OVERLAND PARK
KANSAS

ABOVE AND BEYOND. BY DESIGN.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

APPLICATION HANDBOOK

2021 PROGRAM YEAR

Beginning JANUARY 1, 2021

EQUAL HOUSING OPPORTUNITY

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Introduction

This handbook provides information about the City of Overland Park Community Development Block Grant (CDBG) Program and the federal and local requirements that apply to the program. The handbook also provides City Departments, nonprofits or faith based organizations, and county agencies/departments with an understanding of their responsibilities in preparing an application and, if selected for funding, the administrative role that they must assume.

Entitlement Programs

The Community Development Block Grant (CDBG) Entitlement Program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The program is authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C.-5301 et seq.

Overland Park CDBG Entitlement Funds

The City of Overland Park receives its own annual entitlement based upon a formula determined by HUD. For fiscal year 2020, the City received $**792,361.00.**

ESTIMATED 2021 PLANNING TIMELINE	
Applications Due	Wednesday, October 7, 2020
Applicant Presentations	Thursday, October 15, 2020 Thursday, October 22, 2020
Public Notice of Proposed 2021 Action Plan	December 2020
Public Hearing of Proposed 2021 Action Plan	January 2021
Program Year Begins	January 01, 2021
Program Year Ends	June 30, 2022

Federal Program Requirements

Eligibility Requirements

In determining if CDBG funds may be used to assist a proposed activity, the activity must meet two federal requirements. It must meet one of the three National Objectives AND it must be an eligible activity, listed in Part II, Eligible Activities from the CDBG Statute.

I. National Objectives

The Housing and Community Development Act of 1974, as amended, established a Primary Objective and three National Objectives for the CDBG program. The Primary National Objective is "the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income." The proposed activity MUST meet one of these three National Objectives.

A. OBJECTIVE #1: LMI BENEFIT:

The Activity Provides Maximum Feasible Benefit to Low and Moderate Income Persons.

An activity will be considered to benefit low- and moderate-income persons only if it meets one of the following criteria:

1. **Area Benefit -** The activity must be carried out in, and benefit, a residential neighborhood consisting of a minimum of 36.36% persons of low- and moderate-income; or
2. **Limited Clientele** - The activity must involve facilities or services designed to benefit persons, at least 51% of who are of low- and moderate-income. Or, to exclusively benefit individuals presumed to be low- and moderate- income individuals, i.e. abused children, battered spouses, elderly persons, adults defined as severely disabled in the Bureau of Census' Current Population Report, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or
3. **Housing** - An activity carried out for the purpose of providing or improving residential structures that, upon completion will be occupied by low- and moderate- income persons; or
4. **Job Creation or Retention** - The activity must create or retain permanent jobs where at least 51% of the jobs involve employment of low- and moderate-income persons.

B. OBJECTIVE #2:

The Activity Aids in the Prevention or Elimination of Slums or Blight.

This objective can be achieved when proof is supplied that the activity is qualified under Section 17-4760 of the Kansas Statutes.

C. OBJECTIVE #3: URGENT NEED
The Activity Meets an Urgent Need.

Use of this objective is extremely rare. This objective can be achieved **ONLY when ALL FOUR** of the following requirements are met at the time the application is submitted:

1. The determination of "immediate threat" has been made in consultation with the appropriate state or federal agency. Documentation from that agency noting this "immediate threat" must be included with the application.
2. The applicant is unable to finance the activity. Documentation certifying this fact must be included with the application.
3. Other sources of funding must have been investigated and must be unavailable. Documentation certifying this fact must be included with the application.
4. The problem the activity addresses has not existed for more than **18 months prior to the application**. Documentation certifying this fact must be included with the application.

II. Eligible Activities

In addition to meeting one of the National Objectives, the activity proposed for funding must qualify as an "eligible" activity as listed in the Code of Federal Regulations.

24 CFR Subpart C, 570.201 Basic Eligible Activities

A. Acquisition of Real Property (24 CFR 570.201(a)
Acquisition by purchase, lease, or otherwise, of real property (including air rights, water rights, right-of-ways, easements, and other interest therein) for public purposes.

B. Disposition (24 CFR 570.201(b)
Disposition through sale, lease, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, provided that the proceeds from any such disposition shall be treated as program income.

