> <p>•</p> <p>•</p> <p>Photo #:</p>
<p><b>2.49</b> If there is carpet:</p> <p>Is it no higher than ½ inch?</p> <p>Is it securely attached along the edges? [302.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Replace carpet</p> <p>•</p> <p>•</p> <p>Photo #:</p>
Controls – light switches, security and intercom systems, emergency/alarm boxes, etc.			
<p><b>2.50</b> Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward or parallel approach? [305.3]</p> <p>Are the operable parts no higher than 48 inches above the floor?*</p> <p>[309.3, 308]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Change height of control</p> <p>•</p> <p>•</p> <p>*If constructed before 3/15/2012 and a parallel approach is provided, controls can be 54 inches above the floor</p>

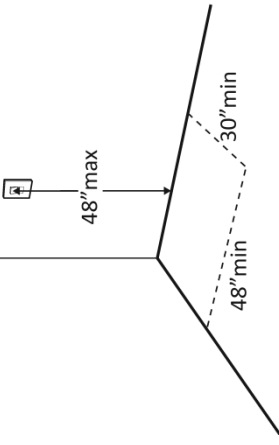
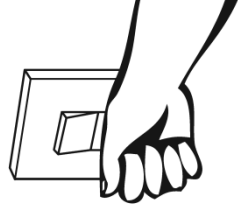
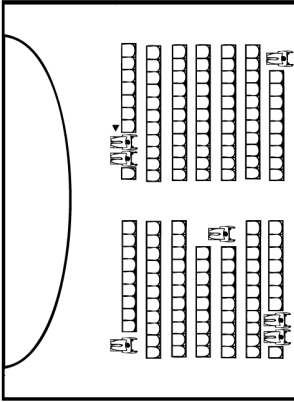
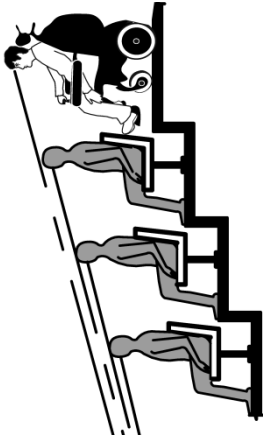
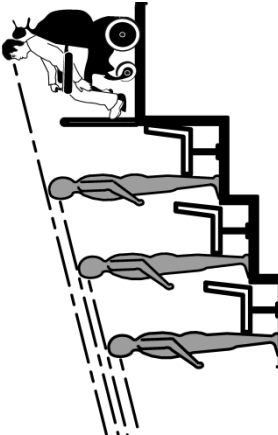
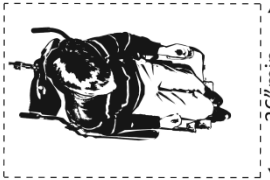
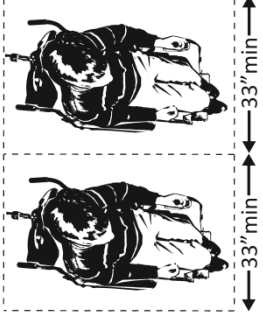
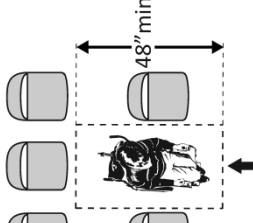
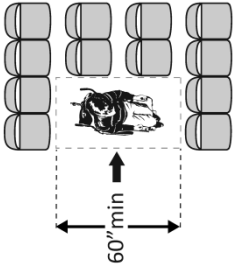
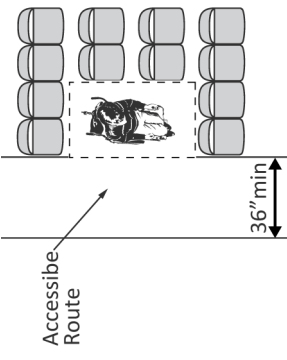
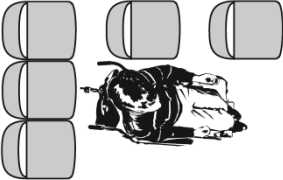

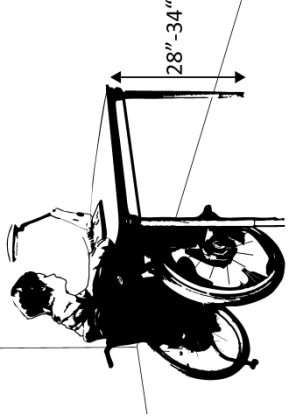
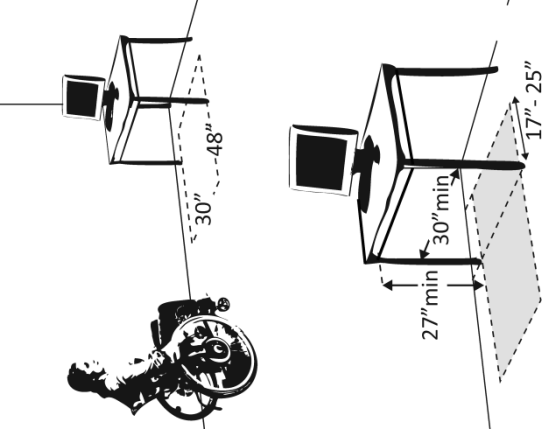
	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:													
<b>2.51</b> Can the control be operated with one hand and without tight grasping, pinching, or twisting of the wrist? [309.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> <li>• Replace control</li> <li>•</li> <li>•</li> </ul>												
<b>Seating: Assembly Areas – theaters, auditoriums, stadiums, theater style classrooms, etc.</b>																
<b>2.52</b> Are an adequate number of wheelchair spaces provided? [221.2.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Total #: Wheelchair #:	<table border="1" data-bbox="868 787 1079 1228"> <thead> <tr> <th># of Seats</th> <th>Wheelchair Spaces</th> </tr> </thead> <tbody> <tr> <td>4 - 25</td> <td>1</td> </tr> <tr> <td>26 - 50</td> <td>2</td> </tr> <tr> <td>51 - 150</td> <td>4</td> </tr> <tr> <td>151 - 300</td> <td>5</td> </tr> <tr> <td colspan="2">300+ see 2010 Standards 221.2.1.</td> </tr> </tbody> </table>	# of Seats	Wheelchair Spaces	4 - 25	1	26 - 50	2	51 - 150	4	151 - 300	5	300+ see 2010 Standards 221.2.1.		Photo #:	<ul style="list-style-type: none"> <li>• Reconfigure to add wheelchair spaces</li> <li>•</li> <li>•</li> </ul>
# of Seats	Wheelchair Spaces															
4 - 25	1															
26 - 50	2															
51 - 150	4															
151 - 300	5															
300+ see 2010 Standards 221.2.1.																
<b>2.53</b> Are wheelchair spaces dispersed to allow location choices and viewing angles equivalent to other seating, including specialty seating areas that provide distinct services and amenities? [221.2.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> <li>• Reconfigure to disperse wheelchair spaces</li> <li>•</li> <li>•</li> </ul>												

			Photo #:	
<p><b>2.54</b> Where people are expected to remain seated, do people in wheelchair spaces have a clear line of sight over and between the heads of others in front of them? [802.2.1.1, 802.1.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		Photo #:	<ul style="list-style-type: none"> <li>• Alter for line of sight</li> <li>•</li> <li>•</li> </ul>
<p><b>2.55</b> Where people are expected to stand, do people in wheelchair spaces have a clear line of sight over and between the heads of others in front of them? [802.2.2.1, 802.1.2.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		Photo #:	<ul style="list-style-type: none"> <li>• Alter for line of sight</li> <li>•</li> <li>•</li> </ul>
<p><b>2.56</b> If there is a single wheelchair space, is it at least 36 inches wide? [802.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		Photo #:	<ul style="list-style-type: none"> <li>• Alter space</li> <li>•</li> <li>•</li> </ul>

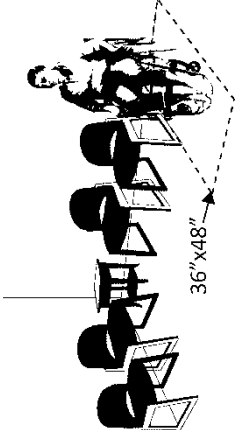
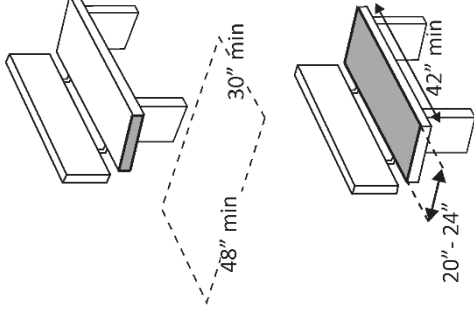
<p><b>2.57</b> If there are two adjacent wheelchair spaces, are they each at least 33 inches wide? [802.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter spaces</li> <li>•</li> <li>•</li> </ul>
<p><b>2.58</b> If the wheelchair space can be entered from the front or rear, is it at least 48 inches deep? [802.1.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter space</li> <li>•</li> <li>•</li> </ul>
<p><b>2.59</b> If the wheelchair space can only be entered from the side, is it at least 60 inches deep? [802.1.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter space</li> <li>•</li> <li>•</li> </ul>
<p><b>2.60</b> Do wheelchair spaces adjoin, but not overlap, accessible routes? [802.1.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter spaces</li> <li>•</li> <li>•</li> </ul>

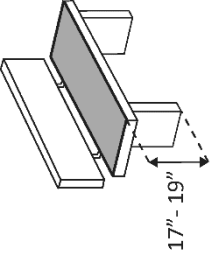
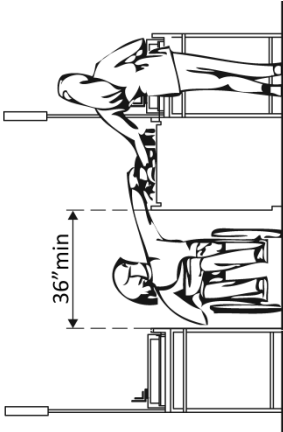
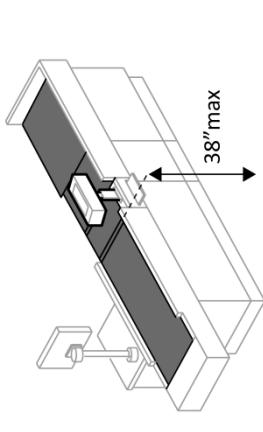
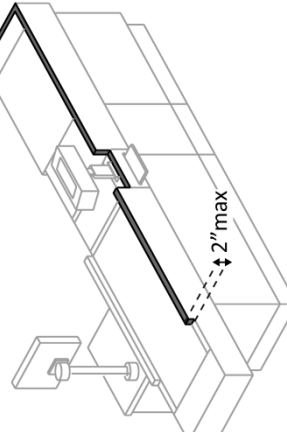
<p><b>2.61</b> Is there at least one companion seat for each wheelchair space? [221.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Add companion seats</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
<p><b>2.62</b> Is the companion seat located so the companion is shoulder-to-shoulder with the person in a wheelchair? [802.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Alter seating</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
<p><b>2.63</b> Is the companion seat equivalent in size, quality, comfort and amenities to seating in the immediate area? [802.3.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Add equivalent seating</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
<p><b>Seating: At dining surfaces (restaurants, cafeterias, bars, etc.) and non-employee work surfaces (libraries, conference rooms, etc.)</b></p>			
<p><b>2.64</b> Are at least 5%, but no fewer than one, of seating and standing spaces accessible for people who use wheelchairs? [226.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Total #: Wheelchair #:</p>		<p>• Alter to provide accessible spaces</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>
<p><b>2.65</b> Is there a route at least 36 inches wide to accessible seating? [403.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>• Widen route</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>

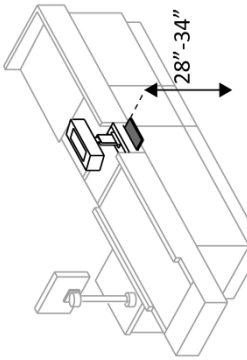

<p><b>2.66</b> At the accessible space(s), is the top of the accessible surface no less than 28 inches and no greater than 34 inches above the floor? [902.3]</p> <p>Note: If for children, the top should be no less than 26 inches and no greater than 30 inches above the floor.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>Alter surface height</li> </ul>
<p><b>2.67</b> Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward approach? [305.3]</p> <p>Does it extend no less than 17 inches and no greater than 25 inches under the surface?</p> <p>Is there knee space at least 27 inches high and at least 30 inches wide? [306.2, 306.3]</p> <p>Note: If for children, the knee space may be 24 inches high.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>Alter table or work surface</li> <li>Add accessible table or work surface</li> </ul>

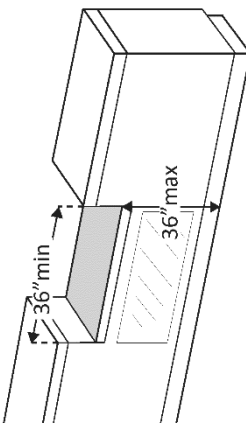
**Seating: General – reception areas, waiting rooms, etc.**

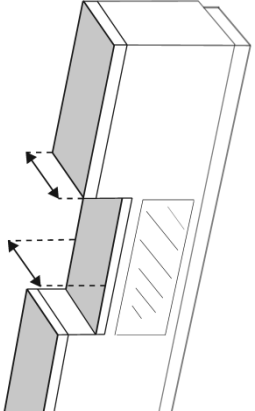
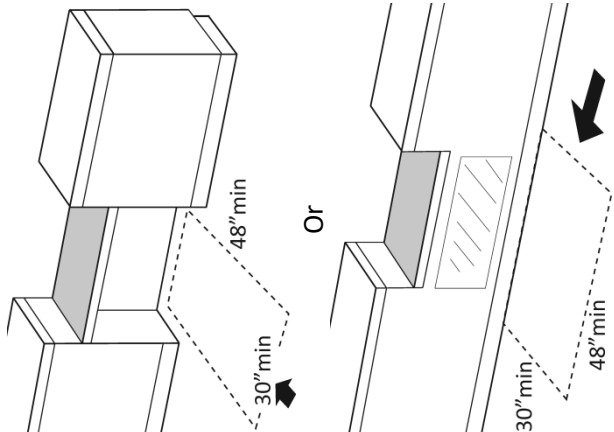


