

**2023 URGENT NEED
GUIDELINES
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Community Development Block Grant Program

The CDBG Program

The Community Development Block Grant program has a staff of five. Although we are unsure of the future of the CDBG program on the national level at the time of going to print, we are anticipating approximately the same allocation as received in 2022. As stated in our Consolidated Plan, any change in the allocation will be adjusted among the CDBG categories accordingly. The Division accepted responsibility for administering these federally funded grants in 1984. Based on a population formula, the U.S. Department of Housing and Urban Development provides Kansas federal funds to be allocated to local units of government. The Kansas Department of Commerce is the designated state-administering agency in Kansas. Commerce will distribute the CDBG funds to units of general local government (cities and counties) according to the provisions of Title I of the Housing and Community Development Act of 1974, as amended. Citizen input is a valuable part of developing programs and processes for the distribution of CDBG funds. Consideration of citizens' comments through the consolidated plan process was given in the development of the following guidelines.

Urgent Need Grants

Applications for Urgent Need projects may be submitted at any time through December 1, 2023. These funds will be for project activities that address an urgent need resulting from a sudden and severe natural or other disaster that has created conditions that **pose a serious and immediate threat to the health or welfare of the community. These conditions must be of recent origin and have become urgent within six months following the disaster. Applications must be certified as an urgent need by the agency having jurisdiction over said conditions.** The project must demonstrate that no other financial resources are available to address the conditions. **Only the immediate emergency will be addressed through this category with long-term resolution of the problem being addressed through regular rounds of awards or other funding sources. The project must demonstrate that no other financial resources are available to address the conditions. This includes financing the project themselves or having access to any local, state or federal funding resources.**

The Urgent Need category may utilize up to \$.100,000 of the 2023 annual allocation. Reimbursement for project costs can be effective with the date of the disaster upon prior approval by Commerce.

Eligible Applicants

Eligible applicants under the CDBG program are defined as “general purpose units of government.” These “units” are all counties and cities that are not participants in the entitlement program. The entitlement program areas in Kansas are: Kansas City, Wichita, Topeka, Lawrence, Leavenworth, Manhattan, Overland Park and all of Johnson County.

All CDBG awardees must select a grant administrator. The grant administrator can be selected from a list of interested parties that Commerce maintains at this link: [Administrator Territories](#) or cities and counties may choose to administer their grants on a local level with their own staff members. If local staff members are used, CDBG funds may not be used to compensate staff salary. Staff services can be listed as in-kind match towards project costs.

- For projects proposed to resolve problems that exist in unincorporated areas of a county, the county governing body is the eligible applicant.
- For county **projects that are located in two counties**, the county with the highest number of beneficiaries is the applicant, but an intergovernmental agreement must be executed prior to the application submittal.
- For projects that propose to resolve problems that exist in a city, the city governing body is the eligible applicant. A municipality may apply for a project that would include activities to be located outside city limits if 51 percent of the beneficiaries are residents of the city.

National Objective Requirements

The national objective addressed by this program is: activities designed to meet urgent, health and welfare needs and for which no other financial resources are available to meet such needs.

The determination of a jurisdiction's eligibility to meet this criteria will be based on the conditions at the time of application and the documentation from an agency having jurisdiction over the "urgent" conditions certifying an immediate threat to health and welfare. For building demolition determined to be "urgent," an independent structural engineer must certify to the urgency. Resources from the other federal, local or state programs should be used to match or participate to relieve the threat.

Eligible Activities

Only activities eligible under Section 105 of the Act will be eligible for funding by Commerce. The activities described in the Eligible Activities list Appendix B have been adapted from those documented under Title I of the Housing and Community Development Act of 1974, as amended. The list of eligible activities is merely illustrative and does not constitute a list of all eligible activities. It is the responsibility of the applicant to justify in its application the appropriateness of each proposed activity. Only the immediate solution to the situation will be funded through this program. Long-term solutions may be applied for through the competitive CDBG process. **Demolition only projects, not from a natural disaster, are deemed ineligible under Urgent Need.** However, cities and counties may apply for demolition funds in the Annual Competition Round.

