

CHAPTER 1: OVERVIEW OF THE PROGRAM

CHAPTER PURPOSE & CONTENTS

This chapter provides a general overview of the Community Development Block Grant Program, including a brief synopsis of the history of the program, a summary of the objectives of the program and a summary of the process for implementing CDBG activities.

SECTION	TOPIC
1.1	Program History & Primary Objective
1.2	CDBG Regulations
1.3	Key Definitions
1.4	Steps in Implementing CDBG Activities
1.5	Introduction to Eligible Activities
1.6	Ineligible Activities
1.7	CDBG Resources

1.1 Program History & Primary Objective

This section explains the history of the CDBG program and its goals.

Key Topics in This Section: Programs that preceded CDBG; CDBG primary objective

Regulatory/Statutory Citations: Section 101(c), 570.1, 570.2

Other Reference Materials on This Topic: Not applicable

The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The CDBG program was enacted in 1974 under the Housing and Community Development Act or HCDA. Prior to this point in time, there were numerous federal programs which addressed community development issues.

CDBG grew out of the consolidation of eight categorical programs under which communities competed nationally for funds. The consolidated programs include:

- Open Space;
- Urban Renewal;
- Neighborhood Development Program grants;
- Historic Preservation grants;
- Model Cities supplemental grants;
- Public Facilities loans;
- Neighborhood Facilities grants; and
- Water and Sewer grants.

Chapter 1: Overview of the Program

The primary objective of Title I of the Housing and Community Development Act of 1974, as amended, is the development of viable urban communities.

These viable communities are achieved by providing the following, principally for persons of low and moderate income:

- Decent housing;
- A suitable living environment; and
- Expanded economic opportunities.

To achieve these goals, the CDBG regulations set forth eligible activities and the national objectives that each activity must meet. As recipients of CDBG funds, grantees are charged with ensuring that these requirements are met.

1.2 CDBG Regulations

This section provides an overview of the CDBG regulations and regulatory changes over time.

Key Topics in This Section: Regulatory basis for CDBG; Key recent regulatory changes

Regulatory/Statutory Citations: 24 CFR Part 570

Other Reference Materials on This Topic: Not applicable

The regulations implementing the CDBG Program are found at 24 CFR Part 570.

The CDBG regulations were dramatically revised over the past several years, primarily to increase flexibility for grantees in carrying out funded activities, to reflect statutory changes, and to respond to audits of the program by the Inspector General.

January 5, 1995 (Effective February 6, 1995)—This rule established the guidelines for evaluating and selecting economic development projects and makes certain other changes to facilitate the use of CDBG funding for economic development, including microenterprise activities, Neighborhood Revitalization Strategies and Community Development Financial Institutions.

November 9, 1995 (Effective December 11, 1995)—This consolidated rule updated the regulations to reflect significant statutory enhancements since 1987, corrected identified deficiencies, implemented relevant portions of the National Affordable Housing Act of 1990, amended the conflict of interest provisions, and provided criteria for performance reviews and timely expenditure of CDBG funding.

April 29, 1996 (Retroactively effective December 11, 1995)—This rule contained certain technical corrections to the rule published in November 1995.

July 19, 1999 (Effective December 22, 1999)—This rule clarifies the level of expenditure documentation that CDBG grantees and subrecipients must maintain to identify the use of funds for assisted activities.

November 21, 2000 (Effective December 21, 2000)—This rule made two changes: (1) the pre-award requirements were revised to allow a new grantee without a consolidated plan to be reimbursed for costs of activities to develop and prepare its first consolidated plan; and (2) permit homeownership activities, to the extent authorized by statute, to be funded in connection with new construction.

Chapter 1: Overview of the Program

July 17, 2002 (Effective August 16, 2002)—This rule amended the regulation at 570.204(d) to require grantees to obtain HUD’s approval to demolish HUD-owned housing units.

September 30, 2003 (effective October 30, 2003)—This final rule revised various HUD regulations, including the CDBG regulations at 570.200(j), 570.503, and 570.607, to remove barriers to the participation of faith-based organizations in eight of HUD’s Community Planning and Development programs, including the CDBG program. A subsequent rule change effective August 9, 2004, revised the CDBG regulations at 570.480 for the same purpose.

December 12, 2003 (Interim Rule, Effective January 12, 2004)—This rule revised the definition of “metropolitan city” by replacing the obsolete term “central city” with the new term “principal city.”

