

STATE OF WISCONSIN

Department of Administration



Community Development Block Grant – Economic Development (CDBG–ED) Program

APPLICATION PACKET

Updated March 2019

This application packet may be accessed at the Bureau of Community Development- Economic Development section on the Division of Housing, Energy, and Community Resources website at <https://doa.wi.gov/Pages/LocalGovtsGrants/CommunityDevelopmentPrograms.aspx>. The electronic version on the website is the most recent version, and is the only official version, of the document. Revisions are made periodically. Users should only reference the official version of the document.

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INTRODUCTION

What is CDBG?

The Community Development Block Grant (CDBG) program is a federal formula-allocated grant program administered by the U.S. Department of Housing and Urban Development (HUD). The program was created when Congress passed the Housing and Community Development Act, Title 1 in 1974 and it is governed by the rules set forth in the Code of Federal Regulations [24 CFR 570].

The CDBG program consists of two components: One, an “entitlement program” under which HUD provides funding directly to urban counties with populations of at least 200,000; cities with populations of at least 50,000; and principal cities of Metropolitan Statistical Areas, and two, a “state-administered program” under which HUD provides CDBG funds to States to distribute to non-entitlement communities. The Department of Administration (DOA)- Division of Housing, Energy, and Community Resources (DEHCR) is responsible for administering Wisconsin’s State-Administered CDBG Program.

The primary purpose of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for the benefit of persons of low and moderate income (LMI).

Wisconsin CDBG-Economic Development Program

The Wisconsin CDBG-Economic Development (CDBG-ED) program is designed to stimulate economic development activity by assisting the private sector to create and/or retain jobs for LMI persons primarily through forgivable loans to businesses. Funds are awarded to Units of General Local Government (UGLGs) that award the funds to businesses in the form of forgivable loans to support economic development initiatives in under-served areas.

Efforts will be extended to insure maximum state coverage of CDBG-ED program resources. Emphasis shall also be placed on enhancing local capacity building and on integrating CDBG program resources as opportunities and situations arise in disadvantaged and under-served areas. Funds will be made available to UGLGs through an on-going application process for:

- Local governments for loans to businesses in order to create or retain jobs;
- Local governments for awards to businesses for training needs;
- Local governments for awards to businesses for capital investment or new technologies.

An economic development application is composed of two parts; community information and company information. However, all CDBG-ED applications **must** be submitted by an UGLG, including information and documentation from the company that is the intended beneficiary of the requested CDBG-ED assistance.

Applications for the CDBG-ED program are accepted on a continual basis. Applications will be reviewed by DEHCR staff and awarded based on eligibility.

CDBG-ED PROGRAM

Eligibility

In order to be eligible for funding through the CDBG-ED program, an applicant must meet the following eligibility criteria:

1) APPLICANT

The applicant must be a non-entitlement Unit of General Local Government (UGLG), even if a private company will be the principal beneficiary. UGLGs may apply for multiple CDBG-ED projects in one program year.

2) PROGRAM GOALS.

The proposed project must be consistent with at least one of the State's CDBG program goals, which are expressed in the Annual Action Plan and include the following:

- Encourage business investment that supports job creation through expansion;
- Foster new businesses that result in job creation;
- Assist businesses that are considering closing or reducing employment levels to be able to retain those positions;
- Support job training and skill development;
- Promote entrepreneurial development and small business start-ups;
- Support incubators and microenterprises;
- Support regional economic development strategies;
- Respond to urgent local needs such as man-made or natural disasters that have county-wide impact.

Wisconsin's Annual Action Plan Summary is available on DOA's website and can be accessed at:

<https://doa.wi.gov/Pages/LocalGovtsGrants/ConsolidatedPlan.aspx>.

3) ELIGIBLE ACTIVITIES

CDBG Funds will be granted to communities to support economic development activities to promote business expansion and job creation. These activities include:

- Constructing, reconstructing, rehabilitating, and/or acquiring buildings
- Purchasing equipment
- Acquiring property
- Job training

4) PROHIBITION ON JOB PIRATING

- Pursuant to section 588 of the Quality Housing and Work Responsibility Act, Section 105(h) of the federal Housing and Community Development Act prohibits "job pirating" or the use of CDBG funds to "assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another area if the relocation is likely to result in a significant loss of employment in the labor market area (LMA) from which the relocation occurs."

- The Bureau of Labor Statistics (BLS) defines an LMA as area in which individuals can live and find employment within a reasonable distance or can readily change jobs without changing their place of residence. A listing of LMAs within the U.S. can be found at: <https://www.bls.gov/lau/laufaq.htm#Q06>
- Federal regulations set the following parameters for a company's relocation from one LMA to another, and whether the number of jobs being lost will trigger the anti-pirating provisions:
 - The loss of 25 jobs or less from the LMA where the company is currently located does not trigger the anti-pirating regulation and is not viewed as significant loss of employment.
 - A loss of 500 jobs or more is considered significant and would automatically invoke the anti-pirating provisions.
 - Job losses ranging from over 25 – 500 jobs must be less than 0.1 percent of the total jobs in the LMA that is losing jobs. If the job loss is less than 0.1 percent, the anti-pirating regulation would not be triggered.
 - Involuntary relocations, meaning those businesses forced to relocate as a result of some government action covered under the Uniform Relocation Act (URA), are excluded from the anti-pirating regulation.
 - Job relocation within the same LMA is not subject to the anti-pirating regulation.
- Under CDBG regulations [24 CFR 570.482(h)], before a community can provide a business with CDBG funds, it must sign an agreement with the assisted business that includes the following:
 - A statement from the business indicating whether the assistance will result in the relocation of any industrial or commercial plant facility from one LMA to another, and if so, the number of jobs that will be relocated from each LMA;
 - If the assistance will not result in relocation, a certification from the business stating that, at the time the agreement is signed, neither the business nor any of its subsidiaries has plans to relocate jobs that would result in significant job loss; and
 - A provision for full reimbursement in the event that the assistance results in a relocation prohibited by the regulation.

5) PREVIOUS CDBG ASSISTANCE

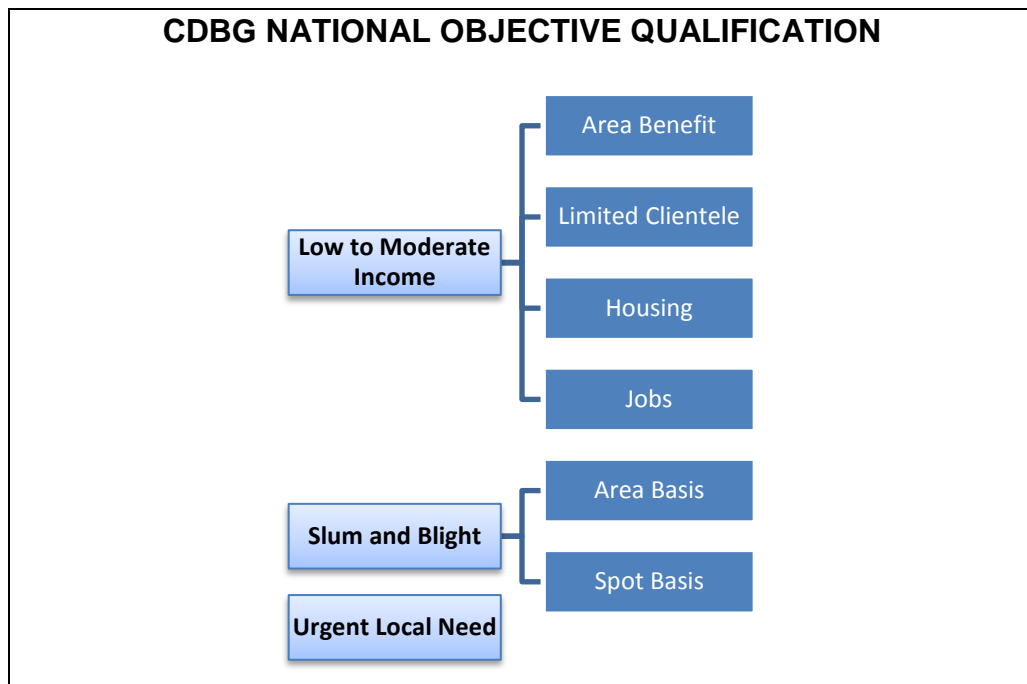
CDBG-ED applications will not be considered if there are any outstanding or unresolved instances of non-compliance associated with prior CDBG awards, including non-compliance related to administrative, financial management, underwriting, recordkeeping, reporting, auditing, closeout, payment, reimbursement or other requirements.

DEHCR will also continue to evaluate projects' feasibility after awards are made. Successful applicants will be required to submit semi-annual project performance reports to DEHCR as part of the project grant agreement and will be monitored at least once during the contract period by a Grants Specialist from DEHCR's Bureau of Community Development.

Meeting a National Objective

- 1) **OVERVIEW.** In order to be eligible for funding through the CDBG-ED program, the proposed project must meet at least one of three national objectives as required by HUD in 24 CFR 570.483:
- Benefitting low and moderate income (LMI) persons;
 - Preventing or eliminating slums or blight; or
 - Meeting an urgent local need that poses a serious and immediate threat to the health or safety of the community and for which other financial resources are not available.

The following diagram depicts the different categories associated with each of the national objectives:



To ensure the CDBG program principally benefits LMI persons, federal regulations require that at least 70 percent of funds address this objective.

- 2) **WISCONSIN CDBG-ED PROGRAM PRIORITIES.** The primary purpose of Wisconsin's CDBG-ED program is to help facilitate job creation and/or retention for LMI individuals. Funding will be directed to projects that meet Wisconsin's CDBG-ED program goals and create and expand economic opportunities in our communities, focusing on both workers and businesses.
- 3) **LMI BENEFIT NATIONAL OBJECTIVE.** To be eligible for CDBG-ED assistance under the LMI-Jobs national objective, the applicant must demonstrate that a minimum of 51% of the jobs to be directly created or retained by an economic development project will be held by or made available to qualified LMI persons as described in Title 42 Chapter 69 of the Act.

In accordance with 24 CFR 570.482(h), before directly assisting a business with CDBG funds, the UGLG is required to sign a written agreement with the assisted business acknowledging compliance with job pirating regulations. The written agreement shall include:

(i) Statement. A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one labor market area (LMA) to another and, if so, the number of jobs that will be relocated from each LMA;

(ii) Required certification. If the assistance will not result in a relocation covered by this section, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and

(iii) Reimbursement of assistance. The agreement shall provide for reimbursement to the [recipient](#) of any assistance provided to, or expended on behalf of, the business in the event that assistance results in a relocation prohibited under this section.

While it is the responsibility of the business to maintain employment verification records, the UGLG is the recipient of the CDBG award and therefore is ultimately accountable for the project. If it is determined that the business has failed to fulfill any portion of the contractual agreement, the business and/or UGLG may be asked to return the full award back to the State. Economic development projects that do not meet a national objective based on the jobs actually created and/or retained will result in a full repayment of the award.

