

Dear Senators PATRICK, Martin, Schmidt, and
Representatives HARTGEN, Anderson, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Commerce:

IDAPA 28.02.01 - Idaho Community Development Block Grant Program (ICDBG) - Proposed
Rule (Docket No. 28-0201-1501);

IDAPA 28.02.07 - Rules Governing the Administration of the IGEM Grant Program - Proposed
Rule (Docket No. 28-0207-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/23/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/20/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee

FROM: Division Manager - Mike Nugent

DATE: October 05, 2015

SUBJECT: Department of Commerce

IDAPA 28.02.01 - Idaho Community Development Block Grant Program (ICDBG) - Proposed Rule (Docket No. 28-0201-1501)

IDAPA 28.02.07 - Rules Governing the Administration of the IGEM Grant Program - Proposed Rule (Docket No. 28-0207-1501)

The Department of Commerce is proposing to promulgate two sets of proposed rules relating to its Grants Program. One set deals with the Idaho Community Development Block Grant Program and other deals with the Administration of the IGEM Grant Program.

The first set of proposed rules are somewhat lengthy and encompass thirty-nine pages. In its notice of intended agency action, the Department states that this set of proposed rules will help the Idaho Community Development Block Grant Program align with its consolidated plan by eliminating confusing language, by making needed date and other changes in the Code of Federal Regulations, would open the program up to most Idaho cities and counties rather than small cities, will further define program eligible activities, will expand the senior and community center set-aside to include public parks, will revise and remove some language regarding urban renewal and urban blight and further revise verbiage and terminology.

The second set of proposed rules relating to the IDEM Grant program would provide for private industry in partnership with the University of Idaho, Idaho State University or Boise State University, to take the lead in applying for an IGEM grant as the three universities will remain the only eligible recipients of an IGEM grant. Other changes are made in the proposed rules regard the application and commercialization of revenue as well as making other grammatical corrections.

It appears both sets of proposed rules have been promulgated within the scope of statutory authority granted to the Department of Commerce.

cc: Department of Commerce
Jeffery Sayer

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.02.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

DOCKET NO. 28-0201-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-4733, Idaho Code, and Code of Federal Regulations (CFR) 24 CFR 570.480.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed changes will help the ICDBG program align with its Consolidated Plan, eliminate confusing language, comply with the Code of Federal Regulations (CFR), and help facilitate increasing interest from Idaho cities and counties. The changes will better define program eligible activities, expand the Senior and Community Center set-aside to include public parks, and update verbiage and terminology.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule will not require the imposition of a fee.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

Idaho Department of Commerce does not anticipate a fiscal impact from this rule change.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the ability to communicate proposed rule changes and come to a consensus with 237 Idaho cities and counties is not feasible. However, some of the rule changes are based on city and county feedback from a September 2014 survey regarding the ICDBG program. The survey and public hearings were held in order to develop the ICDBG program's Five-Year Consolidated Plan. This plan is the guiding document of the CDBG goals and method of funding distribution.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

ICDBG is a federally funded program and therefore must adhere to, and comply with, the CFR. Incorporating the CFR by reference allows for ICDBG to integrate ongoing updates without having to update Idaho code each time. This is a cost savings for taxpayers as there is no need to reprint rules with each update.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Megan Ronk, Chief Operating Officer, (208) 334-2470.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 2nd Day of September, 2015.

Megan Ronk
Chief Operating Officer
Idaho Department of Commerce
700 West State Street
PO Box 83720
Boise, ID 83720-0093
Tel: (208)-334-2470 / Fax: (208)-334-2631

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 28-0201-1501
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

In 1981 Congress amended the Community Development Act of 1974 to allow states to assume the Department of Housing and Urban Development's ~~Small-Cities~~ State Community Development Block Grant Program. The Department of Commerce, through these rules, is implementing the state's administration of the ~~Small-Cities~~ State Community Development Block Grant program as authorized by the Housing and Community Development Act of 1974, as amended, (42 USC, Sec. 5301) and Department of Housing and Urban Development Rules 24 CFR, Part 570, Subpart I. Funds which are appropriated annually by Congress are allocated by statutory formula to each state. This chapter is adopted in accordance with Section 67-4702(2), Idaho Code. ~~(3-29-10)~~()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

IDAPA 28.02.01 incorporates by reference the following: (3-29-10)

01. 24 CFR 570.489, ~~pages 41 and 43~~, dated April 1, 20014. Access to this document is available through the Department of Commerce website at <http://commerce.idaho.gov/>. ~~(3-29-10)~~()

02. 24 CFR 570.611, ~~page 46~~, dated April 1, 20014. Access to this document is available through the Department of Commerce website at <http://commerce.idaho.gov/>. ~~(3-29-10)~~()

(BREAK IN CONTINUITY OF SECTIONS)

009. DEFINITIONS.

For the purposes of these rules, the following words are defined. (7-6-94)

01. Allocation. The state of Idaho's share of the Small Cities Community Development Block Grant Program as determined by the funding formula contained in the Housing and Community Development Act of 1974, as amended. (7-6-94)

02. Appropriation. The Federal funding, as set by Congress, for the Department of Housing and Urban Development (HUD). (7-6-94)

03. CDBG. The Community Development Block Grants, especially the ~~Small-Cities~~ State Program administered by HUD. ~~(7-6-94)~~()

04. Department. The Idaho Department of Commerce. (3-29-10)

05. Grant. The transfer of ICDBG funds, in accordance with state and federal law, from the Department to a unit of local government for the specific purpose of accomplishing the project described in the Application. (7-6-94)

06. ICDBG. The Idaho Community Development Block Grants. The Idaho Department of Commerce administered Small Cities ICDBG Program. (7-6-94)

010. GENERAL OBJECTIVES.

01. National Objectives. The primary objective of this program is to develop viable communities by expanding economic opportunities and providing decent housing, "principally for persons of low and moderate incomes." Consistent with this primary objective, projects funded under Idaho's Community Development Block Grant Program must be designed so that each activity will benefit either low and moderate income persons, will aid in the prevention or elimination of slums and blight, or will meet other community development needs having a particular urgency because of existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. (7-6-94)

02. State Objectives. The state's objective of the Idaho Community Development Block Grant (ICDBG) program is to assist Idaho communities in developing their economy, public facilities and housing to provide greater opportunities, principally for low and moderate income citizens, through: increasing economic opportunities by assisting business expansions and job creation; improving community infrastructure to accommodate economic growth and eliminate health and safety problems; improving housing stock and expanding housing choices; and rebuilding or revitalizing blighted areas. (7-6-94)

~~**03. ICDBG Funds.** ICDBG funds shall not be used to fund projects or activities which can be funded primarily by other state, private or federal resources. (7-6-94)~~

011. GRANT PROGRAM.

01. Grant Types. The following six (6) types of grants are available under the Idaho Community Development Block Grant program: Public Facility or Housing (PFH); Economic Development (ED); Community Center (CC) or Senior Citizen Center (SR); and Imminent Threat (IT). (7-1-98)

02. General Descriptions. In any project, eligibility must meet two (2) tests. First, the project must be described by one (1) or more eligible activities (Section 022) and second, the project must qualify in a national objective (Section 015). (7-6-94)

03. Public Facility or Housing Grants. (7-6-94)

a. Public facility projects are those that construct or improve facilities including, but not limited to, sewer or water systems, streets, curbs, gutters, and sidewalks, fire stations, public medical and health facilities, libraries, group homes, publicly owned commercial or industrial property. Some public facilities such as city halls, courthouses, police stations, jails, and schools are by definition ineligible (Section 052) or have extreme difficulty meeting a national objective. ~~Other public facilities such as solid waste disposal, parks, maintenance shops are sometimes eligible only in very narrow circumstances. (7-1-98)()~~

b. Housing projects are those that improve or ~~construct~~ **rehabilitate** housing units for low and moderate income families. Projects include, but are not limited to, rehabilitation of public housing, rental rehabilitation, owner-occupied housing rehabilitation, acquisition of real property for rental rehabilitation, acquisition of land and site development for new rental housing, replacement housing, rehabilitation of school buildings into housing, acquisition of sites, site development and acquisition of manufactured housing for manufactured home parks. (7-6-94)()

04. Economic Development Grants. There are two (2) types of Economic Development projects. (7-6-94)

a. The first is the provision of infrastructure, usually sewer, water, or street, to a specific business

expansion or new location. Manufacturing or processing companies are the more competitive projects. The grant funds assist with the public costs of extending services in exchange for a commitment from the business to create jobs for low and moderate income persons. (7-6-94)

b. The second grant is to assist with downtown revitalization. The downtown merchants and landowners must organize themselves and develop a plan of specific improvement actions. The downtown area must meet the slum and blight national objective. (7-6-94)

05. Center and Park Grants. (7-1-98)

~~a.~~ Community Center Grants, ~~Community Center projects, Senior Center Grants, and Public Park Grants~~ are ~~a~~ specific types of public facility projects. Funds are set aside for these facilities only. Community ~~e~~Centers, ~~Senior Centers, and Public Parks~~ must be owned or operated for the benefit of all project area or neighborhood residents. (7-1-98)()

~~b.~~ ~~Senior Citizen Center Grants. Senior Citizen Center projects are a specific type of public facilities project. Funds are set aside for these facilities and community centers only. The center must be owned or operated for the benefit of senior citizens.~~ (7-1-98)

06. Imminent Threat Grants. Imminent Threat projects are those which correct or eliminate a recent threat to human health or safety (see Section 021 and Section 108). (7-6-94)

07. Grant Award System. Since demand for grants far exceeds available funds, a competitive system is used to select grants, except for the imminent threat and technical assistance grants. Grant applications shall be submitted, rated and selected for funding according to the criteria and procedures established by these rules. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

016. BENEFIT TO LOW AND MODERATE INCOME PERSONS.

01. Definition. Members of a family having an income within family income standards established by HUD for housing and community development programs. Unrelated individuals are considered one (1) person families. Low income is defined as families with income of fifty percent (50%) or less of the county median income. Moderate income is defined as families with income of eighty percent (80%) or less of the county median income. HUD established that county median income is the greater of either the county median income or the median income of the "non-entitlement" area of the state. Activities considered to benefit LMI persons are divided into four (4) categories: area benefit activity, limited clientele activity, housing activity, and job creation or retention activity. (7-6-94)

02. Area Benefit Activity. A grant project which meets the needs of LMI persons residing in an area where at least fifty-one percent (51%) of the residents are LMI persons. The benefits of this project are available to all persons in the area regardless of income. Such an area need not have the same boundaries as census tracts or other officially recognized boundaries but must be the entire area served by the project. A project that serves an area that is not primarily residential in character (i.e. street construction in an industrial park) shall not qualify under this category. (7-6-94)

03. Limited Clientele Activity. A grant project which benefits a specific group of people, at least fifty-one percent (51%) of whom are LMI persons. Limited clientele activities also include special projects to remove material and architectural barriers which restrict the mobility and accessibility of elderly or ~~persons~~ **adults** with disabilities to publicly-owned and privately-owned non-residential buildings. To qualify in limited clientele activity, the activity must meet one (1) of the following tests: (7-6-94)()

a. Benefits a clientele group who are generally presumed to be principally LMI persons. Currently, the following groups are presumed by HUD to meet this criterion: elderly persons, homeless persons, ~~persons~~ **adults** with disabilities, migrant farm workers, abused children, battered spouses, illiterate ~~persons;~~ **adults,** or **adults living**

with the disease AIDS:

(7-6-94)()

- b. Information on family or household size and income proves that at least fifty-one percent (51%) of the clientele are persons whose family income does not exceed the LMI limit; or (7-6-94)()
- c. Income eligibility requirements limit the activity exclusively to LMI persons; or (7-6-94)
- d. By the nature and location it may be concluded that the clientele will primarily be LMI persons; or (7-6-94)
- e. A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or persons with disabilities to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one (1) dwelling unit. (7-6-94)

04. Housing Activity. A grant project which adds to or improves permanent, residential structures which, upon completion, will be occupied by LMI households. This project may include, but not necessarily be limited to, the acquisition or rehabilitation of property; and conversion of non-residential structures; ~~and new housing construction.~~ (7-6-94)()

a. The housing may be either one (1) family or multifamily structures. If the structure contains two (2) dwelling units, at least one (1) must be so occupied, and if the structure contains more than two (2) dwelling units, at least fifty-one percent (51%) of the units must be so occupied. Where two (2) or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The unit of general local government shall adopt and make public its standards for determining "affordable rents" for this purpose. (7-6-94)

b. The following shall also qualify under this criterion. When less than fifty-one percent (51%) of the units in a structure will be occupied by low and moderate income households, ICDBG assistance may be provided in the following limited circumstances: the assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project; not less than twenty percent (20%) of the units will be occupied by low and moderate income households at affordable rents; and the proportion of the total cost of developing the project to be borne by ICDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households. (7-6-94)

05. Job Creation or Retention Activity. A grant project which creates or retains permanent jobs, at least fifty-one percent (51%) of which are either taken by LMI persons or considered to be available to LMI persons. (7-6-94)

