

COMMUNITY DEVELOPMENT BLOCK GRANT

Emergency Assistance Program

Application Packet



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**DIVISION OF ENERGY, HOUSING and COMMUNITY
RESOURCES**

Updated July 2016

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PLEASE NOTE:

An applicant has 90 days from the date of the disaster to apply for financial assistance from the Community Development Block Grant – Emergency Assistance Program (CDBG-EAP).

The Division of Energy, Housing and Community Resources (DEHCR) strongly encourages all grantees to submit materials, preferably within 60 days of the event, in order to respond to the needs of households affected by the natural disaster.

SECTION I
INTRODUCTION

The Community Development Block Grant (CDBG) program is a federal formula-allocated grant program under 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 is governed by rules set forth in the Code of Federal Regulations (24 CFR Part 570).

The Wisconsin Department of Administration (DOA) – Division of Energy, Housing and Community Resources (DEHCR) administers the State Community Development Block Grant Small Cities Program that provides funding to units of general local government (UGLGs) that do not receive an annual allocation directly from HUD.

DEHCR has designed the Community Development Block Grant-Emergency Assistance Program (CDBG-EAP) to direct funds to eligible units of government throughout the state that are in need of assistance due to a natural or manmade disaster. Eligible local units of government include all cities, towns, counties, and villages that do not receive an annual allocation directly from HUD.

CDBG-EAP funds are awarded to the local unit of government for:

- Repair of public infrastructure
- Housing rehabilitation to low-and moderate-income homeowners
- Business assistance

For more information on the Division of Energy, Housing and Community Resources CDBG-EAP program, please contact:

WI Department of Administration, DEHCR
Attn: EAP Program Manager
P.O. Box 7970
Madison, WI 53707-7970
608/266-0148



This application manual is comprised of six sections:

Section I is the introduction.

Section II provides an overview to the application process.

Section III contains a link to the Administrative Rules for the Community Development Block Grant Program. The rules for the CDBG-EAP program are found at ADM 90 & ADM 93. (See Attachments A-B)

Section IV contains the guidelines for the CDBG-EAP program. The guidelines include definitions of terms, eligible applicants and activities, and basic grant award information.

Section V contains the documents which must be approved and signed prior to the submission of the CDBG-EAP application. It also contains blank resolutions, a Citizen Participation format, and a link to the current income limits which must be used to determine a homeowner's eligibility for the CDBG-EAP funds.

Section VI is the CDBG-EAP Application format.

To apply for CDBG-EAP funds, you must submit a completed Section VI AND all of the applicable forms and documentation in Section V.

SECTION II

APPLICATION PROCESS OVERVIEW

- I. To submit an application for CDBG-EAP funds the following steps must be taken.
 - A. Assess the damage caused by the disaster. County Emergency Management staff and other experts are available to assist in damage assessment. In particular, it is essential that, for the use of CDBG funds, the benefit must be specific to Low- to Moderate-Income (LMI) households for housing rehabilitation, LMI employees for business assistance, and LMI communities or census tracts for assessing public infrastructure.
 - B. Document the damage caused by the disaster. Photographs, newspaper articles, and written assessments from insurance adjusters and/or other experts are good ways to document the damage caused by the disaster.
 - C. Identify other sources of assistance. Contact state and county Emergency Management staff, local Department of Public Works, County Highway Departments, regional Economic Development Offices and insurance adjusters for possible sources of support. CDBG-EAP funds will not pay for damages which are covered by other public or private assistance funds or by existing insurance policies.
 - D. Determine the official applicant. Determine if the application will be made for a county, one municipality, or jointly for one or more adjacent local units of government. If it will be a joint application, each participating municipality must enter into a Cooperation Agreement. This Agreement identifies which of the participating municipalities will act as the lead agency. See page 26 for an example of a Cooperation Agreement.
 - E. Notify the area residents of a public hearing. As required by federal regulation 24 CFR 570, a Citizen Participation Plan is required for every grantee. As part of your Citizen Participation Plan, you must hold a public hearing to discuss the CDBG-EAP application. You must publish or post notification of the upcoming hearing a full 2 weeks in advance of this hearing. See page 21 for an example of the public hearing notice.
 - F. Convene a board/council meeting. Prior to the date of your public hearing, you must schedule a board/council meeting to adopt/approve the documents necessary for the submittal of the CDBG-EAP application. This meeting could be scheduled immediately prior to the public hearing, as there are documents that need to be adopted or approved before you can hold the Citizen Participation hearing. There are also some documents that can only be adopted after the public hearing so it greatly facilitates the procedure to have the meetings/hearing in succession.

Documents to be adopted/approved at the board/council meeting prior to the public meeting include:

- ☞ Citizen Participation Plan, adopted by resolution. See pages 14-22.

- ☞ Fair Housing Ordinance, you can adopt the State Fair Housing Ordinance by reference (page 23) or create your own following your standard procedure for ordinances. If you already have a Fair Housing Ordinance, make sure that it is current and pass amendments as needed.

G. Open the Public Hearing. After the previous items are addressed, it should be announced that the public hearing is now opened as the published/posted notice stated. Discussion should follow the agenda as stated in the notice and should also include:

- ☞ Types of activities eligible for CDBG-EAP funding. See page 8.
- ☞ Explaining the general process for receiving a grant from the Division of Energy, Housing and Community Resources(DEHCR) and that DEHCR will not make an award if there are other funds available to cover damage-related expenses.
- ☞ Input from area residents regarding their priority housing needs.
- ☞ Other area community development needs; including housing, public facilities and economic development. Other funds available for these needs. While the purpose of this meeting is to discuss emergency assistance needs, according to CDBG rules, attendees must have the opportunity to address all community needs.
- ☞ Open the floor for questions.

H. Authorize submission of CDBG-EAP Application. After the public hearing, pass a resolution authorizing submission of the CDBG-EAP. See page 25. This resolution also authorizes the chief elected official to sign all necessary documents relating to the CDBG-EAP application.

- ☞ The Chief Elected Official should then sign the Cooperation Agreement for joint applications, if applicable.
- ☞ Sign the Statement of Assurances.
- ☞ Sign the Certification for Contracts, Grants, Loans and Cooperative Agreements (lobbying certification).
- ☞ Determine if the CDBG-EAP funds will be administered by local staff or by an outside agency/consultant.

I. Submit application. Complete the application per the format described in Section VI of this manual. Submit one original and one copy of the completed application to the Division of Energy, Housing and Community Resources at:

WI Department of Administration, Division Energy, Housing and Community Resources
ATTN: CDBG-EAP Program Manager
P. O. Box 7970
Madison, WI 53707-7970

Be sure that all parts of Section VI are complete and all attachments, as listed in the Application Checklist on page 38, are included. **Incomplete applications or those with missing forms may be returned or denied.**

SECTION III

ADMINISTRATIVE RULES

Follow these links to see ADM90 and ADM93, the Administrative Rule for the Small Cities Community Development Block Grant (CDBG) for Housing, and the Administrative Rule for Small Cities CDBG for Community and Economic Development, respectively:

http://docs.legis.wisconsin.gov/code/admin_code/adm/90 - see Attachment A

https://docs.legis.wisconsin.gov/code/admin_code/adm/93, -see Attachment B

SECTION IV
 COMMUNITY DEVELOPMENT BLOCK GRANT
 EMERGENCY ASSISTANCE PROGRAM GUIDELINES

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I. Definitions

A. Division of Energy, Housing, and Community Resources (DEHCR)

The Division of Energy, Housing and Community Resources(DEHCR), Wisconsin Department of Administration (DOA) is the agency responsible for the direct administration of the Community Development Block Grant (CDBG) Emergency Assistance Program (EAP).

