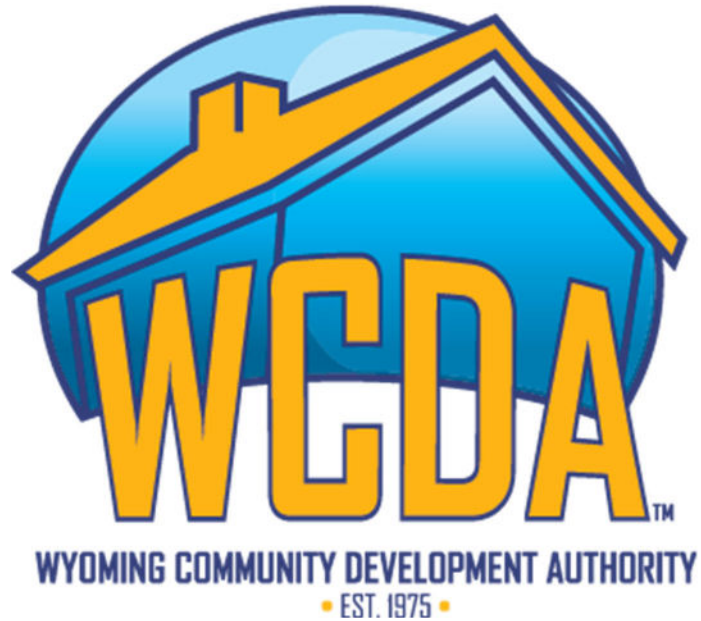


# STATE OF WYOMING WCDA CDBG

## POLICY AND PROCEDURE MANUAL



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## WCDA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

*This Procurement Manual is to provide information for all projects funded with WCDA CDBG program funds.*

The Wyoming Community Development Authority (WCDA) Community Development Block Grant (CDBG) Program is a federally funded program designed to assist county and municipal governments with activities directed toward neighborhood revitalization, housing opportunities, economic development and improved public facilities and services. Congress initiated the program pursuant to Title I of the Housing and Community Development Act of 1974, which provides funds to the State for non-entitlement areas. Non-entitlement areas are non-urban counties with populations of less than 200,000 (minus entitlement cities) and municipalities fewer than 50,000 in population.

WCDA has assumed the responsibility for administration of the program from the U.S. Department of Housing and Urban Development (HUD) and is the responsible entity for ensuring that the program is managed in compliance with regulations and requirements of the CDBG program, HUD and the State of Wyoming. HUD provides WCDA with “maximum feasible deference” to create additional policies which can be more restrictive than HUD program requirements and which permit interpretation of regulations for determining how funds will be distributed.

WCDA distributes funds annually through a competitive statewide application process. All Wyoming non-entitlement Units of General Local Government (UGLGs) are eligible to apply for CDBG funding. This includes any city, county, or town of the State of Wyoming. Cheyenne is the only entitlement community in the State of Wyoming and cannot apply for State CDBG funding. Applications are scored and ranked against one another. Any funds remaining after the initial application process may be awarded through an additional competitive period once a formal announcement of funding availability has been made or will roll into the next annual funding cycle.

The primary objectives of the WCDA CDBG program are to develop viable communities by funding activities that result in decent housing, improved, and expanded infrastructure, access to facilities, and which meet the critical needs of Wyoming's communities.

### State Objectives

#### State of Wyoming CDBG program objectives:

- Encourage improvements and/or renovations of substandard housing for low- and moderate-income owner-occupants and renters.
- Provide support for the development of emergency shelters, transitional housing, and permanent housing for the homeless.
- Repurpose existing structures into affordable housing for low and moderate-income persons, including special population groups.
- Engage in the development and expansion of public infrastructure, with an emphasis on rural and underserved areas.

## National Objectives

Title I of the Housing and Community Development Act of 1974 requires that any project funded with Community Development Block Grant funds meet a national objective and must include eligible activities. There are three national objectives. A project must: 1) benefit persons of low and moderate income (LMI); 2) prevent or eliminate slum and blight; or 3) meet an urgent need that is an immediate threat to community health, safety, or welfare. Though discussed below, additional information about meeting national objectives can be found in the section entitled “CDBG Income Determination and Qualification.” CDBG has established funding limitations. Please see 24 CFR 570.482(f) through 24 CFR 570.482(f)(5)(iii) for additional guidance.

WCDA requires that a minimum of 75% of program funds are expended on projects that benefit LMI persons. This benefit can be direct or indirect, depending upon the type of project. A person or family is considered to be LMI if their total family income is 80% or less than the area median income for the location in which they reside. The exception to this is projects for housing activities, which require that the total income of all residents of a household be 80% or less than the area median income. HUD annually provides income limits to WCDA to utilize for each county, town, and city to determine if the proposed beneficiaries are LMI.

### 1. Benefit to persons of low or moderate income

- A. Low Moderate Area Benefit (LMA): This area benefit category is the most commonly used national objective for activities that benefit a residential neighborhood. An area benefit activity is one that benefits all residents in a particular area, where at least 51 percent of the residents are LMI persons. For projects that benefit a specific undefined service area (i.e. a street, neighborhood, or a specific block), 51% or more of the population of that service area must be LMI. To determine this information, applicants must conduct an income survey of the residents of the service area using HUD’s [CDBG Income Survey Toolkit](#). This process requires households to provide information on the number of persons in their household and the total household income through a self-certification process. Prior to implementation of a survey, applicants must discuss the survey process with WCDA. The survey results must be submitted to WCDA to verify the results are consistent with the approved survey process. LMI information on City, Town and Counties for Wyoming can be found in Exhibit A.

The activities below are examples of activities that benefit all residents in a service area, thus are the type of activities that may qualify under the LMI area benefit national objective. <https://files.hudexchange.info/resources/documents/Basically-CDBG-Chapter-3-Nat-Obj.pdf>

- Acquisition of land to be used as a neighborhood park;
- Improvements to public infrastructure such as the installation of gutters and sidewalks; and
- Development of a community center

UGLGs are responsible for determining the service area prior to submitting an application for funding. There are several factors to consider when determining the service area: the nature, location, accessibility, availability, and boundaries of the proposed project.

An area is considered to meet the test of being LMI if there is a sufficiently large percentage (51 percent) of LMI persons residing in the service area as determined by:

- The most recent available American Community Survey information. Which can be found at <https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/>. ~~together with the Section 8 income limits that would have applied at the time the income information was collected by the Census Bureau;~~ or
- A current survey of the residents of the service area.

B. Low Moderate Limited Clientele (LMC): The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity must be LMI persons.

- Examples of activities that qualify under the limited clientele category include:
  - Acquisition of a building to be converted into a shelter for the homeless;
  - Rehabilitation of a center for training severely disabled persons to enable them to live independently;
  - Clearance of a structure from the future site of a neighborhood center that will exclusively serve the elderly, homeless population, or disabled persons; and
  - Public services for provisions to support transitional housing.
- In order to establish the proper clientele benefit under this category, the project must:
  - Benefit a clientele that is generally presumed to be principally LMI, such as: abused children, battered spouses, elderly persons, severely disabled adults (see the box below), homeless persons, illiterate adults, persons living with AIDS and migrant farm workers; or
  - Require documentation on family size and income in order to show that at least 51 percent of the clientele are LMI; or
  - Have income eligibility requirements limiting the activity to LMI persons only or be of such a nature and in such a location that it can be concluded that clients are primarily LMI. An example is a daycare center that is designed to serve residents of a public housing complex.

**PRESUMED CLIENTELE:**

*The following clientele are presumed by HUD to be of low and moderate income:*

- *Abused children*
- *Elderly persons*
- *Battered spouses*
- *Adults meeting the Census definition of severely disabled*
- *Homeless persons*
- *Persons living with AIDS*
- *Migrant farm workers*

C. Low Moderate Housing Activities (LMH): These activities are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households. Under this national objective, beneficiaries are persons whose household income does not exceed 80% of the area median income. As it is a direct benefit, the household income must be verified to document that the household qualifies for assistance or participation. Housing rehabilitation must be targeted specifically to LMI persons. Multi-family housing

construction or renovation projects must ensure that at least 51% of the total number of units will be available for LMI persons.

➤ Examples of eligible activities in this category include:

- Acquisition or rehabilitation of an apartment building to provide dwelling units to LMI households at affordable rents, where at least 51 percent of the units will be occupied by LMI households;
- Site improvements on publicly-owned land to serve a new apartment structure to be rented to LMI households at affordable rents; and
- Housing rehabilitation for single-family LMI units.

D. Benefit to LMI Persons Thru Job Creation Activities: These projects result in the creation of new jobs for which at least 51% of the created jobs are held by LMI persons. Each person hired for a job must provide information on the number of persons in their family and the total family income through a self-certification process. Chapter 8 of HUD's Basically CDBG for States guide discusses limits to funding. HUD Fiscal Year CDBG Income Limits will be posted annually on the HUD website <https://www.huduser.gov/portal/datasets/il.html>.

➤ Examples of projects include:

- construction of infrastructure to support a new business;
- extension of rail service to an industrial park;
- building improvements; and
- acquisition of manufacturing equipment.

E. Benefit to LMI Persons Thru Job Retention Activities: These projects result in the retention of jobs with at least 51% of the retained jobs being held by LMI persons.

Use of this objective requires evidence that permanent jobs would be lost without CDBG assistance.

➤ Examples of projects include:

- construction or extension of utilities;
- building construction;
- construction or improvements of public infrastructure; and
- acquisition of a building.