- a. Acceptable documentation on applicant/employee family income includes any of the following: (3-20-97)
 - i. Notice that employee/applicant is a referral from state, county, or local employment agency or other entity that agrees to refer individuals who they determine to be low or moderate income based on HUD's criteria. These entities must maintain documentation which is to be available for grantee, Department, or federal inspection; or (3-20-97)
 - ii. Written certification signed by the employee/applicant of family income and size to establish income status showing either: The actual income of the family; or, a statement that the family income is below that required by CDBG standards. These forms must include a statement that they are subject to verification by the local or federal government; or (3-20-97)
 - iii. Evidence that employee/applicant qualifies for assistance under another program with income qualification criteria at least as restrictive as those used by HUD (e.g., referrals from the Workforce Investment Act (WIA) program), except for referrals under the WIA program for dislocated workers. (4-11-06)

b. For an activity designed to create permanent jobs where at least fifty-one percent (51%) of the jobs, computed on a full time equivalent basis, involve the employment of low and moderate income persons. For an activity that creates jobs, the unit of general local government must document that at least fifty-one percent (51%) of the jobs will be “held by”, or will be made “available to”, low and moderate income persons. The unit of local government and the business must determine at the time of pre-application whether they will use “held by” or the “available to” criteria as their method of documenting LMI jobs. ~~The option chosen cannot be changed at a later date.~~ (3-20-97)()

c. For an activity that retains jobs, the unit of general local government must document that the jobs would actually be lost without the ICDBG assistance and that either or both of the following conditions apply with respect to at least fifty-one percent (51%) of the jobs at the time the ICDBG assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two (2) years and that it will be filled by, or that steps will be taken to ensure that it is made available to, a low or moderate income person upon turnover. (7-6-94)

d. Jobs will be considered to be “available to” low and moderate income persons for these purposes only if: special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and the unit of general local government and the assisted business take actions to ensure that low and moderate income persons receive first consideration for filling such jobs. First consideration shall consist of the business using a hiring practices that in all likelihood will result in over fifty-one percent (51%) of persons hired being LMI persons, the business must seriously consider/interview an adequate number of LMI applicants, the availability of transportation must be considered to allow LMI persons to commute to the job site. The hiring practice used to make jobs available to LMI persons shall be identified in the pre-application and approved by the Department. (3-20-97)

e. As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except: in certain cases, such as where ICDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided the businesses are not otherwise assisted by ICDBG funds; and where ICDBG funds are used to pay for the staff and overhead costs of a subrecipient specified in Section 105(a)(15) of the Act making loans to businesses from non-ICDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one (1) year period. (7-6-94)

f. In any case where ICDBG funds are used for public improvement (e.g., water, sewer and road) and the national objective is to be met by job creation or retention as a result of the public improvement, the requirement shall be met as follows: the assistance must be reasonable in relation to the number of jobs expected to be created or retained by the affected business(es) within two (2) years from the completion of the public improvement. If the ICDBG assistance is under ten thousand dollars (\$10,000) per job created or retained, then only businesses applying for ICDBG assistance need to be assessed for low and moderate income job creation or retention. If the ICDBG equals or exceeds ten thousand dollars (\$10,000) per job then any business benefiting by the public improvement, for a period of up to one (1) year after the physical completion of the public improvement, must be assessed for low and moderate income job creation or retention. (3-29-10)

017. -- 019. (RESERVED)

020. AID IN PREVENTION/ELIMINATION OF SLUMS AND BLIGHT.

01. Definition. ~~An area of slum and blight is a definable geographic area which contains a substantial number of deteriorating or dilapidated buildings or two (2) or more deteriorated public facilities throughout the area.~~ The area impairs the sound growth of a community, constitutes an economic liability or a social liability to the community, or contains conditions which are a menace to public health, safety or welfare. Any Eligible Activity may be used to remove conditions that are contributing to the slum and blighting conditions. Activities may address slum and blight conditions on either an area basis or spot basis. (7-6-94)()

02. Elimination of Slum or Blight on an Area Basis. To qualify under the national objective of slum/

blight on an area basis, a project must meet ~~all of the following criteria. First, the area shall, by resolution, be officially designated by the grantee and must meet the definition of a slum, blighted, deteriorated or deteriorating area. The resolution shall establish the boundaries of the slum and blighted area and generally describe the conditions of slum and blight. Second, there must be identified and documented a substantial number of deteriorated or deteriorating buildings, or public improvements throughout the area. This condition will be considered fulfilled if two (2) or more public improvements throughout the area are in a general state of deterioration. Third, the project must address one (1) or more of the conditions which contributed to the deterioration of the area~~ the criteria as defined in 24 CFR 570.483(c)(1). (7-6-94)()

03. Elimination of Slum or Blight on a Spot Basis. To comply with the national objective of elimination or prevention of slums or blight outside a slum or blighted area, a project must meet the ~~following criteria: the project must be designed to eliminate specific conditions of blight or physical decay on a spot basis not located in a slum or blighted area; and the project is limited to: acquisition, clearance, relocation, historic preservation, or rehabilitation of buildings (but only to the extent necessary to eliminate specific conditions detrimental to public health and safety). The grantee shall by resolution declare the property(ies) to be in a severely deteriorated condition, and generally describe the conditions of the building. The grantee shall document the deteriorating and blight conditions including but not limited to code inspections, structural inspections, appraisals, the impact of the property on surrounding property and the health and safety problems. The grantee shall describe and document their legal options and actions relative to the project~~ as defined in 24 CFR 570.483(c)(2). (7-6-94)()

(BREAK IN CONTINUITY OF SECTIONS)

022. ELIGIBLE ACTIVITIES.

An activity ~~listed in Sections 023 through 051 which~~ as identified in 24 CFR 570.482 eligible activities that also meets one (1) of the three (3) national objectives is considered eligible and may be financed in whole or in part with Idaho Community Development Block Grant (ICDBG) funds. Each grantee must ensure and maintain evidence that each of its ICDBG-funded activities meets one (1) of the national objectives. A grant project shall consist of a combination of eligible activities. Each activity must also be in compliance with the following conditions: (3-20-97)()

01. Environmental Review. An environmental review and clearance procedure (contained in the Code of Federal Regulations (24 CFR Part 58)) must be completed for each project consisting of activities as defined in this Section. (7-6-94)

02. Cost Principles. Costs incurred must conform with the requirements of OMB Circulars A-87 "Cost Principles Applicable to Grants and Contracts with State and Local Governments" or A-122, "Cost Principles for Nonprofit Organizations." (7-6-94)

03. Mixing Eligible and Ineligible Uses. A public facility eligible for ICDBG assistance may be funded even if it is part of a multiple-use building containing ineligible uses if: (7-6-94)

a. The eligible portion of the building is a designated and discreet area of the building; (7-6-94)

b. The applicant can determine the costs attributable to the eligible use or eligible portion of the facility as distinct from the overall costs of the facility. (7-6-94)

04. Special Assessments. (7-6-94)

a. Definition. The recovery of the capital costs of a public improvement, such as streets or sewer lines, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement. The fee amount represents the pro-rata share of the capital costs of the public improvement levied against the benefiting properties. The term does not relate to user fees or taxes or the establishment of the value of real estate for the purpose of levying real estate, property or ad valorem taxes. (7-6-94)

b. Restrictions. For projects funded beginning in 1984, no special assessments will be levied against properties owned and occupied by low and moderate income persons to recover that portion of a capital expenditure funded in whole or in part by ICDBG funds. This includes fees or assessments made as a condition to obtain access to a facility. Grant recipients may levy assessments to recover the portion of a capital expenditure funded from other sources if the assessments of the low and moderate income owner-occupants are paid with ICDBG funds. Funds collected through special assessments are not program income if the assessment of LMI owner-occupants are paid with ICDBG funds. ICDBG funds may be used to pay for assessments levied against property owned and occupied by low and moderate income persons even if the public facility improvements are financed solely from other sources, and if the improvements were carried out in compliance with ICDBG rules. (7-6-94)

05. **Beneficiary Data.** Each grantee shall collect and maintain data on the persons to directly benefit from the grant project. The data shall include information on race, gender and ethnic characteristics of persons who are applicants for, participants in, or beneficiaries of the grant project. (7-6-94)

~~023. ACQUISITION OF REAL PROPERTY.~~

~~ICDBG funds may be used to acquire real property in whole, or in part, by purchase, long-term lease (if for fifteen (15) years or more), donation, or otherwise. The following real property or interests therein is eligible for acquisition: property which is blighted, deteriorated, deteriorating, undeveloped or inappropriately developed from the standpoint of sound community development and growth; property which is appropriate for rehabilitation or conservation activities; property which is appropriate for the preservation or restoration of historic sites; the beautification of urban land; the conservation of open spaces, natural resources, and scenic areas; the provision of recreational opportunities; or the guidance of urban development; property which is to be used for the provision of public works, facilities, and improvements eligible for assistance under these rules; and property which is to be used for housing.~~ (7-6-94)

~~024. PUBLIC FACILITIES AND IMPROVEMENTS.~~

~~The acquisition, construction, rehabilitation, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promotes energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements. Included are facilities to provide shelter for persons having special needs provided such facilities are not prohibited by the new housing construction prohibition.~~ (7-6-94)

~~025. CODE ENFORCEMENT.~~

~~Code enforcement involves the payment of salaries and overhead cost directly related to the enforcement of local codes. ICDBG funds may be used only in deteriorated or deteriorating areas where enforcement, together with public or private improvements or services, may be expected to arrest the decline of the area.~~ (7-6-94)

~~026. CLEARANCE AND DEMOLITION.~~

~~Clearance, demolition, removal of buildings and facilities, and movement of structures to other sites.~~ (7-6-94)

~~027. REMOVAL OF ARCHITECTURAL BARRIERS.~~

~~Removal of material and architectural barriers which restrict the mobility and accessibility of elderly and persons with disabilities to publicly or privately owned buildings, facilities and improvements.~~ (7-6-94)

~~028. RENTAL INCOME PAYMENTS.~~

~~Payments to housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be utilized for the relocation of individuals and families displaced by activities under this title.~~ (7-6-94)

~~029.—032. (RESERVED)~~

~~033. DISPOSITION OF PROPERTY.~~

~~Costs associated with the disposition (through sale, lease, donation, or otherwise) of any real property acquired with ICDBG funds, or with the retention of real property for public purposes. Reasonable costs of temporarily managing such property (or property acquired under urban renewal) until final disposition of the property is made. Disposition costs include fees paid for: appraisals, surveys, marketing, legal services, financial services, transfer taxes and other costs involved in the transfer of ownership of property. Any proceeds from the disposition of such property shall be considered program income.~~ (7-6-94)

~~034. PUBLIC SERVICES.~~

~~Provisions of new or increased levels of public services, including, but not limited to, those concerned with employment, crime prevention, child care, health, drug abuse, fair housing, counseling, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state) during any part of the twelve (12)-month period immediately preceding the date of submission of the application. (7-6-94)~~

~~035. USE OF ICDBG FUNDS FOR LOCAL MATCH.~~

~~Payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under the ICDBG program. Payment is limited to only the eligible activities which are in compliance with ICDBG requirements. (7-6-94)~~

~~036. COMPLETION OF URBAN RENEWAL PROJECTS.~~

~~Payment of the cost of completing a project funded under Title I of the Housing Act of 1949. (7-6-94)~~

~~037. RELOCATION PAYMENT.~~

~~Relocation payments and assistance for displaced individuals, families, business organizations and farm operations when determined by the grantee to be appropriate. (7-6-94)~~

~~038. PLANNING ACTIVITIES.~~

~~01. Community Development Plan. Develop a comprehensive community development plan. (7-6-94)~~

~~02. Policy, Planning and Management Capacity. Develop a policy, planning and management capacity so that the recipient of assistance under this title may more rationally and effectively: determine its needs; set long-term goals and short-term objectives; devise programs, regulations and activities to meet these goals and objectives; evaluate the progress of such programs in accomplishing these goals and objectives; and include the carrying out of activities as described in Section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981. (7-6-94)~~

CODIFIED SECTION 039 IS BEING RENUMBERED TO SECTION 022.06

~~039. 06. Administrative Activities.~~ Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development, housing activities, and the costs related to the establishment and administration of federally approved enterprise zones; to carry out management, coordination and monitoring of activities necessary for effective planning and implementation, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities including planning under ~~Section 038~~ 24 CFR 570.482. These costs shall not exceed ten percent (10%) of ICDBG grant funds and any program income. ~~(3-20-97)()~~

~~040. SPECIAL ECONOMIC DEVELOPMENT ACTIVITIES.~~

~~01. Economic Development Activities. Grant funds may be used for economic development activities which directly assist a specific business firm. In authorizing activities, the Department will take into account the amount of permanent employment to be generated which is available to low and moderate income persons, the necessity of the assistance or activity to stimulate private investment and the degree of impact on the economic conditions of the applicant. (7-6-94)~~

~~02. Eligible Activities. The following are eligible activities that may be carried out: (7-6-94)~~

~~a. Acquisition, construction, reconstruction, or installation of publicly owned commercial or industrial buildings and structures, and other publicly owned real property equipment and improvements, including public facilities, utilities, and other on-site improvements, including railroad spurs, electrical, gas and telephone services. Such activities may be carried out by the grantee, sub-recipient, or private nonprofit firms. Rehabilitation of~~

~~privately owned commercial or industrial buildings is eligible under Subsection 040.02.b. or Subsection 051.01.~~
(3-30-07)

~~b. A project may include the provision of direct financial assistance to private for-profit businesses including, but not limited to, assistance through grants, loans, loan guarantees, interest supplements, or technical assistance and other forms of support, for any eligible activities to carry out an economic development project, excluding those described as ineligible in Subsection 052.01. In order to ensure that any such assistance does not unduly enrich the for-profit business, an analysis shall be conducted to determine that the amount of any financial assistance to be provided is not excessive, taking into account the actual needs of the business in making the project financially feasible and the extent of public benefit expected to be derived from the economic development project as described in 24 CFR Part 570.482(e) and (f).~~
(3-30-07)

~~041.—044. (RESERVED)~~

~~045. SUB GRANTS TO NONPROFIT ORGANIZATIONS.~~

~~01. Eligible Activities. A grantee may subgrant ICDBG funds to any of the types of sub-recipients specified below, to carry out a neighborhood revitalization or community economic development project. Such a project may include any eligible activity under these rules and ineligible activities listed in Subsection 052.02, but not those described as ineligible in Subsection 052.01.~~
(3-30-07)

~~02. Grantee Responsibilities. Grantees are wholly responsible for ensuring that ICDBG funds are utilized by sub-recipients in a manner in compliance with the requirements of these rules and the other applicable federal, state or local laws. Grantees remain responsible for carrying out the environmental review and clearance responsibilities.~~
(3-30-07)

~~03. Sub-Recipient Eligibility. Sub-recipients eligible to receive grants under Section 045: (3-30-07)~~

~~a. A neighborhood based nonprofit organization is an association or corporation, duly organized to promote and undertake community development activities on a not-for-profit (nonprofit) basis within a neighborhood. An organization is considered to be neighborhood based if the majority of its membership, clientele or governing body are residents of the neighborhood where activities assisted with ICDBG funds are to be carried out. A "neighborhood" is a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances or other local documents as a neighborhood, or the entire jurisdiction of a unit of general local government which is under twenty five thousand (25,000) population.~~
(7-6-94)

~~b. Section 301(d) Small Business Investment Companies. A Section 301(d) Small Business Investment Company is an entity organized pursuant to Section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit-making.~~
(7-6-94)

~~c. Local Development Corporations. A local development corporation is: an entity organized pursuant to Title VII of the Headstart, Economic Opportunity and Community Partnership Act of 1974 (42 U.S.C. 2981) or the Community Economic Development Act of 1981 (42 U.S.C. 9801 et seq.); an entity eligible for assistance under Section 502 or 503 of the Small Business Investment Act of 1958 (15 U.S.C. 696); other entities incorporated under state law whose membership is representative of the area of operation of the entity (including non-resident owners of businesses in the area) and which is similar in purpose, function and scope to those specified in Subsection 045.03.a.; or a state development entity eligible for assistance under Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695).~~
(7-6-94)

