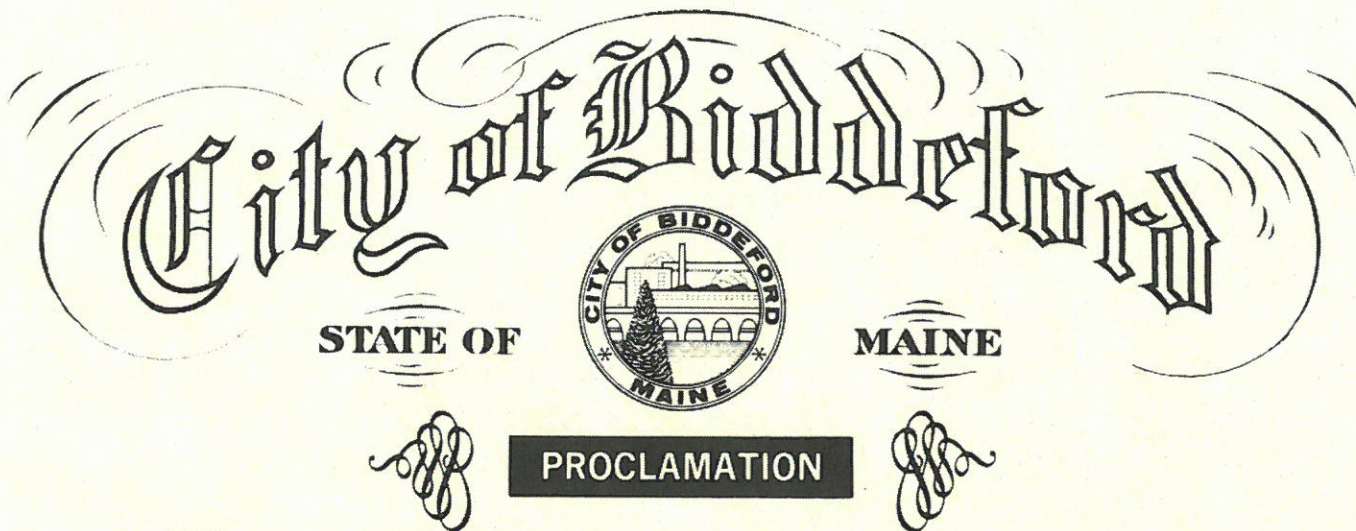


City of Biddeford
City Council
June 02, 2020 6:00 PM
Via ZOOM Virtual Meeting
Please use the link and password below to join the webinar:
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- 1. Roll Call**
- 2. Adjustment(s) to Agenda**
 - 2.a. Executive Session: 1 MRSA 405(6)(E)...Consultation with Legal Counsel
- 3. Proclamation:**
 - 3.a. Men's Health Month
[6-02-2020 Proc-Mens Health Month.pdf](#)
- 4. Consideration of Minutes:**
 - 4.a. May 19, 2020 Council Meeting Minutes
[5-19-2020 Council Meeting Minutes.docx](#)
- 5. Orders of the Day:**
 - 5.a. 2020.41) Amendment/Ch. 42, Sec. 42-101-Right Turn Only Streets/Add Lincoln Street at Elm Street
[6-02-2020 Right Turn Only Streets-Lincoln-Elm Streets.doc](#)
[Right Turn Only-Lincoln Street-Briefing.docx](#)
 - 5.b. 2020.42) Authorization/Purchase of Single Axle Plow Truck/Freightliner of Maine
[6-02-2020 Single Axle Plow Truck-ORDER.docx](#)
[6-02-2020 Single Axle Plow Truck-BRIEFING.docx](#)
[6-02-2020 Single Axle Plow Truck-BIDS.doc](#)
[6-02-2020 Single Axle Plow Truck-Newspaper Ad.docx](#)
 - 5.c. 2020.43) Approval/Set Date for Expired Registrations, per Governor's Executive Order
[6-02-2020 Excise Tax Due - ORDER.doc](#)
[6-02-2020 Excise Tax Due-Briefing Memo.docx](#)
[6-02-2020 Executive Order-Excise Tax Due Date.pdf](#)

- 5.d. 2020.44) Emergency Ordinance: Establishment of Outside Seating and Alcohol Service for Local Restaurants
[6-02-2020 Temp Outdoor Restaurant Operation.docx](#)
[6-02-2020 Temp Outdoor Restaurant Operation-Briefing.docx](#)
- 5.e. 2020.35) Remove from Table: Approval/CDBG Program Amendment to Year 2019 Action Plan
[5-19-2020 CDBG 2019 Year Action Plan Substantial Amendment-ORDER.doc](#)
[6-02-2020 CDBG Orders - Updated Briefing.docx](#)
- 5.f. 2020.36) Remove from Table: Approval/CDBG Program Year 2020 Action Plan
[5-19-2020 CDBG Year 3 Action Plan \(2020\)-ORDER.doc](#)
[6-02-2020 CDBG Orders - Updated Briefing.docx](#)
- 5.g. 2020.37) Remove from Table: Approval/CDBG Program Amendment to Consolidated Plan
[5-19-2020 CDBG Consolidated Plan Amendment-ORDER.doc](#)
[6-02-2020 CDBG Orders - Updated Briefing.docx](#)
- 5.h. 2020.38) Remove from Table: Approval/CDBG Program Amendment to Citizen Participation Plan
[5-19-2020 CDBG Citizen Participation Plan-ORDER.doc](#)
[6-02-2020 CDBG Orders - Updated Briefing.docx](#)
- 5.i. 2020.45) Approval/Maine Housing Contract Funding
[6-02-2020 Maine Housing Contract-ORDER.doc](#)
[6-02-2020 Maine Housing Contract-Briefing-Backup Docs.pdf](#)
- 6. Appointments:**
 - 6.a. David Flood....Zoning Board of Appeals
[6-02-2020 Appt-Flood-ZBA.docx](#)
[6-02-2020 Comm App-Flood-ZBA.pdf](#)
- 7. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 8. City Manager Report**
- 9. Other Business**
- 10. Council President Addressing the Council**
- 11. Mayor Addressing the Council**
- Executive Session:**
 - 1 MRSA 405(6)(E)...Consultation with Legal Counsel
- 12. Adjourn**



Whereas Despite advances in medical technology and research, men continue to live an average of five years less than women, with Native American and African-American men having the lowest life expectancy; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, men who are educated about the value that preventative health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings; and

WHEREAS, fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and

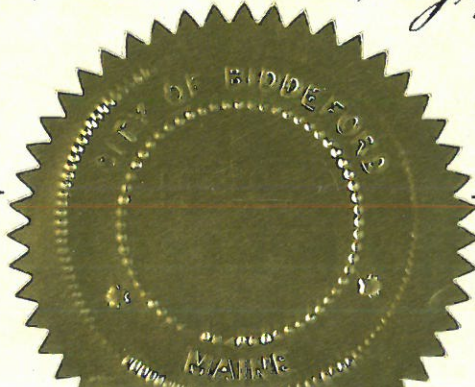
WHEREAS, Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, the Men's Health Month website has been established at www.Menshealthmonth.org and features resources, proclamations and information about awareness events and activities, including Wear Blue for Men's Health; and

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim June as **Men's Health Month** in Biddeford, and encourage all our citizens to pursue preventative health practices and early detection efforts.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 2nd day of June 2020*

Carmen Mow
City Clerk



Mayor

**COUNCIL MEETING
MAY 19, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

There were no adjustments to the agenda.

Proclamation: Emergency Medical Services Week – May 17-23, 2020

Mayor Casavant read the Proclamation. He commended the Biddeford EMS Staff for their efforts.

Public Hearing: FY21 School Department Budget

Mayor Casavant opened the Public Hearing at 6:03 p.m.

School Committee Member, Nathan Bean urged the Council to support and approve the proposed FY21 School Department Budget.

Mayor Casavant closed the Public Hearing at 6:07 p.m.

Consideration of Minutes: **May 5, 2020; May 12, 2020**

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of May 5, 2020 as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of May 12, 2020 as printed.

Vote: Unanimous.

Second Readings: FY21 SCHOOL DEPARTMENT BUDGET

Essential Programs & Services Funding Act:

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the order by adding \$115,000 to the Essential Programs and Services Funding Act; for new totals of \$31,124,399 and \$19,247,475. The breakdown of additional funds is as follows:

Other Instruction - \$40,000

Facilities Maintenance - \$75,000

Vote on amendment: 5/4; Councilors St. Cyr, Belanger, Lessard and Emhiser opposed.

Councilors McCurry, Quattrone, Clearwater, Ready and Ortiz in favor.

Motion carries.

Motion by Councilor St. Cyr, seconded by Councilor Quattrone to amend the order by reducing the Essential Programs and Services Funding Act by \$83,172; for new totals of \$31,041,227 and \$19,164,303.

Vote on amendment: 4/5; Councilors St. Cyr, Lessard, Quattrone and Emhiser in favor.

Councilors McCurry, Clearwater, Belanger, Ready and Ortiz opposed.

Motion fails.

Vote on second reading of the order, as amended: 6/3; Councilors St. Cyr, Lessard and Emhiser opposed.

Councilors McCurry, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

School Construction Projects – Local Share:

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.

Vote: Unanimous

Additional Local Funds – for School Purposes:

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order, with a new total of \$1,174,374.

Vote: 6/3; Councilors St. Cyr, Lessard and Quattrone opposed.

Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

School Appropriations:

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order, for a new total of \$39,201,160.

Vote: 6/3; Councilors St. Cyr, Lessard and Emhiser opposed.

Councilors McCurry, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

Adult Education:

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order.

Vote: 8/1; Councilor St. Cyr opposed.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor. Motion carries.

Food Service:

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order.

Vote: Unanimous.

School Department Estimated Revenues:

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order.

Vote: 7/2; Councilors St. Cyr and Lessard opposed.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

Orders of the Day:

2020.32

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve awarding the Pavement Marking Project to Poirier Guidelines in an amount not to exceed \$47,342.79. This project is budgeted for in Account 21162-60462.

NOTE: This item will be considered at the May 19, 2020 Finance Committee meeting.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.33

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the replacement of two (2) Return Activated Sludge (RAS) Pumps at the Water Street Wastewater Treatment Plant; with the purchase of the RAS Pumps from Wescor Associates, Inc. of Wrentham, MA in an amount not to exceed \$53,160.00. Funds for this project will come from Account 35102-60602.

NOTE: This item will be considered at the May 19, 2020 Finance Committee meeting.

Motion by Councilor McCurry, seconded by Councilor Ready to grant the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.34

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Lining of the Granite Box Culvert Project on St. Mary's Street. This is a two-part project, with the 3-D scan to be done by The Ted Berry Company in an amount not to exceed \$35,200.00; and the lining of the box culvert to be done by DLVEWS, Inc. in an amount not to exceed \$455,200.00. Funding for this project will come from the CSO Fund.

NOTE: The Finance Committee will consider this item at their May 19, 2020 meeting.

Motion by Councilor McCurry, seconded by Councilor Ready to grant the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.35

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the COVID-19 Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.36

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.37

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Consolidated Plan for changes related to the COVID-19 virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)

2020.38

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Citizen Participation Plan for changes related to COVID-19 virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)

Standing COVID-19 Operational Updates/Modifications:

2020.39

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby **repeal** the Emergency Order measures that were put into place on March 31, 2020, in response to COVID-19:

- (1) Provide the orange PAYT bags free of charge to residents
- (2) Waive all fees for disposal at the Recycling Center

Effective June 1, 2020, residents will, once again, need to purchase the orange PAYT bags from local suppliers; and effective June 1, 2020 all items will be accepted and fees for disposal of items at the Recycling Center will go into effect, per the City's ordinance, *Ch. 58, Sec. 58-64. Large item and recycling programs.*

Motion by Councilor Clearwater, seconded by Councilor McCurry to grant the order.
Vote: Unanimous. (Councilor Lessard was excused)

2020.40 IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, by the City Council of the City of Biddeford that the City Treasurer be authorized to waive parking lot permit fees for the month of June 2020 for anyone who currently has an active parking lot permit.

Motion by Councilor Clearwater, seconded by Councilor McCurry to grant the order.
Vote: 5/3; Councilors McCurry, Ready and St. Cyr opposed.
Councilors Emhiser, Quattrone, Clearwater, Belanger and Ortiz in favor.
(Councilor Lessard was excused).
Motion carries.

Park Facilities, Parking Attendants and Lifeguards

The Council was provided with Staff's written opinion supporting that lifeguards and parking attendants need to be hired and deployed for the upcoming summer season. The general consensus of the Council was in agreement.

City Manager, James Bennett gave the following update:

- (1) Staff is in full-blown reopening phase. He noted that the current Executive Order required expired registrations to be completed by June 10th. The concern is that it would only leave us two to three weeks to collect over half a million dollars' worth of excise tax, plus all other transactions that have been put off thus far. The plan is to open to the public starting on Tuesday, May 26th from 8am to 3pm and the idea is that during the first week of being reopen, only those transactions that cannot be done online would be processed. Staff understands that there will be lines upon reopening and have taken steps to modify operations. The public is encouraged to wear masks inside the building. Other than the Clerk's and Codes Offices, all other City Hall Offices will operate by appointment only to the public. The back entrance into City Hall will be an employee only entrance and not open to the public. There will also be a barrier in the Clerk's Office to prevent the public from accessing the rest of City Hall. He stressed that folks should do any transactions online that can be done online; and that lines should be expected. Staff will be putting together an information video to relay this information which will be released within the next couple of days.
- (2) Deputy Fire Chief Duross will be conducting a mandatory employee training on staying safe during this time – and mandatory screening will be done for all employees entering City Hall starting on June 1st.
- (3) The Department of Public Works and the Wastewater Treatment Plan are all back to normal 40/hour week operations. Recycling Center is back to full operations and will be open on Saturdays. All disposal fees will be back in effect as of June 1st.
- (4) Staff has been working through being able to allow restaurants to use some public space in an effort to assist them to maintain business and allow public seating in an outside space.

Councilor Ready suggested doing a mailing to all citizens to explain the City Hall reopening plan and inform the people of all the transactions that can be done online.

Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit):
Public Works Director, Jeff Demers took this opportunity to thank the citizens, the Council and the City Manager for their support and understanding as DPW modifies its operations through these unprecedented times.

One citizen addressed her concern to the Council.

Council President Addressing the Council: Councilor McCurry thanked everyone for their consideration of the FY21 School Department Budget. He understands the struggle with the consideration, whether the budget was supported as presented or not.

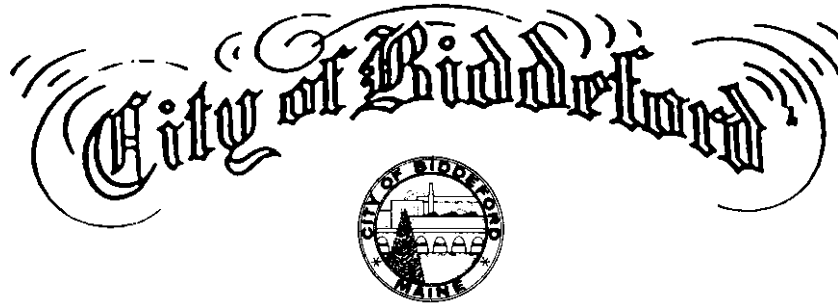
Mayor Addressing the Council: Mayor Casavant congratulated Public Works Director Jeff Demers and all the Public Works Crew for all they have done to get the Recycling Center reopen and operating in a professional and organized matter.
He also commended all City Staff for all they have done to maintain services during this time, and he extended his sincere appreciation.

Motion by Councilor McCurry, seconded by Councilor Belanger to adjourn.

Vote: Unanimous.

Time: 8:01 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2020.41

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, by adding new **Section 42-101 – Right Turn Only Streets**, to read as follows:

When so directed by a traffic control device, traffic movement is restricted to right turns ONLY. The following intersecting streets are so designated:

Lincoln Street at Elm Street

NOTE: This item was considered and recommended for passage by the Policy Committee at their May 21, 2020 meeting.



Policy Committee

Meeting Date: June 2, 2020

Meeting Time: 6:00 p.m.

Agenda Item No: 2020.41

Item Description: Ch. 42, Sec. 42-101, Right Turn Only Streets

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

Left-hand turns from Lincoln Street onto Elm Street was prohibited under 42-102 No left-hand turn streets until its repeal on February 2, 2016 (ord. 2016.13)

Key Terms:

Traffic Control Device: Means a sign, a signal, a marking or a device placed or erected by a Public body or official to regulate, warn or guide traffic.

Executive Summary:

Under the Traffic Management Plan (TMP) associated with the Pearl Street project, a traffic median will be constructed on Lincoln Street on the approach with the intersecting Elm Street. Under this Plan, traffic is not be permitted to either turn left onto Elm Street, or go straight across Elm Street to enter the car wash but rather, it is intended to restrict traffic to right turn only movements. Although existing City Ordinance language under Chapter 42, section 42-102 prohibits left turns, the existing language does not prohibit traffic from crossing Elm Street. Therefore, it is necessary to enact language that restricts traffic movement to right turns only.

Detailed Review:

Adequately defined in Executive Summary

Funding Source:

Project budget

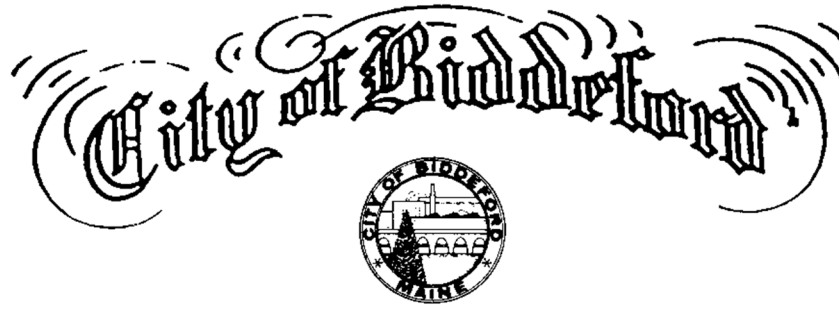
Staff Recommendation:

Change to City of Biddeford Code of Ordinances Chapter 42, as follows:

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding new section 42-101 **Right Turn Only Streets** to read as follows:

When so directed by a traffic control device, traffic movement is restricted to right turns ONLY. The following intersecting streets are so designated:

Lincoln Street at Elm Street



2020.42

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2020 Freightliner plow truck as per quote of May 22, 2020 (the "Equipment") from Freightliner of Maine (the "Vendor") and may pay the Vendor an amount not to exceed \$169,708.00 (before grant valued at \$67,883.20) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$169,708.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$169,708.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on June 2, 2020 and vote to recommend it to the City Council for approval. The purchase of this plow truck is included in the FY20 CIP budget line 21204-60603 as a lease



[City Council]

Meeting Date: [June 2, 2020]

Meeting Time: [6:00 PM]

Agenda Item No: 2020.42

Item Description: Single Axle Plow Truck

Submitted by: [Carl Marcotte Assistant Director]

Supporting Information/Documentation:

Bid Tabulation

Executive Summary:

Approval to purchase a plow truck. We opened the bids to purchase a new plow truck on May 22, 2020 at Public Works and recommending the low bid from Freightliner of Maine in the amount of \$169,708.00, this truck was approved in the FY/20 CIP line 21204-60603 as a lease.

Detailed Review:

We advertised a bid to purchase a single axle plow truck and received 5 bids to replace a 2005 GMC Top kick with 8,200 hours (80,000 miles) the frame is getting bad and parts are very hard to find. We received a VW Grant for 40% of the cost and part of that grant states that we need to cut the frame and put a hole in the engine then sell it to a salvage yard, therefore there is no trade.

Funding Source:

\$101,824.80 from FY/20 CIP line item 21204-60603 (60%)

\$67,883.20 from a VW Grant (40%)

Staff Recommendation:

Staff is recommending the low bid from Freightliner of Maine in the amount of \$169,708.00.

City share \$101,824.80

Grant \$67,883.20

Bid Opening for a Single Axle Plow Truck

<u>Present:</u>	Carl Marcotte – Public Works	Travis Baker – HP Fairfield
	Kara Cote – Public Works	Rob Cyr – Whited Peterbilt
	Michael Bean - Freightliner	Richard Morrison – Portland North
	Eric Benziger – O'Connor	

Bids were opened at the Public Works Department on May 22, 2020. Staff is recommending the low bid from Freightliner of Maine in the amount of \$169,708.00. This truck was funded in the FY CIP 21204-60603 as a lease. We received a grant that will pay for 40% of this purchase (\$67,883.20)

<u>Freightliner</u>	108SD Freightliner	\$169,708.00
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<u>O'Connor</u>	Western Star 4700SF	\$180,904.00
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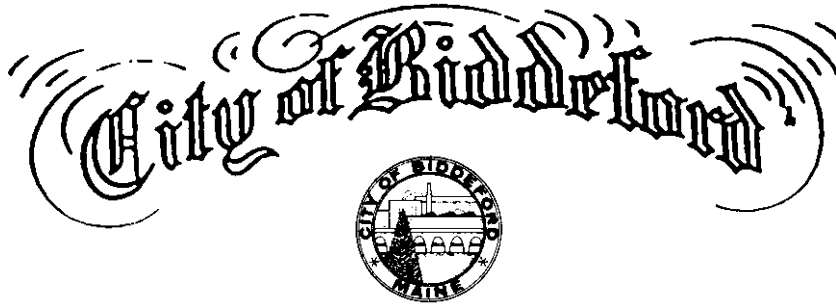
<u>Portland North</u>	International HV507	\$174,447.00
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<u>Whited Peterbilt</u>	Peterbilt	\$184,315.00
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<u>Daigle & Houghton</u>	Western Star	\$181,840.00
	International	\$174,196.00

NOTICE TO THE PUBLIC

The City Of Biddeford is accepting bids to purchase a Single Axle plow truck , specifications may be obtained at the Biddeford Public Works Department, 371 Hill Street, Biddeford Maine and received at the Public Works Dept. no later than 11:00 AM May 22, 2020 . Any questions regarding this bid please call 282-1579.



2020.43

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager cause to provide notice to the citizens of Biddeford that a vehicle required to be registered in Maine after purchase or transfer of ownership or for which registration expires or has expired must be registered no later than close of business on June 30, 2020. Such notice shall be in accordance with the Governor's Executive Order 53-A FY19/20 issued May 26, 2020.



City Council

Meeting Date: June 2, 2020

Meeting Time: 6:00 PM

Agenda Item No: 5.c./2020.43

Item Description: Approval/Set Date for Expired Registrations, per Governor's Executive Order

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Order 2020.43

Executive Order #53-A FY19/20

Key Terms:

Vehicle – includes without limitation a motor vehicle, all-terrain vehicle, watercraft, snowmobile and trailer.

Vehicle Excise Tax – a state tax collected upon registration or reregistration of a vehicle when an excise tax is due in accordance with 29-A M.R.S. §409 and 36 M.R.S. §1482 and §1484.

Executive Summary:

The Governor amended Executive Order (EO) #53 to allow municipalities the opportunity to set the due date for expiring/expired registrations. The original EO established the due date of June 12, 2020. By default, within the amended EO if a municipality takes no action, registrations will be due within 30 days after termination of the state of civil emergency. This could be well into FY21. Given that the fiscal year ends on June 30 and it would require significant administrative tracking to identify and report expired registrations due in FY20 and collected in FY21 for audit purposes, it is recommended that the City specify an expired/expiring registration due date of June 30. This will (1) allow citizens more time to register than was originally contemplated and (2) to reduce the administrative burden of tracking expired registrations from FY20 collected in FY21 for accounting purposes.

Detailed Review:

The Governor issued Executive Order (EO) #53 on May 12, 2020. Within the EO, notice was given that vehicle registrations for expired or expiring registrations are due no later than 30-days from the effective date of the EO, that date being June 12, 2020.

Upon further review, the Governor amended section I.A. of EO#53 on May 26, 2020 under EO#53-A. The amended EO now specifies that vehicle registrations are due no later than 30-days after the termination of the state of civil emergency due to the COVID virus, OR, a deadline established by the municipal officers, whichever is sooner.

The amended EO rescinds the June 12, 2020 due date. By default, if the City takes no action the due date for expired registrations would be 30 days after termination of the state of civil emergency. Due to the significant administrative paperwork required to track registrations ordinarily collected with the current fiscal year but carried over until 30-days after the state of civil emergency is lifted, it is recommended that a registration due date be established by the City. The date recommended is June 30 to coincide with the fiscal year. This provides citizens with more time to register than was originally identified by the state and reduces the administrative burden of tracking expired registrations carried over to FY21 for FY20 revenue assignment.

The amended EO specifies that notice must be provided to the community. The notice must include the “start date” for registration processing, include the methods available for registration, and identification of a due date.

Funding Source:

N/A

Staff Recommendation:



Office of
The Governor

No. 53-A FY 19/20
DATE May 26, 2020

AN ORDER AMENDING EXECUTIVE ORDER 53 FY 19/20

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020 and May 13, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, on May 12, 2020 I issued Executive Order 53 FY 19/20 (corrected) (hereafter Executive Order 53) that, for the reasons and upon the authorities stated therein, adjusted certain matters relating to municipalities and the Office of Secretary of State; and

WHEREAS, it is now desirable to amend that Order in order to make it more effective and efficient;

NOW THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the authorities cited in Executive Order 53, do hereby Order as follows:

I. ORDER

Section I (A) Executive Order 53 is repealed and replaced with the following:

A. Vehicle Registration. A vehicle required to be registered in this State after purchase or transfer of ownership or for which a registration expires or has expired must be registered within a deadline established by the municipal officers of the municipality in which the vehicle owner resides, or no later than 30 days after the termination of the state of civil emergency due to the COVID virus, whichever is sooner, provided:

1. The municipality in which vehicle excise tax must be paid in accordance with 29-A M.R.S. §409 and 36 M.R.S. §1482 and §1484 is accepting such payments online, by mail, by telephone, or in the municipal office during this state of emergency, and the municipality is also able to complete vehicle registrations; and

2. The municipal officers of the municipality have given reasonable notice to the public of the start date of the municipality's ability to collect tax and process registrations, the methods by which tax collection and registrations may be processed, and the deadline for compliance by vehicle owners.

For purposes of this section "vehicle" includes without limitation a motor vehicle, all-terrain vehicle, watercraft, snowmobile and trailer, and "registration" includes temporary registrations.

Municipalities and the Bureau of Motor Vehicles shall further encourage and publicize the use of Rapid Renewal online registration renewal.

To effectuate this section, pertinent provisions of law that provide to the contrary, including but not limited to PL 2019, Ch. 617, Pt. F, 29-A M.R.S. Ch. 5 and Executive Order 18 FY 19/20 §§G and H, are suspended as applied to this section. This section shall take effect on May 26, 2020.

II. OTHER PROVISIONS OF EXECUTIVE ORDER 53

All other provisions of Executive Order 53 remain in effect.

III. EFFECTIVE DATE

The effective date of this Order is May 26, 2020.



Janet T. Mills
Governor

Emergency Ordinance: Permission to Utilize Public Space for Outdoor Retail and Restaurant Activity in the City of Biddeford.

Whereas, on Sunday, March 15, 2020, Governor Mills signed a [Proclamation of State of Civil Emergency](#) addressing the issues of the COVID-19 pandemic; and

Whereas, the Governor issued an additional proclamation that closed all restaurants and bars statewide, closed to dine-in customers effective March 18, 2020 at 6:00 p.m. and as of May 27, 2020, extended that indefinitely in York county; and

Whereas, with the gradual re-opening of the state of Maine, the Governor's office also promulgated rules governing the operation of restaurants and retail operations that will, when reopened, restrict the ability of Biddeford businesses to successfully deliver their product within existing confines; and,

Whereas, the City of Biddeford would like to assist area businesses in easing the use of public spaces adjacent to their operations, including sidewalks, parking spaces, streets or parks, to better serve the public during this pandemic;

Therefore, in accordance with Chapter 6, Article IV, of the City Code of Ordinances, the City of Biddeford declares the following emergency ordinance:

1. The city will use the special permit authority under Article IV, Special Events, to declare that public space, including sidewalks, parking spaces, streets or parks adjacent or nearby the operation of private retail and restaurant businesses may be made available for outside operations;
2. Permission may be granted in accordance with Section 6-143 and 6-144 through the existing special permit authority, except that for applications associated with this emergency ordinance a separate *Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application* shall be available; and,
3. This ordinance will be in place from June 5, 2020 at 5:00 pm until 9:00pm Monday, October 12th, 2020 or upon rescission or other relevant modification of Governor's Rural Reopening Plan, whichever comes first.

Note: The temporary special event permit application template is provided as Attachment 1;

CURBSIDE BIDDEFORD TEMPORARY OUTDOOR RESTAURANT AND RETAIL OPERATION PERMIT APPLICATION

1: INTRODUCTION

In accordance with Governor Janet Mills' Rural Reopening Plan of , 2020, all restaurants and retail operations that provide temporary outdoor areas must adhere to strict mitigation standards intended to prevent the spread of COVID-19. The City of Biddeford is making a temporary special event permit available to both restaurants and to retail operations that are located within the City. All temporary special event permits issued shall begin at 6:00am on June 5 , and shall expire at 9:00pm on Monday, October 12th, 2020 or upon rescission or other relevant modification of Governor's Reopening Plan, whichever comes first.

2: REQUIREMENTS

☐ The area occupied shall be that portion of abutting public property which least infringes on public use, passage, and traffic as determined by, and at the complete discretion of, the City of Biddeford.

☐ If an establishment already has its own adjacent side and/or rear areas, it is strongly encouraged to fully utilize them by placing its outside areas within those locations, and minimize any use of public ways or parking spaces.

☐ The City of Biddeford may place traffic barriers as determined by the City on a case by case basis along affected public streets for increased safety. Costs for such barriers will be at the expense of the requesting establishment.

☐ A retail operation may not use more than one parking space for its outdoor area.

☐ A restaurant may not use more than four parking spaces for its outdoor area, and may only expand in public space beyond their footprint with the permission of the adjacent business(es). When adjacent businesses are both utilizing public space, coordination or sharing of entry/exits is encouraged.

☐ A restaurant or retail operation's outdoor area must use non-permanent structures which must be set up, broken down and stored each day.

☐ Consumer-grade extension cords cannot be used to deliver electricity to an outside area; establishments wishing to extend electricity to an outside area must consult with a qualified

electrician. The use of plugs (for winter lighting) in public street lighting is prohibited (they are not designed for high loads).