Because job creation projects are measured for a national objective at the end of the performance period, it is critical that the business and UGLG maintain thorough records that document the number and LMI status of jobs created or retained in order for the project to remain eligible by complying with the LMI-Jobs national objective standards. It is the responsibility of the assisted business to acquire LMI information for all applicants and current employees that are beneficiaries of CDBG funds. These records must be reported on time and at regular intervals per the grant agreement and maintained by the UGLG for a minimum of 3 years after the State has closed out the program year. Please be aware that submitting project closeout documents to the State DOES NOT mean that the project has been closed out. Completed projects will be reviewed by the Division of Housing, Energy, and Community Resources (DEHCR) to ensure that all contractual requirements have been met and analyzed by HUD to ensure that a national objective and all other federal requirements have been met. After a final project review, DEHCR will issue a closeout letter to the UGLG approving the closeout of the project.

Program Requirements

1) AWARD LIMITS

- The maximum total award for a CDBG-ED project is \$1,000,000
- The maximum award per job created or retained is \$35,000/ job

2) MATCH REQUIREMENTS

The assisted business must demonstrate a match investment of at least 50 percent of the total project cost (i.e. a minimum 1:1 leverage ratio). Match funds may include bank loans, loans to be repaid to other state or federal programs, grants from state or local partners, or new business investments. The following will not be considered as match by DEHCR:

- In-kind contributions or services
- Existing assets
- Existing equity
- Projected operating cash flow
- Existing Line of Credit (LOC)

3) BUSINESS SCREENING

In addition to the financial review, the following business screening items will be considered by the review committee:

- **Background Checks:** DEHCR has established requirements to ensure that funds awarded are not provided to any person that has been convicted of a criminal offense or held liable in civil proceedings that negatively reflects on the business integrity of the person based on a finding of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or violation of state or federal antitrust statutes, or as otherwise required by law. Any business or individuals benefitting from CDBG funds will be subject to background check.
- **Suspensions and Debarments:** HUD's Departmental Enforcement Center pursues suspension and debarment actions that result in the exclusion of a sanctioned party from further participation in HUD procurement and non-procurement programs and other Federal Government programs. Suspensions and debarments are not punitive measures but are part of a government-wide administrative sanctions initiative to ensure the highest standards of professional conduct and ethical business practices by the Federal Government's business partners. Suspensions are generally enacted after an indictment is issued. Debarments are generally issued after a criminal conviction or when serious program violations are detected.

The System for Award Management (SAM) is the official U.S. Government system database of individuals, organizations, and affiliates excluded from conducting business with any Federal Agency. Before a project is recommended to DEHCR, the grantee must verify that any business benefitting from the project is not suspended or debarred from federal funding. Any contractor or consultants associated with the project, after the signing of the grant agreement, must also be verified as they are selected. An online records search can be conducted at www.SAM.gov.

- **Loan Contracts:** DEHCR will require Loan Contracts between the UGLG and business to be executed with the CDBG Grant Agreement. Grantees (either the UGLG or the UGLG/non-profit organization) will obtain loan security (in the form of liens, guarantees, mortgages, etc.) for the performance of obligations, and must maintain appropriate levels of security. DEHCR is not a party to the Loan Contract(s) between the grantee(s) and business, however UGLGs must ensure that the business is aware that the loan contracts obliges **all** parties (UGLG and the business) to DEHCR Grant Agreement terms and conditions, including but not limited to position creation or retention requirements. At any point in time, if the grantee(s) does not fulfill the responsibilities of the Loan Contract, DEHCR may intervene and protect its rights and interests.

4) MAXIMUM PROJECT PERIOD

Project activities must usually be completed within twenty-four (24) months from the date the funding is awarded. The maximum time permitted to create jobs is two (2) years from the date the funding is awarded. Funds not disbursed within the specified time limit may be recaptured by

DEHCR for reallocation to another eligible CDBG project. All grant agreements will incorporate timelines to assure the project is on track to have successful completion within the grant term.

DEHCR may make exceptions to grant/loan amount limits and project periods based on the significance of the project's impact on the community and the economy, the number of positions created, the needs of the community, level of benefits to LMI people, and other considerations permitted under federal law. Exceptions must be approved by the Division Administrator and will be considered as part of the funding decision on a case by case and circumstance by circumstance basis.

- 5) **PRIOR CDBG ASSISTANCE.** CDBG-ED applications will not be considered if there are any outstanding or unresolved instances of non-compliance associated with prior CDBG awards, including non-compliance related to administrative, underwriting, recordkeeping, reporting, auditing, closeout, payment, reimbursement or other requirements.

Other Federal Requirements

- 1) **FAIR HOUSING.** Per 24 CFR 570.487(b), recipients of any CDBG funds must take action to affirmatively further fair housing during the contract period.

DEHCR's "Potential Fair Housing Action" form is included as Exhibit 6 of the CDBG-ED Application. This form must indicate the actions that will be taken to affirmatively further fair housing and must be submitted with the application materials. If the project is funded, the selected actions will be included in the CDBG Agreement timetable and implementation is required.

- 2) **LABOR STANDARDS (DAVIS-BACON).** Federal labor standards requirements (also known as "Davis-Bacon") apply to projects for which construction related labor exceeds \$2,000. If your project is funded, your contract will require you to comply with Davis-Bacon requirements, including (but not limited to):

- Obtaining wage decisions for use in the project;
- Including federal labor standards provisions in bid and contract documents; and
- Monitoring contractors for compliance with wage rates and collecting restitution from contractors that violate wage requirements.

Recipients of CDBG funds whose projects are subject to Davis-Bacon requirements are required to submit semi-annual labor standards enforcement reports to your project representative in DEHCR. If funded, your project representative at DEHCR will provide you with additional information on labor standards requirements.

- 3) **CITIZEN PARTICIPATION.** Regulations require that local governments provide citizens with advance notice of and opportunity to comment on proposed activities in an application to the State for CDBG assistance. Citizen participation is required in the planning and administration of CDBG projects. All CDBG applicants must prepare and implement a written Citizen Participation Plan as specified in Section 104 (a)(3) of the Housing and Community Development Act of 1974 as amended. All CDBG-ED applicants must demonstrate compliance with federal citizen participation requirements at the time of application. Applicants that do not include documentation of citizen participation as part of their application materials will be determined ineligible for CDBG funding.

A CDBG grant may be made only if the applicant certifies that it has established and is following such a plan. The Citizen Participation Plan must include, at a minimum, the elements listed below:

- A. Provision for and encouragement of citizen participation, with particular emphasis on participation by persons of low- and moderate-income (LMI) who are residents of target area neighborhoods in which the CDBG funds are proposed to be used.

The applicant must meet this requirement by doing **at least one** of the following:

1. Establish a committee composed of individuals who are representative of the community's demographics. This committee shall include at least one LMI person and one resident of the designated target area. This committee will assume the responsibility for coordinating all required elements of the Citizen Participation Plan. All committee members must be residents of the community.
2. Distribution of timely notification of all required meetings to 100 percent of the designated target area or neighborhood. Applicants not having a target area, must design a notification system which will reach a majority of the community's LMI population. All notifications of meetings and available assistance must be worded in such a way as to encourage LMI participation.

- B. Provision to citizens of reasonable and timely access to local meetings, information, and records relating to the applicant's proposed and actual use of funds.

To meet this requirement, the applicant must:

1. Attempt to have at least one of the public hearings in the target area; **and**
2. Notify the community of upcoming meetings **not less than two (2) weeks/fourteen (14) days** prior to the meeting; **and**
3. In all meeting announcements, include where, and during what hours, information and records relating to the proposed and actual use of funds may be found.

- C. Provision for technical assistance to groups representative of LMI households that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant.

To meet this requirement, the applicant must include in the adopted Citizen Participation Plan:

1. The type of assistance generally available; and
2. The procedure used to request the assistance.

- D. Provision for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least:

1. The identification and development of housing, public facility and economic development needs;
2. The review of proposed activities; and

3. The review of program performance (for which hearings shall be held after adequate public notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped).
- E. Provision of timely written answers to written complaints and grievances within 15 working days where practical.

To meet this requirement, the applicant must:

1. Include the complaint/grievance procedure steps in the Citizen Participation Plan; and
 2. Develop a procedure to ensure compliance with the 15 working day response time.
- F. Identify how the needs of non-English speaking (including the hearing impaired) will be met in the case of public hearings where a significant number of non-English speaking residents reasonably can be expected to participate.

To meet this requirement, the applicant must:

1. Identify all non-English speaking populations in the community (regardless of American or Wisconsin citizenship) and make a determination of their special needs.
2. Include evidence in the Citizen Participation Plan that the community has conducted a review of this matter consistent with the Housing and Community Development Act of 1974 as amended.

24 CFR 570.486 (5)

“There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate.”

Citizen Participation documents to be submitted by applicants include:

- A copy of the Applicant's Citizen Participation Plan (signed or accompanied by a copy of the adopting resolution);
- A copy of the Public Hearing Notice(s) as published in the local newspaper (a **Sample Public Hearing Notice** can be found on our Bureau of Community Development website: <http://doa.wi.gov/Divisions/Housing/Bureau-of-Community-Development>);
- A completed Citizen Participation Certification (the **Citizen Participation Certification** form can be found on our Bureau of Community Development website: <http://doa.wi.gov/Divisions/Housing/Bureau-of-Community-Development> **OR** the meeting minutes from the Public Hearing; and
- A copy of the sign-in sheet(s) from the Public Hearing(s).

In addition to documentation of citizen participation, all CDBG–ED applicants must submit a resolution signed by the Chief Elected Official (CEO) of their Unit of General Local Government (UGLG) requesting the funds authorizing the submission of the CDBG Application. (A **Sample Authorizing Resolution** form can be found on our Bureau of Community Development website: <https://doa.wi.gov/Pages/LocalGovtsGrants/CommunityDevelopmentPrograms.aspx>.)

- 4) ENVIRONMENTAL REVIEW. Environmental Review applies to **every CDBG project**. Regulations governing *Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities* can be found in 24 CFR 58, which is available via the following link: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d4966c17222ec9dc63a434ad9599aa6c&rgn=div5&view=text&node=24:1.1.1.1.33&idno=24>.

The type of review required, and the amount of time it will take, can vary depending on the nature of the project. The review, and the amount of work required to complete it, may impact project scheduling.

At the completion of the environmental review process, DEHCR will issue an environmental clearance letter. In addition, please note:

- An UGLG may not commit any HUD assistance funds or non-HUD funds until an award has been made and the environmental review has been completed. Exceptions may be granted for pre-award costs if approved by DEHCR in advance; and
- DEHCR cannot release funds until the environmental review process is complete and an award and contract are in place.