B. HUD

The Department of Housing and Urban Development (HUD) is the federal agency which provides CDBG funding to states and entitlement communities.

C. Small Cities Community Development Block Grant (CDBG)

A funding program provided to states by the Department of Housing and Urban Development. CDBG funds are available to cities, towns, counties, and villages not otherwise served by the CDBG-Entitlement program. Funds can be used for housing, public facilities, and economic development projects.

D. CDBG-EAP

A part of the CDBG Small Cities, Housing Program. CDBG Emergency Assistance Program (CDBG-EAP) funds are used to assist in the rehabilitation of housing units, public infrastructure, and businesses damaged during a natural or manmade disaster. Funding awards are made to a Unit of General Local Government (UGLG) to be used to assist area LMI homeowners with housing

and public infrastructure repairs, and business assistance where LMI jobs are created or retained.

The Department of Administration website can provide more information about State Administered CDBG – and CDBG-EAP

Please see: <http://doa.wi.gov/Divisions/Housing/Bureau-of-Affordable-Housing>

E. Low Income (LI)

LI means 50% of the median county income, by family size, as annually determined by HUD.

F. Moderate Income (MI)

MI means 80% of the median county income, by family size, as annually determined by HUD.

G. LMI

LMI means low and moderate income. It includes the incomes described in E and F above. A link to the Household Income Limits can be found on the DOA website referenced on page 31. HUD updates income levels on county-by-county basis annually.

II. **Eligible Applicants**

To be eligible to request funding under this emergency grant program, the applicant must be a Unit of General Local Government (UGLG). A UGLG can apply individually for a grant or combine their rehabilitation efforts with other municipalities and apply jointly. Entitlement Communities and Indian Tribes are not eligible for the CDBG-EAP. The application must be received by the Department of Administration – Division of Housing within 90 days of the date of the disaster. Application submittal within the first 60-days will result in a more timely response to affected households. CDBG-EAP funds are intended to be offered to LMI homeowners in the form of a grant.

III. **Eligible Recipients**

Housing

To be an eligible recipient of CDBG-EAP housing funds, the individual must own and occupy his/her dwelling unit. Additionally, the unit must be taxed as real property. The dwelling must be his/her primary residence. No CDBG-EAP funds may be used for secondary/vacation homes.

EAP funds may be utilized to assist with rehabilitation of rental properties in the following situations:

- Apartments are currently occupied by LMI households
- Vacant units will be rented to LMI tenants
- Partial EAP rehabilitation assistance may be available (based on the % of LMI vs. market-rate apartments in the building).

The recipient must be low- to moderate-income (LMI) at the time of application for funds. Recipients must have incomes at or below the 80% CMI (County Median Income) level. **The rental property owner need not be LMI.**

HUD releases household income limits annually. The most recent limits should be used to make income eligibility determinations. The CDBG-EAP posts these updates on the DEHCR website at: http://doa.wi.gov/Documents/DOH/Household_Income_Limits.pdf

Public Facilities

Local units of government may be eligible for CDBG-EAP assistance if the community has been determined (through census data or community surveys) as being Low- to Moderate-Income (LMI). Local units of government may apply if municipally owned infrastructure was damaged during a natural disaster. 51% or greater of persons residing in the community must be LMI if the project has community wide benefit (ex. wastewater treatment plant or well repairs). If the project has limited area benefit such as a localized flood control structure or lift station then the area served by the infrastructure will need to be determined as LMI using census tract data or an income survey.

Business Assistance

Businesses that were affected by the natural disaster can apply for CDBG-EAP assistance if they either create or retain LMI jobs. Jobs created or retained must be held by LMI persons and must be documented using a self-certification form (provided by DEHCR). CDBG-EAP assistance is offered to businesses as 1% interest loans with up to a five year repayment period.

IV. **Eligible Activities**

- A. In general, CDBG-EAP activities include: repair, restoration and/or replacement of dwelling units, repairs to public facilities and public infrastructure, and business assistance. The CDBG-EAP activities must be in direct response to disaster damage.
- B. Activities which are eligible under the CDBG-EAP include, but are not limited to the following:
- Housing**
- furnace and water heater replacement
 - repair of sewer and water laterals from the lot line to the dwelling unit
 - well and septic systems repair
 - repair and/or replacement of structural components
 - housing replacement for owner-occupied households where the cost of repairs is greater than 50% of the pre-disaster fair market value of the damaged structure
 - demolition of hazardous structures
 - acquisition/relocation

Public Infrastructure

- street restoration
- Storm water drainage
- Public Infrastructure repairs, including:
 - Drainage/reconstruction
 - Wastewater Treatment Plant repairs
 - Storm sewer or water main repairs
 - Library, Fire Stations, and Community Centers

Business Assistance

- Building and equipment repairs/replacement
- Inventory replacement

V. **Ineligible Activities**

Activities NOT eligible for funding under the CDBG-EAP include:

Housing

- Repairs covered by insurance or other state/federal grant assistance programs.
- Additions.
- Appliances.
- Furnishings.
- Cleaning.
- Any work on out-buildings, secondary or vacation homes.

Public Infrastructure:

- Repairs to buildings used to conduct general government business.
- Furnishings.
- Operating and maintenance expenses.
- Reimbursement for any repairs made prior to submitting a EAP application.
- Those expenses that can be addressed through a community's current General Obligation Debt or other sources of local funding.

Business Assistance:

- Working Capital.
- Those expenses that are covered by insurance.

VI. **Application Contents**

An UGLG interested in applying for a CDBG-EAP grant must provide the Department of Administration, Division of Energy, Housing, and Community Resources (DEHCR) with a completed application and all the required forms and documentation. The application can be found in Section VI (page 33) of this document.

VII. **Grant Amount**

A CDBG-EAP grant may be requested for up to \$500,000. DOA may waive this limit if it determines that an adequate response to the emergency requires the expenditure of additional funds and if such funds are available.

VIII. **Grant Award Modification**

The Division of Energy, Housing, and Community Resources (DEHCR) reserves the right to adjust the award amount from the amount requested in the application based on the following criteria:

- * CAPACITY to complete the proposed activities.
- * OTHER EMERGENCY FUNDS available to the community.
- * FUNDING AVAILABILITY.

IX. **CDBG-EAP Contract**

A CDBG-EAP contract is between the applicant (UGLG) and the State of Wisconsin. The Department of Administration will negotiate a contract following the announcement of the grant award.

X. **Marketing CDBG-EAP**

As soon as the decision to apply for CDBG-EAP funds is made, the UGLG should begin marketing the CDBG-EAP program through the following 1) Identify your target area, 2) determine what marketing techniques would be most effective within this target area 3) prepare program information for distribution, 4) Start advertising the CDBG-EAP program, and 5) prepare to receive and respond to inquiries. Possible marketing ideas include:

- radio
- television interview
- newspaper (interview and advertisement)
- brochures (door to door or mass mailing--see samples in this manual).
- provide program information to insurance companies or local banks
- local unit of government web site
- distribute or display flyers at libraries, churches, grocery stores, gas stations, etc.

XI. **Citizen Participation:**

Federal regulations require that UGLGs 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 (CPP) as specified in Section 104 (a)(3) of the Housing and Community Development Act of 1974 as amended.

SPECIAL NOTE: The Citizen Participation Plan must reflect current information and follow the template provided in **Section V** that follows.