☐ A permit, if granted, will only be valid during the hours of 6:00am to 9:00pm each day, Sunday through Saturday, beginning at 6:00am June 5, 2020, and shall expire at 9:00pm on Monday, October 12th, 2020.

☐ All temporary outdoor areas shall be under the responsible direction and control of the restaurant or retail operation as identified in this application.

☐ All temporary outdoor areas must be as continuous as possible by locating the outdoor area in a single portion of an establishment's frontage; it may be located adjacent to the building or near the curb. Special arrangements, on a case by case basis, may be made for those using nearby, but not adjacent public space.

☐ Temporary outdoor areas that encroach into a public walkway must maintain at a safe path at all times of at least (4') feet in width, to allow for unimpeded, unobstructed pedestrian traffic.

☐ Building entrances, accessible parking spaces, firetruck access, dumpster access, and any furniture or fixtures related to outdoor areas must remain completely unobstructed. Access to street planters must be considered and provided for.

☐ The use of physical barriers (i.e., fences, barricades, etc., not to be confused with street barricades) to visually distinguish the boundary of the outdoor area is required.

☐ All improvements (i.e., furniture, fixtures) used in the outdoor area must be temporary in nature and there shall be no penetration of public walkway or street surfaces.

☐ The establishment must comply with all applicable city, state, and federal laws and regulations, including the Americans with Disability Act and the **Maine Bureau of Alcoholic Beverages & Lottery Operations** (sale of alcohol).

☐ The establishment is responsible for any damage to public property during the period of its use. The city may make repairs itself and bill the establishment accordingly.

3: INSURANCE AND LIABILITY (PLEASE CONSULT WITH YOUR INSURANCE CARRIER REGARDING THE FOLLOWING ITEMS)

☐ The establishment understands and expressly assumes all the risk of operating and conducting business under this permit.

☐ As a condition of being granted this permit, during the term of this permit, the permittee shall defend, indemnify, save and hold the City of Biddeford, and its inhabitants, officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, costs, expenses, judgments, fines or demands arising by reason of injury to or death of, or asserted by, any person or persons, including the permittee's agents, clients, invitees or

employees, or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this permit and/or the use, occupancy, conduct, or management of the demised premises or the acts or omissions of the permittee's officers, clients, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent such injury, death, or damage is caused by the negligent acts or omissions of the City, its agents, employees, clients or invitees. The permittee shall give to the City reasonable notice of any such claim or actions. The permittee shall also use counsel reasonably acceptable to the City in carrying out its obligations under this article.

The permittee further expressly agrees that it will defend, indemnify, save and hold the City of Biddeford harmless from any and all claims made or asserted by the permittee's agents, servants or employees arising out of the permittee's activities under this permit. For this purpose, the permittee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted against the City by the permittee's agents or employees. For this purpose, the permittee further expressly waives any charitable immunity it may have under applicable law as to any and all claims of any person made or asserted against the City arising out of the permittee's use and occupancy of the demised premises or other activity of the permittee under this Permit.

The indemnification provided under this section shall extend to and include any and all costs incurred by the City to answer, investigate, defend and settle all such claims, including but not limited to the City's costs for attorneys' fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the permittee's agents, invitees, licensees, clients, servants or employees against the City in regard to claims made or asserted by such persons.

In exercising the rights granted under this permit, the permittee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself or purport to act as an agent, contractor, co-partner, joint venture or employee of the City.

☐ The permittee, during the entire term of this permit shall maintain, at its sole expense, insurance in the type and amount shown below (insert sample insurance agreement) with companies authorized to do business in the State of Maine for the protection of the City of Biddeford against any and all liability, including wrongful death, against all claims, losses, costs or expenses arising out of injuries to persons whether or not employed by the permittee or damage to property whether resulting from acts, omissions, negligence or otherwise of the permittee, its directors, officers, clients, employees and agents and arising from the permittee's use of the demised premises or any part or portion thereof: 1) commercial general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate; and 2) workers compensation and employers liability insurance with a minimum limit of \$500,000 per occurrence.

The permittee shall cause to be furnished to the City, at the time of execution of this permit, evidence in the form of certificates of insurance of the existence in force of the insurance

required hereunder. Said certificates shall name the City as an additional insured and loss payee. The permittee shall cause to be furnished to the City replacement certificates of insurance whenever the insurance policies are renewed. The City shall be notified prior to any changes or discontinuances of coverage.

The City agrees to promptly notify the permittee in writing of the existence or filing of any claim, demand or action arising out of an occurrence covered hereunder of which the City has knowledge, and to cooperate with the permittee in the investigation and defense thereof.

The minimum insurance coverage required under this article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the City's maximum liability beyond such minimums for personal injury, wrongful death or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the amounts required herein or no less than the City's maximum liability for such claims under the Maine Tort Claims Act, whichever is greater.

4: ENFORCEMENT

☐ The rights and duties granted herein shall be under the supervision and control of the City of Biddeford's Code Enforcement Officer and the City of Biddeford's Chief of Police. In the event of a breach of this permit by permittee, the City may, for the first breach, issue a verbal warning to Permittee; in the event of a second breach, terminate this Permit.

Notwithstanding these provisions regarding penalties for breaches or any other provision of this permit, in the event that the City, in its sole discretion, determines that further use of the premises under this permit is not in the best interests of the City, the rights granted herein may be suspended or terminated upon 24 hours written notice to the permittee.

☐ At the end of the term of this permit, or if this permit is suspended or terminated, all fencing, tables, seating, or equipment must be removed from any City of Biddeford public walkway or public area. The City may move or remove any of said items if they are not removed before the end of the term of this permit or before the 24-hour notice period expires. For such removal, the City may bill the establishment accordingly.

5: APPLICATION (ALL RESPONSES ARE REQUIRED):

Legal Name:

DBA Name: _____

Physical Address: _____ Biddeford, ME
04005

Mailing

Address: _____
Street/PO Box City State Zip

Phone: _____ Fax: _____ Email
address: _____

Name, address, telephone number of Property Owner (if property is rented or leased, need a copy
of rental agreement / lease):

Which hours do you plan to have these additional areas open (no earlier than 6:00am, and no
later than 9:00pm)? _____

For extension of License on Premise

Licennse # (if requesting extension of liquor license): _____ Expiration
Date: _____

Start Date: _____ End Date:

Reason for Request:

—

—

On the following page, sketch out your plan for your outdoor area. In your sketch you must include and clearly indicate the relative locations of the following components:

- ☐ Existing dimensions/boundaries of your business;
- ☐ Parking spaces, public walkways, and/or adjacent areas that you are looking to utilize; Please indicate contiguous and non-contiguous space you plan to use.
- ☐ Path(s) through your area(s) that will allow for pedestrian traffic;
- ☐ Arrangement of tables and other structures which have proper spacing;
- ☐ Barriers to be used;
- ☐ Awnings, umbrellas, and/or other rain- and sun-shielding devices to be used (optional)
- ☐ Lights or lighting systems to be used; and
- ☐ Reflectors to be used.

For extension of license on premise:

- ☐ There must be stanchion or fence completely enclosing the area, with signs for exit/entry. Openings shall be no less than 4 feet. Signs must be posted, stating “no alcohol beyond this point”
- ☐ There must be sufficient employees at the extension of premise, which would be able to control and monitor the area
- ☐ Please indicate the contiguous and non-contiguous areas you plan to use (you may be permitted to use both).. See the section of Maine’s liquor laws that govern these areas at <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec1051.html>. See section 3 and 9.

Signature of Owner/Corporate Officer

Printed Name of Owner/Corporate Officer

EXTENSION AREA PREMISE DIAGRAMS

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division of liquor consumptions.

6: SUBMISSION OF YOUR COMPLETED APPLICATION

When completed, please submit your application via regular mail or via e-mail to:

Roby Fecteau

Codes Enforcement Officer

2 Main Street

Biddeford, Maine

Fecteau, Roby <roby.fecteau@biddefordmaine.org>

Attachment 2--Summary of Business Survey:



Biddeford City Council

Meeting Date: June 2, 2020

Meeting Time: 6:00

Agenda Item No: **2020.44**

Item Description: **Emergency Ordinance: Establishment of Outside Seating and Alcohol Service for Local Restaurants**

Submitted by: Mathew Eddy

Supporting Information/Documentation:

Emergency Ordinance Proclamation v.4

Attachment 1: Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application

Attachment 2: Summary of Business Survey

Key Terms:

Chapter CHA-City Charter; Article III city Council; Section 8 procedure

Code of Ordinances, **Sections 6-143 and 6-144**

Executive Summary:

City staff propose an emergency ordinance permitting businesses to use outside public space in re-opening their business. The ordinance utilizes Chapter 6 of the Biddeford Code of Ordinances to permit the use of public space, including sidewalks, parking spaces, and parks for outdoor vending and restaurant space. The permit follows the same process for approval as special amusement permits, but with an application permit specific to this emergency ordinance (Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application). The permit would grant the use of that space for 6 months, through October 12, 2020. This ordinance applies throughout the City. The ordinance does not apply to the use of private property, which may be used as a matter of course, subject to site plan review conditions associated with ADA requirements that may have been associated with the property.

Detailed Review:

The Planning and Development Department, through a series of forums and then an individual survey, consulted with downtown businesses to ascertain their interest in using outside space during this pandemic period to re-open the businesses beyond the take-out or "by appointment" presently being used. During the pandemic period, many of our

businesses will have difficulty meeting the safe social distance requirements now or during gradual re-opening. Many do not have the physical space to meet safe distance requirements. Businesses also identified concerns about both customer and worker confidence while operating in those circumstances. Most have an interest in access to public space to facilitate gradual re-openings.

A model application came through the State's Maine Street Program via the Heart of Biddeford. The city of Belfast developed the base model we are using. Staff used that version and made modifications specific to City concerns: the costs of setting up barriers and possible damage, daily set up and breakdown, insurance and liability, ADA and safe pedestrian access, maintaining needed spaces for drop off and pickup, provisions for electricity, access to street planters, and shared ingress/egress where possible.

To use public space, the business must:

- Fill out a special application available through the Code Enforcement Office (see attached);
- Go through a tiered process:
 - For less than 1,000 people on public streets or right away, through the Police Chief; or
 - For less than 1000 or more than 25 in the city's Parks, the Director of Parks and Recreation; or
 - For more than 1,000 people, for Public parks, recreation areas, buildings, and streets, approval by City Council; and,
- Meet the requirements of the application, both at the time of approval and throughout use of the space. With approval, the city has the right to enforcement of the approved application.

Funding Source:

N/A

Staff Recommendation:

Senior staff developed this proposal and recommend moving forward.

Emergency Ordinance: Permission to Utilize Public Space for Outdoor Retail and Restaurant Activity in the City of Biddeford.

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Attachment 1

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☐ The City of Biddeford may place traffic barriers as determined by the City on a case by case basis along affected public streets for increased safety. Costs for such barriers will be at the expense of the requesting establishment.

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establishments wishing to extend electricity to an outside area must consult with a qualified electrician. The use of plugs (for winter lighting) in public street lighting is prohibited (they are not designed for high loads).

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☐ The establishment must comply with all applicable city, state, and federal laws and regulations, including the Americans with Disability Act and the **Maine Bureau of Alcoholic Beverages & Lottery Operations** (sale of alcohol).

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3: INSURANCE AND LIABILITY (PLEASE CONSULT WITH YOUR INSURANCE CARRIER REGARDING THE FOLLOWING ITEMS)

☐ The establishment understands and expressly assumes all the risk of operating and conducting business under this permit.

☐ As a condition of being granted this permit, during the term of this permit, the permittee shall defend, indemnify, save and hold the City of Biddeford, and its inhabitants, officers, employees and

agents completely harmless from and against any and all liabilities, losses, suits, claims, costs, expenses, judgments, fines or demands arising by reason of injury to or death of, or asserted by, any person or persons, including the permittee's agents, clients, invitees or employees, or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this permit and/or the use, occupancy, conduct, or management of the demised premises or the acts or omissions of the permittee's officers, clients, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent such injury, death, or damage is caused by the negligent acts or omissions of the City, its agents, employees, clients or invitees. The permittee shall give to the City reasonable notice of any such claim or actions. The permittee shall also use counsel reasonably acceptable to the City in carrying out its obligations under this article.

The permittee further expressly agrees that it will defend, indemnify, save and hold the City of Biddeford harmless from any and all claims made or asserted by the permittee's agents, servants or employees arising out of the permittee's activities under this permit. For this purpose, the permittee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted against the City by the permittee's agents or employees. For this purpose, the permittee further expressly waives any charitable immunity it may have under applicable law as to any and all claims of any person made or asserted against the City arising out of the permittee's use and occupancy of the demised premises or other activity of the permittee under this Permit.

The indemnification provided under this section shall extend to and include any and all costs incurred by the City to answer, investigate, defend and settle all such claims, including but not limited to the City's costs for attorneys' fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the permittee's agents, invitees, licensees, clients, servants or employees against the City in regard to claims made or asserted by such persons.

In exercising the rights granted under this permit, the permittee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself or or purport to act as an agent, contractor, co-partner, joint venture or employee of the City.

☐ The permittee, during the entire term of this permit shall maintain, at its sole expense, insurance in the type and amount shown below (insert sample insurance agreement) with companies authorized to do business in the State of Maine for the protection of the City of Biddeford against any and all liability, including wrongful death, against all claims, losses, costs or expenses arising out of injuries to persons whether or not employed by the permittee or damage to property whether resulting from acts, omissions, negligence or otherwise of the permittee, its directors, officers, clients, employees and agents and arising from the permittee's use of the demised premises or any part or portion thereof: 1) commercial general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate; and 2) workers compensation and employers liability insurance with a minimum limit of \$500,000 per occurrence.

The permittee shall cause to be furnished to the City, at the time of execution of this permit, evidence

in the form of certificates of insurance of the existence in force of the insurance required hereunder. Said certificates shall name the City as an additional insured and loss payee. The permittee shall cause to be furnished to the City replacement certificates of insurance whenever the insurance policies are renewed. The City shall be notified prior to any changes or discontinuances of coverage.

The City agrees to promptly notify the permittee in writing of the existence or filing of any claim, demand or action arising out of an occurrence covered hereunder of which the City has knowledge, and to cooperate with the permittee in the investigation and defense thereof.

The minimum insurance coverage required under this article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the City's maximum liability beyond such minimums for personal injury, wrongful death or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the amounts required herein or no less than the City's maximum liability for such claims under the Maine Tort Claims Act, whichever is greater.

4: ENFORCEMENT

☐ The rights and duties granted herein shall be under the supervision and control of the City of Biddeford's Code Enforcement Officer and the City of Biddeford's Chief of Police. In the event of a breach of this permit by permittee, the City may, for the first breach, issue a verbal warning to Permittee; in the event of a second breach, terminate this Permit.

Notwithstanding these provisions regarding penalties for breaches or any other provision of this permit, in the event that the City, in its sole discretion, determines that further use of the premises under this permit is not in the best interests of the City, the rights granted herein may be suspended or terminated upon 24 hours written notice to the permittee.

☐ At the end of the term of this permit, or if this permit is suspended or terminated, all fencing, tables, seating, or equipment must be removed from any City of Biddeford public walkway or public area. The City may move or remove any of said items if they are not removed before the end of the term of this permit or before the 24-hour notice period expires. For such removal, the City may bill the establishment accordingly.

5: APPLICATION (ALL RESPONSES ARE REQUIRED):

Legal Name: _____

DBA Name: _____

Physical Address: _____ Biddeford, ME
04005Mailing Address: _____
Street/PO Box City State Zip

Phone: _____ Fax: _____ Email address: _____

Name, address, telephone number of Property Owner (if property is rented or leased, need a copy of rental agreement / lease):

Which hours do you plan to have these additional areas open (no earlier than 6:00am, and no later than 9:00pm)? _____

For extension of License on Premise

Licennse # (if requesting extension of liquor license): _____ Expiration Date: _____

Start Date: _____ End Date: _____

Reason for Request:

On the following page, sketch out your plan for your outdoor area. In your sketch you must include and clearly indicate the relative locations of the following components:

- ☐ Existing dimensions/boundaries of your business;
- ☐ Parking spaces, public walkways, and/or adjacent areas that you are looking to utilize; Please indicate contiguous and non-contiguous space you plan to use.

- ☐ Path(s) through your area(s) that will allow for pedestrian traffic;
- ☐ Arrangement of tables and other structures which have proper spacing;
- ☐ Barriers to be used;
- ☐ Awnings, umbrellas, and/or other rain- and sun-shielding devices to be used (optional)
- ☐ Lights or lighting systems to be used; and
- ☐ Reflectors to be used.

For extension of license on premise:

- ☐ There must be stanchion or fence completely enclosing the area, with signs for exit/entry. Openings shall be no less than 4 feet. Signs must be posted, stating “no alcohol beyond this point”
- ☐ There must be sufficient employees at the extension of premise, which would be able to control and monitor the area
- ☐ Please indicate the contiguous and non-contiguous areas you plan to use (you may be permitted to use both).. See the section of Maine’s liquor laws that govern these areas at <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec1051.html>. See section 3 and 9.

Signature of Owner/Corporate Officer

Printed Name of Owner/Corporate Officer

EXTENSION AREA PREMISE DIAGRAMS

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division of liquor consumptions.

6: SUBMISSION OF YOUR COMPLETED APPLICATION

When completed, please submit your application via regular mail or via e-mail to:

Roby Fecteau

Codes Enforcement Officer

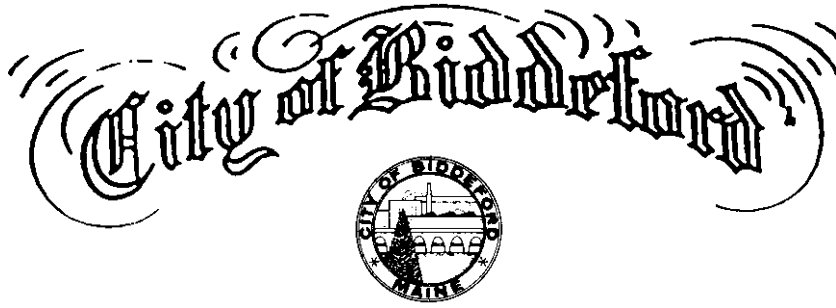
2 Main Street

Biddeford, Maine

Fecteau, Roby <roby.fecteau@biddefordmaine.org>

Attachment 2--Summary of Business Survey:

Restaurant	Contact	Contact Information	Do you understand guidelines to reopen?	Would you like training?	Would you use outdoor space and where?	Would altering traffic patterns be beneficial?	Other suggestions?	Opening inside dining on June 1st?
Dizzy Birds	Tom Peacock	207-494-7089	Yes	No	Great Idea- Parking lot	No	2 spots w/15min. Parking	No
Lorne	Erin & Carsen James	646-752-3824	Yes	No	Sidewalk, Paking spaces & Parking lot	One way beneficial	Need more opening guidance	No
Time & Tide	Jon Phillips	347-383-0661	Need assistance	Yes - possibly	N/A	N/A	Council vote for Business Assistance Program	
Yetos	Jackie Hardin	207-282-7500	Yes	Yes	Parking spaces out front	1 way for certain hours	Help with access to dining due to size	No
Portland Pie	Jennifer Simmons	207-286-3222	Yes	No	No	No	Issue temporary hold on parking fees/tickets	Yes
Happy Dragon	Peter Chen	207-282-0440	Yes	No	No	Maybe	Everything is so so	No
Elements	Katie Pinard	207-710-2011	Yes	Maybe	Maybe patio seating	No	Creating business partnerships	No
Reilly's	Elizabeth	207-590-5304	Yes	Obscure info	Explore sidewalk seating idea	No	Keep the public focused on small business	
Louis Pizza	Rick	207-282-2662	Yes	No	Sidewalk in front	N/A	None given	Open now
The Hamburger Stand	Barbara Ouellette	207- 281-2649	Yes	No	No additional spaces available	No	No	No
Palace Diner	Chad Conley	207-284-0015	Yes	No	Parking spaces in front and to right	No	No	No
Mulligan's		207-284-9283						
Thai Me		207-294-3300						
Magnus on Water		207-494-9052						
Round Turn Distillery	Kristina Hansen	207-370-9446	No	Yes	N/A	Maybe for others	Normalize mask wearing and social distancing	No
Cow Bell & Martini Bar	Jimmy Albert		Yes	No	Parking spaces/sidewalk in front		Inside dining restriction will cease shortly	
N.Mornings Café	Cheryl-Manager	207-282-1434	Yes	No	Sidewalk in front/benches on bank side	Unknown		No
Stone Fort Distillery	Eric Bouchard	207-590-3528	Yes	No	Right in front of entryway	Yes - make Pearl St. walking only	Tell Governor to open State	No



2020.35

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the COVID-19 Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

May 19, 2020

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)



Biddeford City Council

Meeting Date: June 2 Meeting

Time: 6:00

Agenda Item No and Item Description:

- No: 2020.38 Amendment Citizen Participation Plan (re-approval)
- No: 2020.37 Consolidated Plan Amendment
- No: 2020.35 Substantial Amendment 2019 Year Action Plan
- No: 2020.34 Approval 2020 Year Action Plan

Submitted by: Mathew Eddy

Supporting Information/Documentation:

See Below and Attached amendments and programs:

May 19 Memo: HUD Amendments and Program Approvals

Attachments: New version of City Council Amendment Package with City Wide Version for Job Retention to include:

- Amendment Citizen Participation Plan (re-approval)
- Consolidated Plan Amendment (City Wide)
- Substantial Amendment 2019 Year Action Plan (City Wide)
- Approval 2020 Year Action Plan

Also attached are:

Draft guidelines for the Job Retention Program (City Wide Version)

Draft guidelines for the Owner Occupied 2-4 Unit Rehabilitation Program

Maps Delineating Census Tracts 252-01 and 252.02.

Key Terms:

- HUD—Housing and Urban Development(source of CDBG funds)
- CAREs Act—Federal stimulus legislation: Coronavirus Aid, Relief, and Economic Security Act
- CPP—Citizen Participation Plan Consolidated Plan—five year planning document in support of the CDBG program
- Action Plan-Annual action plan approved by City Council for the expenditure of CDBG funds. This memo will address two annual Action Plans: Amending the 2019 Action Plan and to approve the 2020 Action Plan.
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program CDBG-CV—HUD “Care’s” Act
- SBA—Small Business Administration. Program include:
 - PPP: Paycheck Protection Program
 - EIDL: Economic Injury Disaster Loan
- Low Moderate Income Clientele (LMC): The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity have to be LMI persons. Income determinations are necessary.
- Low Moderate Income Area (LMA): An LMA is an area that has more than 51% of the households that are less than area moderate income. The job creation and retention LMI benefit is designed to create or retain permanent jobs where at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons. In creating or retaining jobs within an LMA, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons. For funded activities that retain jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:
 - the job is held by a LMI person ;or,
 - the job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

Executive Summary:

Staff presented the Council a series of actions related to the annual CDBG program and associated Covid Virus changes.ⁱ During that meeting, the Council noted its’ concern with the focus of job retention in the Census Tract eligible areas: 252-01 and 252-02, the “downtown” district. There was a desire to see if the Job Retention Program (of roughly \$250,000) could be delivered City Wide.

As an eligible CDBG Community, a city wide job retention program can be delivered. Because job retention is outside of eligible census tracts, there is an increase in the work required to deliver the program. A more structured review and approval process, with priorities will be necessary to address what will assumed to be a larger applicant pool. A review committee is anticipated. The difference in hours is between 160 hours for the downtown focus and 260 for City Wide. Staff can deliver either Job Retention program.

Detailed Review:

Staff can deliver both Job Retention options.

The advantages to delivering the Job Retention program in the “downtown” area (see attached map) is a more streamlined, efficient program that anticipates a lower applicant pool and a reduced workload per applicant. Applications would be on a first come-first serve basis and scored based on simple need criteria for eligibility, as determined by a brief underwriting process.

The reduced workload in the downtown is specific to the CDBG rules. The two eligible areas, Census tracts 252-01 and 252-02, have low moderate-income family levels that are in excess of 51% of the population: 53% to 91% by block group. Hence, the workers to be retained or hired back with CDBG money will meet the presumed Low Moderate Income Area (LMA) benefit. No income determinations or follow up monitoring of employees will be necessary, simply a check that the job funded remains in place at the end of the program’s 8-week period.

The advantage of the City Wide eligibility is that we can reach more businesses. That can be done with a more structured scoring and monitoring process:

Structured Process: In the program guidelines, we will increase the level of scoring process to address an assumed addition in applications. We will establish a scoring committee and set priorities based on perceived need. That need will be determined in an underwriting process that documents need to keep workers or operating capital to keep the business going, but will provide a base to contrast among other applicants. The City Wide are in terms of work load, assumes more applications and scoring.

Monitoring: The work in the monitoring process, from the point of intake to project closeout, will require some additional work. For citywide eligibility of the program, we cannot take advantage of the LMA benefit process. We instead have to serve Low Moderate Income Clientele (LMC). We will set up, in intake, income determination sheets and meetings with worker(s) to assist them in filling out the sheets. At the end of the process, we will have to insure that the worker retained or hired back is both that worker and still meets the income determination. Interviews, during the monitoring process, of the business and worker, will be required.

We have estimated a work hour’s summary for both options below:

CDBG Job Retention Program: Estimated Hours Per Delivery Area		
	Downtown Focus	City Wide
Intake	1	2
Underwriting	1	1
Scoring	2	3
Contract award, IDIS entry	2	2
Monitoring	1	4
Project closeout	1	1
<i>Total hours per Applicant</i>	8	13
<i>Total Program Hours assuming 20 applications:</i>	160	260

Since this is the first time the city has ever delivered a job retention/creation grant program, it is hard to predict how this work will actually go.

Funding Source:

Housing and Urban Development Community Development Block Grant Funds

Staff Recommendation:

Approval of all amendments and the approval of the 2020 Year Action Plan.

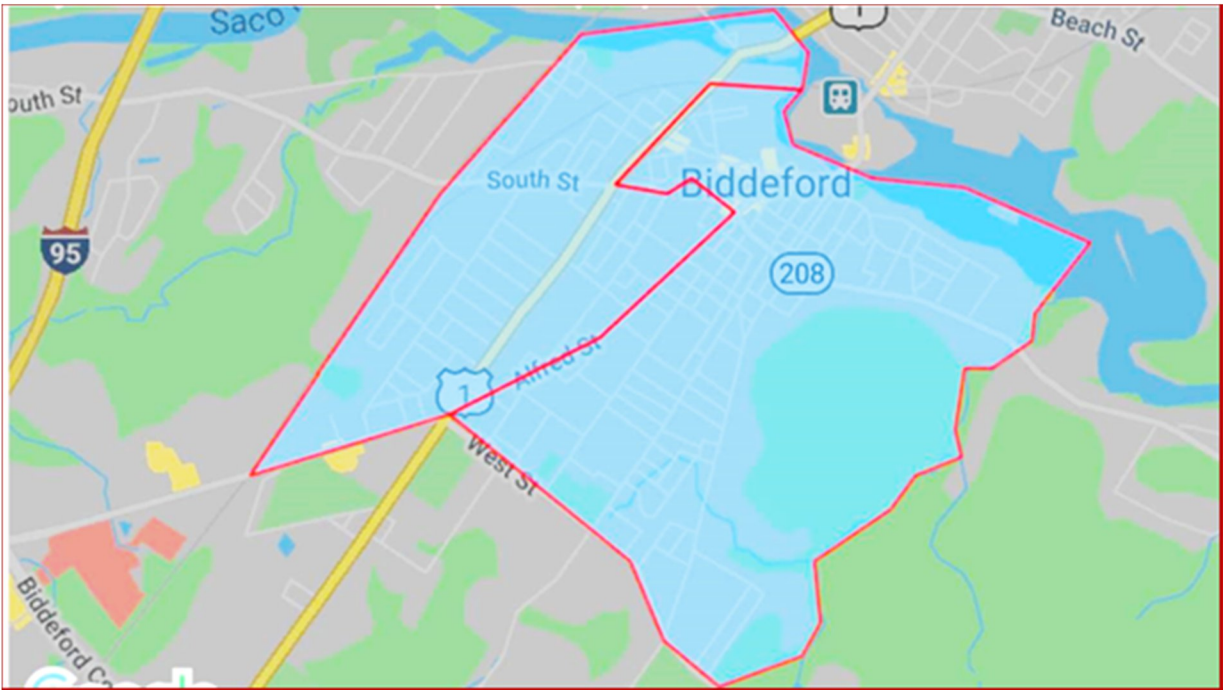
Mathew Eddy

Recommended Motions:

- 1. Amendment Citizen Participation Plan (re-approval): Approve amendments to the Citizen Participation Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 2. Approve amendments to the Consolidated Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 3. Approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the Covid Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**

4. **Approval and authorization of the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.**

Census Tracts 252.01 and 252.02 Biddeford, Maine



City Council Amendment Package-City Wide Job Retention

**Amendment Citizen's Participation Plan
(Changes in italics)**

CITY OF BIDDEFORD
CITIZENS' PARTICIPATION PLAN
Amendment: April 23, 2020

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM**

June 19th, 2018

Prepared by:

**Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005**



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the

CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, except in the case of the CAPER, which will have a 15-day comment period.

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the

Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. *A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.*

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. *The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.*
- C. *The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.*
- D. *In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.*

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. *A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.*
- B. *In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.*
- C. *In a minor amendment situation, no Public Hearing will be required.*

Redirected CDBG funds will be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15 day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

3. Adjustments to comment period, hearing notices, and contract changes.

In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally. The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.

- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.
- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.

Substantial Amendment –Biddeford 5 year Consolidated Plan

Insert into the Plan the following:

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting economically viable communities

Objective 2 - Increase business attraction opportunities to promote low and moderate income job creation and retention in the downtown and mill district area.

Actions:

- 1. Provide grant assistance to businesses through a Business Assistance Program. The business assistance program will provide funds for the creation or retention of jobs, while furthering the development of small businesses in the City.*
- 2. Provide grants for projects that increase the economic viability of the downtown by furthering the creative economy.*
- 3. Implement sustainable energy related projects in the downtown.*

Substantial Amendment Year 2019 Action Plan

Insert into the Year 2019 Action Plan:

(1) Priorities:

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

(2) PROJECT 7 CDBG-CV BIDDEFORD JOB RETENTION PROGRAM

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>
Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify

	• Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses that have a physical commercial establishment in the city. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' payment based on payroll expenses averaged over previous 6 months. Payment with copy of purchase order or invoice. Rent may be paid directly to vendor
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business; Guarantee released with successful completion and final report of activities during 8 week period

Action Year 3:

DRAFT May 2020



CITY OF BIDDEFORD, MAINE

Year 3 Action Plan

July 1, 2020 – July 30, 2021

**U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM**



The City's Entitlement Mission Statement is as follows:

“To create a Strategic Plan for the next five years that continues to enhance the community and economic development of the City of Biddeford through targeted public facility and infrastructure improvements, social services, housing, economic development projects, and activities that benefit residents, including low to moderate income persons and special needs population groups.”