## 2. Prevention or Elimination of Slum and Blight

A. Prevention or elimination of slum and blight on a spot basis: This category covers activities that eliminate specific conditions of blight or physical decay on a spot basis and are not located in a slum or blighted area.

B. Prevention or elimination of slum and blight on an area basis: This category covers activities that aid in the prevention or elimination of slums or blight in a designated area.

## 3. Meeting an Urgent Need

Projects that pose a serious and immediate threat to the health and welfare of a community, are of recent origin (within previous 18 months pursuant to 24 CFR 570.483(d)), and for which the UGLG is unable to finance or find other funding sources meet this federal objective. Situations which result from neglect or lack of maintenance or have gradually become urgent are not eligible for funding.

Applicants seeking funds for projects that would meet the national objective of an urgent need must contact WCDA to determine if their proposed project qualifies. If it is determined that it qualifies, the application would be considered for funding at any time.

HUD restricts funding for urgent need projects to ensure compliance WCDA has set a maximum of 12% of the total CDBG allocation per grant year, which is specified in the most recent Method of Distribution (MOD) published.

All applications for urgent need must contain the following:

- A cover sheet containing the name of the applicant, contact person, project title, proposed funding level, and expected start-up and completion dates;
- Documentation concerning the nature, timing, and degree of seriousness of the condition requiring assistance.
- Evidence confirming that the grantee is unable to finance the project on its own and that other financial resources to alleviate the problem are not available;
- The project location, including a suitable map;
- A detailed budget, including a cost estimate of the activity to be funded with CDBG funds, and the source of all other funding;
- Certification of public participation through the public hearing process

WCDA staff will review the application and make a recommendation to the WCDA Board of Directors, which shall review the proposal and vote to either approve or deny it. WCDA staff will then issue agreements once the environmental impacts have been reviewed, and an Environmental Review Record has been submitted and approved.

For technical assistance on any of the National or State Objectives please contact the CDBG representatives at WCDA.

**INELIGIBLE ACTIVITIES:**

***Per federal regulations, the following activities are ineligible for funding: Improvements to buildings used for the general conduct of government such as city halls, county administration buildings, and police stations; political activities; furnishings; and operations, maintenance, or repair of public facilities and works. The exception is ADA improvements to public buildings that are used by the public.***

## Eligible Activities

Activities assisted under the WCDA CDBG program may include the following as defined more specifically in Section 105(a) of Title I of the Housing and Community Development Act of 1974 (“HCD Act of 1974”), 42 U.S.C. § 5305(a), as amended. More detailed information may be found in the HUD Guide to National Objectives and Eligible Activities (State and Small Cities Program) which is available on the HUD Exchange website.

- Acquisition of real property.
- Acquisition, construction, reconstruction, or installation of public works facilities.
- Code enforcement in deteriorating areas.
- Clearance, demolition, removal, reconstruction, and rehabilitation of buildings and improvements.
- Removal of material and architectural barriers which restrict mobility and accessibility of elderly or handicapped persons.
- Provision of a new or quantifiable increase in a public service.
- Payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of the program.
- Relocation payments for displaced individuals, families, businesses, organizations, and farm operations.
- Planning.
- Assistance including grants for activities carried out by public or private nonprofit entities, including:
  - acquisition of real property;
  - acquisition, construction, reconstruction, rehabilitation, or installation of:
    - public facilities (except for buildings for the general conduct of government), site improvements, and utilities;
    - commercial or industrial buildings or structures;
  - planning of projects that meet eligibility requirements.
- Assistance to neighborhood-based non-profit organizations, local development corporations, and nonprofit organizations serving the development needs of communities of non-entitlement areas or entities organized under Section 301(d) of the Small Business Investment Act of 1958, 15 U.S.C. § 681(d), to carry out a neighborhood revitalization or community economic development or energy conservation project.
- Activities necessary to the development of energy use strategies related to the recipient's development goals.
- Provision of assistance to private for-profit entities, when the assistance is appropriate to carry out an economic development (ED) project.
- Rehabilitation or development of housing assisted under former Section 17 of the United States Housing Act of 1937, 42 U.S.C. § 1437.
- Housing services such as housing counseling, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant based rental assistance.
- Direct assistance to facilitate and expand homeownership among LMI persons.



## **Program Regulations and Requirements**

Grants must be implemented in compliance with the requirements found in CDBG program regulations at 24 CFR 570, other federal regulations, WCDA CDBG Method of Distribution, WCDA CDBG Procurement Manual and WCDA policies and procedures.

### **Previous Sponsor & Sub-Recipients**

A grantee is only allowed a maximum of two open projects at any time. A grantee must be in good standing if it has an open project. A project is not officially completed until the beneficiary data and closeout paperwork is received and approved by WCDA. Closeout paperwork is generally required no later than 60 days after completion. Previous sponsors and sub-recipients must demonstrate satisfactory performance in completing projects and in maintaining existing projects. A review of previous sponsor and sub-recipient performance will be completed during the ranking process.

### **Income Surveys**

Income surveys are designed to assist the UGLG in getting an accurate income for persons or households in a specified area that is unmapped with HUD. Income surveys for an area benefit should only be considered when there are significant changes in jobs and/ or housing. All program guidelines and federal regulations must be followed, and any income survey must be approved by WCDA prior to implementation. Please see <https://www.hudexchange.info/programs/cdbg/cdbg-income-survey-toolkit/> for additional information.

### **Generators**

If CDBG funds are used for acquisition, construction or renovation of multi-family rental housing developments or facilities owned by the government, such as senior centers, community centers or other multi-use building, then grantees or subrecipients must install generators. The generator should have sufficient capacity to power, at a minimum, lighting in common areas.

### **Housing - Broadband**

Per revisions to 24 CFR Part 570.482, the use of HUD funding for the construction or substantial rehabilitation of a building with more than 4 rental housing units requires the installation of broadband infrastructure to provide access to internet connections in individual housing units. It must meet the definition of "advanced telecommunications capability" determined by the Federal Communications Commission under Section 706 of the Telecommunications Act of 1996.

Substantial rehabilitation is defined as: 1) complete replacement of the electrical system or other work for which the pre-construction cost estimate is equal to or greater than 75% of the cost of replacing the entire system in the building undergoing rehabilitation; or 2) rehabilitation of the building undergoing rehabilitation where the pre-construction estimated cost of the rehabilitation is equal to or greater than 75% of the total estimated cost of replacing the housing after the rehabilitation has occurred. The replacement cost is for the building undergoing rehabilitation only.

Exceptions may be granted by WCDA if it is determined: 1) the location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; 2) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or is an undue financial burden; or 3) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

### **Housing – Fair Market Rents**

Per 24 CFR Part 570.483(b)(3), the rents charged for rental properties assisted with CDBG funding must be affordable. When funded, a grantee must adopt and make public its standards for determining “affordable rents.” For projects assisted with other state and/or federal funding agencies, the grantee must follow CDBG requirements as well as the other funding agencies requirements regarding rents. Completion of a Certification of Affordable Rents is required. A sample certification form is located in Exhibit F.

### **Housing – Housing Rehabilitation Program Policy**

When using funds for single-family, owner-occupied housing rehabilitation programs, all housing must be improved and meet local livability code requirements or housing quality standards upon completion of improvements. Upon approval of funding, local program policies must be submitted and approved to ensure that all current federal and state policies and requirements are included. Grantees may provide a maximum of \$40,000 as a grant per house. Note that these requirements do not apply for utility connections that are part of a water/sewer project.

### **Housing – Housing Rehabilitation Age of House/Lead Paint Restriction**

The use of CDBG funding for single family housing rehabilitation is only permitted for houses constructed after 1978 unless there is documentation demonstrating the house is free of lead-based paint. This documentation can include negative tests or certifications showing that lead based paint has been sufficiently treated and abated. This restriction does not apply to renovation of multi-family housing, renovation, and resale projects or to water/sewer connections.

### **Housing - New Construction**

The use of funds for the construction of new housing is prohibited under CDBG except for the following and ONLY IF the effort is to revitalize a neighborhood, develop the economy of a community, or engage in an energy conservation project:

- New construction activities carried out by a Community Housing Development Organization (CHDO) that has been certified by the State HOME Program. CHDOs can partner with an affordable housing development organization;
- To support new housing construction, grantees and non-profit subrecipients may acquire property and resell it to an affordable housing organization;
- To support new housing construction, grantees may clear a site in preparation for housing; or To support new housing construction, Grantees may make public improvements on publicly-owned property or privately-owned land if operated by the grantee and an easement is obtained.

### **Housing - Rental Housing Renovation Restriction**

When using CDBG funds for the renovation of rental housing, the use of CDBG funding is restricted to:

- the acquisition of a developed property after the CDBG agreement is executed in compliance with 49 CFR Part 24 and with environmental review requirements;
- construction activities that are competitively procured after the CDBG funds are awarded pursuant to CDBG procurement policies; or
- procurement of construction materials pursuant to CDBG procurement policies.

### **Water and Sewer Projects**

To meet the national objective for projects involving the construction or extension of water and sewer service, it is mandatory that all households and businesses (if an economic development project) in the service area are connected to the system. The national objective will not be met until all persons, households or businesses are receiving the intended benefit. In the event households refuse to connect, the grantee must document that the households are being charged the monthly cost for the benefit they choose not to use. The physical connection of households to water and sewer systems is an eligible activity for qualifying LMI households under the national objective of benefit to LMI persons through housing activities. As such, the total household income must be considered and verified to determine the eligibility of the household.

Grantees must provide documentation in the application of other water specific funding available has been pursued for the proposed project or information as to why the funding was not pursued. CDBG funding is expected to be a funding of last resort.