XII. **Fair Housing**

All recipients of CDBG-EAP funds are required to carry out three (3) activities to affirmatively further Fair Housing, during the contract period. At least three (3) activities must be completed in addition to adopting, if necessary, a Fair Housing Ordinance, see page 20.

Some examples of Fair Housing activities include:

- ☞ Publishing a display ad in your local paper,
- ☞ Setting up a Fair Housing display at your local library or other public place; or
- ☞ Sending letters describing Fair Housing and your ordinance to local lenders, realtors and landlords.

See the full list of potential actions on page 23 of this application manual.

XIII. **Environmental Review**

The National Environmental Policy Act of 1969 (NEPA) applies to **every CDBG project**. Regulations governing *Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities* can be found in 24 CFR Part 58, which is available via the following link: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d4966c17222ec9dc63a434ad9599aa6c&rqn=div5&view=text&node=24:1.1.1.1.33&idno=24>.

Because the type of review required and amount of time it will take can vary depending on the nature of the project, DEHCR strongly encourages applicants for CDBG EAP funding to begin the environmental review process in the early stages of project planning. Doing so will provide adequate time to address environmental factors that may impact project scheduling and to obtain any services that may be needed for the project to move forward.

While applicants are not required to have completed the environmental review process by the application deadline, the status of the review and amount of work required to be completed may impact DEHCR's assessment of a project's feasibility.

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

1. A grantee may not commit any HUD assistance funds or non-HUD matching funds until an award has been made **and** the environmental review has been completed. Exceptions may be granted for pre-award costs when approved by DEHCR in advance

2. The Department of Administration is prohibited by federal policy from disbursing funds until the environmental review process is complete, an award is acknowledged, and a contract is signed by both parties.

XIV. **Procurement:**

An UGLG may procure a consultant to serve as the administrator of a CDBG-EAP grant; however, all consulting services for which CDBG-EAP funds will be used must follow established State and local procurement policies. Information on State procurement policies, including simplified bidding and the Request for Proposal process can be found at: <http://vendornet.state.wi.us/vendornet/procman/index.asp>.

Upon request, DOH will provide technical assistance on procurement processes and requirements.

All procurement transactions must be conducted providing full and open competition (2 CFR Part 200). All applicants must have written procedures for procurement transactions.

PLEASE NOTE: Please contact the CDBG-Emergency Assistance Program Manager by phone at (608) 266-0148 if you wish to have any of these documents mailed to you.

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FORMS AND SAMPLES

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CITIZEN PARTICIPATION PLAN

Federal regulations require that UGLGs 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 all 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 – EAP 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, and the application will **not** be reviewed.

A CDBG EAP 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 UGLG must meet this requirement by performing **at least one** of the following:

1. Establish a committee composed of persons 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. UGLGs 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 UGLG 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 UGLG 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 (hearings shall be held after adequate public notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for individuals with disabilities).
- E. Provision of timely written answers to written complaints and grievances within 15 working days.

To meet this requirement, the UGLG 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 Identify all non-English speaking populations in the community (regardless of American or Wisconsin citizenship) and make a determination of their special needs.

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.

The following three pages contain the suggested Citizen Participation Plan format. Most of the blank spaces should be filled in with the name of the applicant. Some blanks require other information. For example, the first paragraph in "NOTICE OF HEARINGS" should be completed with the name of the applicant's local newspaper or the location of official notice postings:

Following the Citizen Participation forms are sample resolutions and forms for the following:

- Public Hearing Notices
- Citizen Participation Certification
- Equal Rights
- Fair Housing Actions
- Sample Resolution – CDBG-EAP Application Submission
- Cooperation Agreement –CDBG-EAP
- Statement of Assurances
- Certification for Grants, Loans and Cooperative Agreements
- Residential Anti-Displacement and Relocation Plan

Citizen Participation Plan Community Development Program

(Name Of Municipality)

PURPOSE

In order for the Community Development Program to operate effectively, and to address the needs of the citizens of the _____ (city, town, village, county), 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 _____ (city, town, village, county) shall create a Citizen Participation Committee, members of which shall be appointed by the Chief Elected Official and confirmed by the _____ (city, town, village, county) Board/Council. This Committee shall be responsible for implementation of the Citizen Participation Plan, as well as offering guidance in the preparation of the grant application.

The _____ (city, town, village, county) shall oversee the preparation of the Community Development Block Grant - Emergency Assistance Program grant application.

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

CITIZEN PARTICIPATION

1. The _____ (city, town, village, county) shall establish a committee composed of persons representative of the _____ (city, town, village, county) 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 will assume responsibility for coordinating all required elements of the citizen participation plan. All committee members must be residents of the _____ (city, town, village, county).

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 _____ (city, town, village, county) 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 hour's 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 Community Development 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 citizen's views and provide an explanation of:
 - a. Community development needs, objectives and strategies.
 - b. The Community Development Block Grant - Emergency Assistance Program including goals, objectives, application process, amount of funds available, timetable, eligible activities, etc.
2. The second hearing will receive citizen 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 _____ (city, town, village, county) will attempt to have at least one of the public hearings in the target area (if applicable).

PROGRAM INFORMATION/FILES/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 _____ (city, town, village, county) staff in the Community Development Department. A _____ (city, town, village, county) staff member will meet with citizens on request.
2. The _____ (city, town, village, county) 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 _____ (city, town, village, county) staff will respond to all such requests within 15 days after the _____ (city, town, village, county) _____ (committee name) has met to discuss the request.

COMPLAINTS

The _____ (city, town, village, county) will handle citizen complaints about the program in a timely manner. The _____ (city, town, village, county) 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:

Department of Administration
Division of Energy, Housing and Community Resources
P. O. Box 7970
Madison, WI 53707-7970

NON-ENGLISH SPEAKING PERSONS

The _____ (city, town, village, county) 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.

RESOLUTION

ADOPTING A CITIZEN PARTICIPATION PLAN

WHEREAS, the _____ (city, town, village, county) has applied for a Community Development Block Grant Emergency Assistance Program grant; and

WHEREAS, the State of Wisconsin Department of Administration and the U.S. Department of Housing and Urban Development require recipients of Community Development Block Grant Emergency Assistance monies to have in place a Citizen Participation Plan; and

WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by persons of low to moderate income), provide citizens reasonable and timely access to local meetings and information, provide for technical assistance, provide for public hearings, provide for a complaint procedure and accommodate non-English speaking residents; and

WHEREAS, the _____ (city, town, village, county) has prepared and publicly reviewed a Citizen Participation Plan.

NOW THEREFORE BE IT RESOLVED, the (Council, Board) of the _____ (city, town, village, county) officially adopts the Citizen Participation Plan.

Approved:

Signature of Chief Elected Official

Attest:

Signature of Clerk

DATED: _____

PASSED: _____

PUBLIC HEARING NOTICE

APPLICANT NAME
PLACE
DATE
TIME

The _____ of _____ will conduct a public hearing regarding its proposed application for Community Development Block Grant Emergency Assistance Program (CDBG-EAP) funds. The public is invited to attend to learn about the CDBG program, to help identify additional local housing and community development needs, and to comment on the activities proposed to be included in the CDBG application.

The agenda for the public hearing is:

1. Identification of total potential funds.
2. Eligible CDBG activities
 - a. Economic Development
 - b. Public Facilities
 - c. Housing
3. Presentation of identified housing and community development needs.
4. Identification of housing and community development needs by public.
5. Presentation of activities proposed for CDBG application, including potential residential displacement.
6. Citizen input regarding proposed and other CDBG activities.

Residents of the _____ of _____ are encouraged to attend, especially residents with low to moderate incomes.

The meeting room is handicapped accessible.