December 23, 2005 (Interim Rule, Effective February 21, 2006)—This rule implemented a statutory amendment regarding limitations on the use of CDBG funds for activities involving job relocation. Provisions are codified at 24 CFR 570.210.

May 24, 2006 (Final Rule, Effective June 23, 2006)—This rule clarifies the eligibility of brownfields redevelopment activities and makes changes to national objectives provisions that relate to brownfields.

Included as an Appendix to this manual is a copy of the CDBG regulations (Entitlement program only) and statute.

The trend in many Federal programs, including CDBG, is toward greater flexibility. The recent regulation changes continued that trend by providing:

- Greater flexibility regarding new construction;
- Enhanced flexibility in the area of economic development; and
- Increasingly manageable administrative requirements.

These new flexibilities will be discussed throughout this manual and are summarized in memorandums from HUD located in the Appendix.

1.3 Key Definitions

This section provides definitions of key CDBG topics and terms.

Key Topics in This Section: Key definitions needed for entitlement programs

Regulatory/Statutory Citations: Section 102; 570.3

Other Reference Materials on This Topic: Not applicable

CDBG Recipient: Local governments are known as grantees or recipients. As noted above, they participate in either the Entitlement Program (for cities in metropolitan areas over 50,000 in population, designated principal cities of metropolitan statistical areas or urban counties with more than 200,000 people). Under the States and Small Cities Program, states receive funding directly from HUD and provide it to small cities (non-entitled communities), also referred to as units of general local government.

Chapter 1: Overview of the Program

Community Development Financial Institution (CDFI): An organization that: has as its primary mission the promotion of community development; serves an investment area or targeted population; provides development services and equity investments or loans; maintains accountability to residents within its investment area; and is not a public agency or institution.

Community-Based Development Organization (CBDO): CBDOs are generally nonprofit organizations that undertake specific kinds of CDBG-funded activities. CBDOs can be for-profit or nonprofit organizations, but cannot be governmental entities. A CBDO may be designated as a subrecipient by the grantee.

Consolidated Plan: The Consolidated Plan is prepared by the grantee in accordance with 24 CFR Part 91, and describes needs, resources, priorities and proposed activities to be undertaken with respect to HUD's CPD formula programs, including CDBG. An approved Consolidated Plan is one which has been approved by HUD.

Contractors: A contractor is an entity paid with CDBG funds in return for a specific service (e.g., construction). Contractors must be selected through a competitive procurement process.

Draw down: Refers to the process of requesting and receiving CDBG funds. Grantees draw down funds from a line of credit established by HUD, while subrecipients typically draw down funds from grantees.

Entitlement Program: The Entitlement Program is the portion of the CDBG Program that provides formula grants to metropolitan cities and urban counties. The Entitlement Program is the largest component of the CDBG Program receiving 70 percent of CDBG appropriations. Participating local governments automatically receive an annual allocation of CDBG funds. The grant amounts are determined by the higher of two formulas: Data based on overcrowded housing, population and poverty; or Data based on age of housing, population growth lag, and poverty.

Entitlement: A city in a metropolitan area with a population of 50,000 or more, a principal city of a metropolitan area, or an urban county with a population of at least 200,000 (excluding the population of metropolitan cities located therein) that receives an annual allocation of CDBG funds directly from HUD under the CDBG Entitlement Program.

Family: All persons living in a household who are related by birth, marriage or adoption.

Grantee: Each entitlement community, or grantee, administers its local CDBG program in accordance with program requirements. Many communities use subrecipients to carry-out portions of their CDBG programs (see below).

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any groups of related or unrelated persons who share living arrangements.

HUD: As discussed previously, CDBG funds are provided to entitlement communities through the U.S. Department of Housing and Urban Development (HUD). HUD established the regulations and requirements for the program and has oversight responsibilities for the use of CDBG funds.

Chapter 1: Overview of the Program

Income: Grantees may select any of three definitions of income: (1) Annual income as defined under Section 8; (2) Annual income as reported under the Census long form; or (3) Adjusted gross income as defined by the IRS Form 1040.

Low and Moderate Income: Low and moderate income (also referred to in this manual as LMI) means family or household annual income less than the Section 8 Low Income Limit, generally 80 percent of the area median income, as established by HUD.

Below is a *sample* income chart indicating the Section 8 low income limits, as well as the 30% of median income and 50% of median income limits.