### **Insurance - Flood**

Flood insurance is required for all structures acquired, rehabilitated, or renovated, including housing, that are located in the floodplain. The grantee is required to ensure that subrecipients, businesses and homeowners maintain sufficient replacement insurance. Files must contain appropriate documentation. Insurance is to be maintained for the term of use, lien period, or loan term. This does not apply to recipients of funds for utility connections. Failure to enforce the flood insurance requirement will result in repayment of all CDBG funds used for that building.

### **Lead Paint**

Grantees must comply with 24 CFR Part 35 and 40 CFR Part 745 when undertaking renovation, repair or painting activities that disturb painted surfaces in buildings converted into housing, homeless shelters, and several other types of projects in buildings that were built before 1978. Work performed as identified in the regulations must be completed by certified firms using certified renovators and workers trained in lead-safe work practices established by the Environmental Protection Agency.

### **Maintenance Plans**

If CDBG funds are used for acquisition, construction or renovation of public facilities, multi-family rental housing developments or infrastructure projects, grantees must provide an acceptable maintenance plan prior to completion of construction or activity. The plan must outline steps to be taken to ensure that maintenance is a priority of the project constructed with federal funds.

### **New Construction – Prohibition**

In accordance with Executive Order 11988 and 24 CFR Part 55, the CDBG Program will not fund projects involving new construction in the following areas: special flood hazard areas, 100-year floodplains, regulatory floodways, and coastal high hazard areas. Projects involving new construction that are located in 500-year floodplains and non-special flood hazard areas may be eligible depending upon compliance with 24 CFR Part 55 and Part 58. New construction activities related to replacement or improvements to existing infrastructure projects are allowed depending upon compliance with 24 CFR Part 55 and Part 58.

### **Program Income**

Program Income is defined as gross income received by the grantee, subrecipient or business directly generated from the use of CDBG funds. All Program Income funds must be returned to WCDA. WCDA may use 3% of any program income returned to WCDA during the program year for administration and technical assistance. Any program income that is distributed by WCDA during the period beginning with the date HUD awards the annual grant to WCDA is considered to be covered by the current Consolidated Plan.

## **REGULATORY REQUIREMENTS**

Grantees must demonstrate their compliance with numerous federal laws, regulations, and Executive Orders as a recipient of a CDBG award and in their general conduct of operating as a governmental entity. The grant agreements issued for funded projects will identify all that apply and their specific requirements. Note that these requirements must be met by subrecipients and businesses working on the project as well.

### **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**

Grantees must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) when acquiring property and permanent easements that are required for a project, or when residents or businesses are displaced as a result of a project. Additional regulations regarding relocation of displaced persons or businesses are found in 24 CFR Part 42 and Section 104(d) of the Housing and Community Development (HCD) Act. Note that this regulation applies to the project funded with federal funds, not the specific activity.

### **Title VI of the Civil Rights Act of 1964**

The grantee shall comply with the provisions of Title VI of the Civil Rights Act of 1964. No person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

### **Section 109 of the Housing & Community Development Act of 1974**

The grantee shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Section 109 further provides that discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973, as amended, is prohibited.

### **Section 504 of the Rehabilitation Act of 1973 –**

The grantee shall comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 94), as amended, and any applicable regulations. The grantee agrees that no qualified individual with handicaps or disabilities shall, solely on the basis of handicap or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from HUD.

### **Age Discrimination Act of 1975**

The grantee shall comply with the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), as amended, and any applicable regulations. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

### **Fair Housing and Equal Opportunity**

It is imperative that HUD-funded programs abide by regulations related to fair housing and equal opportunity and do not discriminate in any housing program. Discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status in programs and activities receiving or benefiting from federal assistance is expressly prohibited.

### **Fair Housing and Equal Opportunity Disadvantaged Businesses**

When procuring construction or services, grantees are to take affirmative steps to solicit bids from minority owned businesses (MBE) and women owned businesses (WBE). The WCDA CDBG Procurement Manual provides additional information.

### **Fair Housing and Equal Opportunity Section 3**

The Section 3 program requires grantees to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community. The regulations are found at 24 CFR Part 75. The rule looks at the entire project. If the amount of HUD funding exceeds \$200,000 for construction projects, Section 3 applies. To the greatest extent feasible, "Section 3 Business Concerns" and/or "Section 3 Workers" are to be hired. Grantees must report on total labor hours for the entire project, making the best effort to ensure that 25% of labor hours are provided by Section 3 workers. Additionally, a minimum of 5% of those hours are to be provided by Targeted Section 3 Workers. Whenever any portion of HUD funding is invested into projects involving housing construction, demolition, rehabilitation, or other public construction (i.e., roads, sewers, community centers, etc.), the requirements of Section 3 apply.

Section 3 does not apply to single family housing rehabilitation programs unless the cost per house exceeds \$200,000 in federal HUD funding. Contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects/activities are required to comply with the Section 3 regulations in the same manner as direct recipients. If the recipient agency receives Section 3 covered projects/activities, but no individual contract exceeds \$100,000, the requirements of Section 3 only apply to the recipient. Accordingly, the recipient must attempt to meet the Section 3 minimum numerical goals found at 24 CFR Part 135.30 by awarding 10 percent of the total dollar amount of all covered construction contracts to Section 3 businesses.

Each recipient (and their covered contractors, subcontractors, or subrecipients) are required to comply with the requirements of Section 3 for new employment, training, or contracting opportunities resulting from the expenditure of covered funding. This responsibility includes:

1. Notifying Section 3 residents and business concerns about training, employment, and contracting opportunities generated by Section 3 covered assistance;
2. Notifying potential contractors working on Section 3 covered projects of their responsibilities;

3. Incorporating the Section 3 clause into all covered solicitations and contracts [see 24 CFR Part 135.38];
4. Assisting and actively cooperating with the Department in making contractors and subcontractors comply;
5. Refraining from entering into contracts with contractors that are in violation of Section 3 regulations;
6. Documenting actions taken to comply with Section 3; and
7. Submitting Section 3 Reports to WCDA

Recipients that submit Section 3 reports containing all zeros, without a sufficient explanation to justify their submission, are in noncompliance with the requirements of Section 3.

Recipients that fail to meet the minimum numerical goals above bear the burden of demonstrating why it was not possible to do so. Such justifications should describe the efforts that were taken, barriers encountered, and other relevant information that will enable WCDA to make a compliance determination.

Failure to comply with the requirements of Section 3 may result in sanctions, including debarment, suspension, or limited denial of participation in HUD programs pursuant to 24 CFR Part 24. For additional information, please visit the Section 3 website at: [www.hud.gov/section3](http://www.hud.gov/section3).

### **Violence Against Women Act**

Compliance with the Violence Against Women Act Reauthorization Act of 2022 (VAWA) 602 (34 U.S.C. § 12494) and 603 (34 U.S.C. § 12495) is required for all grantees receiving CDBG funds for any public housing project or renovations. Additional information and training resources will be provided by WCDA staff as needed.

## **USE OF FUNDS**

### **Duplication of Benefits**

Recipients of CDBG funds will need to comply with Duplication of Benefits requirements. The recipient must establish and follow policies and procedures to ensure that duplication in benefits to their project does not occur. The process should effectively identify all funding sources for the project as well as expected planned costs. It is critical that the process define how the recipient will verify that funding is separated and tracked. Duplication of benefits will result in the repayment of CDBG funds.

### **Timely Expenditure of Funds**

Timeliness refers to how quickly the grantee is able to commit and expend grant funds. Since federal program budgets are tight across the government and there is a huge need for community development programs, it is vital that sponsors/sub-recipients make every effort to quickly use their funds and complete their projects. Each CDBG project will have twenty-four (24) months from the signing of the grant agreement to expend 100% of awarded CDBG funds and complete the project. In an effort to ensure timeliness, grantees will be expected to execute a Grant Agreement no later than 150 days after the date of the award. At the time of application, grantees should be ready to act immediately if approved.

### **Single Audits**

Recipients of CDBG funds from WCDA are subject to the following audit requirements. A single audit is required if a grantee or subrecipient expends \$750,000 or more in one year in accordance with 2 CFR Part 200, Subpart F—Audit Requirements.

An exception exists for entities which elect to have a program-specific audit conducted. A program audit is an audit of one federal program (such as CDBG) and is permitted when the grantee or sub-recipient expends federal awards under only one federal program. The single audit includes both an entity's financial statements and its federal award (from the applicable federal program).

If a grantee or sub-recipient expends less than \$750,000 a year in federal awards, it is exempt from the audit requirements for that year; however, records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and the Government Accountability Office. Audit requirements will be the responsibility of the recipient, which includes conducting and the costs associated with the audit. See 2 CFR § 200.501 Audit requirements.

**Financial Management** - Grantees must comply with appropriate sections of 2 CFR Part 200, 24 CFR 570.489 and requirements in the financial management of their federal grant. CDBG funds should only be spent on costs that are deemed as "reasonable and necessary." The WCDA CDBG Procurement Manual will provide additional information.

### **Equipment**

Purchase of equipment is generally not an eligible use of CDBG funds. In rare circumstances, with prior authorization and carried out by an eligible nonprofit development organization, these costs may be eligible.