State Compliance Criteria

All compliance criteria are applicable to the Urgent Need program unless a waiver is obtained in writing from Commerce prior to the need for execution. The following administrative and financial guidelines apply to the Urgent Need program.

1. **Timeliness:** Grantees will have a signed contract with the state within 30 days of notice of award. Project construction will be initiated within 60 days of award. Failure to meet these time frames may result in withdrawal of grant award by Commerce. All projects should be designed and scheduled to be completed within 12 months of the project commencement date.
2. **Project Administration Cost:** Project administration is an eligible CDBG cost. Project administration will be calculated at \$10,000 or 10 percent of the grant award, whichever is less.
3. **Professional Services Contract** (e.g., engineering, architecture and financial consultants): These contracts must be separate from administration contracts. Engineering, architect firms and financial consultants may not administer any CDBG award for which it is performing any other service.
4. **Administrative Assistance:** Some applicants may choose to contract for professional assistance in program planning, application preparation and guidance relating to program execution. Grant funds will not be used to reimburse work done prior to the grant award.

The use of professional services is governed by the provision of 24 CFR 200 and applicable state, federal and local laws. The selection of services must be done competitively, and written agreements should be executed between the parties detailing the responsibilities, standards and fees.

5. Matching Funds: Applicants are responsible for providing matching funds, when available. **Applicant is responsible to pay for the cost of the Environmental Review and the cost for such should be included on the application Project Budget Form.** All insurance proceeds must be secured in an escrow account prior the city/county applying for Urgent Need funding.
6. Negotiated Funding: The state reserves the right to negotiate with applicants and to deny partial or total funding of any application in a given funding period.
7. Minimization of Displacement: The State of Kansas discourages applicants from proposing the displacement of persons, unless no feasible alternative exists. Alternatives will be reviewed for feasibility, and technical assistance will be provided in order to minimize displacement of persons. If permanent displacement must occur, protection under the following authorities, as applicable, will prevail upon displaced persons: The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, or Section 104(d), 104(k) and 105(a)(11) of the Housing and Community Development Act, as amended.
8. Environmental Impact: All CDBG projects are subject to the federal environmental regulations. Applicants must be sensitive to potential environmental impacts while their CDBG projects are first being considered and planned in order to avoid problems that could delay or even prevent a project from being implemented. No choice limiting action may take place prior to grant application.
9. Application Accuracy: In all cases, it is the applicant's responsibility to proofread and double-check the accuracy of the information submitted in the application.

The mayor/county commission chairman (chief elected official) accepts the responsibility that the information in the application is correct as noted in Article (12) of the “Statement of Assurances and Certification” by signing the grant application submitted.

10. Kansas Small Cities CDBG Administrative Procedure for Request for Information:

All requests for information from the Small Cities (CDBG) program will be subject to the Kansas Open Records Law (K.S.A. 1983 Supp. 45-206 et. seq.). The Kansas law requires that all records of a public agency be open to inspection. Kansas Small Cities (CDBG) applications are, as defined by K.S.A. 1983 Supp. 45-207, public records and as such are open for inspection, except as otherwise provided by the Act. All requests must be specifically made in writing.

Administrative Requirements

The U.S. Department of Housing and Urban Development requires that all FY 2023 CDBG grants awarded by the Kansas Department of Commerce meet the following Administrative Requirements.

1. General Administrative Requirements and Guidelines
2. 2 CFR Part 200

The General Administrative Requirements and Guidelines include requirements and general information on administrative procedures not covered by the 2 CFR Part 200. Certain requirements and guidelines refer to specific attachments of 2 CFR Part 200 and other publications.

2 CFR Part 200 is published by the U.S. Office of Management and Budget to provide consistency and uniformity among federal agencies in the administration of grants to state and local governments. This circular is adopted by Commerce in administration of CDBG for non-entitlement areas of the state.