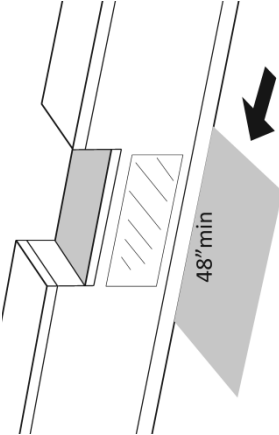
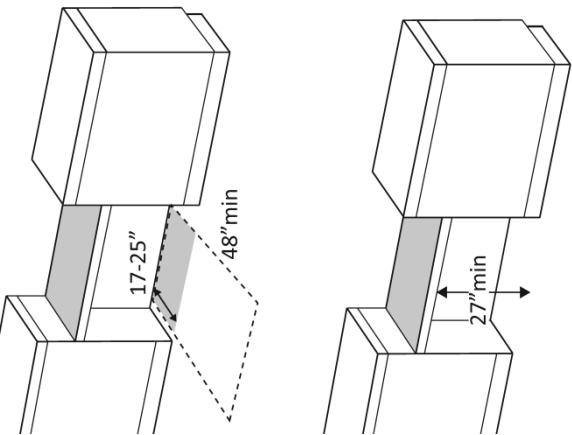
<p><b>2.68</b> Is there at least one space at least 36 inches wide by at least 48 inches long for a person in a wheelchair? [802.1.2, 802.1.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:  • Move furniture and equipment to provide space • •</p>
<p><b>Benches – In locker rooms, dressing rooms, fitting rooms</b> This section does not apply to any other benches.</p>			
<p><b>2.69</b> In locker rooms, dressing rooms and fitting rooms, is there at least one room with a bench? [222.1, 803.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Photo #:</p>	<p>• Add bench • •</p>
<p><b>2.70</b> Is there a clear floor space at least 30 inches wide by at least 48 inches long at the end of the bench and parallel to the short axis of the bench?  Is the bench seat at least 42 inches long and no less than 20 inches and no greater than 24 inches deep?  Does the bench have back support or is it affixed to a wall?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Move bench • Replace bench • Affix bench to wall • •</p>
<p>Is the top of the bench seat no less than 17 inches and no greater than 19 inches above the floor? [903]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		

			Photo #:	
<b>Check-Out Aisles – supermarkets, large retail stores, etc.</b>				
<p><b>2.71</b> Is the aisle at least 36 inches wide? [904.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> <li>• Widen aisle</li> <li>•</li> <li>•</li> </ul>
<p><b>2.72</b> Is the counter surface of at least one aisle no higher than 38 inches above the floor? [904.3.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> <li>• Lower counter</li> <li>•</li> <li>•</li> </ul>
<p><b>2.73</b> Is the top of the counter edge protection no higher than 2 inches above the counter surface? [904.3.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> <li>• Lower edge protection</li> <li>•</li> <li>•</li> </ul>

<p><b>2.74</b> If there is a check writing surface, is the top no less than 28 inches and no greater than 34 inches above the floor? [904.3.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Alter check writing surface</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>2.75</b> If there is more than one check-out aisle is there a sign with the International Symbol of Accessibility at the accessible aisle? [216.11]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Add sign</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>

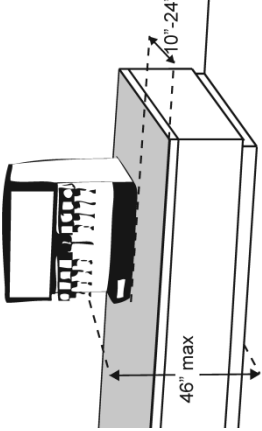
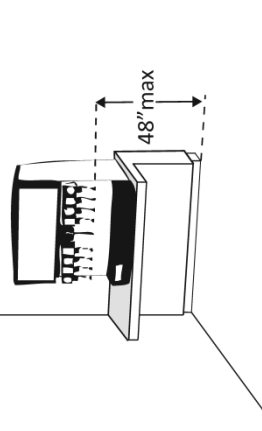
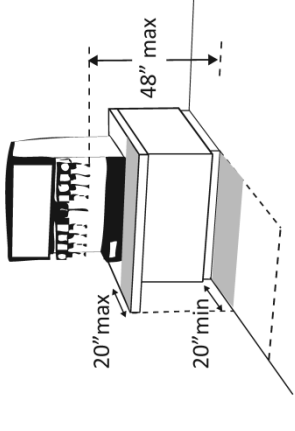
<p><b>Sales &amp; Service Counters – banks, stores, dry cleaners, auto repair shops, fitness clubs, etc.</b></p>			
<p><b>2.76</b> Is there a portion of at least one of each type of counter that is:  No higher than 36 inches above the floor?  At least 36 inches long? [904.4.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Lower section of counter</li> <li>• Lengthen section of counter</li> <li>•</li> </ul> <p>Photo #:</p>

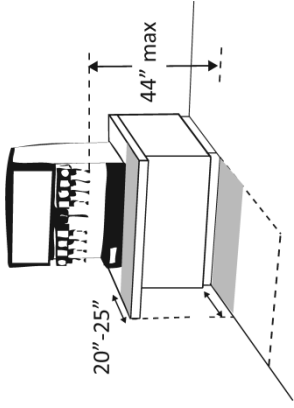
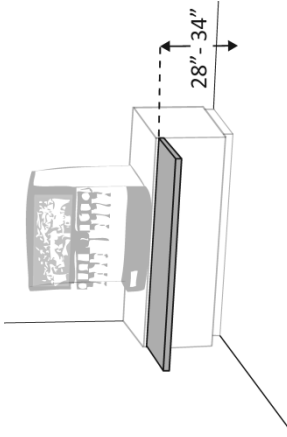
<p><b>2.77</b> Does the accessible portion of the counter extend the same depth as the counter top? [904.4]</p>	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No                  Measurement:             </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter accessible portion</li> <li>•</li> <li>•</li> </ul>
<p><b>2.78</b> Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward or parallel approach? [904.4]</p>	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No  <input type="checkbox"/> Parallel                  Measurement:  <input type="checkbox"/> Forward                  Measurement:             </p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Reconfigure to provide a parallel or forward approach</li> <li>•</li> <li>•</li> </ul>

<p><b>2.79</b> For a parallel approach, is the clear floor space positioned with the 48 inches adjacent to the accessible length of counter? [904.4.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• If a parallel approach is not possible, a forward approach is required</p> <p>•</p> <p>•</p> <p>Photo #:</p>
<p><b>2.80</b> For a forward approach: Do no less than 17 and no greater than 25 inches of the clear floor space extend under the accessible length of the counter? [306.2.2, 306.2.3]</p> <p>Is there at least 27 inches clearance from the floor to the bottom of the counter? [306.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Reconfigure to provide knee clearance</p> <p>•</p> <p>•</p> <p>Photo #:</p>

**Food Service Lines – in cafeterias, salad bars, eat-in fast food establishments, etc.**

<p><b>2.81</b> Does at least one of each type of self-service shelf or dispensing device for tableware, dishware, condiments, food and beverages have a forward or parallel approach? [904.5.1]</p>	<p> <input type="checkbox"/> Yes    <input type="checkbox"/> No  <input type="checkbox"/> Forward  <input type="checkbox"/> Parallel         </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure to provide approach</li> <li>•</li> <li>•</li> </ul>
<p><b>2.82</b> If there is an unobstructed parallel approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.3.1]</p>	<p> <input type="checkbox"/> Yes    <input type="checkbox"/> No            Measurement:         </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Lower shelf and/or dispensing device</li> <li>•</li> <li>•</li> </ul>
<p><b>2.83</b> If there is a shallow obstruction no deeper than 10 inches with a parallel approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.3.1]</p>	<p> <input type="checkbox"/> Yes    <input type="checkbox"/> No            Measurement:         </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Lower shelf and/or dispensing device</li> <li>•</li> <li>•</li> </ul>

<p><b>2.84</b> If there is an obstruction no less than 10 inches and no greater than 24 inches deep with a parallel approach, is the shelf or dispensing device no higher than 46 inches above the floor? [308.3.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Lower shelf and/or dispensing device</li> <li>•</li> <li>•</li> </ul>
<p><b>2.85</b> If there is an unobstructed forward approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.2.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Lower shelf and/or dispensing device</li> <li>•</li> <li>•</li> </ul>
<p><b>2.86</b> If there is an obstruction no deeper than 20 inches with a forward approach:  Does clear floor space extend under the obstruction that is at least the same depth as the obstruction?  Is the shelf or dispensing device no higher than 48 inches above the floor? [904.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure to provide knee space</li> <li>• Lower shelf and/or dispensing device</li> <li>•</li> </ul>

<p><b>2.87</b> If the obstruction is no less than 20 inches and no greater than 25 inches deep with a forward approach:</p> <p>Does clear floor space extend under the obstruction that is at least the same depth as the obstruction?</p> <p>Is the shelf or dispensing device no higher than 44 inches above the floor? [904.5.1]</p>	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No                  Measurement:             </p> <p> <input type="checkbox"/> Yes   <input type="checkbox"/> No                  Measurement:             </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure to provide knee space</li> <li>• Lower shelf and/or dispensing device</li> <li>•</li> </ul>
<p><b>2.88</b> If there is a tray slide, is the top no less than 28 inches and no greater than 34 inches above the floor? [904.5.2]</p>	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No                  Measurement:             </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure</li> <li>•</li> <li>•</li> </ul>
	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No             </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>
	<p> <input type="checkbox"/> Yes   <input type="checkbox"/> No             </p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>



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# The ADA Checklist for Existing Facilities

## Priority 3 - Toilet Rooms

Based on the 2010 ADA Standards for Accessible Design

Project

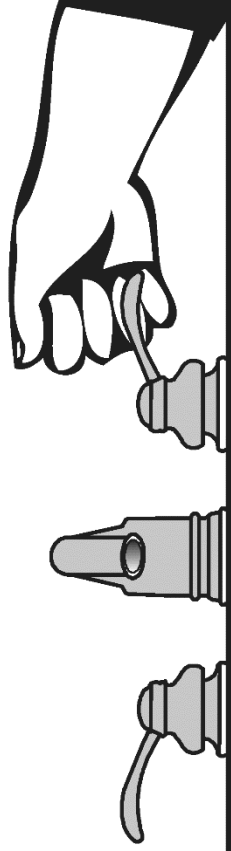
Building

Location

Date

Surveyors

Contact Information



**When toilet rooms are open to the public they should be accessible to people with disabilities.**



Institute for Human Centered Design  
[www.HumanCenteredDesign.org](http://www.HumanCenteredDesign.org)

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ADA National Network  
Questions on the ADA 800-949-4232 voice/tty  
[www.ADAchecklist.org](http://www.ADAchecklist.org)

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This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or [ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

For the full set of checklists, including the checklists for recreation facilities visit [www.ADAchecklist.org](http://www.ADAchecklist.org).

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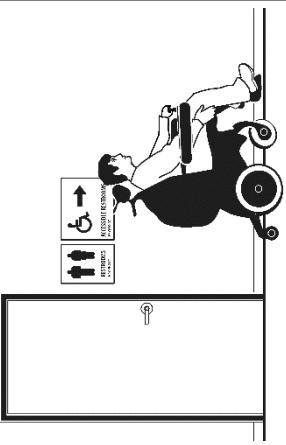

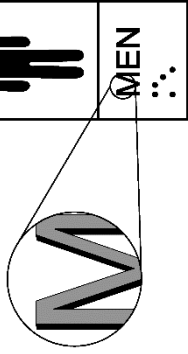
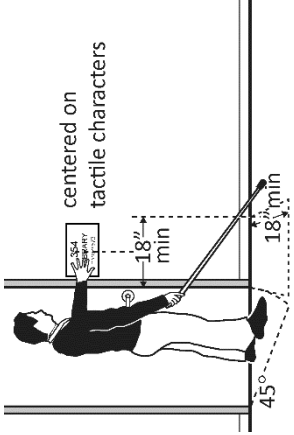
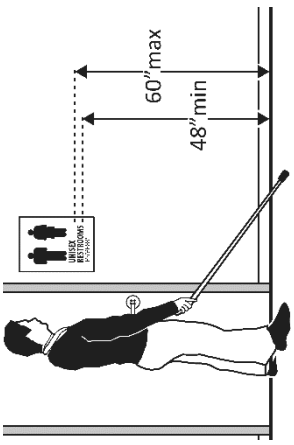
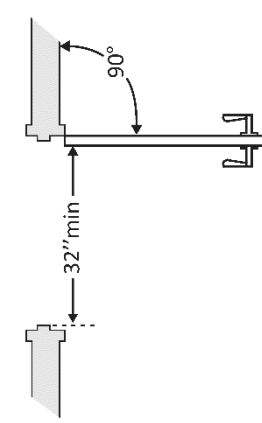
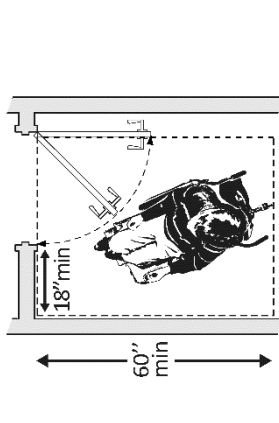
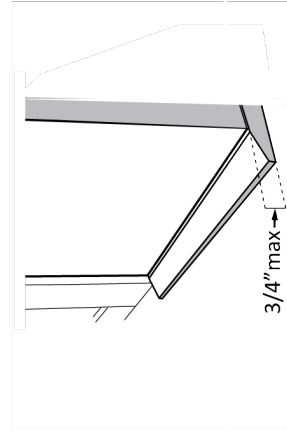
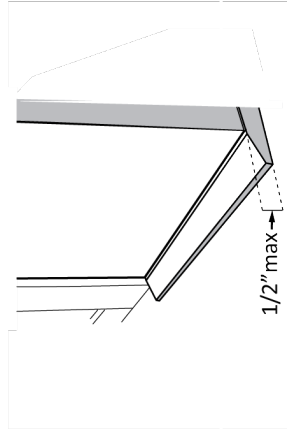
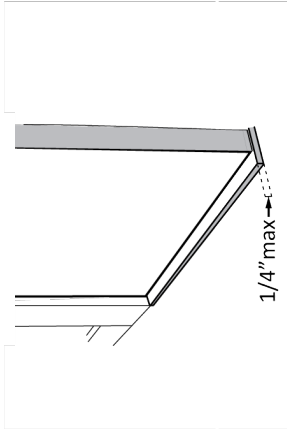
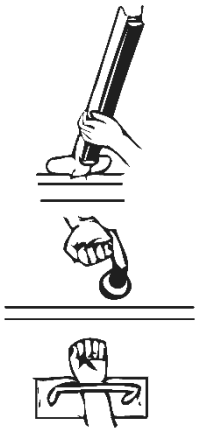
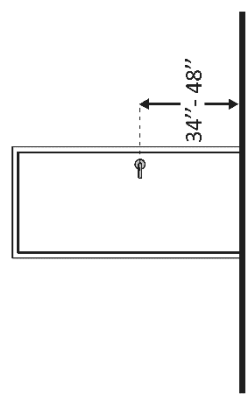
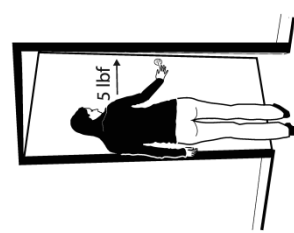
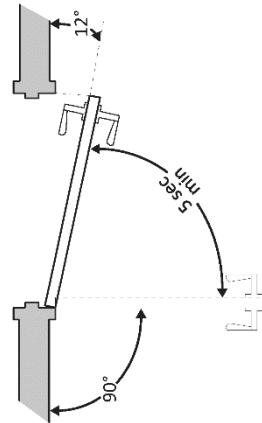
Priority 3 – Toilet Rooms		Comments	Possible Solutions
<p><b>3.1</b> If toilet rooms are available to the public, is at least one toilet room accessible? (Either one for each sex, or one unisex.)</p> <p>Note: If toilet rooms are chiefly for children, e.g., in elementary schools and day care centers, use the children’s specifications in Toilets - 604.1, 604.8, 604.9, 609.4 and Lavatories and Sinks – 606.2.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Reconfigure toilet rooms</li> <li>• Combine toilet rooms to create one unisex accessible toilet room</li> </ul>
<p><b>3.2</b> Are there signs at inaccessible toilet rooms that give directions to accessible toilet rooms? [See 2010 ADA Standards for Accessible Design – 216.8]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> 	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Install signs</li> </ul>
<p><b>3.3</b> If not all toilet rooms are accessible, is there a sign at the accessible toilet room with the International Symbol of Accessibility? [216.8]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> 	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Install sign</li> </ul>
<b>Accessible Route</b>			
<p><b>3.4</b> Is there an accessible route to the accessible toilet room? [206.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter route</li> </ul>