C. Public Facilities and Improvements (24 CFR 570.201(c)
Acquisition, reconstruction, rehabilitation or installation of public facilities and improvements carried out by the recipient or other public or private nonprofit entities. In undertaking such activities, design features and improvements that promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Activities may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements.
Facilities designed to provide shelter for persons having special needs are considered

public facilities and are not subject to the prohibition on new housing construction. Such facilities include shelters for the homeless; convalescent homes; hospitals; nursing homes; battered spouse shelters; half-way houses for run-away children; drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients may acquire title to public facilities.

D. Clearance Activities (24 CFR 570.201(d)

Clearance, demolition and removal of buildings and improvements, including the movement of structures to other sites. Demolition of HUD assisted-units must have HUD approval.

E. Public Services (24 CFR 570.201(e)

Provision of public services, including but not limited to those concerned with employment, crime prevention, childcare, health, drug abuse, education, energy conservation, welfare, or recreational needs. In order to be eligible for CDBG assistance, public services must meet each of the following criteria:

1. A public service must be either **(a) a new service**, or **(b) a quantifiable increase in the level of service** above that provided by or on behalf of the unit of general local government in the twelve calendar months prior to the submission of the statement.
2. The total amount of CDBG funds used for public services shall not exceed 15 percent of the total grant award.
3. **The use of the funds shall be limited to providing services (for which there is normally a charge)** to low- to moderate-income individuals at a reduced rate or free of charge, or for minor needed repairs and improvements to facilities which serve predominantly low- to moderate- income individuals. In the case of building improvements, a stipulation may be added to the grant agreement that an agency, vacating the facility prior to a five year period, will be required to repay a prorated share of the grant funds.

F. Interim Assistance (24 CFR 570.201(f)

The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:

1. The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings;
2. Conducting special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.

G. Payment of Non-Federal Share (24 CFR 570.201(g)

When required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided that such payment shall be limited to activities otherwise eligible under this program.

H. Urban Renewal Completion (24 CFR 570.201(h)

Payment of the cost of completing an urban renewal project funded under Title I of the Housing Act of 1949 as amended.

I. Relocation (24 CFR 570.201(i)

Relocation payments and assistance for permanently or temporarily displaced individuals, families, businesses, nonprofit organizations, and farm operations, in conjunction with a CDBG activity.

J. Loss of Rental Income (24 CFR 570.201(j)

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 program activities.

K. Housing Services (24 CFR 570.201(k)

Housing services, such as housing counseling in connection with tenant-based assistance and affordable housing activities assisted under Title II of the Cranston-Gonzalez National Affordable Housing Act. Energy audits, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in housing activities assisted under Title II of the Cranston-Gonzalez National Affordable Housing Act.

L. Privately Owned Utilities (24 CFR 570.201(l)

CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.

M. Construction of Housing (24 CFR 570.201(m)

CDBG funds may be used for the construction of housing assisted under section 17 of the United States Housing Act of 1937.

N. Homeownership Assistance (24 CFR 570.201(n)

Subject to statutory authority, CDBG funds may be used to provide direct homeownership assistance to low- and moderate-income households, as provided in section 105(a)(24) of the Act.

O. Microenterprise Assistance (24 CFR 570.201(o)

The provision of assistance either through the recipient directly or through public and private organizations, agencies, and other subrecipients (including nonprofit and for-profit subrecipients) to facilitate economic development.

P. Technical Assistance (24 CFR 570.201(p)

Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities.

Q. Assistance to Institutions of Higher Education(24 CFR 570.201(q)

Provision of assistance by the recipient to institutions of higher education when the grantee determines that such an institution has demonstrated a capacity to carry out

eligible activities under this subpart C.

24 CFR Subpart C, 570.202 Eligible Rehabilitation and Preservation Activities

A. **Rehabilitation** (24 CFR 570.202(a)
CDBG funds may be used to finance the rehabilitation of:
1. Privately owned buildings and improvements for residential purposes;
2. Low-income public housing and other publicly owned residential buildings and improvements;
3. Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations;
4. Nonprofit-owned nonresidential buildings and improvements not eligible under 570.201(c); and
5. Manufactured housing when such housing constitutes part of the community's permanent housing stock.

B. **Types of Assistance** (24 CFR 570.202(b)
Lists types of rehabilitation activities, and related costs.

C. **Code Enforcement** (24 CFR 570.202(c)
Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

D. **Historic Preservation** (24 CFR 570.202(d)
CDBG funds may be used for the rehabilitation, preservation, and restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, or listed in a state or local landmark or historic district by appropriate law or ordinance.