Persons needing additional accommodations should contact _____ at _____.

CITIZEN PARTICIPATION 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 (Business Assistance)
 - b. _____ Public Facilities
 - c. _____ Housing Rehabilitation
- 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. _____ Activities to support Businesses affected by the event.
- 10. _____ Potential for residential displacement as a result of the proposed CDBG activities.
- 11. _____ 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: _____

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 Workforce Development, Division of Equal Rights, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Chief Elected Official

ATTEST:

Municipal Clerk

Adopted: _____

Published: _____

Effective: _____

POTENTIAL FAIR HOUSING ACTIONS

According to 24 CFR 570.487(b), the Grantee must take some action to affirmatively further fair housing during the contract period. **Select at least three of the actions below.**

If your project is funded, the action indicated will be included in your contract timetable and Attachment F – “Program Rules”. You will be expected to implement the actions according to the contract timetable.

Fair housing actions may include, but are not limited to the following.

Selection(s)	Actions
	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 executive officer or 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.
	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.
	12. Other:

SAMPLE RESOLUTION
Cooperation Agreement for CDBG-EAP Program

This agreement entered into on the ____ day of _____, ____ by and between _____ and _____.

WITNESSED:

WHEREAS, _____ has (have) an identified Emergency Assistance need in the municipalit(y)(ies) resulting from a natural disaster, and

WHEREAS _____ contemplates submitting jointly with _____ an application for funds under the Small Cities Community Development Block Grant - Emergency Assistance Program (CDBG-EAP) of the Wisconsin Division of Energy, Housing and Community Resources for the purpose of meeting those needs, and

WHEREAS, _____ and _____ desire to and are required to, enter into a written cooperative agreement with each other to participate in such CDBG-EAP program, and

WHEREAS, _____ and _____ understand that _____ will act as the applicant and will have the ultimate responsibility to assume all obligations under the terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the contract; and

WHEREAS, it is understood that _____ will have access to all participants' grant records and authority to monitor all activities,

NOW, THEREFORE, pursuant to Wisconsin Statutes 66.0301, the _____ and _____ agree to cooperate in the submission of an application for such funds, and agree to cooperate in the implementation of the submitted CDBG-EAP program, as approved by the Department of Administration, and the Division of Energy, Housing and Community Resources.

Nothing contained in this agreement shall deprive any municipality of any power or zoning, development control or other lawful authority which it presently possesses.

ADOPTED on this ____ day of _____, 20____

ATTEST: _____, Clerk

The above Cooperation Agreement has been authorized by the governing body of _____ by Resolution No. _____, dated _____.

On behalf of _____:

(Name, Title)

(REPEATED FOR EACH PARTY TO THE AGREEMENT)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

This certifies that, to the best of the undersigned's knowledge and belief:

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.

Chief Elected Official

Title

Date

Division of Energy, Housing and Community Resources
Community Development Block Grant – Statement of Assurances

STATEMENT OF ASSURANCES

I, _____, _____ of _____
(Name of the Chief Elected Official) *(CEO's Job Title)* *(UGLG/Unit of General Local Government's Name)*
in _____ County certify that
(County Name) the _____
(UGLG/Unit of General Local Government's 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, specifically 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;
 - Entering into a development agreement with the participating business if applicable; **and**
 - Developing a system for tracking job retention and/or LMI benefit.
13. _____ Will comply with all the provisions of the Community Development Block Grant (CDBG) Program and will maintain documentation of compliance with the above certifications.
14. _____ Will participate in mandatory implementation training, including with the CDBG-EAP contracted consultant.

15. _____ The UGLG agrees that the state is not a party to the agreement with a subcontracted grant administrator and that it is the responsibility of the UGLG to ensure compliance with CDBG-EAP rules and regulations.

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

Signature of the Chief Elected Official (CEO)

Date Signed

Signature of the Local Clerk

Date Signed

The following Residential Antidisplacement and Relocation Plan will be signed by all recipients of federal funds prior to receiving those funds.

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION PLAN

The (Organization Name) will provide relocation assistance, as described in 570.496a (b)(2) and in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The (Organization Name) will replace all occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to a use other than as low- and moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and described in 24 CFR 570.496a (b)(1) and in Section 104 (d) of the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the (Organization Name) will make public and submit, in writing, to the Department of Administration, Division of Housing, the following information:

1. A description of the proposed activity.
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- to moderate-income dwelling units as a direct result of the assisted activity, and that will be provided as replacement dwelling units.
3. A timetable for the commencement and completion of the demolition or conversion.
4. The source of funding and time schedule for the provision of replacement dwelling units.
5. The basis for concluding that each replacement dwelling unit will remain a low- to moderate-income dwelling unit for at least ten years from the date of initial occupancy.

Consistent with the goals and objectives of activities assisted under the Act, the (Organization Name) will take appropriate steps to minimize the displacement of persons from the homes.

Adopted by the (Organization Name) Board on: _____.

Signature of Authorized Official

Title

INCOME LIMITS

To see the current income limits please click on the link below:

http://doa.wi.gov/Documents/DOH/Household_Income_Limits.pdf

SECTION VI

APPLICATION FOR CDBG-EMERGENCY ASSISTANCE FUNDS

Applicant Name: _____ County: _____

FEIN #: _____ DUNS #: _____

E-mail: _____ Date of Disaster: _____

Mailing Address:

Street/Box _____ City/Village _____ Zip _____ Phone _____

Physical Location, if different from above:

Street/Box _____ City/Village _____ Zip _____ Phone _____

Contact Person:

Name _____ Title _____

Address:

Street/Box _____ City/Village _____ Zip _____ Phone _____

E-mail: _____

Total Amount Requested: \$ _____

Application Prepared By: _____

Indicate the type of application you are submitting by checking the appropriate box:

- Housing
- Business Assistance
- Public Infrastructure
- Application is submitted In cooperation with

(County/City/Village/Township)

Chief Elected Official:

Name _____ Title _____ Signature _____ Date _____

Address, if different:

Street/Box _____ City/Village _____ Zip _____ Phone _____

Applicants should make two (2) copies of the application. One copy should be retained by the applicant. The original and one (1) copy of the application must be submitted to:

WI Department of Administration, Division of Energy, Housing, and Community Resources
ATTN: CDBG-EAP Manager
P. O. Box 7970
Madison, WI 53707-7970

One of the submitted copies must contain original signatures on documents which are signed by the Chief Elected Official or Clerk.

Attach the following documents **at the end** of the application:

1. A copy of the Citizen Participation Plan and minutes of meeting, or adopting resolution, wherein it was approved.
2. A copy of the notice for the public hearing and the minutes of the Citizen Participation public hearing or a signed Citizen Participation Certification.
3. A copy of the current, adopted Fair Housing Ordinance.
4. A copy of the Potential Fair Housing Actions sheet with at least one activity circled.
5. A copy of the resolution adopted by the governing body of the applicant authorizing submission of the application.
6. A cooperation agreement for a joint application (if applicable).
7. A signed copy of the Statement of Assurances.
8. A signed copy of the Certification for Contracts, Grants, Loans and Cooperative Agreements (lobbying certification).
9. Residential Antidisplacement and Relocation Plan
10. A map of the community indicating where the proposed activities will take place.

I. **Capacity**

Who will be responsible for program administration? (check all that apply)

- A. Applicant staff
 Consultant staff
 Other (specify) _____

- B. Identify the personnel and the percentage of time that will be involved with carrying out the program activities.

Name: _____

Title: _____

Current/ongoing duties:

Estimated percent of time to be devoted to CDBG-EAP program activities:

- C. Discuss the experience of the above-named (if known) program administrator.