Objectives and Outcomes

The following are the priorities, objectives and outcomes from the Consolidated 5 Year Plan that began on July 1st, 2018 appropriate to the Year 3 Action Plan (to begin on July 1st, 2020). The priorities also take into account issues remaining as a result of the COVID pandemic crisis:

INFRASTRUCTURE

Priority 1. To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

Actions: Implement sidewalk and other street improvements, ADA projects and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

HOUSING

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

Actions: 1. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.

2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
3. Provide funding to low to moderate income homeowners for improvements comprised of energy conservation.
4. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.
5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions: 1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

SOCIAL SERVICES

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

- Actions: 1. Provide opportunities for homeless and low to moderate income persons, and special needs populations to participate in work force preparedness and financial management programs that enhance their ability to have access to affordable housing.
2. Provide child care and youth programs that increase the opportunity for homeless and low to moderate income persons, and special needs populations to attend educational and training programs, while providing enrichment programs for youths of all ages.

3. Link local programs to secondary education and training that would be the "next step" for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Priority 4 - Implement strategies to aid the elderly and special needs populations with access to information and services to increase health and safety and reduce reliance on the City's overburdened Health and Welfare Department that can only provide minimal assistance.

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Priority 5 - To reinforce and strengthen the emergency shelter and transitional housing system that is already in place which includes housing, counseling, education and a wide variety of homeless, special needs and LMI assistance.

Objective 1 - Assist and work with the City's Health and Welfare Department, volunteer organizations and agencies to seek collaborative efforts to assist homeless, low to moderate income and special needs populations in Biddeford.

- Actions: 1. Encourage network meetings of area resources and services.
2. Strengthen individual neighborhoods through outreach efforts, including meetings, events, and planning strategies

Year 3 Projects

Summary:

- Sidewalks: Construction/reconstruction of sidewalks, possible ADA improvements and associated utilities in the eligible area of South Street \$256,000 (27%) .
- 2-4 Unit Housing Rehabilitation Program: With carryover, the City will have available A minimum of \$536,000 for the rehabilitation of owner occupied 2-4 unit Structures (38%).
- Public Services: Services are targeted to LMI citywide citizens through Meals on Wheels and through two hub centers: Seeds of Hope and 43 Sullivan Street via direct program delivery, to adults and families with children respectively. Funding is \$70,384 (15%) for implementation of new and existing services.
- Administration is funded at \$93,846 (20%).

Approximately 80% of the total funds will go to benefit LMI citizens.

The budget is based on \$469,231 that has been allocated by HUD for Year 3 plus carryover from the previous year to capitalize the housing program.

YEAR 3 ACTION PLAN ALLOCATIONS	Carryover from 2018 2019	PY 2020 – 2021	PY 2020 – 2021
		Program-No carryover	Program with Carryover
INFRASTRUCTURE			
1. Sidewalks/ADA	\$ 272,698.00	\$ 256,000.00	\$256,000
Park - to be cancelled	18486		0
			0
Downtown Improvement Program –to be cancelled	50842		0
HOUSING			
1. Multifamily Housing Rehab.	\$115,550	\$49,001	\$536,577
SOCIAL SERVICES			
1. SMAA- Meals on Wheels	\$0	\$17,000	\$17,000
2. Seeds - Career Center	\$0	\$21,600	\$21,600
3. The HUB - APEX	0	\$31,784	\$31,784
ADMINISTRATION	\$ -	\$93,846	\$93,846
CONTINGENCY	\$30,000		
Grand Total	\$ 487,576.00	\$ 469,231.00	\$956,807

The total carryover of funds from Year 2 will be approximately \$487,576. All other funded activities are expected to be expended at this time. Year 2 is the current project year from July 1st, 2019 to June 30th, 2020.

Programs in Detail

Project Title: Sidewalk/ Lighting Improvements

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$256,000

Benefit: 1,000+/-feet

The City of Biddeford will complete its downtown CDBG sidewalk efforts at South Street. The following will be accomplished:

- Sidewalks on south side from Crescent to Elm Street, approx. 480'
- Sidewalks on South street north side from Kossuth Street to Elm Street, approx..680'
- 100' up side streets along route

Project Title: Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$536,577 as well as any unallocated funding

Numbers To Be Served/Benefit: 15 housing units

The Year 3 Action Plan introduces a housing rehabilitation program for Owner Occupied 2 to 4

unit multifamily housing benefiting low to moderate income families in downtown census tract areas identified as low to moderate income. Biddeford has high rates of rental housing (70% of the housing stock) and poverty in this core entitlement area. Of Biddeford's housing stock, 32% are comprised of three or four units. In the target area, fifty-four percent of the rental housing stock is comprised of 2-4 unit structures; 333 are owner-occupied structures. The low and moderate-income owners of 2-4 units struggle to maintain these older homes: 21% (961) of these housing structures are in fair or poor condition. These same structures, given age, likely have some health and safety issues. For example, lead paint is in most homes in the target area given age that range from 80 to 140 years in age. Biddeford is also experiencing unprecedented growth in the demand and cost of rental housing. These two factors, safety and market, are making it harder for those at the lower end of the housing spectrum to find safe, affordable housing.

The City plans to rehabilitate approximately 5 housing structures for a total of 15 units, and repeat the program the following year. In each rehabilitated building, 51% of the units must be for residents who are below 80% of the low to moderate income family threshold. Housing affordability will be enforced for a maximum of ten years. Each unit will be eligible for funding of up to \$50,000 per unit. The level of investment will be determined on a case-by-case basis, as the community determines whether repair or rehabilitation is appropriate. This program will be linked to a larger housing investment program that includes HUD lead paint funds and housing rehabilitation resources from Maine Housing. All housing units will, at a minimum, meet the safety requirements of the Code Enforcement Office and HUD.

Community Development-Services

Project Title: Southern Maine Agency on Aging – Meals on Wheels

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$17,000

In-kind Commitment \$50,031

Numbers To Be Served/Benefit: 75

The Southern Maine Agency on Aging's Meals on Wheels program provides nutritious meals to homebound, older and disabled adults living in Biddeford. In addition to a nutritious meal, Meals on Wheels provides valuable socialization and safety checks for participants. Meals on Wheels has become an important factor in addressing hunger among older people. This program seeks to serve 8,200 meals to 75 homebound senior residents of Biddeford in Year 3.

The Meals on Wheels Program will provide the following services:

1. Receive referral (either a self-referral, from a physician, neighbor, hospital discharge, family member, friend, etc.).
2. Conduct a phone assessment to determine preliminary program eligibility and begin delivery of meals within 10 days of referral unless there is a wait list.
3. Conduct thorough, in-home assessment to further verify program eligibility, and to identify other social service needs such as caregiving stress, falls, financial exploitation, home health assistance, Medicare and insurance questions, heat and utility costs.

4. Client works with SMAA's Information and Resources staff to pursue programs and services to address additional needs/challenges.
5. If eligibility for the program is confirmed during in-home assessment, continue delivering up to five meals a week during two weekly deliveries.
6. Manage Meals on Wheels wait list based on "degree of need criteria" imposed by Maine's Office of Aging and Disability Services. Ensure no client spends more than 30 days on wait list (SMAA, Self-enforced rule).
7. Conduct a re-assessment over the phone after 6 months to confirm continued eligibility, and to identify any changing needs of the clients.
8. Conduct thorough, in-home expanded assessment every 12 months of being enrolled in the program.

The City of Biddeford provides space at the Community Center for this service.

Project Title: Neighborhood HUB Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$31,784

Inkind Commitment: TBD

Numbers To Be Served/Benefit: 25

The City is focusing its social service efforts in two neighborhood HUBs or centers to anchor its eight neighborhood network called "My Neighborhood Network". APEX Youth Connection (formerly the Community Bicycle Center) will direct the Canopy Park Resource Center, called the HUB, at 46 Sullivan Street, in the LMI Bacon Street Neighborhood in Census tract 252-02. APEX and program staff will be available to assist neighborhood residents with access to services and programs, and engage residents in community events and provide direct services to families with children. APEX will work with established neighborhood networks to provide some or all of the following:

- early childhood programs
- Corona Virus educational activity packages for youth/families
- Lead paint prevention and education programs
- Develop partnerships and relationships in the immigrant and refugee community.
- Parenting programs
- Programs for traumatized immigrant and refugee youth
- Youths can participate in the Build a Bike Program, Kids Bike Factor Program, Daily Drop In, Bike Doctor Program, and/or the APEX Cycling Team.
- Academic assistance, bike repair technology training and other recreation programs, and
- A summer meal

APEX will coordinate the HUB at 46 Sullivan Street including intake of all programs income surveys to substantiate benefit. This activity is projected to serve 20 LMI families in the neighborhood (and beyond) as staff time and others as resources permit.

Project Title: Seeds of Hope - Seeds of Hope Warming Center

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$21,600

Inkind Commitment: \$46,000

Numbers To Be Served/Benefit: 20 individuals for 60 nights

The Seeds of Hope Neighborhood Center on South Street serves as the City's second HUB. Focusing primarily on homeless and very low income adults, the Center offers a number of services and resources including:

- a Career Resource Center for those seeking computer literacy skills, apply for jobs, and/or gain workforce skills.
- Breakfast and warm soup and lunch options, with a special focus on lunches during the pandemic crisis.
- Evening Warming Center

Biddeford continues to see an increasing level of homeless in the city. Those seeking Seeds assistance are estimated to be 20 people living outside and 20 couch surfing. Seeds now operates a Warming Center in the evenings during extreme winter weather. Seeds of Hope will generally provide the: following:

1. Coordinate and provide intake of those seeking to get out of the winter weather at the Warming Center. That those living outside have the opportunity, between December 1, 2020 and March 30, 2021, to be inside during the overnight hours when designated weather predictions are in place, ensuring their safety from extreme, possibly life-threatening conditions.
2. Health screenings by public health professionals and snacks, clothing, etc.
3. Hire a team of 2-3 rotating contract staff persons who can rotate coverage depending on weather predictions and hire appropriate security.
4. Recruit and train community volunteers to support the paid staff in operating the overnight program
5. Coordinate statistical review of police, fire/EMS and Emergency room data to evaluate impact of maintaining this program.
6. While continuing to provide meals at breakfast and lunch, a special focus will be on lunch bags being served to those in need during the pandemic crisis.

Administration

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$93,846

Contingency Provision

If necessary, the City of Biddeford will adjust the proposed allocations according to the percentages stated within the Consolidated Plan, Year 3 Action Plan and any additional

emergency allocations related to the pandemic crisis.

Biddeford Job Retention Grants

Program Overview.

The City of Biddeford proposes to use the Department of Housing and Urban Development **Community Development Block Grant (CDBG)-funded Job Retention Grant for Working Capital to help smaller Main Street and Mill District businesses retain jobs and prevent homelessness in the midst of the coronavirus crisis. This program will provide funding to small businesses** for at least 90 days so they can retain workers and survive the crisis. Small Business Administration (SBA) and related amortizing loans may be helpful for long term recovery. However, the City has discovered that, through public sessions and surveys distributed in the community that a number of businesses are falling through the cracks:

- Many local, small businesses do not necessarily align with the SBA related programs
- Many local, small businesses have no relationship with the SBA
- Many, local small businesses, particularly start-ups, may not actually have financed their projects through lending institution, but instead self-financed.
- Sole proprietors, or gig workers, are prevalent in the Maine Street mix, and that:
- A flexible grant guarantee will have a more direct impact to help small businesses retain jobs, survive the crisis, and help alleviate homelessness.

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

Program Requirements.

The program is designed to meet basic statutory requirements of the CDBG program while being flexible enough to deliver a program quickly and efficiently during this coronavirus crisis. The standards will focus on small businesses, require a statement of need for the assistance, and **require at least one year of payroll documentation to substantiate the need, and require an income statement.** The program is as follows:

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>

Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	• Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify • Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses Citywide. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' advance payment based on payroll expenses averaged over previous 6 months. Advance payment with copy of purchase order or invoice. Rent may be paid directly to v
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business

CDBG COMPLIANCE CONSIDERATIONS

	Job Retention Grants
Activity Type	Assistance to Businesses, including Special Economic Development Assistance to for profit micro-enterprise program for those under 5 employees, or businesses between 5 and 20 employees The program meets the HUD CDBG National Objective: “Activities Benefiting L/M Income Persons.” Eligible Activity: LMJ, LMA, Urgent Need
CDBG Matrix Code	18A: Economic Development Direct Financial Assistance to For-Profit Business, 24 CFR 570.203(b) or 42 USC 5305(a)(17)
National Objective	Low/Mod Income Job Creation and Retention and Urgent Need, 24 CFR 570.208(a)(4) Activities undertaken to retain permanent jobs, at least one job will be held by low/mod income persons.
Job Retention Monitoring	CDBG-CV standard of verification of Low to Moderate income job based on the wage and/or salary and family size or individual as evidence by a paystub or tax return, as applicable. Coronavirus crisis serves as the basis for disruption of business revenue and threat of job loss. Business must submit statement of business disruption and/or revenue loss and how CDBG assistance will be used to retain employment of existing staff.
Available Funds	Total funds available of \$250,000; grants up to \$12,500 to start
Action Plan Amendment	Based on criteria set in Citizen Participation Plan HUD Expedited Review and Approval
Public Comment:	5-day Public Comment Period; Virtual Public Hearing via Web Meeting
ERR	Categorically Excluded
Davis Bacon	Not Applicable, no construction
Funding:	Direct Electronic Funds payment from IDIS to grantee to Business Beneficiary
Monitoring:	Business must submit end of grant update report on business stabilization and recovery progress and jobs retained, standard reporting form to be provided.

Grant Procedure. The City will provide an electronic application, which will stipulate the requirements of a completed application. Applications will be taken on a first serve, case by case basis. After applications are reviewed for completeness with the program as described above, they will be submitted for underwriting review to the Southern Maine Finance Agency and to the Biddeford Citizen’s Advisory Committee (CAC) on a weekly basis for their recommendation until the funds are expended. The CAC shall forward all recommendations directly to the City Council for their approval.

Monitoring. At the end of the 8-week period, the recipient shall provide a report on the ways in which financial assistance was expended including the identification of those individuals that were maintained on payroll or re-hired after initially being laid off. A standard report profile will be provide

Part 1

Introduction

Draft to Main Housing 5/13/2020

I. Program Overview

The City of Biddeford's Planning and Development Department (PDD) offers a Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program interested in making improvements to their properties to create safe, affordable, decent housing for low-income residents. The Program, its possible funding sources, and criteria are described below.

CDCBG funding is the most flexible federal funding resource available to the City and works well with other federal funds such as lead hazard control and Maine State Housing funding. The City intends to maximize the amount of funding available for rehabilitation of properties by blending funding available from these additional sources when they become available.

II. Funding Authorization

The City of Biddeford (City) is an entitlement grantee that receives an annual allocation of Community Development Block Grant (CDCBG) funding through the U.S. Department of Housing and Urban Development (HUD). This funding is administered by the City's Planning and Development Department. The funding the City utilizes for its housing program is from the federal government and has programmatic requirements that must be satisfied in order to be funded by the City. Those requirements are addressed in a later section.

The City completed a HUD approved consolidated planning process and established funding priorities to funding rehabilitation of housing in its 2018-2023 Consolidated Plan. Each year the City, utilizing its Citizen Participation Process, determines its funding priorities in its Annual Action Plan. The average amount of funding identified annually to accomplish its housing rehabilitation goals is approximately \$116,940.

III. Program Goals

The goals of the Multi Family rehabilitation Programs is to:

- Leverage private investment;
- Improve the quality of housing;
- Create affordable and sustainable housing;
- Create safe, stable and healthy housing; and
- Encourage investment in neighborhoods which will enhance the appearance of the City

IV. Target Geography

Funding will be concentrated in the following areas:

1. The first priority is in Census Tracts 252-01 and 252-02 for owner-occupied properties of 2 to 4 units that qualify.
2. The second priority is City-wide for owner-occupied properties of 2 to 4 units that qualify.
3. The third priority is nonprofit residential and properties that are not owner occupied that qualify City-wide.

Housing Rehabilitation Deferred Forgivable Loan Program

Purpose: To rehabilitate owner-occupied 2-4 unit properties to improve the health, safety, and livability of the property.

Eligible Activities: Improvements that are of a necessary and permanent nature, but not of a luxury nature, including, but not limited to: structural, energy, lead-hazard control, accessibility, repair of major housing building systems, non-living space limited to demolition, structural, attached garage roof, and weather-related improvements.

Ineligible Activities: New construction, paving, fencing, or appliances. **Any work started prior to approval of the funding from the City.**

Property Eligibility: Properties located in Biddeford (see map for first priority area). After the first priority area applicants are considered the program will be open to applicants Citywide. The property must be owner-occupied 2-4 unit properties.

Applicant Eligibility: The applicant must have proof of ownership of the building; must be current on all City assessments; and qualify under the City's underwriting guidelines for a deferred forgivable loan. The property owner may not be elected or appointed to office in the City of Biddeford. Applicants in the first priority area will be considered first and then those applicants Citywide will be considered for funding.

- a. **Owner-occupied properties:** The owner's income must be at or below 80% of Median Family Income (MFI) for a two-unit property, as well as the 2nd rental unit. For owner-occupied multi-family properties of 3+ units 51% of the rental units in the property must be occupied by low-moderate income residents.

Affordability Requirements: Applicants must rent the required number of units to low-moderate income residents for a period of **ten years**. The rents are considered affordable when they are at or below the HUD established Fair Market Rents as adjusted by a utility allowance for tenant paid utilities. The FMR is published annually by HUD. The City uses the utility allowance schedule established by the Biddeford Housing Authority. If the tenant is receiving assistance under the Section 8 Housing Choice Voucher Program, the unit automatically qualifies as affordable under these guidelines.

Financing Terms:

A Deferred Forgivable Loan will be issued to the awarded property owner at 0% interest for 10 years, forgiven in increments of 10% each year that the owner occupies the dwelling. If the owner no longer occupies or sells the property prior to the 10-year timeframe, the balance must be paid in full;

If the property is sold or ownership is transferred during the term of the loan, the balance must be repaid. If the property is sold to a low-income owner who intends to occupy one of the units, the loan may be assumed by a qualified household who meets the income, affordability, and underwriting guidelines.

Funding Source: CDCBG and other funding resources are based on funding availability.

Part 3 Definitions

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes, trash, water or sewer bills, or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Biddeford. The City may accept a written payment plan made with the department on which there is a delinquent account.

Federal, State and Local Requirements: The funding available to the City for grants and loans comes from federal or state sources, which means there are some restrictions or requirements that must be met. Additionally, local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Agreement: A Notice of Deferred Forgivable Loan Approval is provided to Owner/Applicants when the City's Planning and Development Department, Citizens Advisory Committee (CAC), and the **City's Finance Committee** have approved City funding. Any project expenditures made prior to these approvals and execution of a funding agreement will not be funded nor will they be counted toward the match requirement. The following documents become part of the Funding Agreement between the City and the Owner: "*City Housing Program Guidelines*"; "*Notice of Deferred Forgivable Loan Approval*"; "*Rehabilitation Deferred Forgivable Loan Agreement*"; "*Promissory Note*"; "*Personal Guaranty*" (*Any person holding an ownership interest of 20% or more*); "*Corporate Guaranty*"; and any other agreements to satisfy the conditions of the City.

Household Income: Total household income is calculated by adding income of all members of the household. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, net rental income, child support, alimony, Social Security benefits, SSI retirement, pension, or annuity, TANF, unemployment benefits, worker's compensation, and disability or benefits from any source.

For the purpose of computing income, a household shall be defined as all 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 other group of related or unrelated persons who share living arrangements.

Low-Moderate Income: A household whose income is at or below 80% of Median Family Income (MFI) for the Biddeford/York County Statistical Area (LAMSA) published annually by HUD and are listed in a table on the City's web site.

Mixed-Use Property: A property that is used in some part for residential purposes and in some part for non-residential purposes. City funds under this program may not be used in the non-residential area, except as specifically noted under the program eligible uses.

Owner-occupied: A person who holds the entire ownership interest of the property and lives in one unit of the property as a primary residence.

Qualified Contractor: Is able to satisfactorily demonstrate that subcontractors have the necessary skills, abilities, and equipment to perform the scope of work in an expedient and efficient manner; is licensed as required by the City of Biddeford and the State of Maine; and carries the appropriate amount of insurance. Contractor Standards are described in a later section.

Rehabilitation Costs: The total of contractor estimates from qualified contractors for the scope of the work.

Residential Structure: A building used entirely for residential purposes. Rental buildings under common ownership and management that are located on the same or contiguous properties may be considered as a single structure.

Part 4

Rehabilitation Requirements

I. Property Inspections

Property inspections are conducted at initial application and during construction. A final inspection is conducted before the final invoice is paid.

a. **Initial Inspection:**

- At the time of application, the Community Development Coordinator (CDC) will set a time for an initial inspection with the Owner and Rehabilitation Technician (RT).
- Owner will notify all residents and provide access to all areas of the building
- During the initial inspection the owner, CDC and RT will agree on the work that will be included in the rehabilitation scope of work;
- The RT will generate an initial “Health and Safety Inspection” and will take “before” pictures.
- A HUD Certified Lead Inspector will also inspect each property and develop specifications regarding lead remediation as required.

b. **Progress Inspection:**

- A check in with the contractor by the RT;
- Or as needed during the course of the rehabilitation.

c. **Final Inspection:**

- Contractor will notify CDC or RT that the work is complete;
- RT or CDC will meet with the contractor or Owner/Agent present
- Work completed satisfactorily, the RT will sign off, certify project completion and take pictures;
- For work not completed to Code or not completed as agreed, the RT will issue a punch list;
- Contractor will notify RT or CDC when completed; CDC or RT will schedule to complete the inspection, RT will certify completion and take pictures.
- A final inspection will also be conducted by the HUD Certified Lead Inspector to insure compliance with lead safe regulations.

II. Bid Process

The owner/applicant must either include any items identified by RT in the scope of work or complete the issues that do not meet code prior to the rehabilitation. The RT must sign off on the work once completed if not included in the rehabilitation work.

There are two acceptable methods to proceed with the bidding/project management:

- 1) The owner/applicant may choose to become the “general contractor” for the scope of work. At least three (3) bids are required for each specific rehabilitation task. Bids may be either obtained from a general contractor covering all rehabilitation tasks or from separate contractors for each specific rehabilitation task. The owner is solely responsible to invite, accept, or reject any bid proposal. However, bids must be reasonable and a documented reason for selecting other than the “most responsible and lowest bidder”.
- 2) The owner/applicant may choose to have the City’s CDC perform all aspects of the bidding, scope of work, and construction management. This will be highly recommended for the homeowner who owns one property and has no experience in rehabilitation management.
- 3) In both cases, the City’s CDC, RT. and staff will oversee the bid process.

Shortage of contractors: Over the past three years there has been a shortage of contractors in the area to perform work on residential properties. It is important to competitively bid the work and obtain at least two bids; however, it may not be practical. In these cases the owner/applicant and City may document the number of attempts made to secure two bids and why it was not possible to secure them. A note should be added to the file that the bid submitted has been reviewed and is considered reasonable. If it is “not reasonable,” the scope will need to be modified and bid again.

Family/relatives performing work: Bid proposals may be secured from and awarded to a member of the applicant's family (i.e. relative) if the bidder:

- is a bona fide and skilled trades person;
- is not living in the same household as the borrower;
- has no financial interest in the property to be rehabilitated; and
- the relationship is disclosed in writing by the borrower at the time of bid proposal.

Low bid: Regardless of the method of bidding/project management, it is expected that the lowest qualified bid will be accepted. If, however, the low bid is not accepted and the rehabilitation activity is awarded to a higher bidder; the owner/applicant must submit to CDC:

- a written statement explaining the reason for accepting the higher bid. If compelling, the work may be awarded to the higher bidder; and/or
- if not compelling, must fund the difference out of pocket but may be rolled into the loan, if there is a loan besides the Deferred Forgivable Loan, to fund the rehabilitation work.

Any contractor chosen must prove his ability to provide all necessary insurances, expertise, equipment, and materials to satisfactorily complete the respective task.

III. Contractor Eligibility

To be considered an eligible contractor the following standards apply:

Insurance: The contractor and subcontractors shall carry Worker's Compensation Insurance for all their employees in accordance with the Worker's Compensation laws of the State of Maine. The contractor and subcontractors shall carry Manufacturer's and Contractor's Public Liability Insurance with a limit of \$300,000 for personal injury or death and \$100,000 for property damage. The City may require bonding for contracts in excess of \$100,000.

License and Qualifications: The contractor shall have in effect a license if required by the City of Biddeford, or State of Maine. The contractor must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.

Credit: The City may require a list of credit references, names of suppliers, name of bank where contractor does business, and names and addresses of recent home improvement customers.

Skill and Equipment: No approval of a contract shall be given unless the construction contractor can satisfactorily demonstrate that he/she and/or their subcontractor(s) have the necessary skills and equipment to perform the work in an efficient and expedient manner.

IV. Labor Performed by the Owner/Applicant

Bid proposals may be secured from and awarded to the owner/applicant (i.e. owner may serve as general contractor and/or do work on his/her own property), if the owner/applicant meets the following requirements:

1. Is a contractor or tradesman who has an ownership interest in a contracting or trades business that has been in existence for at least six (6) months prior to loan application or, as a property owner, has employed, for at least six (6) months prior to loan application, a full-time maintenance crew with the expertise and equipment to satisfactorily complete the respective tasks which the owner proposed to perform.
2. The Borrower must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.
3. For those tasks to be performed by the Owner and/or the Owner's employees:
 - a. Bid proposals shall be for materials and employee labor only, with no profit, overhead or payment to the Owner for personal expertise or labor allowed;
 - b. A maximum of **\$5,000** per unit will be allowed for materials purchased;
 - c. Invoices for materials shall be for costs only, including any discounts, with no mark-ups allowed;
 - d. Invoices for labor shall be accompanied by payrolls which include hours and work performed by each employee;
4. For those tasks to be performed by a sub-contractor (e.g. plumbing, electrical, etc.), at least two (2) separate bids shall be secured for each specific rehabilitation task.

V. General Terms and Conditions for Rehabilitation

1. Approved rehabilitation activities must be completed in accordance with applicable federal/state or local codes:

- a. **Owner/applicant agrees to correct any and all code violations in the property**
 - b. Owner/applicant agrees to permit inspection of the property and rehabilitation work by City, Rehabilitation Technician and Code Enforcement. This includes all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
 - c. Owner/applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property.
 - d. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
- 2. **NO work, regardless of the funding source, may commence on the property until the environmental review is complete and the Funding Agreement is signed;**
 - 3. No monies will be disbursed for improvements made that were not in the original scope of work to reimburse the borrower for improvements made to the property that were not approved by CDC.
 - 4. Agree to have the property inspected by a licensed/HUD certified Lead Risk Assessor, if the scope of the rehabilitation disturbs lead and is built prior to 1978; and, if an issue is found;
 - 5. Agree to provide certification and testing documentation before and after the lead removal/abatement activities begin and are completed; and
 - 6. Agree to obtain a permit and submit plans (i.e. floor, electrical, plumbing plans) as requested by City/Code enforcement as may be required for a building permit.

Part 4

Application Process

City Assistance in projects is generally in the form of a deferred forgivable loan and is designed to provide construction and/or permanent financing in conjunction with other Federal, State, or City Programs or other lending institutions. Some programs require a match from the applicant/borrower. Specific terms and conditions are listed.

I. To Apply for a City Deferred Forgivable Loan :

A property owner interested in participating in the City's Multi Family Housing Program who lives at a property of 2 to 4 units, must submit a completed, signed application along with the required submissions to the Planning and Development Department (PDD), City of Biddeford, 205 Main Street, Biddeford, ME 04005. If you have questions specific to the program, you can contact Linda Waters, Community Development Coordinator, at 207-284-9105 or Linda.Waters@biddefordmaine.org. Personal appointments may be made upon request. There is an open application period as long as funding is available. Deferred Forgivable Loans are processed on a first come, first serve basis.

Application Submission: The following items may be required submissions as part of the application package:

- a) **An application that is complete and signed by every owner with an interest of 20% or more interest in the property;**
- b) **Signed permission to check credit of each individual owner with an interest of 20% or more in the property;**
- c) **Financial information from all owners with a 20% interest or more, including: income from all sources (employment income must include 2 months of pay stubs or payroll record); two years of personal and corporate income taxes; two months of personal bank statements; rent roll and tenant income verification forms, any other documentation as requested;**
- d) **Copy of the current Hazard Insurance on the property;**
- e) **Addresses of all properties in the City of Biddeford owned wholly or in part by the applicant;**
- f) **Written description of the project improvements.**

Application Processing and Review: Each application will be dated upon receipt in the Planning and Development Department offices on the Second Floor at City Hall. Only one original application is needed; however, applicants should retain a copy of the completed application. The program description outlines the type of funding available as well as the maximum funding limit. You may request up to that limit; however, if the ask is not supported by the need, the City may fund at a lower amount. You must meet the individual program and the financial guidelines for each type of funding applied for.

Verification of Information: Once the application is submitted, City staff will verify all sources of income, assets, and matching sources. Third party written verifications may be needed. Credit reports may be requested to determine credit worthiness of the applicant(s).

Property Record Search: The City Solicitor will conduct a title search on the property to make sure that the title is clear from liens and City Staff will complete property verifications with City Departments (Assessing, Finance, Water and Sewer, Treasurers, Code Enforcement and Planning) on the property in the City of Biddeford to ensure that there are no outstanding assessments or complaints against the properties. This cost is part of the CDBG grant package.

Outstanding City Assessments or Complaints: If there are outstanding assessments or complaints, the applicant will not be eligible for funding until the assessments are paid in full and the complaints cooperatively dealt with. If the property owner is in a payment plan with the Tax Office and is current and demonstrates a good paying record, a loan may be considered on this property.

