Community Development Block Grant Application for Regular Community Projects funded in the Community Projects Account (CPA). This booklet includes instructions, a checklist, and the application.

**CDBG Regular Application**

South Dakota Community Development Block Grant Program

**GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT**

**Contents**

[APPLICATION PROCESS 3](#_Toc155085990)

[ELIGIBILITY AND SCORING CRITERIA 4](#_Toc155085991)

[APPLICATION INSTRUCTIONS 4](#_Toc155085992)

[MEETING A NATIONAL OBJECTIVE OF THE FEDERAL ACT 7](#_Toc155085993)

[Benefit to Low- and Moderate-Income Persons – Area Basis 7](#_Toc155085994)

[CDBG Income Survey’s 8](#_Toc155085995)

[Benefit to Low- and Moderate-Income Persons – Limited Clientele Basis 8](#_Toc155085996)

[Prevention or Elimination of Blight – Area Basis 9](#_Toc155085997)

[Prevention or Elimination of Blight – Spot Basis 10](#_Toc155085998)

[ELIGIBLE ACTIVITIES 11](#_Toc155085999)

[State Objectives 11](#_Toc155086000)

[Community Projects 11](#_Toc155086001)

[Blight Removal Demolition Only Projects 11](#_Toc155086002)

[Workforce Training 11](#_Toc155086003)

[Special Projects 12](#_Toc155086004)

[CHANGE OF USE 12](#_Toc155086005)

[BENEFICIARIES 12](#_Toc155086006)

[PROJECT NARRATIVE STATEMENT 12](#_Toc155086007)

[PROPOSED PROJECT DESIGN 13](#_Toc155086008)

[LIMITED ENGLISH PROFICIENCY 13](#_Toc155086009)

[CITIZEN PARTICIPATION REQUIREMENTS 14](#_Toc155086010)

[CDBG REQUIRED PUBLIC HEARINGS 14](#_Toc155086011)

[LOCAL ADMINISTRATIVE CAPABILITY 15](#_Toc155086012)

[APPLICATION AUTHORIZATION RESOLUTION 15](#_Toc155086013)

[INSTRUCTIONS FOR WATER/WASTEWATER FEE SCHEDULE 16](#_Toc155086014)

[WAIVER of PAST GRANT CLOSE-OUT REQUIREMENT 16](#_Toc155086015)

[APPLICATION CHECKLIST 17](#_Toc155086016)

[APPLICATION FOR STATE ASSISTANCE 19](#_Toc155086017)

[GENERAL INFORMATION PAGE 19](#_Toc155086018)

[BUDGET MATRIX 20](#_Toc155086019)

[METHOD OF FINANCING NON-CDBG SHARE MATRIX 21](#_Toc155086020)

[NATIONAL OBJECTIVE/ELIGIBLE ACTIVITY IDENTIFICATION 22](#_Toc155086021)

[BENEFICIARIES 23](#_Toc155086022)

[CITIZEN PARTICIPATION DOCUMENTATION: PUBLIC HEARING/FOUR-FACTOR ANALYSIS 24](#_Toc155086023)

[CDBG PROGRAM ASSURANCES 25](#_Toc155086024)

[EXCESSIVE FORCE POLICY 29](#_Toc155086025)

[EQUAL EMPLOYMENT OPPORTUNITY POLICY 30](#_Toc155086026)

[CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING 31](#_Toc155086027)

[FFATA (FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT) CERTIFICATION 32](#_Toc155086028)

[ATTACHMENTS 33](#_Toc155086029)

[ATTACHMENT A: SAMPLE REQUIRED PUBLIC HEARING ADVERTISEMENTS 34](#_Toc155086030)

[ATTACHMENT B: CERTIFICATION OF NO LANGUAGE PLAN REQUIRED 35](#_Toc155086031)

[ATTACHMENT C: CERTIFICATION OF LANGUAGE ACCESS PLAN 36](#_Toc155086032)

[ATTACHMENT D: SAMPLE RESOLUTION ASSURING FAIR HOUSING 37](#_Toc155086033)

[ATTACHMENT E: SAMPLE AUTHORIZING GOVERNMENTAL RESOLUTION for PROJECT AUTHORIZED OFFICIAL 38](#_Toc155086034)

[ATTACHMENT F: SAMPLE ENVIRONMENTAL CERTIFYING OFFICER RESOLUTION 39](#_Toc155086035)

[ATTACHMENT G: SAMPLE CODE OF CONDUCT ORDINANCE 40](#_Toc155086036)

[ATTACHMENT H: WATER - WASTEWATER FEE SCHEDULE 41](#_Toc155086037)

[ATTACHMENT I: SAMPLE DRUG FREE WORKPLACE POLICY 42](#_Toc155086038)

[SOUTH DAKOTA PLANNING DISTRICT MAP 45](#_Toc155086039)

[CDBG CONTACT 46](#_Toc155086040)

**APPLICATION PROCESS**

South Dakota’s annual allocation of CDBG funds is separated into three separate accounts:

* The Community Projects account is available for a range of community development needs. Typical projects include water and wastewater infrastructure, community centers, workforce training, medical centers, and senior centers.
* The Special Projects account helps communities provide the industrial infrastructure they need to assist businesses in creating new jobs for low- and moderate-income individuals.
* The Workforce Training account helps communities provide job training activities. GOED will accept workforce training applications on an ongoing basis. Training must benefit a minimum of 51% LMI persons and assist individuals in gaining full-time employment in South Dakota.
* The Urgent Needs account helps communities address an urgent, recent issue (within the past 18 months) that poses a risk to the health and safety of its residents.

**Community Project applications are due semi-annually on April 1 and October 1 by 5 p.m. If the due date lands on a weekend, applications are due the following business day by 5 p.m.**

**Special Projects applications are accepted on a rolling basis until funds are fully obligated or by December 31 each year. If December 31 falls on a weekend day, the due date is the Friday BEFORE December 31, by 5 p.m.**

**Urgent Need applications are accepted on a rolling basis as necessary until funds are fully obligated, or until December 31 each year. *Urgent Need applicants should utilize the Urgent Need application on the GOED website.***

**Applicants should submit one original completed application to:**

Governor's Office of Economic Development
Community Development Block Grant Program
711 E. Wells Avenue
Pierre, South Dakota 57501-3369

Phone: (605) 773-4633

**ELIGIBILITY AND SCORING CRITERIA**

**Eligible projects must meet at least one of the State’s program objectives:**

1. Promote more rational land use.
2. Provide increased economic opportunities for low- and moderate-income persons.
3. Correct deficiencies in public facilities that affect the public health, safety, or welfare, especially of low- and moderate-income persons.

**Applications will be scored based on the following criteria:**

**Impact of Project:** In assessing impact, the application will be rated high, medium, or low against the following five factors. To be funded, the application must receive a combination of three or more medium or high ratings. The Governor has final approval and may revise the recommendations of the CDBG staff.

**Scoring Factors:**

1. **LMI Benefit:** The number of LMI (low-to-moderate income) people to benefit from the project will be considered. Projects that propose an LMI benefit greater than 61% will receive a high rating, 56% - 60% will receive a medium rating, and less than 55% a low rating. Percentages will be rounded to the nearest whole number.
2. **Local Effort:** The amount of funds raised or contributed to the total project cost will be considered. A project proposing to provide a local match of 31% or greater will receive a high rating, 16% - 30% a medium rating, and 0% - 15% a low rating.
3. **Nature of Project/Need:** Each project is rated according to the impact it will have on the needs of the persons identified. This factor intends to select those projects which will have the most significant impact. Consideration will be given to the results achieved concerning the amount of funds requested.
4. **Additional Actions to Fully Resolve Need:** Each project is rated according to additional actions required to fully resolve the identified need. High ratings will be awarded for fewer additional actions needed to fully resolve the need.
5. **Maximizing Local Resources:** A High rating will also be given to applicants who have maximized local resources.