- 5) PROPERTY MANAGEMENT AND DISPOSITION. If CDBG funds are used to acquire real or personal property, federal regulations require that the property continues to be used for its intended (and approved) purpose. Federal property management requirements apply to real property within the UGLGs control acquired or improved in whole or in part using more than \$25,000 of CDBG funds. These requirements apply from the date CDBG funds are first spent for the property until five years after closeout of the grant from which the assistance to the property was provided.

For UGLGs, the use of real property is governed by 24 CFR 570.505. For real property acquired or improved in whole or in part with CDBG funds in excess of \$25,000, the grantee cannot change the use or planned use of the property (including the beneficiaries of such use) without first providing affected citizens notice and opportunity to comment, and determining that either:

- a) The contemplated new use meets one of the national objectives and is not a building for the general conduct of government, or
- b) The contemplated new use is deemed appropriate (after consultation with affected citizens) but will not meet a national objective. In this latter case, the grantee must reimburse the CDBG program in the amount of the current fair market value of the property, less the value attributable to the non-CDBG portion of the acquisition or improvements.

- 6) AUDIT. In accordance with 2 CFR 200, non-federal entities that expend \$750,000 or more in federal funding in any one year must undergo a Single Audit.

Application and Selection Process

The federal CDBG guidelines, as applied, are summarized as follows:

1. Project costs must be reasonable, not excessive, and must be supported by cost analyses. Transactions must be carried out through arms-length transactions, not insider arrangements.
2. All proposed sources of financing necessary to carry out the project must be committed. This ensures that funds are not awarded to projects that are not in a position to proceed to project completion within a reasonable time. To fulfill this requirement, DEHCR requires a written verification affirming the various funding parties' intentions to make funds available, and, depending on the nature of the funding party, a showing of their capacity to actually provide such funds.
3. CDBG funds are not to be substituted for other funds. This standard requires a financial underwriting analysis of the project. The level of analysis will vary with the nature and complexity of the project. Since projects in this category provide financing for for-profit businesses, appropriate levels of private source financing (e.g., bank loans) are expected to be present, and equity participation in the project must be sufficient given the financial capacity of those owning the enterprise.
4. Financial feasibility of the project. The public benefit expected from the investment of CDBG funds is the creation and maintenance of LMI jobs. That benefit will not materialize if the project is not financially feasible.
5. Avoidance of providing an unreasonable return on investment to the owner of the project. The availability of non-interest bearing loans and forgivable loans to for-profit businesses presents a potential for this to occur which must be addressed in analyzing, and in judging the merits of, each project.
6. CDBG funds should be disbursed on a pro rata basis with other project funding sources. CDBG money should not be the first money into a project, but rather should flow into a project in proportion to other project funding sources. CDBG-funded activities should not be completed prior to activities funded by match funds to ensure that matching funds are spent concurrently with, and in proportion to, the CDBG funds.

CDBG-ED applications will be processed on a first-come, first-served basis. Applications that do not meet basic program eligibility requirements will be returned with an explanation of requirements needing to be met. Once DEHCR has received an application that meets all program eligibility criteria and program staff has compiled a complete loan file with all required credit, financial, and underwriting information, a DEHCR Staff Review will be drafted recommending one of the following actions:

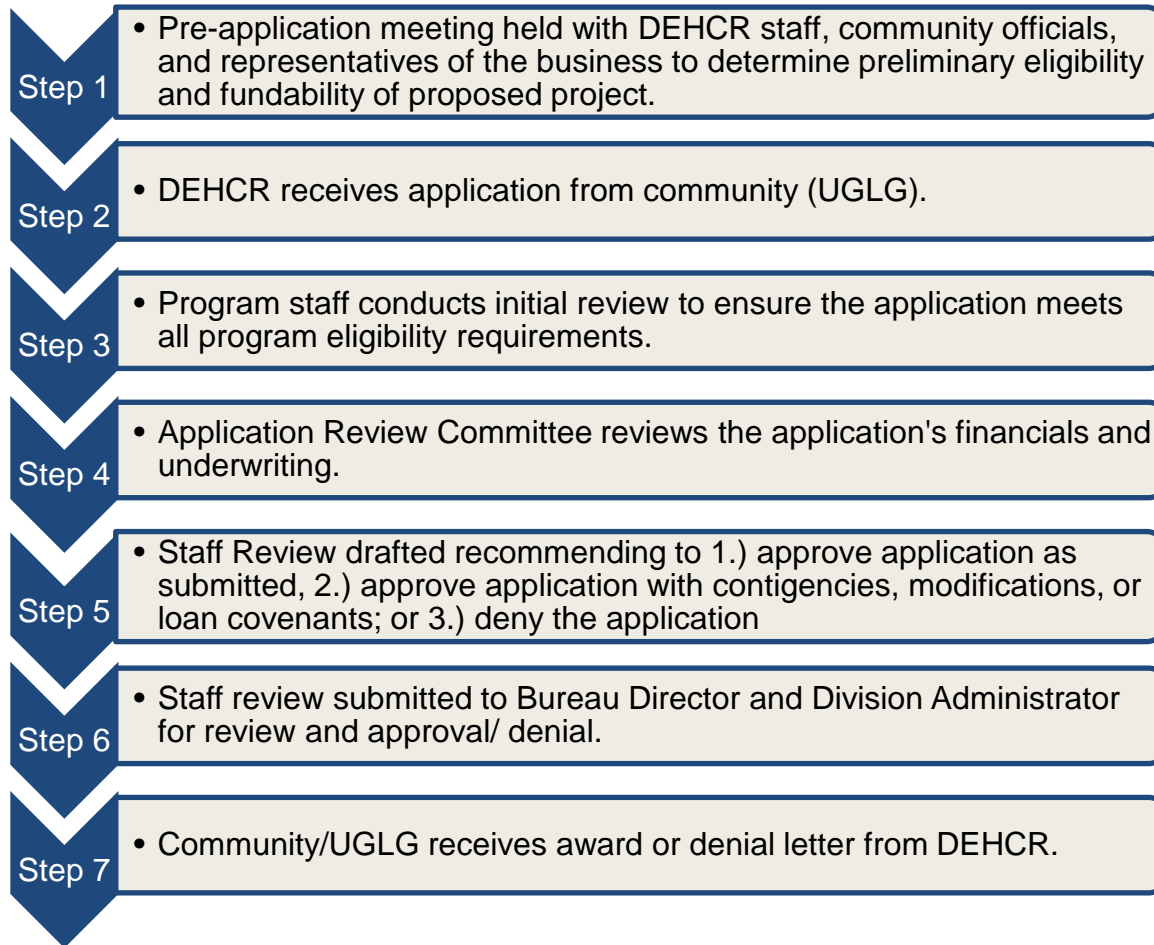
- 1) Approve the application as submitted;
- 2) Approve the application with contingencies, modifications or loan covenants; or
- 3) Deny the application.

The Staff Review, with proper documentation, will then be submitted to Bureau Director and Division Administrator for review and approval/denial. Applicants that are denied will receive a written denial letter explaining the reason(s) for the denial.

Applicants for CDBG-ED grant program assistance may appeal if their application is denied. DEHCR has implemented a formal Appeal Process for grant applicants who feel a non-funding decision was made in error. The process provides an opportunity for applicants to have their application reviewed a second time to ensure

no errors were made during the review process. The following page shows the Application Approval Process and Appeals Process for CDBG-ED applications:

CDBG-ED Application Approval Process:



Appeal Process Policy:

- An applicant who objects to the denial of an award has the right to appeal the decision.
- Appeals must be filed on the basis of staff error in underwriting or misinterpretation of presented information.
- The appeal must include the name of the application and a short summary of why the applicant is appealing the decision.
- The appeal must be filed the Bureau Director within thirty (30) business days of the date of the denial the applicant received notice of the award decision.
- The Bureau Director will review the application and will make a decision whether to reverse the denial decision.
- If the Bureau Director denies the appeal, the applicant must file an appeal with the Secretary's office within thirty (30) days from the date of the letter.
- The Secretary's office will review the application and will make a final determination.

APPLICATION FOR CDBG-ECONOMIC DEVELOPMENT
Wisconsin Department of Administration
Division of Housing, Energy, and Community Resources
Bureau of Community Development

Community Development Block Grant
Economic Development Program

Important Information:

- A pre-application meeting involving DEHCR staff, community officials, and representatives of the company is required so that all parties are informed about the project and the process from application preparation to grant approval can operate as smoothly as possible.
- Complete the application in its entirety, including all applicable attachments listed within each section. Incomplete applications will not be processed and denied.
- Copies of attachments and/or additional pages should be clearly labeled with business name and title of document.

Application Submission:

Applications for the CDBG-ED program are accepted on a continual basis. The application **MUST** be submitted by the applicant (UGLG). Two original copies and one electronic version of the application and supporting documents must be delivered to the DOA-DEHCR.

Please submit two originals and one electronic version to:

Wisconsin Department of Administration
Division of Energy, Housing and Community Resources
Bureau of Community Development
ATTN: CDBG Applications
101 E. Wilson St., 6th Floor
P.O. Box 7970
Madison, WI 53707-7970

Email: doabcd@wisconsin.gov

APPLICATION CHECKLIST

Please use this checklist to ensure that each section/exhibit is included.