		Photo #:	
<b>Signs at Toilet Rooms</b>			
<p><b>3.5</b> Do text characters contrast with their backgrounds? [703.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Install tactile sign</li> <li>• Relocate sign</li> <li>•</li> </ul>
<p>Are text characters raised? [703.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>Is there Braille? [703.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>Is the sign mounted: On the wall on the latch side of the door? [703.4.2]</p> <p>Note: Signs are permitted on the push side of doors with closers and without hold-open devices.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>*If constructed before 3/15/2012 and a person may approach within 3 inches of the sign without encountering protruding objects or standing within the door swing, relocation not required</p>
<p>With clear floor space beyond the arc of the door swing between the closed position and 45-degree open position, at least 18 x 18 inches centered on the tactile characters? * [703.4.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		
<p>So the baseline of the lowest character is at least 48 inches above the floor and the</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		

<p>baseline of the highest character is no more than 60 inches above the floor? * [703.4.1]</p> <p>Note: If the sign is at double doors with one active leaf, the sign should be on the inactive leaf; if both leaves are active, the sign should be on the wall to the right of the right leaf.</p>		<p>*if constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation is not required</p>	<p>Photo #:</p>
<p><b>Entrance</b></p>			
<p><b>3.6</b> Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install offset hinges</li> <li>• Alter the doorway</li> <li>•</li> </ul>
<p><b>3.7</b> If there is a front approach to the pull side of the door is there at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth?</p> <p>Note: See 2010 Standards 404.2.4 for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove obstructions</li> <li>• Reconfigure walls</li> <li>• Add automatic door opener</li> </ul>

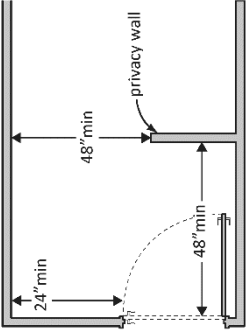
<p>On both sides of the door, is the floor surface of the maneuvering clearance level (no steeper than 1:48)? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	<p>Photo #:</p>	
<p><b>3.8</b> If the threshold is vertical is it no more than ¼ inch high? Or No more than ½ inch high with the top ¼ inch beveled no steeper than 1:2, if the threshold was installed on or after the 1991 ADA Standards went into effect (1/26/93)? Or No more than ¾ inch high with the top ½ inch beveled no steeper than 1:2, if the threshold was installed before the 1991 ADA Standards went into effect (1/26/93)? [404.2.5, 303.2] Note: The first ¼ inch of the ½ or ¾ inch threshold may be vertical; the rest must be beveled.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Remove or replace threshold</li> <li>•</li> <li>•</li> </ul>




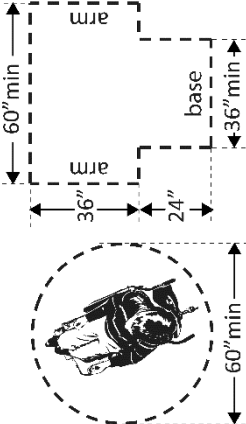
<p><b>3.9</b> Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist? Door handle? Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Replace inaccessible knob with lever, loop or push hardware</li> <li>• Add automatic door opener</li> </ul>
<p><b>3.10</b> Are the operable parts of the door hardware mounted no less than 34 inches and no greater than 48 inches above the floor? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Change hardware height</li> </ul>
<p><b>3.11</b> Can the door be opened easily (5 pounds maximum force)? [404.2.9] Note: You can use a pressure gauge or fish scale to measure force. If you do not have one you will need to judge whether the door is easy to open.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust or replace closers</li> <li>• Install lighter doors</li> <li>• Install power-assisted or automatic door openers</li> </ul>
<p><b>3.12</b> If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust closer</li> </ul>

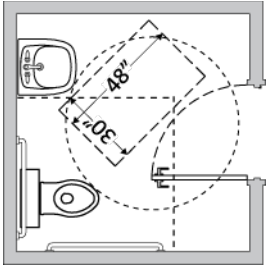
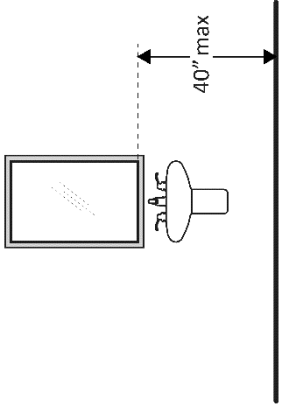
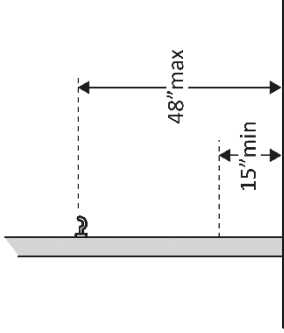
<p><b>3.13</b> If there are two doors in a series, e.g. vestibule, is the distance between the doors at least 48 inches plus the width of the doors when swinging into the space? [404.2.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Remove inner door</li> <li>• Change door swing</li> <li>•</li> </ul>
<p><b>3.14</b> If there is a privacy wall and the door swings out, is there at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure space</li> <li>•</li> <li>•</li> </ul>



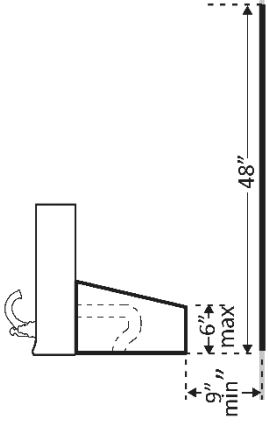
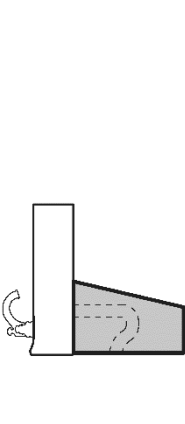
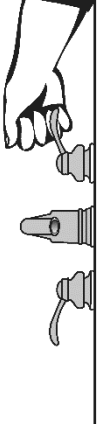
<p><b>3.15</b> If there is a privacy wall and the door swings in, is there at least 24 inches of maneuvering clearance beyond the door latch side and at least 48 inches to the privacy wall if there is no door closer or at least 54 inches if there is a door closer? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reconfigure space</li> <li>•</li> <li>•</li> </ul>
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**In the Toilet Room**

<p><b>3.16</b> Is there a clear path to at least one of each type of fixture, e.g. lavatory, hand dryer, etc., that is at least 36 inches wide? [403.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove obstructions</li> <li>•</li> <li>•</li> </ul>
<p><b>3.17</b> Is there clear floor space available for a person in a wheelchair to turn around, i.e. a circle at least 60 inches in diameter or a T-shaped space within a 60-inch square? [603.2.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Move or remove partitions, fixtures or objects such as trash cans</li> <li>•</li> <li>•</li> </ul>

<p><b>3.18</b> In a single user toilet room if the door swings in and over a clear floor space at an accessible fixture, is there a clear floor space at least 30 x 48 inches beyond the swing of the door? [603.2.3 Exception 2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Reverse door swing</li> <li>• Alter toilet room</li> <li>•</li> </ul>
<p><b>3.19</b> If the mirror is over a lavatory or countertop, is the bottom edge of the reflecting surface no higher than 40 inches above the floor? Or If the mirror is not over the lavatory or countertop, is the bottom edge of the reflecting surface no higher than 35 inches above the floor?*[603.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>* If installed before 3/15/2012 and the bottom edge of the reflecting surface is no higher than 40 inches above the floor, lowering the mirror to 35 inches is not required</li> <li>• Lower the mirror</li> <li>• Add another mirror</li> <li>•</li> </ul>
<p><b>3.20</b> If there is a coat hook, is it no less than 15 inches and no greater than 48 inches above the floor?*[603.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust hook</li> <li>• Replace with or provide additional accessible hook</li> <li>•</li> <li>* If installed before 3/15/2010 and the clear floor space allows a parallel approach, the coat hook may be 54 inches above the floor.</li> </ul>

Lavatories		The 2010 Standards refer to sinks in toilet rooms as lavatories.	
<p><b>3.21</b> Does at least one lavatory have a clear floor space for a forward approach at least 30 inches wide and 48 inches long? [606.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter lavatory</li> <li>• Replace lavatory</li> <li>•</li> </ul>
<p><b>3.22</b> Do no less than 17 inches and no greater than 25 inches of the clear floor space extend under the lavatory so that a person using a wheelchair can get close enough to reach the faucet? [306.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter lavatory</li> <li>• Replace lavatory</li> <li>•</li> </ul>
<p><b>3.23</b> Is the front of the lavatory or counter surface, whichever is higher, no more than 34 inches above the floor? [606.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter lavatory</li> <li>• Replace lavatory</li> <li>•</li> </ul>
<p><b>3.24</b> Is there at least 27 inches clearance from the floor to the bottom of the lavatory that extends at least 8 inches under the lavatory for knee clearance? [306.3.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter lavatory</li> <li>• Replace lavatory</li> <li>•</li> </ul>

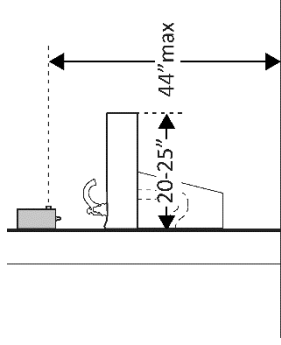
<p><b>3.25</b> Is there toe clearance at least 9 inches high? [306.3.3]</p> <p>Note: Space extending greater than 6 inches beyond the available toe clearance at 9 inches above the floor is not considered toe clearance.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter lavatory</li> <li>• Replace lavatory</li> <li>•</li> </ul>
<p><b>3.26</b> Are pipes below the lavatory insulated or otherwise configured to protect against contact? [606.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install insulation</li> <li>• Install cover panel</li> <li>•</li> </ul>
<p><b>3.27</b> Can the faucet be operated without tight grasping, pinching, or twisting of the wrist?</p> <p>Is the force required to activate the faucet no greater than 5 pounds? [606.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust faucet</li> <li>• Replace faucet</li> <li>•</li> </ul>
<p><b>Soap Dispensers and Hand Dryers</b></p>			

**3.28** Are the operable parts of the soap dispenser within one of the following reach ranges:

Above lavatories or counters no less than 20 inches and no greater than 25 inches deep: no higher than 44 inches above the floor? [308.2.2]

Yes  No

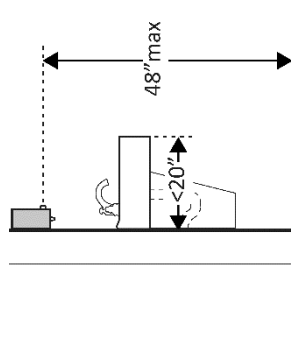
Measurement:



Above lavatories less than 20 inches deep: no higher than 48 inches above the floor?