E. **Renovation of Closed Buildings** (24 CFR 570.202(e)
CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility, or to rehabilitate such buildings for housing.

24 CFR Subpart C, 570.203 Special Economic Development Activities

A recipient may use CDBG funds for special economic development activities in addition to other activities authorized in this subpart, which may be carried out as part of an economic development project.

24 CFR Subpart C, 570.205 Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

A recipient may use CDBG funds for planning activities, which consist of all costs of data gathering studies, analysis, and preparation of plans and the identification of actions that will implement such plans.

24 CFR Part 35 Lead-Based Paint Hazard Evaluations and Reduction

CDBG funds may be used to meet the Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance (Final Regulation, September 15, 1999).

III. **Ineligible Activities**

There are certain activities that are "ineligible" for funding. The general rule is that any activity that is not authorized under the provisions of item "II" above is ineligible. The following activities may not be carried out using CDBG funds.

A. Improving buildings or portions thereof, used for the general conduct of government, with the exception of making the buildings accessible for persons with disabilities.
B. Payment of general government expenses required to carry out the regular responsibility of the unit of general local government.
C. Political activities.

Environmental Requirements

24 CFR Part 58

<u>City of Overland Park Responsibility</u>

The 1969 **National Environmental Policy Act (NEPA)** of the Council on Environmental Quality establishes national policies, goals, and procedures for protecting, restoring and enhancing environmental quality. The City of Overland Park is required by regulation to assure that each proposed activity meets environmental requirements. Each activity will be reviewed to determine if the proposed activity is Exempt or Categorically Excluded from compliance with NEPA. According to 24 CFR 58.38 The City of Overland Park must maintain an environmental review record for each CDBG funded activity.

24 CFR 58.38 Environmental Review Record

The responsible entity must maintain a written record of the environmental review undertaken under this part for each project. This document will be designated the "Environmental Review Record" (ERR), and shall be available for public review. The responsible entity must use the current HUD-recommended formats or develop equivalent formats.

ERR Documents

The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings required by this part as evidence of review, decision making and actions pertaining to a particular project of a recipient. The document shall:

1. *Describe the project and the activities that the recipient has determined to be part of the project.*
2. *Evaluate the effects of the project or the activities on the human environment;*
3. *Document compliance with applicable statutes and authorities, in particular those cited in 58.5 and 58.6; and*
4. *Record the written determinations and other review findings required by this part (e.g., exempt and categorically excluded projects determinations, findings of no significant impact).*

Applicant Responsibility

As part of the application process, each applicant must respond to questions that will help determine the impact of a proposed activity on the environment regardless of the type of activity.

PLEASE BE AWARE:

No binding commitments to expend funds for project activities may be made prior to the completion of the environmental clearance process. This applies whether those funds are CDBG dollars or otherwise.

1. *Must not commit funds, CDBG dollars or otherwise, to choice-limiting actions prior to environment clearance, as provided in writing by the City of Overland Park.*
2. *Must refrain from acquiring, leasing, repairing, rehabilitating, converting or demolishing properties, or undertaking any construction activities prior to environmental clearance, as provided in writing by the City of Overland Park.*

FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL JEOPARDIZE CDBG FUNDS FOR USE IN YOUR PROJECT

Administrative and Financial Requirements

If an applicant is successful in being awarded a grant, the applicant will be responsible for the following administrative and financial requirements of 2 CFR 200. This is a uniform framework to manage federal awards including cost principles, administrative and audit requirements.

Structure of 2 CFR 200

Subpart A.	Acronyms and Definitions
Subpart B.	General Provisions
Subpart C.	Pre-Federal Award Requirements and Contents of Federal Awards
Subpart D.	Post-Federal Award Requirements
Subpart E.	Cost Principles
Subpart F.	Audit Requirements

The U.S Department of Housing and Urban Development issued Notice SD-2015-01, Transition to 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance on February 26, 2015 to assist HUD grantees. The document can be found at: https://portal.hud.gov/hudportal/documents/huddoc?id=15-01sdn.pdf.

Fair Labor Standards Requirements

The Fair Labor Standards apply to proposed activities that involve construction or residential rehabilitation. *ONLY* CONSTRUCTION CONTRACTS UNDER $2,000 AND RESIDENTIAL REHABILITATION IN STRUCTURES WITH LESS THAN EIGHT UNITS ARE *EXEMPTED* FROM THE FOLLOWING LABOR STANDARDS.