Area: Sample		FY 2008 Median Family Income: \$68,600						
ADJUSTED INCOME LIMITS (by household size)								
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8+Persons
30% Limits	\$14,400	\$16,450	\$18,500	\$20,600	\$22,250	\$23,850	\$25,500	\$27,150
Very Low Income	\$24,000	\$27,450	\$30,850	\$34,300	\$37,050	\$39,800	\$42,550	\$45,300
LMI Income	\$38,400	\$43,900	\$49,400	\$54,900	\$59,250	\$63,650	\$68,050	\$72,450

Low-Income Household/Family: A household/family having an income equal to or less than the Section 8 Very Low Income limit (50% of the area median income) as established by HUD.

Microenterprise: A business that has five or fewer employees, one or more of whom owns the enterprise.

Moderate-Income Household/Family: A household/family having an income equal to or less than the Section 8 Low Income limit (80% of area median income) established by HUD, but greater than the Section 8 Very Low Income limit (50% of area median income) established by HUD.

State and Small Cities Program: The State and Small Cities Program provides CDBG grants to state governments (except in the state of Hawaii where HUD directly administers the program). Under this Program, State agencies then provide CDBG assistance to non-entitlement communities within their jurisdiction. This training manual focuses primarily on the regulations implementing the Entitlement Program. Although many of the rules for the State and Small Cities Program are very similar to the rules for the Entitlement Program, readers representing states or small cities are encouraged to consult the applicable regulations at 24 CFR Part 570, Subpart I and the statute for additional guidance.

Subrecipient: An entity that assists the recipient to implement and administer its program. Subrecipients are generally nonprofit organizations that assist the recipient to undertake one or more activities on behalf of the grantee, such as administer a home rehabilitation loan pool or manage a job training program. More information on subrecipients is provided in Chapter 2 of this manual. Subrecipients are also referred to as subgrantees.

1.4 CDBG Implementation Process

This section summarizes the key steps involved in implementing a CDBG project.

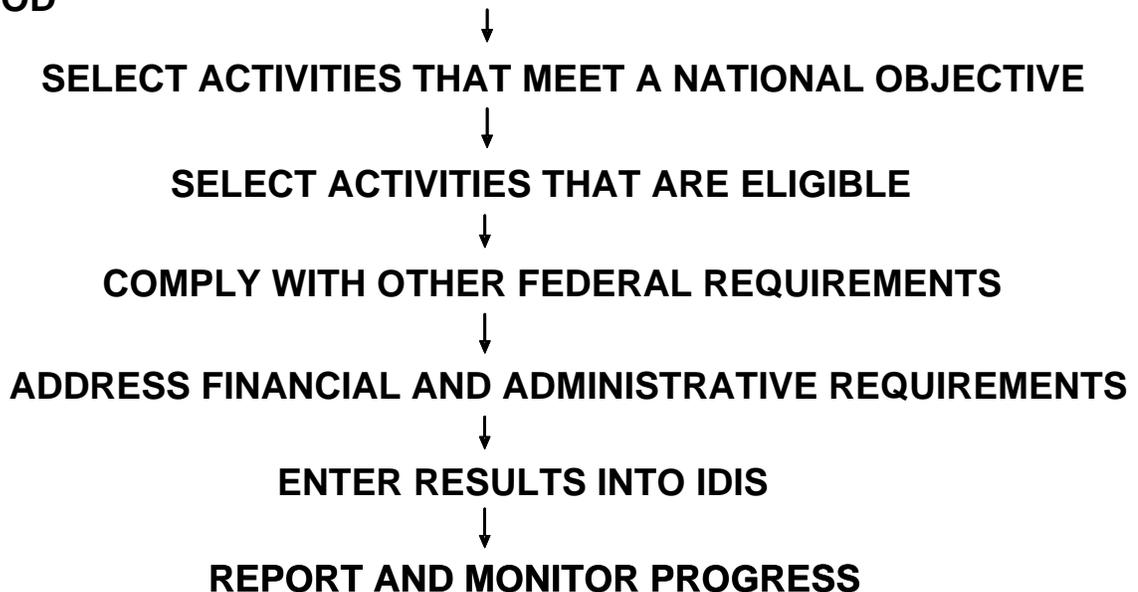
Key Topics in This Section: Flow and key steps in implementing a CDBG project

Regulatory/Statutory Citations: Not applicable

Other Reference Materials on This Topic: Not applicable

The flow chart below outlines the key steps involved in implementing a CDBG project. Note that the steps are not always undertaken in this particular order, but the chart is provided to remind grantees of the key elements in the process.