~~d. Colleges and Universities. An institution of higher education having a demonstrated capacity to carry out eligible activities for the benefit of the grantee.~~
(7-6-94)

~~046. ENERGY PLANNING. Activities necessary to the development of comprehensive community wide energy use strategy.~~
(7-6-94)

~~047. TECHNICAL ASSISTANCE.~~

~~ICDBG funds may be used by the grantee (or provided by a grantee to a sub-grantee) to increase their capacity to carry out eligible neighborhood revitalization or economic development activities. Such costs are not included in the ten-percent (10%) limitation on administrative and planning costs. (7-6-94)~~

~~**048. HABITABILITY OF HOUSING UNITS.**~~

~~Activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily LMI neighborhoods. (7-6-94)~~

~~**049. MICRO-ENTERPRISES.**~~

~~Provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by: providing credit (including providing direct loans and loan guarantees, establishing revolving loan funds, and facilitating peer lending programs) for the establishment, stabilization, and expansion of microenterprises; providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in microenterprise activities) to owners of microenterprises and persons developing microenterprises; and providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises. (7-6-94)~~

~~**050. HOUSING ACQUISITION FOR LMI HOMEOWNERS.**~~

~~ICDBG funds may be used to facilitate and expand homeownership for LMI persons by: subsidizing interest rates and principle amounts for LMI home buyers; directly finance the home acquisition for LMI owner; acquire mortgage guarantees for LMI homebuyers (grantees and grant funds cannot directly guarantee mortgage financing.); provide up to fifty percent (50%) of a down payment for LMI homebuyers; pay reasonable closing costs normally associated with the purchase of a home by a LMI homebuyer. (3-20-97)~~

~~**051. HOUSING AND COMMERCIAL REHABILITATION AND PRESERVATION ACTIVITIES.**~~

~~**01. Commercial Rehabilitation.** ICDBG funds may be used to finance the substantial rehabilitation of privately owned existing buildings or structures used for business, commercial or industrial purposes. It includes, but is not limited to, structural and foundation modifications, removal of building code violations, utility improvements (electrical, gas, water, sewer, air, telephone, vacuum), energy efficiency improvements, facade modifications, safety systems integral to the building, loading and unloading facilities which are part of a building, and expansion of the square footage of the building. The term is generally considered to mean improvements which become part of the building. Rehabilitation of a commercial or industrial building owned by a private for profit business may qualify under the "rehabilitation" category only if it is limited to facade improvements of the exterior of the building and/or the correction of code violations. All other improvements must meet the requirements of the "Special Economic Development" category (Subsection 040.02.b.). The amount of ICDBG funding to finance commercial rehabilitation shall be reasonable compared to the value of the building less the value of the land. (See Subsection 040.02.b.) (7-6-94)~~

~~**02. Housing Rehabilitation.** ICDBG funds may be used to finance the rehabilitation and improvements of privately owned buildings for residential purposes, low income public housing and other publicly owned residential buildings. Funds may also be used to assist private individuals and entities, including profit making and nonprofit organizations, to acquire property for residential rehabilitation and rehabilitation for the use or resale for residential purposes. (7-6-94)~~

~~**03. Financial Assistance.** Assistance may be in the form of grants, loans, loan guarantees, interest supplements or other means to pay the costs related to the following activities: (7-6-94)~~

~~**a.** Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, and renovation through alterations, additions to or enhancement of existing structures, which may be undertaken singly or in combination; (7-6-94)~~

~~**b.** Loans for refinancing existing indebtedness secured by a residential property rehabilitated with ICDBG funds if such financing is determined to be necessary or appropriate to achieve the community's development~~

~~objectives;~~ (7-6-94)

~~e. Improvements to increase the energy efficiency in residential structures through the installation of storm windows and doors, siding, wall and attic insulation; or conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;~~ (7-6-94)

~~d. Improvements to increase efficiency of residential water usage through water saving faucets and shower heads, repair of water leaks, etc.;~~ (7-6-94)

~~e. Financing of costs associated with the connection of residential structures to water distribution lines or local sewer collection lines;~~ (7-6-94)

~~f. For residential rehabilitation carried out with ICDBG funds, costs of: Initial homeowner warranty premiums; hazard insurance premiums, except where assistance is provided in the form of a grant; and flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973;~~ (7-6-94)

~~g. Cost of acquiring tools to be lent to owners and tenants who will use such tools to carry out rehabilitation;~~ (7-6-94)

~~h. The rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937; or~~ (7-6-94)

~~i. Renovation of closed school buildings for residential uses.~~ (7-6-94)

~~04. **Rehabilitation Services.** Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this Section, under Section 312 of the Housing Act of 1964, as amended, under Section 819 of the Act, or under Section 17 of the United States Housing Act of 1937. These services plus Administrative costs shall not exceed fifteen percent (15%) of the grant.~~ (7-6-94)

~~05. **Use of Grant Funds.** A grantee may use grant funds to pay substantial reconstruction of a home, owned and occupied by a LMI family. A grantee may use grant funds to pay substantial reconstruction of a home, owned and occupied by a LMI family, if during rehabilitation construction the need for reconstruction is discovered or where reconstruction is part of a larger neighborhood revitalization effort and the grantee determines that rehabilitation efforts are not sufficient to restore the home and the cost of reconstruction is less than the fair market value of the property after reconstruction is completed.~~ (3-20-97)

023.-- 051. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

053. GRANT APPLICATION PROCESS.

01. Grant Application. The Grant Application generally consists of a Notice of Intent to apply, the Application, and an Addendum. These are submitted to the Department at different times in the application process. (7-6-94)

a. Notice of Intent. A one (1) page letter sent to the Department as soon as a community decides to submit a grant application. This is an optional, but strongly recommended, step. It allows the Department to assist the community with eligibility and structuring of the proposed project. (7-6-94)

b. Application. The major required document which describes and documents the applicant's proposed project. It contains the information required to document that the proposed project will meet a national objective and consists of eligible activity(ies). The Application is the basis of the Department's and the EAC's review

and ranking of the project. (7-6-94)

c. Addendum. Additional information required by the Department to further document the project or to fulfill additional federal requirements once the Application has been selected by the Economic Advisory Council. (7-6-94)

02. Project. A project shall address a single need and may consist of one (1) or more eligible activities which are to be undertaken with the ICDBG funds and any other funds committed to the project. A project also includes all the benefits which are to result from the related activities and from compliance with all federal and state laws and regulations which are conditions of the grant. The principal activity which directly addresses the problem area shall represent a majority of funds requested; other activities must be incidental to, and in support of, the principal activity. For example, a program which addresses a housing need might include housing rehabilitation as the principal activity. Support activities such as street improvements or demolition must be incidental and clearly in support of the principal activity. (7-6-94)

03. Funding. In addition to ICDBG funds, the other funds committed to a project are divided into other government funds, local matching funds, and private funds. Other government funds are from state, federal, or foundation sources provided to the grantee for the project. Local matching funds are defined as cash donations, capital reserves, program income (Section 171), cash resulting from debt financing, local improvement districts, general obligation or revenue bonds, tax levies, land sales or miscellaneous revenue. Local matching funds are generally those funds and contributions raised by the residents of the grantee. Also to be considered as local matching funds are the fair market value of the time of local government crews (force account) working on the project, donations of land, materials, and equipment for the project, waiver of local fees, and volunteer labor. Private funds are from individuals, businesses, or corporations which are spent on private property, but are necessary to the completion of the project and the generation of the benefits. Direct loans to individuals on housing projects will not be considered local match. (4-11-06)

04. Documentation. Firm evidence of in-kind contributions of equipment or materials will be considered as cash. The market value of land may be considered as local match if the value of the real estate is documented by appraisal or assessment. Architectural or engineering estimates of labor, materials and equipment should be prepared to determine value of these items. ~~Other documentation such as Bills of Sale, catalogue price lists, retail prices, etc. should be used. The value of a donation or a commitment of land should be documented by appraisals or fair market value.~~ Volunteer labor should be estimated by man hour, types of skills needed and wage rates. Documentation of insurance coverage for volunteers should be included in the application. This documentation should be a letter from the insurance agent of the community or civic group. (7-6-94)()

054. -- 060. (RESERVED)

061. NOTICE OF INTENT SOLICITED.

The Notice of Intent to apply shall be submitted in a letter from the Chief Elected Official. Notices for ED projects shall be continuously accepted and reviewed; ~~Notices for SR and PFH shall be submitted following the Application workshops held each year.~~ Submittal is optional, but strongly recommended. First priority for technical assistance and staff travel will be given to those applicants which submit a Notice of Intent to apply. IT projects do not submit a Notice of Intent. (3-20-97)()

062. SUBMITTAL OF NOTICES OF INTENT, APPLICATIONS, AND ADDENDA.

Applications may be mailed, ~~or~~ hand-delivered, or submitted electronically. All Applications and Addenda must be postmarked or dated by a commercial carrier not later than midnight of the announced Application deadline date. Any Application or Addendum not meeting the following closing date criteria will be disqualified and returned to the applicant. An Application and Addendum will be considered to be received on time under either one (1) of the following circumstances: (7-6-94)()

01. Sent by Mail or Private Commercial Carrier. It was sent by mail or private commercial carrier no later than the closing date, as evidenced by a U.S. Postal Service date postmark or by a commercial carrier date. Applicants are responsible for assuring that the U.S. Post Office or private commercial carrier dates the application package. Applicants should be aware that not all post offices or private commercial carriers provide a dated postmark unless specifically instructed to do so. (7-6-94)

02. Hand-Delivered. Hand-delivered Applications and Addenda will be accepted during the normal working hours. In establishing the date of receipt of hand-delivered Applications and Addenda, reliance will be placed on documentary evidence of receipt maintained by the Department. (7-6-94)

03. Electronically. Electronically submitted Applications and Addenda must be submitted by midnight of the deadline date. ()

(BREAK IN CONTINUITY OF SECTIONS)

072. FORMAT.

~~An~~ **The Application and Addendum form and format** shall be submitted *on eight and one half inch (8 1/2") by eleven inch (11") white paper. It may be printed on both sides of the paper. Maps and larger sheets shall be folded to eight and one half inch (8 1/2") by eleven inch (11") size. Left and right margins shall be one (1) inch. The text shall be typed single spaced with double spaces between paragraphs. Pages shall be numbered. The types of headings and numbering systems are optional to the applicant. Supporting documents should be noted and placed in an appendix. The original and an electronic Application and the addendum, if required, shall be submitted to the Department of Commerce as prescribed in the ICDBG Application Handbook.* (3-30-07)()

073. (RESERVED)

074. SECTIONS.

The Application shall consist of the following sections: (7-6-94)

01. Cover. The cover shall contain "An application for an Idaho Community Development Block Grant by the _____ (City/County) of _____ (Name) _____ Date: _____." (one (1) page) (7-6-94)

02. Cover Letter. A cover letter signed by the Mayor or the Chairman of the Board of County Commissioners on official stationery. This is the official letter of application for a grant. (one (1) page) (7-6-94)

03. Table of Contents. (one (1) page) (7-6-94)

04. ICDBG Application Information Form. Fully completed and signed by the applicant. (one (1) page) (7-6-94)

05. Threshold Factors. The first four (4) factors must all be answered in the affirmative before an Application is to be reviewed and ranked. For public facility, housing and downtown revitalization projects an Application shall include Subsections 074.05.a. through 074.05.d. An Addendum, where required, shall include Subsections 074.05.e. through 074.05.g. All other application types must include Subsections 074.05.a. through 074.05.g. (3-30-07)

a. The applicant must be an eligible applicant (Section 012). Describe how the applicant meets the eligibility criteria. If this is a joint or in-behalf-of application, describe agreements and arrangements for managing the grant and the project. (7-6-94)

b. The project shall be an eligible activity(ies). Describe why the project and the various activities are eligible according to the rules in Section 022. (7-6-94)

c. The applicant shall adopt a citizen participation plan and shall conduct a public participation process. Applicants shall submit a copy of the Citizen Participation Plan and results of citizen involvement in developing the project. A copy of the Citizen Participation Plan must be submitted with the Application. An ICDBG may be awarded only if the grantee certifies that it is following a detailed citizen participation plan which: provides for and encourages citizen participation, with particular emphasis on participation of persons of low and moderate income who are residents of slum and blight areas or provides for participation of residents in low and moderate income neighborhoods as defined by the applicant; provides citizens with reasonable and timely access to local

meetings, information, and records relating to the grantee's proposed use of funds; provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including, at least, the development of needs, the review of proposed activities, and review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for persons with disabilities; provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. (3-19-99)

d. At least one (1) public hearing is required to permit public examination and appraisal of the Application. Public hearings shall be scheduled in ways and at times to provide for full participation of citizens. The building or facility must be accessible to persons with disabilities. All information presented in the hearings shall also be available, upon request, in a form usable by persons with disabilities. Proper notification shall be given by a public advertisement in a local newspaper no less than seven (7) days prior to the meeting date. The seven (7) days shall be counted beginning the date the advertisement appears and ending the day before the date of the hearing. The notice shall include: a brief description of the proposed project; the amount of funds being requested; the time and place of the public hearing, including a statement that the hearing will be held in a handicapped accessible facility; notification that both written and verbal comments will be accepted; and a description of the availability of services for persons with disabilities, upon request. It is recommended the applicant also post notification of the public hearing at various public locations and use other media notices of the hearing. At a minimum, applicants shall provide in the minutes of the meeting, evidence the following occurred at the public hearing: The Application and Application Handbook were available for review; the amount of funds available for local community development and housing activities was discussed; the range of activities to be undertaken was presented including community impact and benefit to low and moderate income (LMI) persons; verification that citizen's comments and views on the proposed Application were considered prior to submittal and, if determined appropriate, a description of how the Application was modified; a copy of the public notice, minutes and a list of those attending the public hearing(s); a description of any plans for the project regarding citizen participation, i.e., the formation of a citizen's advisory committee; and a description of any assistance for persons with disabilities requested and provided. (3-20-97)

e. The applicant shall have the administrative capacity to administer the grant. This means having ~~completed~~ started the procurement process for a Department-approved grant administrator in accordance with Section 212. The grant administrator ~~shall~~ should be included in project development and Application writing efforts. (3-30-07)()

f. The applicant shall have adopted a Fair Housing Ordinance or resolution. This ordinance or resolution must have been adopted and publicly advertised within the twelve (12) month period preceding the Addendum deadline date for public facility, housing and downtown revitalization projects and the twelve (12) month period preceding the application deadline date for senior/community center, imminent threat and economic development job documentation projects. Once the Fair Housing Resolution or Ordinance has been adopted, applicants do not have to re-adopt the Resolution or Ordinance. The applicant will be required to show documentation the Resolution or Ordinance was published within the previous twelve (12) month period. (3-30-07)

g. The applicant shall either certify it will follow the Idaho Department of Commerce's Anti-displacement Plan or have adopted an Anti-Displacement and Relocation Plan. If the applicant adopts its own plan, the ordinance or resolution must have been publicly advertised within the twelve (12) month period preceding the Addendum deadline date for public facility, housing and downtown revitalization projects and the twelve (12) month period preceding the application deadline date for senior/community center, imminent threat and economic development job documentation projects. Once the Anti-Displacement and Relocation Plan has been adopted, applicants do not have to re-adopt the Plan. The applicant will only be required to show documentation the Plan was published within the previous twelve (12) month period. (3-30-07)

06. General Project Description. This is the critical section of the Application. It should include enough information for the reviewer to clearly understand the community, its needs, the project, and how the grant will help to solve the community problem. The information in each ranking section should substantively expand upon the project description. The narrative should succinctly describe the following items: a description of the community as to size, location and economy; a thorough assessment of all the community's needs and how the proposed project is a priority in comparison with the other needs addressed. The applicant should also include a description which

discusses how the existing condition came about, the number of people affected, and the seriousness of the problem(s); the particular project that is being proposed shall be described in detail. Describe the project, the various components, anticipated costs, schedule of activities, maps showing the location of the project ~~to the community (detailed enough to locate it by car)~~ and a map of the boundaries of the project area. This description shall be detailed enough that it can be used to write a contract scope of work; describe the benefits of the project, how it solves the identified need, and how it will enhance the community and its economy. Provide a demographic profile of the persons to benefit. ~~This shall include gender, minority status, persons with disabilities, and female head of household.~~ Describe how the project meets the state objectives of the ICDBG program (see Sections 000, 010, and 011); and if program income is expected to be generated, a re-use plan must be developed according to Section 175.