Sections

- ☐ Section I General Information
- ☐ Section II Project Profile
- ☐ Section III Appropriate Determination
- ☐ Section IV Project Costs/Use of Funds Table
- ☐ Section IV Participating Parties/Financing Table
- ☐ Section V Tax Information/ Financial Liability Form
- ☐ Section V Business Trade Secret Certification
- ☐ Section V Certification Statement

Exhibits

- ☐ Exhibit 1 Public Participation Plan
- ☐ Exhibit 2 Citizen Participation Public Hearing Certification
- ☐ Exhibit 3 Authorizing Resolution
- ☐ Exhibit 4 Lobbying Certification from Municipality
- ☐ Exhibit 5 Statement of Assurances
- ☐ Exhibit 6a Potential Fair Housing Actions
- ☐ Exhibit 6b Resolution to Adopt Fair Housing Ordinance
- ☐ Exhibit 7 Resolution to Adopt the Policy to Prohibit the Use of Excessive Force and the Barring of Entrances/Exits for Non-Violent Civil Rights Demonstrations
- ☐ Exhibit 8 Davis Bacon/ Federal Labor Standards
- ☐ Exhibit 9 Federal Equal Employment Opportunity (EEO-1) Report
- ☐ Exhibit 10 Business/ Developer Investment and Job Creation Commitment Letter
- ☐ Exhibit 11 Acquisition, Relocation, and Demolition Questionnaire
- ☐ Exhibit 12 Environmental Review Record Checklist
- ☐ Exhibit 13 Job Information Documentation
- ☐ Exhibit 13a Job Creation Table
- ☐ Exhibit 13b Job Retention Table (if applicable)
- ☐ Exhibit 13c Applicant/ Employee Income Certification Form
- ☐ Exhibit 13d Payroll report(s) (if applicable)
- ☐ Exhibit 14 Evidence of Site Control
- ☐ Exhibit 15 Tax Information and Financial Liability
- ☐ Exhibit 15a Historical Financial Statements
- ☐ Exhibit 15b Interim Financial Statements
- ☐ Exhibit 15c Projected Financial Statements
- ☐ Exhibit 15d Personal Financial Statements Form (if applicable)
- ☐ Exhibit 15e Resumes
- ☐ Exhibit 15f Working Capital Line of Credit Information (if applicable)
- ☐ Exhibit 15g Real Estate/Used Equipment Appraisal (if applicable)
- ☐ Exhibit 15h Site Plan Including Off-site Improvements
- ☐ Exhibit 15i Cost Estimates
- ☐ Exhibit 15j Estimated Taxes from the Proposed Project
- ☐ Exhibit 15k W-9 Form

SECTION I: GENERAL INFORMATION

1) Legal Applicant (Community/UGLG)

Name: _____
Data Universal Numbering System (DUNS#)*: _____
Fein #: _____
Address: _____
City: _____ County: _____ WI
Zip: _____ Phone: _____ Fax: _____
Email: _____
Chief Elected Official: _____
Title: _____

** A DUNS# must be provided for the legal community applicant and for each business creating and/or retaining jobs. For information on obtaining a DUNS# please contact your project representative.*

2) **Certification by Authorized Official:**

To the best of my knowledge and belief, data contained in this application are true and correct. The document has been duly authorized to comply with the required assurances, if the assistance is approved, by ordinance or resolution # _____ passed on _____ (date).

Attach Exhibit 3 – Authorizing resolution or ordinance

Signature of Chief Elected Official: _____
Typed Name and Title: _____

3) Administering Agency (e.g. Economic Development Corporation, Regional Planning Commission, Consultant)

Agency Name: _____
Address: _____
City: _____ County: _____ WI
Zip: _____ Phone: _____ Fax: _____
Contact Person: _____
Title: _____
Email: _____

4) Contact Information for Other Agency Involved (if applicable)

Agency Name: _____
Role: _____
Address: _____
City: _____ County: _____ WI
Zip: _____ Phone: _____ Fax: _____
Contact Person: _____
Title: _____
Email: _____

5) **Developer or Business**

Company Name: _____
Address: _____
City: _____ County: _____ State: _____
Zip: _____ Phone: _____ Fax: _____
Contact Person: _____
Title: _____ Email: _____
Data Universal Numbering System (DUNS#)*: _____
FTI/SSN#: _____ SIC Code: _____

Corporate Ownership:

Name: _____	Interest (%): _____
Name: _____	Interest (%): _____
Name: _____	Interest (%): _____
Name: _____	Interest (%): _____

Please check all that apply: ☐ Joint Venture ☐ Limited Liability Company
☐ C Corporation ☐ S Corporation ☐ Sole Proprietorship
☐ Partnership ☐ Limited Partnership ☐ Minority Owned (MBE)**
☐ ESOP ☐ Woman Owned (WBE)**

***A DUNS # must be provided for each business creating and/or retaining jobs. For information on obtaining DUNS # please contact your project representative**

**** Attach copy of certification**

6) **Project Information**

Name of Project: _____
Community Development Block Grant Request: [] Direct Loan: \$ _____
☐ Infrastructure: \$ _____
☐ Administration (request cannot exceed 2% of award, maximum of \$10,000): \$ _____
Project Location: Address: _____
City/Village/Township: _____
County: _____ Zip: _____
Project Start Date: _____ Job Creation Start Date: _____

7) **Project Map**

Please provide a map of the proposed project area within the applicant's boundaries. Map should clearly show existing land uses in the surrounding area and location of the proposed activities.

8) **Current Employment Composition¹**

Total Existing Full-Time Equivalent (FTE) Employees: _____
Total Existing FTE Women: _____ Total Existing FTE Minorities: _____
Total Full-Time Equivalent (FTE) Employees One Year Ago: _____
Date (mm/dd/yyyy) the above numbers were taken: _____

9) Employee Benefits

Check (✓) the Health Insurance Provided to Employees:	<input type="checkbox"/> None	<input type="checkbox"/> Individual	<input type="checkbox"/> Family
Percent of Health Insurance Premium Paid by Company:		_____ %	_____ %
Average Deductible Paid by Employee:		\$_____ per _____	\$_____ per _____
Other Benefits Provided to the Majority of the Workforce:	<input type="checkbox"/> Life Insurance	<input type="checkbox"/> Pension	<input type="checkbox"/> 401(K)
	<input type="checkbox"/> Childcare	<input type="checkbox"/> Tuition Reimbursement	<input type="checkbox"/> Other (specify): _____
Will new employees be provided with substantially the same benefits as described above:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

10) Projected Employment in Each Year¹

	Year 1	Year 2	Year 3	Total
1. Month/Year (e.g. 6/2017)				
2. Retained FT Employees				
3. Maintained FT Employees				
4. New FT Employees				
5. Minority				
6. Women				
7. Low-Moderate Income				

¹Definitions:

A full-time employee is an employee working an average of at least 40 hours per week/annually. This does not include part-time or contract employees. A retained job is one that would be lost if the project does not go forward.

Minority is defined for employment purposes as African-American, Hispanic, Native American, Asian Indian, Asian or Pacific Islander.

A maintained job is one that will remain even if the project does not go forward.

Low- and moderate-income person is a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose. (CFR § 570.3)

11) Project Consideration

A) Submit a business plan or a narrative that provides the following information:

- 1) Describe the business's history, including activities, products, services, etc.
- 2) Describe the operation and/or financial relationships with any parent or subsidiary, and describe any changes in ownership that may occur as a result of this project.

B) Describe project in detail and answer the following questions:

- 1) Is this a new facility/site, expansion and/or acquisition? (Include square footage of facility and acreage of site)
- 2) Will the business purchase/lease/or construct the facility?
- 3) What type of operation is this? (e.g., manufacturing, headquarters, distribution, R&D)
- 4) What is the primary product or service to be provided at the site?
- 5) Explain how jobs will be created and/or retained by the project.

C) Address the market-economy by providing the following information:

- 1) Describe current market, size, industry, trends, growth potential, etc. Include market feasibility information and/or sales commitments to support sales or revenue projections.
- 2) Provide a list of the top five customers including location (state/city). Include the percent of sales to each customer.
- 3) Describe the major competitors in the marketplace, including their market share, strengths, and weaknesses.

SECTION II: PROJECT PROFILE

1. Site Profile

Attach **Exhibit 14- Verification of Site Control** (i.e., deed, purchase option, long-term lease).

NOTE: If a purchase option is offered prior to the Environmental Review being completed, the option must contain contingency language indicating that there will be no transfer of the title to the purchaser until all environmental review procedures have been completed. Any deposits made must be nominal or refundable.

Is the current zoning for the proposed site appropriate?

If current zoning is not appropriate for the proposed project, outline the process and time frame for the required zoning change?

List other approvals required from other entities for the proposed project to move forward. Agencies requiring coordination may include: U.S. Army Corps of Engineers, Wisconsin Department of Natural Resources, U.S. Department of the Interior, local floodplain administrator, local zoning regulators, etc.

<u>Coordination</u>	<u>Mitigation</u>	<u>Comments</u>

2. Environmental Profile

Has the applicant community started the Environmental Review (ER) process for the proposed project?
☐ Yes ☐ No (Note: This is a prerequisite for receiving federal funds.)

Outline the time frame for completing the Environmental Review.

(Attach Exhibit 12 – Environmental Review Record Checklist)

Is the proposed project a conversion of farmland? ☐ Yes ☐ No

If yes, how many acres?

Is the proposed project location classified as a Brownfield site? ☐ Yes ☐ No

If yes, how many acres?

3. Employment Profile

Job Creation

A. For each business, list by job title all permanent jobs to be created, indicating:

- (1) Jobs claimed to be available to persons of low- to- moderate-income (LMI) households
- (2) Jobs which are part-time
- (3) Jobs requiring training

{Attach Exhibit 13a – Job Creation Table}

At least 51 percent of the jobs must be held by, or made available to, persons of LMI households. Part time positions must be converted to full time equivalents (FTEs) prior to calculation of LMI jobs. **See Exhibit 13a – Job Creation Table and/or Exhibit 13b – Job Retention Table for formula to convert part time positions to FTEs.**

B. Check each action to be taken by the business and the grantee to ensure that persons of LMI households receive first consideration for positions claimed to be available to LMI persons.

☐ Use of Self-Certification forms at time of application and hire (**required**).

☐ List positions on Job Center of Wisconsin.

☐ List positions with the local Workforce Development Board.

☐ List positions with the local Wisconsin Works (W2) Agency.

- ☐ List positions with the local Technical College.
- ☐ List positions with the local Veterans Services office.
- ☐ List positions with the local Community Action Agency.

Job Retention

In order to claim job retention, a business must be able to document that without CDBG assistance; jobs will be lost within an immediate time frame.

Will jobs be lost if this project does not go forward? ☐ Yes ☐ No

If yes, **Attach Exhibit 13b – Job Retention Table** and one **Exhibit 13c – Applicant/ Employee Self-Certification Form** for each employee for whom job retention is claimed.

- A. For each business claiming job retention, provide clear and objective evidence that jobs will be lost without Community Development Block Grant assistance.

Documentation may include:

- 1) Letters from the business and/or related party that clearly indicate the number of jobs that will be lost if the project does not go forward and provide reasons for the anticipated loss.
- 2) Financial statements demonstrating the need for funds and/or a deteriorating competitive position.
- 3) Newspaper articles and/or public notices related to employment loss.
- 4) Other materials specific to the business.

- B. For each business, list by job title all permanent jobs to be retained, indicating:

1. Jobs which are part-time.
2. Jobs which are known to be *held* by persons of LMI households at the time assistance is provided.

At least 51 percent of the jobs to be created and/or retained must be held by a person of LMI household.

The businesses must use the Applicant/ Employee Self-Certification Forms (Exhibit 13c) to survey employees to determine the current LMI percentage. Each employee is required to complete an Applicant/ Employee Self-Certification Form. The Family Income Category refers to the U.S. Department of Housing and Urban Development (HUD) Section 8 Low Income Limits for the year in which the employee is hired. For retained employees, the most recent HUD Section 8 Low Income Limits must be used. The HUD Income Limits are county specific and may be obtained at the Bureau of Community Development website or downloaded from <http://www.huduser.org/datasets/il.html>. An employee is qualified as LMI, if the total number of household members is greater than or equal to the corresponding HUD Section 8 Income Limits. For example, for a household with three members, the household income for the previous 12 months must be less than or equal to the third income range.