# APPLICATION INSTRUCTIONS

**Application Page**

1. **APPLICANT.** Give the name and mailing address of the community or county sponsoring this request.
2. **SUB-RECIPIENT.** Identify the non-profit organization, address, and Unique Entity Identifier (UEI) number if the activity will be carried out by a sub-recipient. Sub-recipients do not need to be fully registered in SAM.gov. Instructions on requesting a UEI can be found [here](https://www.youtube.com/watch?v=C87wSCYKTcE).
3. **NAME AND TELEPHONE NUMBER.** List the name and phone number of the person to contact with questions regarding this application.
4. **APPLICATION FUNDING SOURCE.** List types of funding sources included in the financial package and identify the actual or proposed funding level. (CDBG, Consolidated, RD, SRF, etc.)
5. **UEI #:** Unique Entity Identifier obtained from SAM.gov. All direct recipients of CDBG from GOED are required to be registered on SAM.gov. Instructions on registering and receiving a UEI can be found in the SAM.gov Quick Start Guide for Grant Registrations. You may check the status of your SAM.gov registration [here](https://sam.gov/content/status-tracker).
6. **PROJECT TITLE/DESCRIPTION.** Give a one-line title to the proposed project and then a summary narrative describing the project. Please specify the number of feet or miles of pipe, square feet, type (steel, block, wood frame, etc.) of the building, the gallon capacity of the storage tanks, and so forth.
7. **APPLICANT DISCLOSURE.**  [Form 2880](https://www.hud.gov/sites/dfiles/OCHCO/documents/2880.pdf) is required for all recipients of HUD funding. Applicants to the GOED CDBG program should mark “No” in Part I, Question 1, and be signed by the Chief Elected Official of the municipality/applicant.
8. **PROPOSED PROJECT START DATE.** Please estimate the time frames for starting the project.
9. **APPLICATION PREPARED BY.** Please fill in for an additional contact person in case questions arise on the application material.
10. **NAME, ADDRESS, AND TELEPHONE NUMBER OF CONSULTANT.** Please provide the engineer or architect who is responsible for any preliminary design and cost estimates.
11. **CERTIFICATION.** This section is to be read and signed by a chief elected official of the sponsoring entity, e.g., mayor or county commission chairman, and dated.

**Budget Sheet**

**Line 1 –** Enter the CDBG administration cost for the planning district in Column A and the amounts needed for administration expenses including such items as legal fees, clerical, publishing, meetings, and any other expense items expected to be incurred to administer the grant under the appropriate local match.

**Line 2 –** Enter amounts directly associated with the acquisition of land, existing structures, and related rights-of-way.

**Line 3 –** Enter basic fees for architectural/engineering services.

**Line 4 –** Enter amounts for other architectural/engineering services, such as surveys, tests, and borings.

**Line 5 –** Enter fees for inspection and audit of construction and related programs.

**Line 6 –** Enter costs associated with site preparation necessary before actual construction. This may include cleaning, filling, excavation, and soil sampling needed to determine the suitability of the site.

**Line 7 –** Enter the estimated amount of relocation expenses to be made to displaced persons, business concerns, and non-profit organizations for moving expenses and replacement housing. Do not include relocation administration expenses on this line; include those on Line 1.

**Line 8 –** This line should include the cost of demolition or removal of improvements on developed land. This includes costs under a third-party contract and/or gross salaries and wages of employees of the sub-grantee who will be directly engaged in performing demolition or removal of structures from developed land.

**Line 9 –** Enter amounts for the actual construction of, addition to, or restoration of a facility. This category also includes the cost of public improvements such as sewers, streets, landscaping, and lighting.

**Line 10 –** Identify and enter amounts for items not specifically mentioned above.

**Line 11 –** Do not list CDBG Funds under the contingency line item.

**Line 12 –** Show the total amount of Lines 1 through 11. (This is the amount to which the matching share ratio prescribed in the guidelines is applied).

Enter the percentage figures for each column in the shaded area at the bottom of the page.

**Method of Financing Non-CDBG Share**

**Lines A through F -** Show the source of the sub-grantee’s non-CDBG share. If the funds have been secured and are immediately available, list the amount in the secured column. If the funds have not been secured and are not immediately available, list the amount in the unsecured column and specify in the “Remarks” section those actions remaining to make the cash available. Enter the date when the funding was secured or expected to be secured in the “Date Secured” column.

**Line G -** Enter the totals of Lines A - F.

**REMARKS**

**Question 1.** If the funding for this project has been secured, briefly explain how it is secured. Also, make any remarks pertinent to the project and provide any other information required by these instructions. Attach additional sheets if necessary.

**Question 2.** Explain the proposed method of financing the unsecured share and indicate the time period that will be required after execution of the grant agreement to obtain the funds. Explain any non-cash or in-kind contribution.

# MEETING A NATIONAL OBJECTIVE OF THE FEDERAL ACT

Title I of the Housing and Community Development Act of 1974, as amended, requires that each funded activity qualifies as meeting one of three national objectives of the program. This requires that each activity, excluding general program administration, meet specific tests for either:

* Benefiting Low- and Moderate-Income Persons; or
* Preventing or Eliminating Blight; or
* Meeting Urgent Needs.

The statute also states a minimum of 70 percent of the funds received by the state must directly benefit people of low- and moderate income. **Regardless of the national objective chosen, each CDBG applicant must show the number of low- and moderate-income people to benefit from the proposed activity**. HUD releases CDBG income limits annually which can be found on HUD’s website at <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>. Grantees should use the income limits that most closely correspond with the project service area.

The applicant will need to demonstrate that it meets one of the required objectives by providing all requested documentation and answering all relevant questions:

### Benefit to Low- and Moderate-Income Persons – Area Basis

To show that a project benefits an area of low- and moderate-income people, the following questions must be clearly answered in the application on the National Objective Identification page:

1. What are the boundaries of the service area?
2. What is/are the problem(s), or need(s)? What is the solution?
3. Who principally or primarily will be served?
4. Does the nature or type of activity inherently help to determine the service area, (i.e., a new sanitary sewer collection system with distinct users or a neighborhood park) Using HUD Census data or a statistically valid income survey, what percentage of persons in the service area is of low- to moderate-income?
5. How were the income characteristics of the target population determined?
6. Is the proposed facility/improvement available to all service area residents?

The following documentation **MUST** be provided in the application:

1. Detailed map(s) showing location and boundaries of the service area, including street names.
2. Documentation that the service area of the project is at least 51.0% low- and moderate-income (LMI). The LMI documentation can be met through either a) census data or b) income survey.
	1. *Census Data* – The Applicant must utilize the American Community Survey (ACS) data provided by HUD to document the LMI percentage. This data can be found at: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>. For service areas that align with jurisdictional boundaries, applicants will use the percentage in Column M for the jurisdiction listed in Column G. Include a screenshot of the workbook in the application. GOED will verify the correct LMI data was used.
	2. *Income Survey* – The Applicant must utilize the methodology outlined in [Conducting an Area Benefit Income Survey](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/). The following must be included in the application:
		1. a copy of the low-to-moderate income worksheet,
		2. a copy of the sample survey instrument including the income limits used.
		3. For income surveys done in communities that are less than 40% LMI by Census, the income survey methodology must provide a sound justification for the difference between the income survey LMI % and the Census data. ACS margin of error data alone is not sufficient as a justification for income survey.

### CDBG Income Survey’s

It may be necessary to conduct surveys to determine the number of low- and moderate-income people to benefit from the proposed project. The State CDBG regulations at [24 CFR 570.483(b)(1)(i)](https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-570/subpart-I/section-570.483#p-570.483(b)(1)(i)) require surveys that are methodologically sound as the basis for low-and-moderate income area benefits when ACS data is not used.

Applicants may refer to the GOED publication [Conducting CDBG Area Income Surveys](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/) for detailed information on the process and requirements for documenting the Low- and Moderate-Income Area Benefit national objective.

GOED will accept income surveys for twelve (12) months from the date of completion.

### Benefit to Low- and Moderate-Income Persons – Limited Clientele Basis

Eight groups of people are presumed by federal regulations to be of low and moderate income. Those groups are as follows:

* Senior citizens (people who are 62 years of age or older),
* Migrant farm workers,
* Abused children,
* Battered spouses,
* Severely handicapped adults,
* Homeless persons,
* Illiterate adults, and
* Persons with AIDS.

For limited clientele projects serving other persons, benefit to low- and moderate-income persons must be documented.