SUBMIT CONSOLIDATED PLAN & DETERMINE PROGRAM DELIVERY METHOD



The following chapters of this training manual highlight each of these key steps.

1.5 Introduction to Eligible Activities

This section describes the range of activities that are eligible under the CDBG Program.

Key Topics in This Section: Activities Related to Housing; Other Real Property Activities; Public Facilities; Activities Related to Public Services; Activities Related to Economic Development; Assistance to Community Based Development Organizations; Other Types of Activities; Planning and Administration; Eligible Activities and National Objectives

Regulatory/Statutory Citations: Section 105; 570.201, 570.202, 570.203, 570.204, 570.205 and 570.206

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 2

Chapter 1: Overview of the Program

CDBG offers grantees a high level of flexibility in choosing program activities. Grantees are free to select those activities that best meet the needs of their communities, in accordance with the national objectives and requirements of the CDBG Program.

Please refer to the CDBG regulations for a more complete description of each of these eligible activities and for an overview of how and when each eligible activity may be undertaken. The Guide to Eligible Activities and National Objectives is another good resource for determining the eligibility of activities.

The following is a representative overview of eligible CDBG activities. The activities have been loosely grouped in very general categories for the purposes of this manual. The categories of activities are described in more detail in the following chapters as noted.

Determining under which category of eligible activities an activity falls is very important for various reasons. The regulations and statutes place certain requirements and stipulations on certain categories and not others. For example, the regulations and statute cap the amount of CDBG funds that can be used for public service and program administration activities. Additionally, the category of eligibility may dictate the costs that are eligible, the national objective under which the activity falls, and the rules that are triggered.

1.5.1. Activities Related to Housing

There are many activities related to housing that are eligible under the CDBG Program. The list of eligible activities includes:

- Housing services in connection with Home Investment Partnerships (HOME) Program activities (570.201(k));

- Construction of housing assisted under Section 17 of the U.S. Housing Act of 1937 (570.201(m)) or construction of housing by eligible CBDOs (570.204(a)) or as last resort housing under 570.207(b)(3)(i);

- Homeownership assistance (such as downpayment assistance and interest subsidies) (570.201(n) or 570.201(e));

- Rehabilitation to buildings which are residential, low-income rental or homeowner housing (570.202). This also includes conversion of non-residential structures for residential use. The following types of rehabilitation activities may be undertaken:

 - Acquisition for rehabilitation and rehabilitation for residential purposes;

 - Labor, materials, etc. for rehabilitation of properties;

 - Loans for refinancing existing secured indebtedness;

 - Energy improvements;

 - Water efficiency improvements;

 - Connection to water and sewer lines;

 - Some homeowner warranty, hazard and flood insurance premiums;

 - Testing for and abatement of lead-based paint;

 - Costs of acquiring tools to be lent for rehabilitation;

 - Rehabilitation services;

Chapter 1: Overview of the Program

Assistance for the rehabilitation of housing under Section 17 of the United States Housing Act of 1937; and

Removal of material and architectural barriers that restrict accessibility.

Lead-based paint testing and abatement as a stand alone program or included as rehabilitation as noted above (570.202(f));

Activities that support new housing construction such as acquisition (570.201(a) and (b)), clearance (570.201(d)), site improvements (570.201(c)), and street improvements (570.201(c)).

Additional information about these types of activities may be found in Chapter 4: Housing Activities.

1.5.2. Other Real Property Activities

In addition to the housing-related activities outlined above, many other real property activities are eligible to be funded by CDBG such as:

Acquisition (570.201(a));

Disposition (570.201(b));

Clearance and demolition (570.201(d));

Rehabilitation of publicly- or privately-owned commercial or industrial buildings (570.202);

Code enforcement (570.202(c));

Historic preservation (570.202(d));

Renovation of closed buildings (570.202(e));

Interim assistance to arrest severe deterioration or alleviate emergency conditions (570.201(f))—Note: this activity may include some specific types of services, please refer to the regulations for more information;

Privately-owned utilities (570.201(l));

Completion of urban renewal projects (570.201(h))—Additional information about this activity may be found at 570.800.

Additional information about these types of activities may be found in Chapter 5: Other Real Property Improvements.