- D. The administrative records for the CDBG-EAP program will be kept at:

(Address)

II. **CDBG-EAP Budget**

Program Budget

In the space below, list the funds being requested for each program activity and Category (e.g., housing rehabilitation, PF roads, Business Assistance inventory).

CDBG-EAP dollars may be used for the administration of your proposed program. **You may request up to 15% of your CDBG-EAP project budget for administrative funds, in proportion to actual expenditures.** To calculate your administrative budget, multiply your project budget by 15%. Your administrative budget plus your project budget may not be greater than \$500,000. For example, a project request of \$100,000 would be permitted to request \$15,000 in administrative funds, for a total grant request of \$115,000. The Division of Energy, Housing, and Community Resources (DEHCR) reserves the right to adjust your administrative budget based on DEHCR experience and cost comparisons.

PROGRAM BUDGET

ACTIVITY	PUBLIC * FACILITY	HOUSING	BUSINESS ASSISTANCE	TOTAL
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
Local Match (PF-only)				\$ _____
SUBTOTAL				\$ _____
ADMINISTRATION				\$ _____
TOTAL CDBG-EAP BUDGET				\$ _____

* Public Facility Expenses
Require a 25% Local
Match

III. Program Needs and Activities

Respond briefly but thoroughly to each of the following sections. Include maps and photographs whenever possible to illustrate and document your claims.

- A. Describe and document the damages to LMI-occupied housing caused by the disaster. Your discussion should include, at a minimum, the nature of the disaster, when it occurred, where it occurred, and the extent of the damages.
- B. Describe the activities to be funded by CDBG-EAP funds. Please review Eligible Activities on Page 8-9 and call for assistance if you have any doubt about eligibility.
- C. CDBG-EAP rules require that CDBG-EAP funds may be awarded only if the applicant is unable to finance the activity on their own and where other funding sources are insufficient to address the needs created by the disaster. Describe the availability of applicant resources as well as other funding sources to be used to address this disaster, and why CDBG-EAP funds are needed.
- D. Include a timetable which outlines the period during which the proposed activities will be accomplished.

CDBG Emergency Assistance Application Checklist

1.	Applicant is an eligible Unit of General Local Government (UGLG)?	Yes No
2.	The application is being submitted in response to a natural or man-made disaster event? Application is being submitted within 90-days of the event?	Yes No
3.	Project Need Narrative completed? Damage from the disaster has been documented for: a) Low and moderate households, and/or b) LMI identified communities, and/or c) Businesses that employ or create LMI jobs	Yes No
4.	Copies of the public hearing notice(s), <u>meeting minutes</u> , and sign-in sheet(s) are attached?	Yes No
5.	An Authorizing Resolution to submit a CDBG-EAP application (signed by Chief Elected official) is attached?	Yes No
6.	A copy of the applicants Citizen Participation Plan is attached?	Yes No
7.	A cooperation agreement for a joint application is attached (if applicable)?	Yes No
8.	Fair Housing Ordinance of Resolution attached?	Yes No
9.	A copy of the Potential Fair Housing Actions sheet is attached with three (3) activities circled?	Yes No
10.	Residential Antidisplacement and Relocation Plan attached?	Yes No
11.	Statement of Assurances attached?	Yes No
12.	A completed application (outlined on pages 31-35) is attached?	Yes No
13.	All attachments are clearly labeled and cross-referenced in the body of the application packet?	Yes No

ATTACHMENT A – EAP “Housing”

Chapter Adm 90

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FOR HOUSING

Adm 90.01	Purpose and authority.	Adm 90.06	Emergency grants.
Adm 90.02	Definitions.	Adm 90.07	Recaptured funds and program income.
Adm 90.03	Consistency with federal regulations.	Adm 90.08	Resubmitted applications.
Adm 90.04	Housing rehabilitation and homeownership assistance.	Adm 90.09	Special housing projects.
Adm 90.05	Application process.		

Note: Chapter Adm 19 was created as an emergency rule effective 11-9-91; Chapter Adm 19 was renumbered chapter Comm 154 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register January 2004 No. 577. Chapter Comm 154 was renumbered chapter Adm 90 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Adm 90.01 Purpose and authority.

This chapter is promulgated under the authority of ss. 16.309 (2), 227.11, Stats., and 560.02 (4), 2009 Stats., to implement s. 16.309, Stats.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; am., Register, April, 1995, No. 472, eff. 5-1-95; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Adm 90.02 Definitions. (1) "CDBG"

means community development block grant.

(2) "Department" means the department of administration.

(3) "Eligible applicant" means any unit of general local government in Wisconsin which is a non-entitlement area as defined by 24 CFR part 570.3.

(4) "LMI household" means a household with an annual income that is at or below 80% of county median income or 80% of state median income, whichever is greater.

(5) "Program" means the small cities community development block grants for housing program.

(6) "Special housing project" means an activity that results in the creation of new low- to moderate-income dwelling units.

(7) "Unfunded application" means a CDBG application which receives an insufficient point score in the evaluation process to be eligible for funding.

Note: Income tables are published annually by the U.S. department of housing and urban development.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; renum. (1) to (5) to be (2) to (6) and am. (6) and cr. (1), Register, April, 1995, No. 472, eff. 5-1-95; am. (6), cr. (7), Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. (6) and (7) Register July 2003 No. 571, eff. 8-1-03; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

Adm 90.03 Consistency with federal regulations.

The department shall administer the program, including recaptured funds, in accordance with 24 CFR part 570, the federal regulations governing the program.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Adm 90.04 Housing rehabilitation

and homeownership assistance. Applicants shall be compared and rated by the department based upon the department's evaluation of the proposal's consistency with s. 16.302, Stats., and 24 CFR part 570, and the scoring criteria in the CDBG application package. Applicants shall be eligible to receive funding for housing rehabilitation, homeownership assistance, and housing-related public facilities based on established and documented need and the applicant's ability to complete the proposed activities. The department shall ensure that awarded grant funds are reasonably balanced among geographic areas of the state.

History: Renum. from Adm 19.05 and am. (1) to (4), r. (6), renum. (5), (7) to (9) to be (5) to (8), Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. Register July 2003 No. 571, eff. 8-1-03; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Adm 90.05 Application process.

The department shall make funds available annually as those funds are made available by the federal department of housing and urban development. To receive funds under the program, an eligible applicant shall submit an application which is complete and in the format required by the

department. The department shall make housing rehabilitation and homeownership assistance awards to fundable applicants on an annual basis. The department shall make special housing project awards under s. Adm 90.09 to eligible applicants as projects are ready for funding under the criteria established by the department and as funding becomes available.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. Register July 2003 No. 571, eff. 8-1-03; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Adm 90.06 Emergency grants. The department may use program funds for emergency housing needs arising from a natural disaster or catastrophic event. A local government interested in applying for an emergency grant under this section shall provide the department with written notice of intent to apply within 90 days after the natural disaster or catastrophic event. The department shall develop emergency fund application requirements as necessary. Applications will be evaluated based on:

- (1) The nature of the emergency.
- (2) The amount of emergency-related housing need.
- (3) The availability of program funds.
- (4) Other mitigating circumstances the department deems significant.
- (5) The inability of the applicant to finance the activity on its own.
- (6) The unavailability of other funding sources to address the need.

Note: The application requirements can be obtained by writing to: Department of Administration, P.O. Box 7970, Madison, WI 53707-7970.