Environmental Review: City staff will check the Federal, State, and local databases to determine whether or not the building is historic and, if so, the type of review needed. If federal guidelines require project review by the Maine Historic Preservation Commission, the approval process may take as long as 45 days. City staff will also check the FEMA Flood Database and the Wetlands Mapper to determine if there are any restrictions and requirements related to these issues on the property, and a GIS map of the property location will be printed and maintained in the application file. No work may be implemented until the Environmental Review is complete.

Initial Inspection and Bid Process: The Community Development Coordinator will review the project with the RT and set an appointment to conduct an initial inspection of the property to ensure that the proposed improvements will add value and safety, and that the building can support the proposed improvements. The RT will make recommendations as needed, including items that do not meet code and need to be repaired as part of the project. After bid specifications are completed at least 3 bids will be solicited by the property owner and submitted to the CDC for review, and approval by the CAC and City Council before initiating a contract. A contract will then be signed between the property owner and contractor(s).

Debarred or Suspended Contractors: CDC staff will check the contractors that have provided proposals against the Debarred Contractor listing at <http://www.sam.gov> to determine if the contractor has been debarred, suspended, is proposed for debarment, excluded, or otherwise disqualified from work that is federally funded. Staff will document the file.

National Objective: Each funded activity must meet one of the three HUD national objectives: 1) low-moderate income benefit; 2) elimination of slum and blight; or 3) urgent need. In aggregate, at least 70% of all funds must assist low and moderate income persons over a 1-3 year period. CDC staff will document the file the extent to which the project meets these National Objectives.

II. Risk Analysis

All Deferred Forgivable Loans will be underwritten by staff or contractors of the Planning and Development Department.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

- a. Track record of cooperation with Code Enforcement and other City departments; and
- b. Verification that all City Department assessments (taxes, City utilities, etc.) have been paid.
- c. Credit check and/or Police check as determined by City Staff.

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Citizens Advisory Committee and to Council for approval.

Other Considerations: The City may accept or reject any application for funding and has an “open window” to accept applications for rehabilitation projects throughout the year. Sometimes a property/owner meets the required criteria but then is not funded by the City.

The following reasons may cause the City to reject an application for funding:

- 1) There is no more funding available through City sources;
- 2) The funding priority may have changed; or
- 3) There are environmental review concerns. Examples may be: the property is in a 100 year flood plain; it's historic and the cost to rehabilitate the building is no longer cost reasonable for the limited funding the City has available; severe or toxic contamination, or not within the cost effectiveness requirements of HUD, etc.; or
- 4) There was a material change in either the property condition or the owner's financial condition. If this situation occurs after the Deferred Forgivable Loan has been approved but before the contract signing, City staff may choose to not place the project under contract. If this occurs after approval and the contract signing, the City may choose to follow the **default remedies** under the Deferred Forgivable Loan.

III. City Approval/Disapproval

All Deferred Forgivable Loans that meet program and financing guidelines are presented for review and approval to the Planning and Development Director, Citizens Advisory Committee (COC), and City Council.

The following are the rules each person/committee will follow:

- a. Each person/committee will need to give approval before the loan is awarded.
- b. Approval of Deferred Forgivable Loans will be contingent upon the applicant meeting the ongoing requirements of the program.
- c. The Planning and Development Director has the authority to adjust terms, rates and the other requirements on a case-by-case basis, after approval by the CAC and City Council by written notification, including email.

Once the City Council makes a recommendation, the applicant will be notified via letter by the Planning and Development Department Staff. If the terms have been modified, the recipient will be given an opportunity to accept the new terms and conditions or request an appeal.

IV. Appeal Process

The applicant may appeal the decision regarding a Deferred Forgivable Loan under the following circumstances:

- a. Must be in writing with an explanation regarding why the applicant should be granted an appeal and addressed to Biddeford Citizens Advisory Committee (CAC), c/o Linda M. Waters, City of Biddeford, 205 Main Street, Biddeford, Maine 04005.

- b. No new information may be presented by the applicant, only clarification of information that was originally provided but, in the applicant's point of view, may not have presented their complete financial or another condition.
- c. Request for an appeal must be made in writing to the CAC within 30 days of the date of the decision to deny or modify the terms of participation.
- d. The CAC will schedule and hold an appeal hearing for the appeal process.
- e. The applicant may provide written information or may request to be present at the appeal hearing and present information directly to the CAC.
- f. The CAC will deliberate the request and make its decision after the hearing, and forward the decision to the City's Finance Committee.
- g. The City's Finance Committee's decision is final and the applicant will be notified by Planning and Development Department staff.

V. General Terms and Conditions for Participation in the City Program

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a Deferred Forgivable Loan through the City.

The City of Biddeford views the documents as the contractual agreement between the Owner/Applicant and the City. To fulfill this agreement, the Owner/Applicant must:

1. Complete within six (6) months all rehabilitation work as described in the Deferred Forgivable Loan application submitted by the applicant and approved by the City. For exterior work, scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed all funds disbursed to the Owner/Applicant by the City of Biddeford through its program as stated in the contract documents.
3. The Owner/Applicant accepts ultimate responsibility for fulfilling the contract and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity are made solely between the Owner/Applicant and the respective contractor and/or supplier;
 - b. The Owner/Applicant will indemnify and hold harmless the City of Biddeford and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. The entire principal balance shall become immediately due and payable without notice or demand upon the following events:
 - a. The commencement of any proceedings by or against the Owner/Applicant under any bankruptcy or insolvency laws;
 - b. The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of the developer;

- c. Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon or insurance premiums on the project property; and/or
 - d. Failure to maintain the income limit requirement that 51% of the units of the property be maintained for low to moderate income households according to HUD guidelines throughout the ten year period, as documented through monitoring by the City. The 51% threshold of housing units must remain constant throughout the life of the Deferred Forgivable Loan and the property and household units are subject to monitoring by the City of Biddeford at any given time.
- 5. Deferred Forgivable Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be included in the Owner/Applicant's contract package.
- 6. A Owner/Applicant agrees to permit inspection by the City's CDC, RT, and/or Code Enforcement personnel of the property, rehabilitation work, all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
- 7. The Owner/Applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by Code is unacceptable for disbursement of any funds.
- 8. Disbursement of Program funds:
 - Disbursement of all Deferred forgivable Loan funds is made through the City after the work has been approved for funding and the Contractor has submitted a Contractor Payment Request Form approved by the owner and a Certificate and Release of Liens signed by the contractor.
 - The above is contingent upon approved activities being completed according to applicable municipal codes.
 - No money will be disbursed to reimburse the Owner/Applicant for improvements made to the property which were not approved by the City before they were commenced.
- 10. The Owner/Applicant is required to maintain hazard insurance on the improved property for the full term of the contract and in a minimum amount equal to the total value of all mortgages

held on the property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

11. The arwardee agrees to keep such records as may be required by the City of Biddeford with respect to the rehabilitation activities.

12. The Owner/Applicant further agrees to abide by all terms and conditions of Federal Regulations which are described in the next Section.

Part 5

Federal/State/Local Requirements

I. National Objectives (24 CFR 570.200; 570.208; and 570.506)

This section summarizes the National Objectives of the CDCBG Program contained in the Code of Federal Regulations, Title 24, Part 570, Sections 570.200 (a)(2) and (3), 570.208(a)-(d).

Each Activity must meet one of the CDCBG program's three broad National Objectives:

- a. Benefit low-moderate-income persons;
- b. Aid in the prevention or elimination of slums or blight; or
- c. Meet urgent needs (relating to natural disasters)

Housing Activities: Are activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households.

In order to meet the housing LMI national objective, the following standards apply:

- a. Structures with two units must have both units occupied by a LMI household;
- b. If the structure contains three units, at least two units must be LMI occupied.
- c. Residential structures with four units must have at least 51% or 3 of the units occupied by LMI households.

Record Keeping Requirements: Title 24, Part 570.506(4)(iii) requires that for each activity carried out for the purpose of providing or improving housing which is determined to benefit low and moderate [income](#) person, the City keep documentation for each unit occupied by a low and moderate [income household](#) including the size and [income](#) of the [household](#).

II. Furthering Fair Housing (24 CFR 570.601)

The Owner/Applicant must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with the Fair Housing Act of 1968 as amended.

III. Anti-Discrimination (24 CFR 570.602)

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions

against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

The Maine Human Rights Act prohibits discrimination in employment, housing, public accommodation and credit based on race, color, sex, physical or mental disability, religion, ancestry, or national origin.

Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

IV. Labor Standards (24 CFR 570.603)

Rehabilitation funded by CDCBG that have nine (9) units or more residential units must comply with section 110(a) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq. aka Davis Bacon Wage Rates, and as provided under the CDCBG regulations in 24 CFR 570.603 . This applies to non- volunteer labor financed in whole or part using federal funding covered by the Act.

V. Environmental Review (24 CFR 570.604; 570.605)

The City will conduct an environmental review on every property that receives City assistance in accordance with 24 CFR Part 58 and Part 50 and as further described in CDCBG regulations 24 CFR 570.604. The level of review is determined by the type of rehabilitation activity that is undertaken. NO work may commence on the property until the review is complete and the Funding Agreement is signed.

Areas of particular concern that may cause delay in approval of the project include:

- a. Historic properties;
- b. Properties located in a Special Flood Hazard Area (SFHA) flood zone; and
- c. Contaminated sites requiring special cleanup provisions

These include special requirements and will be staff reviewed to determine whether or not the City is willing to invest in these properties.

Flood Hazard Insurance: For properties approved for funding that are located in a designated flood hazard area, the applicant will be required to carry flood insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in CDCBG regulations 24 CFR 570.605.

VI. Relocation (24 CFR 570.606)

Families may be required to be temporarily relocated because of the nature and extent of the rehabilitation. The City makes every attempt possible to minimize the disruption of families and individuals; however, in certain circumstances, if funding is approved by the City, and the occupants are displaced, the City will follow the requirements of 49 CFR Part 24, as provided under the CDCBG regulations 24 CFR 570.606. For rehabilitations related to the Lead

Abatement, relocation is a component of the lead program and will be funded through that program.

VII Employment and Contracting Opportunities. (24 CFR 570.607)

Under the current CDCBG housing programs, Section 3 requirements do not apply to the rehabilitation work which includes demolition and lead based paint abatement, because the dollar threshold will not exceed \$100,000 for an individual contractor. On LALP funded projects, contractors may be subject to Section 3 and will follow the process established by the LALP.

VIII. Lead Based Paint (24 CFR 570.608)

Any rehabilitation funded by CDCBG shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards. The City contracts with _____ that has licensed Lead Inspectors and Risk Assessors that design the lead hazard control work tasks to be compliant with HUD and Maine DEP regulations. All contractors must be certified under the RRP rule and licensed under Maine Department of environmental Protection (MEDEP) Chapter 424 Regulations (10-03-2016).

IX. Debarred, Suspended or Ineligible Contractors (24 CFR 570.609)

No awards will be made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35)

At the time a contract is bid, the City will check all contractors and subcontractors at SAM.gov to ensure that they are not listed on the ineligible parties list. A printout of "no record" will be placed on file.

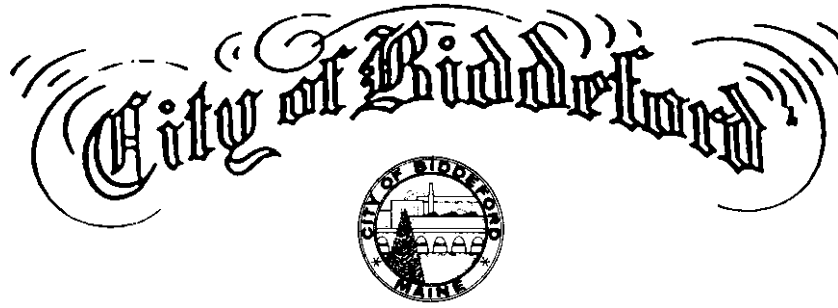
X. Conflict of Interest (24 CFR 570.611)

Interest of Certain Federal Officials: No member of or Delegate to the Congress of the United States and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials: No member, officer, or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston, or employee of the City of Biddeford who exercises any decision-making functions or responsibilities regarding the Community Development Program shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

Bonus, Commission or Fee: The Owner/Applicant cannot pay any bonus, commission, or fee for the purpose of obtaining the City of Biddeford's approval of the loan application or any other approval or concurrence required by the City of Biddeford or its designee to complete the rehabilitation work financed in whole or in part with the rehabilitation deferred forgivable loan.

¹The program proposal had been through the public notice and hearing process on May 18.



2020.36

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

May 19, 2020

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)



Biddeford City Council

Meeting Date: June 2 Meeting

Time: 6:00

Agenda Item No and Item Description:

- No: 2020.38 Amendment Citizen Participation Plan (re-approval)
- No: 2020.37 Consolidated Plan Amendment
- No: 2020.35 Substantial Amendment 2019 Year Action Plan
- No: 2020.34 Approval 2020 Year Action Plan

Submitted by: Mathew Eddy

Supporting Information/Documentation:

See Below and Attached amendments and programs:

May 19 Memo: HUD Amendments and Program Approvals

Attachments: New version of City Council Amendment Package with City Wide Version for Job Retention to include:

- Amendment Citizen Participation Plan (re-approval)
- Consolidated Plan Amendment (City Wide)
- Substantial Amendment 2019 Year Action Plan (City Wide)
- Approval 2020 Year Action Plan

Also attached are:

Draft guidelines for the Job Retention Program (City Wide Version)

Draft guidelines for the Owner Occupied 2-4 Unit Rehabilitation Program

Maps Delineating Census Tracts 252-01 and 252.02.

Key Terms:

- HUD—Housing and Urban Development(source of CDBG funds)
- CAREs Act—Federal stimulus legislation: Coronavirus Aid, Relief, and Economic Security Act
- CPP—Citizen Participation Plan Consolidated Plan—five year planning document in support of the CDBG program
- Action Plan-Annual action plan approved by City Council for the expenditure of CDBG funds. This memo will address two annual Action Plans: Amending the 2019 Action Plan and to approve the 2020 Action Plan.
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program CDBG-CV—HUD “Care’s” Act
- SBA—Small Business Administration. Program include:
 - PPP: Paycheck Protection Program
 - EIDL: Economic Injury Disaster Loan
- Low Moderate Income Clientele (LMC): The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity have to be LMI persons. Income determinations are necessary.
- Low Moderate Income Area (LMA): An LMA is an area that has more than 51% of the households that are less than area moderate income. The job creation and retention LMI benefit is designed to create or retain permanent jobs where at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons. In creating or retaining jobs within an LMA, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons. For funded activities that retain jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:
 - the job is held by a LMI person ;or,
 - the job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

Executive Summary:

Staff presented the Council a series of actions related to the annual CDBG program and associated Covid Virus changes.ⁱ During that meeting, the Council noted its’ concern with the focus of job retention in the Census Tract eligible areas: 252-01 and 252-02, the “downtown” district. There was a desire to see if the Job Retention Program (of roughly \$250,000) could be delivered City Wide.

As an eligible CDBG Community, a city wide job retention program can be delivered. Because job retention is outside of eligible census tracts, there is an increase in the work required to deliver the program. A more structured review and approval process, with priorities will be necessary to address what will assumed to be a larger applicant pool. A review committee is anticipated. The difference in hours is between 160 hours for the downtown focus and 260 for City Wide. Staff can deliver either Job Retention program.

Detailed Review:

Staff can deliver both Job Retention options.

The advantages to delivering the Job Retention program in the “downtown” area (see attached map) is a more streamlined, efficient program that anticipates a lower applicant pool and a reduced workload per applicant. Applications would be on a first come-first serve basis and scored based on simple need criteria for eligibility, as determined by a brief underwriting process.

The reduced workload in the downtown is specific to the CDBG rules. The two eligible areas, Census tracts 252-01 and 252-02, have low moderate-income family levels that are in excess of 51% of the population: 53% to 91% by block group. Hence, the workers to be retained or hired back with CDBG money will meet the presumed Low Moderate Income Area (LMA) benefit. No income determinations or follow up monitoring of employees will be necessary, simply a check that the job funded remains in place at the end of the program’s 8-week period.

The advantage of the City Wide eligibility is that we can reach more businesses. That can be done with a more structured scoring and monitoring process:

Structured Process: In the program guidelines, we will increase the level of scoring process to address an assumed addition in applications. We will establish a scoring committee and set priorities based on perceived need. That need will be determined in an underwriting process that documents need to keep workers or operating capital to keep the business going, but will provide a base to contrast among other applicants. The City Wide are in terms of work load, assumes more applications and scoring.

Monitoring: The work in the monitoring process, from the point of intake to project closeout, will require some additional work. For citywide eligibility of the program, we cannot take advantage of the LMA benefit process. We instead have to serve Low Moderate Income Clientele (LMC). We will set up, in intake, income determination sheets and meetings with worker(s) to assist them in filling out the sheets. At the end of the process, we will have to insure that the worker retained or hired back is both that worker and still meets the income determination. Interviews, during the monitoring process, of the business and worker, will be required.

We have estimated a work hour’s summary for both options below:

CDBG Job Retention Program: Estimated Hours Per Delivery Area		
	Downtown Focus	City Wide
Intake	1	2
Underwriting	1	1
Scoring	2	3
Contract award, IDIS entry	2	2
Monitoring	1	4
Project closeout	1	1
<i>Total hours per Applicant</i>	8	13
<i>Total Program Hours assuming 20 applications:</i>	160	260

Since this is the first time the city has ever delivered a job retention/creation grant program, it is hard to predict how this work will actually go.

Funding Source:

Housing and Urban Development Community Development Block Grant Funds

Staff Recommendation:

Approval of all amendments and the approval of the 2020 Year Action Plan.

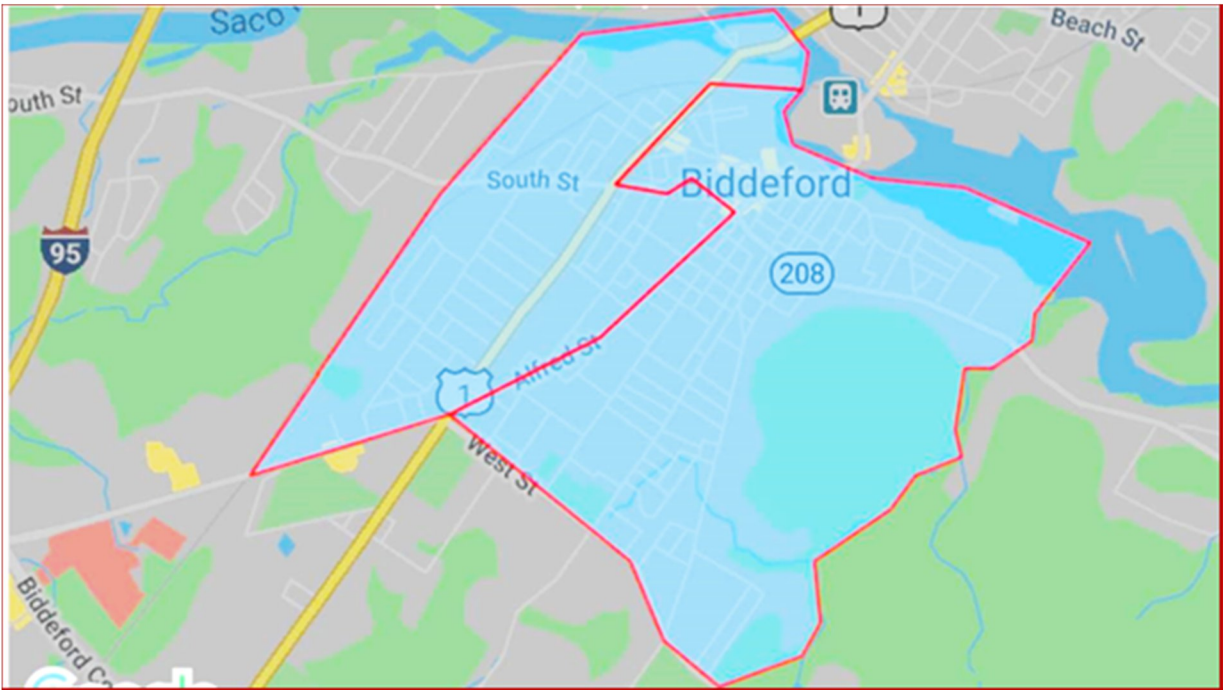
Mathew Eddy

Recommended Motions:

- 1. Amendment Citizen Participation Plan (re-approval): Approve amendments to the Citizen Participation Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 2. Approve amendments to the Consolidated Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 3. Approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the Covid Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**

4. **Approval and authorization of the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.**

Census Tracts 252.01 and 252.02 Biddeford, Maine



City Council Amendment Package-City Wide Job Retention

**Amendment Citizen's Participation Plan
(Changes in italics)**

CITY OF BIDDEFORD
CITIZENS' PARTICIPATION PLAN
Amendment: April 23, 2020

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM**

June 19th, 2018

Prepared by:

**Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005**



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the

CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, except in the case of the CAPER, which will have a 15-day comment period.

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the

Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. *A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.*

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. *The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.*
- C. *The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.*
- D. *In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.*

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. *A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.*
- B. *In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.*
- C. *In a minor amendment situation, no Public Hearing will be required.*

Redirected CDBG funds will be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15 day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

3. Adjustments to comment period, hearing notices, and contract changes.

In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally. The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.

- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.
- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.

Substantial Amendment –Biddeford 5 year Consolidated Plan

Insert into the Plan the following:

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting economically viable communities

Objective 2 - Increase business attraction opportunities to promote low and moderate income job creation and retention in the downtown and mill district area.

Actions:

- 1. Provide grant assistance to businesses through a Business Assistance Program. The business assistance program will provide funds for the creation or retention of jobs, while furthering the development of small businesses in the City.*
- 2. Provide grants for projects that increase the economic viability of the downtown by furthering the creative economy.*
- 3. Implement sustainable energy related projects in the downtown.*

Substantial Amendment Year 2019 Action Plan

Insert into the Year 2019 Action Plan:

(1) Priorities:

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

(2) PROJECT 7 CDBG-CV BIDDEFORD JOB RETENTION PROGRAM

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>
Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify

	• Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses that have a physical commercial establishment in the city. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' payment based on payroll expenses averaged over previous 6 months. Payment with copy of purchase order or invoice. Rent may be paid directly to vendor
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business; Guarantee released with successful completion and final report of activities during 8 week period

Action Year 3:

DRAFT May 2020



CITY OF BIDDEFORD, MAINE

Year 3 Action Plan

July 1, 2020 – July 30, 2021

**U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM**



The City's Entitlement Mission Statement is as follows:

“To create a Strategic Plan for the next five years that continues to enhance the community and economic development of the City of Biddeford through targeted public facility and infrastructure improvements, social services, housing, economic development projects, and activities that benefit residents, including low to moderate income persons and special needs population groups.”

Objectives and Outcomes

The following are the priorities, objectives and outcomes from the Consolidated 5 Year Plan that began on July 1st, 2018 appropriate to the Year 3 Action Plan (to begin on July 1st, 2020). The priorities also take into account issues remaining as a result of the COVID pandemic crisis:

INFRASTRUCTURE

Priority 1. To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

Actions: Implement sidewalk and other street improvements, ADA projects and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.

ECONOMIC DEVELOPMENT

New Objective – To provide job retention during the pandemic emergency

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

HOUSING

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

Actions: 1. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.

2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
3. Provide funding to low to moderate income homeowners for improvements comprised of energy conservation.
4. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.
5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions: 1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

SOCIAL SERVICES

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

- Actions: 1. Provide opportunities for homeless and low to moderate income persons, and special needs populations to participate in work force preparedness and financial management programs that enhance their ability to have access to affordable housing.
2. Provide child care and youth programs that increase the opportunity for homeless and low to moderate income persons, and special needs populations to attend educational and training programs, while providing enrichment programs for youths of all ages.

3. Link local programs to secondary education and training that would be the "next step" for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Priority 4 - Implement strategies to aid the elderly and special needs populations with access to information and services to increase health and safety and reduce reliance on the City's overburdened Health and Welfare Department that can only provide minimal assistance.

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Priority 5 - To reinforce and strengthen the emergency shelter and transitional housing system that is already in place which includes housing, counseling, education and a wide variety of homeless, special needs and LMI assistance.

Objective 1 - Assist and work with the City's Health and Welfare Department, volunteer organizations and agencies to seek collaborative efforts to assist homeless, low to moderate income and special needs populations in Biddeford.

- Actions: 1. Encourage network meetings of area resources and services.
2. Strengthen individual neighborhoods through outreach efforts, including meetings, events, and planning strategies

Year 3 Projects

Summary:

- Sidewalks: Construction/reconstruction of sidewalks, possible ADA improvements and associated utilities in the eligible area of South Street \$256,000 (27%) .
- 2-4 Unit Housing Rehabilitation Program: With carryover, the City will have available A minimum of \$536,000 for the rehabilitation of owner occupied 2-4 unit Structures (38%).
- Public Services: Services are targeted to LMI citywide citizens through Meals on Wheels and through two hub centers: Seeds of Hope and 43 Sullivan Street via direct program delivery, to adults and families with children respectively. Funding is \$70,384 (15%) for implementation of new and existing services.
- Administration is funded at \$93,846 (20%).

Approximately 80% of the total funds will go to benefit LMI citizens.

The budget is based on \$469,231 that has been allocated by HUD for Year 3 plus carryover from the previous year to capitalize the housing program.

YEAR 3 ACTION PLAN ALLOCATIONS	Carryover from 2018 2019	PY 2020 – 2021	PY 2020 – 2021
		Program-No carryover	Program with Carryover
INFRASTRUCTURE			
1. Sidewalks/ADA	\$ 272,698.00	\$ 256,000.00	\$256,000
Park - to be cancelled	18486		0
			0
Downtown Improvement Program –to be cancelled	50842		0
HOUSING			
1. Multifamily Housing Rehab.	\$115,550	\$49,001	\$536,577
SOCIAL SERVICES			
1. SMAA- Meals on Wheels	\$0	\$17,000	\$17,000
2. Seeds - Career Center	\$0	\$21,600	\$21,600
3. The HUB - APEX	0	\$31,784	\$31,784
ADMINISTRATION	\$ -	\$93,846	\$93,846
CONTINGENCY	\$30,000		
Grand Total	\$ 487,576.00	\$ 469,231.00	\$956,807

The total carryover of funds from Year 2 will be approximately \$487,576. All other funded activities are expected to be expended at this time. Year 2 is the current project year from July 1st, 2019 to June 30th, 2020.

Programs in Detail

Project Title: Sidewalk/ Lighting Improvements

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$256,000

Benefit: 1,000+/-feet

The City of Biddeford will complete its downtown CDBG sidewalk efforts at South Street. The following will be accomplished:

- Sidewalks on south side from Crescent to Elm Street, approx. 480'
- Sidewalks on South street north side from Kossuth Street to Elm Street, approx..680'
- 100' up side streets along route

Project Title: Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$536,577 as well as any unallocated funding

Numbers To Be Served/Benefit: 15 housing units

The Year 3 Action Plan introduces a housing rehabilitation program for Owner Occupied 2 to 4

unit multifamily housing benefiting low to moderate income families in downtown census tract areas identified as low to moderate income. Biddeford has high rates of rental housing (70% of the housing stock) and poverty in this core entitlement area. Of Biddeford's housing stock, 32% are comprised of three or four units. In the target area, fifty-four percent of the rental housing stock is comprised of 2-4 unit structures; 333 are owner-occupied structures. The low and moderate-income owners of 2-4 units struggle to maintain these older homes: 21% (961) of these housing structures are in fair or poor condition. These same structures, given age, likely have some health and safety issues. For example, lead paint is in most homes in the target area given age that range from 80 to 140 years in age. Biddeford is also experiencing unprecedented growth in the demand and cost of rental housing. These two factors, safety and market, are making it harder for those at the lower end of the housing spectrum to find safe, affordable housing.

The City plans to rehabilitate approximately 5 housing structures for a total of 15 units, and repeat the program the following year. In each rehabilitated building, 51% of the units must be for residents who are below 80% of the low to moderate income family threshold. Housing affordability will be enforced for a maximum of ten years. Each unit will be eligible for funding of up to \$50,000 per unit. The level of investment will be determined on a case-by-case basis, as the community determines whether repair or rehabilitation is appropriate. This program will be linked to a larger housing investment program that includes HUD lead paint funds and housing rehabilitation resources from Maine Housing. All housing units will, at a minimum, meet the safety requirements of the Code Enforcement Office and HUD.

Community Development-Services

Project Title: Southern Maine Agency on Aging – Meals on Wheels

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$17,000

In-kind Commitment \$50,031

Numbers To Be Served/Benefit: 75

The Southern Maine Agency on Aging's Meals on Wheels program provides nutritious meals to homebound, older and disabled adults living in Biddeford. In addition to a nutritious meal, Meals on Wheels provides valuable socialization and safety checks for participants. Meals on Wheels has become an important factor in addressing hunger among older people. This program seeks to serve 8,200 meals to 75 homebound senior residents of Biddeford in Year 3.

The Meals on Wheels Program will provide the following services:

1. Receive referral (either a self-referral, from a physician, neighbor, hospital discharge, family member, friend, etc.).
2. Conduct a phone assessment to determine preliminary program eligibility and begin delivery of meals within 10 days of referral unless there is a wait list.
3. Conduct thorough, in-home assessment to further verify program eligibility, and to identify other social service needs such as caregiving stress, falls, financial exploitation, home health assistance, Medicare and insurance questions, heat and utility costs.

4. Client works with SMAA's Information and Resources staff to pursue programs and services to address additional needs/challenges.
5. If eligibility for the program is confirmed during in-home assessment, continue delivering up to five meals a week during two weekly deliveries.
6. Manage Meals on Wheels wait list based on "degree of need criteria" imposed by Maine's Office of Aging and Disability Services. Ensure no client spends more than 30 days on wait list (SMAA, Self-enforced rule).
7. Conduct a re-assessment over the phone after 6 months to confirm continued eligibility, and to identify any changing needs of the clients.
8. Conduct thorough, in-home expanded assessment every 12 months of being enrolled in the program.

The City of Biddeford provides space at the Community Center for this service.