4. Impact Analysis

Provide a detailed explanation of how this project will have a significant and positive impact on the community.

Check all of the following that apply to the project and provide a brief explanation as to how the project fits the indicated criteria.

- ☐ Coordinates with other public programs;
- ☐ Redevelopment project;
- ☐ Company is new business to Wisconsin;
- ☐ Coordinates with community's Comprehensive Plan.

Is the business a previous recipient of CDBG assistance? If yes, outline past awards below. Include in your description the type (grant or loan) and amount of assistance, project activities, and how the project met a HUD national objective:

Was the project(s) successful? Yes ☐ No ☐

SECTION III: APPROPRIATE DETERMINATION FOR CDBG FUNDS

Check the box that most accurately describes the need for CDBG funds, and provide an explanation for the request (check one box only). Simply stating that a financing gap exists is not adequate. The amount of the gap must be documented along with an explanation as to how the gap was determined.

NEED:

1. ☐ Lack of Sufficient Project Funds {Debt and/or Equity}
- A. Insufficient equity available for capital costs {explain other uses for the equity or lack of availability of equity}
- _____
- _____
- _____
- _____
- B. Lender unable to commit more funds to the project {explain rationale; i.e., debt coverage ratio, cash flow analysis, etc.}
- _____
- _____
- _____
- _____
2. ☐ Affordability:
- A. Unable to pay market rates {explain how income projections do not allow for market rate debt service}.
- _____
- _____
- _____
- _____
- B. Insufficient rate of return for business {compare rate of return for project with industry standards}.
- _____
- _____
- _____
- _____

3. ☐ Location:

Does Wisconsin site cost differentials impact businesses' local decision-making? If yes, fully document site cost differentials from the Wisconsin and out of state sites.

4. ☐ Other:

If the need for CDBG funds is for a different reason than the options given above, provide a detailed explanation for the request.

SECTION IV: PROJECT COSTS/USE OF FUNDS

		Total	CDBG Funds*	New Equity	Private Lender	Comm. Contrib.	Other Public	Source of Other Public
Project Fixed Costs	Land Acquisition							
	Building Acquisition							
	New Construction							
	Building Renovation							
	Leasehold Improvements							
	Machinery & Equipment							
	Relocation Costs							
	Site Prep/On-Site Infrastructure							
	Parking							
	Other Off-site (please specify)							
	Off-Site Streets							
	Off-Site Water & Sewer							
	Off-Site Flood & Drainage							
	Off-Site Professional Fees							
	Company Professional Fees							
	Arch. & Eng. Fees							
	Interim Costs/Other							
	Administration							
	Total Fixed Cost (TFC)							
Non-Fixed Costs	Working Capital							
	Training							
	Non-Capital Equipment							
	Total Non-Fixed (TNF)							
	Total Project Cost =TFC+TNF							

*Was federal prevailing wage used in preparing the project costs for line items including CDBG funds?

☐ Yes ☐ No If no, please attach an explanation of why federal prevailing wage funds were not included.

SOURCES OF FUNDS

FINANCING SOURCE				FINANCING				SECURITY	
	Funder	Contact Person	Phone #	Amount	Rate	Term in Years	% of Total	L/B	M/E
1									
2									
3									
4									
5									
6									
7									
**	Cash Equity								
TOTAL									

Are all financing sources committed?

☐ Yes ☐ No

If no, explain:

List any special conditions on financing:

Attach commitment letters for financing sources and cash equity. **SECTION V: TAX INFORMATION/FINANCIAL LIABILITY**

A. Business Information

Business Full Legal Name and Address	
---	--

Names and Addresses of any Affiliates (If necessary, attach a separate form for each affiliate listing each of the numbers set forth below.)	
Federal Tax Identification Number	
Wisconsin Tax I.D. Number	

B. Financial Liabilities

1. **Explain any outstanding financial liabilities the business has with state or local governments in Wisconsin. Whether or not the amounts are being contested in a court of law, does the applicant and/or company owe:**
 - a. Any delinquent taxes to the state of Wisconsin (the state), a state agency, or a political subdivision of the state?
 Yes ☐ No ☐
 - b. Any monies to the state or a state agency for the administration or enforcement of the environmental laws of the state?
 Yes ☐ No ☐
 - c. Any other monies to the state, a state agency, or a political subdivision of the state that are past due?
 Yes ☐ No ☐
 - d. Is the business the subject of any existing tax lien?
 Yes ☐ No ☐

If yes to any of the above, please provide details of each instance including, but not limited to, the location, amounts and case identification numbers (if applicable).



STATE OF WISCONSIN

DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Division Administrator

DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION

Information cannot be kept confidential unless it is a trade secret. Trade secret is defined in s.134.90 (1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

We request that the following pages not be released:

Section	Page #	Topic

In the event the designation of confidentiality of this information is challenged, the undersigned hereby agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and agrees to hold the state harmless for any costs or damages arising out of the state's agreeing to withhold the materials.

Failure to include this form in the Application may mean that all information provided as part of the Application will be open to examination and copying. The state considers other markings of confidential in the Application to be insufficient. The undersigned agrees to hold the state harmless for any damages arising out of the release of any materials unless they are specifically identified above.

Company Name	
Authorized Representative	
	Signature
Authorized Representative	
	Type or Print
Date	

This document can be made available in alternate formats to individuals with disabilities upon request.

CERTIFICATION STATEMENT

Has the business owner(s) or any officers of the company:

- | | | |
|---|------------------------------|-----------------------------|
| a. Been convicted of a felony? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Been convicted of or enjoined from any violation of state or federal securities law? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Been a party to any consent order or entry with respect to an alleged state or federal securities law violation? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Been a defendant in a civil or criminal action? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you have answered yes to any of the above please attach a separate sheet as an explanation.

THE BUSINESS:

1. Certifies that to the best of its knowledge and belief, the information being submitted to the Division of Housing, Energy, and Community Resources (DEHCR) is true and correct.
2. Certifies that the business is in compliance with all laws, regulations, ordinances and orders of public authorities applicable to it.
3. Certifies that the business is not in default under the terms and conditions of any grant or loan agreements, leases, or financing arrangements with its other creditors.
4. Certifies that DEHCR is authorized to obtain a credit check and Dun and Bradstreet on the business and/or business owners.
5. Certifies that the business has disclosed and will continue to disclose any occurrence or event that could have an adverse material impact on the project. Adverse material impact includes but is not limited to lawsuits, criminal or civil actions, bankruptcy proceedings, regulatory intervention, or inadequate capital to complete the project.
6. Understands that unless it qualifies as trade secret, all information submitted to DEHCR is subject to Wisconsin's Open Records Law. Please complete DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION form to designate any information as trade secret.

If Section 6 is left blank then all information provided to DEHCR will be open to examination and copying.

Signature: _____ Date: _____
(Authorized Representative)

Name: _____ Title: _____
(Authorized Representative)

EXHIBIT 1

SAMPLE

Citizen Participation Plan for the Community Development Block Grant (CDBG) Program

(Name of UGLG/ Community)

PURPOSE

In order for the CDBG Program to operate effectively, and to address the needs of the citizens of the _____ (county, city, village, town; select one), the entire population must be kept informed. The decision-making process must be open and consistent with State and Federal regulations. To accomplish this, the following plan will be followed:

PROGRAM OVERSIGHT

1. The _____ (county, city, village, or town; select one) shall create a Citizen Participation Plan Committee, members of which shall be appointed by the Chief Elected Official and confirmed by the _____ (county, city, village, or town; select one) Board/Council. This Committee shall be responsible for implementation of the Citizen Participation Plan, as well as offering guidance in preparation of the grant application.

The _____ (county, city, village, or town; select one) shall oversee the preparation of the Community Development Block Grant (CDBG) grant application.

2. To insure responsiveness to the needs of its citizens, the _____ (county, city, village, or town; select one) shall provide for and encourage citizen participation. Particular emphasis shall be given to participation by persons of low- to- moderate income (LMI).

CITIZEN PARTICIPATION

1. The _____ (county, city, village, or town; select one) shall establish a committee composed of persons representative of the _____ (county, city,

village, or town; select one) demographics. This committee must include at least one LMI person.

The committee members should also include representatives from the local government, real estate, banking and labor communities whenever possible. This committee shall assume responsibility for coordinating all required elements of the Citizen Participation Plan. All committee members must be residents of the _____ (county, city, village, or town; select one).

NOTICE OF HEARINGS

1. Official notice of hearings will be by public notice in the _____ (Name of local newspaper) at least two full weeks prior to the hearing. In addition, the public notice shall be posted at the _____ (county, city, village, or town; select one) municipal building. These notices will include time, place and date of meetings, as well as a brief agenda.
2. All notifications of meetings and available assistance must be worded in such a way as to encourage LMI participation. In addition, all meeting announcements shall include where, and during what time, information and records relating to the proposed and actual use of funds may be found.

REQUIRED PUBLIC HEARINGS

Public hearings shall be held to obtain citizen views and to enable them to respond to proposals at all stages of the CDBG Program, including the development of needs, the review of proposed activities and the review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodations for the handicapped, and, if needed, for non-English speaking persons.

1. The first hearing will receive citizens' views and provide an explanation of:
 - a. Community development needs, objectives, and strategies.
 - b. The CDBG program including goals, objectives, application process, amount of funds available, timetable, eligible activities, etc.
2. The second hearing will receive citizens' views and provide a review of the performance of the funded activities.
3. The first public hearing shall be held during the development of the application for funds. The second public hearing shall be held during the implementation of the program. The

_____ (county, city, village, or town; select one) will attempt to have at least one of the public hearings in the service area (if applicable).

PROGRAM INFORMATION, FILES, and ASSISTANCE

1. Technical assistance will be provided to any citizen who requests information about program requirements. Assistance with the application process will be provided by _____ (county, city, village, or town; select one) staff in the Community Development Department. A _____ (county, city, village, or town; select one) staff member will meet with citizens on request.
2. The _____ (county, city, village, or town; select one) will maintain, in the _____ (location), a record of all citizen participation efforts including minutes of meetings, newspaper clippings, and copies of notices and brochures.
3. Citizens will be invited to make proposals regarding the application. If suitable proposals are submitted in writing, a written response will be provided within 15 days. Every effort will be made to respond to all proposals prior to the final action on the subject.
4. Citizens may petition or request in writing assistance or changes.

The _____ (county, city, village, or town; select one) staff will respond to all such requests within 15 days after the _____ (county, city, village, or town; select one) _____ (committee name) has met to discuss the request.

COMPLAINTS

The _____ (county, city, village, or town; select one) will handle citizen complaints about the program in a timely manner. By federal regulation the _____ (county, city, village, or town; select one) will respond in writing to all written letters of complaint within 15 days after receipt of the complaint. The nature and disposition of verbal complaints will be reported in a complaint log. The first contact for complaints should be made to the _____.

