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Speaker 0 00:00:00 Welcome everyone to the Pathways, to Removing Obstacles to Housing or Pro-Housing Notice of Funding Opportunity Webinar number four. Today we'll have a live Q&A session. My name is Landon Laven Jones, and I'm a community planning and development specialist here at HUD. And I'll be your emcee for today's webinar. I'll cover a few general housekeeping rules before we get started. Today's webinar will be live, and we will have some pre-selected questions from past webinars, and we will also take questions from the audience. If you require it, there is an option to turn on close captioning on the bottom left corner. Next slide, please.

Speaker 0 00:00:40 All participants will be muted, so we ask that you submit your questions using the chat feature, and make sure you send your questions to all panelists so that our presenters may be able to see it and respond. Next slide. This is the fourth in a series of our weekly webinars covering HUD's Pro Housing NOFO. These webinars are intended for potential pro-housing applicants and provides participants with an overview of pro-housing and the application requirements. Webinar recordings will be posted on the Pro Housing webpage as well as links to future webinars. For example, if you visit the Pro Housing webpage today, the first recording on the NOFO walkthrough as well as the slides from that presentation are now available. We expect to have the last two webinars and associated materials posted shortly. And now to introduce our panelist, today we will have Jesse Handforth Kome, who is our Director of Office Block Grant Assistance, Dr. Edkesha Anderson, our Assistant Director of the CDBG State and Small City Special Issues Team, and Colin Cross, our Community Planning and Development Specialist. I will, now hand it off to my panelists and they will begin to answer the FAQ questions. Jesse, the floor is yours.

Speaker 1 00:01:58 All right, we have the next slide. And hello everybody. I know you have questions and that's what you're here to see. but we can answer. Gotta remind you that, the HUD Reform Act does apply to us and we have to answer you with material, that's in the notice of funding opportunity or is publicly posted about the underlying CDBG program. So, question one that we're getting a lot are what are the public participation requirements? And before submitting to HUD, you're going to have to put your, Pro Housing application or amendment in its entirety out for public comment. the streamline requirements are one public hearing for the application and are substantial amendment and giving it reasonable notice at least 15 days with opportunity for public comment and ongoing public access to information if you are awarded grant funds to the use of grant funds. And the NOFO section is VI.E.5.a.iii, if you want to look it up, if you're a CDBG grantee, you already may be very familiar with this, or if you had NSP funds, and the, the comment period is 15 days. Next slide.

Speaker 1 00:03:22 Colin, would you like to, jump on this one?

Speaker 2 00:03:25 Certainly. Thank you, Jesse. The next FAQ we wanted to go over what are the rating factors for the pro housing competition? There are five, rating factors. HUD will score applicants based on the response to these five rating factors. Need 35 points, soundness of approach for 35 points, capacity for 10 points, leverage for 10 points and long-term effect for another 10 points. You can review the prompts for these five rating factors at section V.A.1 of the Pro-Housing NOFO.

Speaker 1 00:04:06 Thanks Colin. I'd like to remind people to go ahead and, send your, put your comments in the chat address to all panelists. and, we actually have more people than you see here who are on and, and making sure we record the questions and get the, get the answers to any that we can

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answer. and I know there's 150 people in this virtual room, so I know there must be some questions. Do we have another slide we can do or, yeah, look at that. Edkesha, you want to go and talk about, leverage documentation?

Speaker 3 00:04:51 Sure, sure. So, we've gotten a lot of questions about match versus leverage. So, I did want to reiterate there is not a match requirement for the Pro Housing, competition, but we do encourage you to leverage your outside funding. Applicants can receive up to 10 points toward their overall application score. Just to reiterate some of the information that's inside the NOFO itself, applicants can document their leverage of outside funding, in these various options. One, using the resources, your resources must be firmly committed as of the application deadline, firmly committed means that the amount of the resource and its dedication to Pro Housing grant activities is explicit. They have to be in place. Leverage documents must also represent valid and accurate commitments of future support. They must detail the dollar amount and any terms of the commitment, and they must also indicate that the funding is available to you for the specific activities proposed in your Pro Housing application. Resource commitments must be written and signed by a person authorized to make those commitments and dated. Additionally, commitment letters must be on letterhead, or they will not be accepted. So please ensure you adhere to that part of the documentation guidelines. If the commitment document is not included in the application and submitted before the NOFO deadline, it will not be considered. There is no submitting that documentation after the application period closes. So be sure to have your application fully together, all of your leveraged information documented and included with your application before that deadline.