Project Title: Neighborhood HUB Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$31,784

Inkind Commitment: TBD

Numbers To Be Served/Benefit: 25

The City is focusing its social service efforts in two neighborhood HUBs or centers to anchor its eight neighborhood network called "My Neighborhood Network". APEX Youth Connection (formerly the Community Bicycle Center) will direct the Canopy Park Resource Center, called the HUB, at 46 Sullivan Street, in the LMI Bacon Street Neighborhood in Census tract 252-02. APEX and program staff will be available to assist neighborhood residents with access to services and programs, and engage residents in community events and provide direct services to families with children. APEX will work with established neighborhood networks to provide some or all of the following:

- early childhood programs
- Corona Virus educational activity packages for youth/families
- Lead paint prevention and education programs
- Develop partnerships and relationships in the immigrant and refugee community.
- Parenting programs
- Programs for traumatized immigrant and refugee youth
- Youths can participate in the Build a Bike Program, Kids Bike Factor Program, Daily Drop In, Bike Doctor Program, and/or the APEX Cycling Team.
- Academic assistance, bike repair technology training and other recreation programs, and
- A summer meal

APEX will coordinate the HUB at 46 Sullivan Street including intake of all programs income surveys to substantiate benefit. This activity is projected to serve 20 LMI families in the neighborhood (and beyond) as staff time and others as resources permit.

Project Title: Seeds of Hope - Seeds of Hope Warming Center

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$21,600

Inkind Commitment: \$46,000

Numbers To Be Served/Benefit: 20 individuals for 60 nights

The Seeds of Hope Neighborhood Center on South Street serves as the City's second HUB. Focusing primarily on homeless and very low income adults, the Center offers a number of services and resources including:

- a Career Resource Center for those seeking computer literacy skills, apply for jobs, and/or gain workforce skills.
- Breakfast and warm soup and lunch options, with a special focus on lunches during the pandemic crisis.
- Evening Warming Center

Biddeford continues to see an increasing level of homeless in the city. Those seeking Seeds assistance are estimated to be 20 people living outside and 20 couch surfing. Seeds now operates a Warming Center in the evenings during extreme winter weather. Seeds of Hope will generally provide the: following:

1. Coordinate and provide intake of those seeking to get out of the winter weather at the Warming Center. That those living outside have the opportunity, between December 1, 2020 and March 30, 2021, to be inside during the overnight hours when designated weather predictions are in place, ensuring their safety from extreme, possibly life-threatening conditions.
2. Health screenings by public health professionals and snacks, clothing, etc.
3. Hire a team of 2-3 rotating contract staff persons who can rotate coverage depending on weather predictions and hire appropriate security.
4. Recruit and train community volunteers to support the paid staff in operating the overnight program
5. Coordinate statistical review of police, fire/EMS and Emergency room data to evaluate impact of maintaining this program.
6. While continuing to provide meals at breakfast and lunch, a special focus will be on lunch bags being served to those in need during the pandemic crisis.

Administration

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$93,846

Contingency Provision

If necessary, the City of Biddeford will adjust the proposed allocations according to the percentages stated within the Consolidated Plan, Year 3 Action Plan and any additional

emergency allocations related to the pandemic crisis.

Biddeford Job Retention Grants

Program Overview.

The City of Biddeford proposes to use the Department of Housing and Urban Development **Community Development Block Grant (CDBG)-funded Job Retention Grant for Working Capital to help smaller Main Street and Mill District businesses retain jobs and prevent homelessness in the midst of the coronavirus crisis. This program will provide funding to small businesses** for at least 90 days so they can retain workers and survive the crisis. Small Business Administration (SBA) and related amortizing loans may be helpful for long term recovery. However, the City has discovered that, through public sessions and surveys distributed in the community that a number of businesses are falling through the cracks:

- Many local, small businesses do not necessarily align with the SBA related programs
- Many local, small businesses have no relationship with the SBA
- Many, local small businesses, particularly start-ups, may not actually have financed their projects through lending institution, but instead self-financed.
- Sole proprietors, or gig workers, are prevalent in the Maine Street mix, and that:
- A flexible grant guarantee will have a more direct impact to help small businesses retain jobs, survive the crisis, and help alleviate homelessness.

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

Program Requirements.

The program is designed to meet basic statutory requirements of the CDBG program while being flexible enough to deliver a program quickly and efficiently during this coronavirus crisis. The standards will focus on small businesses, require a statement of need for the assistance, and **require at least one year of payroll documentation to substantiate the need, and require an income statement.** The program is as follows:

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>

Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	• Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify • Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses Citywide. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' advance payment based on payroll expenses averaged over previous 6 months. Advance payment with copy of purchase order or invoice. Rent may be paid directly to v
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business

CDBG COMPLIANCE CONSIDERATIONS

	Job Retention Grants
Activity Type	Assistance to Businesses, including Special Economic Development Assistance to for profit micro-enterprise program for those under 5 employees, or businesses between 5 and 20 employees The program meets the HUD CDBG National Objective: “Activities Benefiting L/M Income Persons.” Eligible Activity: LMJ, LMA, Urgent Need
CDBG Matrix Code	18A: Economic Development Direct Financial Assistance to For-Profit Business, 24 CFR 570.203(b) or 42 USC 5305(a)(17)
National Objective	Low/Mod Income Job Creation and Retention and Urgent Need, 24 CFR 570.208(a)(4) Activities undertaken to retain permanent jobs, at least one job will be held by low/mod income persons.
Job Retention Monitoring	CDBG-CV standard of verification of Low to Moderate income job based on the wage and/or salary and family size or individual as evidence by a paystub or tax return, as applicable. Coronavirus crisis serves as the basis for disruption of business revenue and threat of job loss. Business must submit statement of business disruption and/or revenue loss and how CDBG assistance will be used to retain employment of existing staff.
Available Funds	Total funds available of \$250,000; grants up to \$12,500 to start
Action Plan Amendment	Based on criteria set in Citizen Participation Plan HUD Expedited Review and Approval
Public Comment:	5-day Public Comment Period; Virtual Public Hearing via Web Meeting
ERR	Categorically Excluded
Davis Bacon	Not Applicable, no construction
Funding:	Direct Electronic Funds payment from IDIS to grantee to Business Beneficiary
Monitoring:	Business must submit end of grant update report on business stabilization and recovery progress and jobs retained, standard reporting form to be provided.

Grant Procedure. The City will provide an electronic application, which will stipulate the requirements of a completed application. Applications will be taken on a first serve, case by case basis. After applications are reviewed for completeness with the program as described above, they will be submitted for underwriting review to the Southern Maine Finance Agency and to the Biddeford Citizen’s Advisory Committee (CAC) on a weekly basis for their recommendation until the funds are expended. The CAC shall forward all recommendations directly to the City Council for their approval.

Monitoring. At the end of the 8-week period, the recipient shall provide a report on the ways in which financial assistance was expended including the identification of those individuals that were maintained on payroll or re-hired after initially being laid off. A standard report profile will be provide

Part 1

Introduction

Draft to Main Housing 5/13/2020

I. Program Overview

The City of Biddeford's Planning and Development Department (PDD) offers a Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program interested in making improvements to their properties to create safe, affordable, decent housing for low-income residents. The Program, its possible funding sources, and criteria are described below.

CDCBG funding is the most flexible federal funding resource available to the City and works well with other federal funds such as lead hazard control and Maine State Housing funding. The City intends to maximize the amount of funding available for rehabilitation of properties by blending funding available from these additional sources when they become available.

II. Funding Authorization

The City of Biddeford (City) is an entitlement grantee that receives an annual allocation of Community Development Block Grant (CDCBG) funding through the U.S. Department of Housing and Urban Development (HUD). This funding is administered by the City's Planning and Development Department. The funding the City utilizes for its housing program is from the federal government and has programmatic requirements that must be satisfied in order to be funded by the City. Those requirements are addressed in a later section.

The City completed a HUD approved consolidated planning process and established funding priorities to funding rehabilitation of housing in its 2018-2023 Consolidated Plan. Each year the City, utilizing its Citizen Participation Process, determines its funding priorities in its Annual Action Plan. The average amount of funding identified annually to accomplish its housing rehabilitation goals is approximately \$116,940.

III. Program Goals

The goals of the Multi Family rehabilitation Programs is to:

- Leverage private investment;
- Improve the quality of housing;
- Create affordable and sustainable housing;
- Create safe, stable and healthy housing; and
- Encourage investment in neighborhoods which will enhance the appearance of the City

IV. Target Geography

Funding will be concentrated in the following areas:

1. The first priority is in Census Tracts 252-01 and 252-02 for owner-occupied properties of 2 to 4 units that qualify.
2. The second priority is City-wide for owner-occupied properties of 2 to 4 units that qualify.
3. The third priority is nonprofit residential and properties that are not owner occupied that qualify City-wide.

Housing Rehabilitation Deferred Forgivable Loan Program

Purpose: To rehabilitate owner-occupied 2-4 unit properties to improve the health, safety, and livability of the property.

Eligible Activities: Improvements that are of a necessary and permanent nature, but not of a luxury nature, including, but not limited to: structural, energy, lead-hazard control, accessibility, repair of major housing building systems, non-living space limited to demolition, structural, attached garage roof, and weather-related improvements.

Ineligible Activities: New construction, paving, fencing, or appliances. **Any work started prior to approval of the funding from the City.**

Property Eligibility: Properties located in Biddeford (see map for first priority area). After the first priority area applicants are considered the program will be open to applicants Citywide. The property must be owner-occupied 2-4 unit properties.

Applicant Eligibility: The applicant must have proof of ownership of the building; must be current on all City assessments; and qualify under the City's underwriting guidelines for a deferred forgivable loan. The property owner may not be elected or appointed to office in the City of Biddeford. Applicants in the first priority area will be considered first and then those applicants Citywide will be considered for funding.

- a. **Owner-occupied properties:** The owner's income must be at or below 80% of Median Family Income (MFI) for a two-unit property, as well as the 2nd rental unit. For owner-occupied multi-family properties of 3+ units 51% of the rental units in the property must be occupied by low-moderate income residents.

Affordability Requirements: Applicants must rent the required number of units to low-moderate income residents for a period of **ten years**. The rents are considered affordable when they are at or below the HUD established Fair Market Rents as adjusted by a utility allowance for tenant paid utilities. The FMR is published annually by HUD. The City uses the utility allowance schedule established by the Biddeford Housing Authority. If the tenant is receiving assistance under the Section 8 Housing Choice Voucher Program, the unit automatically qualifies as affordable under these guidelines.

Financing Terms:

A Deferred Forgivable Loan will be issued to the awarded property owner at 0% interest for 10 years, forgiven in increments of 10% each year that the owner occupies the dwelling. If the owner no longer occupies or sells the property prior to the 10-year timeframe, the balance must be paid in full;

If the property is sold or ownership is transferred during the term of the loan, the balance must be repaid. If the property is sold to a low-income owner who intends to occupy one of the units, the loan may be assumed by a qualified household who meets the income, affordability, and underwriting guidelines.

Funding Source: CDCBG and other funding resources are based on funding availability.

Part 3 Definitions

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes, trash, water or sewer bills, or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Biddeford. The City may accept a written payment plan made with the department on which there is a delinquent account.

Federal, State and Local Requirements: The funding available to the City for grants and loans comes from federal or state sources, which means there are some restrictions or requirements that must be met. Additionally, local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Agreement: A Notice of Deferred Forgivable Loan Approval is provided to Owner/Applicants when the City's Planning and Development Department, Citizens Advisory Committee (CAC), and the **City's Finance Committee** have approved City funding. Any project expenditures made prior to these approvals and execution of a funding agreement will not be funded nor will they be counted toward the match requirement. The following documents become part of the Funding Agreement between the City and the Owner: "*City Housing Program Guidelines*"; "*Notice of Deferred Forgivable Loan Approval*"; "*Rehabilitation Deferred Forgivable Loan Agreement*"; "*Promissory Note*"; "*Personal Guaranty*" (*Any person holding an ownership interest of 20% or more*); "*Corporate Guaranty*"; and any other agreements to satisfy the conditions of the City.

Household Income: Total household income is calculated by adding income of all members of the household. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, net rental income, child support, alimony, Social Security benefits, SSI retirement, pension, or annuity, TANF, unemployment benefits, worker's compensation, and disability or benefits from any source.

For the purpose of computing income, a household shall be defined as all 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 other group of related or unrelated persons who share living arrangements.

Low-Moderate Income: A household whose income is at or below 80% of Median Family Income (MFI) for the Biddeford/York County Statistical Area (LAMSA) published annually by HUD and are listed in a table on the City's web site.

Mixed-Use Property: A property that is used in some part for residential purposes and in some part for non-residential purposes. City funds under this program may not be used in the non-residential area, except as specifically noted under the program eligible uses.

Owner-occupied: A person who holds the entire ownership interest of the property and lives in one unit of the property as a primary residence.

Qualified Contractor: Is able to satisfactorily demonstrate that subcontractors have the necessary skills, abilities, and equipment to perform the scope of work in an expedient and efficient manner; is licensed as required by the City of Biddeford and the State of Maine; and carries the appropriate amount of insurance. Contractor Standards are described in a later section.

Rehabilitation Costs: The total of contractor estimates from qualified contractors for the scope of the work.

Residential Structure: A building used entirely for residential purposes. Rental buildings under common ownership and management that are located on the same or contiguous properties may be considered as a single structure.

Part 4

Rehabilitation Requirements

I. Property Inspections

Property inspections are conducted at initial application and during construction. A final inspection is conducted before the final invoice is paid.

a. **Initial Inspection:**

- At the time of application, the Community Development Coordinator (CDC) will set a time for an initial inspection with the Owner and Rehabilitation Technician (RT).
- Owner will notify all residents and provide access to all areas of the building
- During the initial inspection the owner, CDC and RT will agree on the work that will be included in the rehabilitation scope of work;
- The RT will generate an initial “Health and Safety Inspection” and will take “before” pictures.
- A HUD Certified Lead Inspector will also inspect each property and develop specifications regarding lead remediation as required.

b. **Progress Inspection:**

- A check in with the contractor by the RT;
- Or as needed during the course of the rehabilitation.

c. **Final Inspection:**

- Contractor will notify CDC or RT that the work is complete;
- RT or CDC will meet with the contractor or Owner/Agent present
- Work completed satisfactorily, the RT will sign off, certify project completion and take pictures;
- For work not completed to Code or not completed as agreed, the RT will issue a punch list;
- Contractor will notify RT or CDC when completed; CDC or RT will schedule to complete the inspection, RT will certify completion and take pictures.
- A final inspection will also be conducted by the HUD Certified Lead Inspector to insure compliance with lead safe regulations.

II. Bid Process

The owner/applicant must either include any items identified by RT in the scope of work or complete the issues that do not meet code prior to the rehabilitation. The RT must sign off on the work once completed if not included in the rehabilitation work.

There are two acceptable methods to proceed with the bidding/project management:

- 1) The owner/applicant may choose to become the “general contractor” for the scope of work. At least three (3) bids are required for each specific rehabilitation task. Bids may be either obtained from a general contractor covering all rehabilitation tasks or from separate contractors for each specific rehabilitation task. The owner is solely responsible to invite, accept, or reject any bid proposal. However, bids must be reasonable and a documented reason for selecting other than the “most responsible and lowest bidder”.
- 2) The owner/applicant may choose to have the City’s CDC perform all aspects of the bidding, scope of work, and construction management. This will be highly recommended for the homeowner who owns one property and has no experience in rehabilitation management.
- 3) In both cases, the City’s CDC, RT. and staff will oversee the bid process.

Shortage of contractors: Over the past three years there has been a shortage of contractors in the area to perform work on residential properties. It is important to competitively bid the work and obtain at least two bids; however, it may not be practical. In these cases the owner/applicant and City may document the number of attempts made to secure two bids and why it was not possible to secure them. A note should be added to the file that the bid submitted has been reviewed and is considered reasonable. If it is “not reasonable,” the scope will need to be modified and bid again.

Family/relatives performing work: Bid proposals may be secured from and awarded to a member of the applicant's family (i.e. relative) if the bidder:

- is a bona fide and skilled trades person;
- is not living in the same household as the borrower;
- has no financial interest in the property to be rehabilitated; and
- the relationship is disclosed in writing by the borrower at the time of bid proposal.

Low bid: Regardless of the method of bidding/project management, it is expected that the lowest qualified bid will be accepted. If, however, the low bid is not accepted and the rehabilitation activity is awarded to a higher bidder; the owner/applicant must submit to CDC:

- a written statement explaining the reason for accepting the higher bid. If compelling, the work may be awarded to the higher bidder; and/or
- if not compelling, must fund the difference out of pocket but may be rolled into the loan, if there is a loan besides the Deferred Forgivable Loan, to fund the rehabilitation work.

Any contractor chosen must prove his ability to provide all necessary insurances, expertise, equipment, and materials to satisfactorily complete the respective task.

III. Contractor Eligibility

To be considered an eligible contractor the following standards apply:

Insurance: The contractor and subcontractors shall carry Worker's Compensation Insurance for all their employees in accordance with the Worker's Compensation laws of the State of Maine. The contractor and subcontractors shall carry Manufacturer's and Contractor's Public Liability Insurance with a limit of \$300,000 for personal injury or death and \$100,000 for property damage. The City may require bonding for contracts in excess of \$100,000.

License and Qualifications: The contractor shall have in effect a license if required by the City of Biddeford, or State of Maine. The contractor must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.

Credit: The City may require a list of credit references, names of suppliers, name of bank where contractor does business, and names and addresses of recent home improvement customers.

Skill and Equipment: No approval of a contract shall be given unless the construction contractor can satisfactorily demonstrate that he/she and/or their subcontractor(s) have the necessary skills and equipment to perform the work in an efficient and expedient manner.

IV. Labor Performed by the Owner/Applicant

Bid proposals may be secured from and awarded to the owner/applicant (i.e. owner may serve as general contractor and/or do work on his/her own property), if the owner/applicant meets the following requirements:

1. Is a contractor or tradesman who has an ownership interest in a contracting or trades business that has been in existence for at least six (6) months prior to loan application or, as a property owner, has employed, for at least six (6) months prior to loan application, a full-time maintenance crew with the expertise and equipment to satisfactorily complete the respective tasks which the owner proposed to perform.
2. The Borrower must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.
3. For those tasks to be performed by the Owner and/or the Owner's employees:
 - a. Bid proposals shall be for materials and employee labor only, with no profit, overhead or payment to the Owner for personal expertise or labor allowed;
 - b. A maximum of **\$5,000** per unit will be allowed for materials purchased;
 - c. Invoices for materials shall be for costs only, including any discounts, with no mark-ups allowed;
 - d. Invoices for labor shall be accompanied by payrolls which include hours and work performed by each employee;
4. For those tasks to be performed by a sub-contractor (e.g. plumbing, electrical, etc.), at least two (2) separate bids shall be secured for each specific rehabilitation task.

V. General Terms and Conditions for Rehabilitation

1. Approved rehabilitation activities must be completed in accordance with applicable federal/state or local codes:

- a. **Owner/applicant agrees to correct any and all code violations in the property**
 - b. Owner/applicant agrees to permit inspection of the property and rehabilitation work by City, Rehabilitation Technician and Code Enforcement. This includes all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
 - c. Owner/applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property.
 - d. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
- 2. **NO work, regardless of the funding source, may commence on the property until the environmental review is complete and the Funding Agreement is signed;**
 - 3. No monies will be disbursed for improvements made that were not in the original scope of work to reimburse the borrower for improvements made to the property that were not approved by CDC.
 - 4. Agree to have the property inspected by a licensed/HUD certified Lead Risk Assessor, if the scope of the rehabilitation disturbs lead and is built prior to 1978; and, if an issue is found;
 - 5. Agree to provide certification and testing documentation before and after the lead removal/abatement activities begin and are completed; and
 - 6. Agree to obtain a permit and submit plans (i.e. floor, electrical, plumbing plans) as requested by City/Code enforcement as may be required for a building permit.

Part 4 Application Process

City Assistance in projects is generally in the form of a deferred forgivable loan and is designed to provide construction and/or permanent financing in conjunction with other Federal, State, or City Programs or other lending institutions. Some programs require a match from the applicant/borrower. Specific terms and conditions are listed.

I. To Apply for a City Deferred Forgivable Loan :

A property owner interested in participating in the City's Multi Family Housing Program who lives at a property of 2 to 4 units, must submit a completed, signed application along with the required submissions to the Planning and Development Department (PDD), City of Biddeford, 205 Main Street, Biddeford, ME 04005. If you have questions specific to the program, you can contact Linda Waters, Community Development Coordinator, at 207-284-9105 or Linda.Waters@biddefordmaine.org. Personal appointments may be made upon request. There is an open application period as long as funding is available. Deferred Forgivable Loans are processed on a first come, first serve basis.

Application Submission: The following items may be required submissions as part of the application package:

- a) **An application that is complete and signed by every owner with an interest of 20% or more interest in the property;**
- b) **Signed permission to check credit of each individual owner with an interest of 20% or more in the property;**
- c) **Financial information from all owners with a 20% interest or more, including: income from all sources (employment income must include 2 months of pay stubs or payroll record); two years of personal and corporate income taxes; two months of personal bank statements; rent roll and tenant income verification forms, any other documentation as requested;**
- d) **Copy of the current Hazard Insurance on the property;**
- e) **Addresses of all properties in the City of Biddeford owned wholly or in part by the applicant;**
- f) **Written description of the project improvements.**

Application Processing and Review: Each application will be dated upon receipt in the Planning and Development Department offices on the Second Floor at City Hall. Only one original application is needed; however, applicants should retain a copy of the completed application. The program description outlines the type of funding available as well as the maximum funding limit. You may request up to that limit; however, if the ask is not supported by the need, the City may fund at a lower amount. You must meet the individual program and the financial guidelines for each type of funding applied for.

Verification of Information: Once the application is submitted, City staff will verify all sources of income, assets, and matching sources. Third party written verifications may be needed. Credit reports may be requested to determine credit worthiness of the applicant(s).

Property Record Search: The City Solicitor will conduct a title search on the property to make sure that the title is clear from liens and City Staff will complete property verifications with City Departments (Assessing, Finance, Water and Sewer, Treasurers, Code Enforcement and Planning) on the property in the City of Biddeford to ensure that there are no outstanding assessments or complaints against the properties. This cost is part of the CDBG grant package.

Outstanding City Assessments or Complaints: If there are outstanding assessments or complaints, the applicant will not be eligible for funding until the assessments are paid in full and the complaints cooperatively dealt with. If the property owner is in a payment plan with the Tax Office and is current and demonstrates a good paying record, a loan may be considered on this property.

Environmental Review: City staff will check the Federal, State, and local databases to determine whether or not the building is historic and, if so, the type of review needed. If federal guidelines require project review by the Maine Historic Preservation Commission, the approval process may take as long as 45 days. City staff will also check the FEMA Flood Database and the Wetlands Mapper to determine if there are any restrictions and requirements related to these issues on the property, and a GIS map of the property location will be printed and maintained in the application file. No work may be implemented until the Environmental Review is complete.

Initial Inspection and Bid Process: The Community Development Coordinator will review the project with the RT and set an appointment to conduct an initial inspection of the property to ensure that the proposed improvements will add value and safety, and that the building can support the proposed improvements. The RT will make recommendations as needed, including items that do not meet code and need to be repaired as part of the project. After bid specifications are completed at least 3 bids will be solicited by the property owner and submitted to the CDC for review, and approval by the CAC and City Council before initiating a contract. A contract will then be signed between the property owner and contractor(s).

Debarred or Suspended Contractors: CDC staff will check the contractors that have provided proposals against the Debarred Contractor listing at <http://www.sam.gov> to determine if the contractor has been debarred, suspended, is proposed for debarment, excluded, or otherwise disqualified from work that is federally funded. Staff will document the file.

National Objective: Each funded activity must meet one of the three HUD national objectives: 1) low-moderate income benefit; 2) elimination of slum and blight; or 3) urgent need. In aggregate, at least 70% of all funds must assist low and moderate income persons over a 1-3 year period. CDC staff will document the file the extent to which the project meets these National Objectives.

II. Risk Analysis

All Deferred Forgivable Loans will be underwritten by staff or contractors of the Planning and Development Department.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

- a. Track record of cooperation with Code Enforcement and other City departments; and
- b. Verification that all City Department assessments (taxes, City utilities, etc.) have been paid.
- c. Credit check and/or Police check as determined by City Staff.

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Citizens Advisory Committee and to Council for approval.

Other Considerations: The City may accept or reject any application for funding and has an “open window” to accept applications for rehabilitation projects throughout the year. Sometimes a property/owner meets the required criteria but then is not funded by the City.

The following reasons may cause the City to reject an application for funding:

- 1) There is no more funding available through City sources;
- 2) The funding priority may have changed; or
- 3) There are environmental review concerns. Examples may be: the property is in a 100 year flood plain; it's historic and the cost to rehabilitate the building is no longer cost reasonable for the limited funding the City has available; severe or toxic contamination, or not within the cost effectiveness requirements of HUD, etc.; or
- 4) There was a material change in either the property condition or the owner's financial condition. If this situation occurs after the Deferred Forgivable Loan has been approved but before the contract signing, City staff may choose to not place the project under contract. If this occurs after approval and the contract signing, the City may choose to follow the **default remedies** under the Deferred Forgivable Loan.

III. City Approval/Disapproval

All Deferred Forgivable Loans that meet program and financing guidelines are presented for review and approval to the Planning and Development Director, Citizens Advisory Committee (COC), and City Council.

The following are the rules each person/committee will follow:

- a. Each person/committee will need to give approval before the loan is awarded.
- b. Approval of Deferred Forgivable Loans will be contingent upon the applicant meeting the ongoing requirements of the program.
- c. The Planning and Development Director has the authority to adjust terms, rates and the other requirements on a case-by-case basis, after approval by the CAC and City Council by written notification, including email.

Once the City Council makes a recommendation, the applicant will be notified via letter by the Planning and Development Department Staff. If the terms have been modified, the recipient will be given an opportunity to accept the new terms and conditions or request an appeal.

IV. Appeal Process

The applicant may appeal the decision regarding a Deferred Forgivable Loan under the following circumstances:

- a. Must be in writing with an explanation regarding why the applicant should be granted an appeal and addressed to Biddeford Citizens Advisory Committee (CAC), c/o Linda M. Waters, City of Biddeford, 205 Main Street, Biddeford, Maine 04005.

- b. No new information may be presented by the applicant, only clarification of information that was originally provided but, in the applicant's point of view, may not have presented their complete financial or another condition.
- c. Request for an appeal must be made in writing to the CAC within 30 days of the date of the decision to deny or modify the terms of participation.
- d. The CAC will schedule and hold an appeal hearing for the appeal process.
- e. The applicant may provide written information or may request to be present at the appeal hearing and present information directly to the CAC.
- f. The CAC will deliberate the request and make its decision after the hearing, and forward the decision to the City's Finance Committee.
- g. The City's Finance Committee's decision is final and the applicant will be notified by Planning and Development Department staff.

V. General Terms and Conditions for Participation in the City Program

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a Deferred Forgivable Loan through the City.

The City of Biddeford views the documents as the contractual agreement between the Owner/Applicant and the City. To fulfill this agreement, the Owner/Applicant must:

1. Complete within six (6) months all rehabilitation work as described in the Deferred Forgivable Loan application submitted by the applicant and approved by the City. For exterior work, scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed all funds disbursed to the Owner/Applicant by the City of Biddeford through its program as stated in the contract documents.
3. The Owner/Applicant accepts ultimate responsibility for fulfilling the contract and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity are made solely between the Owner/Applicant and the respective contractor and/or supplier;
 - b. The Owner/Applicant will indemnify and hold harmless the City of Biddeford and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. The entire principal balance shall become immediately due and payable without notice or demand upon the following events:
 - a. The commencement of any proceedings by or against the Owner/Applicant under any bankruptcy or insolvency laws;
 - b. The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of the developer;

- c. Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon or insurance premiums on the project property; and/or
 - d. Failure to maintain the income limit requirement that 51% of the units of the property be maintained for low to moderate income households according to HUD guidelines throughout the ten year period, as documented through monitoring by the City. The 51% threshold of housing units must remain constant throughout the life of the Deferred Forgivable Loan and the property and household units are subject to monitoring by the City of Biddeford at any given time.
- 5. Deferred Forgivable Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be included in the Owner/Applicant's contract package.
- 6. A Owner/Applicant agrees to permit inspection by the City's CDC, RT, and/or Code Enforcement personnel of the property, rehabilitation work, all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
- 7. The Owner/Applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by Code is unacceptable for disbursement of any funds.
- 8. Disbursement of Program funds:
 - Disbursement of all Deferred forgivable Loan funds is made through the City after the work has been approved for funding and the Contractor has submitted a Contractor Payment Request Form approved by the owner and a Certificate and Release of Liens signed by the contractor.
 - The above is contingent upon approved activities being completed according to applicable municipal codes.
 - No money will be disbursed to reimburse the Owner/Applicant for improvements made to the property which were not approved by the City before they were commenced.
- 10. The Owner/Applicant is required to maintain hazard insurance on the improved property for the full term of the contract and in a minimum amount equal to the total value of all mortgages

held on the property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

11. The arwardee agrees to keep such records as may be required by the City of Biddeford with respect to the rehabilitation activities.

12. The Owner/Applicant further agrees to abide by all terms and conditions of Federal Regulations which are described in the next Section.

Part 5

Federal/State/Local Requirements

I. National Objectives (24 CFR 570.200; 570.208; and 570.506)

This section summarizes the National Objectives of the CDCBG Program contained in the Code of Federal Regulations, Title 24, Part 570, Sections 570.200 (a)(2) and (3), 570.208(a)-(d).

Each Activity must meet one of the CDCBG program's three broad National Objectives:

- a. Benefit low-moderate-income persons;
- b. Aid in the prevention or elimination of slums or blight; or
- c. Meet urgent needs (relating to natural disasters)

Housing Activities: Are activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households.

In order to meet the housing LMI national objective, the following standards apply:

- a. Structures with two units must have both units occupied by a LMI household;
- b. If the structure contains three units, at least two units must be LMI occupied.
- c. Residential structures with four units must have at least 51% or 3 of the units occupied by LMI households.

Record Keeping Requirements: Title 24, Part 570.506(4)(iii) requires that for each activity carried out for the purpose of providing or improving housing which is determined to benefit low and moderate [income](#) person, the City keep documentation for each unit occupied by a low and moderate [income household](#) including the size and [income](#) of the [household](#).

II. Furthering Fair Housing (24 CFR 570.601)

The Owner/Applicant must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with the Fair Housing Act of 1968 as amended.