I. Labor Standards

A. Davis-Bacon Act.

The Davis-Bacon Act (DBA) provides that contracts in excess of $2,000 to which the United States is party for the construction, alteration, and/or repair, including painting and decorating, of public buildings or public works, which involve the employment of laborers and/or mechanics shall contain provisions with respect to minimum wages, fringe benefits, payments without deductions or rebates, withholding funds from contractors to ensure compliance with the wage provisions, and termination of the contract or debarment for failure to adhere to the required provisions.

B. Contract Work Hours and Safety Standards Act.

This Act (CWHSSA) applies to both direct Federal contracts and indirect federally assisted contracts <u>except where</u> <u>the assistance is solely in the nature of a loan guarantee or insurance</u>. CWHSSA provides that work in excess of 40 hours per week shall be compensated for at rates not less than one and one-half times the basic rate of pay. The Act mandates that, all contracts requiring the employment of laborers and mechanics (and watchmen and guards) in the performance of work in connection with such activities contain implementing provisions which will render the contractor and any subcontractor responsible for violation liable to the affected employees for their unpaid wages and to the United States for liquidated damages. The Act establishes an appeals procedure and makes intentional violations of the Act a Federal criminal misdemeanor.

C. Copeland Act (Anti-Kickback Act).

The Copeland Act makes it a criminal offense for any person to induce, by any manner whatsoever, any person employed in the construction, prosecution, completion, or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under this contract of employment. The Act also provides for the submission of weekly statements of compliance and weekly payrolls by all contractors.

D. The Fair Labor Standards Act.

The Fair Labor Standards Act (FLSA) is applicable to HUD-assisted construction and provides for minimum wages for construction workers, overtime pay (forty-hour work week), record-keeping and child labor standards. The Department of Labor is responsible for the enforcement of the Fair Labor Standards Act. It is the responsibility of the contractor to request rulings from the Department of Labor relative to the applicability of FLSA and limitations on child labor.

HUD and any local or State agencies that are responsible for the performance of labor

standards administration and enforcement activities delegated by HUD are governed by the regulations promulgated by the Secretary of Labor. The actual enforcement of labor standards, including activity investigations and the performance of routine activity compliance monitoring remains the overall responsibility of HUD. HUD has delegated certain aspects of the day-to-day enforcement responsibilities to local or State agencies that directly administer HUD-assisted programs. When such delegations have been made, they are set forth in the paragraphs that follow. HUD handles all other labor standards enforcement obligations directly.

II. HUD Responsibility

HUD ensures through the provision of training, technical assistance and investigatory resources, as well as through the conduct of compliance reviews and monitoring, that local and State agencies are effectively performing their responsibilities. HUD Field Office Labor Relations Staff shall:

1. Assist and provide technical assistance to local and State agencies.
2. Conduct comprehensive labor standards compliance reviews of local or State agencies and recipients.
3. Perform investigations of complaints and other labor standards matters.
4. Provide all labor standards technical and support functions to HUD program areas.
5. Make recommendations regarding debarment for labor standards violations.

III. Local Government or Agency Responsibility

Compliance with labor standards provisions is a condition for receipt of HUD assistance. Accordingly**, each city or agency is responsible to HUD for ensuring compliance with Federal labor standards requirements** as follows:

1. Designating appropriate staff before the start of construction to ensure compliance with all applicable labor standards requirements and to act for and in liaison with the county and HUD (appoint a Labor Standards Officer).
2. Establishing a construction contract management system.
3. Informing all contractors and subcontractors performing contract construction work of their labor standards obligations at the pre-construction conference.
4. Ensuring that all bid documents, contracts, and subcontracts contain Federal labor standards provisions and the applicable Department of Labor wage determination, and that no contractor is ineligible for federally assisted work.
5. Conducting on-site activity inspections, which include employee interviews when needed, and checking for posting of the Federal/State Labor Laws, the wage determination as well as the review of weekly contractor payrolls.
6. Correcting all violations of labor standards promptly.
7. Maintaining full documentation attesting to all administrative and enforcement activities with respect to Federal labor standards requirements, such documentation to be made freely available for HUD review. Such documentation shall include all weekly payrolls, copies of wage determinations and any applicable changes or modifications, notices of start of construction, on-site inspection reports and employee interviews, and any other records utilized in enforcement administration including records of wage and

restitution made and pre-construction conference minutes.

8. Complying with requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements.

Equal Opportunity Regulations

All proposed activities are subject to the following Equal Opportunity Regulations.