~~(3-30-07)()~~

07. ICDBG Budget Form Fully Completed by the Applicant. (one (1) page) (7-6-94)

08. Assurances. The applicant shall sign the Assurances Form certifying that it will comply with the following federal laws and regulations: National Environmental Policy Act of 1969; Civil Rights Act of 1964 Pub.L 88-352; Civil Rights Act of 1968 Pub.L 90-284; Age Discrimination Act of 1975; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended and the implementing regulations at 49 CFR Part 24; Rehabilitation Act of 1973, Section 504 "Handicapped Accessibility"; Housing and Community Development Act of 1974 as amended Pub. L 93-383; Davis-Bacon Act (40-USC 276a--5); Historic Preservation Act; Anti-Lobbying Certification; Excessive Force Certification; and Section 106 of the Housing and Urban Recovery Act of 1983, certifying they will: minimize displacement and follow a residential anti-displacement and relocation assistance plan, affirmatively further fair housing, provide citizen participation, not use assessments or fees on low and moderate income owner occupants to recover capital costs of ICDBG-funded public improvements; Prohibition of Use of Assistance For Employment Relocation, Section 588 of the Quality Housing and Work Responsibility Act of 1998 Pub. L 105-276. (one (1) page). (3-30-01)

09. Review and Ranking Narrative. The applicant shall address each point category in the order given in the review and ranking section of the applicable grant category; ~~referenced below. If a particular point category is not applicable or not selected, it should be indicated.~~ (7-6-94)()

- ~~a. Economic Development Grants: (4-11-06)~~
- ~~i. Infrastructure (Section 096): (7-6-94)~~
- ~~ii. Downtown Revitalization (Section 097): (7-6-94)~~
- ~~b. PFH (Sections 083 through 087) and SR (Section 101) Grants: (7-6-94)~~
 - ~~i. Program Impact and Eligible Activity Point Form: (4-11-06)~~
 - ~~ii. National Objectives: (4-11-06)~~
 - ~~iii. Project Categories: (4-11-06)~~
 - ~~iv. Advisory Council Points Narrative: (4-11-06)~~

10. Additional Information from Applicant (Appendix). Maps, letters of support, technical studies and appropriate background documentation should be placed in this section and bound into the Application (no page limit). (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

081. PUBLIC FACILITIES AND HOUSING GRANTS.

Public Facilities and Housing Grants refers to provision of local government utilities or facilities or the rehabilitation of housing for low to moderate income persons. ~~Applicants for these grants shall compete in one (1) of the two (2)~~

~~categories: public facilities or housing.~~ PFH grants may be funded to a maximum of five hundred thousand dollars (\$500,000). The PFH selection process consists of two (2) major components, the Application and the Addendum. See Section 092 entitled "Award Process" for details of the award process. See Subsection 135.02 of these rules for "Tag-on For Accessibility For Persons With Disabilities." ~~(3-19-99)()~~

(BREAK IN CONTINUITY OF SECTIONS)

084. PROGRAM IMPACT.

Three hundred ~~twenty~~(~~320~~) points. Some or all of the points may be granted in each subcategory. The local financing factors, which represents the largest portion of the total number of points each applicant may receive, is intended to ensure that the best overall proposals are selected for funding. The score on this factor is determined by evaluating how effectively local funds are used in comparison with other applicants. The Department may require an applicant to provide supplemental financial information to clarify the local ability to finance all or a portion of a proposed ICDBG project. The applicant should provide evidence or documentation of the nature, amount and/or value of match committed to the project. Housing projects should (if match is not committed) provide the names of the agency, staff person and program(s) which may provide match, a description of the program and a time table for the match approval process. ~~(4-11-06)()~~

01. Percentage of ICDBG Dollars in Total Project (~~fifty thirty~~ (~~530~~) points). All Applications will be ranked by percentage of ~~Community Development~~ (ICDBG) funds requested divided by total project costs. Total project costs are the total funds committed from all sources - federal, state, local and private funds. The applicant must clearly identify the other funding sources with dollar amounts from each. The rankings shall be divided into four (4) equal categories. The lowest ICDBG percent (%) receives the most points and the highest ICDBG percent (%) receives the least points. Points will be assigned according to the following schedule: ~~(3-19-99)()~~

- a. First Quartile -- ~~fifty thirty~~ (~~530~~) points. ~~(3-19-99)()~~
- b. Second Quartile -- ~~thirty twenty~~ (~~320~~) points. ~~(3-19-99)()~~
- c. Third Quartile -- ~~fifteen ten~~ (~~150~~) points. ~~(3-19-99)()~~
- d. Fourth Quartile -- zero (0) points. (7-6-94)

02. Percentage of Local Matching Funds (sixty (60) points). All Applications will be ranked by the percentage of local matching funds divided by the total of local match and ICDBG funds. The highest percentage of local dollars will receive the highest points. See Subsection 053.03 for definition of local match. The rankings shall be divided into four (4) equal categories. The highest local match percentage (%) receives the most points and the lowest local match percentage (%) receives the least points. Points will be assigned according to the following schedule: (4-11-06)

- a. First Quartile -- sixty (60) points. (7-6-94)
- b. Second Quartile -- forty (40) points. (7-6-94)
- c. Third Quartile -- twenty (20) points. (7-6-94)
- d. Fourth Quartile -- zero (0) points. (7-6-94)

03. ICDBG Dollars per Person (fifty (50) points). The ratio of total persons directly benefited by the project, compared to ICDBG funds requested (ICDBG dollars per person) shall be ranked and divided into quartiles. The lowest ICDBG dollars receives the most points and the highest ICDBG dollars receives the least points. The points shall be assigned to the ratio of ICDBG dollars per person as follows: (7-6-94)

- a. First Quartile -- fifty (50) points. (7-6-94)

- b. Second Quartile -- thirty (30) points. (7-6-94)
- c. Third Quartile -- fifteen (15) points. (7-6-94)
- d. Fourth Quartile -- zero (0) points. (7-6-94)

04. Local Matching Funds per Person (sixty (60) points). The ratio of total persons directly benefited by the project, compared to local matching funds shall be ranked and divided into quartiles. The Department may request supplemental financial data from any applicant to determine local ability to finance a proposed project or clarify a community’s financial situation. The Department may take into consideration a community’s ability to contribute local matching funds in determining all rating and ranking points. The highest local funds per person receives the most points and the lowest local funds per person receives the least points. The points shall be assigned to the ratio of local matching funds per person as follows: (4-11-06)

- a. First Quartile -- sixty (60) points. (3-19-99)
- b. Second Quartile -- forty (40) points. (3-19-99)
- c. Third Quartile -- twenty (20) points. (3-19-99)
- d. Fourth Quartile - zero (0) points. (7-6-94)

05. Eligible Activity Priority Ranking (one hundred (100) points). Each eligible activity (Sections 022 through 051) is assigned a priority point factor. The applicant should list the activities and the ICDBG funds budgeted to each. These points shall be assigned to an Application based upon the percentage of the total ICDBG funds committed to each activity and multiplied by the priority points assigned to each. The total of the priority points so calculated is the total of the priority points for the Application. Health and safety-related projects are defined as sewer, water, fire protection facilities, medical facilities, nursing homes, streets, and other similar projects. Social service facilities are defined to include community centers, senior centers, libraries, assisted housing, shelter care, senior housing, auditoriums, cultural facilities, recreation facilities, and parks.

TABLE 1 -- “Eligible Activity Priority Ranking”	
Acquisition of Real Property	One hundred Seventy five (10075) points
Acquisition of Real Property for Housing Projects	Fifty (50) points
Public Facilities and Improvements—Health and Safety Related Infrastructure	One hundred (100) points
Public Facilities and Improvements—Housing Related	Seventy five (75) points
Public Facilities and Improvements—Social Service Related	Fifty (50) points
Engineering - Architectural	One hundred (100) points
Code Enforcement	Fifty (50) points
Clearance and Demolition	Ten Fifty (450) points
Removal of Architectural Barriers	Fifty One hundred (5100) points
Rental Income Payments	Zero (0) points
Disposition of Property	Ten (10) points
Public Services	Zero (0) points
Completion of Urban Renewal Projects	Zero (0) points
Relocation Payments	Twenty-five (25) points

TABLE 1 -- "Eligible Activity Priority Ranking"	
Planning Activities	Zero (0) points
Administration Activities	One hundred (100) points
Grants to Nonprofit Community Organizations	Zero (0) Points
Grants to Nonprofit Community Organizations for Housing Projects	Seventy-five (75) points
Energy Planning	Zero (0) points
Housing Rehabilitation	Seventy-five (75) points

(4-11-06)()

085. NATIONAL OBJECTIVES.

Two hundred sixty (260) points. The Application must qualify in one (1) of two (2) national objective categories: benefit to low and moderate income persons or the prevention or elimination of slum and blight. If the Application does not qualify in at least one (1) category it will be declared ineligible for review and ranking. The Application will not be considered further. The applicant must choose only one (1) of the two (2) categories in which to compete.

(7-6-94)

01. Benefit to Low and Moderate Income (LMI) Persons (two hundred sixty (260) points). To qualify in the LMI category the applicant shall demonstrate at least fifty-one percent (51%) benefit to LMI persons.

(3-20-97)

a. The applicant shall show that the project shall principally benefit a majority of LMI residents of the project area. Benefit is shown only if it meets one (1) of the following criteria: the activity shall be carried out in a ~~neighborhood~~ **service or benefit area** consisting of fifty-one percent (51%) LMI persons and provide services to such persons; the activity shall involve facilities designed for use predominantly by persons of LMI; or the activity shall improve permanent, residential structures which will be occupied by LMI households upon completion. See Section 016 for more information.

(7-6-94)()

b. ~~All benefits~~ **LMI beneficiaries** shall be verified by an appropriate source(s). Numbers shall be documented either by census data or a reliable survey. This material shall be verifiable by the Department of Commerce Multiplier effects or ratios shall not be considered in assigning benefit points because these numbers do not show direct benefit. The cost of planning, management, and administration shall not be included in calculating benefit of LMI persons.

(7-6-94)()

c. Applicants shall provide additional ~~documentation that low and moderate income persons are receiving direct benefits of the program as determined by the following:~~ **beneficiary information and data as instructed in the Application Handbook.**

(7-6-94)()

~~i. A narrative description with maps showing the location of the project area (census tract or enumeration districts must also be included when identifying these areas);~~

(7-6-94)

~~ii. The total number of households and persons in the project area;~~

(7-6-94)

~~iii. The total number of persons shown to be LMI in the project area;~~

(7-6-94)

~~iv. The percentage of LMI persons in the project area.~~

(7-6-94)

~~v. Identification of all the needs of LMI persons in the project area including the scope and magnitude of these needs;~~

(7-6-94)

~~vi. The map(s) must also outline the area where there is a concentration of these needs;~~

(7-6-94)

~~vii. The total number of "minority households" in the project area and their needs, ie. The term~~

~~“minority household” is defined as one where one (1) or more adults are Black, Hispanic, Asian and Pacific Islanders, American Indian, or other non white. If minority household information is not available from a survey, then Census data on the number of minority persons sixteen (16) years and over is acceptable;~~ (7-6-94)

~~viii. The total number of households where persons with disabilities reside in the project area. “Household” is defined as one in which there are one (1) or more persons who are physically or mentally disabled. If information is not available from a survey, then Census data on the number of disabled persons sixteen (16) years and over is acceptable and a description of LMI citizen participation during the data gathering process. (3-19-99)~~

d. LMI Need points for Public Facility projects will be determined according to the following standards. Critical Need receives the full eighty (80) points. Critical is defined as existing (officially identified) violations of federal or state health or safety regulations. Moderate Need is an officially identified problem related to health and safety regulations, but the situation is not in violation of any regulation. Moderate Need receives sixty (60) points. Potential Need is related to solving a current situation that would become a violation if left uncorrected. Potential Needs receives forty (40) points. Community Need is a general improvement not related to health and safety, but is a major improvement in community services and infrastructure. Community Need receives twenty (20) points. Applicants for fire safety projects can receive up to eighty (80) points in the need category if they can document how the proposed project is directly related to efforts to comply with the state’s currently adopted fire code or National Fire Protection Association Standards - fifty (50) points; maintenance and personnel training is conducted and documented - fifteen (15) points; the community participates in the Fire Incident Reporting System to the State Fire Marshal’s office - fifteen (15) points. (3-30-01)

e. Identification of Impact (~~eighty sixty~~ (860) points). The applicant shall submit the following: specific identification of the project activities that will be undertaken to meet identified LMI needs. A distinction must also be made regarding direct and indirect benefits; a discussion of project impact in providing long-term permanent solutions to alleviate the need(s) identified above; identify procedures that are or will be developed to measure impact throughout the project; and describe and provide documentation of the process used to identify the LMI needs. Documented health and safety needs are awarded higher points. Applicants for fire safety projects can receive up to ~~eighty sixty~~ (860) points in the impact category if they document; (~~3-30-01~~)()

i. How the proposed project ~~addresses elements in their Fire Suppression Rating Schedule affecting their~~ affects response time, recruitment of volunteers, and fire insurance rating - ~~eighty sixty~~ (860) points; (~~3-30-01~~)()