For a limited clientele project, the following questions will need to be clearly answered in the application on the National Objective Identification page:

1. Who will use the proposed facility? Are the beneficiaries in a group that is presumed to be low- and moderate-income, or will beneficiaries be qualified based on income?
2. Will any other groups or the general public also use the facility? If so, to what extent?
3. If the facility is to be used on an income-eligible basis, how will the income and family size information of users be documented? If less than 100% of users are to be of low- and moderate-income, how was the percentage of low- and moderate-income users determined or estimated?

The following documentation will also have to be provided for a limited clientele application:

1. For mixed-use facilities: floor plan showing areas devoted to limited clientele activities.
2. If appropriate, income sliding scale and/or information concerning specific federal and state subsidized programs for the identified limited clientele group.

###

### Prevention or Elimination of Blight – Area Basis

To qualify under this category, the area in which the activity occurs must be designated as a blighted area. The following tests apply:

* The designated area in which the activity occurs must meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law ([SDCL 11-7](https://sdlegislature.gov/Statutes/11-7) and [SDCL 11-8](https://sdlegislature.gov/Statutes/11-8));
* Additionally, the area must meet either one of the two conditions specified below:
	+ Public improvements throughout the area are in a general state of deterioration; or
	+ At least 25 percent of the properties throughout the area exhibit one or more of the following:
		- Physical deterioration of buildings/improvements,
		- Abandonment of properties,
		- Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings,
		- Significant declines in property values or abnormally low property values relative to other areas in the community, or
		- Known or suspected environmental contamination.

Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as blighted must be re-determined every 10 years for continued qualifications.

As stated above, qualified activities must address the identified conditions that contributed to the blight.

**NOTE:** When undertaking residential rehab in a blighted area, the building must be considered substandard under local definition and all deficiencies making the building substandard must be eliminated before less critical work is undertaken.

The following questions must be answered in the application on the National Objective Identification page:

1. What are the boundaries of the area?
2. What are the conditions that cause the area to be considered blighted?
3. What percentage of buildings in the area are deteriorated? How are they deteriorated?
4. What public facilities in the area are deteriorated? Describe this deterioration.
5. How will the proposed project remedy one or more of the blighted conditions described above?

The following documentation must be attached to an area blight application:

1. Municipal resolution passed by governing body that describes boundaries of the specific blighted conditions within the area, and officially designates an area as blighted in accordance with [SD Codified Law §11-8-3 (2019)](https://law.justia.com/codes/south-dakota/2019/title-11/chapter-08/section-11-8-3/).
2. Map of area showing location of project activities. Map must provide street level detail.

### Prevention or Elimination of Blight – Spot Basis

To qualify under this category, the property must be designated as blighted. The following tests apply:

The property must meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law ([SDCL 11-7](https://sdlegislature.gov/Statutes/11-7) and [SDCL 11-8](https://sdlegislature.gov/Statutes/11-8));

The following issues must be addressed on the National Objective Identification page:

1. Show the specific blighted or deteriorating structure that will be affected by the proposed project.
2. Provide a detailed description of conditions to be remedied by the proposed project and a detailed statement of activities to address those conditions.

The following documentation must be attached to a spot blight application:

1. Municipal resolution passed by governing body that describes the blighted or deteriorating structure, including a legal description, and officially designates the structure as blighted under a spot basis.

Spot-based blight projects are limited to five project activities: acquisition, relocation, clearance, historic preservation, and limited rehabilitation to correct specific conditions detrimental to public health and safety**. Please note a spot basis blight project must not be located within a designated blight area***.*

**SPECIAL NOTE:**

**Applicants stating that the proposed project will meet a national objective by eliminating one or more blighting conditions must submit the appropriate documentation. The applicant must formally establish the project area and define each blighting condition within the established project area.**

# ELIGIBLE ACTIVITIES

Because the Eligible Activities section of the State CDBG Program regulations ([24 CFR 570.482](https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-570/subpart-I/section-570.482)) are minimal, states must use HCDA as the primary authority for determining eligibility of potential state CDBG activities. A listing of eligible activities may be found in the [Guide to National Objectives and Eligible Activities for State CDBG Programs](https://www.hudexchange.info/resource/2179/guide-national-objectives-eligible-activities-state-cdbg-programs/)  – [Appendix A: Section 105(a) of the Housing and Community Development Act of 1974 (HCDA)](https://www.hudexchange.info/sites/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Appendix-A.pdf).

### State Objectives

Projects must meet at least one of the State’s program objectives:

* Promote more rational land use,
* Provide increased economic opportunities for low- and moderate-income persons, or
* Correct deficiencies in public facilities that affect the public health, safety or welfare, especially of low- and moderate-income persons.

### Community Projects

The Community Projects Account is available for a range of community development needs, and typical projects include water and wastewater infrastructure, community centers, workforce training, medical centers, and senior centers.

### Blight Removal Demolition Only Projects

The Blight Removal program helps communities eliminate hazardous, unoccupied buildings that are unsuitable for rehabilitation, and deemed “blighted” as defined in SDCL 11-8-3 and by local ordinance. GOED requires that all such buildings are in the ownership of the applicant or the subrecipient **prior to initiating the “Notice to Proceed” on the demolition of the property**.

### Workforce Training

GOED has allotted up to 15% of its annual CDBG allocation for eligible job training activities and will accept applications on an ongoing basis. Training should predominantly benefit LMI persons and assist individuals in gaining full-time employment in South Dakota.

Eligible workforce training costs include labor, supplies, and materials as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the training.

To be eligible for CDBG funding, a workforce training activity must be:

* a new service, or
* a quantifiable increase in the level of a service, above that which has been provided by or on behalf of the unit of general local government during the 12 months prior to submission of the CDBG application.

The regulations do not prescribe what constitutes a quantifiable increase. GOED’s policy takes the position, generally, that a quantifiable increase must be legitimate and not artificial, involving additional time and/or material costs resulting in an increase in the number of clients served. GOED considers each request individually based on these parameters.

### Special Projects

The Special Projects account helps communities provide the industrial infrastructure they need to assist businesses in creating new jobs for low- and moderate-income individuals.

Special projects are subject to CDBG Underwriting and Public Benefit standards. The maximum amount of assistance allowed per job created or retained is $50,000.

Applicants interested in Special Projects applications must reach out to the Regional Planning District for more information.

# CHANGE OF USE

The CDBG regulations contain provisions regarding changing the use of real property within the grantee's
control that was acquired or improved, in whole or in part, with CDBG funds. These provisions require that
the property be maintained for the original eligible use and to continue to meet a national objective for at
least five (5) years after the local unit of government has received the signed Administrative Closeout Form from GOED.

# BENEFICIARIES

The Beneficiaries Form is included to provide information on the demographic make-up of the people who will benefit from the project. This information is used by GOED for aggregated reporting purposes. Enter the proposed accomplishments for this activity according to only one (1) of the following unit types:

* Number of people assisted, or
* Number of jobs created.

This information is available from U.S. Census Bureau at <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>. In those instances where the target population does not correspond to the population of a county, city, or town, much of the requested information must be extrapolated from these U.S. Census reports. This is done by applying the percentages for county populations to the target population to derive numbers under each category.

# PROJECT NARRATIVE STATEMENT

The project narrative should sufficiently describe in detail the need, objectives, method of accomplishment, geographical location of the project, and benefits expected from the assistance**. It is also necessary to document how this project will meet the national and state objectives.**

In assessing the amount of funds requested, the following factors will be considered by the State: the number of persons to benefit given the type of project, the nature of the benefit, additional actions that may be necessary to fully resolve the need, previous actions taken by the applicant to address the need, whether displacement will be involved and what steps will be taken to minimize involuntary displacement and to mitigate its adverse effects and related hardships, environmental considerations, including site selection standards where appropriate, and the nature of the activity.

The following outline should be used to structure the narrative. Do not address items not applicable to your project. Program narrative statements should be typed on a separate sheet of paper and submitted with the application. This statement will be used to determine the impact of the project.