Yes  No

Measurement:



Not over an obstruction: no higher than 48 inches above the floor? [308.2]

Yes  No

Measurement:

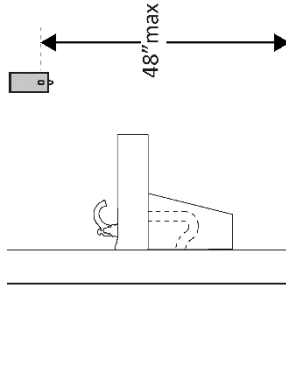
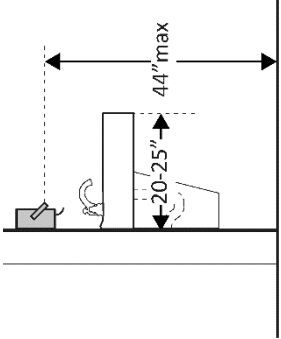
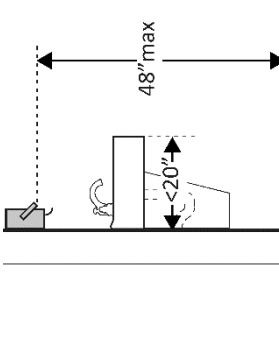
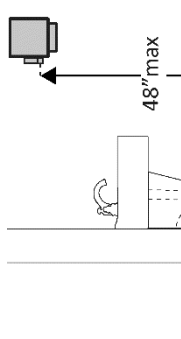


Photo #:

- Adjust dispensers
- Replace with or provide additional accessible dispensers
-

<p><b>3.29</b> Are the operable parts of the hand dryer or towel dispenser within one of the following reach ranges:</p> <p>Above lavatories or counters no less than 20 inches and no greater than 25 inches deep: no higher than 44 inches above the floor?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<ul style="list-style-type: none"> <li>• Adjust dispensers</li> <li>• Replace with or provide additional accessible dispensers</li> </ul>
<p>Above lavatories less than 20 inches deep: no higher than 48 inches above the floor?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		
<p>Not over an obstruction: no higher than 48 inches above the floor? [308.2]</p> <p>Can the operable parts of the hand dryer or towel dispenser be operated without tight grasping, pinching or twisting of the wrist?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		
<p>Is the force required to activate the hand dryer or towel dispenser no greater than 5 pounds? [309.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>

**Water Closets in Single-User Toilet Rooms and Compartments (Stalls)** The 2010 Standards refer to toilets as water closets.

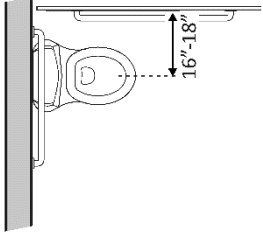
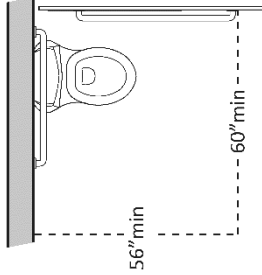
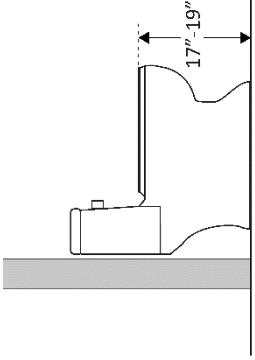
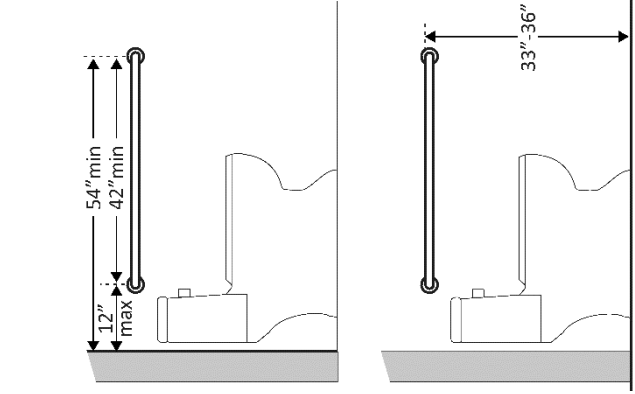
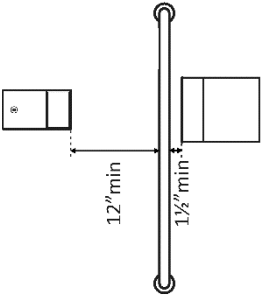
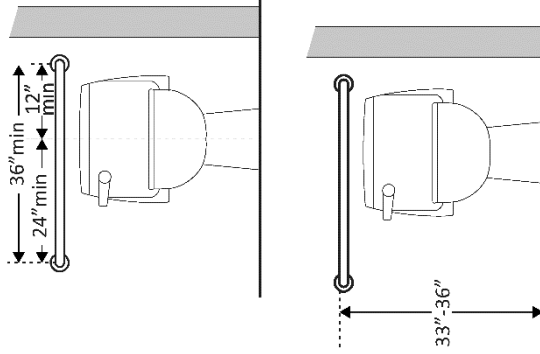
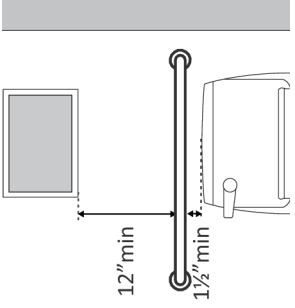
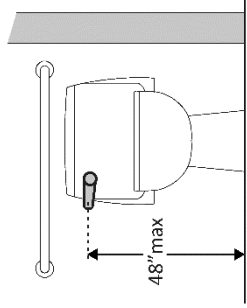
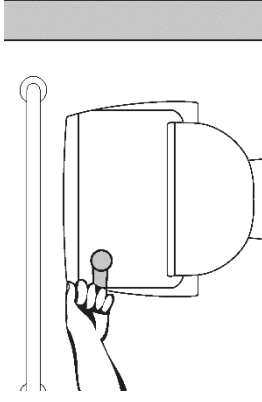
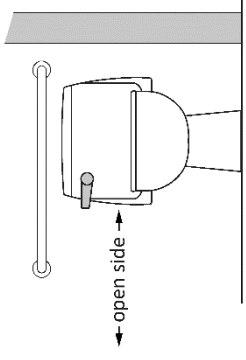
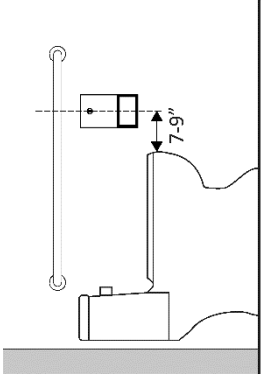
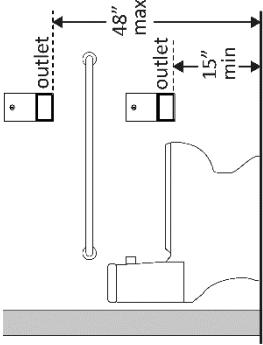
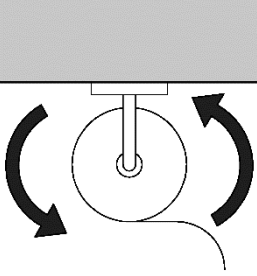
<p><b>3.30</b> Is the centerline of the water closet no less than 16 inches and no greater than 18 inches from the side wall or partition? [604.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Move toilet</li> <li>• Replace toilet</li> <li>• Move partition</li> <li>•</li> </ul>
<p><b>3.31</b> Is clearance provided around the water closet measuring at least 60 inches from the side wall and at least 56 inches from the rear wall? * [604.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>* If constructed before 3/15/12, clearances around water closets in single user toilet rooms can be 48 inches wide by 66 inches long or 48 inches wide by 56 inches long (depending on the approach to the water closet, see 1991 Standards Figure 28) and the lavatory may overlap that clearance if the door to the room does not swing into the required clearances at fixtures (such as lavatories, water closet and urinals) and the edge of the lavatory is at least 18 inches from the centerline of the water closet</p> <ul style="list-style-type: none"> <li>• Alter room/compartments for clearance</li> <li>•</li> <li>•</li> </ul>	

			Photo #:	
<p><b>3.32</b> Is the height of the water closet no less than 17 inches and no greater than 19 inches above the floor measured to the top of the seat? [604.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> <li>• Adjust toilet height</li> <li>• Replace toilet</li> <li>•</li> </ul>
<p><b>3.33</b> Is there a grab bar at least 42 inches long on the side wall?</p> <p>Is it located no more than 12 inches from the rear wall?</p> <p>Does it extend at least 54 inches from the rear wall? [604.5.1]</p> <p>Is it mounted no less than 33 inches and no greater than 36 inches above the floor to the top of the gripping surface? [609.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		Photo #:	<ul style="list-style-type: none"> <li>• Install grab bar</li> <li>• Relocate grab bar</li> <li>• Relocate objects</li> <li>•</li> </ul>

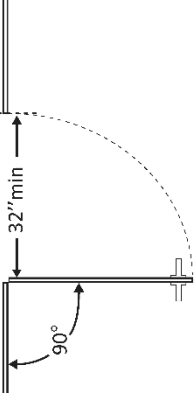
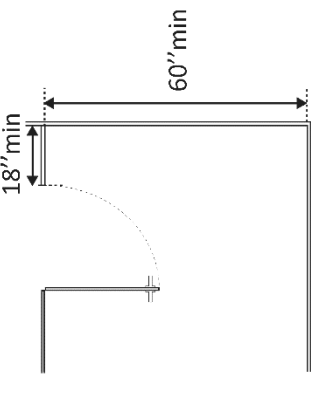
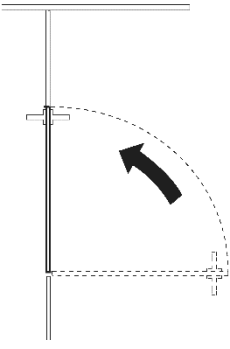


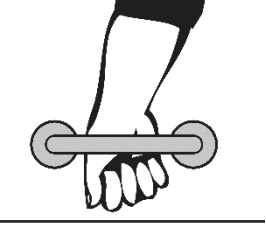
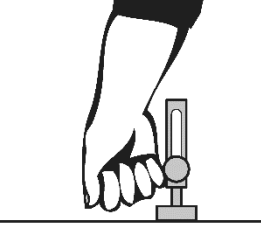
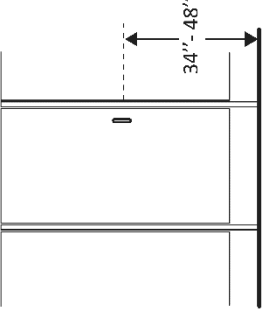
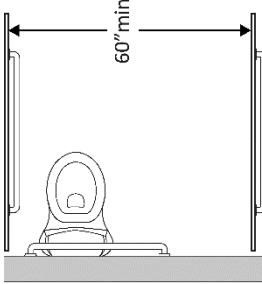
<p>Is there at least 12 inches clearance between the grab bar and protruding objects above?*</p> <p>Is there at least 1½ inches clearance between the grab bar and projecting objects below?*</p> <p>Is the space between the wall and the grab bar 1 ½ inches? [609.3]</p>	<p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<p>* If constructed before 3/15/2012 grab bars do not need to be relocated; there are no space requirements above and below grab bars in the 1991 Standards</p>
<p><b>3.34</b> Is there a grab bar at least 36 inches long on the rear wall?</p> <p>Does it extend at least 12 inches from the centerline of the water closet on one side (side wall)?</p> <p>Does it extend at least 24 inches on the other (open) side? [604.5.2]</p> <p>Is it mounted no less than 33 inches and no greater than 36 inches above the floor to the top of the gripping surface? [609.4]</p> <p>Are there at least 12 inches clearance between the grab bar and protruding objects above?*</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Install grab bar</li> <li>• Relocate grab bar</li> <li>• Relocate objects</li> <li>•</li> </ul> <p>* If constructed before 3/15/2012 grab bars do not need to be relocated;</p>

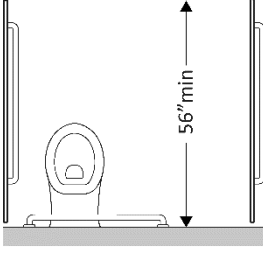
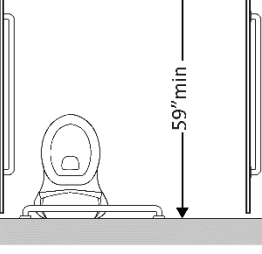
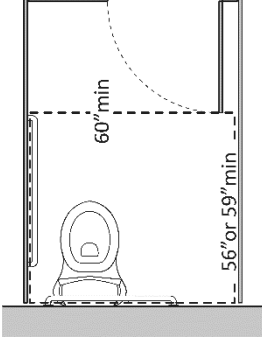
<p>Are there at least 1½ inches clearance between the grab bar and projecting objects below?*</p> <p>Is the space between the wall and the grab bar 1½ inches? [609.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<p>there are no space requirements above and below grab bars in the 1991 Standards</p>
<p><b>3.35</b> If the flush control is hand operated, is the operable part located no higher than 48 inches above the floor? [604.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Move control</li> <li>• Install sensor with override button no higher than 48 inches</li> <li>•</li> </ul>
<p><b>3.36</b> If the flush control is hand operated, can it be operated with one hand and without tight grasping, pinching, or twisting of the wrist?</p> <p>Is the force required to activate the flush control no greater than 5 pounds? [605.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Change control</li> <li>• Adjust control</li> <li>•</li> </ul>
<p><b>3.37</b> Is the flush control on the open side of the water closet? [604.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Move control</li> <li>•</li> <li>•</li> </ul>

<p><b>3.38</b> Is the toilet paper dispenser located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser?*[604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>* If constructed before 3/15/2012 dispenser does not need to be relocated if it is within reach from the water closet seat; the 1991 Standards do not specify distance from the front of the water closet</p> <ul style="list-style-type: none"> <li>• Relocate dispenser</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>3.39</b> Is the outlet of the dispenser:                  Located no less than 15 inches and no greater than 48 inches above the floor?                  Not located behind grab bars?                  [604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Relocate dispenser</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>3.40</b> Does the dispenser allow continuous paper flow?                  [604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Adjust dispenser</li> <li>• Replace dispenser</li> <li>•</li> </ul> <p>Photo #:</p>

**Toilet Compartments (Stalls)**

<p><b>3.41</b> Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [604.8.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Widen door width</li> <li>•</li> <li>•</li> </ul>
<p><b>3.42</b> If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth? [604.8.1.2]</p> <p>Note: See 2010 Standards 604.8.1.2 Doors for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Remove obstructions</li> <li>•</li> <li>•</li> </ul>
<p><b>3.43</b> Is the door self-closing? [604.8.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add closer</li> <li>• Replace door</li> <li>•</li> </ul>

