

# COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FINAL APPLICATION

NORTH DAKOTA DEPARTMENT OF COMMERCE

DIVISION OF COMMUNITY SERVICES

SFN 52659 (09/24)

FINAL APPLICATION COVER SHEET FOR FISCAL YEAR 2024			
<b>1. LEGAL APPLICANT</b>			
Applicant Name		County	
Mailing Address	City	State	ZIP Code
Local Government Contact Person	Telephone Number	Email Address	
Auditor	Telephone Number	Email Address	
Person Who Completed Application	Telephone Number	Email Address	
Population from Last Official Census		Project Area Population	
<b>2. NATIONAL OBJECTIVE</b> <i>(mark one box)</i>			
<input type="checkbox"/> Benefit to Very Low/Low <input type="checkbox"/> Elimination of Slums/Blight <input type="checkbox"/> Alleviation of Urgent Need			
<b>3. ELIGIBLE ACTIVITY</b>			
Which eligible activity listed in Section II of the State Program Distribution Statement does this project comply with? # _____			
<b>4. Title of Project and Brief Description</b>			
<b>5. APPLICANT DUNS NUMBER</b>		<b>BUSINESS DUNS NUMBER</b> <i>(ED projects only)</i>	
<b>6. USE OF FUNDS</b>		<b>7. PROPOSED FUNDING</b>	
<input type="checkbox"/> Construction		a. CDBG Project Cost                      \$	
<input type="checkbox"/> Equipment Purchase		b. CDBG Administration                      \$	
<input type="checkbox"/> Relocation/Acquisition		c. Local Funds                                  \$	
<input type="checkbox"/> Special Assessments		d. Other Funds                                  \$	
<input type="checkbox"/> Removal of Architectural Barriers		e. Other Administration                      \$	
<input type="checkbox"/> Public Service		f. Total Costs                                  \$	
<input type="checkbox"/> Other _____			
<b>8. IS ANY PORTION OF THE TOTAL COSTS BEING SPECIAL ASSESSED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO			
<b>9. PROJECT START DATE</b>		<b>10. PROJECT DURATION</b>	
<b>By signing below, the Applicant certifies that:</b>			
To the best of my knowledge and belief, data in this application are true and correct, and the document has been duly authorized by the governing body of the applicant.			
Name of Chief Elected Official		Title of Chief Elected Official	
Signature of Chief Elected Official		Date	

## RESOLUTION OF SPONSORSHIP

Sponsoring units of government must adopt and submit the following or an equivalent resolution. This resolution must be adopted prior to submission of the application.

Sponsoring Unit of Government	Project Title
Project Start	Project End

Be it resolved that the Sponsor (name above) will act as sponsoring unit of government for the Project identified above for the duration (start/end dates above) of the Project.

Title of Authorized Official	Effective Date
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The Authorized Official, identified above, is hereby authorized to apply to the North Dakota Division of Community Services for funding of this project on behalf of the Sponsoring Unit of Government as of effective date above.

Entity Adopting Project Resolution (City Council, County Board, etc.)	Approval Date
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I certify that the above resolution was adopted by the Entity (name above) of Sponsoring Unit of Government on approval date above.	
Chief Elected Official Name	Chief Elected Official Title
Chief Elected Official Signature	Date
Witness Name	Witness Title
Signature of Witness	Date

## APPLICANT ASSURANCE CERTIFICATIONS

This certification must be signed by the chief elected official prior to the submission of the application, and it must be attached to the application.

The applicant certifies that they have read and understand the Community Development Block Grant General Policies and Procedures and Statement of Assurances located in the State Program Distribution Statement.

The applicant certifies that they will, in all Community Development Block Grant funded activities, encourage efforts to minimize displacement which is involuntary, and which results in permanent displacement as well as displacement of tenants for six months or more as a result of substantial rehabilitation activities (rehabilitation which costs \$10,000 or more). Should such displacement become absolutely necessary to the success of a project, the City/County will abide by the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (as amended) and the North Dakota Community Development Block Grant Displacement Policy as stated in the State's CDBG Program Statement.

The applicant certifies that they will comply with affirmatively further fair housing. The Fair Housing Act prohibits discrimination in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities because of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those that are assisted with HUD funding. Some of examples to affirmatively further fair housing are:

- Use "equal housing opportunity" slogan and logo on city letterhead
- Publicly advertise the city as a "fair housing city"
- Sponsor fair housing seminars and campaigns
- Development and adoption of a fair housing policy with identification of methods of enforcement
- Adopt a code enforcement ordinance which will compel landlords to keep their units in safe and sanitary condition.

The above list is not all inclusive and further information can be found in Section 9 of the CDBG Administrative Manual.

The applicant certifies that they will comply Conflict of Interest. No persons who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Further information can be found in Appendix D of the CDBG Administrative Manual and the Code of Conduct form (SFN52357).

The applicant certifies they will comply with the provisions of the National Environmental Policy Act of 1969 (NEPA), 24 CFR Part 58. The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety or other undesirable and unintended consequences. Environmental review procedures are a necessary part of this process. The Recipient must certify that the proposed project will not significantly impact the environment and that the Recipient has complied with environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance. The applicant cannot bid, obligate, or expend funds prior to receiving environmental approval and/or Release of Funds from the Division of Community Services. Further information can be found in Section 7 of the CDBG Administrative Manual.

**APPLICANT ASSURANCE CERTIFICATIONS continued**

The applicant certifies that they will comply with Build America, Buy America Act (BABA). Enacted in the Infrastructure Investment and Jobs Act signed by President Biden on November 15, 2021. The Build America, Buy America Act (BABA) requires that products purchased in connection with infrastructure projects funded by Federal financial assistance programs must be produced in the United States. This requirement is known as the “Buy America Preference (BAP).”