1.5.3. Public Facilities

CDBG funds may be used for the acquisition, construction, reconstruction, rehabilitation, or installation of public improvements or public facilities. (570.201(c))

“Public improvements” includes, but is not limited to, streets, sidewalks, water and sewer lines, and parks.

“Public facilities” includes, but is not limited to, neighborhood/community facilities and facilities for persons with special needs (e.g. homeless shelters, group homes, and halfway houses).

Chapter 1: Overview of the Program

Additional information is provided in Chapter 6.

1.5.4. Activities Related to Public Services

Public services are also generally eligible under the CDBG Program (570.201(e)). These public service activities may include, but are not limited to:

- Job training and employment services;
- Health care and substance abuse services;
- Child care;
- Crime prevention; and
- Fair Housing counseling.

Additional information about the various types of public services is provided in Chapter 7.

1.5.5. Activities Related to Economic Development

CDBG funds may also be used for activities related to economic development. The following are examples of eligible activities that can be funded by CDBG:

- Microenterprise assistance (570.201(o));
- Commercial Rehabilitation; and
- Special economic development activities (570.203).

Additional information about economic development activities may be found in Chapter 8.

1.5.6. Assistance to Community Based Development Organizations

CDBG recipients may also provide grants or loans to CBDOs to carry out the following types of projects (570.204):

- Neighborhood revitalization;
- Community economic development; and
- Energy conservation.

Additional information about CBDOs may be found in Chapter 2.

1.5.7. Other Types of Activities

Certain other types of activities are also eligible under CDBG, including:

- Payment of non-Federal share of grants in connection with CDBG-eligible activities (570.201(g));
- Relocation assistance (570.201(i));
- Loss of rental income (related to relocation) (570.201(j));
- Technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities (570.201(p)); and

Chapter 1: Overview of the Program

Assistance to institutions of higher education with the capacity to carry out other eligible activities (570.201(q)).

1.5.8. Planning and Administration

CDBG funds may be used for planning activities (570.205). Such activities might include:

Comprehensive plans;

Community development plans (including the Consolidated Plan);

Functional plans (for housing; land use and urban environmental design; economic development; open space and recreation; energy use and conservation; floodplain and wetlands management; transportation; utilities; historic preservation; etc.);

Other plans and studies (e.g., small area and neighborhood plans; capital improvements program plans; individual project plans; general environmental; urban environmental design; historic preservation studies; etc.); and

Policy planning, management, and capacity building activities.

Finally, within certain caps and constraints, grantees may use CDBG funds for program administration activities (570.206). Such activities may include:

General management, oversight and coordination;

Public information;

Fair Housing activities;

Indirect costs;

Submission of applications for Federal programs; and

Costs to pursue Section 17 of the United States Housing Act of 1937.

More details concerning planning and administration costs can be found Chapter 11.

1.6 Ineligible Activities

This section describes activities that are not eligible under the CDBG Program.

Key Topics in This Section: Ineligible Activities

Regulatory/Statutory Citations: 570.207

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 2

The general rule is that any activity not specifically authorized under the CDBG regulations and statute is ineligible to be assisted with CDBG funds.

In addition, the regulations stipulate that the following activities may **not** be assisted with CDBG funds:

Buildings for the general conduct of government are ineligible. However, the removal of architectural barriers from government buildings is eligible under the category of public facilities and improvements.

General government expenses are ineligible.

Chapter 1: Overview of the Program

Financing for political activities or to engage in other partisan political activities are ineligible. However, a facility assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, if the building is available to all community organizations on an equal basis.

The following activities may **not** be assisted with CDBG funds unless authorized as a special economic development activity or when carried out by a CBDO:

Purchase of equipment is generally ineligible.

Compensation for the use of construction equipment through leasing, depreciation, or use allowances is eligible.

Fire protection considered an integral part of public facilities is eligible. This includes fire engines and specialized tools such as “jaws of life” and life-saving equipment as well as protective clothing worn by fire fighters.

Purchase of personal property, including equipment, fixtures, motor vehicles, furnishings, or other personal property is generally ineligible.

Operating and maintenance expenses (of public facilities, improvements, and services) are ineligible.

Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program;

New housing construction except under certain conditions or when carried out by a CBDO.

Income payments made to an individual or family for items such as food, clothing, housing, or utilities are ineligible.

One time grants, emergency type grants, or loans for such purposes may be eligible under the category of Public Services.