<p><b>3.44</b> Are there door pulls on both sides of the door that are operable with one hand and do not require tight grasping pinching or twisting of the wrist? * [604.8.1.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>* If constructed before 3/15/2012 door pulls do not need to be added; door pulls are not required in the 1991 Standards</p> <ul style="list-style-type: none"> <li>• Replace hardware</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>3.45</b> Is the lock operable with one hand and without tight grasping, pinching or twisting of the wrist? [309.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<ul style="list-style-type: none"> <li>• Replace lock</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>3.46</b> Are the operable parts of the door hardware mounted no less than 34 inches and no greater than 48 inches above the floor? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Relocate hardware</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>
<p><b>3.47</b> Is the compartment at least 60 inches wide? [604.8.1.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<ul style="list-style-type: none"> <li>• Widen compartment</li> <li>•</li> <li>•</li> </ul> <p>Photo #:</p>

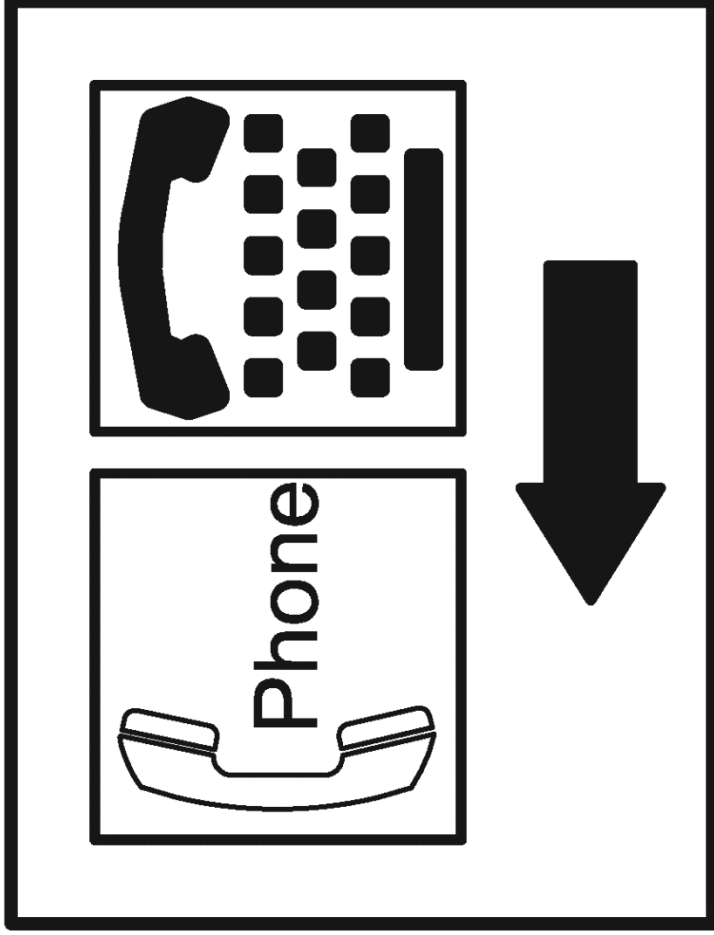
<p><b>3.48</b> If the water closet is wall hung, is the compartment at least 56 inches deep? [604.8.1.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>56" min</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Widen compartment</li> <li>•</li> <li>•</li> </ul>
<p><b>3.49</b> If the water closet is floor mounted, is the compartment at least 59 inches deep? [604.8.1.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>59" min</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Alter compartment</li> <li>•</li> <li>•</li> </ul>
<p><b>3.50</b> If the door swings in, is the minimum required compartment area provided beyond the swing of the door (60 inches x 56 inches if water closet is wall hung or 59 inches if water closet is floor mounted)? [604.8.1.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>	 <p>60" min 56" or 59" min</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> <li>• Reverse door swing</li> <li>• Alter compartment</li> <li>•</li> </ul>

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## ADA Checklist for Existing Facilities

# Priority 4 – Additional Access

Based on the 2010 ADA Standards for Accessible Design



Project

Building

Location

Date

Surveyors

Contact Information

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**Amenities such as drinking fountains and public telephones should be accessible to people with disabilities.**



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ADA National Network  
Questions on the ADA 800-949-4232 voice/tty  
[www.ADAchecklist.org](http://www.ADAchecklist.org)

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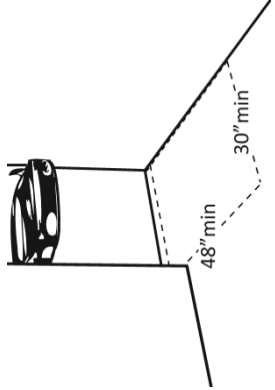
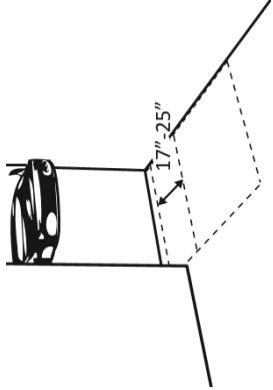
This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

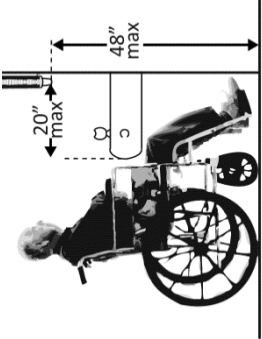
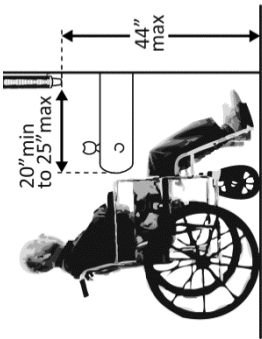

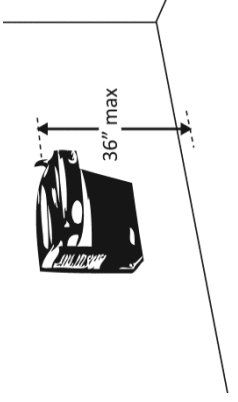
Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or [ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

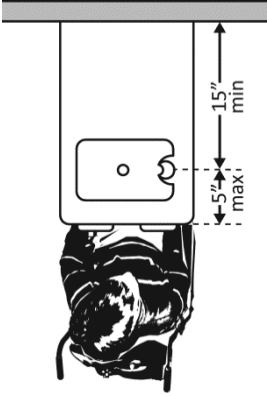
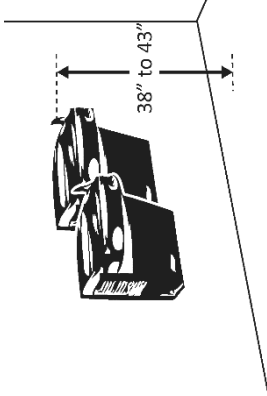
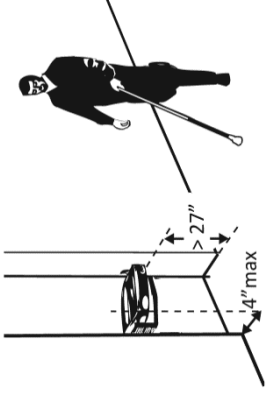
For the full set of checklists, including the checklists for recreation facilities visit [www.ADAchecklist.org](http://www.ADAchecklist.org).

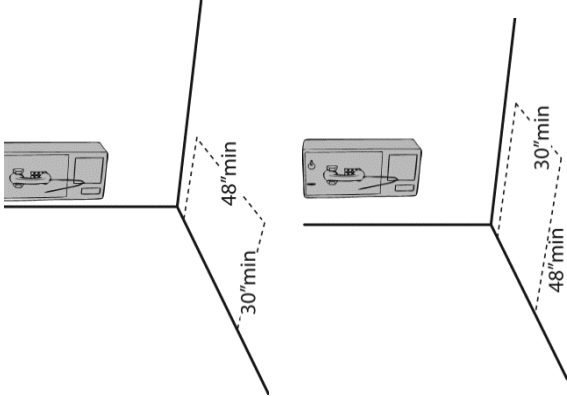
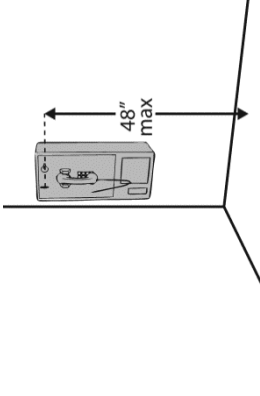
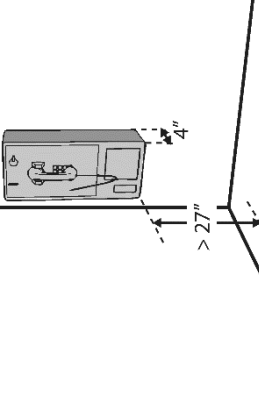
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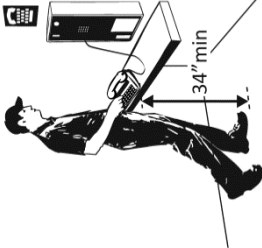



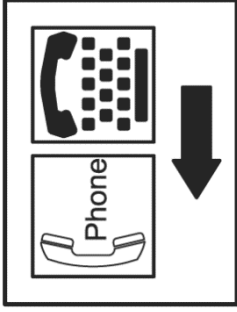
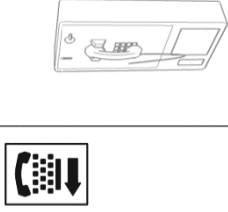
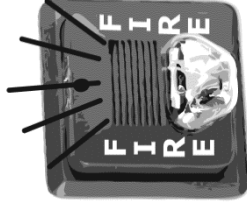
Priority 4 – Additional Access		Comments	Possible Solutions
<b>Drinking Fountains</b>			
<p><b>4.1</b> Does at least one drinking fountain have a clear floor space at least 30 inches wide x at least 48 inches long centered in front of it for a forward approach?*</p> <p>[See 2010 ADA Standards for Accessible Design – 602.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>* If installed before 3/15/2012, a parallel approach is permitted and the clear floor space is not required to be centered</p> <ul style="list-style-type: none"> <li>• Alter space</li> <li>• Relocate drinking fountain</li> <li>• Install a drinking fountain in another location</li> </ul>
<p><b>4.2</b> If there is a forward approach, do no less than 17 inches and no greater than 25 inches of the clear floor space extend under the drinking fountain?</p> <p>[306.2.2, 306.2.3]</p> <p>Note: If the drinking fountain is primarily for children's use and the spout is no more than 30 inches above the floor and no more than 3 ½ inches from the edge of the unit, a parallel approach is permitted.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Alter space</li> <li>• Replace drinking fountain</li> <li>•</li> </ul>

<p><b>4.3</b> If the drinking fountain is no deeper than 20 inches, are the operable parts no higher than 48 inches above the floor? [308.2.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust drinking fountain</li> <li>• Replace drinking fountain</li> <li>•</li> </ul>
<p><b>4.4</b> If the drinking fountain is no less than 20 inches and no greater than 25 inches deep, are the operable parts no higher than 44 inches above the floor? [308.2.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust drinking fountain</li> <li>• Replace drinking fountain</li> <li>•</li> </ul>
<p><b>4.5</b> Can the control be operated with one hand and without tight grasping, pinching or twisting of the wrist?  Is the force required to activate the control no more than 5 pounds? [309.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Change control</li> <li>• Adjust control</li> <li>•</li> </ul>
<p><b>4.6</b> Is the spout outlet no higher than 36 inches above the floor? [602.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust drinking fountain</li> <li>• Replace drinking fountain</li> <li>•</li> </ul>

<p><b>4.7</b> Is the spout:                  At least 15 inches from the rear of the drinking fountain?                  No more than 5 inches from the front of the drinking fountain?                  [602.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:                  • Adjust spout                  • Replace drinking fountain                  •</p>
<p><b>4.8</b> If there is more than one drinking fountain, is there at least one for standing persons?                  [211.2]                  Is the spout outlet no lower than 38 inches and no higher than 43 inches above the floor?                  [602.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:                  • Adjust drinking fountain                  • Install new drinking fountain for standing height                  •</p>
<p><b>4.9</b> If the leading (bottom) edge of the fountain is higher than 27 inches above the floor, does the front of the fountain protrude no more than 4 inches into the circulation path?                  [307.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No                  Measurement:</p>		<p>Photo #:                  • Adjust drinking fountain                  • Replace drinking fountain                  • Add tactile warning such as permanent planter or partial walls</p>

Public Telephones			
<p><b>4.10</b> Does at least one telephone have a clear floor space at least 30 inches wide x at least 48 inches long for a parallel or forward approach? [704.2.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>• Move telephone • Install new telephone for clear floor space •</p> <p style="text-align: right;">Photo #:</p>
<p><b>4.11</b> Is the highest operable part of the telephone no higher than 48 inches above the floor? [704.2.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Adjust telephone • •</p> <p style="text-align: right;">Photo #:</p>
<p><b>4.12</b> If the leading (bottom) edge of the telephone is higher than 27 inches above the floor, does the front of the telephone protrude no more than 4 inches into the circulation path? [307.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		<p>• Adjust telephone • •</p> <p style="text-align: right;">Photo #:</p>

<p><b>4.13</b> Does at least one telephone have a volume control? [704.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install volume control</li> <li>• Replace telephone with one that has volume control</li> </ul>
<p><b>4.14</b> Is the volume control identified by a pictogram of a telephone handset with radiating sound waves? [703.7.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add pictogram</li> </ul>
<p><b>4.15</b> Does at least one telephone have a TTY? [217.4.1]  Note: TTY's are devices that employ interactive text-based communication through the transmission of coded signals across the telephone network. They are mainly used by people who are deaf and/or cannot speak.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install TTY</li> </ul>
<p><b>4.16</b> Is the touch surface of the TTY keypad at least 34 inches above the floor? [704.4.1]  Note: If a seat is provided, the TTY is not required to be 34 inches minimum above the floor.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No  Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Adjust height of TTY</li> </ul>

<p><b>4.17</b> Is the TTY identified by the International Symbol of TTY? [703.7.2.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add symbol</li> <li>•</li> <li>•</li> </ul>
<p><b>4.18</b> Do signs that provide direction to public telephones also provide direction to the TTY? [216.9.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add signs</li> <li>•</li> <li>•</li> </ul>
<p><b>4.19</b> Do telephones that do not have a TTY provide direction to the TTY? [216.9.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Add signs</li> <li>•</li> <li>•</li> </ul>
<p><b>Fire Alarm Systems</b></p>			
<p><b>4.20</b> If there are fire alarm systems, do they have both flashing lights and audible signals? [702.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p> <ul style="list-style-type: none"> <li>• Install audible and visual alarms</li> <li>•</li> <li>•</li> </ul>

## Appendix J – Procurement

### 1. Micro-Purchases

The micro-purchase method is used for the acquisition of supplies or services which do not exceed the micro-purchase threshold and must be distributed equitable among qualified suppliers. In most instances under CDBG the micro-purchase threshold is \$10,000, except for:

- Procurement of construction services subject to Davis Bacon requirements, the threshold is \$2,000 unless single family housing rehabilitation is being provided

Micro-purchases may be awarded without soliciting competitive quotations if the subrecipient considers the price to be reasonable. However, documentation of the subrecipient's determination of price reasonableness must be maintained for record-keeping requirements.