Speaker 0 00:06:53 Thank you Dr. Anderson. Right now, what we'll do is open the floor to questions from the audience. And we see that we've already had a few in the chat. And so, the first question that we have for our panelists is, does the action plan have to be submitted with the application?

Speaker 1 00:07:12 Jump on that. It has to be from a CDBG grantee. The, it's an amendment. If you're a CDBG grantee, it's a submission, an application. That's just a freestanding application. If you're not, we just have different kinds of applicants. So, you don't have to send your, your whole action plan for, you know, associated with your consolidated plan in. We're looking for the application materials. It's the same materials. They're just called different things depending on what kind of applicant you are. Colin, I get that right?

Speaker 2 00:07:48 I think so. Yeah. Not, not every eligible applicant is, is going to be, an existing CDBG grantee. So, right. You're not required to submit that, with your application,

Speaker 1 00:07:58 Right? So, they're separate things. What else do we have Landon?

Speaker 0 00:08:07 Absolutely. If our city is not a named priority, community, community, but our proposal primarily serves our priority community as stated in the NOFO question, will we receive the 10 points for this criteria? And they put a parentheses, we're a majority city that makes up the vast majority of our county, which is named a priority community.

Speaker 1 00:08:29 The NOFO does indeed say that you need to primarily serve a priority geography, but we don't say that you have to be a priority geography. So, I think that the ask the questioner is reading the NOFO correctly and quoting it correctly.

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Speaker 0 00:08:52 Looking at our chat to see if we have any additional questions. Okay. This next question is asking, we are not a priority committee community. Is it worth applying?

Speaker 1 00:09:05 Colin? You want to tackle that one?

Speaker 2 00:09:07 Yeah, certainly. So, there are additional points for that need rating factor that go beyond the 10 points for being a priority geography. The need rating factor offers an additional three points for compelling information about your affordable housing needs. I think actually we are going to get to this one in a moment, but I will just say for now that yeah, you're applicants who are not priority geographies still have the opportunity to score points for their acute demand and are still invited to apply.

Speaker 1 00:09:49 Our team behind the scenes gang is, grabbing all the questions from the chat and working up really quick answers for us and lining them up so that we can get to them. So, give them just a second and then Landon will be able to see them and be able to dole the questions out. We are working, you guys are putting, starting to put questions in fast and furious. So,

Speaker 0 00:10:15 Alrighty, here we go. For leveraged funding, does this mean that an agency needs to have a project in hand ready to move forward?

Speaker 1 00:10:27 Let me tackle this one because it goes right to, I mean, you're, it goes Edkesha, you're going to handle it in a second, but it goes right to a question that we're getting asked a lot in a lot of different angles. And, and we're working on like published FAQs on this. The NOFO doesn't say that what we are going to be funding is a project. It doesn't say that it isn't a project. It says it can be plans, it can be a financing mechanism, it can be like the full range of possible CDBG eligible activities. But what the NOFO emphasizes repeatedly and, particularly in soundness of approach and in the need factor for have you already done something, is we're looking for the barriers to affordable housing in the priority geography.

Speaker 1 00:11:29 It's not saying that you have to have a shovel ready project that's not, that's not really directly on point. The NOFO is clear about what the period performance will be and, and all of that. What we're looking for is for your sound approach, your leverage will be for your approach. It could be leverage for, if you decide to do an all planning kind of activity. It could be leverage for if you're doing a financing mechanism or if you're doing construction. So, the leverage is tied to your sound approach to remove barriers. So, the, the question is hard for us to like to get a beat on and answer directly. In terms of do you have to have the commitment when you apply. Edkesha? Go ahead and tell them.

Speaker 3 00:12:20 Yes, we have to have a commitment with your application. Just like Jessie said, we, your project itself doesn't have to be, a project just yet. You could be in the works, but you need to know before you submit that application that you have leveraged funding available and committed towards the project. So that's why we wanted to have a preview of the NOFO before it goes live on grants.gov to give you guys time to work through items like that to make sure that you have the ability to get that paperwork in place.