1. Project Description
2. Eligibility (See appendix for eligibility specifics)
3. Need/Problem Identification
* Include existing conditions and problems that will be resolved.
1. Benefit/Ability to Solve Identified Problems
2. Project Design/Proposed Method of Accomplishment
* Describe specific outcomes of the project including a description of the new or increased level of service that will result from the completion of the project.
* Provide a time/date line for critical benchmarks of the project, including completion.
1. Project Funding
* Include the amount of funds to be provided by the local government and why the project is unable to be completed with local funding or other funding sources.
1. Previous Actions
* Describe any community assessments, surveys, or formal studies that identify the proposed project as a need for the community. Attach relevant portions to document support for the project.
1. Local Involvement
2. Persons to Benefit
* Include data on the racial, ethnic, and gender characteristics of persons who are applicants for the program. (Include chart with all applications.)
1. Definition of Service Area and how it was determined.
* Include a map delineating the Service Area.
* Be specific.

# PROPOSED PROJECT DESIGN

Attach preliminary engineering or architectural designs and cost estimates for all proposed projects involving construction. Applicants need to explain their plans for implementing the final design and inspection of the project. If possible, identify the firm and individual that will be preparing bid documents.

# LIMITED ENGLISH PROFICIENCY

Federally assisted Grantees are **required** to make reasonable efforts to provide language assistance to ensure meaningful access for persons with Limited English Proficiency (including those who do not know English, and/or for whom English is a second language) to the Grantee’s programs and activities. In compliance with Executive Order 13166, GOED has conducted a four-factor analysis for statewide purposes and developed the [SD GOED Four-Factor Analysis: Language Access Assistance Plan](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/).

Additionally, all CDBG Applicants are required to conduct a four-factor analysis prior to the required citizen participation requirements listed below.

Applicants should utilize the [CDBG Four Factor Analysis and Language Access Plan Template](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/) on the GOED website. After completing the four-factor analysis, applicants must submit either Attachment C: Certification of No Language Plan Required or Attachment D: Language Access Plan Certification with the application, in the citizen participation section.

# CITIZEN PARTICIPATION REQUIREMENTS

Local governments must provide reasonable opportunities for citizen participation, hearings, and access to information with respect to local community development programs. Certain citizen participation requirements must be met by the grantee prior to application submission while other requirements apply throughout the course of the project. Grantees are expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non‐English speaking persons, as well as persons with disabilities.

The [Local Government Citizen Participation Plan](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/) details the requirements that must be followed by every CDBG Applicant/Grantee for conducting successful citizen participation. As the means to connect with citizens evolve, technologies such as virtual meetings, website notices, and community service cable stations, in addition to other methods of outreach, should be thoroughly researched and utilized as a means of informing the most people. A good citizen participation plan looks beyond the minimum requirements and actively engages the community to determine the best use of the federal funds. At a minimum, Applicants must meet the criteria listed below.

# CDBG REQUIRED PUBLIC HEARINGS

Two public hearings must be held at different stages of project development.

* One public hearing must be held prior to submission of the application to obtain the views of citizens on community development and housing needs and advertise the UGLG’s intent to apply for CDBG funding. The public hearing may be held during a regular meeting of the local government. Notice of the meeting must be published at least once in the local newspaper seven days before the hearing. At that time, the local government should assess the community development needs, prioritize them, and identify the activities to be undertaken to meet the needs. A sample notice is provided in *Attachment A: Sample Required Public Hearing Advertisements*.
* The second public hearing must be held prior to the close out of the grant, but no earlier than the projected mid-point, to provide the status of the project. A sample is provided as *Attachment A: Sample Required Public Hearing Advertisements*.

Applicants should be aware of local newspaper deadlines for submitting advertisements. Some smaller newspapers are published weekly and will require that the advertisement be placed well in advance of the public hearing.

Other methods of advertising the public hearing are also encouraged. All public hearings must be held in accessible locations. Public hearings should also be held at a time and place that are convenient to the low- and moderate-income residents who will benefit from the project.

The application’s Documentation of Citizen Participation and Four Factor Analysis page requests the public notice and hearing dates as well as a summary of the methods used to solicit public participation in the development of the proposed project.

The public hearing notice, the publisher’s affidavit documenting publication dates, the dated sign-in sheet, and signed minutes must be attached to the application for the first public hearing.

Applicants must include either Attachment C: Certification of No Language Plan Required or Attachment D: Language Access Plan Certification behind the citizen participation documentation.

This documentation should be included directly behind the Citizen Participation and Four Factor Analysis page.

# LOCAL ADMINISTRATIVE CAPABILITY

**All** applicants must explain their intentions to administer the grant. A sample administrative services agreement should be attached if applicable. Applicant budget proposals should consider the following factors:

* A minimal number of administrative activities are associated with each project.
* Community Development Block Grant (CDBG) projects must be administered by a South Dakota Planning District. A map of the Planning Districts can be found on page 47.
* Proposed budget levels should represent the activities associated with administering the **CDBG portion** of the project with a maximum fee of $20,000. Actual administrative expenses may be higher or lower, depending upon the range of project activities, overall funding package, and nature of sub-applicants.

**Please note that no project related activities are allowed prior to the Release of Funds (ROF). The State will issue an ROF after the Environmental Review has been completed per** **Sec. 58.22 (see page 52 of Environmental Review Requirements), a signed grant agreement, and all initial requirements, as defined in the CDBG Grant Administration Manual, must be submitted to the state CDBG office before draws can occur.**

# APPLICATION AUTHORIZATION RESOLUTION

The governing body of each entity should adopt a resolution authorizing its chief elected official to apply for a Community Development Block Grant. A copy of the resolution should be included in the CDBG application.

The resolution must contain the following information:

* + The name of the sponsoring entity (City or County),
	+ The type of proposed project,
	+ The date of the meeting at which the resolution was passed,
	+ The amount of CDBG funds requested,
	+ Acknowledgment of CDBG program requirements.

GOED has provided a sample resolution as *Attachment H: Sample Code of Conduct Ordinance* for Applicant use. The Application Resolution should be included in Appendix A.

# INSTRUCTIONS FOR WATER/WASTEWATER FEE SCHEDULE

**General and Utility Information**

The following information will be used to evaluate the applicant's capacity to provide local funds for the proposed project and the continuing operation, maintenance, and replacement of the system.

**Water & Wastewater Fee Schedule**

Complete the appropriate section for the type of project proposed. If the proposed project includes both water and wastewater activities, complete both sections.

Check whether rate information is based on 5,000 gallons/670 cubic feet per month as required for municipal projects or 7,000 gallons/935 cubic feet per month as required for rural projects.

Fill in the current rate being charged to businesses and domestic users to include individual households and farmsteads. If fees are billed quarterly, please calculate the monthly rate. Include the proposed new rate. Complete the information for the total number of business and domestic hookups that will be served system wide. If there is a special rate being charged other than for business and domestic hookups, please provide information about that rate and the number of customers to which the rate applies.

Indicate whether fees are calculated on usage or a flat rate.

The Water/Wastewater Fee Schedule should be included in Appendix E.

# WAIVER of PAST GRANT CLOSE-OUT REQUIREMENT

All applicants must follow the established guidelines regarding CDBG project closeout requirements. All CDBG projects four (4) years and older must be completely closed and all CDBG projects three (3) years old must be administratively closed.

A waiver request is required from all applicants who do not meet the requirements. The waiver request must be attached to the application.

The Waiver of Past Grant Close-out Requirement should be included in Appendix A, if applicable.

***Example***

The City/County of requests a waiver from the closeout requirements as established in the CDBG Program Statement for the following project(s). (List the sub-recipient and the project number for each project to be waived.)