#### **Procedures**

Prior to utilizing the Micro-Purchase method of procurement, subrecipients should plan and document how many products or services will be required. In order to use this method of procurement, the aggregate dollar amount of the goods or services cannot exceed the micro-purchase threshold.

To the extent practicable, subrecipients must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the subrecipient considers the price to be reasonable by conducting a price analysis. Prior to issuing a purchase order under this method, subrecipients must verify that the vendor is not debarred under the System for Award Management.

### 2. Small Purchases

The small purchase method is used for the acquisition of supplies or services greater than the micro-purchase threshold and less than or equal to the small purchase threshold, generally \$50,000 unless the SAT can be applied to a single item purchase. Small purchase procedures are relatively simple and do not require a formal solicitation for securing services, supplies, or other property.

#### **Procedures**

Subrecipients cannot use the small purchase procurement method to make separate, sequential, or component purchases of goods or services with the intent of avoiding the competitive bidding and competitive proposal requirements.

When seeking quotes, subrecipients must clearly explain to all vendors providing quotations that the information provided is being sought for informational purposes only and the request for quotation does not constitute a formal solicitation. Extra care must be given to avoid giving a vendor any competitive advantage in a future procurement initiative.

If small purchase procedures are used, price or rate quotations must be obtained from a minimum of two qualified sources. Documentation of the rate quotations must be maintained for record-keeping requirements.

**Step 1:** Comply with Davis-Bacon Act requirements, if applicable

Subrecipients must obtain prevailing wage rates as required by the Davis-Bacon and Related Acts and incorporate those wage rates into the procurement for construction.

**Step 2:** Contact a minimum of two (2) vendors.

Subrecipients may use the Small Purchase Procurement Record to document quotes received. Quotations may be requested via telephone, fax, email, mail, or any other reasonable method.

Subrecipients must take all necessary steps to affirmatively assure small and minority businesses, women's business enterprises, labor surplus firms, and Section 3 businesses are notified of bidding opportunities and utilized whenever possible.

**Step 3:** Provide to State CDBG staff the potential awardee information for debarment clearance and notice to proceed, if necessary.

**Step 4:** Award the contract.

Subrecipients should conduct a price analysis and award to the lowest priced quote. If the subrecipient does not award the contract to the lowest cost respondent, the reasoning must be documented and in compliance with federal, state, and local regulations.

**Step 5:** Execute the contract, ensuring that a copy is provided to State CDBG staff.

### **3. Sealed Bids (IFB-Formal Advertisement)**

Invitation for Bids, bids that are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest price. Procurement by sealed bids is the preferred method for procuring materials, equipment, and construction services with a total cost over the small purchase threshold must formally advertise for sealed bids if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

## **Procedures**

### **Step 1: Creation of Sealed Bid Packages**

Subrecipients must create a bid package, usually written by an architect or engineer and based off prepared plans or working drawings, that provides a clear and accurate description of technical requirements for materials and products and/or services to be provided on the project. This package must:

- For fire stations, garages, and/or buildings that will be accessible to the public once constructed, a certification that applicable standards of accessibility by the handicapped have been or will be satisfied, e.g., certificate of occupancy;
- Contain all forms and contract provisions applicable to the project and required by federal and state laws and regulations.

The base bid should include all components of the approved project and should not include any items which were not included in the approved applications or which have not received subsequent approval. State CDBG staff approval should be received prior to awarding a bid that includes items not listed in an awarded application.

For fixed price contracts with unit cost pricing, the bid specifications should delineate some type of item, estimated quality, unit price, and total cost.

### **Step 2: Comply with Davis-Bacon Act Requirements**

Subrecipients must obtain prevailing wage rates as required by the Davis-Bacon and Related Acts and incorporate those wage rates, the HUD 4010 Labor form and Section 3 Clause into the procurement for construction.

### **Step 3: Advertise for Bids**



The invitation for bids must be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids. The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond. Subrecipients must take all necessary steps to affirmatively assure small and minority businesses, women's business enterprises, labor surplus firms, and Section 3 businesses are notified of bidding opportunities and utilized whenever possible.

**Step 4: Public Opening of Sealed Bid Packages**

All bids will be publicly opened at the time and place prescribed in the invitation for bids. All sealed bid packages must be opened in accordance with the following standards in addition to any requirements imposed by local, state, and federal law.

- All bids shall be opened and read aloud during the bid opening and the apparent low bidder should be determined during this time;
- Bids shall undergo a review for both technical and legal responsiveness;
- Bidders must be evaluated as having the capacity to furnish the products and/or services required; and
- Minutes of the bid opening along with a tabulation of bids shall be placed in the contract file.

Subrecipients should take action within 45 days of the bid opening, or as otherwise specified in the bid documents, to either award a contract to the lowest responsible bidder or reject any and all bids for just cause. Any or all bids may be rejected if there is a sound documented reason.

If only one bid is received, the bid should be compared to an in-house estimate of the cost and prices paid for the same or substantially similar item(s) in the past. If the sealed bid is cancelled and negotiations proceed with the single bidder, a complete cost breakdown must be obtained, and cost analysis performed. If the bidder refuses to comply, bids must be resolicited.

All rationale for decisions must be documented.

**Step 5:** Provide to State CDBG staff the potential awardee information for debarment clearance and notice to proceed as indicated in the Procurement Checklist, item 11 at the beginning of this chapter.

**Step 6:** Award the Contract, ensuring that a copy is provided to State CDBG staff.

A firm, fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. If only one bid is received, the subrecipient must receive approval from the State CDBG staff before awarding the applicable contract. If, after a project has been funded, there is a substantial change in the scope of the project, then State CDBG staff must review and approve these changes and determine whether or not any additional funds are allowable, or changes impact the project's Environmental Review Record.

***Procedures for Bids that Exceed Cost Estimates***

In some instances, the lowest bid received will exceed the amount of funds estimated for a particular project. If this occurs, the subrecipient shall consult with State CDBG staff to determine the best course of action. Options include:

- Reject all bids received and re-advertise the project;
- Revise or reduce specifications and re-advertise the project, if approved by State CDBG staff;
- Reallocate other funds to cover the overage;
- Seek other funding sources such as local funds to cover the overage; and

- Enter into a legally binding contract with the lowest bidder for the amount of the bid presented and, subsequently, execute a change order\* to bring the project cost within the limits presented by the allocated funds.

\*The change order would change the project's scope of work and must be reviewed and approved by State CDBG staff prior to execution. It is strongly advised that the subrecipient thoroughly analyzes how exercising this option would affect the other bidders prior to awarding the contract.

#### **4. Competitive Proposals (RFP/RFQ-Formal Advertisement)**

The procurement by competitive proposals technique is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. A Request for Proposal (RFP) is used when qualifications and price are used in evaluating proposals and is the preferred method for administrative services. A Request for Qualification (RFQ) is used to procure architectural or engineering professional services where qualifications are used in evaluating proposals and price is not used as a selection factor.

#### **Procedures**

All A/E contracting fees, even those provided for under either a fixed price contract or a cost reimbursement contract must be deemed reasonable and justifiable.

If, after a project has been funded, there is a substantial change in the scope of the project, then State CDBG staff must review and approve these changes and determine whether or not any additional funds are allowable, or changes impact the project's Environmental Review Record. The provision of funds for A/E services is entirely contingent upon the amount of funds deemed allowable by State CDBG staff. Firms will not be compensated from the CDBG program in the event of a project not receiving funding.

#### **Step 1: Develop the Request for Proposals (RFP)/Request for Qualifications (RFQ) package**

The RFP/RFQ should include a clear and accurate description of the technical requirements for the material, product, or service to be procured. At a minimum, the RFP/RFQ package should include the following:

- Description of subrecipient's requirements and the scope of services.
- Factors and significant sub-factors that will be used to evaluate the proposal and their relative importance;
- Detailed instructions on proposal requirements;
- Deadline for submission; and
- Anticipated terms and conditions that will apply to a contract awarded under the solicitation.
  - A solicitation may authorize offerors to propose alternative terms and conditions.
  - When alternative terms and conditions are permitted, the evaluation approach should consider the potential impact on other terms and conditions or the requirement.

#### **Step 2: Advertise the RFP/RFQ**

Requests for proposals/requests for qualifications must be publicized and identify all evaluation factors and their relative importance. Subrecipients should allow sufficient time between the solicitation date and proposal deadline. Any response to publicized requests for proposals must be considered to the maximum extent practical.

Proposals must be solicited from an adequate number of qualified sources. Subrecipients must take all necessary steps to affirmatively assure small and minority businesses, women's business enterprises, labor surplus firms, and Section 3 businesses are notified of bidding opportunities and utilized whenever possible.

**Step 3:** Evaluate and rate the proposals

Subrecipients must have a written method for conducting technical evaluations of the proposals received and for selecting respondents. Materials received in response to RFPs and/or RFQs are typically reviewed in accordance with one of the following processes:

- **Competitive Point Range.** In using this review process, the subrecipient shall establish a predetermined range of points for proposals that would be considered adequate for qualifying a responder for a particular solicitation. All responders whose proposals or qualification statements score within that range would be invited to an oral interview and asked to submit a best and final offer. The proposals would then be re-evaluated, and the highest scoring firm would be selected;
- **Highest Point Earner.** In using this review process, the subrecipient shall evaluate all proposals or qualification statements in accordance with predetermined selection criteria and award the contract to overall highest scoring firm.

For counties, municipalities, and other public entities the local governing body has the final authority to award contracts and may select another respondent if the minutes of the local governing body meeting include justification for the selection. Subrecipients must maintain documentation of the date, time, and location of the public bid opening.

**Step 4:** Award the contract

Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Contracts could/should include a clause where commencement of activities are dependent on the Awarding of CDBG funds.

**Step 5:** Provide to State CDBG staff the potential awardee information for debarment clearance and notice to proceed.

**Step 6:** Execute the Contract, ensuring that a copy is provided to State CDBG staff.

**5. Noncompetitive Procurements**

Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- The item is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The federal awarding agency or pass through entity expressly authorizes noncompetitive proposals in response to a written request from the non-federal entity; or
- After solicitation of a number of sources, competition is determined inadequate.

State CDBG staff can provide a Non-competitive Procurement Checklist to guide communities in documenting the efforts taken to procure goods and services that lacked competition or followed a traditional noncompetitive procurement. While the checklist is meant to be a general tool, the circumstances of some procurements may require additional support or documentation.



## Appendix K

### COMMUNITY DEVELOPMENT BLOCK GRANT

RFGA Title: \_\_\_\_\_

### CONFIDENTIALITY AND CONFLICT OF INTEREST CERTIFICATION

Please Initial  
each line

I understand that all information contained in the grant applications and information regarding the evaluation process is proprietary and as such cannot be released or discussed in any manner with other offerors or individuals not involved in the proposal evaluation process.

I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation or who currently has a contract with the State of Utah or any of its entities.

I certify, to the best of my knowledge, that I do not participate in social activities with potential grantees that: (a) will interfere with the proper performance of my duties; (b) will lead to unreasonably frequent disqualification of me from the grant process; or (c) would appear to a reasonable person to undermine my independence, integrity, or impartiality.

I certify, to the best of my knowledge, that neither I nor any member of my immediate family has a material personal or financial interest in or fiduciary relationship to any grant applicant or to a direct competitor of any grant applicant under consideration by this proposal evaluation committee.

I further certify, to the best of my knowledge, that no other relationship with or bias towards any offeror exists which will prevent me from evaluating any proposal solely on its merits.

I further certify that if I have any relationship or bias toward any offeror, or any relationship or bias that may create the perception of bias, I shall immediately make a written disclosure to the Department of Workforce Services, which determine the appropriateness of the prospective committee member sitting on the evaluation committee.

\_\_\_\_\_  
Committee Member Name (printed)

\_\_\_\_\_  
Committee Member Signature

\_\_\_\_\_  
(Date)

List Proposals to be evaluated:



# CDBG GLOSSARY

**Acquisition:** to acquire real property for any public purpose, as set forth in 24 CFR 570.201(a).

**Activity Code:** The unique code numbers assigned for each activity in a project and shown on the cost summary in each grant agreement.

**Adjusted Gross Income (AGI):** AGI is an individual's total gross income minus specific deductions.

**Affirmative Action:** A specific action or activity to eliminate or prevent discrimination. Affirmative action is often designed to remedy past discrimination and to ensure it does not reoccur.

**Affirmative Fair Housing Marketing Plan (AFHMP):** A document used to help sub-recipients and vendors to offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability [https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/ftheo/80251.1](https://www.hud.gov/program_offices/administration/hudclips/handbooks/ftheo/80251.1) (24 CFR Part 200, Subpart M). Implementing Affirmative Fair Housing Marketing Requirements Handbook (8025.1) can be obtained from HUD's website.

**Affirmatively Furthering Fair Housing (AFFH):** A legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. HUD's AFFH rule provides an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The HUD AFFH assessment tool and final rule can be found here: <https://www.hud.gov/sites/documents/HUDAFHQUICKGUIDE.PDF>

**Aggregate Cost:** Total cost of the project including all other funding sources.

**Allowable Costs:** Costs that are acceptable under 24 CFR 200 and are approved as part of an activity in the grant agreement.

**Allowed Costs:** Allowed costs are questioned costs that are allowed when the state accepts the costs as a proper charge to a grant award.