~~ii. Bonus points shall be given to applicants whose fire inspectors have completed the certification program and have current certification status through the State Fire Marshal’s office five (5) points; and (3-30-01)~~

~~iii. If the applicant documents a fire safety education program is implemented in the community five (5) points. (3-30-01)~~

02. Housing Need and Impact. (7-6-94)

a. Identification of Need (eighty (80) points) points). An applicant shall develop a housing needs assessment to determine the need for a housing grant. Information to be collected about the community shall include population and growth, family size, the number of elderly, persons with disabilities, minority persons, and family income. Housing information collected shall be total number of units, number of rental units, age of housing, vacancy rates, overcrowding, number of substandard units in the community, and the number of each type of housing, i.e. owner, rental, institutional and seasonal. The applicant shall address how the proposed housing project will meet the needs outlined in the housing conditions study. The maximum points will be assigned to those housing projects meeting the most need as outlined in the housing needs assessment. (3-19-99)

b. Identification of Impact (~~eighty sixty~~ (860) points). (~~3-19-99~~)()

i. In the housing impact area, points would be awarded on the level of income the proposed project would target, based on the following formulas: (3-19-99)

(1) Percent of eighty percent (80%) of ~~medium~~ median income x forty (40) = (~~3-19-99~~)()

(2) Percent of fifty percent (50%) of ~~medium~~ **median** income x sixty (60) = ~~(3-19-99)~~()

(3) Percent of thirty percent (30%) of ~~medium~~ **median** income x ~~eighty~~ **sixty** (860) = ~~(3-19-99)~~()

ii. Applicants will be required to submit a written management plan showing how the housing units would be allocated to the different income levels and show how the proposed housing matches the needs outlined in the need category. Housing market data will also be required for this category. (3-19-99)

03. **Low and Moderate Income Percentage Points (one hundred (100) points).** Points will be assigned according to the percentage of LMI in the project area. They are:

TABLE 2 -- "Percentage of LMI in Project Area"	
Percentage	Points
0 - 50.00%	zero (0)
51.00 - 60.00%	twenty (20)
60.01 - 70.00%	forty (40)
70.01 - 80.00%	sixty (60)
80.01 - 90.00%	eighty (80)
90.01 - 100.00%	one hundred (100)

(7-6-94)

034. **Prevention or Elimination of Slum and Blight (two hundred ~~sixty~~ **forty** (2640) points).** To qualify in the Slum and Blight category, the applicant shall receive at least one hundred (100) total points by demonstrating that the proposed project will have a direct impact on the elimination or prevention of slum and blight conditions. In evaluating impact, the information described below shall be considered (see Slum and Blight definition, Section 020). ~~(7-6-94)~~()

a. Provide the following community data: location of the project area including a narrative description and map(s) showing the boundaries of the area; and an official declaration by the governing body that the area is an "Area of Slum and Blight." (7-6-94)

b. Identify need (one hundred thirty (130) points). Describe the nature and seriousness of existing conditions/needs in the project area. References to published engineering studies or surveys or letters from appropriate local agencies shall be included. Use maps to locate the conditions and their relationship to each other. The applicant shall describe the nature and seriousness of the need as it exists in the following areas: the number, location, and type of deteriorating structures present in the project area; the unsafe/unsanitary conditions that exist in the structures and area; the infrastructure and site improvements that are deteriorating (i.e., streets, sidewalks, parking lots, utilities, driveways, fences and landscaping); the danger to life and/or property that exists from fire, hazards or other causes; or the condition of the property that impairs economic growth in the community by being an economic or social liability. (7-6-94)

c. Identify Impact (one hundred ~~thirty~~ **ten** (1310) points). Specify how project activities will eliminate or prevent conditions of slum and blight. Identify the impact of the proposed project in providing permanent solutions to alleviate the identifiable conditions. Identify the procedure that is or will be developed to measure impact throughout the project. ~~(7-6-94)~~()

086. -- 089. (RESERVED)

090. PROJECT CATEGORIES.

Two hundred and twenty (220) points. PFH Applications shall address each of the categories below. The project

description and its benefits should be discussed in previous sections. This section is a measure of the preparedness of the project and the community to undertake the project. To earn points, the applicant must demonstrate that the appropriate actions, procedures, agencies, permits, financing and inspections to initiate and complete the project were discovered and show how much has been completed. The object is to have well thought out projects which will then be quickly executed if funded. The items identified in the following categories must be related to each other. (3-30-01)

01. Planning, Previous Actions and Schedule (~~one two hundred and eighty twenty~~ (18220) points). According to the categories listed below, the applicant shall describe and document the process used to plan the project and describe the components of the project. The completeness of the process and project detail earn more points. (~~4-11-06~~)()

a. Design Professional (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has issued an RFP and completed a design professional selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, proof of published notice if applicable, and completed evaluation rating sheets must be submitted to receive full points. (4-11-06)

b. Grant Administration (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has issued an RFP and completed the administrator selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, solicitation process, and completed evaluation rating sheets must be submitted to receive full points. (4-11-06)

c. Plan/Studies (~~twenty thirty~~ (230) points). A maximum of ~~twenty thirty~~ (230) points will be awarded in this category if the applicant documents a plan or a study has been completed which includes a survey of the existing condition of the system or facility, develops and screens alternatives to enable the system to meet future needs, selects a recommended alternative, and evaluates the potential impact of the project on the environment. For pre-fab buildings, provide a letter from local building officials that the building meets state of Idaho building, electrical, and plumbing codes. Include additional information by project type: (~~4-11-06~~)()

i. Water and sewer system projects. A conditional approval issued by DEQ on the facilities study or the project's specification and drawings. (4-11-06)

ii. Health care facility projects. A letter of intent submitted to the Idaho Bureau of Facilities Standards describing the proposed scope of work. Provide a copy of the letter and any response from the Bureau of Facilities Standards. (4-11-06)

iii. Road and transportation system projects. Conditional approval of construction plans by the Idaho Transportation Department or local highway district. (4-11-06)

iv. Housing projects. Project meets the community's comprehensive plan and zoning ordinance. Also, completed a financial performance and management plan. (4-11-06)

v. Fire or EMT station projects. A public works or design professional facilities review. The review shall include survey of existing condition of the building (if applicable), an analysis of costs including rehabilitation costs versus new construction, site location consideration including environmental issues, existing building problems, and the need for the size of the facility. (4-11-06)

d. Environmental Scoping (ten (10) points). A maximum of ten (10) points will be awarded if the applicant or sub-recipient has completed a Field Notes Checklist as prescribed in the ICDBG Application Handbook and mailed out environmental information request letters before submission of application. (4-11-06)

e. Agency Viability (thirty-five (305) points). A maximum of thirty-five (305) points will be awarded in this category if the applicant documents the following per project type: (~~4-11-06~~)()

i. Sewer or water projects. Completion of ICDBG financial viability worksheet with the utility rate reviewed by at least one (1) of the following: The USDA Rural Development, Boise State University Environmental

Finance Center, the Rural Community Assistance Corporation, or the Idaho Rural Water Association. (4-11-06)

ii. Health care, transportation, housing, fire/EMT, or other projects. The applicant's or sub-recipient's viability will be based on having the following components: A lawful governing body, completion of ICDBG financial viability profile, a stable funding source and positive cash flow, and capital improvement and facility management plans. (4-11-06)

iii. Youth center projects. Projects must assist youth ages six (6) to eighteen (18) in developing skills to overcome challenges and become responsible leaders. The applicant or sub-recipient must provide information on management and operation of the center, outreach activities, a cost analysis of rehabilitation versus new construction and document that local operating funds are committed. (3-30-07)

f. Property Acquisition (~~twenty~~ **thirty** (230) points). A maximum of ~~twenty~~ **thirty** (230) points shall be awarded if the applicant or sub-recipient has achieved project site control. (4-11-06)()

i. The applicant or sub-recipient has ownership of the property including easements or right of way permits. Identify if there are existing buildings on the property and whether or not businesses, individuals, or farms will be displaced and provide documentation of site control; or (4-11-06)

ii. If property (land, buildings, rights of way, easements) is not secured but is identified on a plat map five (5) points will be awarded. Identify if individuals or businesses, including farms will be displaced. (4-11-06)

g. Funding Commitments (~~forty-five~~ **405** points). A maximum of ~~forty-five~~ **405** points will be awarded if one hundred percent (100%) of match funds are committed to the project. A commitment letter must be included with the application addendum. A support letter is not a commitment. If match is a bond, provide documentation the bond has passed and identify who will buy it. (4-11-06)()

h. Schedule (five (5) points). A maximum of five (5) points will be awarded in this category if the dates to start and complete construction have taken into account weather conditions, other funding availability, environmental mitigation issues, real estate site control, and bidding time frame. (4-11-06)

i. Administrative Capacity (~~fifteen~~ **twenty-five** (25) points). A maximum of ~~fifteen~~ **twenty-five** (25) points will be awarded in this category. (4-11-06)()

i. ICDBG project track record and general stability of applicant and sub-recipient. Review may include financial audit reports, board make-up, staff turnover and recall elections (five (5) points). (4-11-06)

ii. Completion of Section 504 Self Evaluation and Transition plan. Submit the transition plan and the name of the ADA coordinator to certify which elements have been completed (five (5) points). (4-11-06)

iii. Document ~~that efforts to Affirmatively Further~~ Fair Housing ~~Accessibility Standards have been adopted either separately or inclusively with the most current building code utilized by the applicant~~ (~~five~~ **fifteen** (15) points). (4-11-06)()

02. Cost Analysis (forty (40) points). Cost estimates for the project should be an accurate and realistic analysis of the administrative, legal, accounting, engineering or architectural services, property acquisition, construction and closeout costs. The various sources of funding should be assigned to the appropriate parts of the project. In order to receive points, construction costs will need to be: (4-11-06)

a. Identified by a licensed design professional's cost estimate within four (4) weeks of the application due date; (4-11-06)

b. Completed Project Cost Estimate. Estimate should reflect: (4-11-06)

i. Acquisition costs including appraisals, land, relocation, and closing costs; (4-11-06)

ii. Construction costs including divisions 1 - 16 as described in the most recent MASTERFORMAT,

- Davis Bacon wage rate, overhead, profit, contingency, bonding, permits; (4-11-06)
- iii. Design professional fees including design fees, construction administration, and reimbursable fees; (4-11-06)
 - iv. Grant administration fees including writing and administration; (4-11-06)
 - v. Soft costs including soil studies, market study, environmental; and (4-11-06)
 - vi. Financing expenses. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

096. REVIEW AND RANKING NARRATIVE FOR BUSINESS EXPANSION PROJECTS.

The following are the review and ranking narrative requirements for those projects which assist business expansion through the provision of infrastructure and creation of jobs. The following minimum criteria must be included in the application by the application deadline in order for staff to review and rank the project and recommend it to the Economic Advisory Council for consideration. (3-30-01)

01. Minimum Criteria. (7-6-94)

a. The project must meet the national objective of benefiting LMI persons through job creation. Fifty-one percent (51%) of all the new jobs created or retained must be held by or made available to a member of a low and moderate income family. (LMI as defined in Section 016). Family income must be certified by the employee at time of hire and must be able to be verified or may be documented through a Department of Commerce screening referral agency. (3-19-99)

b. The applicant must certify compliance with applicable federal circulars A-87, A-110, and A-122 and meet the necessary assurances as listed in Subsection 074.08 as applicable. (4-11-06)

c. A public hearing shall be held on the Application in accordance with Subsection 074.05.d. (7-6-94)

d. The project may qualify as a Special Economic Development Project under Subsections 040.02.a. and 040.02.b. if the project meets the Public Benefit Standards described in 24 CFR Part 570.482 (e) and (f). (3-30-07)

e. Attach an eight and one-half inch (8-1/2") by eleven inch (11") map showing the location of the proposed project in the community. Attach a site plan of the proposed project showing existing and proposed improvements both business and infrastructure; existing and proposed land uses in the surrounding area and natural features and conditions on the site and nearby. (3-20-97)

f. Attach a brief analysis of the business to be assisted, including the market for the product/services to be produced, the business' position in the market, and the financial and managerial capabilities of the business(es) to be assisted. This should also include financial statements and balance sheets for the business(es) to be assisted indicating sales, income, and net position for the prior three (3) years, and the names and experience of senior managers of the business. (4-11-06)

g. Attach a letter of commitment from the business(es) stating their agreement to be part of the grant project, their ability to accomplish their expansion, their understanding of and compliance with all applicable federal regulations, their understanding of and compliance with the payback liability if the jobs creation does not meet federal standards; and their willingness to make available all records and information necessary to document all jobs created by completing and signing the Grant Assistance Agreement and Certification of Compliance with Grant Conditions. (4-11-06)

h. Attach a description of the type and number of all the jobs to be created, a calculation of fulltime

equivalents (FTE), and a beginning payroll of the business(es) at the location of the proposed project, a detailed description of the hiring process and any training to be provided. The information should include both current job information and the job creation projected for two (2) years beyond the completion of the grant funded construction. If training is necessary, a training plan and schedule outlining the responsibilities must be included in the application. A description of the quality of new and retained jobs shall be included. A description of the median annual income and fringe benefits package for new or retained jobs shall be provided. (4-11-06)