**Give a brief explanation of the request for each project listed:**

# APPLICATION CHECKLIST

***INCLUDE THIS COMPLETED CHECK LIST IMMEDIATELY AFTER THE COVER PAGE***

|  |  |
| --- | --- |
| **APPLICATION SECTION** |  |
| Application Information | [ ]  Cover Page |
| [ ]  Table of Contents (first page of application) |
| [ ]  Applicant Information Page  |
| * Make sure all questions are completed
 |
| [ ]  [Signature](https://www.irs.gov/pub/irs-pdf/fw9.pdf) of Chief Elected Official |
|  |
| Budget Information | [ ]  Budget Matrix |
|  | * All sections completed
 |
|  | * All calculations are correct (errors may result in rejection of submission)
 |
|  | [ ]  Method of Financing Non-CDBG Share |
|  | * All sections completed
 |
|  |  |
| National Objective Page | [ ]  National Objective indicated |
| [ ]  All questions answered |
| [ ]  Documentation for National Objective selected  |
|  | [ ]  Income Survey information, if applicable |
|  | [ ]  IDIS Matrix Code |
|  |  |
| Beneficiaries  | [ ]  Numbers correspond to income survey results or census data |
| [ ]  Numbers are added correctly and consistent throughout application |
|  |  |
| Project Narrative  | [ ]  All questions are completed |
|  | [ ]  Preliminary A/E, if applicable |
|  | [ ]  Cost Estimates |
|  |
| Citizen Participation Page | [ ]  Public hearing documentation  |
|  | [ ]  Copy of the Notice for first Public Meeting  |
|  | [ ]  Copy of Publisher’s Affidavit |
|  | [ ]  Public Notice Tear Sheet |
|  | [ ]  Sign-in sheet from meeting  |
|  | [ ]  Signed Minutes from meeting |
|  | [ ]  If applicable, Copy of response(s) to comments and/or complaints |
| [ ]  Certification of No Language Plan Required |
| [ ]  Language Access Plan Certification (If required) |
|  |  |
| Sub-recipient documentation *(if applicable)* | [ ]  Draft of sub-recipient agreement  |
|  | [ ]  IRS non-profit designation documentation |
|  | [ ]  South Dakota Dept. of Revenue Certification  |
|  | [ ]  Applicant has confirmed via the [Business Entity Search](https://sosenterprise.sd.gov/BusinessServices/Business/FilingSearch.aspx) the sub-recipient is in good standing with the Secretary of State (Nothing needs to be attached)(weblink) |
|  |
| **ATTACHMENTS**  |
| Appendix A: Certifications |  |
| [ ]  Governmental Resolution |
| [ ]  [Applicant/Recipient Disclosure/Update Report](https://www.hud.gov/sites/dfiles/OCHCO/documents/2880.pdf) (Form 2880) |
| [ ]  CDBG Program Assurances & Certification |
| [ ]  Copy of Excessive Force Policy |
| [ ]  Copy of Equal Employment Opportunity Policy |
| [ ]  Certification Regarding Restrictions on Lobbying |
| [ ]  FFATA Certification |
| [ ]  Environmental Certifying Officer |
| [ ]  Authorized Official Resolution  |
| [ ]  Copy of Fair Housing Ordinance  |
| [ ]  Copy of Drug Free Workplace Policy |
| [ ]  Administrative Service Agreement, if applicable  |
| [ ]  Waiver of Past Grant Closeout Requirement, if applicable |
| [ ]  Cooperation Agreements, if applicable |
|  |
| Appendix B: National Objective Documentation  | [ ]  Maps (in color) |
|  | [ ]  Boundaries of jurisdiction shown |
|  | [ ]  Project area shown as well as service area |
|  | [ ]  Detailed project area map indicating locations of improvements |
|  | [ ]  Detailed map of Service Area (including street names) |
|  | [ ]  Service Area corresponds to survey area |
|  |  |
| [ ]  Income Survey |
|  | [ ]  Detailed description of survey methodology |
|  | [ ]  Copy of sample survey form |
|  | [ ]  Copies of written survey materials (instructions, forms, etc.) |
|  | [ ]  Map of survey area |
|  | [ ]  Income Survey Worksheet  |
|  |
| Appendix C: Project Description Documentation  | [ ]  Scope of Work |
| [ ]  Pre-engineering report excerpts, drawings, maps, etc. as appropriate |
|  | [ ]  Flood plain map verifying project is not located in 100-year flood plain |
|  | [ ]  Other:  |
|  |
| Appendix D: Project Need Documentation | [ ]  Relevant letters and other evidence of community need (7 pages maximum) |
| [ ]  Documentation from health department, if applicable |
| [ ]  Photos in color with dates and captions explaining relevancy  |
|  | [ ]  Other: |
|  |
| Appendix E: Program Specific Documentation | [ ]  Water/Wastewater Fee Schedule (for wastewater, drinking water, and stormwater projects). |
|  | [ ]  Workforce Training Program Guidelines |
|  | [ ]  Other project specific documentation as applicable |

# APPLICATION FOR STATE ASSISTANCE

## GENERAL INFORMATION PAGE

|  |  |  |
| --- | --- | --- |
| **APPLICATION INFORMATION (SUBGRANTEE)**Legal Name: | **FUNDING SOURCE:** 1.  2.  3.  4.  5.  6.  7.  | **ESTIMATED FUNDING:**1. 2. 3. 4. 5. 6. 7. **Total:**  |
| Address (city, state, and zip code+4): |
| **SUB-RECIPIENT AND ADDRESS (if applicable):** |
| **NAME AND TELEPHONE NUMBER** of a local official to be contacted on matters involving this application:Name:Phone: | **UEID #:** |
| **DESCRIPTION OF PROJECT:** |
| **PROPOSED PROJECT START DATE:** | **NAME, ADDRESS & PHONE NUMBER OF CONSULTANT:** |
| **APPLICATION PREPARED BY:**Name: Phone: |
| **I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with attached assurances if the assistance is awarded.** |
| Typed Name of Chief Elected Official | Title | Telephone Number |
| Signature of Chief Elected Official |  | Date Signed |

## BUDGET MATRIX

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **BUDGET SHEET** | **A** | **B** | **C** | **D** | **E** | **F** |  | **G** |
| **Cost Classification** | **CDBG** |  |  |  |  |  |  | **Total Funds A thru F** |
| **1. Administration Expense** |  |  |  |  |  |  |  |  |
| **2. Land, Structure, Right-of-Way** |  |  |  |  |  |  |  |  |
| **3. Architectural/Engineering Basic Fees** |  |  |  |  |  |  |  |  |
| **4. Other Architectural/Engineering Fees** |  |  |  |  |  |  |  |  |
| **5. Project Inspection Fees** |  |  |  |  |  |  |  |  |
| **6. Site Preparation** |  |  |  |  |  |  |  |  |
| **7. Relocation Expense** |  |  |  |  |  |  |  |  |
| **8. Demolition and Removal** |  |  |  |  |  |  |  |  |
| **9. Construction/Project Improvement** |  |  |  |  |  |  |  |  |
| **10. Other (Identify)** |  |  |  |  |  |  |  |  |
| **11. Contingencies** |  |  |  |  |  |  |  |  |
| **12. Total** |  |  |  |  |  |  |  |  |
|  **13. % of Total Costs** |  |  |  |  |  |  |  |  |

## METHOD OF FINANCING NON-CDBG SHARE MATRIX

|  |  |  |  |
| --- | --- | --- | --- |
| **SOURCE** | **$ Secured** | **$ Unsecured** | **Date Secured** |
| A**. CDBG** |  |  |  |
| B. |  |  |  |
| C. |  |  |  |
| D. |  |  |  |
| E. |  |  |  |
| F. |  |  |  |
| G. **TOTAL** | **$** | **$** |  |

**REMARKS**

1. Briefly explain how the “secured” amount has been secured:
2. Briefly explain the proposed method of financing the unsecured share:

**LOCAL EFFORT**

Percent of local cost share

## NATIONAL OBJECTIVE/ELIGIBLE ACTIVITY IDENTIFICATION

**National Objective**

1. Identify **one** of the CDBG National Objectives listed below:

**Benefit to Low- and Moderate-Income Persons**

[ ] Area Benefit (*Provides benefits to all residents of a principally residential area*)

[ ] Limited Clientele (*Provides benefits to a specific group of persons rather than everyone in an area*)

[ ]  Jobs (*Creates or retains jobs for primarily LMI persons*)

[ ] Urgent Need *(Addresses issues which pose a serious and immediate threat to human health or welfare and occurred within the previous 18 months)*

**Prevention or Elimination of Blight**

[ ]  Area Basis (*Eliminating determinable signs of blight in a defined area*)

[ ]  Spot Basis (*Strictly limited to eliminating specific instances of blight*)

1. Complete the following questions. Census data must be provided even if an Income Survey is used to prove national objective compliance.