**Amendment:** A written revision or change to the contract/grant agreement.

**American Indian/Alaskan Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Americans with Disabilities Act (ADA) of 1990:** A federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

**Appraised Value:** An estimate and opinion of the value of property resulting from the analysis of facts. The three generally accepted approaches to real estate value estimates are: (1) market approach - comparison with known sales of other properties in the same area and classification; (2) cost approach—reproduction costs less depreciation; and (3) income approach—capitalization of the estimated net income.

**Area Median Income (AMI):** Calculated annual limits based on HUD-estimated median family income with adjustments based on family size used for demonstrating LMI beneficiaries in the programs. May also be referred to Area Median Family Income (AMFI) in other program documents.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

# CDBG GLOSSARY

**Assessed Value:** The valuation of property for the purpose of levying a tax.

**Association of Government (AOG):** Designated regional councils of governments (i.e., state planning regions). The regional associations of governments join local governments, as well as state, federal, and private partners to provide cost-effective, better planned, and more accountable public services in each region.

**Assurance:** A written statement or contractual agreement signed by the chief executive officer in which a grantee agrees to administer Federally assisted programs in accordance with laws and regulations.

**Beneficiary:** The recipient deriving advantage from CDBG funding.

**Beneficiaries:** Persons to whom assistance, services or benefits are ultimately provided.

**Black/African American:** A person having origins in any of the Black racial groups of Africa.

**Builder/Contractor:** (Used interchangeably) A person who contracts to construct or repair houses or buildings and/or supervises building operations.

**Coastal Barrier Resource Zones:** A protected coastal area such as ocean-front land in an effort to protect the barrier system and prevent future damage.

**Code of Federal Regulations (CFR):** The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject of federal regulations. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

**Community Development Block Grant (CDBG):** HUD program aims to ensure decent affordable housing, to provide services to the most vulnerable communities, and to create jobs through the expansion and retention of businesses. CDBG is one of the longest-running programs administered by the Federal Department of Housing and Urban Development (HUD).

**Community Reinvestment Act:** A United States federal law designed to encourage commercial banks and savings associations to help meet the needs of borrowers in all segments of their communities, including low- and moderate-income neighborhoods. Congress passed the Act in 1977 to reduce discriminatory credit practices against low-income neighborhoods.

**Compliance:** The fulfillment of the requirements of applicable laws, implementing regulations and instructions.

**Condemnation:** The act of taking private property for public use by a political subdivision.

**Conflict of Interest (COI):** A situation in which there is a personal or financial interest that compromises or could compromise a person's independence of judgment in exercising his or her responsibilities.

**Consolidated Plan (Con Plan):** A plan prepared in accordance with the requirements set forth in 24 CFR Part 91, which describes community needs, resources, priorities, and proposed activities to be undertaken under certain HUD programs, including CDBG.

**Contract Amendment:** A modification to the terms of the contract agreed upon by one or all parties to the contract.

**Contractors:** A contractor is an entity paid with project funds in return for a specific service (e.g., construction). Contractors must be selected through a competitive procurement process.



# CDBG GLOSSARY

**Davis-Bacon Labor Standards:** All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

**Demolition:** Clearance and proper disposal of dilapidated buildings and improvements.

**Disallowed Costs:** Disallowed costs are charges to grants that are unallowable in accordance with federal regulations, state program rules, and/or provisions of the contract.

**Discrimination:** Unequal treatment of a class of persons. An action, policy or practice is discriminatory if the result is unequal treatment of a particular protected class.

**Displaced Person or Business:** When a person or business is forced to move permanently as a direct result of acquisition, demolition or rehabilitation of HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, and others.

**Duplication of Benefits:** The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern, or other entity from receiving financial assistance from CDBG funding with respect to any part of a loss resulting from a major disaster as to which he/she has already received financial assistance under any other program or from insurance or any other source.

**Easement:** The right, privilege or interest one party has in the land of another and is an encumbrance against the property that is subject to it. An easement may be permanent or temporary.

**Electronic Fund Transfer (EFT):** The State of Utah prefers to use EFT instead of mailing checks.

**Elevation Standards:** Standards that apply to new construction, repair of substantial damage, or substantial improvement of structures located in an area delineated as a flood hazard area or equivalent in FEMA's data source identified in 24 CFR 55.2(b)(1).

**Eligible Costs:** The costs of a project that are acceptable according to Section 105 of the Housing and Community Development Act and that are consistent with the grant agreement.

**Eminent Domain:** The power of the government to take private property for public use upon just compensation. The power extends to all lands acquired for the purpose of a higher public character deemed necessary for the proper performance of governmental functions essential to the life of the Commonwealth.

**Entitlement Communities:** Central cities of Metropolitan Statistical Areas (MSAs) with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement communities) that receive an annual allocation of CDBG funds directly from HUD under the CDBG Entitlement Program.

**Environmental Assessment (EA) Checklist:** A concise public document to aid in a grantee's compliance with the National Environmental Policy Act.

**Environmental Certifying Officer (ECO):** The responsible entity must designate a Certifying Officer -- the "responsible Federal official" -- to ensure compliance with the National Environmental Policy Act (NEPA) and the Federal laws and authorities cited at section 58.5 has been achieved. This person is the chief elected official, chief executive official, or other official designated by formal resolution of the governing body. The certifying officer must have the authority to

# CDBG GLOSSARY

assume legal responsibility for certifying that all environmental requirements have been followed. This function may not be assumed by administering agencies or consultants.

**Environmental Clearance:** A clearance given to indicate a grantee has met the CDBG environmental procedures and sufficient documentation and certification have been provided.

**Environmental Impact Statement (EIS):** The documentation that is required when a project is determined to have a potentially significant impact on the environment.

**Environmental Review:** The technical process of identifying and evaluating the potential environmental effects of a specific project within each impact category and as a whole. All qualified projects must undergo an environmental review process. This process ensures that the activities comply with National Environmental Policy Act (NEPA) and other applicable state and federal laws.

**Environmental Review Record (ERR):** Documentation of the environmental review process including all assessments or environmental impact statements, published notices, notifications and correspondence relating to a specific project.

**Equal Employment Opportunity (EEO):** Refers to a number of laws and regulations that together require that CDBG grantees provide equal opportunity to all persons without regard to race, color, religion, age, familial status, disability, national origin, or sex in the administration of their programs.

**Equity:** Funds that will be invested in a project by a private company designated as the participating party in the grant agreement.

**Extremely Low-Income:** As defined in the Consolidated Plan regulations and Section 8 Program, a family whose annual income does not exceed 30 percent of the area median family income.

**Fair Housing:** Refers to a number of Federal and State laws and regulations that prohibit a wide range of discriminatory practices and require that CDBG programs be administered in a manner that affirmatively furthers fair housing.

**Fair Housing Act:** Prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex, national origin, disability, or on familial status (presence of child under age of 18, and pregnant women).

**Fair Labor Standards Act:** A federal statute that establishes minimum wage, overtime pay, recordkeeping, and child labor standards for full- and part-time workers in the private and public sectors.

**Family:** Pursuant to 24 CFR 5.403, family includes, but not limited to the following, regardless of actual or perceived sexual orientation, gender identify or marital status: a) a single person, who may be elderly, displaced, nearly-elderly or any other single person; or b) a group of persons residing together: a family with or without children, an elderly family, near-elderly family, disabled family, displaced family, remaining member of tenant family, a single person not elderly, displaced, with disabilities, or remaining member of a tenant family.

**Fair Market Value:** The price at which a willing seller would sell and willing buyer would buy a piece of real estate with neither being under abnormal pressure. As defined by the courts, the highest estimated price a property would bring if exposed for sale in the open market.

**Federal Acquisition Regulation:** The FAR is the primary regulation for use by all executive agencies in their acquisition of supplies and services with appropriated funds. It became effective on April 1, 1984, and is issued within applicable

# CDBG GLOSSARY

laws under the joint authorities of the Administrator of General Services, the Secretary of Defense, and the Administrator for the National Aeronautics and Space Administration, under the broad policy guidelines of the Administrator, Office of Federal Procurement Policy, Office of Management and Budget.

**Federal Assistance:** Any funding, property or aid provided for the purpose of assisting a beneficiary.

**Federal Emergency Management Agency (FEMA):** Agency of the U.S. government tasked with disaster mitigation, preparedness, response, short-term housing, and recovery planning.

**Federal poverty guidelines:** A measure of income issued every year by the Department of Health and Human Services (HHS). Federal poverty levels are used to determine your eligibility for certain programs and benefits, including savings on Marketplace health insurance, and Medicaid and CHIP coverage.

**Federal Register (FR):** A daily publication of the U.S. federal government that issues proposed rule-makings and updates, proposed settlements, public meetings and workshops, and other important agency activities published in the Federal Register, the daily legal newspaper of the Federal government), which is produced by the National Archives and Records Administration.

**Federal Tax ID Number:** The number assigned to the grantee by the Internal Revenue Service (IRS) for the purpose of filing tax information.

**Fee Simple:** Absolute ownership of real property with unrestricted rights of disposition during the owner's life.

**Finding of No Significant Impact (FONSI):** A public document by a Federal agency or a state grantee briefly presenting the reasons why an action not otherwise excluded (40 CFR 1508.4) or exempt will not have a significant effect on the human environment and for which an environmental impact statement will not be prepared.

**Firm Fixed-Price Contract:** A contract that provides for a price that is not subject to any adjustment in the performance of the contract.

**Fiscal Year:** any twelve-month period designated by the State. A year beginning on October 1 and ending on September 30 is the standard fiscal year of the federal government.

**Flood Hazard Area:** Areas designated by FEMA as having risk of flooding.

**Flood Insurance:** The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

**Floodplain:** FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area. • "100-year floodplain" — the geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year. • "500-year floodplain" — the geographical area defined by FEMA as having a 0.2 percent change of being inundated by a flooding event in any given year.

**Floodway:** The floodway includes the channel of a river or other watercourse as well as the adjacent land areas that must be kept clear to discharge flood waters. Because the floodway is the effective part of the floodplain conveying

# CDBG GLOSSARY

the water, floodways are the most dangerous part of the floodplain. HUD relies on the Federal Emergency Management Agency (FEMA)'s Flood Insurance Rate Maps (FIRMs) to define the horizontal limits of the floodway

**General Services Administration (GSA):** An independent agency of the United States government established in 1949 to help manage and support the basic functioning of federal agencies.

**Grantee:** An eligible community (entitlement or non-entitlement) or entity that is approved to receive and/or administer an allocation of CDBG funds.

**Green Building Standards:** an industry-recognized standard that has achieved certification under at least one of the following programs: (1) ENERGY STAR (Certified Homes or Multifamily High-Rise), (2) EPA Indoor Air Plus (Energy Star a prerequisite), (3) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), or (4) ICC-700 National Green Building Standard.

**Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**Home/Housing Unit:** (used interchangeably) a house, apartment, group of rooms, or single room occupied or intended for occupancy as separate living quarters.

**Household:** A household is defined in 24 CFR 570.3 as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the LMI National Objective is based on the LMI of the household.

**Housing:** Housing activities may include single family home repair, reconstruction, new construction, demolition, acquisition, and code enforcement or rental activities.

**Housing and Community Development Act of 1974, as amended by the Supplemental Appropriations Act of 1984:** Established the program of Community Development Block Grants to finance the acquisition and rehabilitation of real property and which defined the recipients and uses of such grants, with the primary goal of benefitting LMI persons.

**Housing Quality Standards (HQS):** The HQS establish certain minimum standards for buildings constructed under HUD housing programs. This includes new single-family homes and multifamily housing as outlined in 24 CFR 982.401.

**Income:** Income includes the following: a) the gross amount of wages and salaries, before any payroll deductions, of all members of the household; b) The net income from operation of a farm, business or profession; c) interest, dividends, social security and pension payments, workers compensation, unemployment compensation, military pay, and welfare payments. Income should not include food stamps, insurance reimbursements, irregular gifts, stimulus payments or scholarships.

The term Area Median Income is the term used more generally in the industry. If the term Area Median Income (AMI) is used in an unqualified manor, this reference is synonymous with HUD's MFI. However, if the term AMI is qualified in some way - generally percentages of AMI, or AMI adjusted for family size, then this is a reference to HUD's income limits, which are calculated as percentages of median incomes and include adjustments for families of different sizes.

**Inspection:** The examination and testing of supplies and services to determine if they conform to contractual requirements.

# CDBG GLOSSARY

**Internal Controls:** Policies and procedures that ensure project transactions will be carried out in conformity with applicable regulations and agency policy.

**Invitation for Bids (IFB):** Under the sealed bidding method of procurement, the written solicitation document that explains what the grantee is buying and requests bids from potential contractors.

**Job:** Project as defined by the engineering plans and specifications.

**Local Match:** Funds provided by the locality/grantee as a condition of award/use of CDBG funds. Local match can come from a variety of non-grant, cash sources.

**Low- and Moderate-Income (LMI):** Family or household earning less than 80% of the area median family income. The area median family income can be based on a metropolitan statistical area or a non-metropolitan county median family income figure. Low-to Moderate-Income National Objective - Activities which benefit persons of income that does not exceed 80 percent of the area median income: • Very low: Household's annual income is up to 30 percent of AMI, as determined by HUD, adjusted for family size; • Low: Household's annual income is between 31 percent and 50 percent of AMI, as determined by HUD, adjusted for family size; and • Moderate: Household's annual income is between 51 percent and 80 percent of AMI, as determined by HUD, adjusted for family size.

**Low-income:** A household/family having an income below 50 percent of the area median income.

**Method of Distribution (MOD):** A description of the process used in determining the distribution of funds between activities to ensure that the needs to have been fully considered.

**Microenterprise:** A commercial enterprise that has five or fewer employees, including the owner (or owners) of the business.

**Micro-purchase:** Not to exceed micro-purchase threshold. No bid or quote required if price is considered reasonable when comparing the price to past purchases or other published prices. Purchases should be distributed dequitably among a range of qualified vendors when practical.

**Middle Income:** As defined by the Consolidated Plan regulations, a household with an income between 80 and 95 percent of the area median income.

**Minority:** A person or groups of persons differing from others in some characteristics such as race, color, national origin, religion, sex, disability or familial status.