1.7 CDBG Resources

The following resources are helpful to grantees and subrecipients administering CDBG activities:

Community Development Block Grant Program: Guide to National Objectives and Eligible Activities for Entitlement Communities (provided in the Appendix and available through HUD).

“A Guidebook for Grantees on Subrecipient Oversight: Managing CDBG.” (Revised March 2005) Available on HUD web site and via Community Connections.

Some of the resources listed above as well as other documents and information may be found at the following locations:

Community Connections (1-800-998-9999) <http://www.comcon.org>

HUD website <http://www.hud.gov>

CPD home page <http://www.hud.gov/cpd/cpdcomde.html>

CDBG home page

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/index.cfm>

Chapter 1: Overview of the Program

CDBG Search Engine

<http://www.hud.gov/offices/cpd/communitydevelopment/rulesandregs/search.cfm>

Labor Relations (labor standards <http://www.hud.gov/offices/olr/>)

Income Limits <http://www.huduser.org/datasets/il.html>

Office of Management and Budget (OMB) website <http://www.whitehouse.gov/omb/>

OMB Circulars on-line <http://www.whitehouse.gov/omb/circulars/index.html>

U.S. Bureau of the Census website <http://www.census.gov>

HUDclips (Regulations and Handbooks) <http://www.hudclips.org>

BOSMAC <http://www.hud.gov/offices/cpd/systems/idis/reporting/bosmac/index.cfm>

General Con Plan <http://www.hud.gov/offices/cpd/about/conplan/index.cfm>

CPMP tool: (consolidated plan mgmt process)

<http://www.hud.gov/offices/cpd/about/conplan/toolsandguidance/cpmp/index.cfm>

Relocation and Acquisition <http://www.hud.gov/offices/cpd/library/relocation/index.cfm>

Fair Housing <http://www.hud.gov/progdesc/fheoindx.cfm>

Healthy Homes and Lead Hazard Control <http://www.hud.gov/offices/lead/>

Grantees may wish to refer to the additional resources listed in the appendix of this manual.

Glossary of Common Acronyms & Abbreviations in the CDBG Program

ABA	Architectural Barriers Act of 1968
ADA	Americans With Disabilities Act
AFFH	Affirmatively Furthering Fair Housing
AI	Analysis of Impediments to Fair Housing
ARC	Appalachian Regional Commission
BNA	Block Numbering Area (now obsolete)
CAPER	Consolidated Annual Performance Evaluation Report (the annual Con Plan report)
CBDO	Community-based development organizations
Certs	Certifications
CDFI	Community Development Financial Institutions
CFR	Code of Federal Regulations (24 CFR is HUD regulations)
COG	Council of Governments
ConPlan	Consolidated Plan
CP	Citizen Participation
CPD	HUD Office of Community Planning & Development
CRSA	Community Revitalization Strategy Area
CT	Census Tract
E.D.	Economic Development
EZ/EC /RC	Empowerment Zones/Enterprise Communities/Renewal Communities
FHA	Federal Housing Administration –HUD Office of Housing
FmHA	Farmers Home Administration (sometimes also called FHA; both are obsolete), now the Rural Housing Administration in the Department of Agriculture
FHEO	HUD Office of Fair Housing and Equal Opportunity
FTE	Full-time equivalents of jobs
GoZone	Gulf Opportunity zone (hurricane recovery)
HCDA (or the Act)	Housing & Community Development Act of 1974, as amended
HoZo	Homeownership Opportunity Zone
IDIS	Integrated Disbursement & Information System
LBP	Lead-Based Paint
LDP	Limited Denial of Participation
LMI (or low/mod)	Low- and Moderate-Income person(s)

LMISD	Low and Moderate Income Summary Data (shows percent of low/mod persons by grantee, and by CT, BG)
MBE	Minority-owned Business Enterprise
MOD	Method of Distribution (part of the annual Action Plan for States)
NRSA	Neighborhood Revitalization Strategy Area
OGC	HUD Office of General Counsel
PDR	HUD Office of Policy Development & Research
P.I.	Program Income
PJ	Participating Jurisdiction (in the HOME program)
RLF	Revolving Loan Fund
Title VIII	Title VIII of the Civil Rights Act of 1968 (also known as the Fair Housing Act)
UGLG	Unit of General Local Government (“ug-lug”)
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
WBE	Woman-owned Business Enterprise
105	Section of the HCDA which contains the list of eligible activities in the CDBG program
109	Section of the HCDA prohibiting discrimination