Speaker 1 00:12:58 And there's another weird thing about the underlying CDBG that we are realizing that housers and some of the transportation people that are actually usually in the mix and been asking us questions. CDBG doesn't actually use the term project as a term of art. We use the term activity. And so, that's the other reason we kind of have a hard time getting a beat on, the question is the NOFO is not

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using the term project either. We're using the term activity for CDBG for the most part, unless you're talking about environmental review. so, so it's just a little tricky. And the range of activities is all the activities that are, you know, in the NOFO there's a lot of them.

Speaker 0 00:13:48 And so now we have several questions, related to those activities. First being, how do you meet CDBG national objective requirements if a proposal is for non-capital activities only. And the follow up to that is can you provide some examples like how a zoning ADU policy changes could meet national objective requirements?

Speaker 1 00:14:18 Planning in CDBG doesn't have to meet a national objective. General administration is also under that same, rubric. It doesn't, it's not subject to meeting a national objective. It is in the state program, but we waive that because it's just regulatory, but not in the entitlement program. So, if you had an all we're going to analyze and develop and create a plan for changing our zoning because that's our barrier, follow what the NOFO says about how you meet a national objective. But for sort of a greater answer on that, you can meet a national objective in CDBG by providing housing to low and moderate income people jobs to low and moderate income people, services, public services, for example, to low and moderate income people, or, access to infrastructure for a low and moderate income residential area. You can also meet it through slums of blight, an area or a spot basis, or you can address an urgent community development need for which you have no other funding that has arisen recently. because I know we've had some questions from disaster areas as well. So there, there is a wide range and that's just the underlying CDBG program. And all of that is available, in the basically CDBG resource on the HUD exchange.info website. The NOFO also gives you the regulatory links.

Speaker 0 00:15:55 Great. And another question, under this topic is how should we document that a planning activity benefits 51% of low and moderate income persons? If it is a citywide planning activity, such as a zoning code change, is that only possible for entities where the local jurisdiction is 51% above the low and moderate income capacity?

Speaker 1 00:16:18 Again, planning is not subject to the national objective requirement. The NOFO says this, but you have to kind read carefully and I think the, the lawyers who did the second webinar walked through that requirement as well and noted that. So, you might want to go back to our webinar series resources.

Speaker 0 00:16:49 Sorry, just waiting for the

Speaker 1 00:16:50 Next question. That said, the overall NOFO goal calling, tell me if I get this right, is for affordable accessible housing barriers to affordable accessible housing. So, there is this a secondary thing we're looking for, right? The planning activity itself might not meet a national objective, but you need to meet the NOFO goal in responding to the prompts you're going to be addressing that. I keep losing the page. Landon. What other questions do we have? <laugh>?

Speaker 0 00:17:33 Absolutely. I'm going to refresh as well just to make sure we're up to par typing.

Speaker 2 00:17:51 I'm seeing a good leverage one that we might want to add to our leverage conversation. I've lost it, oh, it's, it asks are there, are there any funding sources that are not eligible to be used as leverage?

Speaker 1 00:18:14 Ones you can't commit? Yeah. Yeah. Edkesha, what do you think? I think, yeah,

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Speaker 3 00:18:19 <laugh>.

Speaker 2 00:18:20 I think one thing

Speaker 1 00:18:22 We're allowing staff of the grantee, you know, that pledge, that's a rare one for us to allow on CDBG chassis, competitions. But we do understand that if you're doing zoning and ordinance changes, there's going to be some things that are unallowable for CDBG in your legislative process that you can't charge to a federal grant, but your leverage can do it.

Speaker 2 00:18:47 I will add, the NOFO says that, federal funding sources can only be used, if, if they're authorizing statute, you know, authorizes it to be used as leverage.

Speaker 1 00:19:00 Right. Leverage match or cost share and maybe different in your law. I just saw a question that I thought was really interesting. Someone noted that the, fair housing and equity, narratives are common in a lot of federal programs. Are they just narratives they have to submit or are they scored here, and the answer is they're scored, right? Colin, I think we ended up with all of them in the five point scored element, or there are questions in a couple of other places that address some fair housing issues that are within scored elements. And I don't think we ended up with any unscored equity or fair housing narratives. We made the decision to score them.