Percentage served by the project from HUD Low/Mod Summary Data (Census):

List the census tract number(s) that are included in the project area:

List the census tract block group(s) that are included in each of the census tracts listed in the previous question:

1. Explain why the National Objective was selected and how this project meets the criteria of that Objective.

**Documentation attached supporting the National Objective:** [ ]

If an Income Survey was used, please complete the following items:

**Low/Mod percentage from that survey:**

**Date the Income Survey was started:**

**Date the Income Survey was completed:**

**Eligible Activity**

IDIS Matrix Code:

* Matrix codes and definitions can be found on the HUD’s website here: <https://files.hudexchange.info/resources/documents/CDBG-Matrix-Codes-By-Category.pdf>
* Applicability of National Objectives to Matrix Codes may be found here**:** <https://www.hud.gov/sites/documents/20516_CH12_ATT1.PDF>

## BENEFICIARIES

**Proposed Accomplishments**
Enter the proposed accomplishments for this activity according to only one (1) of the following unit types.

**Unit Type # of Units**
People

Jobs

Total beneficiaries must equal the sum of numbers 1-10. The number of anticipated Low- and Moderate-income person and Non-Low- and Moderate-Income persons must be equal to the total number of beneficiaries.

**Total Beneficiaries:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Total | % | Of the total population in the service area how many are Hispanic? | % |
| **Number of People** |  |  |  |  |
| SINGLE RACE | 1. White | 0 | 0% | 0 | 0% |
| 2. Black / African American | 0 | 0% | 0 | 0% |
| 3. Asian | 0 | 0% | 0 | 0% |
| 4. American Indian / Alaskan Native | 0 | 0% | 0 | 0% |
| 5. Native Hawaiian / Other Pacific Islander | 0 | 0% | 0 | 0% |
| MULTI-RACE | 6. American Indian / Alaskan Native & White | 0 | 0% | 0 | 0% |
| 7. Asian & White | 0 | 0% | 0 | 0% |
| 8. Black / African American & White | 0 | 0% | 0 | 0% |
| 9. American Indian / Alaskan Native & Black / African American | 0 | 0% | 0 | 0% |
| 10. Balance / Other | 0 | 0% | 0 | 0% |
|  | Number of Handicapped | 0 | 0% | 0 | 0% |
| Number of Elderly People | 0 | 0% | 0 | 0% |
| Number of Single Head of Household | 0 | 0% | 0 | 0% |
| **Number of Low/Moderate-Income People** | 0 | 0% | 0 | 0% |
| **Number of Non-Low/Moderate People** | 0 | 0% | 0 | 0% |

## CITIZEN PARTICIPATION DOCUMENTATION: PUBLIC HEARING/FOUR-FACTOR ANALYSIS

One public hearing must be held prior to submission of the application. Please enter below the date of the public hearing notice, the date of the public hearing, and answer the three questions regarding public participation and solicitation, and two questions regarding language access. Please see *Attachment A* for sample advertisements.

**Note: New public hearings must be held for each grant cycle, regardless of prior application(s).**

|  |  |
| --- | --- |
| **Public Hearing Information** | **Date** |
| Notice of first CDBG public hearing |       |
| First CDBG public hearing |       |

**Describe the methods used to solicit participation of low- and moderate-income persons:**

**Denote any adverse comments/complaints received and describe resolution:**

**If no comments were made by the residents during the public hearing, describe efforts to obtain input from residents on the project?**

**Did you complete a 4-Factor Analysis for Limited English Proficiency?**

Yes [ ]  No [ ]

**Did the outcomes of 4-Factor Analysis for Limited English Proficiency require a Language Access Plan?**

Yes [ ]  No [ ]

**PUBLIC HEARING DOCUMENTATION** (the following documents must be attached)

* Copy of Advertisements of the First Public Meeting [ ]
* Copy of Publishers Affidavit [ ]
* Copy of Public Meeting Minutes [ ]
* Copy of Sign-In Sheet for Public Meeting [ ]
* Copy of response(s) to comments and/or complaints. [ ]

**FOUR FACTOR ANALYSIS DOCUMENTATION** (attach the applicable certification)

* Certification of No Language Plan Required, if applicable [ ]
*(*[*Four Factor Analysis and Language Access Plan Template*](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/)*, Attachment C)*
* Language Access Plan Certification, if applicable [ ]
*(*[*Four Factor Analysis and Language Access Plan Template*](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/)*, Attachment D)*

## CDBG PROGRAM ASSURANCES

The applicant hereby assures and certifies that:

1. It possesses legal authority to apply for the grant, and to execute the proposed program.
2. It has provided opportunities for citizens to comment on the proposed activity, the amount of funds needed to complete the activity, and the plan to obtain such funds.
3. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
4. Its chief executive officer:
	1. Consents to cooperate with the South Dakota Governor’s Office of Economic Development in the latter’s responsibility to comply with provisions of the National Environmental Policy Act of 1969, insofar as the provisions of such Act apply to 24 CFR 570;
	2. Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of these responsibilities regarding environmental clearances of local projects.
5. It will comply with the regulations, policies, guidelines and requirements of 2 CFR 200 as they relate to the application, acceptance, and use of Federal funds under this Part.
6. It will administer and enforce the labor standards requirement set forth in 570.603 and HUD

regulations issued to implement such requirements.

1. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards, Executive Order 11990 relating to evaluation of wetlands and Executive Order 11288 relating to the prevention, control, and abatement of water pollution.
2. It will require every building or facility (other than a privately-owned residential structure) designed, constructed, or altered with funds provided under this Part to comply with the Rehabilitation Act of 1973 as amended. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
3. It will comply with:
	1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.
	2. Title VIII of Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provisions of brokerage services.
	3. Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.602), which provides 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 provided under this Part.
	4. Executive Order 11063 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance.
	5. Executive Order 11246 and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), and Section 4(b) of the Grant Agreement, which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demolition, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.
4. It will comply with Section 3 (24 CFR Part 75) of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible, the Grantee provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons.
5. It will, to the greatest extent practicable under State law, comply with Sections 301 and 302 of Title III (Uniform Real Property Acquisition Policy) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will comply with Sections 303 and 304 of Title II, and HUD implementing instructions to 24 CFR Part 42 and;
	1. It will inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 24 CFR Part 42 and 570.606;
	2. It will minimize displacement, and to the greatest extent possible, comply with Title II (Uniform Relocation Assistance) of the Uniform Relocation Assistance and Real Acquisition Policies Act of 1970 and HUD implementing regulations at 24 CFR Part 42 and 570.606;
	3. It will provide relocation payments and offer relocation assistance as described in Section 205 of the Uniform Relocation Assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the Community Development Block Grant program. Such payments and assistance shall be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex, or source of income;
	4. It will assure that, within a reasonable period of time prior to displacement, comparable, decent, safe, and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, or source of income; and
	5. It will inform affected persons of the relocation assistance, policies and procedures set forth in regulations at 24 CFR Part 42 and 570.606.
6. It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
7. It will comply with the provisions of the Hatch Act which limits the political activity of employees.
8. It will give HUD and the State through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program area not listed on the Environmental Protection Agency’s (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
10. It will comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973. Pub. L. 93-234, 87 Stat. 975, approved December 21, 1973. Section 103(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area, that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase “Federal financial assistance” includes any form of loan, grant, guaranty, insurance payment, rebate subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archeological and Historical Data Act of 1966 (16 U.S.C. 469A-1, etc. seq.) by:
	1. Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity, and
	2. Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
12. It will develop a community development and housing plan to identify needs; including the needs of low and moderate-income persons, and activities to be undertaken to meet such needs.
13. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low and moderate income persons unless: (A) CDBG funds are used to pay the proportion of such assessment that relates to non- CDBG funding; or (B) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low and moderate income persons who are not very low income,

that the local government does not have sufficient CDBG funds to comply with the provision of (A) above.

1. It will identify and establish the necessary fees or other income sources to cover the cost of operation, maintenance and repair of the item, facility or project being supported in whole or in part by CDBG funds.
2. It will comply with all applicable laws and regulations of the State of South Dakota in carrying out the stated purposes of the project construction.
3. It will comply with the citizen participation plan requirements as defined in 24 CFR Part 570.486.
4. It will comply with the requirements of section 109 of Public Law 100-202 concerning the award of certain contracts and subcontracts to foreign countries identified by the United States Trade Representatives.
5. It will comply with the relocation & property acquisition requirements as defined in 24 CFR Part 570.488.
6. It will adopt and enforce a policy that will prohibit use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in a non-violent civil rights demonstration.
7. It will comply with 24 CFR Part 87 regarding government wide restrictions on lobbying.
8. It will comply with the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget’s Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18, 2022.