In addition to the above procedure, any citizen wishing to object may complain directly to the following address:

Attention: Executive Staff Assistant
WI Department of Administration
Division of Energy, Housing and Community Resources, 5th Floor
P.O. Box #7970
Madison, WI 53707-7970

Written complaints should contain the following information and should be as specific as possible when describing:

- 1) The Program area being referenced: HOME, Community Development Block Grants for Housing (CDBG – Housing), Community Development Block Grants for Community Development (CDBG – Community Development), Emergency Solutions Grants (ESG), etc.;
- 2) The event resulting in the complaint;
- 3) The dates, details, and reason for the complaint; along with
- 4) The complainant's name, address, and telephone number.

NON-ENGLISH SPEAKING PERSONS

The _____ (county, city, village, or town; select one) will regularly survey the municipality to identify non-English speaking persons and will make all special efforts to assure them equal opportunity in the citizen's participation process.

EXHIBIT 2

CITIZEN PARTICIPATION PUBLIC HEARING CERTIFICATION

I, _____, as Clerk for the _____ of _____, hereby certify that the following checked topics were discussed at the Community Development Block Grant (CDBG) Citizen Participation public hearing held at _____ o'clock, on _____.

1. ☐ Basic overview of the CDBG program.
2. ☐ Total CDBG funds (including anticipated revolving loan funds) available for housing, public facilities and economic development.
3. ☐ Types of activities eligible using CDBG funds for:
 - a. ☐ Economic Development
 - b. ☐ Public Facilities
 - c. ☐ Housing
4. ☐ Housing needs identified by staff/consultant prior to the public hearing.
5. ☐ Community development (public facilities, economic development) needs identified by staff/consultant prior to the public hearing.
6. ☐ Housing needs identified by attendees of the public hearing.
7. ☐ Community development needs identified by attendees of the public hearing.
8. ☐ Activities proposed for CDBG application.
9. ☐ Potential for residential displacement as a result of the proposed CDBG activities.
10. ☐ Public attending the meeting were offered an opportunity to discuss the proposed CDBG application.

Minutes of the above-described meeting are available on request.

Signature of Clerk

Date

Typed Name of Clerk: _____

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public, _____ County

My Commission expires: _____

EXHIBIT 3

SAMPLE AUTHORIZING SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Relating to the _____ of _____ participation in the _____ (County, City, Village, or Town) _____ (Name) Community Development Block Grant program.

WHEREAS, Federal monies are available under the Community Development Block Grant program, administered by the Wisconsin Department of Administration (DOA)- Division of Housing, Energy, and Community Resources (DEHCR) for the purpose of the provision or economic development activities; and

WHEREAS, after public meeting and due consideration, the _____ (Name of Appropriate Committee) has recommended that an application be submitted to DEHCR for the following project(s): _____ and

WHEREAS, it is necessary for the _____ to (County Board, City Council, Village Board, Town Board) approve the preparation and filing of an application for the _____ to receive funds from this program; and (County, City, Town, Village)

WHEREAS, the _____ has reviewed the need (County Board, City Council, Village Board, Town Board) for the proposed project(s) and the benefit(s) to be gained there from;

NOW, THEREFORE, BE IT RESOLVED, that the _____ (City Council, County Board, Village Board, Town Board) does hereby approve and authorize the preparation and filing of an application for the above-named project(s); and that _____ is hereby authorized to sign (Council Pres., Mayor, Board Chair, Village Pres.)

all necessary documents on behalf of the _____; and that authority is hereby (County, City, Village, Town) granted to _____ to take the necessary steps to prepare and file the (Name of Appropriate Committee) application for funds under this program in accordance with this resolution.

ADOPTED on this _____ day of _____, 20____. ATTEST: _____ (Signature of Clerk)

The governing body of _____ has authorized the above resolution (County, City, Village, Town) by Resolution No. _____, dated _____

(Signature of Chief Elected Official)

EXHIBIT 4

LOBBYING CERTIFICATION FROM THE MUNICIPALITY

The undersigned certifies, to the best of his/her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Name of Local Government)

(Signature of Chief Elected Official)

(Date)

(Signature of Clerk)

(Date)

EXHIBIT 5

STATEMENT OF ASSURANCES

I, _____, _____, of _____
(Name of chief elected official) (Title) (Community/UGLG Name)
in _____ County certify that the _____
(Community name)

[Initial each item]

1. ☐ Has authorized its Chief Elected Official or Administrator to submit the application, sign contracts, and conduct other business related to the proposed activity if funded.
2. ☐ Has identified its housing and community development needs, including those of low- and moderate-income persons and the activities to be undertaken meet such needs.
3. ☐ Will conduct and administer its program in conformance with the Civil Rights Act of 1964 and the Fair Housing Act, and has adopted a local Fair Housing ordinance.
4. ☐ Will minimize displacement as a result of activities associated with CDBG funds, and will follow an adopted residential anti-displacement and relocation assistance plan.
5. ☐ Will not use special assessments or fees to recover the capital costs of CDBG funded public improvements from low- and moderate-income owner occupants.
6. ☐ Will comply with 24 CFR 570.608 regarding notification, inspection, testing, and abatement procedures concerning lead-based paint.
7. ☐ Has adopted and will enforce a policy prohibiting use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101144.
8. ☐ Has a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent and civil rights demonstrations.
9. ☐ Will not enter into a contract with any entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation.
10. ☐ Is currently in compliance with terms and conditions of all past and/or active CDBG awards and/or contracts.
11. ☐ Will not use CDBG funds to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one labor market area (LMA) to another LMA if the

relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs, in accordance with 24 CFR 570.210.

12. ☐ Acknowledges that the project cannot commence prior to the grant award and certain procedures must first be taken, including but not limited to:

Completing the environmental review process;
Requesting federal wage rates if applicable;
Establishing base employment levels for job related projects;
Enter into a development agreement with the participating business; and
Developing a system for tracking job retention and/or creation for LMI persons if applicable.

13. ☐ Will comply with all the provisions of the Community Development Block Grant Program and will maintain documentation of compliance with the above certifications.

I certify that to the best of my knowledge and belief, the information being submitted to DOA is true and correct.

_____	_____
Signature of Chief Elected Official	Date

_____	_____
Signature of Clerk	Date

EXHIBIT 6a

POTENTIAL FAIR HOUSING ACTIONS

According to 24 CFR 570.487(b), the Grantee/UGLG must take some action to affirmatively further fair housing during the contract period. **Circle the number of at least three (3) of the actions below.** If your project is funded, the action circled will be included in your contract timetable and you will implement it during that period. **Fair housing actions may include, but are not limited to the following:**

1. Enact, strengthen, or advertise a local fair housing law;
2. Make area-wide zoning revisions to facilitate the dispersal of multi-family housing outside of minority-concentrated areas;
3. Initiate or fund any studies examining current housing opportunities for minority persons, handicapped persons, and families with children and have these studies form the basis of an affirmative action program providing greater housing opportunities for minorities, handicapped persons and families with children;
4. Send letters from the chief elected official of the local government to those in the business of selling, renting, or financing housing, encouraging them to adhere fully to the fair housing law;
5. Have the local governing body or chief elected official publicly endorse the principle of fair housing and of adherence to the fair housing law in the form of a proclamation, resolution, or similar publicized statement of importance;
6. Improve community facilities and public services in racially integrated neighborhoods to help preserve their mixed character;
7. Display a fair housing poster or provide fair housing information at an appropriate public place;
8. Initiate a public education program on fair housing, involving, for example, representatives of fair housing groups, human relations' bodies, minority organizations, the real estate industry, and government, through the local media. This could include talks on the community's housing opportunities;
9. Fund a fair housing organization (such as a local housing authority) to conduct studies and/or to aggressively investigate rental and/or realtor practices;
10. Suggest the use of affirmative marketing and advertising practices by private developers as a condition for obtaining local licenses and permits; and
11. Enlist the participation of local associations (realtors, real estate brokers, home builders, and mortgage lenders) in approved voluntary programs to promote affirmative fair housing marketing and to review mortgage credit and underwriting criteria that may have an adverse impact on minorities, women, handicapped persons, and families with children.

Grantee/UGLG Name: _____ Date Action to be completed: _____

Office of Fair Housing and Equal Opportunity: <http://www.hud.gov/offices/ftheo/>

Fair Housing ads and other materials: <http://www.fairhousinglaw.org/>

SAMPLE

Resolution to Adopt a Fair Housing Ordinance

AN ORDINANCE TO CREATE SECTION _____ OF THE MUNICIPAL CODE
OF THE _____
ADOPTING WISCONSIN STATUTES, SECTION 106.50, AS AMENDED,
RELATING TO THE EQUAL RIGHTS OF ALL PERSONS TO FAIR HOUSING, AND
PROVIDING MEANS FOR THE IMPLEMENTATION AND ENFORCEMENT THEREOF.

THE _____ OF _____ DOES ORDAIN AS FOLLOWS:

Section _____ is created to read as follows:

FAIR AND OPEN HOUSING

WHEREAS, the _____ of the _____ recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT:

- 1) The _____ of the _____ hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- 2) The officials and employees of the _____ shall assist in the orderly prevention and removal of all discrimination in housing within the _____ by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- 3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the _____ to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Chief Elected Official

ATTEST:

Municipal Clerk

Adopted: _____

Published: _____

Effective: _____

EXHIBIT 7
SAMPLE

Resolution to Adopt the Policy to
Prohibit the Use of Excessive Force and the Barring of Entrances/Exits
for Non-Violent Civil Rights Demonstrations

RESOLUTION NO. _____ [NUMBER]

A RESOLUTION OF THE [GOVERNING BODY] OF THE [MUNICIPALITY TYPE] OF [MUNICIPALITY],

**POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE AND THE BARRING OF ENTRANCES/EXITS
FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS**

WHEREAS Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS it is in the interest of the [MUNICIPALITY TYPE] of [MUNICIPALITY] to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);

NOW THEREFORE, BE IT RESOLVED BY THE [CHIEF ELECTED OFFICIAL TITLE] AND THE [GOVERNING BODY] OF THE [MUNICIPALITY TYPE] OF [MUNICIPALITY]:

It is POLICY of the [MUNICIPALITY TYPE] to prohibit the use of excessive force by law enforcement agencies within the [MUNICIPALITY TYPE]'s jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

It is POLICY of the [MUNICIPALITY TYPE] to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the [MUNICIPALITY TYPE]'s jurisdiction.

The officials and employees of the [MUNICIPALITY TYPE] shall assist in the orderly prevention of all excessive force within the [MUNICIPALITY TYPE] OF [MUNICIPALITY] by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.

The [GOVERNING BODY] directs the [LOCAL LAW ENFORCEMENT AGENCY CHIEF OFFICIAL TITLE] to implement this Resolution by amending applicable [LOCAL LAW ENFORCEMENT AGENCY] procedures.