History: Cr. Register, April, 1995, No. 472, eff. 5-1-95; renum. from Adm 19.07, Register, April, 1999, No. 520, eff. 5-1-99; EmR0823: emerg. am. (intro.), eff. 7-16-08; CR 08-096: am. (intro.) Register May 2009 No. 641, eff. 6-1-09.

Adm 90.07 Recaptured funds and program income. The department may use

CDBG funds received as recaptured program funds or program income as defined in 24 CFR 570, to fund specific hazard reduction activities in homes with low and moderate income occupants.

History: Cr. Register, April, 1995, No. 472, eff. 5-1-95; renum. from Adm 19.08, Register, April, 1999, No. 520, eff. 5-1-99.

Adm 90.08 Resubmitted applications.

(1) An applicant for funds shall be eligible to receive funds in the CDBG program year following the year for which the applicant submits an unfunded application, without having to submit another application for that following year if all of the following apply:

(a) The applicant is an eligible applicant under the terms of the program.

(b) The applicant submits a request to resubmit in a format as required by the department.

(2) The resubmitted application will retain the score received in the original application submittal.

(3) An unfunded application may be resubmitted under sub. (1) only once.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. (2) Register July 2003 No. 571, eff. 8-1-03.

Adm 90.09 Special housing projects.

The department may use at least \$750,000 annually from the program for special housing projects. Funds not awarded within 12 months may be included in the funding available for housing rehabilitation and homeownership activities under s. Adm 90.04. The department shall make special project awards to eligible applicants as projects are ready for funding under the criteria established by the department and as funding becomes available.

History: CR 03-002: cr. Register July 2003 No. 571, eff. 8-1-03; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

ATTACHMENT B – EAP “ Public Facilities and Economic Development”

Chapter Adm 93

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR COMMUNITY AND ECONOMIC DEVELOPMENT

Subchapter I – General Provisions

- Adm 93.01 Purpose and authority.
- Adm 93.02 Eligibility.
- Adm 93.03 Definitions.
- Adm 93.04 Housing rehabilitation and homeownership assistance.
- Adm 93.05 Application process.
- Adm 93.06 Distribution of funds.
- Adm 93.07 Limits upon awards.
- Adm 93.08 Construction.

Subchapter II – Public Facilities Program

- Adm 93.09 Public facilities program.
- Adm 93.10 Distress indicators.
- Adm 93.11 Needs assessment.
- Adm 93.12 Utility rates.
- Adm 93.13 Leveraging

Subchapter III – Economic Development Program

- Adm 93.14 Economic development program.
- Adm 93.15 Job creation and retention requirements.

- Adm 93.16 Revolving loan funds.

Subchapter IV – Public Facilities Economic Development

- Adm 93.17 Public facilities economic development program.
- Adm 93.18 Job creation and retention requirements.

Subchapter V – Blight Elimination and Brownfield Site Redevelopment Program

- Adm 93.19 Blight elimination and brownfield site redevelopment program.
- Adm 93.20 Blight elimination and brownfield site redevelopment project requirements and limits.

Subchapter VI – Emergency Grants

- Adm 93.21 Eligibility.
- Adm 93.22 Funding.
- Adm 93.23 Applications.

Subchapter VII – Planning Grants

- Adm 93.24 Planning grant program.

Subchapter I — General Provisions

Adm 93.01 Purpose and authority.

(1) **PURPOSE.** The purpose of this chapter is to set forth the criteria the department will use to administer the Community Development Block Grant (CDBG) program with funds that the department receives from the federal government under [42 USC 5301](#) to [5319](#) and [24 CFR Part 570](#).

Note: Copies of [42 USC 5301](#) to [5319](#) and [24 CFR Part 570](#) are available on request from: U.S. Government Printing Office (GPO); phone (202) 512-1530 or (888) 293-6498; fax (202) 512-1262. Copies also may be accessed from the webpage: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/rulesandregs.

(2) **AUTHORITY.** This chapter constitutes the process for accepting, evaluating, and scoring applications, and awarding of grants for the CDBG program as promulgated under the authority given in s. [16.309](#), Stats.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.02 Eligibility.

(1) Except as provided in sub. (2), any local government may apply for CDBG funds under this chapter.

(2) A local government that fails to comply with any of the administrative, underwriting, recordkeeping, reporting, auditing, closeout, payment, reimbursement, or other requirements of this chapter may not apply for or receive CDBG funds from the department under this chapter until such time as the noncompliance has been determined to be resolved to the satisfaction of the department.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14; correction in (2) made under s. [35.17](#), Stats., [Register April 2014 No. 700](#).

Adm 93.03 Definitions. In this chapter:

(1) "Application" means an application for CDBG funds under this chapter.

(2) "Blight" has the meaning set forth in s. [66.1331 \(3\) \(a\)](#), Stats.

Note: Section [66.1331 \(3\) \(a\)](#), Stats., reads: "Blighted area" means any area, including a slum area, in which a majority of the structures are residential or in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

(3) "Blight elimination and brownfield redevelopment program" means the blight elimination and brownfield redevelopment program administered under subch. [V](#).

(4) "Blighted property" has the meaning set forth in s. [66.1333 \(2m\) \(bm\)](#), Stats. For the purposes of this chapter, the definition of blighted property shall apply to cities, villages, towns, and counties.

Note: Section [66.1333 \(2m\) \(bm\)](#), Stats., reads: "Blighted property" means any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present

condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(5) "Blighted site or brownfield site redevelopment project" means any work or undertaking by a local government to acquire a blighted or brownfield site, to conduct an environmental audit, to engage in environmental remediation, and to raze, demolish, remove, reconstruct, renovate, or rehabilitate existing buildings, structures, or other improvements to promote use of a blighted or brownfield site by a business or person for purposes that will result in end uses with a taxable value in accordance with an approved blighted or brownfield site redevelopment plan.

(6) "Blighted site or brownfield site" means an abandoned, idle, or underused industrial or commercial facility or site in a blighted area, or that qualifies as a blighted property, the expansion or redevelopment of which is adversely affected by actual or perceived environmental pollution.

(7) "CDBG funds" means community development block grant funds awarded to the department by the federal government under [42 USC 5301](#) to [5319](#).

(8) "Department" means the department of administration.

(9) "Economic development program" means the economic development program administered under subch. [III](#).

(10) "Eligible local government" means a local government that is eligible to apply for and receive CDBG funds under the U.S. Department of Housing and Urban Development's State and Small Cities Program pursuant to [24 CFR 570.3](#).

(11) "Emergency grant program" means the program administered under subch. [VI](#).

(12) "Environmental audit" means an investigation, analysis, and monitoring of a brownfield site to determine the existence and

extent of actual or potential environmental pollution.

(13) "Environmental pollution" has the meaning set forth in s. [291.01 \(4\)](#), Stats.

Note: Section [291.01 \(4\)](#), Stats., defines "environmental pollution" to mean the contamination or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(14) "Environmental remediation activities" has the meaning set forth in s. [238.13 \(1\) \(d\)](#), Stats.

Note: Section [238.13 \(1\) \(d\)](#), Stats., reads: "Environmental remediation activities" means investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environmental pollution; abating, removing or containing environmental pollution at a brownfields facility or site; or restoring soil or groundwater at a brownfields facility or site.

(15) "Full-time job" has the meaning set forth in s. [71.07 \(2dx\) \(a\) 4.](#), Stats.

Note: Section [71.07 \(2dx\) \(a\) 4.](#) reads: "Full-time job" means a regular, non-seasonal full-time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150% of the federal minimum wage and receives benefits that are not required by federal or state law. "Full-time job" does not include initial training before an employment position begins.

(16) "HUD" means the U.S. Department of Housing and Urban Development.