Community's Responsibility

The grant award agreement between the State of Kansas and the city or county is a legal binding contract that commits the State of Kansas to make a Small Cities Program grant to an eligible applicant. It is the document that requires the grant recipient, in consideration for receiving the grant, **to enforce the rules and regulations of the CDBG program.**

Citizen Participation Requirements

Each prospective applicant must **hold one (1) legal public hearing a minimum of 15 days prior to application due date** for any application submitted for CDBG funding. The purpose of the hearing is to present the program to local citizens for discussion of community needs and to review the applicant's proposed project. The hearing must be held to address the specific project application that will be submitted. The notice must contain a description of the proposed project, proposed project location (target area boundaries, if applicable), activities to be carried out and total estimated cost of all activities. The notice must include the grant amount requested and the total project cost. Notices shall be published in a local newspaper having the widest general circulation in the community.

Each notice shall be published **at least five full days** before (starting one day after publication date and not counting the date of the hearing, i.e., a total of seven days) but **no more than 20 days** before the date of the hearing. Hearings for a specific application may be conducted no earlier than 120 days prior to application due date. Public hearings must be conducted by the applicant's governing body. As stated previously herein, multi-jurisdictional grant applicants must assure that all entities involved are informed of the public hearing(s). **Notices must be published in all multi-jurisdictional areas.**

The hearing must be held at a time and location convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate.

Local governments must provide citizens, especially residents of proposed project areas, an adequate opportunity to participate in the planning and development of CDBG applications. Examples of actions applicants may take to ensure citizen participation in the application stage include meeting with community groups and leaders prior to public hearings, holding informational meetings in proposed project areas and distributing notices of meetings and public hearings to residents in the proposed project area. Applicants may also choose to distribute public hearing notices to local community action agencies, minority contractors and other public and private organizations.

The local government should consider any comments or views on the proposed application before submission to the state.

The Public Hearing Notice must exactly reflect what is being applied for in the application.

NOTE: The notice must be sufficient in size and clarity to properly gain public attention. A copy of the notice must be included in the application.

The total project funding and CDBG amount requested must match what appears in the public hearing notice.

1. The city/county intends to submit an application for CDBG funds.
2. The maximum available for the 2023 Urgent Need program year is \$100,000.
3. There will be minimization or involuntary displacement of persons resulting from the program; and assistance to any such displaced persons would be provided.
4. The specific activities proposed and the location will be presented for discussion, including the estimated costs and funding sources.

Sample Public Hearing Notice

The City/County of _____ will hold a public hearing on (day), (date), at (time), at the (location), to discuss the City's/County's submission of an Urgent Need application for the Kansas Small Cities Community Development Block Grant (CDBG) program. The maximum Urgent Need grant that may be requested is \$100,000. No involuntary displacement of persons will be proposed. For the Urgent Need application, the City/County proposes to _____ . Proposed financing is \$ _____ from CDBG funds, and \$ _____ from City/County funds.

Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become a part of (City/County) CDBG Citizen Participation Plan.

Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to _____ by (date).

A second hearing is held at the conclusion of the project to inform the citizens of the project's successful or unsuccessful completion and to outline the benefit to the community.

Technical Assistance

Communities can request technical assistance from their respective field representatives or from the CDBG office at cdbg@ks.gov. Depending on the nature of inquiry, the field staff may involve central office staff, regional organizations or other state agencies in providing the assistance. It will not be the role of the CDBG staff to assist communities in preparing their grant applications since they will ultimately be involved in the review and enforcement of these projects. They can answer specific technical questions, critique earlier application submissions and provide other assistance as needed.

For additional information and clarification of these program requirements, please contact:

Kansas Department of Commerce
Kansas Small Cities CDBG Program
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354
Phone: (785) 296-3004
TTY: 711
Fax: (785) 296-3490
Email: cdbg@ks.gov
Website: KansasCommerce.gov

Application Rating Criteria

The determination of “urgent need” must be made in consultation with the agency having jurisdiction over said conditions. Documentation from that agency noting this “urgent need” must be included with the application explaining the **condition that creates a serious and immediate threat to the citizens of the area** affected and when this condition first occurred.

A description and evidence of the immediate emergency must be addressed. Long-term resolution should be submitted in the regular funding rounds.

If the applicant is unable to finance the project on its own, documentation certifying this fact must be included with the application.