PASSED BY THE [CHIEF ELECTED OFFICIAL TITLE] AND [GOVERNING BODY] OF THE [MUNICIPALITY TYPE] OF [MUNICIPALITY].

[CHIEF ELECTED OFFICIAL SIGNATURE]
Chief Elected Official Signature
[CHIEF ELECTED OFFICIAL TYPED NAME AND TITLE]

Date _____ [DATE]

ATTEST:

[MUNICIPAL CLERK SIGNATURE]
Municipal Clerk Signature
[MUNICIPAL CLERK TYPED NAME AND TITLE]

Date _____ [DATE]

EXHIBIT 8

DAVIS BACON/FEDERAL LABOR STANDARDS LAW

1. Will CDBG-ED funds be used to pay for construction costs?

☐

No

☐

Yes

If yes, Davis Bacon applies to the project. Submit a copy of the construction bid that clearly indicates Davis Bacon rates were used in developing project costs.

2. Will CDBG-ED funds be used to pay for equipment?

☐

No

☐

Yes

If yes, provide copies of the cost estimates for each piece of equipment to be financed with CDBG-ED funds on the letterhead of the company, from which it will be purchased. This cost estimate must break out the cost of each item to be purchased and the installation cost of the item.

3. Will CDBG-ED funds be used to pay for equipment installation costs?

☐

No

☐

Yes

If yes, Davis Bacon may apply to the project, depending on the outcome of a four part test. The Division of Housing, Energy, and Community Resources' labor standards officer will determine the applicability based on the four factors below:

- a. The cost of the equipment itself compared to the cost of the installation.*
- b. The existence of a high absolute cost of equipment installation.*
- c. The necessity for structural modifications to accommodate the equipment installation.*
- d. The necessity for updated electrical, plumbing or gas lines to facilitate equipment installations.*

4. If CDBG-ED funds will be used solely to pay for working capital, then Davis Bacon may not apply to the project.

Checking "No" to any of the above questions does not suggest Labor Standards will not apply to the project. The DEHCR Project Representative will determine Labor Standards applicability based on the circumstances of the project.

EXHIBIT 9

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY (EEO-1) REPORT

All employers with 15 or more employees are covered by Public Law 88-352 and are required to keep employment records. Certain employers are required by law to file annual EEO-1 (Standard Form 100) reports based on its number of employees and federal contracting activities. Following are the thresholds for filing annual EEO-1 Reports. Please mark the appropriate box that the business falls under:

- ☐ Private employer with 100 or more employees.
- ☐ Private employer with fewer than 100 employees but is owned or affiliated with another company so the group legally constitutes a single enterprise and the entire enterprise employs a total of 100 or more employees.
- ☐ Private employer with 50 or more employees that is a prime contractor or first-tier subcontractor with the federal government and has a contract, subcontract, or purchase order amounting to \$50,000 or more (Does not include this CDBG-ED project).
- ☐ Exempt from filing an EEO-1 Report.

These reports are due no later than September 30. Please submit a copy of the business's most recent EEO-1 Report it has filed with the Federal government, unless it is exempt.

EXHIBIT 10

BUSINESS/DEVELOPER INVESTMENT AND JOB CREATION COMMITMENT LETTER (*sample*)

To be completed by business owner/ partner

Date: _____

Dear _____ (Chief Elected Official of Applicant Community):

This letter will confirm my/our commitment to move forward with the development of (Project Name). This project includes _____ (list activities) and the creation/retention of _____ (number) full-time equivalent (FTE) positions.

We/I will spend no less than \$_____ on the total development of this project. All on-site and off-site project costs should be included in the summary below. The financing is proposed as follows:

Private Lender	\$ _____
Equity	\$ _____
Community Development Block Grant	\$ _____
Other	\$ _____
Other	\$ _____
TOTAL	\$ _____

Development of the project will allow the current employment of _____ to increase to _____ 24 months after project completion for a net gain of _____ new full-time equivalent (FTE) positions. Of these new jobs, it is our goal to employ at least 51 percent persons from low- and moderate-income households (LMI) and _____ percent minorities, recognizing that some persons may qualify to meet the goal for both categories. Also, any commitment to a job training program should be indicated, if applicable.

We/I understand that the goal of the Community Development Block Grant Program is to benefit persons of LMI households. An LMI household is defined as 80 percent of the median household income for the employee's specific family size for the county area in which the project will be located. The project is defined as all line items listed in the application and includes all aspects necessary to the successful completion. Local officials have provided the business with the low- and moderate-income figures for _____ County.

In order to meet the national objective of the Community Development Block Grant Program, 51 percent of the jobs created and/or retained by the project must be taken by or made available to persons of LMI households. Therefore, the undersigned business agrees to maintain the following job creation and/or retention documentation for each employee interviewed, or for existing employees if jobs are claimed as retained:

- Name, address and social security number;
- Household size;
- Household income range; and
- Employee signature.

The following efforts will be used by the business to ensure that LMI persons receive first consideration for open positions in the company. (Check all the apply)

- ☐ List positions on Job Center of Wisconsin
- ☐ List positions with the local Workforce Development Board
- ☐ List positions with the local Wisconsin Works (W2) Agency
- ☐ List positions with the local Technical College
- ☐ List positions with the local Veterans Services office
- ☐ List positions with the local Community Action Agency

If 51 percent of the jobs created and/or retained are not taken by persons of LMI households, the business will provide documentation to demonstrate that it followed acceptable procedures that, under normal circumstances, would result in at least 51 percent of the jobs being taken by persons of LMI households.

The business also understands that an acceptable alternative to the above described record keeping requirements is for the business to work through a state or federal employment agency, such as the local Department of Job and Family Services, to hire persons of LMI households. Such programs must screen the applicants and, upon completion of the hiring process, provide a final certification stating that at least 51 percent of the jobs were taken by persons of LMI households. **The business understands that there will be no exceptions or waivers to this requirement.**

As explained in the application, I/we would not proceed with this at this time without Community Development Block Grant assistance.

If the funding from Community Development Block Grant is approved, I/we are prepared to move forward quickly on this project, with completion no more than 12 months after approval of the Community Development Block Grant funds. I/we expect the project to commence on _____ and complete it by _____. I know of no reason why this project cannot go forward immediately {note any reasons for lack of immediate commencement}.

I certify that I have the authority to make this commitment on behalf of the company/business, and that we have the resources to finalize the financing package identified above and shown in the community's application for funds.

I also certify that _____ will provide the required job creation/retention documentation as outlined in the application instructions. I further certify that I have this authority to make this commitment on behalf of _____ (Business).

Sincerely,

Chief Executive Officer or Authorized Company Representative
(Signature)

(Typed Name and Title)

_____(Witness)

EXHIBIT 11

ACQUISITION, RELOCATION AND DEMOLITION QUESTIONNAIRE

UGLG/Community: _____ Project: _____

Program: _____ Date Submitted: _____

This section will be used by the Division of Housing, Energy, and Community Resources to determine if you have adequately planned and budgeted for acquisition, relocation, down payment assistance, rehabilitation and demolition activities. Requirements are referenced in the Uniform Relocation and Real Property Acquisition Policies of 1970, as amended (URA) and Section 104(d) of the Housing and Community Development Act (Barney Frank Amendment).

Answer the following Acquisition, Relocation, Demolition, and Conversion questions; Yes, No, or NA:

1. ☐ Voluntary Acquisition of
 - ☐ Permanent easement
 - ☐ Vacant land
 - ☐ Land and building
 - ☐ Will tenants be, or have they been, displaced?
2. ☐ Involuntary Acquisition of
 - ☐ Permanent easement
 - ☐ Vacant land
 - ☐ Land and building
 - ☐ Are any units occupied? If yes,
 - ☐ Relocation assistance will be provided or has been provided
 - ☐ Residential occupant is low- and moderate-income
3. ☐ Donation of
 - ☐ Permanent easements
 - ☐ Vacant land
 - ☐ Land and building
 - ☐ Tenants will be displaced or have been displaced
 - ☐ Tenant(s) is residential occupant and is low- and moderate-income
4. ☐ Demolition of residential units or conversion/rehabilitation of a residential unit to another use
 - ☐ Unit is suitable for occupancy
 - ☐ Unit rents or would rent at or below the Fair Market Rent
 - ☐ Unit to be replaced
 - If "yes" to any of the three questions above, attach documentation required and listed in your Uniform Relocation Plan.*
 - If "no",*
 - ☐ Unit is not suitable for occupancy and evidence is attached

Please note: CDBG projects are subject to State and Federal acquisition/relocation/demolition requirements. If you answered "yes" to any of the questions above, please contact the Acquisition/Relocation Specialist in the Bureau of Community Development to discuss the applicability of these requirements to the proposed project.

EXHIBIT 12

ENVIRONMENTAL REVIEW RECORD CHECKLIST

All recipients of CDBG assistance must prepare an Environmental Review Record (ERR), which is a file containing all the environmental information to the project.

I. Please identify who prepared and completed the ERR: _____

II. Check which category the project falls under:

- ☐ Exempt
- ☐ Categorically Excluded Not Subject to 58.5
- ☐ Categorically Excluded Converted to Exempt
- ☐ Categorically Excluded
- ☐ Subject to an Environmental Assessment

III. Provide the date of or expected date of the Certification Letter from the Department:

For additional information on the ERR process, please consult the Implementation Manual or contact DOAEnvironmentalDesk@wisconsin.gov.

EXHIBIT 13a – JOB CREATION TABLE

	Job Description			Determining Full-Time Equivalent Jobs				
Job Title	Avg. Hourly Wage	Special Skills Required? ¹	Post HS education required? ²	# of Employees (a)	Hrs/Wk per Employee (b)	Wks/Yr per Employee (c)	# of FTE jobs ³	# of Jobs Available to LMI
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
				FT				
				PT				
TOTAL								

¹ Jobs made available to LMI persons must not require special skills that can only be acquired with substantial (i.e. one year or more) training or work experience.

² Education beyond high school must not be a pre-requisite for LMI positions, unless the business agrees to hire unqualified persons and train them.

³ FTE= (a*b*c)/2080.

EXHIBIT 13b – JOB RETENTION TABLE

Job Description				Current Employment				Retained Jobs	
Job Title	Avg. Hourly Wage	Special Skills Required? ¹	Post HS education required? ²	# of Employees (a)	Hrs/Wk per Employee (b)	Wks/Yr per Employee (c)	# of FTE jobs ³	FTE jobs to be Retained ⁴	# of Retained LMI jobs ⁵
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
				FT					
				PT					
TOTAL									

¹ Jobs made available to LMI persons must not require special skills that can only be acquired with substantial (i.e. one year or more) training or work experience.

² Education beyond high school must not be a pre-requisite for LMI positions, unless the business agrees to hire unqualified persons and train them.