02. Ranking Criteria (one thousand (1,000) points possible). (7-6-94)

a. Direct new or retained jobs, in fulltime equivalents (FTE's), created within two (2) years of grant construction completion. Net new jobs are those created as a result of the ICDBG, over and above employment at the business site prior to the grant, and which do not include relocated jobs from the assisted business in the same labor market area. Retained jobs are those that would be lost without the ICDBG assistance. A job creation cost of more than thirty thousand dollars (\$30,000) ICDBG per job will not be considered. If jobs are not being created or retained, a project cannot be funded. (3-29-10)

b. Quality of New or Retained Jobs (one hundred (100) points). Points in this category are assigned based upon a comparison of the full time equivalent (FTE) wages or salaries created (excluding benefits, and the average county starting salary as determined by the most recent quarterly Idaho Department of Commerce survey. To convert part time or seasonal positions, take the total number of hours of employment created for a given pay rate and divide by one thousand five hundred sixty (1,560). If the average county wage exceeds the state average wage; comparison with the state average will be used. The grantee will be awarded points based upon the percentage of FTE's exceeding the state or county average salary. The formula is: Percentage of jobs above state or county average salary x one hundred (100) = Wage Quality Points. (4-11-06)()

c. Fringe Benefits (one hundred (100) points). The businesses creating or retaining jobs as a result of ICDBG assistance shall document their fringe benefit plans. Points will be given as follows: fifty (50) points for an employer funded health plan and fifty (50) points for an employer funded pension plan. The business must provide both to receive full points. (4-11-06)

d. Business Risk and Management (zero (0) to one hundred ~~twenty-five~~ forty (~~125~~40) points). The probability of achieving the projected jobs and payroll within one (1) and two (2) years, as determined by the Department. The determination may be made on the basis of: the business plan and schedule, the financial position and a credit analysis of the business; the performance record of senior management of the business project; and other criteria reasonably required by the Department. Projects receiving less than ~~seventy-five~~ ninety (~~75~~90) points in this category will be eliminated from further consideration. (4-11-06)()

e. Planning, Schedule and Cost (one hundred and seventy (170) points possible). Describe planning efforts to enhance economic development. A detailed and reliable cost estimate and a project construction schedule is required of all Applications. Cost analysis and schedule will receive equal emphasis. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (4-11-06)

i. Planning (~~fifty~~ one hundred ten (~~5~~110) points). Describe planning efforts to identify and detail all steps related to the implementation of the entire project. Identify all participants in the process. Describe all the partnerships and relationships involved in implementing the project. This will include local government actions, the business actions, other agency and utility actions, real estate, environmental, legal, financial and grant considerations. (4-11-06)()

ii. Schedule (~~fifty~~ fifteen (~~15~~0) points). A detailed and reliable schedule of all actions identified in the plan. Also a separate grant funded project construction schedule is required of all Applications. (4-11-06)()

iii. Cost (~~fifty~~ twenty-five (~~25~~0) points). Detailed cost estimates of all actions, permits, construction, real estate, etc. should be prepared by an engineer or architect. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (4-11-06)()

iv. Environmental Scoping (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has completed a Field Notes Checklist as prescribed in the ICDBG Application Handbook. (4-11-06)

~~f. Minority Benefit (fifteen (15) points). Applicants for job creation projects that are for business expansion or retention shall receive minority points if the business documents minority hiring on their current payrolls. If the percentage of minority participation is equal to or greater than the county in which they are locating, they shall receive full points. (4-11-06)~~

~~g. Local Investment Leverage Match (maximum of one hundred (100) points). The total of all local match will be divided by the total of all local match plus the ICDBG amount requested to determine the percentage of local match in the project. This percentage will then be multiplied by one hundred (100) to determine the point value. Applicants shall state if there is a Revolving Loan Fund (RLF) available in their region and, if so, describe what attempts have been made to secure funds from the RLF for the project. Program Income from previous grants to be used in this project may be considered as local match. (4-11-06)()~~

~~h. Distressed Areas (twenty (20) points). Maximum points will be given if the project is located in a historically underutilized business (HUB) zone or other similar qualifiers. (4-11-06)()~~

~~i. Existing Idaho Business (twenty (20) points). To qualify for points, a business must have a significant Idaho presence. (4-11-06)~~

~~j. Private Leverage (one hundred (100) points). The points in this category will be calculated by dividing the total of all private investment provided by the business in the project by the ICDBG amount requested and multiply it by one hundred (100). The business' private investment is the capital facilities, real estate and site development costs. Applicants shall provide documentation on the status of private investment, i.e. financing approvals. Payroll and start-up costs are not included in this calculation. (4-11-06)~~

~~k. Activities (twenty-five (25) points). Points will only be awarded for the percentage of ICDBG dollars committed to the acquisition, construction, or reconstruction of public infrastructure (Section 024); and for publicly-owned commercial building acquisition and/or rehabilitation for the purpose of assisting a business or businesses. (4-11-06)~~

~~l. Grant Management (twenty-five (25) points). If the grant funded activities are managed by the grantee, twenty-five (25) points will be awarded. Grantee management includes management under contract with a Department approved Grant Manager. Previous track record of grantee and/or experience of grantee and grant administrator. (4-11-06)()~~

~~m. Economic Advisory Council Evaluation (two hundred (200) points). The EAC will evaluate each Application on the basis of overall value, including its ability to make a significant impact on the Idaho economy and the commitment of the community to the project. The EAC evaluation process shall be prescribed in the ICDBG Application Handbook. (4-11-06)~~

097. REVIEW AND RANKING OF DOWNTOWN REVITALIZATION.

01. Introduction. Downtown Revitalization occurs only as merchants and landowners and other community representatives implement a series of actions which take advantage of community strengths and the economic and market forces operating in their community. An Idaho Community Development Block Grant program is only one (1) of the resources which can assist a downtown revitalization process. Therefore, the grant Application must be reviewed against the background of the total revitalization efforts. The following areas are reviewed by staff to evaluate the project. (3-19-99)

02. Organization (seventy-five (75) points). This is a measure of the strength and depth of the local commitment to downtown revitalization. Obvious problems and lack of cooperation will detract from the points. The Application should describe how the community is actively organized to plan and implement a downtown revitalization process. At the center of the process there should be a take-charge steering committee representing the major community actors, such as merchants, city officials, local economic development organizations, utilities, and banks. Active subcommittees shall undertake components of the process in promotion, design, and economic

restructuring. Other areas include infrastructure, finance, historic preservation, architecture, and various regulations. The process will be unsuccessful without the participation of, communication with, and cooperation from, various local, state and federal governmental agencies, ~~such as the Department of Transportation, Health and Welfare, Post Office, BLM, Forest Service, City Hall, County Courthouse, School Board, Highway Districts, Sewer, Water, and Fire Districts and Irrigation Districts. Participation of major companies, particularly those which drive the local economy, along with the utilities and banks, is also critical to the process.~~ (4-11-06)()

03. Assessments (seventy-five (75) points). This is a measure of the accuracy, completeness and comprehensiveness of each of the assessments which underlie the implementation plan. Knowing and understanding the market forces which support a community's downtown is the foundation of any revitalization effort. Consequently, an analysis of the local economy's market or trade area is critical to determine the effort's direction. Only with this information can plans be made to select the mix of goods and services that can be supported and to decide the nature of the improvements to infrastructure, regulations, buildings, and promotional campaigns. The downtown area may no longer be a retail center and maybe some other use is appropriate. This should be identified and the plans accordingly developed around this activity. Therefore, the Application must contain the background studies that were conducted to assess the local economic forces, market conditions, demographics, and sales volumes; the present conditions of streets and sidewalks, sewers, water and storm drain systems, and traffic patterns; the mix of land uses, conditions of buildings and vacancy rates, physical design, including accessibility for persons with disabilities, and environmental conditions. To receive full points, a community assessment must include market analysis which includes a survey of the primary trade areas, customer market and business and property owner information. (4-11-06)

04. Implementation (two hundred (200) points). The Implementation Plan, by its very nature, needs to be action-oriented, with resources, time frames, and assigned responsibilities for each activity. The Plan should begin with an estimate of the economic potential of the downtown and the effect that revitalization will have upon the businesses and services. Next should be the goal statement(s) of the revitalization effort. Goals should be stated in general terms with implementation activities in specific, measurable terms. Suggested goal statements include marketing, promotion, regulatory, cleanup, and infrastructure. The Implementation Activities should be set out in detail with the responsible party(ies) identified, a completion time frame established, and the needed resources identified. Since revitalization will take a partnership of the public and private sectors to accomplish the goals, the activities may be divided into public and private categories. Points will be assigned to the Implementation Plan as follows: (7-6-94)

a. Action Plan Preparedness (fifty one hundred (5100) points). This is a measure of ~~the detail of the implementation plan~~ completeness of downtown revitalization plan. The detail of a downtown revitalization plan should include ~~specific actions with assigned responsibilities and time frames for completion~~ goals, action items, timelines, costs, visioning, and assessment. (7-6-94)()

b. Architectural/Engineering Plans Design Professional Activities (fifty (50) points). This will measure the extent of architectural design or engineering procurement undertaken and to determine the scope of the grant project and estimate costs. (7-6-94)()

~~**c. Implementation Time Frame (fifty (50) points).** This will measure whether reasonable time frames have been determined for the grant project and that all the major actions and accomplishments have been identified, including those necessary for the implementation of the grant.~~ (7-6-94)

dc. Previous Amount Accomplished (fifty (50) points). This is a measure of all other action items in the implementation plan, how many have been started, and the progress towards completion. (7-6-94)

05. Slum and Blight (two hundred (200) points). This is a threshold which shall be met for the Application to be eligible for review. An Application will be disqualified if, in the opinion of the Department, the project does not meet the definition of Slum and Blight, (Section 020) or does not receive more than one hundred twenty-five (125) points in this category. The geographic boundaries of the downtown area shall be reasonable and officially designated. The conditions within the area shall be described and shall include the condition of all the infrastructure, the conditions of buildings and structures, and the economic forces which are causing the conditions of slum and blight. The Application shall describe the need for the proposed ICDBG project and the impact the project will have on the conditions of slum and blight. This will include the overall impact on the downtown revitalization

efforts and the long-term impact on the community. Some project activities may, more appropriately, meet another national objective. If so, it should be described in detail and documented according to the standards for that national objective. (7-6-94)

a. Need and impact (one hundred (100) points). This is a measure of the proposed area's need to prevent or eliminate conditions of slum and blight. It is also a determination of the project's impact on the conditions of slum and blight. A project must address the critical need of the slum and blighted area, have an impact on the economics of the downtown area, and have a measurable impact. The criteria for measuring the impact of the project on the conditions of slum and blight must be described in measurable terms, such as increase in private investment, establishment of new businesses or business expansions, sales growth, improvement in the appearance and value of property, reduction in vacancy rates and increase in housing units. This includes the economic impact and community impact. (7-6-94)

b. Relationship to overall plan (one hundred (100) points). This is a measure of: how the proposed grant project is related to the other actions and needs of the Implementation Plan; whether it is foundational to the revitalization of the downtown economy or it is peripheral to the needs of the economy; and how logically sequenced the activities being proposed are in relation to the other activities. If another national objective is included in the justification for some of the activities, include the description here and it will be judged upon its need and impact as described in this section. (7-6-94)

06. The ICDBG Project (three hundred fifty (350) points). The Application shall generally describe the eligible activities being proposed for funding. Any combination of eligible activities may be considered in designing the project. The eligible activity(ies) should be located on a detailed map. The relationship of the block grant project to the other implementation activities must be clear. Any matching funds shall be committed with the sources and schedules identified. All the other collateral implementation activities should be discussed and the funds expended documented. The Application shall describe the following items: (4-11-06)

a. Project Local Match (one hundred (100) points). The amount and percentage of "local match" firmly committed to the grant project shall be described. Evidence of commitment shall be provided by letter or agreements. Applicants shall state if there is a Revolving Loan Fund (RLF) available in their region and, if so describe what attempts have been made to secure funds from the RLF for the project. Program income from previous grants to be used in this project may be considered as local match. This total local cash match will then be added to other local match i.e. revenue bonds, in-kind match, etc. The total of all local match will then be divided by the total of all local match plus the ICDBG amount requested to determine the percentage of local match in the project. This percentage will then be multiplied by one hundred (100) to determine the point value. ~~The percentage times the points (one hundred (100)) will determine the amount of points assigned.~~ (4-11-06)()

b. Project Other Match (~~seventy five~~ one hundred (75100) points). The percentage of other funds committed to the proposed ICDBG project from private and other state and federal sources. The percentage shall be calculated by dividing the total of the other sources by the sum of total project costs which is all match plus the ICDBG request. The percentage times the points (~~seventy five~~ one hundred (75100)) will determine the amount of points assigned. (4-11-06)()

~~e. BID/LID Commitment (fifty (50) points). A maximum of fifty (50) points will be awarded to communities who have established a formal business improvement district or local improvement district prior to submission of the application addendum. (4-11-06)~~

~~d.c.~~ Related Implementation Expenditures (sixty (60) points). The percentage of private investment or related expenditures spent on the other implementation plan action items compared to the ICDBG funds being requested. Amounts spent within one (1) year prior to the grant Application submittal and those committed to be spent during the year following the submittal of the Application may be counted for this section. The percentage shall be calculated by dividing the total of the other funds by the sum of other funds plus the ICDBG request. The percentage multiplied by the points (sixty (60)) will determine the amount of points assigned. (4-11-06)

~~ed.~~ Long-term Program Involved (~~sixty five~~ ninety (6590). The use of grant funds to leverage a payback mechanism so that funds will sustain the downtown redevelopment efforts over the long term. For example, this can be done through various types of loans, fees, bonds and tax increment financing. improvement districts.

urban renewal, or resort city tax. The pool of funds is to be dedicated to the downtown area. (4-11-06)()

07. Economic Advisory Council Points (one hundred (100) points). The EAC, after reviewing the staff's ranking and recommendation, shall award its points based upon both the information presented and the Application. The EAC may award all or some of the points depending upon its opinion that the grant will promote the revitalization of the downtown economy. Projects which only fix a problem but do not leave the downtown in a better economic condition would receive fewer points. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

099. COMMUNITY CENTER AND SENIOR CITIZEN CENTER GRANTS.

01. Community Center Grants. Community Center Grants are part of a competitive application process which is separate from the PFH project grants in the annual grant selection process. They are only for Community Centers, not for other facilities such as shelter homes, nursing homes, and housing. Only cities or counties may apply. CC grants will be funded to a maximum of one hundred fifty thousand dollar (\$1050,000). ~~For construction of a new Community Center and on a case by case basis; the staff may recommend for the EAC's consideration additional funding above the one hundred thousand dollar (\$100,000) grant limit, but not to exceed a total grant of one hundred fifty thousand dollars (\$150,000). Consideration of additional funds will be based upon whether the existing center has kitchen facilities and the new facility will serve other significant community needs or groups; architectural plans and cost estimates are reasonable and well planned to suit the documented needs of community or neighborhood residents.~~ See Section 107 entitled Award Process, for details on the award process. (7-1-98)()

02. Senior Citizen Center Grants. Senior Citizen Center Grants, which address the need for community centers for senior citizen groups, are part of a competitive application process which is separate from the PFH project grants in the annual grant selection process. They are only for Senior Citizen Centers, not for other facilities such as shelter homes, nursing homes, senior housing and other geriatric facilities. Only cities or counties may apply. SR grants will be funded to a maximum of one hundred fifty thousand dollar (\$1050,000). ~~For construction of a new Senior Center and on a case by case basis; the staff may recommend EAC's consideration of additional funding above the one hundred thousand dollar (\$100,000) grant limit, but not to exceed a total grant of one hundred fifty thousand dollars (\$150,000). Consideration of additional funds will be based upon whether the existing center is a designated meal site serving three (3) or more meals per week, the new facility will serve other significant community needs or groups; architectural plans and cost estimates are reasonable and well planned to suit the documented needs of the senior and with the supporting advice of the regional office on aging.~~ See Section 107 entitled Award Process, for details on the award process. (7-1-98)()