**Minority Business Enterprise/Woman-owned Business Enterprise (MBE/WBE):** Companies owned by minorities or women.

**Miscellaneous Revenue:** Revenue recaptured by a grantee that is not program income and not subject to Federal requirements.

**Mitigation:** Improvements made to reduce the possibility of property damage, personal and commercial hardship, as well as long lasting monetary burdens. For example, creating a flood mitigation program such as an acquisition of at-risk flood-prone property/housing, and elevation of housing in high-risk floodplains are two visible and effective mitigation projects that can be taken to make residents and communities safer in the face of natural disasters.

**Moderate Income:** A household/family having an income above 50 percent but below 80 percent of the median income for the area.

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**Modular Housing:** A home built in sections in a factory to meet state, local, or regional building codes. Once assembled, the modular unit becomes permanently fixed to one site.

**Monitoring:** A routine review of projects during and after Federal assistance has been provided to the grantee.

**Multifamily Rental:** Eight or more rental units in the property.

**National Objective(s):** Refers to the three main goals of the CDBG Program— (1) benefit to LMI persons, (2) prevent or eliminate slums/blight, or (3) meet a need having a particular urgency. All funds expended under the program must meet one of the three national objectives.

**National Origin:** Can be defined as a person's ancestry, nationality group, lineage or country of birth of parents and ancestors before their arrival in the United States.

**Native Hawaiian/Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Necessary and Appropriate:** The process used by the grantee to ensure that private firms benefiting from projects will not be unduly enriched.

**Negotiation:** Discussion regarding technical and price proposals with offers in the competitive range for a contract being awarded using the competitive proposals or noncompetitive proposal method of procurement.

**Noncompetitive Proposals:** The method of procurement in which the grantee solicits proposal(s) from one source or a limited number of sources. This process may be used only under very limited circumstances and HCD must approve the use of noncompetitive proposals.

**Noncompliance:** Failure or refusal to comply with an applicable law or regulation or HCD requirement.

**Non-Entitlement Communities:** Small, rural cities with populations generally less than 50,000, and counties that have a non-metropolitan population under 200,000 and are not eligible for direct funding from HUD. Non-entitlement communities apply for CDBG funds from the state.

**Non-Entitlement Grants:** Federal funding to help states and units of local government in non-entitled areas meet their housing and community development needs. Community Development Block Grants carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.

**Non-Housing activities:** Include infrastructure repairs, equipment acquisition and installation, as well as economic development.

**Notice of Intent/Request Release of Funds (NOI/RROF):** The notice the grantee completes and submits to HUD and the state once it is determined that a project will not require an environmental impact statement.

**One-for-One Replacement:** Subpart B Requirements Under Section 104(d) of the Housing and Community Development Act of 1974, 24 CFR 42.375 provides for public and/or assisted lower-income dwelling units to be demolished or converted to a use be replaced with comparable lower-income dwelling units.

**Occupational Safety and Health Administration (OSHA):** "Occupational Safety and Health Administration" is overseen by the U.S. Department of Labor (DOL) and aims to assure safe and healthful working conditions for

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working people by setting and enforcing health and safety standards and by providing training, outreach, education and assistance.

**Office of Management and Budget (OMB):** A federal Executive Office that oversees the performance of federal agencies and administers the federal budget. In particular, OMB establishes government-wide grant management policies and guidelines which are typically adopted by each federal agency via regulations issued by that agency. In 2013, OMB finalized its comprehensive overhaul of federal grant administrative, cost accounting and audit policies guidance, titled the Uniform Administrative Requires, Cost Principles and Audit Requirements for Federal Awards.

**Overall Benefit:** The state must certify that, in the aggregate, not less than 70 percent of the CDBG funds received by the state during a period specified by the state will be used for activities that benefit LMI households.

**Participating Party:** For profit or nonprofit entity that is the beneficiary of the Federal funds awarded.

**Period of Performance:** The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award (see 200.210 Information contained in a Federal award paragraph (5) and 200.331 Requirements for pass-through entities, paragraph (a)(1)(iv)).

**Persons with Disabilities:** Persons who have physical or mental impairments that substantially limit one or more of their major life activities (i.e., talking, walking, working, etc.), have histories of those impairments, or are regarded as having those impairments under provisions of the ADA.

**Potential Beneficiaries:** Those persons who are eligible to receive Federally- assisted program benefits and services.

**Procurement Procedures:** The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or sub-award. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.

**Program Income:** Net income derived from the sale of program assets that exceeds \$35,000 in the aggregate, in a single fiscal year, received by the sub recipient and directly generated from the use of housing CDBG funds.

**Proposal:** In the competitive/noncompetitive proposal method of procurement, the offer submitted by a potential contractor.

**Protected Class(es):** A person or persons who, by virtue of race or color, national origin, religion or creed, sex, disability, age or familial status are protected and given redress by the law when discriminated against.

**Public Notification:** Process of publicizing information about CDBG projects. This is attained through the use of newspapers, newsletters, periodicals, radio and television, community organizations, grass-root and special needs directories, brochures, and pamphlets.

**Public Posting:** Display of information in prominent locations throughout the community.

**Quotation:** The price or offer submitted by a business in the small purchase method of procurement.

**Recipient:** City, Town or County that is awarded a CDBG grant (also referred to as grantee). The term recipient can also be used to refer to beneficiaries of certain programs, like housing programs.

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**Reconstruction:** Demolition and rebuilding of a unit on the same lot in substantially the same footprint and manner. This activity also includes replacing an existing substandard unit with a new or standard unit. The number of units on the lot may not increase, and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded; however, the number of rooms in a unit may be increased or decreased based on the applicant's current household size.

**Rehabilitation:** Repair or the restoration of housing units to applicable construction codes and standards.

**Regulations:** Refers to the implementing requirements that are developed and issued by the agency responsible for a certain program or requirement. In the case of CDBG, the regulations are issued by HUD and can be found at 24 CFR Part 570.

**Request for Proposals (RFP):** Under the competitive proposal method of procurement, the agency's written solicitation to prospective firms to submit a proposal based on the terms and conditions set forth therein. Evaluation of the proposal is based on the factors for award as stated in the solicitation.

**Request for Qualification (RFQ):** A form of procurement of professional services by competitive proposals in which price is neither requested in the advertisement nor used as an evaluation factor. Only technical qualifications are reviewed and a fair and reasonable price negotiated with the most qualified firm.

**Request for Quotations:** Under the small purchase method of procurement, a brief written request for a price quotation from potential contractors.

**Responsible Bidder:** A bidder who has the technical and financial capacity to secure the necessary resources in order to deliver the goods or services.

**Responsible Entity (RE):** Term used to refer to the entity responsible for completing and certifying an environmental review record, as required under 24 CFR Part 58. In the case of CDBG funds, grantees (that are local governments) are the responsible entity.

**Responsive Bid:** A bid that conforms exactly to the requirements in the invitation for bids (IFB).

**Revolving Fund:** A separate fund that is independent of other program accounts established to carry out specific activities that, in turn, generate payments to the fund for use in carrying out such activities. Commonly used under CDBG program income funds for ongoing housing rehabilitation or economic development activities.

**Right of Way:** A privilege operating as an easement upon land whereby the owner has given to another the right to pass over the land to construct a roadway or use as a roadway a specific part of the land. The right to construct through or over the land telephone, telegraph or electric power lines, or the right to place underground water mains, gas mains or sewer mains.

**Sanctions:** Measures that may be invoked by DLG or HUD to exclude or disqualify someone from participation in HUD programs (e.g., debarment and suspension) or to address situations of noncompliance.

**Scope of Work:** Written definition of work to be performed that establishes standards sought for the goods or services to be supplied, typically used for service contracts.

**Sealed Bidding:** The procurement method for requesting competitive sealed bids. This method of procurement requires specifications be written clearly, accurately and completely describing the requirements. A public bid



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opening is held and evaluation of bids and award of the contract are based on the best bid submitted by a responsive and responsible contractor.

**Section 3:** Refers to Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992, which requires that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, and/or to businesses that provide economic opportunities to low- and very low-income persons.

**Single Family Home:** A single-unit family residence detached or attached to other housing structures.

**Single Family Housing Rehab:** The utilization of CDBG funding to rehabilitate or reconstruct damaged homes for the applicant to remain in the original home at the original home site. The home to be assisted must have been owner-occupied at the time of the event.

**Slum and Blight National Objective:** Activities which help to eliminate slums and blighted conditions. It must be justified in the application for funding and the restrictions of its use will be expressly detailed in the contract. Slum and Blight activities must meet the criteria of one of the three following categories: • Prevent or eliminate slums and blight on an area basis; • Prevent or eliminate slum and blight on a spot basis; or • Be in an urban renewal area.

**Small Purchase:** Procurement process where purchase amount is not to exceed the simplified acquisition threshold (SAT). Price or rate quotes must be obtained from adequate number of sources. Documentation must be maintained.

**Sole Source:** Procurement method only to be used when the item is available only from a single source, the public exigency or emergency will not permit a delay resulting from competitive solicitation, federal awarding agency or pass-through entity expressly authorizes its use in response to a written request, or after solicitation of a number of sources competition is determined inadequate.

**Specifications:** Clear and accurate description of the technical requirements of a service or supply contract.

**State Historic Preservation Office (SHPO):** The State office that determines whether a grantee's project includes historically significant properties under applicable environmental review requirements.

**Statute/Statutory:** Refers to requirements that have their basis in the law passed by Congress. In the case of CDBG, the statute is Title I of the Housing and Community Development Act of 1974. Statutory provisions cannot be waived by HUD, except in cases of a natural disaster, and must be changed or approved by Congress. There are also some parts of the state statutes applicable to the CDBG Program.

**Statutory Checklist:** A checklist covering environmental compliance required by other Federal agencies, executive orders and other HUD regulations (24 CFR 58.5).

**Sub-recipient:** Cities, counties, local governmental agencies (including AOGs), chosen by the grantee to undertake certain eligible CDBG activities. The definition of sub recipient does not include procured vendors, private grant administrators, or contractors providing supplies, equipment, construction, or services and may be further restricted by program rules or other guidance including applications. See vendor definition for further clarification.

**Supplant:** to "replace" or "take the place of". Federal law prohibits recipients of federal funds from replacing state, local, or agency funds with federal funds. Existing funds for a project and its activities may not be displaced by federal funds and reallocated for other organizational expenses. This is illegal.

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**Supplement:** to “build upon” or “add to”. Federal agencies encourage supplementing—that is, adding federal funds to what is available in state, local, or agency funds.

**SAM.GOV:** System for Award Management (SAM) official U.S. Government System that facilitates the registration of entities to do business with the U.S. federal government. Active registration in SAM.gov provides entities the ability to apply for federal grants or loans or bid on government contracts.

**Termination for Cause:** Termination of a contract when the contractor fails to perform or make progress so as to endanger performance.

**Termination for Convenience:** Termination of a contract on a unilateral basis when the grantee no longer needs or requires the products or services or when it is in the best interest of the grantee.

**Time Delay:** An interruption during which services, supplies or work are not delivered in accordance with the performance time schedule stated in the contract.

**Title VI of the Civil Rights Act of 1964:** Federal law (USC 2000d-4) prohibiting discrimination based on race, color or national origin.

**Uniform Federal Accessibility Standards (UFAS):** Uniform standards for the design, construction and alteration of buildings so that physically disabled persons will have ready access to and use of them in accordance with the Architectural Barriers Act.

**Uniform Grant Guidance or Uniform Guidance:** (UG) Office of Management and Budget's (OMB) comprehensive grant guidance titled the Uniform Administrative Requires, Cost Principles and Audit Requirements for Federal Awards that establishes a government-wide grants management framework. The UG is generally codified at 2 C.F.R. Part 200 and has been adopted by all federal agencies. The UG is intended to ease administrative burden and strengthen oversight over federal funds. In particular, the UG addresses topics relating to protecting and using federal funds such as procurement, property standards, financial management, monitoring, allowable costs (i.e., costs which may be paid for with federal funds) and audit requirements.

**Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Title 49 CFR Part 24) (42 U.S.C. 4601 et seq.) (URA):** Applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted program or projects. URA’s objective is to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects. For the purposes of these guidelines, URA mostly applies to residential displacements in involuntary (49 CFR Subpart B) acquisition or multifamily damaged/occupied activities that require the relocation of the tenants. A displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months, as waived by the FR.

**Unique Entity Identifier (UEI):** The Unique Entity ID is a 12-character alphanumeric identifier used in SAM.gov and other federal government systems as a way to identify a unique entity.

**Urgent Need National Objective:** An urgent need that exists because conditions pose serious and immediate threat to the health or welfare of the community; the existing conditions are recent or recently became urgent; and the sub recipient cannot finance the activities on its own because other funding sources are not available. Sub recipients or the state must document how each program and/or activity funded under this category responds to a disaster related impact. See 24 CFR 570.208(c).

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**United States Code (U.S.C.):** A compilation and codification of the general and permanent federal law of the United States.

**U.S. Department of Housing and Urban Development (HUD):** HUD establishes the regulations and requirements and administers programs aimed at creating strong, sustainable, inclusive communities and quality affordable homes, such as the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program (HOME)

**U.S. Department of Justice:** a federal agency that enforces laws and defends the interests of the United States. DOJ administers several federal grant programs through the Office of Justice Programs (OJP), Office for Victims of Crimes (OVC), Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Office on Violence Against Women (OVW).

**U.S. Department of Labor (DOL):** Department of the U.S. Government that is responsible for Federal labor regulations and requirements.

**U.S. Environmental Protection Agency (EPA):** Department of the U.S. Government that is responsible for Federal environmental regulations and requirements.

**U.S. Equal Employment Opportunity Commission:** the federal agency responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

**Vendor:** Vendors and private grant administrators procured by the state or sub recipients to provide supplies, equipment, or services necessary to implement the program and to serve homeowner assistance needs. Upon approval, the vendor may implement the program or act on behalf of the sub recipient.

**Very Low-income:** As defined by the Consolidated Plan regulations and Section 8 Program, a family whose annual income falls in the range of 31 to 50 percent of the area median family income.

**Wage Determination:** a set of wages, fringe benefits, and work rules that the U.S. Department of Labor has ruled to be prevailing for a given labor category in a given locality.

**White:** A person having origins in any of the original peoples of Europe, North Africa or the Middle East