I declare that I am duly authorized to make these certifications on behalf of the Applicant and certify that the above actions have or will be taken.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Elected Official Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Elected Official Name Printed

## EXCESSIVE FORCE POLICY

It is the policy of the (city/county) to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; furthermore,

The (city/county) will enforce all applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(Mayor or County Commission Chair) Date

Attest Date

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

The (City/Town Council or Board of County Commissioners) does hereby declare that it is the fundamental policy of (Name of Subgrantee) to provide equal opportunity to all of its employees and applicants for employment (skilled, unskilled, and professional) and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement. To this end, (Name of Subgrantee) will take steps to equalize opportunities for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity minority group members, women, and the handicapped; and (Name of Subgrantee) recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with (Name of Subgrantee) will be recruited from the available labor market evaluated on each person’s individual qualifications and abilities. All employees shall be afforded equal employment opportunity during their term of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure right to equal employment or testifying on behalf of someone else doing so.

All administrators and supervisors are responsible for and shall be committed to achieving and promoting equal employment opportunity with (Name of Subgrantee).

(Name and Title) is the equal employment opportunity officer and shall be responsible for coordinating the equal employment opportunity program.

Adoption of this document reaffirms (Name of Subgrantee’s) policy of non-discrimination in employment, including but not limited to the following: recruitment, selection, placement, testing, training, promotion, transfer, discipline, demotion, layoff, and termination.

Signature

Chief Elected Official Name, Title

Date

## CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING

The undersigned certifies, to the best of their knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts under grants, subgrants, loans, and cooperative agreements) that exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

BY:

(Chief Elected Official Signature)

ATTEST: DATED:

## FFATA (FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT) CERTIFICATION

1. **Certification Regarding Percent (%) of Annual Gross from Federal Awards:**

Did your organization receive 80% or more of its annual gross revenue from federal awards during the preceding fiscal year?

[ ]  Yes, continue to question B. [ ]  No, questionnaire is complete. Please sign section D.

1. **Certification Regarding Amount of Annual Gross from Federal Awards:**

Did your organization receive $25 million or more in annual gross revenues from all federal awards in the preceding fiscal year?

[ ]  Yes, continue to question C*.* [ ]  No, questionnaire is complete. Please sign section D.

1. **Top Executive Disclosure Requirements:** Provide the names and total compensation of the top five most highly compensated officers/senior executives for the preceding fiscal year below. Please see [2 CFR Part 170](https://www.ecfr.gov/current/title-2/part-170), including its Appendix A for guidance. *After completing section C, please sign section D.*

**Name of Top Executives Annual Compensation**

1. $

2. $

3. $

4. $

5. $

1. **Signatures:** As the duly authorized representative of the Contractor/Grantee, I hereby represent and warrant that the statements made by me in this certification form are true, complete, and correct to the best of my knowledge and are consistent with FFATA (31 U.S.C. § 6101 note), as amended, and its implementing regulations including 2 C.F.R. Part 170. I further represent and warrant that I will provide GOED with any and all information which may be further needed for GOED to accurately report to the federal government pursuant to FFATA.

**Organization Name:**

**Unique Entity Identifier (UEI):**

**Chief Elected Official Name:**

**Title:**

**Signature:**

**Date:**

# ATTACHMENTS

## ATTACHMENT A: SAMPLE REQUIRED PUBLIC HEARING ADVERTISEMENTS

**FIRST REQUIRED PUBLIC HEARING NOTICE - *TEMPLATE***

*Purpose: to solicit public input before applying for CDBG money*

NOTICE IS HEREBY GIVEN that the (Applicant) will hold a public meeting on (date) at (time), at (place) to discuss possible applications for funding under the State Community Development Block Grant (CDBG) Program and to gather residents’ ideas for possible activities to be included in the application. The purpose of this hearing is to review CDBG eligible activities and collect residents’ views on housing and community development needs that will improve livability within the community.

The (Applicant) anticipates applying for CDBG funds during the upcoming application round. The maximum amount of funds available per application is $2,000,000. A range of activities that may be undertaken include Public Infrastructure, Community Facilities, Demolition, and Workforce Training.

The (Applicant) is proposing to submit a CDBG application in the amount of ($XXX,XXX) for (proposed project), that will cost an estimated ($X,XXX,XXX). Information related to this project will be available for review prior to the public hearing as of (date) at (Applicant address), between the hours of (9am-4pm Monday-Friday).

Interested citizens are invited to provide comments regarding these issues either at the public hearing or by prior written statement. Written comments should be submitted to (contact name and address), no later than (date and time) in order to ensure placement of such comments in the official record of the public hearing proceedings. A plan to minimize displacement and assist those displaced has been prepared by the (Applicant) and is also available to the public. This project will/will not result in displacement of any persons or businesses.

Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact (local contact name) at (address and telephone) no later than 48 hours prior to the meeting date to allow for necessary arrangements. Every effort will be made to make reasonable accommodations for these persons.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

**SECOND REQUIRED PUBLIC HEARING NOTICE - *TEMPLATE***

*Purpose: to update the public and solicit input on the progress of the project*

Notice is hereby given that (Grantee) will hold a public progress hearing on (date) at (time) at (location) to review the progress and activities that are on-going for (purposed project), which is subsidized in part by CDBG funds in the amount of ($XXX,XXX), and has estimated total project costs of ($X,XXX,XXX). Information related to this project will be available for review prior to the public hearing as of (date) at (Grantee address), between the hours of (9am-4pm Monday-Friday). Interested citizens are invited to provide comments regarding these issues either at the public hearing or by prior written statement. Written comments should be submitted to (contact name and address), no later than (date and time) in order to ensure placement of such comments in the official record of the public hearing proceedings. A plan to minimize displacement and provide assistance to those displaced has been prepared by the (Grantee) and is also available to the public. This project will/will not result in no displacement of any persons or businesses.

Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact (local contact name) at (address and telephone) no later than 48 hours prior to the meeting date to allow for necessary arrangements. Every effort will be made to make reasonable accommodations for these persons.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

## ATTACHMENT B: CERTIFICATION OF NO LANGUAGE PLAN REQUIRED

*TA: If the grantee determines that a LAP is not required, then the certification below should be signed and dated by the chief elected official and submitted with their application. The entire Four Factor Analysis will be reviewed at monitoring.*

Name of Jurisdiction has completed the Four Factor Analysis and has determined that there are **no** items identified from the analysis for this grantee, program, or activity that will trigger the need for a Language Access Plan.

**Therefore,** based on the Four-Factor Analysis, Name of Jurisdiction is **not** required to develop a Language Access Plan.

However, Name of Jurisdiction will make all reasonable attempts to accommodate the language access needs of residents requesting oral or written translation during citizen participation, income surveys, and/or direct assistance intake activities including but not inclusive of public hearings, public notices, advertisements, income surveys, and direct assistance intake documents.

Chief Elected Official (signature) Date

Name of Chief Elected Official

## ATTACHMENT C: CERTIFICATION OF LANGUAGE ACCESS PLAN

As a result of the Name of Jurisdiction’s Four-Factor Analysis, the Name of Jurisdiction has identified the following types of language assistance to be provided by the Name of Jurisdiction or its subrecipient throughout the implementation of its CDBG program dependent on need:

*TA: Below are the examples of activities to meet the needs of your identified Limited English Proficiency Populations. Some programs or activities do not require all items to be followed. Additional activities may be added to meet the needs of the grantees’ LEP population(s).*

All CDBG citizen participation materials, public notices, and project-related resolutions will be published/posted in the LEP language(s) identified, in community newsletters, on the website, bulletin boards, at the offices and meeting location of the Name of Jurisdiction, and in public places throughout the proposed project area(s) and/or the community, especially those areas with high concentration of the affected population.

Published/Posted citizen participation notices will include a statement in the identified LEP language(s) indicating that other “program materials are available in named LEP language(s) upon request”. This statement must be in as many languages as has been identified during the Four Factor Analysis.

All direct assistance program application documents and outreach materials will be provided in the identified LEP language(s).

All public notices of income surveys and the income survey itself will be provided in named LEP language(s) identified (if applicable).