(17) "Local government" means a city, village, town, or county that is in a nonentitlement area as defined in [24 CFR 570.3](#) and is not eligible to directly apply for or participate in the federal community development block grant entitlement program.

(18) "Low to moderate household income" means the median household income in the county where the local government is located, as reported by the latest U.S. census and updated periodically by HUD.

(19) "Municipality" means a local government that is eligible for CDBG funds under s. [Adm 93.02](#).

(20) "Net mill rate" means the total of all property taxes levied by local governments against a given property for all purposes less general property tax relief payments divided by the estimated market value of taxable property in the municipality.

(21) "Person" means an individual, partnership, corporation, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

(21m) "Program income" has the meaning set forth in s. 24 C.F.R 570.489.

Note: The definition of "program income," including applicable exceptions, is too lengthy to be quoted in full here. A summary of the definition of the term "program income" is all gross income received by a unit of general local government, or a subrecipient of a unit of general local government, that was generated from the use of CDBG funds.

(22) "Public facilities economic development program" means the public facilities economic development program administered under subch. [IV](#).

(23) "Public facilities plan" means a written plan for proposed project for which an eligible local government may seek funding under subch. [VII](#).

(24) "Public facilities program" means the annual public facilities program administered under subch. [II](#).

(25) "Residential utility rate" means for areas served by public water and sanitary sewer service, the average annual household utility rate paid for water and sanitary sewer services determined by dividing the total gross annual residential water and sewer revenue collected for the preceding calendar year by the number of households, as reported by the latest U.S. census and updated periodically by the U.S. department of commerce.

(26) "Site redevelopment plan" means a plan adopted by a local government for the acquisition, clearance, reconstruction, rehabilitation, and future use of a blighted or brownfield site.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.04 National objectives. A project funded with CDBG funds under this chapter shall meet one or more national objectives as enumerated in and required by [24 CFR 570](#).

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.05 Application materials and manual. The department shall prepare application materials and an application instruction manual, all of which may be updated as needed. The application materials shall set forth the application instructions and requirements for funding under the programs described in this chapter. The application instruction manual shall contain a scoring system to be utilized under s. [Adm 93.09 \(1\) \(a\)](#); amounts required as "minimal local financial participation" required under s. [Adm 93.09 \(1\) \(b\)](#); and the point systems related to distress indicators utilized under ss. [Adm 93.10](#) to [93.13](#).

Note: Application materials and the application instruction manual are available on request without charge from the Department of Administration, Division of Housing, P.O. Box 7970, Madison, WI 53707; phone (608) 266-7531; fax (608) 266-5381. Application materials and the application instruction manual may also be accessed from the Department of Administration webpage: <http://doa.wi.gov/index.asp?locid=173>.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.06 Distribution of funds.

(1) For each annual grant of CDBG funds the department receives from the federal

government, the department shall establish distribution amounts. The department shall file an action plan with HUD each year, per HUD regulations. Funds may be distributed only in accordance with said plan or any amendments thereto that are accepted by HUD.

(2) Program income received by the department under this chapter shall be allocated for awards under any program administered under this chapter.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.07 Limits upon awards. The maximum amount of CDBG funds that may be awarded to any local government under the public facilities program, as specified under subch. [II](#), in a 12-month period, shall be announced by the department in its application instruction manual.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14; correction in numbering made under s. [13.92 \(4\) \(b\) 1.](#), Stats., [Register April 2014 No. 700](#).

Adm 93.08 Construction. This chapter shall be liberally construed to effect the national objectives set forth in s. Adm. 93.04 and [24 CFR 570](#).

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter II — Public Facilities Program

Adm 93.09 Public facilities program.

(1) GENERAL.

(a) The department may award a grant to an eligible local government for a public facilities project based upon the department's evaluation of all applications received from eligible local governments. The department's evaluation shall be established based upon the scoring system set forth in its application instruction manual.

(b) The minimum local financial participation as specified in the application instruction manual may be waived when the specific project has a particular urgency because existing conditions pose a serious and immediate threat to the safety, health, or welfare of the community, where other financial resources are not available to meet such needs or when the specific project is located in a distressed area.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.10 Distress indicators. The department shall award points to a local government based upon the department's evaluation of the documented level of distress, as set forth in the department's application instruction manual.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.11 Needs assessment. The department shall award points to a local government based upon the department's evaluation of the local government's documented need for the public facilities project, as set forth in the department's application instruction manual.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.12 Utility rates. The department shall award points to an eligible local government based upon the department's evaluation of the local government's ability to pay for the public facilities project, as measured by the local residential utility rates, as set forth in the department's application instruction manual.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.13 Leveraging. The department shall award points to a local government based upon the department's evaluation of the local

government's leveraging of CDBG funds with funds from other public or private sources, as set forth in the department's application instruction manual. To qualify for points under this section, a local government shall document the availability of firm commitments for the balance of project funding from creditworthy sources to ensure timely completion of the project.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter III — Economic Development Program

Adm 93.14 Economic development program. The department may award a grant to an eligible local government under the economic development program upon receipt and consideration of an application. When making a determination regarding an application, the department shall consider the extent of poverty and unemployment and other economic factors in the area of the project, in accordance with current HUD economic and population data available for the area.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.15 Job creation and retention requirements.

(1) If an eligible local government awards CDBG funds received under this subchapter, to any person, whether as a grant or a loan, the person shall execute an agreement with the eligible local government, and other documents prescribed by the department, committing to create full-time equivalent jobs or retain full-time equivalent jobs, or both, in accordance with [24 CFR Part 570](#), as required by the department.

(2) The department shall require a person that receives an award under this subchapter to document full-time equivalent job creation and retention with a list of full-time jobs or positions created and retained, the job title for each full-

time equivalent job created and retained, job skills, wages and benefits, and any other information the department considers relevant.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.16 Revolving loan funds.

(1) An eligible local government that is awarded CDBG Housing or Economic Development funds, whether individually, as part of a regional group of such local governments, and whether directly or indirectly through a sub-grant recipient, may retain program income from all grants awarded to establish and capitalize a revolving loan fund to promote further housing or economic development activities as authorized by the Housing and Community Development Act of 1974. Any fund administered by a sub-grantee shall be subject to the limitations set forth in section 105 (a) (15) of the Community Development Act of 1974. A local government or regional group that establishes a revolving loan fund under this section shall further administer and use the fund in accordance with all applicable requirements established by the federal government and the department, and shall require the same of any fund administered by a sub-grantee.

(2) Any local government, regional group, or sub-grantee administering a revolving loan fund shall report to the department on the use of such a fund as prescribed by the department. The department may establish a maximum amount of program income that may be retained in any revolving loan fund, and may establish a maximum amount of time for which funds may be held without use, either as a separate or as a combined limitation. Any amount of program income in excess of the maximum amount or time established by the department shall be immediately remitted to the department by the local government, regional group, or sub-grantee.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter IV — Public Facilities Economic Development

Adm 93.17 Public facilities economic development program.

(1) The department may award a grant to an eligible local government under the public facilities economic development program following consideration of some or all of the following:

- (a) The project serves a public purpose.
- (b) The project costs are reasonable.
- (c) All sources of project financing will be committed prior to the disbursement of the grant.
- (d) The project is financially feasible.
- (e) The project will likely retain or create jobs in this state.

(f) The local government will use the CDBG funds for one of the following purposes:

1. A public facilities project or other public infrastructure improvements to facilitate a business's efforts to engage in job creation or retention activities under [24 CFR 570.483](#) (b) (4) designed to benefit low and moderate income persons.