03. Public Parks Grants. Public Parks Grants are part of competitive application process which is separate from the PFH project grant in the annual grant selection process. They are only for public parks, not for recreation facilities. Only cities and counties may apply. PK grant will be funded to a maximum of one hundred fifty thousand dollars (\$150,000). ()

034. Eligible Uses. The following are eligible uses of Community Center, ~~or~~ Senior Citizen Center, and Public Park Grants: construction of facilities; purchase of facilities; rehabilitation of facilities; purchase of essential fixtures (a fixture is defined as equipment that is permanently attached to the building); and removal of architectural barriers for the handicapped. (7-1-98)()

045. Local Match Committed to the Project. Match can be in the form of dollars, land, building materials and fixtures, volunteer labor, and waived fees. In the case of new construction or purchase and rehabilitation, the appraised or assessed value of donated real estate can be part of the match. Value of an existing facility cannot be used as match when the grant is for rehabilitation and/or expansion of the facility. Firm commitments of donated money, material and/or real estate must accompany the Application. (7-1-98)

056. Priorities in Funding. (7-6-94)

a. For Community Centers, the first priority for funding will be remodeling existing facilities to meet Title III Standards, to meet building codes, to provide adequate handicapped access and facilities and to provide adequate kitchen facilities for serving community or neighborhood residents. The second priority for funding will be construction of a new facility to replace an existing center. This will be considered only when the applicant demonstrates that the existing facility cannot be restored to adequate facility standards or that the cost of rehabilitation exceeds the cost of new construction, or that the facility is too small for the number of persons who presently use the facility and expansion costs of the existing structure exceed new construction costs; or the construction of a community center facility is in a community where no facility now exists; but only where other Community Center facilities are not available, and if adequate local operating funds are committed. (7-1-98)

b. For Senior Citizen Centers, the first priority for funding will be remodeling existing facilities to meet Title III Standards, to meet building codes, to provide adequate handicapped access and facilities and to provide adequate kitchen facilities for serving the current senior citizen membership. The second priority for funding will be: construction of a new facility to replace an existing center. This will be considered only when the applicant demonstrates that the existing facility cannot be restored to adequate facility standards or that the cost of rehabilitation exceeds the cost of new construction, or that the facility is too small for the number of Seniors who presently use the facility and expansion costs of the existing structure exceed new construction costs; or the construction of a Senior Center facility in a community where no facility now exists; but only where: other Senior Center facilities are not available; and if adequate local operating funds are committed. (7-1-98)

c. For Public Parks, the first priority for funding will be for cities or counties who are area-wide low-to-moderate income. The second priority for funding will be improving existing park facilities to meet playground equipment standards, ADA compliance, and to provide adequate facilities and fixtures for serving community and neighborhood residents. The last priority for funding will be construction of a new park. New park construction will only be considered when the applicant can demonstrate there is sufficient need and demand for the park. Existing or new, priority will be given to parks whose service area (typically one-half (1/2) mile radius) is lower income when compared to other neighborhoods or areas of the community. ()

100. APPLICATION.

The Application shall identify the eligible components ~~of the physical plant~~ of the center or park and define which items are critical, necessary, or ~~nice-to-have~~ potential concerns for the health and safety of persons using the facility. The projects with the highest needs and the greatest preparedness to proceed would be recommended for funding. (7-1-98)()

01. **Notice of Intent.** (See Section 061) (7-6-94)

02. **Deadline.** CC, ~~and~~ SR, and PK Applications will be due on the first Friday of March, June, or September each year, as specified in the Application Handbook. The Application shall be submitted according to Section 062. The EAC will review the Applications and make funding recommendations at the April, July, or October Council meeting. (7-1-98)()

03. **Information to Be Included.** The Application shall contain the information required by Section 074. The general project description (Subsection 074.06) shall contain the additional information described below. The Application shall be on the forms provided by the Department and according to the format described in Sections 072 and 073. The Application shall also address the center's geographic service area, the number of beneficiaries in the service area, other demographic data including minority and handicapped status, and the needs and impact of the project upon the lives of the residents, neighborhood, or senior citizens. (7-1-98)

04. **Restrictions.** An applicant is not qualified to apply for a CC, ~~or~~ SR, or PK grant if it has a currently funded community center, ~~or~~ senior citizen facility grant, or public parks grant, the funds of which are not eighty percent (80%) drawn down as shown on the Department's records as of the last date for accepting Applications. (7-1-98)()

05. **The General Project Description Shall Address the Following Information.** (7-6-94)

a. **Health Services.** If the center is a designated meal site, provide information of the number of meal days weekly and the number of meals served weekly, monthly, and annually. This information should include any

outreach services. Other health services provided at the center should be described. Also, the average number of education activities scheduled per month should be included. Any provision or plans to provide adult day care should be described. (7-1-98)

b. Building Information. The Application shall describe the building's physical condition including the square footage of the building, roof condition, exterior conditions, foundation conditions, parking and floor and other structural conditions. (7-6-94)

c. Interior Building. The conditions of the interior of the center should be described, including electrical and plumbing conditions, handicapped access to building and interior spaces, handicapped bathrooms, heating and air conditioning equipment conditions, energy efficiency and weatherization of building, kitchen and food storage conditions and fire safety conditions. (7-6-94)

d. Match Committed. The amount of local funds and in-kind match that the center can commit to the project should be described and documented. (7-6-94)

e. Planning of the Project. The planning efforts for the center or park should be described. This may include the efforts to determine the needs of the center or park, and the solicitation of community and local government support. Items such as Health and Safety inspections, architectural or engineering designs, Area Agency inspections and recommendations, schedules of project construction and cost estimates may be included. (7-1-98)()

f. Park Information. The Application should describe the park's physical condition including size, apparatus or playground fixtures for older children, playground equipment, section for pre-school children, open space for informal play, surface area for court games, field for group games, splash pad, porticos, restrooms, picnic areas, sidewalks, parking, and ADA accessibility. ()

06. Presentation. Following selection of the Application by the Department staff. According to Section 065. (7-6-94)

101. REVIEW AND RANKING PROCESS.

The Application shall be reviewed according to the following point categories and shall be based upon the information submitted and any additional information requested by the Department. (one thousand (1,000) points possible). (7-6-94)

01. Physical Conditions (three hundred fifty (350) points). Points will be assigned to the needs of the center or park based upon the number of needs and the urgency of the needs. Department staff shall, upon review of the documentation and descriptions in the application, determine a rating from one (1) to ~~three~~ nine (9) based upon the criticalness and urgency of each of the following problems. The ratings will be totaled and ranked. Those Applications ranking the highest will receive the most points. The Application should also include a facility plan or building assessment.

TABLE 5 -- "CRITICALNESS AND URGENCY OF PROBLEMS"				
		Problem or Need Rating		
		Violation of Laws/ Bldg. Codes/ Health and Safety Concerns	Health and Safety Problems	No Violations or Health and Safety Concerns
Identified in Project Description Narrative	Identification of Problem	Critical 39	Urgent 25	<i>Nice to Have</i> <u>Potential</u> <u>Concern</u> 1
	Physical Conditions: Structural Problems			
	Roof			
	Walls			
	Foundation			
	Floors			
	Weatherization			
	Expansion for adult day care			
	New Center			
	Other			
	Interior Problems:			
	Asbestos/lead based paint			
	Bathrooms			
	Access for persons with Disabilities			
	Electrical/plumbing/ lighting			
	Heating/air conditioning			
	Fire safety			
	Unusable space			
	New Center			
	Unusable space			
	Other			
	Kitchen and Food Storage:			
	Health inspection			

TABLE 5 -- "CRITICALNESS AND URGENCY OF PROBLEMS"				
		Problem or Need Rating		
		Violation of Laws/ Bldg. Codes/ Health and Safety Concerns	Health and Safety Problems	No Violations or Health and Safety Concerns
Identified in Project Description Narrative	Identification of Problem	Critical <u>39</u>	Urgent <u>25</u>	<u>Nice to Have</u> <u>Potential</u> <u>Concern</u> 1
	Capacity of dry storage			
	Capacity of cold storage			
	Equipment			
	New Center			
	Other			
	Access for Persons with Disabilities			
	Parking			
	Entry			
	Bathrooms			
	New Center			
	<u>Parks</u>			
	<u>Playground fixtures for older children</u>			
	<u>Playground fixtures for preschool children</u>			
	<u>Open space for informal play</u>			
	<u>Surface area for court games</u>			
	<u>Fields for group games</u>			
	<u>Splash pads</u>			
	<u>Porticos</u>			
	<u>Restrooms</u>			
	TOTALS:			
		ASSIGNED RANKING		

(3-30-07)()

02. ~~Planning and Schedule~~ **Project Implementation** (two hundred (200) points). Points will be

assigned according to the apparent effort made to determine the needs of the center, the nature of the problems, the solutions, and the costs of the project and a realistic schedule for implementing the project. (7-6-94)()

a. Pre-Planning (fifty forty (540) points). This is a measure of the effort ~~made to quantify the problems through building code inspections, health inspections, and architectural and engineering review~~ to structure, develop, design, and complete preliminary construction approval steps. (7-6-94)()

b. Project Planning Design Professional (fifty twenty (520) points). This is a measure of the effort made to ~~coordinate all of the various agencies that may be involved in funding and planning the project. Also included is all relevant information that all grant responsibilities and requirements have been included in the planning~~ issue an RFP and complete a design professional selection process. This process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, proof of published notice if applicable, and completed evaluation rating sheets must be submitted. This would include vendors or suppliers. (7-6-94)()

c. Schedule Grant Administration (fifty twenty (520) points). This is a measure of the effort ~~made to schedule all the project activities, including the different grant requirements and contractors that may be involved~~ issue an RFP and complete the administrator selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, solicitation process, and completed evaluation rating sheets must be submitted. (7-6-94)()

d. Costs Schedule (fifty five (50) points). This is a measure of the effort to ~~determine reasonable cost estimates for the various elements of the project~~ schedule all the project activities including the different grant requirements and contractors that may be involved. This would also include vendors for suppliers. (7-6-94)()

e. Costs (twenty (20) points). This is a measure of the effort to determine reasonable cost estimates for various elements of the project. ()

f. Environmental Scoping (ten (10) points). This is a measure of the effort made to complete a Field Notes Checklist as prescribed in the ICDBG Application Handbook and mailed out environmental information request letters before submission of Application. ()

g. Property Acquisition (twenty (20) points). A measure of the effort of the applicant or sub-recipient to achieve project site control. ()

h. Administrative Capacity (sixty five (65) points). A measure of ICDBG project track record and general stability of applicant and sub-recipient. Review may include financial audit reports, board make-up, staff turnover and recall elections, completion of Section 504 Self Evaluation and Transition plan, and documented efforts to Affirmatively Further Fair Housing. ()

03. Benefits (one hundred fifty (150) points). (7-6-94)

a. Activities Provided (one hundred (100) points). This is a measure of how well the center or park is meeting the needs of its members, neighborhood, or community. It is based upon the number and quality of activities and services the center or park is providing on an annual basis. Service days will be calculated by taking the number of days an activity or service is offered during the course of the month multiplied by twelve (12). Activities can include health, recreational, social, educational, and transportation services. Quartile points ~~will~~ may be assigned to this area.

TABLE 6 - "Ranking By Quartiles"	
Highest Quartile	One hundred (100) points
Second Quartile	Sixty (60) points
Third Quartile	Thirty (30) points
Fourth Quartile	zero (0) points

(3-30-01)()

b. Low and Moderate Income and Minority Outreach Activities (fifty (50) points). This is a measure of existing or proposed efforts made to include low and moderate income and minority participation in the center's or park's activities. (7-1-98)()

04. Match (one hundred (100) points). Cash and in-kind donations which are committed to the project shall receive points according to the percentage committed up to the total points in the category of match. (4-11-06)

a. The sixty (60) points for cash match shall be assigned on a quartile basis by taking the percentage resulting from the division of cash match by the total project. Quartile points will be assigned to this area in a descending order based upon the percentage of cash match in the project. (3-30-01)

i. First Quartile -- sixty (60) points. (3-30-01)

ii. Second Quartile -- thirty (30) points. (3-30-01)

iii. Third Quartile -- fifteen (15) points. (3-30-01)

iv. Fourth Quartile -- zero (0) points. (3-30-01)

b. The forty (40) points for in-kind match shall be assigned on a quartile basis by taking the percentage in-kind match divided by the total project. Quartile points will be assigned to this area in a descending order based upon the percentage of in-kind match in the project. (3-30-01)

i. First Quartile -- forty (40) points. (3-30-01)

ii. Second Quartile -- twenty (20) points. (3-30-01)

iii. Third Quartile -- ten (10) points. (3-30-01)

iv. Fourth Quartile -- zero (0) points. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

107. AWARD PROCESS.

The Department shall review the Applications submitted with the EAC during its April, July, or October meeting. The EAC, after reviewing the Applications, and staff recommendations, will assign the points and recommend Applications to the Governor for funding and standby status. (3-30-07)()

108. IMMINENT THREAT GRANTS.

Five percent (5%) of the annual Community Development CDBG allocation or three hundred thousand dollars (\$300,000), whichever is less, shall be reserved to fund activities which will alleviate an imminent threat to public health or safety which requires immediate resolution. Each grant amount will not exceed one hundred thousand dollars (\$100,000). Only imminent threat grant Applications which meet the criteria in Section 109 will be presented to Economic Advisory Council for funding consideration. (7-6-94)()

(BREAK IN CONTINUITY OF SECTIONS)

111. SPECIAL ALLOCATIONS -- IMMINENT THREAT URGENT NEED.

Special Urgent Need Allocations shall be administered by the department when: (3-20-97)

01. Presidentially Declared Disaster. The threat is determined to be a Presidentially Declared Disaster; and (3-20-97)

02. Appropriation Allocated. A special Idaho Community Development Block Grant appropriation has been allocated to the Department through the *Idaho HUD* Community Development Block Grant Program. (~~3-20-97~~)()

112. SPECIAL ALLOCATIONS - APPLICATION.

01. Information to Be Included. Information to be included shall be consistent with Subsection 109.02. (3-20-97)

02. Special Urgent Need Grants. Special urgent need grants under this program can be submitted by eligible applicants when conditions in Section 111 exist. (3-20-97)