Speaker 2 00:19:46 The racial equity narrative in the NOFO. It just has language that says, please incorporate your response into the affirmatively furthering fair housing rating factor so that rating factor, it's under the soundness of approach rating factor. And it'll ask about a wide range of different fair housing topics, but we want you to incorporate your racial equity narrative into that scoring factor.

Speaker 3 00:20:08 Yeah. And just to add to that, we will have a webinar, on FHEO items like this, in a couple weeks. So just kind of check the Pro Housing website, to get a little more in depth information on those different, factors.

Speaker 1 00:20:26 You going to tell everybody what FHEO means?

Speaker 3 00:20:29 <laugh>, you would put me on the spotlight.

Speaker 1 00:20:33 Fair Housing Equal Opportunity. It's a HUD office. And they're going to help us. They helped us draft the NOFO and they're going to, they're going to help us provide that extra webinar for you guys to really walk through those elements of the, NOFO, because we got a fair number of questions on them.

Speaker 3 00:20:52 See, had you not asked me that, I would've known <laugh>.

Speaker 1 00:20:56 Oh, I, you know, putting people on the spot in webinars is just a little game I play with my staff. I know I should behave myself, but, all right. We're staying questions still coming in? Yeah. Got new ones, Landon?

Speaker 0 00:21:09 Sure. This is a pretty simple one that came from something we mentioned earlier, but what document documentation do you need for the public hearing, to show proof of video links? Sign in sheets and the things of the like?

Speaker 1 00:21:26 Colin, which sounds like a you question

Speaker 2 00:21:30 For documentation for a public hearing.

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Speaker 1 00:21:33 Yeah.

Speaker 2 00:21:34 Yeah. I mean, I, I think we're looking for a resolution, right, Jesse?

Speaker 1 00:21:38 Or a, or public notice. You can, sometimes grantees will put a public notice somewhere.

Speaker 2 00:21:47 The NOFO is not super prescriptive on, you know, there's, there's not a lot of requirements there. The, the key thing to keep in mind is it needs to be, the application needs to be open for public comment and review for 15 days. So please do incorporate that 15 day requirement into your timeline as you think about your application. But beyond that, the NOFO is not super prescriptive.

Speaker 1 00:22:13 Since it is a requirement, make sure we know you did it. I think there's, isn't there an appendix or an attachment that talks about that?

Speaker 2 00:22:23 The, the public comment you mean? Yeah, it's in Section VI.E the post award requirements are. But again, it just really goes over that 15 day window. but do, do look in section VI.E and I can find the specific section put in the chat for you, but, they're located in that part of the NOFO, so

Speaker 1 00:22:46 Yeah, we keep calling that the post award part, but it's really the program requirements part. And there's this one piece that comes ahead. It's not post award piece.

Speaker 0 00:22:58 Great. We'll take one more and then we will get back to some of the FAQ questions that were asked. Many activities are eligible under the NOFO. Does it make sense, once again, to focus on just one specific eligible activity? Or could a proposal score? Well, for a multi-part project, for example, zoning reform plus new construction, plus a rehab of existing units,

Speaker 1 00:23:26 We can't tell you how it would score, but those are all eligible CDBG activities. We're not allowed to advise. That's the Hood Reform Act limitation. There is a question somewhere in here I saw go by also about whether we had, an admin cap limit and we do for 10%, but we, I believe that's right, isn't it? 10%? But we got rid of the planning cap, so planning is no longer under the cap. So now we're going to do some slides.

Speaker 0 00:24:08 Yeah. We're going to talk about environmental reviews.

Speaker 1 00:24:15 Oh, Edkessa. I thought we would make Colin do this.

Speaker 3 00:24:16 Oh, okay. Okay. You think that's right, <laugh>? Sure, sure. Take a stab at it. <laugh>.