III. Anti-Discrimination (24 CFR 570.602)

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions

against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

The Maine Human Rights Act prohibits discrimination in employment, housing, public accommodation and credit based on race, color, sex, physical or mental disability, religion, ancestry, or national origin.

Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

IV. Labor Standards (24 CFR 570.603)

Rehabilitation funded by CDCBG that have nine (9) units or more residential units must comply with section 110(a) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq. aka Davis Bacon Wage Rates, and as provided under the CDCBG regulations in 24 CFR 570.603 . This applies to non- volunteer labor financed in whole or part using federal funding covered by the Act.

V. Environmental Review (24 CFR 570.604; 570.605)

The City will conduct an environmental review on every property that receives City assistance in accordance with 24 CFR Part 58 and Part 50 and as further described in CDCBG regulations 24 CFR 570.604. The level of review is determined by the type of rehabilitation activity that is undertaken. NO work may commence on the property until the review is complete and the Funding Agreement is signed.

Areas of particular concern that may cause delay in approval of the project include:

- a. Historic properties;
- b. Properties located in a Special Flood Hazard Area (SFHA) flood zone; and
- c. Contaminated sites requiring special cleanup provisions

These include special requirements and will be staff reviewed to determine whether or not the City is willing to invest in these properties.

Flood Hazard Insurance: For properties approved for funding that are located in a designated flood hazard area, the applicant will be required to carry flood insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in CDCBG regulations 24 CFR 570.605.

VI. Relocation (24 CFR 570.606)

Families may be required to be temporarily relocated because of the nature and extent of the rehabilitation. The City makes every attempt possible to minimize the disruption of families and individuals; however, in certain circumstances, if funding is approved by the City, and the occupants are displaced, the City will follow the requirements of 49 CFR Part 24, as provided under the CDCBG regulations 24 CFR 570.606. For rehabilitations related to the Lead

Abatement, relocation is a component of the lead program and will be funded through that program.

VII Employment and Contracting Opportunities. (24 CFR 570.607)

Under the current CDCBG housing programs, Section 3 requirements do not apply to the rehabilitation work which includes demolition and lead based paint abatement, because the dollar threshold will not exceed \$100,000 for an individual contractor. On LALP funded projects, contractors may be subject to Section 3 and will follow the process established by the LALP.

VIII. Lead Based Paint (24 CFR 570.608)

Any rehabilitation funded by CDCBG shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards. The City contracts with _____ that has licensed Lead Inspectors and Risk Assessors that design the lead hazard control work tasks to be compliant with HUD and Maine DEP regulations. All contractors must be certified under the RRP rule and licensed under Maine Department of environmental Protection (MEDEP) Chapter 424 Regulations (10-03-2016).

IX. Debarred, Suspended or Ineligible Contractors (24 CFR 570.609)

No awards will be made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35)

At the time a contract is bid, the City will check all contractors and subcontractors at SAM.gov to ensure that they are not listed on the ineligible parties list. A printout of "no record" will be placed on file.

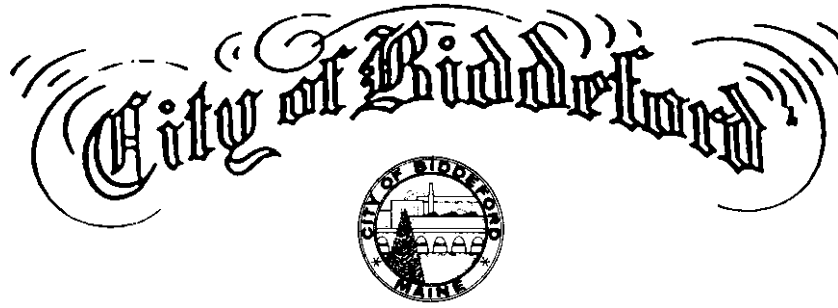
X. Conflict of Interest (24 CFR 570.611)

Interest of Certain Federal Officials: No member of or Delegate to the Congress of the United States and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials: No member, officer, or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston, or employee of the City of Biddeford who exercises any decision-making functions or responsibilities regarding the Community Development Program shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

Bonus, Commission or Fee: The Owner/Applicant cannot pay any bonus, commission, or fee for the purpose of obtaining the City of Biddeford's approval of the loan application or any other approval or concurrence required by the City of Biddeford or its designee to complete the rehabilitation work financed in whole or in part with the rehabilitation deferred forgivable loan.

¹The program proposal had been through the public notice and hearing process on May 18.



2020.37

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Consolidated Plan for changes related to the COVID-19 virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

May 19, 2020

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)



Biddeford City Council

Meeting Date: June 2 Meeting

Time: 6:00

Agenda Item No and Item Description:

- No: 2020.38 Amendment Citizen Participation Plan (re-approval)
- No: 2020.37 Consolidated Plan Amendment
- No: 2020.35 Substantial Amendment 2019 Year Action Plan
- No: 2020.34 Approval 2020 Year Action Plan

Submitted by: Mathew Eddy

Supporting Information/Documentation:

See Below and Attached amendments and programs:

May 19 Memo: HUD Amendments and Program Approvals

Attachments: New version of City Council Amendment Package with City Wide Version for Job Retention to include:

- Amendment Citizen Participation Plan (re-approval)
- Consolidated Plan Amendment (City Wide)
- Substantial Amendment 2019 Year Action Plan (City Wide)
- Approval 2020 Year Action Plan

Also attached are:

Draft guidelines for the Job Retention Program (City Wide Version)

Draft guidelines for the Owner Occupied 2-4 Unit Rehabilitation Program

Maps Delineating Census Tracts 252-01 and 252.02.

Key Terms:

- HUD—Housing and Urban Development(source of CDBG funds)
- CAREs Act—Federal stimulus legislation: Coronavirus Aid, Relief, and Economic Security Act
- CPP—Citizen Participation Plan Consolidated Plan—five year planning document in support of the CDBG program
- Action Plan-Annual action plan approved by City Council for the expenditure of CDBG funds. This memo will address two annual Action Plans: Amending the 2019 Action Plan and to approve the 2020 Action Plan.
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program CDBG-CV—HUD “Care’s” Act
- SBA—Small Business Administration. Program include:
 - PPP: Paycheck Protection Program
 - EIDL: Economic Injury Disaster Loan
- Low Moderate Income Clientele (LMC): The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity have to be LMI persons. Income determinations are necessary.
- Low Moderate Income Area (LMA): An LMA is an area that has more than 51% of the households that are less than area moderate income. The job creation and retention LMI benefit is designed to create or retain permanent jobs where at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons. In creating or retaining jobs within an LMA, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons. For funded activities that retain jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:
 - the job is held by a LMI person ;or,
 - the job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

Executive Summary:

Staff presented the Council a series of actions related to the annual CDBG program and associated Covid Virus changes.ⁱ During that meeting, the Council noted its’ concern with the focus of job retention in the Census Tract eligible areas: 252-01 and 252-02, the “downtown” district. There was a desire to see if the Job Retention Program (of roughly \$250,000) could be delivered City Wide.

As an eligible CDBG Community, a city wide job retention program can be delivered. Because job retention is outside of eligible census tracts, there is an increase in the work required to deliver the program. A more structured review and approval process, with priorities will be necessary to address what will assumed to be a larger applicant pool. A review committee is anticipated. The difference in hours is between 160 hours for the downtown focus and 260 for City Wide. Staff can deliver either Job Retention program.

Detailed Review:

Staff can deliver both Job Retention options.

The advantages to delivering the Job Retention program in the “downtown” area (see attached map) is a more streamlined, efficient program that anticipates a lower applicant pool and a reduced workload per applicant. Applications would be on a first come-first serve basis and scored based on simple need criteria for eligibility, as determined by a brief underwriting process.

The reduced workload in the downtown is specific to the CDBG rules. The two eligible areas, Census tracts 252-01 and 252-02, have low moderate-income family levels that are in excess of 51% of the population: 53% to 91% by block group. Hence, the workers to be retained or hired back with CDBG money will meet the presumed Low Moderate Income Area (LMA) benefit. No income determinations or follow up monitoring of employees will be necessary, simply a check that the job funded remains in place at the end of the program’s 8-week period.

The advantage of the City Wide eligibility is that we can reach more businesses. That can be done with a more structured scoring and monitoring process:

Structured Process: In the program guidelines, we will increase the level of scoring process to address an assumed addition in applications. We will establish a scoring committee and set priorities based on perceived need. That need will be determined in an underwriting process that documents need to keep workers or operating capital to keep the business going, but will provide a base to contrast among other applicants. The City Wide are in terms of work load, assumes more applications and scoring.

Monitoring: The work in the monitoring process, from the point of intake to project closeout, will require some additional work. For citywide eligibility of the program, we cannot take advantage of the LMA benefit process. We instead have to serve Low Moderate Income Clientele (LMC). We will set up, in intake, income determination sheets and meetings with worker(s) to assist them in filling out the sheets. At the end of the process, we will have to insure that the worker retained or hired back is both that worker and still meets the income determination. Interviews, during the monitoring process, of the business and worker, will be required.

We have estimated a work hour’s summary for both options below:

CDBG Job Retention Program: Estimated Hours Per Delivery Area		
	Downtown Focus	City Wide
Intake	1	2
Underwriting	1	1
Scoring	2	3
Contract award, IDIS entry	2	2
Monitoring	1	4
Project closeout	1	1
<i>Total hours per Applicant</i>	8	13
<i>Total Program Hours assuming 20 applications:</i>	160	260

Since this is the first time the city has ever delivered a job retention/creation grant program, it is hard to predict how this work will actually go.

Funding Source:

Housing and Urban Development Community Development Block Grant Funds

Staff Recommendation:

Approval of all amendments and the approval of the 2020 Year Action Plan.

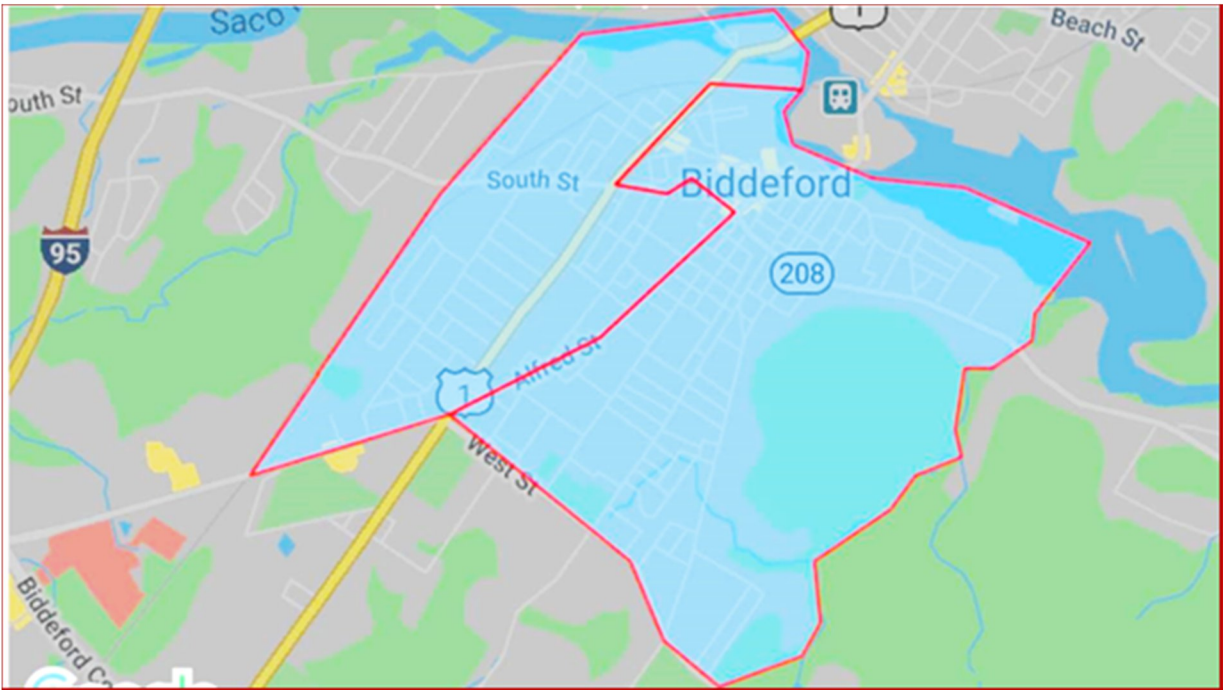
Mathew Eddy

Recommended Motions:

- 1. Amendment Citizen Participation Plan (re-approval): Approve amendments to the Citizen Participation Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 2. Approve amendments to the Consolidated Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 3. Approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the Covid Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**

4. **Approval and authorization of the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.**

Census Tracts 252.01 and 252.02 Biddeford, Maine



City Council Amendment Package-City Wide Job Retention

**Amendment Citizen's Participation Plan
(Changes in italics)**

**CITY OF BIDDEFORD
CITIZENS' PARTICIPATION PLAN
Amendment: April 23, 2020**

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM**

June 19th, 2018

Prepared by:

**Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005**



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the

CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, except in the case of the CAPER, which will have a 15-day comment period.

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the

Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. *A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.*

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. *The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.*
- C. *The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.*
- D. *In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.*

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. *A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.*
- B. *In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.*
- C. *In a minor amendment situation, no Public Hearing will be required.*

Redirected CDBG funds will be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15 day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

3. Adjustments to comment period, hearing notices, and contract changes.

In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally. The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.

- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.
- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.

Substantial Amendment –Biddeford 5 year Consolidated Plan

Insert into the Plan the following:

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting economically viable communities

Objective 2 - Increase business attraction opportunities to promote low and moderate income job creation and retention in the downtown and mill district area.

Actions:

- 1. Provide grant assistance to businesses through a Business Assistance Program. The business assistance program will provide funds for the creation or retention of jobs, while furthering the development of small businesses in the City.*
- 2. Provide grants for projects that increase the economic viability of the downtown by furthering the creative economy.*
- 3. Implement sustainable energy related projects in the downtown.*

Substantial Amendment Year 2019 Action Plan

Insert into the Year 2019 Action Plan:

(1) Priorities:

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

(2) PROJECT 7 CDBG-CV BIDDEFORD JOB RETENTION PROGRAM

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>
Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify

	• Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses that have a physical commercial establishment in the city. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' payment based on payroll expenses averaged over previous 6 months. Payment with copy of purchase order or invoice. Rent may be paid directly to vendor
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business; Guarantee released with successful completion and final report of activities during 8 week period

Action Year 3:

DRAFT May 2020



CITY OF BIDDEFORD, MAINE

Year 3 Action Plan

July 1, 2020 – July 30, 2021

**U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM**



The City's Entitlement Mission Statement is as follows:

“To create a Strategic Plan for the next five years that continues to enhance the community and economic development of the City of Biddeford through targeted public facility and infrastructure improvements, social services, housing, economic development projects, and activities that benefit residents, including low to moderate income persons and special needs population groups.”

Objectives and Outcomes

The following are the priorities, objectives and outcomes from the Consolidated 5 Year Plan that began on July 1st, 2018 appropriate to the Year 3 Action Plan (to begin on July 1st, 2020). The priorities also take into account issues remaining as a result of the COVID pandemic crisis:

INFRASTRUCTURE

Priority 1. To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

Actions: Implement sidewalk and other street improvements, ADA projects and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.

ECONOMIC DEVELOPMENT

New Objective – To provide job retention during the pandemic emergency

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

HOUSING

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

Actions: 1. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.

2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
3. Provide funding to low to moderate income homeowners for improvements comprised of energy conservation.
4. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.
5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions: 1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

SOCIAL SERVICES

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

- Actions: 1. Provide opportunities for homeless and low to moderate income persons, and special needs populations to participate in work force preparedness and financial management programs that enhance their ability to have access to affordable housing.
2. Provide child care and youth programs that increase the opportunity for homeless and low to moderate income persons, and special needs populations to attend educational and training programs, while providing enrichment programs for youths of all ages.

3. Link local programs to secondary education and training that would be the "next step" for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Priority 4 - Implement strategies to aid the elderly and special needs populations with access to information and services to increase health and safety and reduce reliance on the City's overburdened Health and Welfare Department that can only provide minimal assistance.

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Priority 5 - To reinforce and strengthen the emergency shelter and transitional housing system that is already in place which includes housing, counseling, education and a wide variety of homeless, special needs and LMI assistance.

Objective 1 - Assist and work with the City's Health and Welfare Department, volunteer organizations and agencies to seek collaborative efforts to assist homeless, low to moderate income and special needs populations in Biddeford.

- Actions: 1. Encourage network meetings of area resources and services.
2. Strengthen individual neighborhoods through outreach efforts, including meetings, events, and planning strategies

Year 3 Projects

Summary:

- Sidewalks: Construction/reconstruction of sidewalks, possible ADA improvements and associated utilities in the eligible area of South Street \$256,000 (27%) .
- 2-4 Unit Housing Rehabilitation Program: With carryover, the City will have available A minimum of \$536,000 for the rehabilitation of owner occupied 2-4 unit Structures (38%).
- Public Services: Services are targeted to LMI citywide citizens through Meals on Wheels and through two hub centers: Seeds of Hope and 43 Sullivan Street via direct program delivery, to adults and families with children respectively. Funding is \$70,384 (15%) for implementation of new and existing services.
- Administration is funded at \$93,846 (20%).

Approximately 80% of the total funds will go to benefit LMI citizens.

The budget is based on \$469,231 that has been allocated by HUD for Year 3 plus carryover from the previous year to capitalize the housing program.

YEAR 3 ACTION PLAN ALLOCATIONS	Carryover from 2018 2019	PY 2020 – 2021	PY 2020 – 2021
		Program-No carryover	Program with Carryover
INFRASTRUCTURE			
1. Sidewalks/ADA	\$ 272,698.00	\$ 256,000.00	\$256,000
Park - to be cancelled	18486		0
			0
Downtown Improvement Program –to be cancelled	50842		0
HOUSING			
1. Multifamily Housing Rehab.	\$115,550	\$49,001	\$536,577
SOCIAL SERVICES			
1. SMAA- Meals on Wheels	\$0	\$17,000	\$17,000
2. Seeds - Career Center	\$0	\$21,600	\$21,600
3. The HUB - APEX	0	\$31,784	\$31,784
ADMINISTRATION	\$ -	\$93,846	\$93,846
CONTINGENCY	\$30,000		
Grand Total	\$ 487,576.00	\$ 469,231.00	\$956,807

The total carryover of funds from Year 2 will be approximately \$487,576. All other funded activities are expected to be expended at this time. Year 2 is the current project year from July 1st, 2019 to June 30th, 2020.

Programs in Detail

Project Title: Sidewalk/ Lighting Improvements

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$256,000

Benefit: 1,000+/-feet

The City of Biddeford will complete its downtown CDBG sidewalk efforts at South Street. The following will be accomplished:

- a. Sidewalks on south side from Crescent to Elm Street, approx. 480'
- b. Sidewalks on South street north side from Kossuth Street to Elm Street, approx..680'
- c. 100' up side streets along route

Project Title: Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$536,577 as well as any unallocated funding

Numbers To Be Served/Benefit: 15 housing units

The Year 3 Action Plan introduces a housing rehabilitation program for Owner Occupied 2 to 4

unit multifamily housing benefiting low to moderate income families in downtown census tract areas identified as low to moderate income. Biddeford has high rates of rental housing (70% of the housing stock) and poverty in this core entitlement area. Of Biddeford's housing stock, 32% are comprised of three or four units. In the target area, fifty-four percent of the rental housing stock is comprised of 2-4 unit structures; 333 are owner-occupied structures. The low and moderate-income owners of 2-4 units struggle to maintain these older homes: 21% (961) of these housing structures are in fair or poor condition. These same structures, given age, likely have some health and safety issues. For example, lead paint is in most homes in the target area given age that range from 80 to 140 years in age. Biddeford is also experiencing unprecedented growth in the demand and cost of rental housing. These two factors, safety and market, are making it harder for those at the lower end of the housing spectrum to find safe, affordable housing.

The City plans to rehabilitate approximately 5 housing structures for a total of 15 units, and repeat the program the following year. In each rehabilitated building, 51% of the units must be for residents who are below 80% of the low to moderate income family threshold. Housing affordability will be enforced for a maximum of ten years. Each unit will be eligible for funding of up to \$50,000 per unit. The level of investment will be determined on a case-by-case basis, as the community determines whether repair or rehabilitation is appropriate. This program will be linked to a larger housing investment program that includes HUD lead paint funds and housing rehabilitation resources from Maine Housing. All housing units will, at a minimum, meet the safety requirements of the Code Enforcement Office and HUD.

Community Development-Services

Project Title: Southern Maine Agency on Aging – Meals on Wheels

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$17,000

In-kind Commitment \$50,031

Numbers To Be Served/Benefit: 75

The Southern Maine Agency on Aging's Meals on Wheels program provides nutritious meals to homebound, older and disabled adults living in Biddeford. In addition to a nutritious meal, Meals on Wheels provides valuable socialization and safety checks for participants. Meals on Wheels has become an important factor in addressing hunger among older people. This program seeks to serve 8,200 meals to 75 homebound senior residents of Biddeford in Year 3.

The Meals on Wheels Program will provide the following services:

1. Receive referral (either a self-referral, from a physician, neighbor, hospital discharge, family member, friend, etc.).
2. Conduct a phone assessment to determine preliminary program eligibility and begin delivery of meals within 10 days of referral unless there is a wait list.
3. Conduct thorough, in-home assessment to further verify program eligibility, and to identify other social service needs such as caregiving stress, falls, financial exploitation, home health assistance, Medicare and insurance questions, heat and utility costs.

4. Client works with SMAA's Information and Resources staff to pursue programs and services to address additional needs/challenges.
5. If eligibility for the program is confirmed during in-home assessment, continue delivering up to five meals a week during two weekly deliveries.
6. Manage Meals on Wheels wait list based on "degree of need criteria" imposed by Maine's Office of Aging and Disability Services. Ensure no client spends more than 30 days on wait list (SMAA, Self-enforced rule).
7. Conduct a re-assessment over the phone after 6 months to confirm continued eligibility, and to identify any changing needs of the clients.
8. Conduct thorough, in-home expanded assessment every 12 months of being enrolled in the program.

The City of Biddeford provides space at the Community Center for this service.

Project Title: Neighborhood HUB Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$31,784

Inkind Commitment: TBD

Numbers To Be Served/Benefit: 25

The City is focusing its social service efforts in two neighborhood HUBs or centers to anchor its eight neighborhood network called "My Neighborhood Network". APEX Youth Connection (formerly the Community Bicycle Center) will direct the Canopy Park Resource Center, called the HUB, at 46 Sullivan Street, in the LMI Bacon Street Neighborhood in Census tract 252-02. APEX and program staff will be available to assist neighborhood residents with access to services and programs, and engage residents in community events and provide direct services to families with children. APEX will work with established neighborhood networks to provide some or all of the following:

- early childhood programs
- Corona Virus educational activity packages for youth/families
- Lead paint prevention and education programs
- Develop partnerships and relationships in the immigrant and refugee community.
- Parenting programs
- Programs for traumatized immigrant and refugee youth
- Youths can participate in the Build a Bike Program, Kids Bike Factor Program, Daily Drop In, Bike Doctor Program, and/or the APEX Cycling Team.
- Academic assistance, bike repair technology training and other recreation programs, and
- A summer meal

APEX will coordinate the HUB at 46 Sullivan Street including intake of all programs income surveys to substantiate benefit. This activity is projected to serve 20 LMI families in the neighborhood (and beyond) as staff time and others as resources permit.

Project Title: Seeds of Hope - Seeds of Hope Warming Center

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$21,600

Inkind Commitment: \$46,000

Numbers To Be Served/Benefit: 20 individuals for 60 nights

The Seeds of Hope Neighborhood Center on South Street serves as the City's second HUB. Focusing primarily on homeless and very low income adults, the Center offers a number of services and resources including:

- a Career Resource Center for those seeking computer literacy skills, apply for jobs, and/or gain workforce skills.
- Breakfast and warm soup and lunch options, with a special focus on lunches during the pandemic crisis.
- Evening Warming Center

Biddeford continues to see an increasing level of homeless in the city. Those seeking Seeds assistance are estimated to be 20 people living outside and 20 couch surfing. Seeds now operates a Warming Center in the evenings during extreme winter weather. Seeds of Hope will generally provide the: following:

1. Coordinate and provide intake of those seeking to get out of the winter weather at the Warming Center. That those living outside have the opportunity, between December 1, 2020 and March 30, 2021, to be inside during the overnight hours when designated weather predictions are in place, ensuring their safety from extreme, possibly life-threatening conditions.
2. Health screenings by public health professionals and snacks, clothing, etc.
3. Hire a team of 2-3 rotating contract staff persons who can rotate coverage depending on weather predictions and hire appropriate security.
4. Recruit and train community volunteers to support the paid staff in operating the overnight program
5. Coordinate statistical review of police, fire/EMS and Emergency room data to evaluate impact of maintaining this program.
6. While continuing to provide meals at breakfast and lunch, a special focus will be on lunch bags being served to those in need during the pandemic crisis.

Administration

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$93,846

Contingency Provision

If necessary, the City of Biddeford will adjust the proposed allocations according to the percentages stated within the Consolidated Plan, Year 3 Action Plan and any additional

emergency allocations related to the pandemic crisis.

Biddeford Job Retention Grants

Program Overview.

The City of Biddeford proposes to use the Department of Housing and Urban Development **Community Development Block Grant (CDBG)-funded Job Retention Grant for Working Capital to help smaller Main Street and Mill District businesses retain jobs and prevent homelessness in the midst of the coronavirus crisis. This program will provide funding to small businesses** for at least 90 days so they can retain workers and survive the crisis. Small Business Administration (SBA) and related amortizing loans may be helpful for long term recovery. However, the City has discovered that, through public sessions and surveys distributed in the community that a number of businesses are falling through the cracks:

- Many local, small businesses do not necessarily align with the SBA related programs
- Many local, small businesses have no relationship with the SBA
- Many, local small businesses, particularly start-ups, may not actually have financed their projects through lending institution, but instead self-financed.
- Sole proprietors, or gig workers, are prevalent in the Maine Street mix, and that:
- A flexible grant guarantee will have a more direct impact to help small businesses retain jobs, survive the crisis, and help alleviate homelessness.

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

Program Requirements.

The program is designed to meet basic statutory requirements of the CDBG program while being flexible enough to deliver a program quickly and efficiently during this coronavirus crisis. The standards will focus on small businesses, require a statement of need for the assistance, and **require at least one year of payroll documentation to substantiate the need, and require an income statement.** The program is as follows:

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>

Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	• Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify • Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses Citywide. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' advance payment based on payroll expenses averaged over previous 6 months. Advance payment with copy of purchase order or invoice. Rent may be paid directly to v
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business

CDBG COMPLIANCE CONSIDERATIONS

	Job Retention Grants
Activity Type	Assistance to Businesses, including Special Economic Development Assistance to for profit micro-enterprise program for those under 5 employees, or businesses between 5 and 20 employees The program meets the HUD CDBG National Objective: “Activities Benefiting L/M Income Persons.” Eligible Activity: LMJ, LMA, Urgent Need
CDBG Matrix Code	18A: Economic Development Direct Financial Assistance to For-Profit Business, 24 CFR 570.203(b) or 42 USC 5305(a)(17)
National Objective	Low/Mod Income Job Creation and Retention and Urgent Need, 24 CFR 570.208(a)(4) Activities undertaken to retain permanent jobs, at least one job will be held by low/mod income persons.
Job Retention Monitoring	CDBG-CV standard of verification of Low to Moderate income job based on the wage and/or salary and family size or individual as evidence by a paystub or tax return, as applicable. Coronavirus crisis serves as the basis for disruption of business revenue and threat of job loss. Business must submit statement of business disruption and/or revenue loss and how CDBG assistance will be used to retain employment of existing staff.
Available Funds	Total funds available of \$250,000; grants up to \$12,500 to start
Action Plan Amendment	Based on criteria set in Citizen Participation Plan HUD Expedited Review and Approval
Public Comment:	5-day Public Comment Period; Virtual Public Hearing via Web Meeting
ERR	Categorically Excluded
Davis Bacon	Not Applicable, no construction
Funding:	Direct Electronic Funds payment from IDIS to grantee to Business Beneficiary
Monitoring:	Business must submit end of grant update report on business stabilization and recovery progress and jobs retained, standard reporting form to be provided.

Grant Procedure. The City will provide an electronic application, which will stipulate the requirements of a completed application. Applications will be taken on a first serve, case by case basis. After applications are reviewed for completeness with the program as described above, they will be submitted for underwriting review to the Southern Maine Finance Agency and to the Biddeford Citizen’s Advisory Committee (CAC) on a weekly basis for their recommendation until the funds are expended. The CAC shall forward all recommendations directly to the City Council for their approval.

Monitoring. At the end of the 8-week period, the recipient shall provide a report on the ways in which financial assistance was expended including the identification of those individuals that were maintained on payroll or re-hired after initially being laid off. A standard report profile will be provide

Part 1

Introduction

Draft to Main Housing 5/13/2020

I. Program Overview

The City of Biddeford's Planning and Development Department (PDD) offers a Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program interested in making improvements to their properties to create safe, affordable, decent housing for low-income residents. The Program, its possible funding sources, and criteria are described below.

CDCBG funding is the most flexible federal funding resource available to the City and works well with other federal funds such as lead hazard control and Maine State Housing funding. The City intends to maximize the amount of funding available for rehabilitation of properties by blending funding available from these additional sources when they become available.

II. Funding Authorization

The City of Biddeford (City) is an entitlement grantee that receives an annual allocation of Community Development Block Grant (CDCBG) funding through the U.S. Department of Housing and Urban Development (HUD). This funding is administered by the City's Planning and Development Department. The funding the City utilizes for its housing program is from the federal government and has programmatic requirements that must be satisfied in order to be funded by the City. Those requirements are addressed in a later section.

The City completed a HUD approved consolidated planning process and established funding priorities to funding rehabilitation of housing in its 2018-2023 Consolidated Plan. Each year the City, utilizing its Citizen Participation Process, determines its funding priorities in its Annual Action Plan. The average amount of funding identified annually to accomplish its housing rehabilitation goals is approximately \$116,940.