## **CONFLICTS OF INTEREST**

Grantees must comply with federal Code of Conduct and Conflict of Interest Standards found in 2 CFR Part 200 and 24 CFR Part 570.489(h), which includes having a written policy. Additionally, Wyoming requires various public officials to comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. §9-13-101 through 109), along with additional ethical provisions and legal requirements described in Wyoming Statutes §§15-1-127 to 128; 16-6-118; and 6-5-101 through 118. *Note that those exempt from the requirements set forth in Wyoming statutes must still comply with federal requirements.*

The Wyoming Community Development Authority ("WCDA") takes seriously any conflicts of interest an applicant may have with WCDA or a project for which they are applying for funds. Therefore, WCDA requires all grantees to complete certain conflicts of interest forms which help identify and disclose potential and actual conflicts of interest to assist with identification of any potential conflicts with its employees, officers, agents of grantees or subrecipients, contractors, housing developers, businesses, service providers and with those applying for financial assistance. Conflict of Interest Disclosure Forms are attached to this manual as Exhibits H & I. Disclosure documentation must be maintained in compliance with 2 CFR Parts 200.334 through 200.338 and the terms and conditions of the award agreement.

Grantees must require certification by their employees, officers, agents, and subrecipients that potential conflict or actual conflicts exists specific to each procurement activity. This policy also applies to direct provision of CDBG benefit(s) to employees, officers, or agents of grantees (including subrecipients, housing developers or businesses).

It is recommended that applicants have a written Conflict of Interest Policy in place at the time of application submission. The policy should address conflicts of interest and govern the management of potential and actual conflicts of interest for employees, officers, and agents engaged in the selection, award, and administration of contracts. In essence, no employee, officer or agent of an applicant or grantee may participate in the selection, award, or administration of a contract funded with CDBG or other federal funds if they have an actual or potential conflict of interest.

A conflict of interest occurs when:

- an employee, officer, or agent of a non-federal entity has a financial or other interest in, or a tangible personal benefit from carrying out certain actions when conducting their responsibilities associated with administering Federal financial assistance; or
- an individual or non-federal entity is unable, or appears to be unable, to be impartial in conducting their responsibilities in compliance with their award terms and conditions.

A potential conflict occurs when an employee or volunteer of a grantee or subgrantee takes actions that create the appearance that they are:

- Using their official position for private gain;
- Giving special treatment to any person;
- Losing complete independence or objectivity;
- Making an official decision outside official channels; or
- Affecting, in a negative way, the public's confidence in the integrity of the government or the program.

Federal financial conflict of interest rules prohibits participating in matters that affect an individual's financial interests as well as those of:

- their spouse, minor child, or a general partner;
- an organization in which they serve as an officer, director, trustee, partner, or employee; or
- an organization they are negotiating with for future employment.

When conflicts of interest arise, grantees must identify and disclose them. All grantees shall notify WCDA when a conflict of interest arises or may potentially arise so that a determination may be made regarding an award of federal funds. WCDA is obligated to disclose any such potential conflict of interest to the federal awarding agency in compliance with 2 CFR Part 200.112.

Pursuant to the Wyoming Ethics and Disclosure Act, public officials and public employees are prohibited from making an official decision or vote if they have a personal interest in the matter. Wyo. Stat. § 9-13-106. Similarly, they are prohibited from using their office for private benefit. Additionally, the grantees' officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties seeking to be involved or performing duties with regard to any project at issue or which is the subject of the grantee's application for funds.



Public officials include “local offices,” defined as the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, mayor and member of the council of a municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under Wyo. Stat.§ 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of Wyoming.

## **ENVIRONMENTAL REVIEWS**

Grantees must comply with the National Environmental Policy Act of 1969 and other federal laws specified in 24 CFR Part 58. In addition, other federal and state laws and regulations also apply depending upon the type of project and the level of review required. This review must be completed prior to the initiation of project activities regardless of the funding source. A project is defined as the sum of all elements or activities, not just those funded with CDBG. It is the expectation of WCDA that the grantee will cooperate and submit all documents and information necessary to complete the environmental review process at the time of application and, where not reasonably foreseeable at that time, upon WCDA’s request. WCDA reserves the right to rescind any award made due to grantee’s failure to cooperate. Project’s that are not exempt must publish a request for release of funds (RROF) and, when applicable, a finding of no significant impact (FONSI). No activities are to begin until a Release of Funds has been issued by WCDA.

### **The Responsible Entity & Official Designations**

The term “Responsible Entity” (RE) means the UGLG receiving CDBG assistance. The responsible entity is responsible for ensuring that compliance with National Environmental Policy Act (NEPA) and the federal laws and authorities has been achieved, for issuing public notification, for submitting the request for release of funds, when required, and sign the completed Environmental Review Record (ERR).

### **Certifying Officer Designation**

The (RE) must designate a Certifying Officer who has the authority to assume legal responsibility for certifying that all environmental requirements have been followed. This person is the chief elected official, chief executive official, or other official designated by formal resolution of the governing body. This function may not be assumed by administering agencies or consultants.

\*Currently WCDA is completing the ERR on behalf of the RE. There are certain environmental studies and maps that WCDA will require to be provided in the application. The UGLG will still be required to be the designated Certifying Officer regarding environmental compliance during this time. WCDA uses the HUD Environmental Review Online System (HEROS). The completed ERR will be provided to the responsible entity, and a copy will be kept on file at WCDA.

### **Actions Triggering Environmental Review and Limitations Pending Clearance**

According to the NEPA and 24 CFR Part 58, the RE is required to ensure that environmental information is available before decisions are made and before actions are taken. Part 58 prohibits the commitment

or expenditure, and, if required, release of CDBG funds until the environmental review process has been completed.

- The grantee may not spend either public or private funds (CDBG, other federal or non-federal funds), or execute a legally binding agreement for property acquisition, rehabilitation, conversion, repair, or construction pertaining to a specific site until environmental clearance has been achieved.
- The grantee must avoid all actions that would preclude the selection of alternative choices (choice-limiting actions) before a final decision is made – that decision being based upon an understanding of the environmental consequences and actions that can protect, restore, and enhance the human environment (i.e., the natural, physical, social, and economic environment)
- It is acceptable to execute non-legally binding agreements prior to the completion of the environmental review process. A non-legally binding agreement contains stipulations that ensure the project participant does not have a legal claim to any amount of CDBG funds to be used for the specific project or site until the environmental review process is satisfactorily completed.

➤ Please speak with the CDBG staff at WCDA for technical assistance prior to entering into any type of agreement.

Environmental classifications & completion timeframes:

- Exempt Activities; (completion usually 2 to 3 days);
- Categorically Excluded Activities - Not Subject to Related Laws and Authorities; (CENST) (completion usually 30 to 90 days);
- Categorically Excluded Activities - Subject to Related Laws and Authorities; (CEST) (completion usually 30 to 90 days, depending on possible unforeseen environmental conditions & additional testing requirements);
- Activities Requiring an Environment Assessment (completion 45 days up to a year); and
- Activities Requiring an Environmental Impact Statement (Requires HUD approval for Project)

➤ Regardless of the number of activities associated with a project, a single environmental review is required. Aggregating related activities ensures the recipient adequately addresses and analyzes the separate and combined impacts of a proposed project. Project aggregation (grouping “like” activities) may be necessary. When project aggregation occurs, the responsible entity must group together and evaluate as a single project and all the individual activities that are related.

They may be related geographically or functionally or consist of logical parts of a group of contemplated actions. Conditions under which project aggregation can occur include:

- Activities are in a concentrated area;
- Activities are within unspecified sites;
- Multi-year activities;
- Special HUD initiatives;
- Related activities are ones that:
  - Automatically trigger other actions;
  - Cannot or will not proceed unless other actions are taken beforehand or at the same time; or are mutually dependent parts of a larger activity/action.

### **Documentation required with the application regarding site contamination**

If the proposed project at any stage includes any of the following, regardless of funding source, a *Phase I Environmental Site Assessment* is required to accompany the application.

- Ground disturbance;
- Substantial rehab;
- Acquisition;
- Construction; or
- Digging of any kind

If your project involves rehabilitating, acquiring, or demolishing a structure that was built before 1978, it is necessary to conduct asbestos inspection and testing, as well as lead-based paint inspection and testing. The results are required to be included with your application. Substantial rehabilitation of a building or multi-family building is typically categorized as a percentage of the building replacement cost after rehabilitation or a percentage of the building that is proposed to be rehabilitated. Contact WCDA CDBG staff if you are not sure if your proposed project includes substantial rehabilitation or have questions regarding the environmental requirements and regulations.

For additional information and training on HUD environmental reviews please visit <https://www.hudexchange.info/trainings/wiser/>.

## **PROCUREMENT**

Grantees are to comply with requirements and processes as identified in the WCDA CDBG Procurement Manual for all procurement activities. Use of and compliance with the Manual by all grantees ensures compliance with appropriate sections of 2 CFR Part 200, 24 CFR 570.489 and state regulations and requirements when purchasing materials, products, or services with federal funds.

### **Procurement Standards for Non-Federal Entities**

Grantees of States and even sub-recipients of states must follow, at a minimum, the rules contained in 2 CFR 200.318 through 2 CFR 200.327 of the Uniform Guidance. Please refer to the WCDA CDBG Procurement Manual for more information.

### **Build America, Buy America Requirements**

The Build America, Buy America Act (BABA) established domestic procurement preferences for all infrastructure projects funded with federal financial assistance. Specifically, BABA requires that all iron, steel, manufactured products, and construction materials are produced in the United States.

BABA applies to all projects involving construction, alteration/rehabilitation, maintenance, or repair of infrastructure. For purposes of BABA, “infrastructure” includes, at a minimum, the structures, facilities and equipment for roads, highways, and bridges; public transportation; dams; water systems including drinking water and wastewater systems; broadband; electrical transmission facilities and systems; utilities; facilities that generate, transport, and distribute energy; and buildings and real property. Non-CDBG eligible activities were not included on this list.