Speaker 2 00:24:26 I'd be thrilled. Our next FAQ asks what the environmental review requirements are. This is something we've definitely gotten frequently. Grantees must comply with environmental justice requirements set forth in HUD's regulations at Title 24, CFR parts 50 and 58. These implement the policies of the National Environmental Policy Act, or NEPA, as well as other environmental requirements. Grantees who are states or units of general local government are considered the responsible entity under 24 CFR part 58, and they are going to be responsible for completing their own environmental review. The responsible entity must conduct an environmental review to determine whether each activity funded under this NOFO is exempt or categorically excluded from NEPA and other environmental review requirements, or whether it requires further environmental review. That's for states and local

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governments. For grantees who are not states or units of general local government, or they are not recipients of funding under title one of the Housing and Community Development Act of 1974 and HUD's regulations at 24 CFR, part 58.2(a)(5), HUD will perform the environmental review in accordance with 24 CFR part 50.

Speaker 2 00:25:49 While an environmental review does not need to be completed prior to submitting your application, HUD will not release grant funds if the recipient or any other party takes choice limiting actions or commits grant funds. So, if you incur any costs or expenditures to be paid or reimbursed with such funds, HUD will not release grant funds if you do that before the recipient submits and HUD approves a request for a release of funds or an ROF, where such submission is required. So, in other words, the environmental review does not need to be completed prior to submitting your application. But please do note that HUD's not going to release those funds until we receive the request for release of funds. There is more about environmental review requirements in the NOFO. Please see the sections that are listed on the screen here, section IV.G.2.c and VI.E, of the NOFO. So hopefully that clears up some of the environmental review, questions that we've been getting.

Speaker 3 00:26:52 Yep. And just to caveat that as well, there'll be more information on environmental review requirements at our, webinar next week. So, join us again, for that one as well, for a little more in depth information. Thanks, Colin. I'll take this one since we're going to flip flop just a little bit, <laugh>. So, a question that we've been getting a lot of today aimed at in previous webinars, is about the priority geographies. So I'm going to answer the question, what if I'm not a priority geography? If you're not applicants who aren't listed as a priority, geography are still invited to apply, you do not have to be on that priority geography list in order to apply. We want you all to apply for the funding. So, the need rating factor offers an additional three points for providing compelling information about your affordable housing needs. This information should demonstrate acute demand for affordable housing in your jurisdiction. Again, your jurisdiction does not have to be on that list in order to get some of these points. So, you're encouraged to provide local knowledge, that's not already captured, by your other measures. Anything that you can add to your application just to give it a more robust, information, give us more robust information as we're reading through these applications. So again, just to reiterate, do not have to be a priority geography.

Speaker 3 00:28:39 Next slide, please. Okay. so Jesse, do you want to talk about this one or you want me to?

Speaker 1 00:28:54 Well, we had a whole, webinar on this. So, we keep getting asked this. And so, I want to, the big thing I want to say is, the law said we had to have priority for some geographies. This is the way we're doing it. And, we laid out all of this detail, and we're going to put it out in the FAQ. It's in the NOFO, and we've had a webinar on this. But basically, it boils down to, that we will award 10 points if the data that we've put out there shows that, we do this threshold calculation across these factors and for counties and place level data. So, for CDBG grantees, you have to get your brain off census tracts and block groups, because we're talking about county and place level census data. And the application can qualify if it is serving a geography, primarily serving.

Speaker 1 00:29:55 So you're going to have to say, this is geography, but then you're going to have to show that you're primarily serving it. You're going to have to explain that. And we know that there are right next to each other nested in each other, all different kinds of combinations of priority geography next to non-priority geography. So, this is part of, you know, you figuring out what area you're going to

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serve, and we're looking for housing that's not keeping pace. Insufficient affordable housing and housing cost burden or substandard housing at very high levels compared to the rest of the country. And that's how we set this. And this is for the automatic priority points. It's an on off toggle, but again, if you have more questions about what is a priority geography, then, you know, go to that webinar, the data webinar, if you have questions about, you know, what does it mean to primarily serve, you're going to have to make your case, right? We're going to go with the reasonable person standard, which is the way we score. You have to say in your soundness of approach that this is why I'm serving this area, I'm getting the barriers down in this area, this, this, you know, and, and, and make us understand what you're doing.

Speaker 1 00:31:20 Anything else? Colin, you're, I, I see you kind of thinking through this.