III. Program Goals

The goals of the Multi Family rehabilitation Programs is to:

- Leverage private investment;
- Improve the quality of housing;
- Create affordable and sustainable housing;
- Create safe, stable and healthy housing; and
- Encourage investment in neighborhoods which will enhance the appearance of the City

IV. Target Geography

Funding will be concentrated in the following areas:

1. The first priority is in Census Tracts 252-01 and 252-02 for owner-occupied properties of 2 to 4 units that qualify.
2. The second priority is City-wide for owner-occupied properties of 2 to 4 units that qualify.
3. The third priority is nonprofit residential and properties that are not owner occupied that qualify City-wide.

Housing Rehabilitation Deferred Forgivable Loan Program

Purpose: To rehabilitate owner-occupied 2-4 unit properties to improve the health, safety, and livability of the property.

Eligible Activities: Improvements that are of a necessary and permanent nature, but not of a luxury nature, including, but not limited to: structural, energy, lead-hazard control, accessibility, repair of major housing building systems, non-living space limited to demolition, structural, attached garage roof, and weather-related improvements.

Ineligible Activities: New construction, paving, fencing, or appliances. **Any work started prior to approval of the funding from the City.**

Property Eligibility: Properties located in Biddeford (see map for first priority area). After the first priority area applicants are considered the program will be open to applicants Citywide. The property must be owner-occupied 2-4 unit properties.

Applicant Eligibility: The applicant must have proof of ownership of the building; must be current on all City assessments; and qualify under the City's underwriting guidelines for a deferred forgivable loan. The property owner may not be elected or appointed to office in the City of Biddeford. Applicants in the first priority area will be considered first and then those applicants Citywide will be considered for funding.

- a. **Owner-occupied properties:** The owner's income must be at or below 80% of Median Family Income (MFI) for a two-unit property, as well as the 2nd rental unit. For owner-occupied multi-family properties of 3+ units 51% of the rental units in the property must be occupied by low-moderate income residents.

Affordability Requirements: Applicants must rent the required number of units to low-moderate income residents for a period of **ten years**. The rents are considered affordable when they are at or below the HUD established Fair Market Rents as adjusted by a utility allowance for tenant paid utilities. The FMR is published annually by HUD. The City uses the utility allowance schedule established by the Biddeford Housing Authority. If the tenant is receiving assistance under the Section 8 Housing Choice Voucher Program, the unit automatically qualifies as affordable under these guidelines.

Financing Terms:

A Deferred Forgivable Loan will be issued to the awarded property owner at 0% interest for 10 years, forgiven in increments of 10% each year that the owner occupies the dwelling. If the owner no longer occupies or sells the property prior to the 10-year timeframe, the balance must be paid in full;

If the property is sold or ownership is transferred during the term of the loan, the balance must be repaid. If the property is sold to a low-income owner who intends to occupy one of the units, the loan may be assumed by a qualified household who meets the income, affordability, and underwriting guidelines.

Funding Source: CDCBG and other funding resources are based on funding availability.

Part 3 Definitions

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes, trash, water or sewer bills, or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Biddeford. The City may accept a written payment plan made with the department on which there is a delinquent account.

Federal, State and Local Requirements: The funding available to the City for grants and loans comes from federal or state sources, which means there are some restrictions or requirements that must be met. Additionally, local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Agreement: A Notice of Deferred Forgivable Loan Approval is provided to Owner/Applicants when the City's Planning and Development Department, Citizens Advisory Committee (CAC), and the **City's Finance Committee** have approved City funding. Any project expenditures made prior to these approvals and execution of a funding agreement will not be funded nor will they be counted toward the match requirement. The following documents become part of the Funding Agreement between the City and the Owner: "*City Housing Program Guidelines*"; "*Notice of Deferred Forgivable Loan Approval*"; "*Rehabilitation Deferred Forgivable Loan Agreement*"; "*Promissory Note*"; "*Personal Guaranty*" (*Any person holding an ownership interest of 20% or more*); "*Corporate Guaranty*"; and any other agreements to satisfy the conditions of the City.

Household Income: Total household income is calculated by adding income of all members of the household. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, net rental income, child support, alimony, Social Security benefits, SSI retirement, pension, or annuity, TANF, unemployment benefits, worker's compensation, and disability or benefits from any source.

For the purpose of computing income, a household shall be defined as all 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 other group of related or unrelated persons who share living arrangements.

Low-Moderate Income: A household whose income is at or below 80% of Median Family Income (MFI) for the Biddeford/York County Statistical Area (LAMSA) published annually by HUD and are listed in a table on the City's web site.

Mixed-Use Property: A property that is used in some part for residential purposes and in some part for non-residential purposes. City funds under this program may not be used in the non-residential area, except as specifically noted under the program eligible uses.

Owner-occupied: A person who holds the entire ownership interest of the property and lives in one unit of the property as a primary residence.

Qualified Contractor: Is able to satisfactorily demonstrate that subcontractors have the necessary skills, abilities, and equipment to perform the scope of work in an expedient and efficient manner; is licensed as required by the City of Biddeford and the State of Maine; and carries the appropriate amount of insurance. Contractor Standards are described in a later section.

Rehabilitation Costs: The total of contractor estimates from qualified contractors for the scope of the work.

Residential Structure: A building used entirely for residential purposes. Rental buildings under common ownership and management that are located on the same or contiguous properties may be considered as a single structure.

Part 4

Rehabilitation Requirements

I. Property Inspections

Property inspections are conducted at initial application and during construction. A final inspection is conducted before the final invoice is paid.

a. **Initial Inspection:**

- At the time of application, the Community Development Coordinator (CDC) will set a time for an initial inspection with the Owner and Rehabilitation Technician (RT).
- Owner will notify all residents and provide access to all areas of the building
- During the initial inspection the owner, CDC and RT will agree on the work that will be included in the rehabilitation scope of work;
- The RT will generate an initial “Health and Safety Inspection” and will take “before” pictures.
- A HUD Certified Lead Inspector will also inspect each property and develop specifications regarding lead remediation as required.

b. **Progress Inspection:**

- A check in with the contractor by the RT;
- Or as needed during the course of the rehabilitation.

c. **Final Inspection:**

- Contractor will notify CDC or RT that the work is complete;
- RT or CDC will meet with the contractor or Owner/Agent present
- Work completed satisfactorily, the RT will sign off, certify project completion and take pictures;
- For work not completed to Code or not completed as agreed, the RT will issue a punch list;
- Contractor will notify RT or CDC when completed; CDC or RT will schedule to complete the inspection, RT will certify completion and take pictures.
- A final inspection will also be conducted by the HUD Certified Lead Inspector to insure compliance with lead safe regulations.

II. Bid Process

The owner/applicant must either include any items identified by RT in the scope of work or complete the issues that do not meet code prior to the rehabilitation. The RT must sign off on the work once completed if not included in the rehabilitation work.

There are two acceptable methods to proceed with the bidding/project management:

- 1) The owner/applicant may choose to become the “general contractor” for the scope of work. At least three (3) bids are required for each specific rehabilitation task. Bids may be either obtained from a general contractor covering all rehabilitation tasks or from separate contractors for each specific rehabilitation task. The owner is solely responsible to invite, accept, or reject any bid proposal. However, bids must be reasonable and a documented reason for selecting other than the “most responsible and lowest bidder”.
- 2) The owner/applicant may choose to have the City’s CDC perform all aspects of the bidding, scope of work, and construction management. This will be highly recommended for the homeowner who owns one property and has no experience in rehabilitation management.
- 3) In both cases, the City’s CDC, RT. and staff will oversee the bid process.

Shortage of contractors: Over the past three years there has been a shortage of contractors in the area to perform work on residential properties. It is important to competitively bid the work and obtain at least two bids; however, it may not be practical. In these cases the owner/applicant and City may document the number of attempts made to secure two bids and why it was not possible to secure them. A note should be added to the file that the bid submitted has been reviewed and is considered reasonable. If it is “not reasonable,” the scope will need to be modified and bid again.

Family/relatives performing work: Bid proposals may be secured from and awarded to a member of the applicant's family (i.e. relative) if the bidder:

- is a bona fide and skilled trades person;
- is not living in the same household as the borrower;
- has no financial interest in the property to be rehabilitated; and
- the relationship is disclosed in writing by the borrower at the time of bid proposal.

Low bid: Regardless of the method of bidding/project management, it is expected that the lowest qualified bid will be accepted. If, however, the low bid is not accepted and the rehabilitation activity is awarded to a higher bidder; the owner/applicant must submit to CDC:

- a written statement explaining the reason for accepting the higher bid. If compelling, the work may be awarded to the higher bidder; and/or
- if not compelling, must fund the difference out of pocket but may be rolled into the loan, if there is a loan besides the Deferred Forgivable Loan, to fund the rehabilitation work.

Any contractor chosen must prove his ability to provide all necessary insurances, expertise, equipment, and materials to satisfactorily complete the respective task.

III. Contractor Eligibility

To be considered an eligible contractor the following standards apply:

Insurance: The contractor and subcontractors shall carry Worker's Compensation Insurance for all their employees in accordance with the Worker's Compensation laws of the State of Maine. The contractor and subcontractors shall carry Manufacturer's and Contractor's Public Liability Insurance with a limit of \$300,000 for personal injury or death and \$100,000 for property damage. The City may require bonding for contracts in excess of \$100,000.

License and Qualifications: The contractor shall have in effect a license if required by the City of Biddeford, or State of Maine. The contractor must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.

Credit: The City may require a list of credit references, names of suppliers, name of bank where contractor does business, and names and addresses of recent home improvement customers.

Skill and Equipment: No approval of a contract shall be given unless the construction contractor can satisfactorily demonstrate that he/she and/or their subcontractor(s) have the necessary skills and equipment to perform the work in an efficient and expedient manner.

IV. Labor Performed by the Owner/Applicant

Bid proposals may be secured from and awarded to the owner/applicant (i.e. owner may serve as general contractor and/or do work on his/her own property), if the owner/applicant meets the following requirements:

1. Is a contractor or tradesman who has an ownership interest in a contracting or trades business that has been in existence for at least six (6) months prior to loan application or, as a property owner, has employed, for at least six (6) months prior to loan application, a full-time maintenance crew with the expertise and equipment to satisfactorily complete the respective tasks which the owner proposed to perform.
2. The Borrower must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.
3. For those tasks to be performed by the Owner and/or the Owner's employees:
 - a. Bid proposals shall be for materials and employee labor only, with no profit, overhead or payment to the Owner for personal expertise or labor allowed;
 - b. A maximum of **\$5,000** per unit will be allowed for materials purchased;
 - c. Invoices for materials shall be for costs only, including any discounts, with no mark-ups allowed;
 - d. Invoices for labor shall be accompanied by payrolls which include hours and work performed by each employee;
4. For those tasks to be performed by a sub-contractor (e.g. plumbing, electrical, etc.), at least two (2) separate bids shall be secured for each specific rehabilitation task.

V. General Terms and Conditions for Rehabilitation

1. Approved rehabilitation activities must be completed in accordance with applicable federal/state or local codes:

- a. **Owner/applicant agrees to correct any and all code violations in the property**
 - b. Owner/applicant agrees to permit inspection of the property and rehabilitation work by City, Rehabilitation Technician and Code Enforcement. This includes all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
 - c. Owner/applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property.
 - d. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
- 2. **NO work, regardless of the funding source, may commence on the property until the environmental review is complete and the Funding Agreement is signed;**
 - 3. No monies will be disbursed for improvements made that were not in the original scope of work to reimburse the borrower for improvements made to the property that were not approved by CDC.
 - 4. Agree to have the property inspected by a licensed/HUD certified Lead Risk Assessor, if the scope of the rehabilitation disturbs lead and is built prior to 1978; and, if an issue is found;
 - 5. Agree to provide certification and testing documentation before and after the lead removal/abatement activities begin and are completed; and
 - 6. Agree to obtain a permit and submit plans (i.e. floor, electrical, plumbing plans) as requested by City/Code enforcement as may be required for a building permit.

Part 4 Application Process

City Assistance in projects is generally in the form of a deferred forgivable loan and is designed to provide construction and/or permanent financing in conjunction with other Federal, State, or City Programs or other lending institutions. Some programs require a match from the applicant/borrower. Specific terms and conditions are listed.

I. To Apply for a City Deferred Forgivable Loan :

A property owner interested in participating in the City's Multi Family Housing Program who lives at a property of 2 to 4 units, must submit a completed, signed application along with the required submissions to the Planning and Development Department (PDD), City of Biddeford, 205 Main Street, Biddeford, ME 04005. If you have questions specific to the program, you can contact Linda Waters, Community Development Coordinator, at 207-284-9105 or Linda.Waters@biddefordmaine.org. Personal appointments may be made upon request. There is an open application period as long as funding is available. Deferred Forgivable Loans are processed on a first come, first serve basis.

Application Submission: The following items may be required submissions as part of the application package:

- a) **An application that is complete and signed by every owner with an interest of 20% or more interest in the property;**
- b) **Signed permission to check credit of each individual owner with an interest of 20% or more in the property;**
- c) **Financial information from all owners with a 20% interest or more, including: income from all sources (employment income must include 2 months of pay stubs or payroll record); two years of personal and corporate income taxes; two months of personal bank statements; rent roll and tenant income verification forms, any other documentation as requested;**
- d) **Copy of the current Hazard Insurance on the property;**
- e) **Addresses of all properties in the City of Biddeford owned wholly or in part by the applicant;**
- f) **Written description of the project improvements.**

Application Processing and Review: Each application will be dated upon receipt in the Planning and Development Department offices on the Second Floor at City Hall. Only one original application is needed; however, applicants should retain a copy of the completed application. The program description outlines the type of funding available as well as the maximum funding limit. You may request up to that limit; however, if the ask is not supported by the need, the City may fund at a lower amount. You must meet the individual program and the financial guidelines for each type of funding applied for.

Verification of Information: Once the application is submitted, City staff will verify all sources of income, assets, and matching sources. Third party written verifications may be needed. Credit reports may be requested to determine credit worthiness of the applicant(s).

Property Record Search: The City Solicitor will conduct a title search on the property to make sure that the title is clear from liens and City Staff will complete property verifications with City Departments (Assessing, Finance, Water and Sewer, Treasurers, Code Enforcement and Planning) on the property in the City of Biddeford to ensure that there are no outstanding assessments or complaints against the properties. This cost is part of the CDBG grant package.

Outstanding City Assessments or Complaints: If there are outstanding assessments or complaints, the applicant will not be eligible for funding until the assessments are paid in full and the complaints cooperatively dealt with. If the property owner is in a payment plan with the Tax Office and is current and demonstrates a good paying record, a loan may be considered on this property.

Environmental Review: City staff will check the Federal, State, and local databases to determine whether or not the building is historic and, if so, the type of review needed. If federal guidelines require project review by the Maine Historic Preservation Commission, the approval process may take as long as 45 days. City staff will also check the FEMA Flood Database and the Wetlands Mapper to determine if there are any restrictions and requirements related to these issues on the property, and a GIS map of the property location will be printed and maintained in the application file. No work may be implemented until the Environmental Review is complete.

Initial Inspection and Bid Process: The Community Development Coordinator will review the project with the RT and set an appointment to conduct an initial inspection of the property to ensure that the proposed improvements will add value and safety, and that the building can support the proposed improvements. The RT will make recommendations as needed, including items that do not meet code and need to be repaired as part of the project. After bid specifications are completed at least 3 bids will be solicited by the property owner and submitted to the CDC for review, and approval by the CAC and City Council before initiating a contract. A contract will then be signed between the property owner and contractor(s).

Debarred or Suspended Contractors: CDC staff will check the contractors that have provided proposals against the Debarred Contractor listing at <http://www.sam.gov> to determine if the contractor has been debarred, suspended, is proposed for debarment, excluded, or otherwise disqualified from work that is federally funded. Staff will document the file.

National Objective: Each funded activity must meet one of the three HUD national objectives: 1) low-moderate income benefit; 2) elimination of slum and blight; or 3) urgent need. In aggregate, at least 70% of all funds must assist low and moderate income persons over a 1-3 year period. CDC staff will document the file the extent to which the project meets these National Objectives.

II. Risk Analysis

All Deferred Forgivable Loans will be underwritten by staff or contractors of the Planning and Development Department.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

- a. Track record of cooperation with Code Enforcement and other City departments; and
- b. Verification that all City Department assessments (taxes, City utilities, etc.) have been paid.
- c. Credit check and/or Police check as determined by City Staff.

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Citizens Advisory Committee and to Council for approval.

Other Considerations: The City may accept or reject any application for funding and has an “open window” to accept applications for rehabilitation projects throughout the year. Sometimes a property/owner meets the required criteria but then is not funded by the City.

The following reasons may cause the City to reject an application for funding:

- 1) There is no more funding available through City sources;
- 2) The funding priority may have changed; or
- 3) There are environmental review concerns. Examples may be: the property is in a 100 year flood plain; it's historic and the cost to rehabilitate the building is no longer cost reasonable for the limited funding the City has available; severe or toxic contamination, or not within the cost effectiveness requirements of HUD, etc.; or
- 4) There was a material change in either the property condition or the owner's financial condition. If this situation occurs after the Deferred Forgivable Loan has been approved but before the contract signing, City staff may choose to not place the project under contract. If this occurs after approval and the contract signing, the City may choose to follow the **default remedies** under the Deferred Forgivable Loan.

III. City Approval/Disapproval

All Deferred Forgivable Loans that meet program and financing guidelines are presented for review and approval to the Planning and Development Director, Citizens Advisory Committee (COC), and City Council.

The following are the rules each person/committee will follow:

- a. Each person/committee will need to give approval before the loan is awarded.
- b. Approval of Deferred Forgivable Loans will be contingent upon the applicant meeting the ongoing requirements of the program.
- c. The Planning and Development Director has the authority to adjust terms, rates and the other requirements on a case-by-case basis, after approval by the CAC and City Council by written notification, including email.

Once the City Council makes a recommendation, the applicant will be notified via letter by the Planning and Development Department Staff. If the terms have been modified, the recipient will be given an opportunity to accept the new terms and conditions or request an appeal.

IV. Appeal Process

The applicant may appeal the decision regarding a Deferred Forgivable Loan under the following circumstances:

- a. Must be in writing with an explanation regarding why the applicant should be granted an appeal and addressed to Biddeford Citizens Advisory Committee (CAC), c/o Linda M. Waters, City of Biddeford, 205 Main Street, Biddeford, Maine 04005.

- b. No new information may be presented by the applicant, only clarification of information that was originally provided but, in the applicant's point of view, may not have presented their complete financial or another condition.
- c. Request for an appeal must be made in writing to the CAC within 30 days of the date of the decision to deny or modify the terms of participation.
- d. The CAC will schedule and hold an appeal hearing for the appeal process.
- e. The applicant may provide written information or may request to be present at the appeal hearing and present information directly to the CAC.
- f. The CAC will deliberate the request and make its decision after the hearing, and forward the decision to the City's Finance Committee.
- g. The City's Finance Committee's decision is final and the applicant will be notified by Planning and Development Department staff.

V. General Terms and Conditions for Participation in the City Program

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a Deferred Forgivable Loan through the City.

The City of Biddeford views the documents as the contractual agreement between the Owner/Applicant and the City. To fulfill this agreement, the Owner/Applicant must:

1. Complete within six (6) months all rehabilitation work as described in the Deferred Forgivable Loan application submitted by the applicant and approved by the City. For exterior work, scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed all funds disbursed to the Owner/Applicant by the City of Biddeford through its program as stated in the contract documents.
3. The Owner/Applicant accepts ultimate responsibility for fulfilling the contract and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity are made solely between the Owner/Applicant and the respective contractor and/or supplier;
 - b. The Owner/Applicant will indemnify and hold harmless the City of Biddeford and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. The entire principal balance shall become immediately due and payable without notice or demand upon the following events:
 - a. The commencement of any proceedings by or against the Owner/Applicant under any bankruptcy or insolvency laws;
 - b. The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of the developer;

- c. Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon or insurance premiums on the project property; and/or
 - d. Failure to maintain the income limit requirement that 51% of the units of the property be maintained for low to moderate income households according to HUD guidelines throughout the ten year period, as documented through monitoring by the City. The 51% threshold of housing units must remain constant throughout the life of the Deferred Forgivable Loan and the property and household units are subject to monitoring by the City of Biddeford at any given time.
- 5. Deferred Forgivable Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be included in the Owner/Applicant's contract package.
- 6. A Owner/Applicant agrees to permit inspection by the City's CDC, RT, and/or Code Enforcement personnel of the property, rehabilitation work, all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
- 7. The Owner/Applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by Code is unacceptable for disbursement of any funds.
- 8. Disbursement of Program funds:
 - Disbursement of all Deferred forgivable Loan funds is made through the City after the work has been approved for funding and the Contractor has submitted a Contractor Payment Request Form approved by the owner and a Certificate and Release of Liens signed by the contractor.
 - The above is contingent upon approved activities being completed according to applicable municipal codes.
 - No money will be disbursed to reimburse the Owner/Applicant for improvements made to the property which were not approved by the City before they were commenced.
- 10. The Owner/Applicant is required to maintain hazard insurance on the improved property for the full term of the contract and in a minimum amount equal to the total value of all mortgages

held on the property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

11. The arwardee agrees to keep such records as may be required by the City of Biddeford with respect to the rehabilitation activities.

12. The Owner/Applicant further agrees to abide by all terms and conditions of Federal Regulations which are described in the next Section.

Part 5

Federal/State/Local Requirements

I. National Objectives (24 CFR 570.200; 570.208; and 570.506)

This section summarizes the National Objectives of the CDCBG Program contained in the Code of Federal Regulations, Title 24, Part 570, Sections 570.200 (a)(2) and (3), 570.208(a)-(d).

Each Activity must meet one of the CDCBG program's three broad National Objectives:

- a. Benefit low-moderate-income persons;
- b. Aid in the prevention or elimination of slums or blight; or
- c. Meet urgent needs (relating to natural disasters)

Housing Activities: Are activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households.

In order to meet the housing LMI national objective, the following standards apply:

- a. Structures with two units must have both units occupied by a LMI household;
- b. If the structure contains three units, at least two units must be LMI occupied.
- c. Residential structures with four units must have at least 51% or 3 of the units occupied by LMI households.

Record Keeping Requirements: Title 24, Part 570.506(4)(iii) requires that for each activity carried out for the purpose of providing or improving housing which is determined to benefit low and moderate [income](#) person, the City keep documentation for each unit occupied by a low and moderate [income household](#) including the size and [income](#) of the [household](#).

II. Furthering Fair Housing (24 CFR 570.601)

The Owner/Applicant must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with the Fair Housing Act of 1968 as amended.

III. Anti-Discrimination (24 CFR 570.602)

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions

against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

The Maine Human Rights Act prohibits discrimination in employment, housing, public accommodation and credit based on race, color, sex, physical or mental disability, religion, ancestry, or national origin.

Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

IV. Labor Standards (24 CFR 570.603)

Rehabilitation funded by CDCBG that have nine (9) units or more residential units must comply with section 110(a) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq. aka Davis Bacon Wage Rates, and as provided under the CDCBG regulations in 24 CFR 570.603 . This applies to non- volunteer labor financed in whole or part using federal funding covered by the Act.

V. Environmental Review (24 CFR 570.604; 570.605)

The City will conduct an environmental review on every property that receives City assistance in accordance with 24 CFR Part 58 and Part 50 and as further described in CDCBG regulations 24 CFR 570.604. The level of review is determined by the type of rehabilitation activity that is undertaken. NO work may commence on the property until the review is complete and the Funding Agreement is signed.

Areas of particular concern that may cause delay in approval of the project include:

- a. Historic properties;
- b. Properties located in a Special Flood Hazard Area (SFHA) flood zone; and
- c. Contaminated sites requiring special cleanup provisions

These include special requirements and will be staff reviewed to determine whether or not the City is willing to invest in these properties.

Flood Hazard Insurance: For properties approved for funding that are located in a designated flood hazard area, the applicant will be required to carry flood insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in CDCBG regulations 24 CFR 570.605.

VI. Relocation (24 CFR 570.606)

Families may be required to be temporarily relocated because of the nature and extent of the rehabilitation. The City makes every attempt possible to minimize the disruption of families and individuals; however, in certain circumstances, if funding is approved by the City, and the occupants are displaced, the City will follow the requirements of 49 CFR Part 24, as provided under the CDCBG regulations 24 CFR 570.606. For rehabilitations related to the Lead

Abatement, relocation is a component of the lead program and will be funded through that program.

VII Employment and Contracting Opportunities. (24 CFR 570.607)

Under the current CDCBG housing programs, Section 3 requirements do not apply to the rehabilitation work which includes demolition and lead based paint abatement, because the dollar threshold will not exceed \$100,000 for an individual contractor. On LALP funded projects, contractors may be subject to Section 3 and will follow the process established by the LALP.

VIII. Lead Based Paint (24 CFR 570.608)

Any rehabilitation funded by CDCBG shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards. The City contracts with _____ that has licensed Lead Inspectors and Risk Assessors that design the lead hazard control work tasks to be compliant with HUD and Maine DEP regulations. All contractors must be certified under the RRP rule and licensed under Maine Department of environmental Protection (MEDEP) Chapter 424 Regulations (10-03-2016).

IX. Debarred, Suspended or Ineligible Contractors (24 CFR 570.609)

No awards will be made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35)

At the time a contract is bid, the City will check all contractors and subcontractors at SAM.gov to ensure that they are not listed on the ineligible parties list. A printout of "no record" will be placed on file.

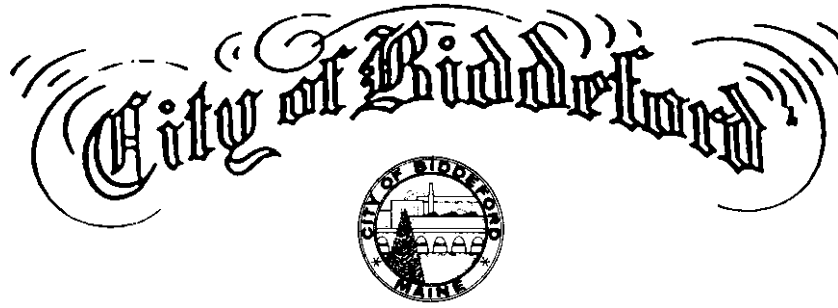
X. Conflict of Interest (24 CFR 570.611)

Interest of Certain Federal Officials: No member of or Delegate to the Congress of the United States and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials: No member, officer, or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston, or employee of the City of Biddeford who exercises any decision-making functions or responsibilities regarding the Community Development Program shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

Bonus, Commission or Fee: The Owner/Applicant cannot pay any bonus, commission, or fee for the purpose of obtaining the City of Biddeford's approval of the loan application or any other approval or concurrence required by the City of Biddeford or its designee to complete the rehabilitation work financed in whole or in part with the rehabilitation deferred forgivable loan.

¹The program proposal had been through the public notice and hearing process on May 18.



2020.38

IN BOARD OF CITY COUNCIL..MAY 19, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Citizen Participation Plan for changes related to COVID-19 virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

May 19, 2020

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous (Councilor Lessard was excused)



Biddeford City Council

Meeting Date: June 2 Meeting

Time: 6:00

Agenda Item No and Item Description:

- No: 2020.38 Amendment Citizen Participation Plan (re-approval)
- No: 2020.37 Consolidated Plan Amendment
- No: 2020.35 Substantial Amendment 2019 Year Action Plan
- No: 2020.34 Approval 2020 Year Action Plan

Submitted by: Mathew Eddy

Supporting Information/Documentation:

See Below and Attached amendments and programs:

May 19 Memo: HUD Amendments and Program Approvals

Attachments: New version of City Council Amendment Package with City Wide Version for Job Retention to include:

- Amendment Citizen Participation Plan (re-approval)
- Consolidated Plan Amendment (City Wide)
- Substantial Amendment 2019 Year Action Plan (City Wide)
- Approval 2020 Year Action Plan

Also attached are:

Draft guidelines for the Job Retention Program (City Wide Version)

Draft guidelines for the Owner Occupied 2-4 Unit Rehabilitation Program

Maps Delineating Census Tracts 252-01 and 252.02.

Key Terms:

- HUD—Housing and Urban Development(source of CDBG funds)
- CAREs Act—Federal stimulus legislation: Coronavirus Aid, Relief, and Economic Security Act
- CPP—Citizen Participation Plan Consolidated Plan—five year planning document in support of the CDBG program
- Action Plan-Annual action plan approved by City Council for the expenditure of CDBG funds. This memo will address two annual Action Plans: Amending the 2019 Action Plan and to approve the 2020 Action Plan.
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program CDBG-CV—HUD “Care’s” Act
- SBA—Small Business Administration. Program include:
 - PPP: Paycheck Protection Program
 - EIDL: Economic Injury Disaster Loan
- Low Moderate Income Clientele (LMC): The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity have to be LMI persons. Income determinations are necessary.
- Low Moderate Income Area (LMA): An LMA is an area that has more than 51% of the households that are less than area moderate income. The job creation and retention LMI benefit is designed to create or retain permanent jobs where at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons. In creating or retaining jobs within an LMA, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons. For funded activities that retain jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:
 - the job is held by a LMI person ;or,
 - the job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

Executive Summary:

Staff presented the Council a series of actions related to the annual CDBG program and associated Covid Virus changes.ⁱ During that meeting, the Council noted its’ concern with the focus of job retention in the Census Tract eligible areas: 252-01 and 252-02, the “downtown” district. There was a desire to see if the Job Retention Program (of roughly \$250,000) could be delivered City Wide.

As an eligible CDBG Community, a city wide job retention program can be delivered. Because job retention is outside of eligible census tracts, there is an increase in the work required to deliver the program. A more structured review and approval process, with priorities will be necessary to address what will assumed to be a larger applicant pool. A review committee is anticipated. The difference in hours is between 160 hours for the downtown focus and 260 for City Wide. Staff can deliver either Job Retention program.

Detailed Review:

Staff can deliver both Job Retention options.

The advantages to delivering the Job Retention program in the “downtown” area (see attached map) is a more streamlined, efficient program that anticipates a lower applicant pool and a reduced workload per applicant. Applications would be on a first come-first serve basis and scored based on simple need criteria for eligibility, as determined by a brief underwriting process.

The reduced workload in the downtown is specific to the CDBG rules. The two eligible areas, Census tracts 252-01 and 252-02, have low moderate-income family levels that are in excess of 51% of the population: 53% to 91% by block group. Hence, the workers to be retained or hired back with CDBG money will meet the presumed Low Moderate Income Area (LMA) benefit. No income determinations or follow up monitoring of employees will be necessary, simply a check that the job funded remains in place at the end of the program’s 8-week period.