113. SPECIAL ALLOCATIONS - IMMEDIATE THREAT DETERMINATION.

01. An Imminent Threat/Urgent Need. An Imminent Threat/Urgent Need is defined *in Section 021 by HUD.* (~~3-20-97~~)()

02. Documentation. Communities requesting an imminent threat grant shall contain all information shown in Subsections 110.02.a., 110.02.b., and 110.02.d., 110.03 to 110.04. (3-20-97)

114. -- 115. (RESERVED)

116. SPECIAL ALLOCATIONS - REVIEW PROCESS.

If staff, through reviewing the project, find that the applicant meets the criteria in Section 110, the Application may be recommended to the EAC for review. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

118. TECHNICAL ASSISTANCE.

To assist communities and applicants in their planning efforts and discourage uncoordinated piecemeal approaches to solving community problems, one percent (1%) of the annual *Community Development CDBG* allocation shall be set aside for technical assistance. (~~4-11-06~~)()

119. -- 134. (RESERVED)

135. ACCESSIBILITY TAG-ON FOR PERSONS WITH DISABILITIES FUNDING.

01. Additional Activity. An applicant may include in their PFH or ED application as additional activity to improve the accessibility of public buildings for persons with disabilities, if the applicant meets all of the following conditions: (3-19-99)

a. The applicant has adopted a Section 504 Transition Plan; (3-19-99)

b. The applicant's total grant request does not exceed the maximum grant amount allowed for PFH or ED grants; (3-19-99)

c. The applicant matches the ICDBG access funds requested with *an equal amount of* local matching funds; (~~3-19-99~~)()

d. The grant funds requested for this activity does not exceed ten thousand dollars (\$10,000); (3-19-99)

- e. And the applicant can show previous progress in implementing the Transition Plan. (3-19-99)

02. Separate Description and Cost Estimate. The applicant shall provide a separate description of the handicapped accessibility items to be improved and a separate cost estimate. The activities shall be included in the general project budget and schedule. (7-6-94)

136. -- 151. (RESERVED)

152. GRANT AWARD.

01. Funding Allocations. Each year the Department will receive an allocation from the Department of Housing and Urban Development. This allocation is derived from the formula contained in 42 USC, Sec. 5301, the Housing and Community Development Act of 1974, as amended. The allocation shall be generally divided in the following manner to establish target amounts for decision making by the Economic Advisory Council (EAC): first, the amount specified in 24 CFR 570.489 (see Subsection 004.01) shall be reserved for the Department's administrative costs; second, one percent (1%) of the total shall be reserved for Technical Assistance; third, five percent (5%) or three hundred thousand dollars (\$300,000), whichever is less, of the total allocation shall be set aside for Imminent Threat (IT) grants; fourth, ~~ten~~ percent (610%) or ~~nine~~ hundred thousand dollars (\$690,000) whichever is less, of the total allocation, shall be set aside for Community Center (CC), ~~or~~ Senior Citizen Center (SR), ~~or~~ Public Parks (PK) grants; fifth, any program income, recaptured funds, or carryover funds from the previous fiscal years shall be added to the remainder; and finally, of the remainder, fifty percent (50%) shall be reserved for Public Facilities or Housing (PFH) grants and fifty percent (50%) for Economic Development (ED) grants. These targeted amounts may be more or less than the actual amount funded in each category depending on the needs and requests identified in the applications submitted and may shift according to Subsection 152.02. (3-29-10)()

02. Shifting of Funds. The above allocation divisions are to establish target amounts for decision making by the Economic Advisory Council (EAC). This division shall be made for the January EAC meeting. These targets may be modified at any time by the Department Director with the advice of the EAC depending on the needs and requests identified in the applications submitted. If in any quarter there are surplus funds in the ED category, the Department Director, with the advice of the EAC, may shift funds back to the PFH, ~~or~~ CC, ~~and~~ SR, ~~or~~ PK category to fund standby projects. Otherwise, surplus funds not awarded to ED projects in a quarter shall be carried into the succeeding quarter ED set-aside. (3-30-07)()

03. Standby Applications. At its quarterly meeting in April of each year, the Economic Advisory Council (EAC) may recommend PFH, ~~or~~ CC, ~~and~~ SR, ~~or~~ PK Applications for funding even though not enough funds are available to fund the project(s). These Applications become "standby projects." Standby projects shall be eligible for funding should additional funds become available or surplus funds exist in the ED category. At any subsequent quarterly meeting, the Advisory Council may review and recommend a standby project to the Governor for funding. Standby status shall continue through the fourth quarterly meeting. Any standby projects not funded ~~shall automatically~~ may be invited to submit an Addendum for the next Fiscal Year, thus bypassing the Application stage of the application process. However, the Application must remain eligible and must continue to meet all requirements of the program rules. The standby applicant shall update its Application during the Addendum process. (7-1-98)()

04. Termination of Project Selection for Funding. (7-6-94)

a. If, during the period between the award of a grant and signing of a grant contract, a project loses its viability, its status of being selected for funding may be terminated by the Department. The Department shall, by letter, notify the applicant that in the judgment of the Department, the applicant's project is no longer viable and that the applicant has a clearly stated period of time no less than fourteen (14) days to demonstrate the project's viability. If viability cannot be demonstrated within the stated period of time the award of the grant status shall be considered terminated and the funds be made available for the next standby project. (7-6-94)

b. After a grant contract has been executed, the Department shall periodically evaluate the progress of the project. If, at any time, the project loses viability and/or cannot be completed as described in the Application, the Department shall, by letter, notify the grantee that the grant contract shall be terminated within a clearly stated period of time of no less than fourteen (14) days from the date of the letter. The grantee may, within the stated period of time,

demonstrate substantial progress on the project and request the Department revoke the termination. If viability cannot be demonstrated within the specified amount of time, the grant shall be considered terminated. (7-6-94)

c. Loss of viability will be defined to include: the inability to secure the other project financing; the lack of due diligence to pursue the implementation of project requirements; the lack of local coordination with all funding and regulatory agencies; the inability to develop agreements necessary to manage the cash flow and ownership of the project where several different entities are involved in the project; and the inability to complete a project of the same general size and benefits as presented in the application. (7-6-94)

05. Excessive Funds. In the event a project can be completed for less than the grant amount, the difference between actual project costs and the grant amount shall be reserved by the Department for standby projects, or added to the total of the next fiscal year allocation for distribution. The Department shall amend the grant contract to reflect the reduced costs. In extraordinary circumstances the excess funds may be used for an eligible activity which further enhances the project as described in the Application. Before the Department decides to allow the additional activity, the grantee must demonstrate the activity will provide an equal or greater benefit than the original project; it will increase the benefits to low and moderate income persons, it will be completed within the original time frame, and the additional activity will be completed with the excess funds. The grantee must also show completion of the original project, its objectives and benefits. (7-6-94)

06. Amendment of Project. A funded project as described in the Application shall not be changed without prior approval from the Department Director. Any amendment of the project shall be reviewed to determine if the project will retain its competitive ranking in the Application review and ranking system. Any amendment shall provide equal or greater benefits than the original project. In unusual circumstances, the Department Director may approve a grant amendment increasing the grant amount, provided unobligated funds are available. In unusual circumstances the Department Director may waive the ten percent (10%) limitation on administrative costs when, in the opinion of the Department, the complexity of the project warrants an increase. (7-6-94)

07. Allowable Costs. Once an applicant has been invited to submit an Addendum and prior to the effective date of a grant contract an applicant submitting an Addendum may obligate and spend out of local funds for the purpose below. If awarded a grant and after the effective date of the grant contract, the grantee may be reimbursed for these costs provided such locally funded activities are undertaken in compliance with the program requirements (including but not limited to procurement, financial, acquisition, environmental and the ten percent (10%) limitation on administrative costs). Other project costs shall not be incurred until the Special Terms and Conditions of the contract are completed by the grantee and the funds released by the Department. (See Section 080.) (7-6-94)

a. Planning, Design and Administration. Procure and proceed with administrative and architectural or engineering services, adopting the Fair Housing Resolution and the Anti-Displacement Plan, and having public hearings. (7-6-94)

b. Project Costs, such as: preliminary and final Engineering Design, preliminary and final Architectural Design, conducting the Environmental Assessment, and completing procedural requirements for acquisition, but not the cost of the property. (7-6-94)

08. Audit Requirements. All ICDBG projects shall be audited annually or biannually in accordance with Sections 50-1010 and 31-1701, Idaho Code, the Single Audit Act of 1984, the implementing regulations in OMB Circular A-133, and all applicable federal audit standards, and other applicable state laws. Audits shall include any management letters associated with the audit. The audit shall be submitted to the Legislative Auditors Office within thirty (30) days of completion. Grantees shall require sub-grantees to provide audits conducted according to applicable federal and state laws, regulations and standards. The grantee shall have these audits reviewed as part of the grantee's audit. This review shall be commented and noted in the audit report. This review shall opine that sub-grantees are in compliance with the applicable program laws, regulations, contracts, and standards. (3-19-99)

(BREAK IN CONTINUITY OF SECTIONS)

225. LEAD BASED PAINT.

01. Abatement of Lead Based Paint. Any applicant or grantee proposing to rehabilitate housing or structures constructed or substantially reconstructed prior to 1978 shall take measures to abate - as far as practicable - lead-based paint hazards. Such measures shall be in accordance with the Lead-Based Paint Poisoning and Prevention Act as amended and Title I of the Community Development Act of 1974 as amended. (7-6-94)

02. Housing. Housing shall be defined as any structure designed for occupation by or occupied by children of six (6) years old or less. This includes such uses as day care centers, nurseries, playgrounds, pre-schools and residential uses etc. (7-6-94)

03. Methodology. Any lead-based paint abatement and disposal shall be by current state-of-the-art methods approved by the ~~Division of Environmental Quality~~ **Environmental Protection Agency.** (~~7-6-94~~)()

04. Environmental Review. The lead-based paint hazard shall be determined as part of the environmental review. Abatement shall be considered as part of the project and is an eligible grant expense. (7-6-94)

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.07 - RULES GOVERNING THE ADMINISTRATION OF THE IGEN GRANT PROGRAM

DOCKET NO. 28-0207-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4702 and 67-4729, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes provide for industry, in partnership with an eligible recipient to take the lead in applying for an IGEN grant. The 3 Universities will remain the only eligible recipients of an IGEN grant. The other changes are clarification of process in regards to the application and commercialization of revenue, as well as other grammatical corrections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee or charge imposed or increased.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no fiscal impact to this rule making.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule change confers a benefit. Affected interest groups were consulted regarding the proposed changes.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no materials incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule contact Megan Ronk, Chief Operating Officer, Idaho Department of Commerce at (208) 334-2470.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 3rd Day of September, 2015

Megan Ronk
Chief Communications & Governmental Affairs Officer
Idaho Department of Commerce
700 W State Street
Boise, ID 83702
Phone: 208-334-2470
Fax: 208-334-2631

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 28-0201-1501
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

As used in this chapter: (3-20-14)

01. Department. Idaho Department of Commerce. (3-20-14)

02. Eligible Applicant. Idaho research universities: Boise State University, Idaho State University, ~~and~~ University of Idaho, ~~and Industry Partners.~~ (3-20-14)()

03. Eligible Recipient. Idaho research universities: Boise State University, Idaho State University, and the University of Idaho. ()

~~034.~~ **IGEM Council.** Idaho Global Entrepreneurial Mission Council as defined in Section 67-4726, Idaho Code. (3-20-14)

~~045.~~ **IGEM Executive Committee.** The IGEM Executive Committee is made up of the IGEM Council chairman, the director of the Idaho Department of Commerce, and the Idaho State Board of Education member of the IGEM Council. (3-20-14)

~~056.~~ **IGEM Grant Program.** A grant program established ~~by the IGEM Council~~ for the purpose of ~~funding projects intended to further the purpose~~ enhancing technology transfer and commercialization of research and technologies developed at the universities to create high-quality jobs and new industries in Idaho as described in Section 100 of these rules. (3-20-14)()

~~07.~~ **Industry Partner.** A business that designs, produces, or sells goods or services for profit and is partnered with an Eligible Recipient. ()

~~068.~~ **University.** As used in these rules, University means Boise State University, Idaho State University, and the University of Idaho. (3-20-14)

011. ABBREVIATIONS.

As used in this chapter: (3-20-14)

01. IGEM. Idaho Global Entrepreneurial Mission. (3-20-14)

~~02.~~ ~~RFP Request for Proposal.~~ (3-20-14)

012. -- 099. (RESERVED)

100. PURPOSE.

The IGEM Grant Program funds commercialization grants supporting University and industry research partnerships for the purpose of enhancing technology transfer and commercialization of research and technologies developed at the Universities to create high-quality jobs and new industries in ~~the private sector in~~ Idaho. (3-20-14)()

101. -- 199. (RESERVED)

200. ~~REQUEST FOR PROPOSAL (RFP) GRANT APPLICATION.~~

The IGEM Council will release a ~~RFP grant application~~ outlining the process and requirements for Eligible Applicants to apply for IGEM Grant Program awards. The ~~RFP grant application~~ shall include requirements for performance measures and reporting. Awarded programs that fail to meet the requirements set forth in the ~~RFP grant application~~ may be terminated. (3-20-14)()

201. -- 299. (RESERVED)

300. SELECTION PREFERENCE.

In selecting IGEM ~~proposals~~ grant applications for award, the IGEM Council shall give greater weight to ~~proposals~~ grant applications that partner with Idaho based entities. (3-20-14)()

301. MATCHING REQUIREMENT.

All ~~approved awards must contain a match requirement. The match may be~~ grant applications are required to include a monetary or in-kind ~~as established in the RFP~~ contribution from the Industry Partner(s). (3-20-14)()

302. -- 399. (RESERVED)

400. TERMINATION OF FUNDING.

Funding for projects may be terminated by the Department at any time for failure to meet the program requirements set out in the ~~RFP~~ grant application and in the funding agreement or for the misuse of IGEM funds. Upon receipt of a written notice of termination from the Department, the grantee must immediately stop all expenditures of IGEM funds and return all unspent IGEM funds to the Department. The Department will make a final payment to the grantee based on the work completed, allowable costs incurred, and the documentation provided by the grantee as required by these rules. (3-20-14)()

401. -- 499. (RESERVED)

500. COMMERCIALIZATION REVENUE.

~~Any~~ eCommercialization revenue generated through the IGEM University research ~~initiative~~ project and by IGEM funded research faculty will be distributed as outlined in Section 67-4731, Idaho Code. (3-20-14)()