Chief Elected Official Signature

Date

Witness Name

Witness Title

Witness Signature

Date

## BUILD AMERICA, BUY AMERICA ACT (BABA)

Enacted in the Infrastructure Investment and Jobs Act signed by President Biden on November 15, 2021. The Build America, Buy America Act (BABA) requires that products purchased in connection with infrastructure projects funded by Federal financial assistance programs must be produced in the United States. This requirement is known as the “Buy America Preference (BAP).”

The following products used in Federally funded infrastructure projects must be produced in the United States for projects funded in FY2024:

- Iron and steel
- Metals other than iron and steel (non-ferrous metals)
- Lumber
- Composite building materials
- Plastic and polymer-based pipe and tube (e.g. PVC pipe)

For the purposes of BABA, an infrastructure project is defined as any project that includes the following activities:

- Construction,
- Alteration,
- Maintenance, or
- Repair

The purpose of Build America, Buy America Act is to (1) Stimulate private sector investments in American manufacturing; (2) Bolster critical American supply chains, and (3) Support the creation of jobs so that America’s workers and firms can compete and lead globally for years to come. This is a government-wide law applicable to all Federal infrastructure spending.

Buy America Preference (BAP) is a statutory requirement that Federal funding for infrastructure projects use “covered materials” that are “American-made.” Infrastructure is as follows:

- Buildings and real property
- Including housing
- Utilities
- Water systems (drinking water and wastewater)
- Electrical transmission facilities and systems
- Broadband infrastructure
- Transportation infrastructure

### **General Waivers that require no further action:**

- De Minimis, Small Grants, and Minor Components
  - BAP waived for projects with a total cost of \$250,000 or less
    - Currently effective until November 23, 2027
  - BAP waived for a de minimis portion that comprises no more than 5 percent of the total cost of covered materials used in a project, up to \$1 million
    - Currently effective until November 23, 2027

### **Project-Specific Waivers that require action:**

- Public interest
  - BAP would be inconsistent with the public interest
- Nonavailability
  - Covered materials are not produced in the US in sufficient and reasonable available quantities or of a satisfactory quality
- Unreasonable cost
  - Inclusion of domestically produced covered materials will increase the cost of the overall project by more than 25 percent

### BUILD AMERICA, BUY AMERICA ACT (BABA) continued

The following items will be required for project-specific waivers:

- Public Interest Waiver
  - Explain how waiving the BABA requirement for this project or product serves the public interest
  - Demonstrated definite impacts on the community if specific items, or materials are not utilized in an infrastructure project
- Nonavailability Waiver
  - Demonstrate that they have conducted market research and adequately considered alternate items that meet the definition of Made in America
  - Describe the due diligence performed, including information, quotes, and/or responses from manufacturers, distributors, or suppliers
- Unreasonable Cost Waiver
  - Demonstrate that BABA compliance increases total project cost by more than 25 percent
  - Determine the additional cost of BABA compliant products
  - Determine the dollar amount to be waived
  - Demonstrate that no domestic alternatives are available within the project budget

Backup documentation showing that the iron and steel were produced in America must be submitted with each cash request that contains those type of products. If a general waiver or project-specific waiver applies instead, that must be submitted with the cash request. Note that project-specific waivers need DCS approval **before** the specific products can be bought.

The following verbiage needs to be in all construction contracts:

*The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.*

I have read and understand the BABA guidelines.

Chief Elected Official Signature

Date

### ADDITIONAL REQUIRED INFORMATION

1. The applicant must adopt a Citizen Participation Plan for CDBG. This plan must be included with the application. A suggested format can be found in Section D.
2. A Housing Rehab Program application must be completed for each homeowner requesting assistance. A suggested format can be found in Section D.
3. It is a requirement for each CDBG recipient to complete a Section 504 Self Evaluation/Transition Plan. For further information please see the Section 504/ADA Technical Assistance Handbook on the CDBG website page under additional resources: <https://www.commerce.nd.gov/community-services/community-development/community-development-block-grant-cdbg>

Has one been completed? ☐ Yes ☐ No

If yes, are updates necessary? Please explain.

4. For area benefit activities (i.e. lift station, water tower repair) a copy of the 2020 American Community Survey (ACS) results that contain the information required to complete the Direct/Indirect Benefit Activities must be submitted with the application. The results submitted should include sex, age, race, etc. For a complete list of benefited activities please reference the Direct/Indirect Benefit Activities (SFN52347). The ACS can be found here: <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>

**PART III - OTHER GOVERNMENT ASSISTANCE PROVIDED/APPLIED FOR**

Provide the requested information for any other Federal, State and/or Local government assistance, on hand or applied for, that will be used in conjunction with this application.

Name of Agency Providing or to Provide Assistance	Assistance Name	Type of Assistance (Federal, State, Local)	Amount Requested or Provided



### AUTHORIZATION TO RELEASE INFORMATION

Chief Elected Official Name
Project Title

- ☐ I hereby authorize the following entity or entities to release information regarding the Project (name above), in North Dakota, to be given to the Division of Community Services and/or Regional Council.

Check all that apply:

- ☐ USDA Rural Development
- ☐ US Housing and Urban Development (HUD) Housing
- ☐ ND Housing Finance Agency
- ☐ Other (please specify): \_\_\_\_\_

This is to include the following information: (check applicable items)

- ☐ Loan amounts and balances
- ☐ Operating account information and balances
- ☐ Reserve account information and balances
- ☐ Occupancy information

Chief Elected Official Signature	Date
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