A. Title VI of the Civil Rights Act of 1964: Nondiscrimination in Federally Assisted Programs.

Title VI provides that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

It directs each Federal department or agency which extends financial assistance to any program or activity through grants, loans, or contracts, except contracts of insurance or guaranty, to issue rules or regulations to be approved by the President to carry out the purposes of the Title. Title VI authorizes the termination of the refusal to grant or continue Federal assistance under any program or activity involving a recipient as to whom there has been an express finding on the record of failure to comply but only, after due notice, an opportunity for hearing and a determination that compliance cannot be secured by voluntary means.

B. Section 109 of the Housing and Community Development Act of 1974.

Section 109 states that "No person in the United States shall on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title."

This provision, while similar in wording to Title VI of the Civil Rights Act of 1964 is in fact a totally separate provision requiring its own specific procedures and is an integral part of the Housing and Community Development Act. As a result, equal opportunity requirements have been interwoven into the application and performance report processes. The responses must be based upon the nondiscrimination provisions as well as the specific performance standards and record-keeping requirements.

Section 570.601 of the Community Development Block Grant Regulations outlines the various prohibited discriminatory actions and, more importantly requires the amelioration of the effects of past discrimination. Discrimination is banned, for example *(among other things)* in the offering of services or facilities; treatment of individuals; utilization of criteria and methods of administration; and determination of sites or locations of housing or facilities.

C. Section 3 of the Housing and Urban Development Act of 1968.

Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the activity area. And that contract for work in connection with the activity are awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the activity.

D. Executive Orders

a. Executive Order 11063 (Nov. 20, 1962)

This Order requires all Federal departments and agencies to take all action necessary

and appropriate to prevent discrimination because of race, color, creed, or national origin in the sale or rental of residential property and related facilities owned or operated by the Federal Government or provided with Federal financial assistance. The Order also prohibits discrimination in lending practices in so far as such practices relate to loans insured or guaranteed by the Federal Government.

b. *Executive Orders 11246 (Sept. 24, 1965), 11375 (Oct. 13, 1967).*
Executive Order 11246 was issued on September 24, 1965, superseding Executive Orders 10590, 10722, 10925, 11114, and 11162 and abolishing the President's Committee on Equal Employment Opportunity. Part I of this Order prohibits discrimination in Government employment because of race, color, creed or national origin, disability, or familial status. It directs each executive department and agency to establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment. It authorizes the Civil Service Commission to supervise and provide leadership and guidance for the programs. The Secretary of Labor is responsible for the administration of Parts II and III of the Orders and for issuing rules and regulations relating respectively to "Nondiscrimination Provisions in Federally Assisted Construction Contracts." On October 13, 1967, Executive Order 11375 amended Executive Order 11246 to add the prohibition of discrimination because of sex.

E. Equal Opportunity Records That Recipients and Subrecipients Must Maintain Includes:

a. Demographic data by census tract. The data shall include prevailing population characteristics relating to race, ethnic group, sex, age, head of household, and income.
b. Data showing the extent to which these categories of persons have participated in, or benefited from programs and activities funded under the Community Development Block Grant Program.
c. Data which records its affirmative action in equal opportunity employment, including but not limited to employment, upgrading, demotions, transfers, recruitment or recruitment advertising, layoffs or terminations, pay or other compensation, and selection for training.
d. Data which records its good faith efforts to identify, train and or hire lower income residents of the activity area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the activity.

City of Overland Park Program Requirements

Eligible Applicants

Eligible applicants are limited to entities that either operate within the City of Overland Park, or provide direct benefits to residents of Overland Park and function under a cooperative agreement with the City, or are a nonprofit agency, a faith-based **organization, or a City or a County Department.**

An eligible applicant may submit an application that includes subcontracting with other entities, either public or private, to perform any service, activity or undertaking which the subcontracting entity is authorized by law to perform.

Timeliness Policies

Pre-Award Cost Polices

Subrecipients of City of Overland Park CDBG funds may be reimbursed for pre-award costs under and subject to 24 CFR 570.200(h)(1).