The Build America Preference (BAP) applies to infrastructure spending unless waived by a federal agency in three limited situations: 1) when applying the preference would be inconsistent with the public interest; 2) when types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or 3) where the inclusion of those products and materials will increase the cost of the overall project by more than 25 percent.

Before issuing a waiver Section 70914(c) of the Act requires the head of a federal agency, including HUD, to make publicly available a detailed written explanation for the proposed determination to issue the waiver and provide a period of not less than 15 days for public comment on the proposed waiver.

See additional detailed information in [BABA: Buy America Preference for CDBG Grantees Quick Guide](#).

## **Labor Standards**

### **Davis Bacon & Related Acts**

Funded CDBG projects that result in construction contracts that exceed \$2,000 are subject to the federal Davis-Bacon Act, the Contract Work Hours and Safety Standards Act of 1962, and the Fair Labor Standards Act. This requirement does not apply to the rehabilitation or renovation of residential structures designed for less than eight units when completed or for contracts impacting seven or less housing units. Additional information and requirements can be found in the WCDA CDBG Procurement Manual.

### **Contract Work Hours & Safety Standards Act**

(Applicable to construction contracts exceeding \$2,000 and contracts exceeding \$2,500 that involve the employment of mechanics or laborers). The UGLG, contractor, and subcontractor shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-330) as supplemented by Department of Labor regulations (29 C.F.R. part 5). All laborers and mechanics employed by contractors or subcontractors shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act, and the contractors and subcontractors shall comply with all regulations issued pursuant to that Act and with other applicable federal laws and regulations pertaining to labor standards.

### **Copeland “Anti-Kickback” Act**

Salaries of personnel performing work under federally funded programs such as CDBG shall be paid unconditionally and not less often than once a month without payroll deduction or rebate on any account except only such payroll deductions as are mandatory by law or permitted by the applicable regulations issued by the Secretary of Labor pursuant to the Copeland “Anti-Kickback Act” of June 13, 1934 (48 Stat. 948; 62 Stat. 740; 63 Stat. 108; Title 18 U.S.C. § 874; and Title 40 U.S.C. § 276c). The UGLG, contractor, and subcontractor shall comply with all applicable “Anti-Kickback” regulations and shall insert appropriate provisions in all subcontracts covering work under this program to ensure compliance by subcontractors with such regulations, and shall be responsible for the submission of affidavits required of subcontractors as required.

### **Small and Minority Firms, Women’s Business Enterprises, & Labor Surplus Area Firms**

The UGLG will take necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used in subcontracting when possible. Steps include:

- Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women’s business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises; and
- Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

### **APPLICATION REQUIREMENTS**

Applications for community development projects are accepted annually on a competitive basis in the fall and as otherwise specified by WCDA. The following regulations, requirements, and policies apply to submission of a CDBG application, including submission of the following documents which must accompany an application.

#### **APPLICATION REMINDER:**

- (1) No project activities may begin until the Environmental Review Record has been completed and approved;***
- (2) CDBG will not reimburse for costs completed before award has been made; and***
- (3) In general, no procurement should be undertaken for contracts that will include CDBG funds until award has been made (possible exceptions allowed).***

### **Citizen Participation Requirements**

Municipalities must meet the local government requirements as set forth at 24 CFR 570.486. (A sample of a Citizen Participation Plan is attached as Exhibit B)

This includes:

- (i) Providing for and encouraging citizen participation, particularly by low and moderate-income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- (ii) Ensuring that residents will be given reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements in accordance with section 504 of the Rehabilitation Act of 1973 and associated regulations at 24 CFR part 8, the Americans with Disabilities Act and associated regulations at 24 CFR parts 35 and 36, as applicable, and information and records relating to the unit of local government’s proposed and actual use of CDBG funds;
- (iii) Furnishing citizens information, including but not limited to:
  - a) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);

- b) The range of activities that may be undertaken with CDBG funds;
  - c) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate-income persons; and
  - d) The proposed CDBG activities likely to result in displacement and relocation plans required under 24 CFR § 570.488.
- (iv) Providing technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing). Such assistance need not include providing funds to such groups;
  - (v) Providing for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining residents' views and responding to proposals and questions. Together the hearings must cover community development and housing needs (including affirmatively furthering fair housing), the development of proposed activities, and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to WCDA. There must be reasonable notice of the hearings and they must be held at times and accessible locations convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
  - (vi) Providing citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to WCDA and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to WCDA. Substantially changed means changes made in terms of purpose, scope, location, or beneficiaries as defined by criteria established by WCDA; and
  - (vii) Providing citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

### **Public Hearing**

WCDA has set the minimum public notification timeframe of 14 days prior to the hearing/meeting date and not including the date of publication. The first public hearing/meeting must be held after the notice of available funds, and before the application submission deadline. The hearing must inform citizens of the dollar amount of funding available and the range of allowed activities under WCDA's CDBG program. At that time, there must be an opportunity for citizens to comment on potential activities, especially for potential or actual beneficiaries of CDBG funds.

The second public hearing/meeting must provide citizens again with reasonable advance notice of, and the opportunity to comment on the activities the local government undertook with the CDBG funds. WCDA has set the minimum public notification timeframe of 14 days prior to the hearing/meeting date and not including the date of publication. The hearing/meeting must occur before the close out of the project and be supported with a record of the proceedings (generally minutes reflecting the meeting), and the UGLG must provide WCDA copies of the public notices. A sample calendar count has been provided for reference. WCDA has provided an example notice as Exhibit C.

### **Public Review of Application**

The public must have the opportunity to review and comment on a draft of the completed application before it is submitted to WCDA. In the public hearing notice, the applicant must provide the anticipated date the draft application(s) will be available for review as well as the location where it can be found. Failure to advertise and provide the public review of the application and comment period, will result in rejection of the application during the application review process.

### **Residential Anti-Displacement and Relocation Assistance Plan**

WCDA requires each UGLG to adopt and maintain a written Residential Anti-Displacement and Relocation Assistance Plan (a sample which includes the minimum required language is attached as Exhibit D). While an UGLG should make every effort to minimize the displacement of persons or businesses when using CDBG funds, this plan must describe what the jurisdiction will do in the event that it does occur. Section 104(k) of the Housing and Community Development Act of 1974, 42 U.S.C. § 5304(k), requires that reasonable relocation assistance be provided to persons displaced as a result of the use of CDBG assistance to acquire or substantially rehabilitate property. Section 104(d) of the Act, as amended, 42 U.S.C. § 5304(d), requires one-for-one replacement of all low- and moderate-income dwelling units housing the same number of occupants as could have been housed in the units demolished or converted to another use as a result of CDBG assistance.

An UGLG's Residential Anti-Displacement and Relocation Assistance Plan is effective for 5 years. The plan must be current at the time of application. If it is not current or the applicant does not have one, the applicant must adopt and submit a new plan with their application. Please note that a specific plan will be required for approved grants with projects which will result in displacement.

### **Debarment**

The applicant is required to complete Debarment Checks on subrecipients or businesses prior to submission of an application. The completed forms need to be included with the application. Debarment checks must also be completed on all contractors, sub-contractors, engineers, consultants, architects, etc. and must be submitted to WCDA for review prior to execution of the contract. (Guidance and forms are attached as Exhibit E)

### **Audit**

Applicants must provide one copy of their most recent annual financial report/audit and one copy of their most recent single audit, if one was required, with their application.

### **Subrecipient**

The UGLG is expected to conduct a risk analysis to review and evaluate the financial and administrative capacity of the subrecipient, housing developer, or business to manage and complete a project. This must also include a determination that they will be able to support the operations of the requested facility, housing, or services to be provided as required by the CDBG Program. A conclusion of the analysis must be provided to WCDA with the application. Applicants will not be allowed to use any grant funds for administrative expenses. It is recommended, but not required, that municipalities and counties develop written policies that outline their processes for monitoring a project for a subrecipient if they are awarded CDBG funds.

**COSTS:**

***Though eligible per regulations, WCDA chooses not to provide funding for General Administrative Costs of a grantee or for Indirect Costs which support any administrative costs for grantees or subrecipients. The Grantee will provide funds for project administration in lieu of having a required match for grant funding.***

**Limited English Proficiency**

Applicants shall demonstrate that they complied with the Limited English Proficiency (LEP) requirement.

Using a HUD mapping tool, determine if information related to your application and your outreach require for documents and other outreach information to be translated into other language.

To access the AFFH Data and Mapping Tool:

1. Go to <https://egis.hud.gov/affht/>
2. Step 1 – select State/Insular Area
3. Step 2 – select Wyoming
4. Step 3 is pre-populated with Wyoming
5. Step 4 is pre-populated with AFFHT0006
6. Step 5 – select Map 4 LEP
7. Select LOAD AFFH MAP
8. Select your county

When you click on your county, a box will appear providing you with the 5 most populous language spoken in your county.

HUD's guidance is as follows:

- If number is 1,000 or more, *vital* documents must be translated.
- If number equals more than 5% of population AND more than 50 in number, *vital\** documents must be translated.
- If number equals more than 5% of population AND is 50 or less in number, translate written notice of person's right to receive oral interpretation of documents.
- If number is 5% or less of population AND less than 1,000 in number, no written translation is required.

If an applicant is specifically targeting activities which include a large number of non-English speaking persons, then action should be taken.