2. Other activities under [24 CFR Part 570](#) that meet the national objective of benefit to low and moderate income persons through job creation.

3. Activities under [24 CFR 570.483](#) (c) that meet the national objective of preventing or eliminating slums or blight.

(g) The local government will contribute at least 25% of the total cost of the project from funding sources other than grants from the federal and state government, subject to s. [Adm 93.09 \(1\) \(b\)](#).

(2) When making a determination under sub. (1), the department shall consider all of the following:

(a) The extent of poverty and unemployment and other economic factors in the area of the project.

(b) The prospects for new investment and economic development in the area.

(c) The amount of investment that is likely to result from the project.

(d) The number of full-time jobs that are likely to be created or retained.

(e) The total cost per full-time job created or retained.

(f) The amount of wages and benefits to be provided by the business that will create or retain the full-time jobs.

(g) Whether the award will provide the business with an unreasonable competitive advantage over other similar Wisconsin businesses in the vicinity of the project.

(h) Whether the project will involve the relocation of a business and displacement of jobs from one municipality in Wisconsin to another municipality in Wisconsin.

(i) Whether the project will result in redevelopment of a brownfield site.

(j) Whether the project will result in the elimination of slum or blight.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.18 Job creation and retention requirements.

(1) A business that will benefit from a public facilities economic development project shall execute a development agreement with the eligible local government and other documents prescribed by the department, committing to the creation and retention of full-time jobs.

(2) The amount of CDBG funds awarded by the department for a public facilities economic development project under this subchapter may not exceed \$35,000 for each full-time job created or retained by the business.

(3) The department shall require businesses that benefit from grants under this subchapter to document full-time job creation and retention with a list of full-time jobs or positions created and retained, the job title for each full-time job

created and retained, job skills, wages and benefits, and any other information the department considers relevant.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter V — Blight Elimination and Brownfield Site Redevelopment Program

Adm 93.19 Blight elimination and brownfield site redevelopment program.

(1) The department may make a grant to an eligible local government for a blighted or brownfield site redevelopment project after the department considers some or all of the following:

(a) Whether the project is intended to address the national objective of preventing or eliminating slums or blight set forth in [24 CFR 570.483](#) (c) and s. [Adm 93.04](#).

(b) The extent of poverty and unemployment and other economic factors in the area of the project.

(c) The prospects for new investment and economic development in the area.

(d) The amount of investment that is likely to result from the project.

(e) The likelihood that the project will result in the creation or retention of full-time jobs in the area.

(f) The amount of estimated tax base to be created at project completion.

(g) The likelihood that the proposed activity will commence shortly after receipt of the grant.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.20 Blight elimination and brownfield site redevelopment project requirements and limits. A local government receiving CDBG funds from the department under this subchapter may use such funds for an environmental audit or environmental remediation, or may loan or grant the CDBG

funds to a business or nonprofit corporation to conduct an environmental audit or environmental remediation.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter VI — Emergency Grants

Adm 93.21 Eligibility.

(1) The department may award a grant to an eligible local government under this subchapter upon receipt of an application and upon the department's consideration of whether:

(a) The municipality has suffered a natural disaster or other catastrophic event.

(b) The project is designed to alleviate existing conditions which pose a serious and immediate threat to the health, safety, or welfare of the municipality.

(c) The local government will use the grant to pay for public infrastructure repairs or replacements that are otherwise eligible for CDBG funds under subch. [II](#), or emergency services necessitated by the natural disaster or other catastrophic event.

(d) The local government lacks the financial capability to pay for the infrastructure repairs or replacements.

(e) The local government is unable to await funding through a grant awarded under subch. [II](#).

(f) The local government will contribute at least 25% of the total cost of the project from other funding sources, subject to s. [Adm 93.09 \(1\) \(b\)](#).

(g) Other criteria as set forth in [24 CFR 570](#).

(2) In making a determination under sub. [\(1\) \(d\)](#), the department shall consider all of the following:

(a) The local government's general obligation debt borrowing capacity.

(b) The availability of funding from other federal and state government sources.

(c) The availability of insurance.

(d) Any other factors the department considers relevant.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.22 Funding.

(1) The maximum amount of CDBG funds that may be awarded to any local government under this subchapter shall be based on the scope of the natural disaster or catastrophic event and funds available.

(2) Where a catastrophic event is caused by human activity and the local government recovers funds to repair the damage from a responsible person or another party, then the local government shall pay the department a proportionate share of the total amount recovered.

History: [EmR1309](#); emerg. cr. eff. 7-1-13; [CR 13-069](#); cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Adm 93.23 Applications.

(1) A local government interested in applying for an emergency grant under this subchapter shall provide the department with written notice of intent to apply within 90 days of the natural disaster or catastrophic event.

(2) An application for emergency assistance under this subchapter shall include the following:

(a) Documentation of a state or federal disaster declaration or a description of the natural disaster or catastrophic event.

(b) A description of the resulting damage or destruction.

(c) A description of the activities that will be funded with the emergency grant.

(d) A budget evidencing that the local government has matching funds to cover at least 25% of the total cost of the project, subject to s. [Adm. 93.09 \(1\) \(b\)](#).

(e) A discussion of alternative remedies available to the local government.

(f) Any other information that the department considers relevant.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.

Subchapter VII — Planning Grants

Adm 93.24 Planning grant program.

(1) GENERAL.

(a) The department may make a grant to an eligible local government for preparing a plan for a specific project.

(b) An eligible local government may submit an application for a planning grant to the department as specified in the department's application manual.

(2) APPLICATION. An application for a planning grant under this section shall contain sufficient information to identify how all of the following requirements are satisfied:

(a) The local government has identified a specific project that needs further planning.

(b) The specific project will serve a public purpose.

(c) The specific project is an eligible CDBG activity.

(d) The local government has a citizen participation plan as required under [24 CFR 570.486](#) (a).

(e) The specific planning cost estimates are reasonable.

(f) At least 25% of the total cost of the planning shall originate from sources other than grants provided by the federal or state government.

(g) The planning for the specific project has the support of local community or economic development organizations or business groups.

(h) The local government has the capacity and capability to conduct the planning or commits to the retention of professional planning services.

(i) The planning will likely result in the implementation of the specific project being planned.

(j) The local government certifies that the planning grant is not a commitment of CDBG funding at a later date for plan implementation.

(k) The application shall include, where applicable, at least the following:

1. An analysis of the current status and any deficiencies in public facilities, services, buildings, or a defined geographic area.

2. An analysis of alternative means of correcting such deficiencies described in subd. [1](#).

3. A written plan for the selection of a proposed course of action, a narrative description, cost estimates, and map of the project location or defined geographic area.

(3) OTHER CONSIDERATIONS. When reviewing the applications received under sub. [\(2\)](#), the department shall consider some or all of the following:

(a) Whether the specific project plan is intended to address one of the 3 national objectives as specified in s. [Adm 93.04](#).

(b) The extent of poverty, unemployment, labor shortages, or other economic factors in the specific project area.

(c) The prospects for other new investment and community and economic development in the specific project area.

(d) The amount of additional investment and improved public health and safety that is likely to result from the plan implementation.

(e) The likelihood that the specific project will result in the preservation or expansion of the existing tax base.

(f) The planning for the specific project is consistent with other planned or recently completed community or economic development projects such as, but not limited to, smart growth planning as specified in s. [16.965 \(1\) \(b\)](#), Stats.

History: [EmR1309](#): emerg. cr. eff. 7-1-13; [CR 13-069](#): cr. [Register April 2014 No. 700](#), eff. 5-1-14.