Speaker 2 00:31:27 Nothing really on this topic. I think you've sort of hit it out of the park here. And, and like Jesse said, we did host a webinar on exactly this topic last week. Our web team is currently processing the recording of that, and it should be available on the website pretty soon. So, when that's ready, please do go, you know, review that webinar and hopefully it'll help to clear up some of these questions. I know we did touch on a lot of these priority geography questions, you know, towards the tail end of that webinar. But yeah, no, I had nothing to add. Sounds, you know, this is great.

Speaker 1 00:32:04 There's another person asking a question that's the kind of question we can't directly answer, about whether it's better to have a city or a county be the lead if you have this priority geography situation, where one is and one isn't, the soundness of approach rating and the capacity factor where you're going to describe to us, you know, why you picked one or the other. And why that is the way to, to address your barrier, we can't advise you. We need, we don't have a bias toward one type of government over another type of government, or one type of applicant over another type of applicant. We're a hundred percent interested in sound approaches to knock down barriers to affordable housing.

Speaker 2 00:32:55 I'm going to jump in and answer one another leverage question that I'm seeing, so forgive me if we've touched on this. Someone asks, can we use the value of the land as matching funds? First off, I do want to clarify that match is different from leverage. This program does not require any match funds, but applicants can be awarded points for leverage as a percentage of the total funding request. The answer is yes. The NOFO says, in addition to financial contributions, applicants may credit the dollar amounts of any non-financial contributions, for example, donations of lander property, et cetera, towards their percentage of leverage commitments. So, the answer is yes, it's part of your leverage. Beyond that, the NOFO also allows for points to be awarded based on non-quantifiable contributions. HUD may also award points, it says, for clear and compelling non-quantifiable contributions to the project, that significantly advance the project's goals. So please, yeah, go take a look at the leverage rating factor, excuse me, that's, section V.A.1 or page 40 of the NOFO preview. and that'll hopefully help to clarify additional leverage questions.

Speaker 1 00:34:14 We've got another question about overlap in different jurisdiction levels applying. and this one is what, how would HUD look at, you know, if they all applied separately? would we care about the larger geography? The, if the, you know, what we care about, we say it very clearly in the NOFO, we are interested in sound approaches that address identified barriers that still exist after the applicant has taken action, or, you know, that had their actions been taken in the priority geography. And we do have a couple of places in the NOFO where we say we are looking to have effects in larger geographies. There's, there's a slight bias toward, reaching neighborhood all the way up to regional

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geographies as opposed to single site. And you have to make your case for how that's, you know, whatever you're doing is reducing barriers in, you know, name your scale in rural areas, it'd probably be more neighborhoody. but you know that that's your case to make HUD's laid out. What we're looking for in the NOFO. And if you look at, you know, applications will be, you know, responses will be scored based on those little sections of the NOFO that should guide you through what we're looking for. And they're in every, at the top of every section.

Speaker 2 00:36:01 I just want to follow up on that with a couple of specific locations in the NOFO that I might direct you to. one of those, like Jesse mentions is that under the soundness of approach rating factor, one of the prompts there asks, what is your geographic scope? So please go review that one. That tells you how HUD is going to score based on geographic scope. And I think that's five points there. The other one is under the eligible activities section. So, it's earlier in the NOFO, and there's a, after the sort of list of potential eligible activities or examples of eligible activities, there's a section with a lowercase letter D scope of impact, and I just want to read this section. Competitive proposals will seek to remove the most significant barriers to unlocking affordable housing production and pursue area-wide benefits across a neighborhood zoning district station area, city regions, state or similar geographic area, rather than smaller reforms or changes that may be limited in scope or geography. So, all that is to say that, it does make a proposal competitive to target a wide geographic scope.

Speaker 0 00:37:09 Great. And it looks like we've started to get some additional questions. And, the first one is, do city applicants need a council resolution or prior council approval to apply?

Speaker 1 00:37:22 It depends on your geography. One of the things that you learn sitting in a national chair is that America is one giant experimental governmental thing. And in some places you have to have council resolution. Some places your city manager has authority. Some places you have to have a mayor. States usually designate the governor's. state CDBG is a little different. So, states can designate an agency, but sometimes the governor will sign, we don't, there are states where the legislature has to act if they're going to apply for a grant over a certain threshold. HUD just says, duly authorized. For cities, we do want your chief elected official, whatever that is to sign for CDBG. If you're a CDBG grantee, you know this, you know, whoever signed your CDBG co-sign would be that level. Whatever you've worked out with your field office, because field offices are more aware of these regional variations, than we are, we just allow for the variation that is America.