Other sources of funding **MUST** have been investigated and **MUST** be unavailable. Documentation certifying this fact must be included with the application.

The problem the project addresses could not have existed for more than **six months prior to the application**. Documentation certifying this fact must be included with the application.

Applications will be reviewed for eligibility and accuracy of documentation by Commerce on a case-by-case basis with grant awards made by the Governor.

Required Attachments to the Application

Assurances and Certification: All applicable assurances of compliance with state and federal laws and requirements must be made and attached to the application. **Signature of chief elected official is required.**

CDBG Disclosure Report: Applicants must comply with the provisions of Section 102 of the HUD Reform Act of 1989 if the applicant receives at least \$200,000 in covered assistance from HUD, state or local units of government during the fiscal year in which the application is submitted. The CDBG Disclosure Report is included in the application forms.

Legal Authority: Each applicant must submit with its application a citation and assurance of its legal authority under Kansas law to conduct the activity or activities proposed in their application for CDBG funds including any applicable ordinances or resolution conferring powers or authority.

Anti-Displacement Plan: Each application must contain an officially signed plan indicating that should displacement occur due to the project, the applicant will be responsible for adhering to the requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended. The Anti-Displacement Plan is included in the application forms.

Certification: The condition must pose a **serious** and **urgent need** to the health and welfare of the community and must be **verified** by an appropriate authority other than the applicant (for example, the Division of Emergency Preparedness of the Adjutant General’s Office or the Kansas Department of Health and Environment).

Resolution of Governing Body: Each Applicant must submit with its application a citation and assurance of its legal authority under Kansas law to conduct the activity or activities proposed in their application for CDBG funds, including any applicable ordinances or resolutions conferring powers or authority. Be specific.

Resolution of Long-Range Financial Support: Applicant has provided assurance of adequate long-range financing of operating and maintenance costs associated with the proposed project and has provided estimates of these costs and funding sources by resolution of the applicant's Governing Body. Be specific.

Application Submission Requirements

Applications will be posted on the Kansas Department of Commerce website at the following link: [CDBG Urgent Need Grants | Kansas Department of Commerce \(kansascommerce.gov\)](https://www.kansascommerce.gov/CDBG-Urgent-Need-Grants). Application guidelines and required forms will be available for download on the site for review and completion prior to application submission.

Threshold Requirements

Before the application will be reviewed, it must meet the following threshold requirements. Failure to meet any of the following general threshold requirements can result in the disqualification of an application.

1. Only complete standard application forms will be accepted.
2. The proposed activity for CDBG funding must be an eligible activity under Section 105(a) of Title I of the Housing and Community Development Act of 1974, as amended, and meet the Urgent Need National Objective.
3. The applicant must be eligible.
4. Required Assurances and Certifications are attached to the application. Requires signature of chief elected official.
5. CDBG Disclosure Report must be attached to the application (Appendix A).
6. Anti-Displacement Plan must be attached to the application (Appendix B).
7. Citizen participation requirements must have been met (see page 5). Copy of public hearing notice and affidavit of publication must accompany application.
8. Resolution authorizing the mayor or chairman of the board of county commissioners to submit the application to Commerce, and Resolution of Long-Range Financial Support.

Application Summary Form Instructions

1. Name of Applicant – Include the legal name and complete address of applicant. DUNS # - To receive a city/county DUNS # please go to: www.DandB.com.
2. Application Preparer – The name, address, telephone and email of person completing the application.
3. Local Contact Person – The name, title, address, city, telephone and email. This should be the name of the person responsible for filling out the application and who could answer questions concerning the proposed project.
4. Citizen Participation – See page 5 to assure accurate and complete citizen participation requirements are met.
5. Project Description – The applicant should provide a description of the project.

6. Proposed Funding – The applicant must list the amount of CDBG funds requested, the funds to be supplied by all other sources, a subtotal of funds supplied by all other sources and a total of the funding cost.

Funds from other sources must be committed and have documentation attached specifying dollar amount and source.