For income surveys in service areas meeting the threshold of LEP and/or direct assistance intakes, when applicable, a translator will be retained to provide oral translation at the income survey or intake site to assist in filling out the survey/intake documents and explaining the program. The Name of Jurisdiction, nor its subrecipients will require the LEP applicant to provide their own translator, however, the applicant may bring someone if they choose***.***

If other populations of LEP persons are identified in the future, the Name of Jurisdiction will provide additional measures to serve the language access needs of those persons.

Chief Elected Official (signature) Date

Name of Chief Elected Official

## ATTACHMENT D: SAMPLE RESOLUTION ASSURING FAIR HOUSING

Resolution:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREAS, it is the (City/Town Councils or Board of County Commissioners’) firm belief that discrimination in housing not only threatens the rights and privileges of the citizens of (Name of Subgrantee) but also menaces the institutions and foundations of free and democratic society; and,

WHEREAS, this body desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups in the (City/Town/County); and,

WHEREAS, under the federal fair housing, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

THEREFORE, BE IT RESOLVED the (Name of Subgrantee), South Dakota, makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder, and discrimination in housing.

BE IT FURTHER RESOLVED that the Fair Housing and Equal Opportunity logo will be displayed at (City/Town/County) city/county office and on all official correspondence.

BE IT FURTHER RESOLVED that the following procedures will be used to accomplish the purpose of the resolution:

1. The (City/Town Council/Board of County Commissioners) shall inform all (City/Town/County) employees of the (City/Town/County’s) commitment to equal housing.
2. The (City/Town Council/Board of County Commissioners) shall direct all employees to forward immediately to the (Mayor/Chairman) any reports they receive of housing discrimination.
3. The (Mayor/Chairman) shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt of said complaint.

Signature

Title

Date

## ATTACHMENT E: SAMPLE AUTHORIZING GOVERNMENTAL RESOLUTION for PROJECT AUTHORIZED OFFICIAL

**PROJECT AUTHORIZED OFFICIAL**

Resolution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREAS, the (City/Town/County) is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, the (City/Town/County) is required to designate an authorized official for the purpose of signing required documents pertaining to this grant;

NOW THEREFORE, BE IT RESOLVED, that (Name, Title) for the (City/Town/County) be hereby designated as the (City’s/Town’s/County’s) official for the purpose of signing Grant Agreements and Contracts.

AND BE IT FURTHER RESOLVED, that (Name, Title) for the (City/Town/County) be hereby designated as the (City’s/Town’s/County’s) authorized official for the purpose of signing correspondence, pay requests, and other required documents.

Dated this day of , 20xx.

BY:

(Signature)

(Printed Name, Title)

ATTEST:

(Signature)

(Printed Name, Title)

## ATTACHMENT F: SAMPLE ENVIRONMENTAL CERTIFYING OFFICER RESOLUTION

**ENVIRONMENTAL CERTIFYING OFFICER**

Resolution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREAS, the (City/Town/County) is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, the (City/Town/County) is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant,

NOW THEREFORE, BE IT RESOLVED, that (Name, Title), for the (City/Town/County) be hereby designated as the (City’s/Town’s/County’s) environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Dated this (DATE) day of (MONTH), (YEAR).

BY: (Signature)

(Typed Name, Title)

ATTEST: (Signature)

(Typed Name, Title)

## ATTACHMENT G: SAMPLE CODE OF CONDUCT ORDINANCE

**NOTE: This sample is for purposes of illustration only. Grantees are directed to develop and adopt Individualized Conduct Codes.**

**PURPOSE**

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with all applicable federal and state standards, regulations, and laws.

**APPLICATION**

This Code of Conduct applies to all officers, employees, or agents of the Name of Jurisdiction engaged in the award or administration of contracts supported by federal grant funds.

**REQUIREMENTS**

No officer, employee, or agent of the Name of Jurisdiction shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. The employee, officer, or agent;
2. Any member of his/her immediate family;
3. His/her partner; or
4. An organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award.

The Name of Jurisdiction officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

**REMEDIES**

To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the Name of Jurisdiction’s officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

**EFFECTIVE DATE**

This ordinance shall be effective upon publication.

Passed this day of , 20 .

(Signature)

 Chief Elected Official Name and Title

ATTEST:

(Signature)

Clerk Name and Title

## ATTACHMENT H: WATER - WASTEWATER FEE SCHEDULE

**WATER UTILITY**

Water Fees (provide information for either municipal users or rural users, **not both**):

Check one:

       Municipal users for 5,000 gal/month or 670 cubic feet/month

**or**,

       Rural users for 7,000 gal/month or 935 cubic feet/month

 Current Proposed

Business             # of Businesses

Domestic             # of Households

Other:             # of Accounts

Are fees based on usage or a flat rate? [ ]  Usage [ ]  Flat

(If rates are based on usage, **attach current and proposed rate schedules.)**

When was the current fee adopted?

When is the proposed fee scheduled to take effect?

**WASTEWATER UTILITY**

Wastewater Fees (provide information for either municipal users or rural users, **not both**):

Check one:

       Municipal users for 5,000 gal/month or 670 cubic feet/month

**or**,

       Rural users for 7,000 gal/month or 935 cubic feet/month

 Current Proposed

Business             # of Businesses

Domestic             # of Households

Other:             # of Accounts

Are fees based on usage or a flat rate? [ ]  Usage [ ]  Flat

(If rates are based on usage, **attach current and proposed rate schedules.)**

When was the current rate adopted?

When does the proposed fee scheduled to take effect?

## ATTACHMENT I: SAMPLE DRUG FREE WORKPLACE POLICY

Resolution:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Section 1 Overview**

WHEREAS, the Name of Jurisdiction makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the City/Town/County and its employees. Since the Name of Jurisdiction values each employee, the City/Town/County offers employees assistance in dealing with alcohol and drug abuse problems.

**Section 2 Policy**

WHEREAS, the Name of Jurisdiction requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the City/Town/County at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the City/Town/County.

**Section 3 Prohibited Drugs**

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription-controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of opioids, drugs, or other controlled substances while on the job or on City/Town/County premises (including vehicles used for City/Town/County business). These include but are not limited to: cocaine, fentanyl, heroin, LSD, marijuana (including edibles), MDMA (Ecstasy), methamphetamines, methadone, and prescription opioids. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

**Section 4 Alcohol**

The use of alcohol on the job or on City/Town/County premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off City/Town/County premises. The use of alcohol in vehicles used for City/Town/County business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on City/Town/County premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for City/Town/County business is never authorized.

**Section 5 Reporting Violations**

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the City/Town/County under a criminal drug statute for violations occurring on or off City/Town/County premises when conducting City/Town/County business. Report of a conviction must be made to the City/Town/County within five (5) business days after the conviction. The City/Town/County will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the City/Town/County will consider the circumstance of each incident, including but not limited to any adverse effect the employee’s actions may have on its customers, other employees, the public, or the City’s/Town’s/County’s reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

**Section 6 Employee Rehabilitation**

Health maintenance is primarily a personal responsibility and it is the individual’s responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the City/Town/County will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other City/Town/County policies or job requirements.

Any employee identified through a City/Town/County investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

**Section 7 Testing**

The Name of Jurisdiction will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

* + 1. When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
		2. During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the City/Town/County.
		3. When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the City/Town/County. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the City/Town/County. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

**Certification of Adoption**

It is hereby certified that this Ordinance Number was passed by the Governing Body of the Name of Jurisdiction, at its legally convened meeting of .

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name, Title (Chief Elected Official) Signature

Attested By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name, Title Signature

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# SOUTH DAKOTA PLANNING DISTRICT MAP



# CDBG CONTACT

**Questions and Technical Assistance**

Applicants who have questions regarding the application documents or process should **first** contact the appropriate South Dakota Planning Districts shown on the previous page. Additional questions can be directed to:

**STATE OF SOUTH DAKOTA**

Governor's Office of Economic Development
Community Development Block Grant Program
Stephanie Deyo, Program Manager

711 E. Wells Avenue
Pierre, South Dakota 57501-3369

Phone: (605) 773-4633

Fax: (605) 773-5032

Email: Stephanie.Deyo@state.sd.us