Speaker 0 00:38:42 Okay. and another question is, what is considered a good commitment documentation for staff time will leveraging, will staffing wages need to follow the Davis Bacon and other related wage rates?

Speaker 1 00:38:59 Davis Bacon follows contracts. So, I believe the leverage, the actual wording talks about the grantees staff time. And I don't know if we said sub-recipients or not, if it's the grantees staff, grantees staff isn't involved, isn't caught with David Bacon per se. But if David Bacon would apply in CDBG you're pledging. But I that one's a tricky one. Kind of another look at the exact language we put for what you're committing, but I think we said grantee staff, didn't we Colin?

Speaker 2 00:39:45 The leverage scoring factor Rating factor says staff time of the applicant and or partners.

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Speaker 1 00:39:51 Oh, so and or partners. So, if you had a for-profit partner, we would definitely have to bring that labor question to, to, our specialist if you get an award. But if CDBG funding isn't tracking through there and their partner is a hundred percent bringing non CDBG non-pro housing funding, I don't think that Davis Bacon sticks to that money. I would have to double check though. It's been a while, if we ever requiring match it would, but this is leverage, which is different. I don't think it follows it around the same way.

Speaker 0 00:40:34 Another question is, are there any types of funding sources which cannot be used as leverage ie CDBG entitlement funds or ARPA funds?

Speaker 1 00:40:45 I can't speak for our funds. There's so many different kinds of ARP and ARPA funds. CDBG proper, the annual CDBG has a statutory allowance where CDBG can be used as match or cost share for any other program. It's in the federal, it's in the, the CDBG regulations. And I believe the post award requirements, either the webinar or the, the NOFO itself mentions it. and CDBG-DR grantees are very aware of this. It can accept other programs as match, and it can be matched for other programs. So, for CDBG, I can answer because that's the underlying program requirement, and the answer is that it can be, you might have to do an action plan amendment to pull that off, and in fact, you probably would, it would be an added activity most likely. I don't know. I couldn't answer for any of the ARPA funds, though. We don't, we don't have our ARPA funds in our office.

Speaker 0 00:41:58 Okay. here is the next question. If we select the development activity, ie financing the construction of rehabilitation of affordable housing does our application have to propose a specific affordable housing project? Or can the proposed application be to use funds for this activity and we find a project for it later, but it expend funds by 2029?

Speaker 1 00:42:43 This is straying into territory that's hard for us to answer, right? We left all of the CDBG activities plus new construction on the table. We did waivers to allow more planning to be done by, you know, per grant. But then the NOFO is structured to say, tell us what your need is and what you've already done and your remaining need, tell us what your approach is, what your capacity is to do your approach. So, if you are pitching something where you have some uncertainties and you describe why that's the right approach, you're also going to have to make the case that you have the capacity to pull the whole thing off and get results. The results that are in both soundness of approach, and long-term effect factors, you, you're going to have to pull that thought all the way through the NOFO. I'm not hearing that it would be, impossible. Like there's nothing in the NOFO that that would rule that out per se, but I can't tell you how it would score. There's no way we can make recommendations on that. Colin, is that right? Did I miss any of the, I mean, it's got to pull the, the line through the logic through.

Speaker 2 00:44:00 That's, that sounds right. Yeah. Like Jesse said, it's, it's, you know, we're not allowed to comment on specific proposals, so we're it, we're waiting into a little bit of territory that we can't answer. but I would rely on the CDBG framework as your, your, your guide for eligible activities. Okay.

Speaker 0 00:44:23 Is the application essentially settled at this time, as it's published online for public? Sorry, I'll start over. Is the application essentially settled at the time? It is published online for public comment and a hearing is noticed. What happens if the applicant decides to update the application before submission, but after public comments and the public hearing,

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Speaker 1 00:44:43 We expect you to, that almost everybody will update after a public hearing or public comment period. that's normal. It happens in CDBG, it's part of the community development movement worldwide that you, you know, you consult, you get input, and you make changes. You don't just do it. I mean, that's why we include it. So, you might not want to go out like just 15 days before you're going to apply it. It speaks to timing, right? If you think you're going to actually use the feedback, maybe you go out a little earlier than that. and, you know, just follow all of those things through the NOFO. The NOFO does speak to, you know, getting public comment and maybe doing something about it. And the CDBG regs are clear that, you know, in, in regular CDBG, you submit your responses to the comments as part of your submission.