³ FTE= (a*b*c)/2080.

⁴ In order for jobs to be considered *RETAINED*, there must be clear and objective evidence that permanent jobs will be lost without CDBG assistance.

⁵ To meet the LMI income jobs standard, 51 percent or more of the retained jobs must be either:

1. Known to be held by LMI persons at the time CDBG assistance is provided (attach Exhibit 12c- Applicant/ Employee Self-Certification form for each employee for whom job retention is claimed), and/or
2. Jobs not known to be held by LMI persons, but which can be reasonably expected to “turn over” to LMI persons within two years. See page 10 for documentation to include.

EXHIBIT 13c
STATE OF WISCONSIN
COMMUNITY DEVELOPMENT BLOCK GRANT
EMPLOYEE SELF CERTIFICATION

Dear Applicant/Employee:

(Enter Business or UGLG name) is collecting the following information as a result of participating in the U.S. Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program. To meet federal regulations, (Enter Business or UGLG Name) is required to collect statistical data on your family income, race/ethnicity, and employment status. This information is reported to HUD and eventually used by the U.S. Congress to measure the effectiveness of the CDBG program. Your name and personal information will be kept private, and your income, race and unemployment status information only shared with the federal government anonymously. ***It is only through your cooperation that your community can benefit from this federal program.***

INSTRUCTIONS:

Please answer questions 1, 2, and 3, then sign and date the form certifying the information is correct. Your information can only be accepted if the form is completed in full.

1.) Please indicate your current family income in the following table. "Family" means all related persons in your household.

Please Circle # of Persons in your Family	FAMILY INCOME CATEGORY			
	Please check your family income in the same row as the number of persons in your family.			
1	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
2	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
3	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
4	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
5	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
6	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
7	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0
8 or more	____ \$0 - \$0	____ \$0 - \$0	____ \$0 - \$0	____ Greater than \$0

2.) Please check the box that identifies your race.

Single Race:

- ☐ White
☐ Black/African American
☐ Asian
☐ American Indian/Alaskan Native
☐ Native Hawaiian/Other Pacific Islander
☐ Other

Multi-Racial Identifiers:

- ☐ American Indian/Alaskan Native and White
☐ Asian and White
☐ Black/African American and White
☐ American Indian/Alaskan Native and African/American
☐ Other Multi-Racial

3.) Please answer these questions:

- Do you consider yourself as being of Hispanic ethnicity? ☐ Yes ☐ No
 Are you currently unemployed or were you unemployed prior to employment with this company? ☐ Yes ☐ No
 Are you a female head of household? ☐ Yes ☐ No

Date Hired: ____/____/____

I certify that the information provided above is correct to the best of my knowledge

 Printed Name

 Signature

____/____/____
 Date

EMPLOYER/LOCAL GOVERNMENT USE ONLY (ALL SECTIONS ARE MANDATORY)**Position Details**

☐ Full Time ☐ Part Time (FTE: _____) ☐ Employer-Sponsored Healthcare Plan Offered

Position Class

<input type="checkbox"/> Official/Manager	<input type="checkbox"/> Professional	<input type="checkbox"/> Office/Clerical
<input type="checkbox"/> Sales	<input type="checkbox"/> Technician	<input type="checkbox"/> Craft Worker/Skilled
<input type="checkbox"/> Operative/Semiskilled	<input type="checkbox"/> Laborer/Unskilled	<input type="checkbox"/> Service Worker

Job Category Definitions

1. **Officials or Managers** - Occupants requiring administrative personnel who set broad policies, exercise overall responsibility of execution of these policies, and individual departments or special phases of a firm's operations. This includes: Officials, Executives, middle management, plant managers and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and kindred workers.
2. **Professional** - Occupants requiring either college graduation or experience of such kind and amount as to provide a comparable background includes: accountants and auditors, airplane pilots and navigators, architects, artists chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, professional and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.
3. **Technicians** - Occupants requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education such as is offered in many technical institutions and junior colleges, or through equivalent on the job training. This includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematic aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.
4. **Sales** - Occupants engaging wholly or primarily in direct selling. This includes: advertising agenda and sales workers; insurance agents and brokers; real estate agents and brokers; sales workers; demonstrators and retail sales workers; and sales clerks, grocery clerks and cashiers; and kindred workers.
5. **Office or Clerical** - Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. This includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists, and secretaries, telegraph and telephone operators, and kindred workers.
6. **Craft Worker (skilled)** - Manual workers of relatively high level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. This includes: the building trades, hourly paid supervisors and lead operators (who are not members of management), mechanic and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors, and kindred workers.
7. **Operatives (semi-skilled)** - Workers who operate machines or other equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. This includes: apprentices (auto mechanics, plumbers, electricians, machinists, mechanics, building trades, metal working trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dress makers and sewers (except factory), dryer's furnaces workers, heaters (metal), laundry and dry cleaning, operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, boiler tenders, truck and tractor drivers, weavers (textile), welders and flame metals workers, and kindred workers.
8. **Laborers (unskilled)** - Workers in manual occupations which generally require no special training perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. This includes: garage laborers; car washers and greasers; gardeners (except farm) and ground keepers; stevedores; wood choppers; laborers performing lifting, digging, mixing loading, and pulling operations; and kindred workers.
9. **Service Workers** - Workers in both protective and non-protective service occupations. This includes attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, chairworkers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection guards, door keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, and kindred workers

EXHIBIT 13d

Payroll Reports

For applications in which a company is citing either maintained or retained employees, please include the payroll from the company's most recent pay period in order to document current employment levels. The payroll should indicate whether each employee is part-time or full-time. Social security numbers and other sensitive identifiers should be redacted.

EXHIBIT 14

**Evidence of Site Control
(Deed, Purchase Option, Lease Agreement etc.)**

Please Provide

EXHIBIT 15

TAX INFORMATION AND FINANCIAL LIABILITY EXHIBITS ***To be completed by the business***

Unless otherwise indicated, please furnish a copy of each of the requested items:

- A. Three years historical financial statements (balance sheet, profit and loss)
- B. Interim financial statements (not more than 90 days old)
- C. Projected financial statements for the current and next three years (balance sheet, profit and loss, including all assumptions)
- D. Personal financial statements**
- E. Resumes of officers and key management personnel
- F. Information concerning working capital line of credit
- G. Real estate and/or used equipment appraisal (fair market and liquidation)
- H. Site plan, which includes off-site improvements
- I. Third party cost estimates for infrastructure and fixed assets costs
- J. Estimated taxes from the proposed project**
- K. W-9 form**

**Please find the necessary forms attached.

EXHIBIT 15d (1 of 3)
PERSONAL FINANCIAL STATEMENT

Date: _____

Complete this form for: 1) each proprietor, or 2) each limited partner who owns 10 percent or more interest and each general partner, or 3) each stockholder owning 10 percent or more of voting stock and each corporate officer and director, or 4) any other person or entity providing a guaranty on the loan.

Name _____
 Business Phone _____ Residence Phone _____
 Residence Address _____
 City, State, Zip Code _____
 Business Name of Applicant/Borrower _____

ASSETS		LIABILITIES	
Cash on hand and in Banks	\$ _____	Accounts Payable	\$ _____
Savings Account	\$ _____	Notes Payable to Banks and Others (Describe in Section 2)	\$ _____
IRA or Other Retirement Account	\$ _____	Installment Account (Auto) Mo. Payments \$	\$ _____
Accounts & Notes Receivable	\$ _____	Installment Account (other) Mo. Payments \$	\$ _____
Life Insurance-Cash Surrender Value Only (Complete Section 8)	\$ _____	Loans on Life Insurance	\$ _____
Stocks and Bonds (Describe in Section 3)	\$ _____	Mortgages on Real Estate (Describe in Section 4)	\$ _____
Real Estate (Describe in Section 4)	\$ _____	Unpaid Taxes (Describe in Section 6)	\$ _____
Automobile-Present Value	\$ _____	Other Liabilities (Describe in Section 7)	\$ _____
Other Personal Property (Describe in Section 5)	\$ _____	Total Liabilities	\$ _____
Other Assets (Describe in Section 5)	\$ _____	Net Worth	\$ _____
Total	\$ _____	Total	\$ _____
SECTION 1 SOURCE OF INCOME		CONTINGENT LIABILITIES	
Salary	\$ _____	As Endorser or Co-Maker	\$ _____
Net Investment Income	\$ _____	Legal Claims and Judgments	\$ _____
Real Estate Income	\$ _____	Provision for Federal Income Tax	\$ _____
Other Income (Describe Below)*	\$ _____	Other Special Debt	\$ _____
Description of other income: *Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.			

Exhibit 15d (2 of 3)

SECTION 2 NOTES PAYABLE TO BANK AND OTHERS (Use attachments if necessary. Each attachment must be identified as part of this statement and signed).

Name/Address of Note holder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

SECTION 3 STOCKS AND BONDS (Use attachments if necessary. Each attachment must be identified as part of this statement and signed).

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

SECTION 4 REAL ESTATE OWNED (List each parcel separately. Use attachments if necessary. Each attachment must be identified as part of this statement and signed).

	Property A	Property B	Property C
Type of Property			
Name and Address of Property			
Date Purchased			
Original Cost			
Present Market Value			
Name and Address of Mortgage Holder			
Mortgage Account Holder			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

SECTION 5 OTHER PERSONAL PROPERTY AND OTHER ASSETS (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment, and if delinquent, describe delinquency).

--

Exhibit 15d (3 of 3)

SECTION 6 UNPAID TAXES (Describe in detail, as to type, to whom payable, when due, amount and to what property, if any, a tax lien attaches).

--

SECTION 7 OTHER LIABILITIES (Describe in detail).

--

SECTION 8 LIFE INSURANCE HELD (Give face amount and cash surrender value of policies – name of insurance company and beneficiaries).

--

I authorize the Wisconsin Department of Administration/lender to make inquiries as necessary to verify the accuracy of the statement made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the State Attorney General.

Signature: _____ Date: _____ Social Security Number: _____

Signature: _____ Date: _____ Social Security Number: _____

EXHIBIT 15j

ESTIMATED TAXES FROM THE PROPOSED PROJECT

STATE OF WI TAXES	CURRENT YEAR (without project)	FIRST YEAR (after project completion)	SECOND YEAR	THIRD YEAR
Employee Income Taxes				
Commercial Activity Taxes				
LOCAL TAXES				
Municipal Corporate Income Taxes				
Real Estate Property Taxes				
Tangible Personal Property Taxes				

Are you applying for local tax exemptions? If so, indicate the expected percentage and term.

EXHIBIT 15k

REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION (W-9)

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-					
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued);
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual	Individual/sole proprietor or single-member LLC
• Sole proprietorship, or	
• Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	
• LLC treated as a partnership for U.S. federal tax purposes,	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or	
• LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor [*]
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.