7. Project Benefit – Identify the number of persons benefiting from the project; indicate the number of LMI persons benefiting; calculate percentage.
8. Self-explanatory – Should be no longer than 12 months.
9. Self-explanatory.
10. Self-explanatory.
11. If the application addresses beneficiaries other than the total population of the applicant, the (b) portion of this item must also be completed.

Project Budget Form

The project budget form shows the total amount of funds required for a proposed project and the sources of these funds by activity. Fees for conducting an Environmental Review will need to be paid for by the applicant and reflected on the local section of the project budget form.

In order to assist you in estimating reasonable engineering costs for your project, Appendix C outlines suggested median fees for professional engineering services.

Community Need

Describe the local community development needs including the needs of low- and moderate-income households in quantifiable terms as well as short and long-term activities to be undertaken to address these needs.

Project Need

- A. Narrative – Identify and document major and/or serious deficiencies that pose an immediate threat to public health and safety. Documentation must be cited by source and the date the deficiency was identified must be included. Reference the certifying agency. Describe how the community has attempted to correct the problem and define the existing emergency conditions.
- B. Proposed Solution – Explain how the proposed activities will resolve the threat and why it is the most feasible alternative.
- C. Past Actions to Address Need – Briefly describe other solutions that have been considered and the approximate expense of each. Give reasons why the solutions were not adopted. Also describe preventative actions taken prior to the present situation. Discuss the likely results if the request for funding is denied.
- D. Other Sources of Funds Reviewed and Not Available for Project – Briefly describe other available funds reviewed and why they are not available to use for this project.
- E. Scope of Work – Indicate in detail the entire scope of the project. Include the specific steps to be undertaken in accomplishing the successful completion of the project and delineate the outcome of the project (such as numbers of feet of water line, number of housing units rehabilitated, etc.). If funds other than CDBG are being used, identify the specific activities for CDBG funds.

In the event insurance proceeds are forthcoming, the applicant must have all insurance proceeds in an escrow account with full access to them.

Budget – Enter data as requested regarding the current operating budget of the city/county. Enter budget data relevant to the type of facilities involved in this project only.

Attach a detailed project location map identifying the location of the proposed activities.

Required Attachments to the Application

- Public Hearing Notice and Affidavit of Publication
- Documentation to support leverage commitment
- Assurances and Certifications (signed by the Chief Elected Official)
- Resolution of Authority to Submit the CDBG Application
- CDBG Disclosure Report
- Anti-Displacement Plan
- Detailed Project Location Map
- Certification of Urgent Need from appropriate agency
- Urgent Need Certifications (signed by the Chief Elected Official)
- Engineering or Architectural Plans or Studies
- City/County Budget
- Environmental Review – Determination of Level of Review

Median Fees for Professional Engineering Services as a Percentage of Net Construction Cost

Schedule for Basic Engineering Services:

Net Construction Cost	% Fee	Net Construction Cost	% Fee
30,000	14.00	400,000	8.80
40,000	13.00	450,000	8.65
50,000	12.50	500,000	8.55
60,000	12.25	550,000	8.35
70,000	11.85	600,000	8.15
80,000	11.55	650,000	8.05
90,000	11.35	700,000	7.90
100,000	11.20	750,000	7.80
110,000	11.00	800,000	7.70
120,000	10.85	850,000	7.60
140,000	10.55	900,000	7.55
160,000	10.30	1,000,000	7.40
180,000	10.15	1,500,000	7.00
200,000	9.95	2,000,000	6.70
250,000	9.55	2,500,000	6.55
300,000	9.25	3,000,000	6.45
350,000	9.00	4,000,000	6.30

The schedule for basic engineering services includes preliminary services, collection of field data, design services and services during construction, including periodic inspections. An additional compensation of two percent shall be made for the design of water treatment plants, sewage treatment plants, sewage collection systems and dams and impounding reservoirs, based on the actual cost thereof. An additional compensation of one percent may be allowed for the design on existing projects for rehabilitation purposes, based on the actual cost thereof.

Suggested Median Fees for Resident Inspection:

CDBG allows no more than 75 percent of CDBG engineering design costs.

Applicant may request up to seven percent of construction costs for architectural fees for most projects. Complexity of the project can be taken into consideration for an additional percentage.