24 CFR 570.200 General Policies

> **(h) Reimbursement For Pre-Award Costs**. The effective date of the grant agreement is the program year start date or the date that the consolidated plan is received by HUD, whichever is later. For a Section 108 loan guarantee, the effective date of the grant agreement is the date of HUD execution of the grant agreement amendment for the particular loan guarantee commitment.
>
> (1) Prior to the effective date of the grant agreement, a recipient may incur costs or may authorize a subrecipient to incur costs, and then after the effective date of the grant agreement pay for those costs using its CDBG funds, provided that:
>
> (i) The activity for which the costs are being incurred is included in a consolidated plan action plan or an amended consolidated plan action plan (or application under subpart M of this part) prior to the costs being incurred;
>
> (ii) Citizens are advised of the extent to which these pre-award costs will affect future grants;
>
> (iii) The costs and activities funded are in compliance with the requirements of this part and with the Environmental Review Procedures stated in 24 CFR part 58;
> (iv) The activity for which payment is being made complies with the statutory and regulatory provisions in effect at the time the costs are paid for with CDBG funds;
>
> (v) CDBG payment will be made during a time no longer than the next two program years following the effective date of the grant agreement or amendment in which the activity is first included; and

(vi) The total amount of pre-award costs to be paid during any program year pursuant to this provision is no more than the greater of 25 percent of the amount of the grant made for that year or $300,000.

Pre-Award costs: Pre-award costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency.

Engineering/Architectural Cost Policy

Subrecipients of City of Overland Park CDBG funds may be reimbursed for engineering/architectural costs directly related to carrying out an eligible project included in the HUD approved Consolidated Plan/Action Plan.

Professional service costs: Cost of professional and consultant services rendered by persons or organizations that are members of a particular profession or possess a special skill, whether or not officers or employees of the governmental unit, are allowable, subject to section 14 when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Federal Government.

Unliquidated Public Service Funds Policy

Unliquidated Public Service funds not drawn down by the date specified in the Subrecipient Agreement will be deobligated.

Funding Limit

In addition to HUD funding category limits, the City of Overland Park currently has the following limit: If a funded activity goes over budget, CDBG will pay no more than the original obligation.

Reimbursement

The CDBG program operates on a reimbursement basis. If an applicant is approved for funding and the Grants Program office receives a fully executed Subrecipient Agreement (contract), the Authorized Signature form, a Reimbursement Request form can then be submitted to the Overland Park CDBG Program. The Reimbursement Request must contain back-up documents confirming that expenditures were for activities described in the Subrecipient Agreement. Undocumented expenses will not be reimbursed.

2021 CDBG APPLICATION INSTRUCTIONS

Application Submission

Completed applications are due by 5:00 p.m. Wednesday, October 07, 2020.

Please submit the application as follows:

1. One, original, signed hard copy application
   a. Submit to: Julie Smith, Grant Programs Coordinator
   Community Services Office
   Myron E. Scafe Building
   8500 Antioch Road
   Overland Park, Kansas 66212

2. One electronic application
   a. Submit to: julie.smith@opkansas.org

NO APPLICATIONS WILL BE ACCEPTED AFTER THE DEADLINE AND NO EXCEPTIONS WILL BE GRANTED.

QUESTIONS

Julie Smith, Grants Program Coordinator
(913) 895-6192
Julie.smith@opkansas.org

Application Format

The 2021 application document is in fillable PDF format. Download the document from the City's website and save to your computer. Complete the document electronically and print in order to sign in the required signature sections. Submit the electronic PDF and the original signed document.

Application Summary

Signatures

Original signatures are required on page 1 – Applicant Information and on page 8 – Certifications.

External attachments

501(c)3 Verification

For non-profit applicants only, please provide current 501(c)3 verification documentation.

Board of Directors List

Please include a complete list of the names and employers of each member of the organization's Board of Directors.

Conflict of Interest Bulletin

Please review the provided Conflict of Interest Bulletin from the Office of Inspector General and have the authorizing official sign with live signature and date at the bottom of page 5.

Project Location Map(s)

Please provide a color map of the location that the project or services will be provided.

For Public Facility Project applicants, please provide a map with the service area circled and all census tract and block groups within the service area labeled.

Project Policies and Procedures

For Housing and Public Service Project applicants only, please provide written policies and procedures for the administration of the proposed project. These documents should include how the project is implemented, how services are provided and eligibility criteria.

Procurement Procedures

For housing and Public Facility Project applicants only, please provide written procurement procedure for your organization.

As you compose responses within the application, please remember that applications are evaluated and funding recommendations made by members of the CDBG Advisory Committee. Please answer each question with clear and complete answers and address the content requested within each question.

IT IS YOUR OBLIGATION TO MAKE CERTAIN THAT YOUR APPLICATION IS COMPLETE. Please use the checklist included in the application workbook to make sure all required documents are completed and submitted.