(Applicants shall complete Exhibit G and include it with their application)



## Application Submission and Process

To be eligible for CDBG funding, each application submitted for funding must meet the following eligibility requirements:

- Completed Letter of Intent sent to neighborhooddev@wyoingcda.com on or before the submission deadline outlined in the respective Notice of Funding Availability (NOFA).
- After receipt of the Letter of Intent, WCDA will send applicants an email invite to ProCorem.
- Completed Application with checklist and supporting documents submitted to ProCorem by the deadline.
  - Certification of Applicant
  - Proof of Publication for citizen participation
  - State Historic Preservation Office Consultation, Correspondence, and Response
  - Tribal Consultations, Correspondence, and Responses
  - All required Maps, Specified in the Application
  - Photos (minimum of 6 exterior, if applicable minimum 6 interior)
  - Third Party Cost Estimates (Minimum 2)
  - Risk Analysis of sub-recipient (when sub-granting)
  - Construction projects applicable environmental studies e.g., Phase I ESA
  - For rehabilitation of a building built prior to 1978, asbestos and Lead-Based Paint inspections.
  - Signed Environmental Review Record Agreement
  - City Planning Documents
  - Reviewed Financial Statements (Minimum of most recent year)
  - Proof of System of Award Management (SAM) registration
  - Debarment Checks
  - Award/Commitment Letters of other funding
  - Market Analysis is required for any type of acquisition

Applicants must be compliant with all WCDA requirements for any current projects before an application will be accepted. After the application is received and reviewed, WCDA will conduct a site visit to evaluate the site's suitability for the proposed project. WCDA reserves the right to contact UGLG's with clarifying questions regarding their application. WCDA staff will score and rank the applications submitted. The final review and award will be made by the WCDA Board of Directors.

The award will be based on the project's final ranking and the extent to which funds are available. It is possible that a project may not receive funding. At the time of application, all projects must demonstrate that adequate funding is available to complete the project and the project is ready to proceed. If the project includes property acquisition, a recent market analysis is required for the application, and if awarded a non-biased third-party appraisal will be required prior to funding.

WCDA makes no representations herein as to compliance with the Housing and Community Development Act of 1974, 24 CFR Part 570, or any other laws or regulations governing the Community Development Block Grant Program. CDBG awards shall be made solely at the discretion of the WCDA Board of Directors, which in no way represents or warrants to any sponsor, investor, lender, or others that the project is, in fact, feasible or viable. No board member, agent, or employee of WCDA shall be personally liable concerning any matters arising out of, or in relation to, the allocation of CDBG funds.

An UGLG may submit an application on behalf of a subrecipient if they choose to do so and if their written policies permit it to submit a CDBG application on behalf of another entity. The jurisdiction is expected to conduct a risk analysis to review and evaluate the financial and administrative capacity of the subrecipient or business to manage and complete a project. This risk analysis should also include a determination that the entity will be able to support the operations of the requested facility, housing,

or services to be provided as required by the CDBG Program. If funded, a grantee will be required to execute a Subrecipient Agreement with the specific entity. The agreement binds them to the requirements and policies of the CDBG program and the grantee.

Eligible subrecipients include:

- Governmental agencies such as housing authorities, counties, or municipalities;
- Non-profit organizations that are corporations, associations, agencies, or faith-based organizations with non-profit status under IRS Section 501(c)(3); and
  - Eligible non-profit organizations must have specific information in their organizational by-laws and mission statements that clearly state they primarily serve persons who are of low and moderate income and/or a specific population that is eligible for CDBG assistance.
- Community Housing Development Organizations (CHDOs) that have been certified by the State HOME Program with a geographic area of operation of no more than one neighborhood.
  - CHDOs may partner with affordable housing organizations for construction of new housing or renovation of existing housing.

Eligible businesses include:

- For-profit corporations that are in “good standing” according to the Wyoming Secretary State’s office; and
- Non-profit organizations that are corporations, associations, agencies, or faith-based organizations with non-profit status under the IRS Section 501(c)(3).

#### **Applications May Be Rejected for the Following Reasons**

- The application is for an ineligible use of CDBG funds;
- The application is missing any of the required documentation;
- The sponsor and/or subrecipient have demonstrated unsatisfactory performance on, or management of, a previous grant, including, but not limited to, outstanding compliance, or monitoring issues;
- The applicant is in violation of material law, ordinance, statute, rule, regulation, franchise, certificate, or permit to which it is subject;
- The sponsor or subrecipient is in default with respect to any judgment, order, writ, injunction, decree, or demand of any court, arbitrator, or governmental body. All pending actions must be identified in the application;
- The sponsor and/or subrecipient are not eligible recipients of CDBG funds;
- The sponsor and/or subrecipient have not demonstrated the capacity to carry out the proposed activity;
- Failure to identify the costs associated with, the potential for, or the specific means to be used to address: relocation, displacement, lead-based paint, asbestos removal, mold, and other environmental concerns;
- The sponsor and/or subrecipient have not followed the Citizen Participation Requirements listed in this Manual;
- Disturbance of the proposed project site prior to Environmental Clearance being achieved pursuant to 24 CFR 58.22;
- If the application for funds relates only to improvements to real property, property acquisition must have occurred prior to application submission;
- Failure to provide a CPA-reviewed financial statement from the City/Town/County at the time of application; and
- Failure to meet any other requirement for an applicant, project, or award as outlined in this Manual.

## **Funding Categories, Rating and Awards**

For projects which are awarded, WCDA reserves the right to award less than the requested amount. Funding recommendations and approvals may result in a decrease to the size, scope, and/or costs of the project.

In addition to the rating and evaluation criteria; WCDA staff and WCDA Board of Directors may consider other factors in making funding determinations, including:

- WCDA's objectives and priorities;
- The availability of alternate or contributing funding sources for the total project or some of its components;
- A reasonable distribution of projects among eligible regions of the State;
- The ability to respond to a locality's special needs;
- The degree of community commitment for the project;
- The previous CDBG investment in a community;
- The ability of applicant, subrecipient or business to borrow funds;
- The commitment and/or input from other funders;
- The cost per person based on the total project cost;
- The amount of CDBG funds awarded for other phases of a multi-phase project;
- and
- The availability of other resources and/or services in a community.
- Environmental issues that cannot be mitigated or project site is located in a flood zone or floodplain.

WCDA does not provide final scores to applicants but will provide general comments as to strengths and weaknesses of their application, if requested.

### **Project Evaluation and Scoring**

All applications that meet the threshold criteria will be rated and ranked competitively by a review committee composed of WCDA staff with final approval of funds being determined by the WCDA Board of Directors. Applicants will be given an opportunity to respond to questions in a timely manner.

Rating is based on a 150-point scale. Point ranges have been established for each criterion to gauge the extent to which the applicant meets the criterion. Applicants will complete a self-scoring of the application as part of the application process. Please see WCDA CDBG Method of Distribution for complete scoring details.

### **Funding Recommendations**

The highest ranked applications are recommended for funding until the available funding for the round is exhausted. In case of a tie score, the application with the highest combined score on Public Purpose & Local Need and Project Management is funded first. As noted at the beginning of this section, WCDA may consider other factors when making awards. In these cases, the other factors will be documented in WCDA records.

### **Financial**

Lack of expenditures and compliance with the CDBG Procurement Manual will be considered when new applications are ranked.

### **Reporting**

Applicants must be current with submission of any reports due to the program for existing grants.

### **Monitoring**

Applicants that have grants with open monitoring issues will be reviewed on a case-by-case basis, taking into consideration the significance of the finding(s) or concern(s), the corrective action(s) taken by the grantee or subrecipient to resolve the issue(s), and the timeliness of the grantee in responding to WCDA's findings.

### **Performance**

There are performance thresholds related to previous CDBG grants that must be met by applicants. Applicants will be evaluated on their management of existing CDBG grants and must follow financial, reporting, monitoring, and performance requirements as established each year.

Applicants who, in the past, have expended funds but have moved slowly or failed to perform in conformance with their project schedule, will be required to submit additional information related to reasons for delays and poor performance along with a revised timeline for project completion. WCDA reserves the right to determine if the response is sufficient based on the information provided to ensure timeliness progress of the project. If it is determined to be sufficient, the application will proceed for further evaluation.

## **Additional CDBG Program Policies & Procedures**

### **Funds Transfer**

A review of the balance of available funds from the previous fiscal year will occur prior to the award of grants through the annual Community Development competitive round. Available funds will be used prior to the use of the current year grant funds.

### **Grant Periods**

Grants are awarded for a twenty-four (24) month period. The grant period is related to the initial executed grant agreement. If WCDA agrees to extend the time necessary to complete a project, an agreement modification with supporting documentation is required.

### **Grant Agreement Modifications**

Circumstances or conditions may develop during project implementation which could prompt the grantee to request, in writing, a modification to the grant agreement for reasons other than for additional funding.

The request for a grant modification shall provide sufficient information to explain and justify the proposed changes. WCDA may determine that a modification to the grant agreement requires additional actions. The grantees will be notified in writing of any additional requirements. The request

for a grant modification will be reviewed on the basis of eligibility and the evaluation criteria applicable at the time of the modification request.

A time extension may be granted if it is determined by WCDA that the grantee will not expend grant funds by the completion date established in the grant agreement and the circumstances were out of the grantee's control and/or were reasonably unforeseeable.

All requests for modification are processed by WCDA, which reserves the right to determine whether to grant the modification and to the extent the requested modification will be granted.

#### **Financial Penalty – Minimum Expenditure**

For each grant, the grantee must request payment of a minimum of 5% of grant funds within 180 days of the executed grant agreement. Failure to do so will result in a 5% penalty of the grant award each month until funds are drawn. Exceptions to this policy will be considered on a case-by-case basis.