Speaker 0 00:45:58 And another question, which came up was, will the Buy American Act (BABA) need to be applied if there is any construction?

Speaker 1 00:46:09 Yes. BABA applies to, CDBG already. We were the first program that it came and applied to, so it'll apply to everything on the chassis, including pro-housing.

Speaker 1 00:46:24 CDBG-DR, by the way, which has a buy, I don't, I hope I didn't give anybody a heart attack. <laugh> disaster recovery is not covered.

Speaker 0 00:46:35 Great. And so, based on that question, can, you explain how staff time or partners, can use that as leverage?

Speaker 1 00:46:47 The application has to firmly commit and demonstrate some way that, that lawyers would agree is firmly committed staff time toward the sound, the sound approach toward your application, you know, making it so, and that, you know, if you have partners, you're going to have a, is it a partner agreement that gets submitted Colin?

Speaker 2 00:47:21 Or if you have, if

Speaker 1 00:47:23 If you have a partner,

Speaker 2 00:47:25 Yeah,

Speaker 1 00:47:26 Yeah, yeah. So, I mean, however you demonstrate, that, that whatever it is, is firmly committed so that HUD can rely on that commitment. If you're awarded funds to basically say, you committed to this, you have to do it. CDBG is very much a, you do what you said you were going to do kind of program. That's the way that whole thing works. So, if you commit to something and legally commit to it, then we make sure you do what you said you're going to do. We're going to hold the applicant responsible for their partners. In other words.

Speaker 2 00:48:07 On a related note, I want to encourage folks to read the capacity rating factor because it speaks explicitly not only to your own capacity, but the capacity of your partners. And, you know, what capacity does each individual partner have? How does that fit into the broader picture of your proposal? We are explicitly asking about partner capacity in that rating factor, so that'll be evaluated there too.

Speaker 0 00:48:36 Great. We'll take a few more and then begin to wrap up. okay. If this follows CDBG regulation, can 15% of the fund amount be used for public service activities? Is public service cap 15% of a project award?

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Speaker 1 00:48:57 Interesting. Do you want to tackle that Colin? I don't think we touched it, did we?

Speaker 2 00:49:02 I was going to say, I, I think the NOFO is silent on that, but I would want to revisit the post-award requirements or the, yeah, the section

Speaker 1 00:49:09 We didn't wave it with the NOFO, we, the underlying loss says 15% in the title one of the Housing Community Development Act. So, I believe that that's correct. It would be up to 15% if you wanted to, for example, do housing related services, housing counseling, something like that.

Speaker 0 00:49:34 Okay. Another person asks, will we need to provide a resolution from our governing entity that approves our intent to apply for this grant?

Speaker 1 00:49:45 That's part of the diversity of America answer. Again, it depends on what's legal in your jurisdiction. HUD needs a duly authorized official to sign the SSF 4 24 and the, you know, the application and the certification. I think if you check not as just anybody can sign those certs, that's, that's going to be the, we need somebody who can take on the environmental review and, and make the commitments that are in the certifications.

Speaker 0 00:50:25 Great. And so, with that last response, we are time, we'll be having another webinar next week, this coming Thursday, August 31st. That will cover the Pro Housing NOFO resilience considerations with special guests from our Office of Disaster Recovery and Environment. Naturally, that link will, that link for that webinar is posted to HUD's Pro Housing webpage, where you will also be able to find the poster recordings, transcripts, and slides for our previous webinars. And don't forget, you can always email CDBG-ProHousing@hud.gov anytime, and our team will strive to respond to your text, to your, not your text, but to your email by the next business day. We hope to see you all next week and wish you a great day.

Speaker 1 00:51:11 Thank you guys for the great questions too. We really appreciate the interest. Thanks, team.

Speaker 5 00:51:21 Thank you. And that concludes our conference. You may now disconnect.