#### **Monitoring and Close Out of Grants**

Projects will be monitored by WCDA for compliance with federal and state regulations and to verify requirements of the national objective have been met. Certain grant activities will be monitored by WCDA at different stages of the of the grant. All projects are considered "open" until they have been fully monitored, all issues have been resolved, and WCDA has issued a Close Out letter to the grantee. Grant files and records must be retained by the grantee for (5) years after the Close Out letter is issued.

#### **Recapture and Repayment of Funds**

Any funds either recaptured by WCDA due to grant termination, repaid to WCDA due to monitoring findings, or remaining due to completion of an activity at a cost savings will be available for redistribution by WCDA to eligible projects in future funding rounds.

#### **Suspension of Method of Distribution for Presidential Disaster Declarations**

In the event of a Major Disaster Declaration by the President of the United States for a city, town, or county located in the State of Wyoming, WCDA shall have the authority to waive any requirements set forth in the Method of Distribution or any other WCDA policies or manuals for the CDBG program to address emergency needs of impacted communities. This will be done in consultation with HUD, and the program will operate within the parameter of the laws and regulations addressing the CDBG program.

This policy and procedure manual is designed to be used in conjunction with information in the WCDA CDBG Procurement Manual, Federal, HUD and State regulations. WCDA policy and procedures are not all inclusive.

Exhibit A

State of Wyoming							
CDBG City/Town							
LMI Percentage 2024/2025							
City/Town	LMI %	City/Town	LMI %	City/Town	LMI %	City/Town	LMI %
Afton	40%	Douglas	36%	La Grange	80%	Rawlins	49%
Albin	76%	Dubois	52%	Lander	45%	Riverside	36%
Alpine	44%	Edgerton	64%	Laramie	58%	Riverton	53%
Arapaho	50%	Elk Mountain	38%	Lingle	50%	Rock River	47%
Auburn	69%	Encampment	58%	Lovell	57%	Rock Springs	42%
Baggs	37%	Evanston	53%	Lusk	52%	Rolling Hills	23%
Bairoil	31%	Evansville	68%	Lyman	36%	Saratoga	34%
Bar Nunn	28%	Fort Laramie	61%	Manderson	72%	Sheridan	46%
Basin	50%	Frannie	66%	Manville	77%	Shoshoni	45%
Bear River	18%	Gillette	41%	Marbleton	38%	Sinclair	23%
Big Piney	64%	Glendo	53%	Medicine Bow	64%	Star Valley Ranch	38%
Buffalo	45%	Glenrock	39%	Meeteetse	55%	Story	61%
Burlington	52%	Granger	60%	Midwest	58%	Sundance	33%
Burns	56%	Green River	34%	Mills	63%	Superior	41%
Byron	48%	Greybull	55%	Moorcroft	52%	Ten Sleep	55%
Casper	40%	Guernsey	55%	Mountain View	44%	Thayne	70%
Chugwater	55%	Hanna	59%	Newcastle	50%	Thermopolis	58%
Clearmont	60%	Hartville	23%	Opal	37%	Torrington	54%
Cody	50%	Hudson	56%	Pavillion	59%	Upton	36%
Cokeville	35%	Hulett	54%	Pine Bluffs	36%	Van Tassell	100%
Cowley	32%	Jackson	55%	Pinedale	32%	Wamsutter	22%
Dayton	29%	Kaycee	25%	Pine Haven	28%	Wheatland	51%
Deaver	58%	Kemmerer	29%	Powell	46%	Worland	51%
Diamondville	31%	Kirby	69%	Ranchester	46%	Wright	32%
Dixon	53%	La Barge	55%	Reliance	50%	Yoder	60%
CDBG County							
LMI Percentage 2024/2025							
County	LMI %	County	LMI %	County	LMI %	County	LMI %
Albany	55%	Fremont	47%	Natrona	40%	Sweetwater	39%
Big Horn	48%	Goshen	53%	Niobrara	53%	Teton	40%
Campbell	37%	Hot Springs	53%	Park	41%	Uinta	46%
Carbon	44%	Johnson	45%	Platte	51%	Washakie	49%
Converse	37%	Laramie	36%	Sheridan	41%	Weston	40%
Crook	38%	Lincoln	39%	Sublette	39%		

\*\*\* Please Note: City/ Town & County area benefit must have an LMI of 51% or greater \*\*\*

\*\*\* LMI of 50% and under are not eligible for an area benefit \*\*\*

**Exhibit B**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
**CITIZEN PARTICIPATION PLAN**

\_\_\_\_\_ has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Wyoming Community Development Block Grant funds:

- Furnish citizens with information related to the availability of CDBG funding including the amount the State makes available under each state fiscal year, the eligible CDBG activities, and the eligible uses of CDBG funds;
- Provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;
- Provide technical assistance to groups representative of persons of low and moderate income who request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;
- Provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizens' views and responding to proposals and questions;
- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the application to the State. Substantially changed means changes made in terms of purpose, scope, location, or beneficiaries as defined by criteria established by WCDA;
- Provide citizens with the \_\_\_\_\_ Residential Anti-Displacement and Relocation Assistance Plan if proposed applications to be submitted will likely result in displacement of persons or businesses from their homes or businesses;
- Provide citizens the contact address, email address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable; and
- Provide information and seek comment from potential beneficiaries that are outside the jurisdiction that may benefit from CDBG funded activities.

**Exhibit B Continued**

**Provision of Information, Public Hearings and Comments**

\_\_\_\_\_ will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of \_\_\_ am- \_\_\_ pm at the following location: \_\_\_\_\_.

Where possible, \_\_\_\_\_ will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

\_\_\_\_\_ will hold at least one public hearing to receive input by citizens on the housing and community development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held in conjunction with a regularly scheduled meeting of the elected public officials prior to submission of an application for CDBG funds.

If the WCDA CDBG Program funds the activity, a second hearing on program performance will be held during the grant period after the activity has been initiated.

\_\_\_\_\_ will publish notice of each public hearing in a newspaper of general local circulation no less than fourteen (14) days in advance of each hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations accessible to the disabled. Documentary evidence that the required notices are published and public hearings are held in accordance with the plan will be maintained. Written minutes of the hearing and an attendance roster will be maintained by \_\_\_\_\_ at the following location:

Draft copies of applications to be submitted will be available for public comment. The information as to how the public may access the draft plan will be included in the public hearing notice and discussed during the hearing.

If necessary, \_\_\_\_\_ will make arrangements for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to \_\_\_\_\_ at \_\_\_\_\_

At least \_\_\_\_\_ days advance notice is required in order for these accommodations to be made.



**Exhibit B Continued**

**Complaints and Grievance**

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ shall provide a response in writing to written complaints or grievances within 15 business days.

**Amendments to Applications or Grants**

\_\_\_\_\_ will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location, or beneficiaries of a project. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

This Citizen Participation Plan is hereby adopted by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. It is effective for a 5-year period until \_\_\_\_\_.

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
WITNESS

**Exhibit C**  
**Example of Public Hearing Notice**  
Community Development Block Grant (CDBG)  
FIRST PUBLIC HEARING NOTICE

will hold a public hearing for the community's Community Development Block Grant (CDBG) activities, with proposed funding made available from the Wyoming Community Development Authority (WCDA) CDBG Program. The public hearing will be held:

Date and Time: (Must be at least FOURTEEN days after the date of publication)

Place: (Location of the meeting)

The purpose of the public hearing is to solicit public view, comments, and recommendations for a potential grant application for WCDA's CDBG Program.

The Wyoming Community Development Authority will accept applications until (insert date) at 5 p.m. WCDA expects to have approximately \$(insert funding amount) available for housing related activities within the State of Wyoming. Eligible activities include acquisition of \_\_\_\_\_, rehabilitation of \_\_\_\_\_, publicly owned infrastructure improvements, clearance of \_\_\_\_\_ sites, improvements to public facilities, and planning activities. At least 75% of activities must result in a direct benefit to low (50% of HUD's AMI) and moderate (80% of HUD's AMI) income persons.

Interested persons are invited to attend, participate in the process, and provide comments in support of or in opposition to the potential grant application. Comments may be submitted in writing prior to the meeting. Send comments to (insert contact information).

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify (insert contact information) at least three days prior to the hearing to be attended.

The Program Description and Application for the CDBG-funded Neighborhood Development Activities may be obtained by contacting WCDA at 155 North Beech Street, at [www.wyomingcda.com](http://www.wyomingcda.com), or by calling 307-265-0603.

Publication Date: (Must be at least FOURTEEN days prior to but not including the date of the public hearing)

**Exhibit D**  
**Residential Anti-Displacement & Relocation Assistance Plan**

\_\_\_\_\_ will take every preventable action to minimize the involuntary displacement of persons or businesses when using federal funds received from the Wyoming WCDA Community Development Block Grant program as a source of funding in our projects. In the event that displacement occurs, \_\_\_\_\_, hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“URA”), as amended, as described in 49 CFR Part 24 and with the Housing and Community Development Act of 1974 (“HCD Act of 1974”), as amended, as described in 24 CFR Part 42.

**Relocation**

\_\_\_\_\_ will provide relocation assistance as required under the URA to all persons or businesses displaced as a direct result of assisted activities. They shall be provided relocation benefits which, at a minimum, include:

- Relocation assistance planning and advisory services;
- Moving expenses;
- Referral to a comparable replacement unit; and
- Replacement housing payments for 42 months.

Low- and moderate-income households displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low- and moderate-income dwellings to another use are entitled to additional benefits under the requirements of 24 CFR 42.350. These additional benefits include:

- Security deposits and credit checks;
- Referral to a comparable replacement unit; and
- Replacement housing payments for 60 months.

Additionally, low- and moderate-income tenants are also eligible for:

- Referral to at least one suitable, decent, safe, and sanitary replacement dwelling unit. \_\_\_\_\_ shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and
- Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the “Total Tenant Payment.” All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

## Exhibit D Continued

In addition, in consideration of the financial assistance received from the Wyoming WCDA CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion which results in temporary relocation, \_\_\_\_\_ agrees to assist either the temporarily displaced residential or business tenant or owner occupant during the time they are displaced. Those receiving temporary relocations shall receive at a minimum:

- Interim living costs;
- Relocation assistance planning and advisory services;
- Reasonable moving expenses; and
- Rental Assistance (if moving to more expensive unit).

### One-for-One Replacement Housing

In the event that low- and moderate-income dwelling units are demolished or converted to a use other than as low and moderate-income housing, \_\_\_\_\_ will replace all units that were occupied or were vacant but deemed occupiable as required under Section 104(d) of the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) 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, \_\_\_\_\_ will make public and submit to WCDA the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low and moderate-income dwelling units as a direct result of the assisted activity;
- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;
- E. The source of funding and a time schedule for the provision of replacement dwelling units; and
- F. The basis for concluding that each replacement dwelling unit will remain a low and moderate-income dwelling for at least ten (10) years from the date of initial occupancy.

**Exhibit D Continued**  
**General Policies**

1. \_\_\_\_\_ will take every preventable action to minimize the involuntary displacements of persons or businesses during the implementation of our CDBG funded projects. Examples of actions that may be taken include:
  - Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun.
  - Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
  - Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.
  
2. \_\_\_\_\_ may enter into a written agreement with a subrecipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.
  
3. \_\_\_\_\_ understands the cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source including the jurisdiction's general fund.
  
4. \_\_\_\_\_ will refer owners and/or tenants to the State WCDA CDBG Program if there is a disagreement regarding the applicability of these requirements to an acquisition or a displacement.
  
5. \_\_\_\_\_ will prepare a specific Relocation Plan in the event that funding is requested for a project where it is known that displacement will occur.

ATTEST/WITNESS

\_\_\_\_\_  
(Typed Name of Chief Elected Official)

\_\_\_\_\_  
(Signature)

This Anti-Displacement & Relocation Assistance Plan is hereby adopted by \_\_\_\_\_  
on \_\_\_\_\_, 20\_\_\_\_. It is effective for a 5-year period until \_\_\_\_\_.

**Exhibit E**  
**WCDA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
Certification Regarding Debarment and Suspension

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities.

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses in the paragraph above; and
  - Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
  
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective shall attach an explanation to this proposal.

**Grantees should use the System for Award Management (SAM) web-site at [www.sam.gov](http://www.sam.gov) to determine if the potential contractor or entity is excluded from receiving federal contracts.**

**Exhibit E Continued**  
**WCDA CDBG PROGRAM**  
**Debarment Check**

Name of Contractor \_\_\_\_\_  
(Legal)

Contractors Address \_\_\_\_\_

Date Debarment Check Completed \_\_\_\_\_

**CERTIFICATION SIGNATURE:**

**SIGNATURE:** By signing this Certification page, I certify that I performed the necessary actions to complete the debarment check and certifying that this contractor is not debarred or suspended pursuant to the federal regulations cited herein.

**Grantee Name:** \_\_\_\_\_

**Chief Elected Official:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*(Signed Certifications must be maintained in CDBG project file)*

**Exhibit F**  
**AFFORDABLE RENT STANDARD**  
*(Sample shows minimal language to be included)*

The State of Wyoming through WCDA provides Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) to eligible grantees and their subrecipients for the development of rental housing. As a recipient of CDBG funds for the SPECIFIC ACTIVITY (acquisition of land for the construction) for SPECIFIC PROJECT NAME, WCDA must certify that \_\_\_\_\_ will comply with requirements to ensure these units are affordable for low- and moderate-income persons by adoption and maintenance of an Affordable Rent Standard.

(CHOOSE THE SECTION BELOW THAT APPLIES TO YOUR PROJECT)

Section 1:

For projects assisted with other state and/or federal affordable housing funding, the contract rents for those units will not exceed the fair market rents established annually for the county by HUD or the rent standards published by the state or federal funding agencies. The rents for these units will remain affordable for the defined term required by the other funding source (or the CDBG term, whichever is greater.)

OR

Section 2:

For projects that do not include other state and/or federal affordable housing funding, the contract rents for those units will not exceed the fair market rents established annually for the county by HUD. The rents for these units will remain affordable for \_\_ years after occupancy date.

The County/City shall enforce this requirement with a lien with the subrecipient of the property,

Rents may be increased on an annual basis at the time of lease renewal consistent with changes in the rent standard for the project and as specified in the project option chosen above, but in no case will the project owner be required to reduce rents. Rents will be checked annually by the County/City.

Approved on this date \_\_\_\_\_

(Board /Council name)  
(Jurisdiction)

By: \_\_\_\_\_  
(Mayor/President)



**Exhibit G**  
**LIMITED ENGLISH PROFICIENCY DETERMINATION**

Grantee: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date completed: \_\_\_\_\_

County: \_\_\_\_\_

The most populous non-English language spoken in this county is:

\_\_\_\_\_

Number of Persons \_\_\_\_\_ % of population

All actions taken by this jurisdiction include:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Repeat on separate paper if there is more than one language that triggers action.

*\*Vital documents* are those that contain information critical for obtaining federal services and/or assistance or are required by law. Examples: notices, applications, notices of rights, notices of availability or eligibility, needs assessments, etc.

**Exhibit H**  
**CONFLICT OF INTEREST**  
**Disclosure for Financial Assistance**

All applicants for direct financial assistance through the Wyoming WCDA CDBG Program must disclose any potential conflict of interest related to participation in the program and receipt of such federal funds. A conflict of interest may occur if an applicant is related to or has a business relationship with an employee or board member of WCDA or as otherwise defined in the WCDA CDBG Policy and Procedure Manual. If it is determined there is an actual or potential conflict of interest or potential conflict of interest, you may not be approved for assistance. The applicant may request WCDA to review the conflict circumstances and make a formal determination regarding the existence of such conflict. Such review may result in a waiver by WCDA allowing for approval of such application. However, WCDA reserves the right to approve or deny any application for funds based upon its review and determination of such conflict and whether it could create an adverse effect resulting from an approval and award of funds.

1. Are you now or have you ever been an employee or board member of WCDA?  
 Yes  No If yes, please identify: \_\_\_\_\_
2. Are you related (including through marriage or domestic partnership) to an employee or board member of WCDA?  
 Yes  No If yes, please identify: \_\_\_\_\_
3. Do you have a business or professional relationship with anyone identified under Question #1?  
 Yes  No If yes, please identify: \_\_\_\_\_
4. Do you agree to abide by all conflict-of-interest guidelines outlined in the WCDA Policy and Procedure Manual?  
 Yes  No If yes, please identify: \_\_\_\_\_
5. Do you agree to notify WCDA immediately when a conflict of interest arises or may potentially arise?  Yes  No

I certify that the above information is true and correct. I understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_ (Print)

<b>CDBG Grant Number:</b>	<b>Date Received:</b>
<input type="checkbox"/> <b>Conflict of Interest does not exist</b> <input type="checkbox"/> <b>Conflict of Interest exists</b>	
<input type="checkbox"/> <b>Waiver Granted</b> <input type="checkbox"/> <b>Waiver Denied</b>	

**Exhibit I**  
**CONFLICT OF INTEREST**  
**Contractor Disclosure**

All businesses submitting bids for projects and activities which include funding through the Wyoming WCDA CDBG Program must disclose any potential conflict of interest. A conflict of interest may occur if any business owner/principal is related to or has a business relationship with an employee, officer, or elected official of a project applicant or with a WCDA employee or board member, or as otherwise defined in the WCDA CDBG Policy and Procedure Manual. If it is determined there is an actual or potential conflict of interest or potential conflict of interest, you may not be selected even if your bid is determined to be the lowest, most qualified. You may request WCDA to review the conflict circumstances and make a formal determination regarding the existence of such conflict. Such review which may result in a waiver by WCDA allowing for approval of such application. However, WCDA reserves the right to approve or deny any application for funds based upon its review and determination of such conflict and whether it could create an adverse effect resulting from an approval and award of funds.

1. Has owner/principal ever been an employee, agent, consultant, officer, elected official or appointed official of \_\_\_\_\_?  
 Yes  No If yes, please identify:
2. Is owner(s)/principal(s) related (including through marriage or domestic partnership) to an employee, agent, consultant, officer, elected or appointed official of \_\_\_\_\_?  
 Yes  No If yes, please identify:
3. Does owner/principal have a business or professional relationship with anyone identified in Question #1?  
 Yes  No If yes, please identify:
4. Do you agree to abide by all conflict-of-interest guidelines outlined in WCDA Policy and Procedure Manual?  
 Yes  No If yes, please identify:
5. Do you agree to notify WCDA immediately when a conflict of interest arises or may potentially arise?  Yes  No

I certify that the above information is true and correct. I understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_(Print)

<b>CDBG Grant Number:</b>	<b>Date Received:</b>
<input type="checkbox"/> <b>Conflict of Interest does not exist</b> <input type="checkbox"/> <b>Conflict of Interest exists</b>	
<input type="checkbox"/> <b>Waiver Granted</b> <input type="checkbox"/> <b>Waiver Denied</b>	