The advantage of the City Wide eligibility is that we can reach more businesses. That can be done with a more structured scoring and monitoring process:

Structured Process: In the program guidelines, we will increase the level of scoring process to address an assumed addition in applications. We will establish a scoring committee and set priorities based on perceived need. That need will be determined in an underwriting process that documents need to keep workers or operating capital to keep the business going, but will provide a base to contrast among other applicants. The City Wide are in terms of work load, assumes more applications and scoring.

Monitoring: The work in the monitoring process, from the point of intake to project closeout, will require some additional work. For citywide eligibility of the program, we cannot take advantage of the LMA benefit process. We instead have to serve Low Moderate Income Clientele (LMC). We will set up, in intake, income determination sheets and meetings with worker(s) to assist them in filling out the sheets. At the end of the process, we will have to insure that the worker retained or hired back is both that worker and still meets the income determination. Interviews, during the monitoring process, of the business and worker, will be required.

We have estimated a work hour’s summary for both options below:

CDBG Job Retention Program: Estimated Hours Per Delivery Area		
	Downtown Focus	City Wide
Intake	1	2
Underwriting	1	1
Scoring	2	3
Contract award, IDIS entry	2	2
Monitoring	1	4
Project closeout	1	1
<i>Total hours per Applicant</i>	8	13
<i>Total Program Hours assuming 20 applications:</i>	160	260

Since this is the first time the city has ever delivered a job retention/creation grant program, it is hard to predict how this work will actually go.

Funding Source:

Housing and Urban Development Community Development Block Grant Funds

Staff Recommendation:

Approval of all amendments and the approval of the 2020 Year Action Plan.

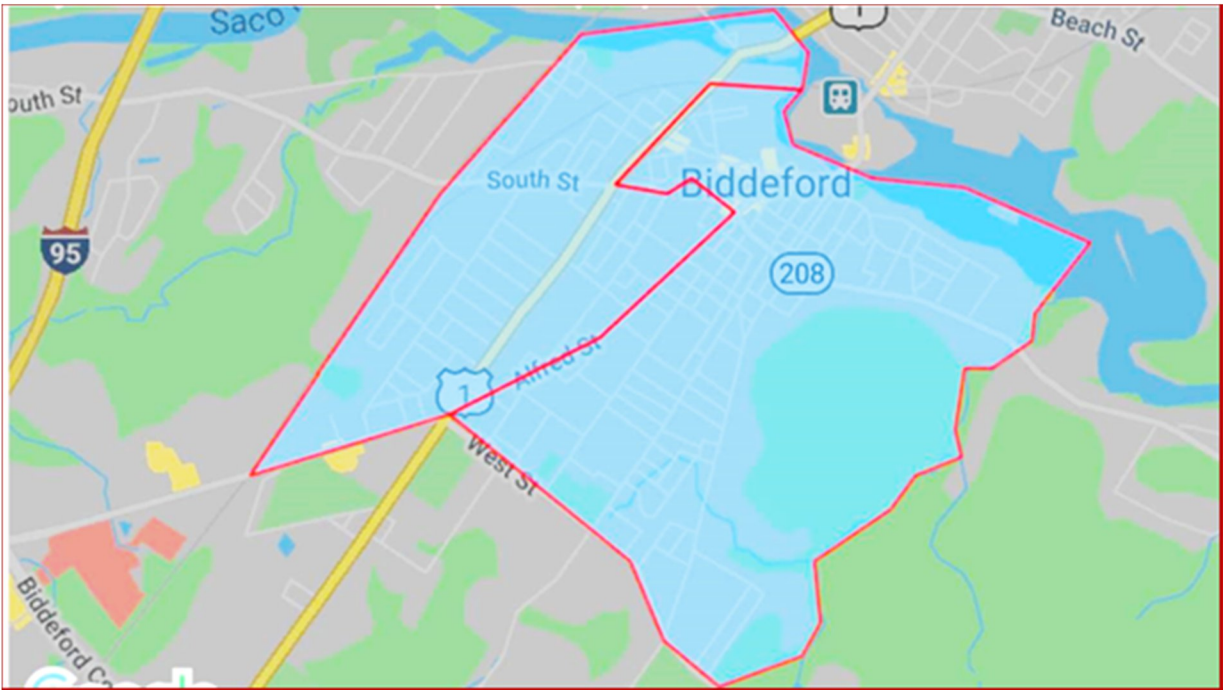
Mathew Eddy

Recommended Motions:

- 1. Amendment Citizen Participation Plan (re-approval): Approve amendments to the Citizen Participation Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 2. Approve amendments to the Consolidated Plan for changes related to the Covid Virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**
- 3. Approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the Covid Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development**

4. **Approval and authorization of the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 3 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.**

Census Tracts 252.01 and 252.02 Biddeford, Maine



City Council Amendment Package-City Wide Job Retention

**Amendment Citizen's Participation Plan
(Changes in italics)**

**CITY OF BIDDEFORD
CITIZENS' PARTICIPATION PLAN
Amendment: April 23, 2020**

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM**

June 19th, 2018

Prepared by:

**Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005**



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the

CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, except in the case of the CAPER, which will have a 15-day comment period.

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the

Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. *A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.*

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. *The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.*
- C. *The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.*
- D. *In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.*

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. *A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.*
- B. *In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.*
- C. *In a minor amendment situation, no Public Hearing will be required.*

Redirected CDBG funds will be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15 day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

3. Adjustments to comment period, hearing notices, and contract changes.

In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally. The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.

- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.
- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.

Substantial Amendment –Biddeford 5 year Consolidated Plan

Insert into the Plan the following:

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting economically viable communities

Objective 2 - Increase business attraction opportunities to promote low and moderate income job creation and retention in the downtown and mill district area.

Actions:

- 1. Provide grant assistance to businesses through a Business Assistance Program. The business assistance program will provide funds for the creation or retention of jobs, while furthering the development of small businesses in the City.*
- 2. Provide grants for projects that increase the economic viability of the downtown by furthering the creative economy.*
- 3. Implement sustainable energy related projects in the downtown.*

Substantial Amendment Year 2019 Action Plan

Insert into the Year 2019 Action Plan:

(1) Priorities:

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

(2) PROJECT 7 CDBG-CV BIDDEFORD JOB RETENTION PROGRAM

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>
Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify

	• Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses that have a physical commercial establishment in the city. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' payment based on payroll expenses averaged over previous 6 months. Payment with copy of purchase order or invoice. Rent may be paid directly to vendor
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business; Guarantee released with successful completion and final report of activities during 8 week period

Action Year 3:

DRAFT May 2020



CITY OF BIDDEFORD, MAINE

Year 3 Action Plan

July 1, 2020 – July 30, 2021

**U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM**



The City's Entitlement Mission Statement is as follows:

“To create a Strategic Plan for the next five years that continues to enhance the community and economic development of the City of Biddeford through targeted public facility and infrastructure improvements, social services, housing, economic development projects, and activities that benefit residents, including low to moderate income persons and special needs population groups.”

Objectives and Outcomes

The following are the priorities, objectives and outcomes from the Consolidated 5 Year Plan that began on July 1st, 2018 appropriate to the Year 3 Action Plan (to begin on July 1st, 2020). The priorities also take into account issues remaining as a result of the COVID pandemic crisis:

INFRASTRUCTURE

Priority 1. To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

Actions: Implement sidewalk and other street improvements, ADA projects and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.

ECONOMIC DEVELOPMENT

New Objective – *To provide job retention during the pandemic emergency*

Actions: Provide a direct grant program to small businesses in the City to assist in payroll support, rent, or other operational costs. This project may be continuing from prior year emergency funding

HOUSING

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

Actions: 1. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.

2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
3. Provide funding to low to moderate income homeowners for improvements comprised of energy conservation.
4. Consider establishment of low interest loan programs to help finance the rehabilitation of the City's downtown housing stock.
5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions: 1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

SOCIAL SERVICES

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

- Actions: 1. Provide opportunities for homeless and low to moderate income persons, and special needs populations to participate in work force preparedness and financial management programs that enhance their ability to have access to affordable housing.
2. Provide child care and youth programs that increase the opportunity for homeless and low to moderate income persons, and special needs populations to attend educational and training programs, while providing enrichment programs for youths of all ages.

3. Link local programs to secondary education and training that would be the "next step" for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Priority 4 - Implement strategies to aid the elderly and special needs populations with access to information and services to increase health and safety and reduce reliance on the City's overburdened Health and Welfare Department that can only provide minimal assistance.

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Priority 5 - To reinforce and strengthen the emergency shelter and transitional housing system that is already in place which includes housing, counseling, education and a wide variety of homeless, special needs and LMI assistance.

Objective 1 - Assist and work with the City's Health and Welfare Department, volunteer organizations and agencies to seek collaborative efforts to assist homeless, low to moderate income and special needs populations in Biddeford.

- Actions: 1. Encourage network meetings of area resources and services.
2. Strengthen individual neighborhoods through outreach efforts, including meetings, events, and planning strategies

Year 3 Projects

Summary:

- Sidewalks: Construction/reconstruction of sidewalks, possible ADA improvements and associated utilities in the eligible area of South Street \$256,000 (27%) .
- 2-4 Unit Housing Rehabilitation Program: With carryover, the City will have available A minimum of \$536,000 for the rehabilitation of owner occupied 2-4 unit Structures (38%).
- Public Services: Services are targeted to LMI citywide citizens through Meals on Wheels and through two hub centers: Seeds of Hope and 43 Sullivan Street via direct program delivery, to adults and families with children respectively. Funding is \$70,384 (15%) for implementation of new and existing services.
- Administration is funded at \$93,846 (20%).

Approximately 80% of the total funds will go to benefit LMI citizens.

The budget is based on \$469,231 that has been allocated by HUD for Year 3 plus carryover from the previous year to capitalize the housing program.

YEAR 3 ACTION PLAN ALLOCATIONS	Carryover from 2018 2019	PY 2020 – 2021	PY 2020 – 2021
		Program-No carryover	Program with Carryover
INFRASTRUCTURE			
1. Sidewalks/ADA	\$ 272,698.00	\$ 256,000.00	\$256,000
Park - to be cancelled	18486		0
			0
Downtown Improvement Program –to be cancelled	50842		0
HOUSING			
1. Multifamily Housing Rehab.	\$115,550	\$49,001	\$536,577
SOCIAL SERVICES			
1. SMAA- Meals on Wheels	\$0	\$17,000	\$17,000
2. Seeds - Career Center	\$0	\$21,600	\$21,600
3. The HUB - APEX	0	\$31,784	\$31,784
ADMINISTRATION	\$ -	\$93,846	\$93,846
CONTINGENCY	\$30,000		
Grand Total	\$ 487,576.00	\$ 469,231.00	\$956,807

The total carryover of funds from Year 2 will be approximately \$487,576. All other funded activities are expected to be expended at this time. Year 2 is the current project year from July 1st, 2019 to June 30th, 2020.

Programs in Detail

Project Title: Sidewalk/ Lighting Improvements

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$256,000

Benefit: 1,000+/-feet

The City of Biddeford will complete its downtown CDBG sidewalk efforts at South Street. The following will be accomplished:

- a. Sidewalks on south side from Crescent to Elm Street, approx. 480'
- b. Sidewalks on South street north side from Kossuth Street to Elm Street, approx..680'
- c. 100' up side streets along route

Project Title: Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$536,577 as well as any unallocated funding

Numbers To Be Served/Benefit: 15 housing units

The Year 3 Action Plan introduces a housing rehabilitation program for Owner Occupied 2 to 4

unit multifamily housing benefiting low to moderate income families in downtown census tract areas identified as low to moderate income. Biddeford has high rates of rental housing (70% of the housing stock) and poverty in this core entitlement area. Of Biddeford's housing stock, 32% are comprised of three or four units. In the target area, fifty-four percent of the rental housing stock is comprised of 2-4 unit structures; 333 are owner-occupied structures. The low and moderate-income owners of 2-4 units struggle to maintain these older homes: 21% (961) of these housing structures are in fair or poor condition. These same structures, given age, likely have some health and safety issues. For example, lead paint is in most homes in the target area given age that range from 80 to 140 years in age. Biddeford is also experiencing unprecedented growth in the demand and cost of rental housing. These two factors, safety and market, are making it harder for those at the lower end of the housing spectrum to find safe, affordable housing.

The City plans to rehabilitate approximately 5 housing structures for a total of 15 units, and repeat the program the following year. In each rehabilitated building, 51% of the units must be for residents who are below 80% of the low to moderate income family threshold. Housing affordability will be enforced for a maximum of ten years. Each unit will be eligible for funding of up to \$50,000 per unit. The level of investment will be determined on a case-by-case basis, as the community determines whether repair or rehabilitation is appropriate. This program will be linked to a larger housing investment program that includes HUD lead paint funds and housing rehabilitation resources from Maine Housing. All housing units will, at a minimum, meet the safety requirements of the Code Enforcement Office and HUD.

Community Development-Services

Project Title: Southern Maine Agency on Aging – Meals on Wheels

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$17,000

In-kind Commitment \$50,031

Numbers To Be Served/Benefit: 75

The Southern Maine Agency on Aging's Meals on Wheels program provides nutritious meals to homebound, older and disabled adults living in Biddeford. In addition to a nutritious meal, Meals on Wheels provides valuable socialization and safety checks for participants. Meals on Wheels has become an important factor in addressing hunger among older people. This program seeks to serve 8,200 meals to 75 homebound senior residents of Biddeford in Year 3.

The Meals on Wheels Program will provide the following services:

1. Receive referral (either a self-referral, from a physician, neighbor, hospital discharge, family member, friend, etc.).
2. Conduct a phone assessment to determine preliminary program eligibility and begin delivery of meals within 10 days of referral unless there is a wait list.
3. Conduct thorough, in-home assessment to further verify program eligibility, and to identify other social service needs such as caregiving stress, falls, financial exploitation, home health assistance, Medicare and insurance questions, heat and utility costs.

4. Client works with SMAA's Information and Resources staff to pursue programs and services to address additional needs/challenges.
5. If eligibility for the program is confirmed during in-home assessment, continue delivering up to five meals a week during two weekly deliveries.
6. Manage Meals on Wheels wait list based on "degree of need criteria" imposed by Maine's Office of Aging and Disability Services. Ensure no client spends more than 30 days on wait list (SMAA, Self-enforced rule).
7. Conduct a re-assessment over the phone after 6 months to confirm continued eligibility, and to identify any changing needs of the clients.
8. Conduct thorough, in-home expanded assessment every 12 months of being enrolled in the program.

The City of Biddeford provides space at the Community Center for this service.

Project Title: Neighborhood HUB Program

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$31,784

Inkind Commitment: TBD

Numbers To Be Served/Benefit: 25

The City is focusing its social service efforts in two neighborhood HUBs or centers to anchor its eight neighborhood network called "My Neighborhood Network". APEX Youth Connection (formerly the Community Bicycle Center) will direct the Canopy Park Resource Center, called the HUB, at 46 Sullivan Street, in the LMI Bacon Street Neighborhood in Census tract 252-02. APEX and program staff will be available to assist neighborhood residents with access to services and programs, and engage residents in community events and provide direct services to families with children. APEX will work with established neighborhood networks to provide some or all of the following:

- early childhood programs
- Corona Virus educational activity packages for youth/families
- Lead paint prevention and education programs
- Develop partnerships and relationships in the immigrant and refugee community.
- Parenting programs
- Programs for traumatized immigrant and refugee youth
- Youths can participate in the Build a Bike Program, Kids Bike Factor Program, Daily Drop In, Bike Doctor Program, and/or the APEX Cycling Team.
- Academic assistance, bike repair technology training and other recreation programs, and
- A summer meal

APEX will coordinate the HUB at 46 Sullivan Street including intake of all programs income surveys to substantiate benefit. This activity is projected to serve 20 LMI families in the neighborhood (and beyond) as staff time and others as resources permit.

Project Title: Seeds of Hope - Seeds of Hope Warming Center

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$21,600

Inkind Commitment: \$46,000

Numbers To Be Served/Benefit: 20 individuals for 60 nights

The Seeds of Hope Neighborhood Center on South Street serves as the City's second HUB. Focusing primarily on homeless and very low income adults, the Center offers a number of services and resources including:

- a Career Resource Center for those seeking computer literacy skills, apply for jobs, and/or gain workforce skills.
- Breakfast and warm soup and lunch options, with a special focus on lunches during the pandemic crisis.
- Evening Warming Center

Biddeford continues to see an increasing level of homeless in the city. Those seeking Seeds assistance are estimated to be 20 people living outside and 20 couch surfing. Seeds now operates a Warming Center in the evenings during extreme winter weather. Seeds of Hope will generally provide the: following:

1. Coordinate and provide intake of those seeking to get out of the winter weather at the Warming Center. That those living outside have the opportunity, between December 1, 2020 and March 30, 2021, to be inside during the overnight hours when designated weather predictions are in place, ensuring their safety from extreme, possibly life-threatening conditions.
2. Health screenings by public health professionals and snacks, clothing, etc.
3. Hire a team of 2-3 rotating contract staff persons who can rotate coverage depending on weather predictions and hire appropriate security.
4. Recruit and train community volunteers to support the paid staff in operating the overnight program
5. Coordinate statistical review of police, fire/EMS and Emergency room data to evaluate impact of maintaining this program.
6. While continuing to provide meals at breakfast and lunch, a special focus will be on lunch bags being served to those in need during the pandemic crisis.

Administration

Timeline: July 1, 2020 to June 30th, 2021

Cost: \$93,846

Contingency Provision

If necessary, the City of Biddeford will adjust the proposed allocations according to the percentages stated within the Consolidated Plan, Year 3 Action Plan and any additional

emergency allocations related to the pandemic crisis.

Biddeford Job Retention Grants

Program Overview.

The City of Biddeford proposes to use the Department of Housing and Urban Development **Community Development Block Grant (CDBG)-funded Job Retention Grant for Working Capital to help smaller Main Street and Mill District businesses retain jobs and prevent homelessness in the midst of the coronavirus crisis. This program will provide funding to small businesses** for at least 90 days so they can retain workers and survive the crisis. Small Business Administration (SBA) and related amortizing loans may be helpful for long term recovery. However, the City has discovered that, through public sessions and surveys distributed in the community that a number of businesses are falling through the cracks:

- Many local, small businesses do not necessarily align with the SBA related programs
- Many local, small businesses have no relationship with the SBA
- Many, local small businesses, particularly start-ups, may not actually have financed their projects through lending institution, but instead self-financed.
- Sole proprietors, or gig workers, are prevalent in the Maine Street mix, and that:
- A flexible grant guarantee will have a more direct impact to help small businesses retain jobs, survive the crisis, and help alleviate homelessness.

The City was allocated up to \$250,000 in emergency CDBG funds as a result of the Coronavirus. The City has determined that the best use of these funds is to serve small businesses that do not have funding alternatives. The program will focus on individual businesses that are having difficulty getting assistance or do not qualify for other assistance programs.

Program Requirements.

The program is designed to meet basic statutory requirements of the CDBG program while being flexible enough to deliver a program quickly and efficiently during this coronavirus crisis. The standards will focus on small businesses, require a statement of need for the assistance, and **require at least one year of payroll documentation to substantiate the need, and require an income statement.** The program is as follows:

CDBG ASSISTANCE

	Job Retention Guaranteed Grants
Timing	<i>Crisis Phase until end of Physical and Social Distancing</i>

Funding Source:	Emergency allocations of CDBG-CV and other locally generated matching funds, to be determined.
Eligible Uses	Working Capital for: Payroll, Rent and Permissible Operating Expenses No real estate and no fixed equipment
Assistance Type:	Grant guarantee for repayment if evidence of fraud, waste and/or violation of program is found and/or program rules is identified; duplication of funds received as part of the Cares Act shall be avoided
Maximum Assistance	Up to \$12,500 grant to start; Grant Amount determined by unmet working capital need to keep current staff employed for 8 weeks (Current Assets less Current Liabilities); assistance can include hiring workers back that were laid off prior to this grant being announced
Eligible Applicants:	• Legitimate businesses as evidenced by business license, if applicable, Taxpayer Identification Number (TIN), Employer Identification Number (EIN), Letter of Intent as filed with Biddeford Code Enforcement Office, or other, please specify • Preference is for Businesses not receiving PPP and EIDL served by CARES Act Program or other Covid-19 related business relief programs • Very small business - o Sole Proprietorship, LLC or micro-enterprise of 5 or less employees - o < 20 employees, full or part time - o One year's payroll record or like evidence - o at least one worker/job must earn less than 80% Area Median Income (AMI). • Businesses Citywide. Home-based businesses are ineligible. • Business owners that are low to moderate income
Unmet Need:	<i>The crisis</i> "But For" CDBG-CV grant, Applicant would lay off workers; if that activity already occurred (furlough or lay off), funds may be used to re-hire same workers
Term	8 weeks with end of Grant Report on Business Survival and recovery activity and jobs retained
Repayment:	None. If any fraud and/or abuse, repayment required; no duplication of payments from federal resources
Interest Rate:	None
Disbursement:	Payroll: 8 weeks' advance payment based on payroll expenses averaged over previous 6 months. Advance payment with copy of purchase order or invoice. Rent may be paid directly to v
Guarantee:	100% guarantee from all owners with 25% or more ownership share in the business

CDBG COMPLIANCE CONSIDERATIONS

	Job Retention Grants
Activity Type	Assistance to Businesses, including Special Economic Development Assistance to for profit micro-enterprise program for those under 5 employees, or businesses between 5 and 20 employees The program meets the HUD CDBG National Objective: “Activities Benefiting L/M Income Persons.” Eligible Activity: LMJ, LMA, Urgent Need
CDBG Matrix Code	18A: Economic Development Direct Financial Assistance to For-Profit Business, 24 CFR 570.203(b) or 42 USC 5305(a)(17)
National Objective	Low/Mod Income Job Creation and Retention and Urgent Need, 24 CFR 570.208(a)(4) Activities undertaken to retain permanent jobs, at least one job will be held by low/mod income persons.
Job Retention Monitoring	CDBG-CV standard of verification of Low to Moderate income job based on the wage and/or salary and family size or individual as evidence by a paystub or tax return, as applicable. Coronavirus crisis serves as the basis for disruption of business revenue and threat of job loss. Business must submit statement of business disruption and/or revenue loss and how CDBG assistance will be used to retain employment of existing staff.
Available Funds	Total funds available of \$250,000; grants up to \$12,500 to start
Action Plan Amendment	Based on criteria set in Citizen Participation Plan HUD Expedited Review and Approval
Public Comment:	5-day Public Comment Period; Virtual Public Hearing via Web Meeting
ERR	Categorically Excluded
Davis Bacon	Not Applicable, no construction
Funding:	Direct Electronic Funds payment from IDIS to grantee to Business Beneficiary
Monitoring:	Business must submit end of grant update report on business stabilization and recovery progress and jobs retained, standard reporting form to be provided.

Grant Procedure. The City will provide an electronic application, which will stipulate the requirements of a completed application. Applications will be taken on a first serve, case by case basis. After applications are reviewed for completeness with the program as described above, they will be submitted for underwriting review to the Southern Maine Finance Agency and to the Biddeford Citizen’s Advisory Committee (CAC) on a weekly basis for their recommendation until the funds are expended. The CAC shall forward all recommendations directly to the City Council for their approval.

Monitoring. At the end of the 8-week period, the recipient shall provide a report on the ways in which financial assistance was expended including the identification of those individuals that were maintained on payroll or re-hired after initially being laid off. A standard report profile will be provide

Part 1

Introduction

Draft to Main Housing 5/13/2020

I. Program Overview

The City of Biddeford's Planning and Development Department (PDD) offers a Owner Occupied 2-4 Unit Multi Family Housing Rehabilitation Program interested in making improvements to their properties to create safe, affordable, decent housing for low-income residents. The Program, its possible funding sources, and criteria are described below.

CDCBG funding is the most flexible federal funding resource available to the City and works well with other federal funds such as lead hazard control and Maine State Housing funding. The City intends to maximize the amount of funding available for rehabilitation of properties by blending funding available from these additional sources when they become available.

II. Funding Authorization

The City of Biddeford (City) is an entitlement grantee that receives an annual allocation of Community Development Block Grant (CDCBG) funding through the U.S. Department of Housing and Urban Development (HUD). This funding is administered by the City's Planning and Development Department. The funding the City utilizes for its housing program is from the federal government and has programmatic requirements that must be satisfied in order to be funded by the City. Those requirements are addressed in a later section.

The City completed a HUD approved consolidated planning process and established funding priorities to funding rehabilitation of housing in its 2018-2023 Consolidated Plan. Each year the City, utilizing its Citizen Participation Process, determines its funding priorities in its Annual Action Plan. The average amount of funding identified annually to accomplish its housing rehabilitation goals is approximately \$116,940.

III. Program Goals

The goals of the Multi Family rehabilitation Programs is to:

- Leverage private investment;
- Improve the quality of housing;
- Create affordable and sustainable housing;
- Create safe, stable and healthy housing; and
- Encourage investment in neighborhoods which will enhance the appearance of the City

IV. Target Geography

Funding will be concentrated in the following areas:

1. The first priority is in Census Tracts 252-01 and 252-02 for owner-occupied properties of 2 to 4 units that qualify.
2. The second priority is City-wide for owner-occupied properties of 2 to 4 units that qualify.
3. The third priority is nonprofit residential and properties that are not owner occupied that qualify City-wide.

Housing Rehabilitation Deferred Forgivable Loan Program

Purpose: To rehabilitate owner-occupied 2-4 unit properties to improve the health, safety, and livability of the property.

Eligible Activities: Improvements that are of a necessary and permanent nature, but not of a luxury nature, including, but not limited to: structural, energy, lead-hazard control, accessibility, repair of major housing building systems, non-living space limited to demolition, structural, attached garage roof, and weather-related improvements.

Ineligible Activities: New construction, paving, fencing, or appliances. **Any work started prior to approval of the funding from the City.**

Property Eligibility: Properties located in Biddeford (see map for first priority area). After the first priority area applicants are considered the program will be open to applicants Citywide. The property must be owner-occupied 2-4 unit properties.

Applicant Eligibility: The applicant must have proof of ownership of the building; must be current on all City assessments; and qualify under the City's underwriting guidelines for a deferred forgivable loan. The property owner may not be elected or appointed to office in the City of Biddeford. Applicants in the first priority area will be considered first and then those applicants Citywide will be considered for funding.

- a. **Owner-occupied properties:** The owner's income must be at or below 80% of Median Family Income (MFI) for a two-unit property, as well as the 2nd rental unit. For owner-occupied multi-family properties of 3+ units 51% of the rental units in the property must be occupied by low-moderate income residents.

Affordability Requirements: Applicants must rent the required number of units to low-moderate income residents for a period of **ten years**. The rents are considered affordable when they are at or below the HUD established Fair Market Rents as adjusted by a utility allowance for tenant paid utilities. The FMR is published annually by HUD. The City uses the utility allowance schedule established by the Biddeford Housing Authority. If the tenant is receiving assistance under the Section 8 Housing Choice Voucher Program, the unit automatically qualifies as affordable under these guidelines.

Financing Terms:

A Deferred Forgivable Loan will be issued to the awarded property owner at 0% interest for 10 years, forgiven in increments of 10% each year that the owner occupies the dwelling. If the owner no longer occupies or sells the property prior to the 10-year timeframe, the balance must be paid in full;

If the property is sold or ownership is transferred during the term of the loan, the balance must be repaid. If the property is sold to a low-income owner who intends to occupy one of the units, the loan may be assumed by a qualified household who meets the income, affordability, and underwriting guidelines.

Funding Source: CDCBG and other funding resources are based on funding availability.

Part 3 Definitions

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes, trash, water or sewer bills, or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Biddeford. The City may accept a written payment plan made with the department on which there is a delinquent account.

Federal, State and Local Requirements: The funding available to the City for grants and loans comes from federal or state sources, which means there are some restrictions or requirements that must be met. Additionally, local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Agreement: A Notice of Deferred Forgivable Loan Approval is provided to Owner/Applicants when the City's Planning and Development Department, Citizens Advisory Committee (CAC), and the **City's Finance Committee** have approved City funding. Any project expenditures made prior to these approvals and execution of a funding agreement will not be funded nor will they be counted toward the match requirement. The following documents become part of the Funding Agreement between the City and the Owner: "*City Housing Program Guidelines*"; "*Notice of Deferred Forgivable Loan Approval*"; "*Rehabilitation Deferred Forgivable Loan Agreement*"; "*Promissory Note*"; "*Personal Guaranty*" (*Any person holding an ownership interest of 20% or more*); "*Corporate Guaranty*"; and any other agreements to satisfy the conditions of the City.

Household Income: Total household income is calculated by adding income of all members of the household. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, net rental income, child support, alimony, Social Security benefits, SSI retirement, pension, or annuity, TANF, unemployment benefits, worker's compensation, and disability or benefits from any source.

For the purpose of computing income, a household shall be defined as all 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 other group of related or unrelated persons who share living arrangements.

Low-Moderate Income: A household whose income is at or below 80% of Median Family Income (MFI) for the Biddeford/York County Statistical Area (LAMSA) published annually by HUD and are listed in a table on the City's web site.

Mixed-Use Property: A property that is used in some part for residential purposes and in some part for non-residential purposes. City funds under this program may not be used in the non-residential area, except as specifically noted under the program eligible uses.

Owner-occupied: A person who holds the entire ownership interest of the property and lives in one unit of the property as a primary residence.

Qualified Contractor: Is able to satisfactorily demonstrate that subcontractors have the necessary skills, abilities, and equipment to perform the scope of work in an expedient and efficient manner; is licensed as required by the City of Biddeford and the State of Maine; and carries the appropriate amount of insurance. Contractor Standards are described in a later section.

Rehabilitation Costs: The total of contractor estimates from qualified contractors for the scope of the work.

Residential Structure: A building used entirely for residential purposes. Rental buildings under common ownership and management that are located on the same or contiguous properties may be considered as a single structure.

Part 4

Rehabilitation Requirements

I. Property Inspections

Property inspections are conducted at initial application and during construction. A final inspection is conducted before the final invoice is paid.

a. **Initial Inspection:**

- At the time of application, the Community Development Coordinator (CDC) will set a time for an initial inspection with the Owner and Rehabilitation Technician (RT).
- Owner will notify all residents and provide access to all areas of the building
- During the initial inspection the owner, CDC and RT will agree on the work that will be included in the rehabilitation scope of work;
- The RT will generate an initial “Health and Safety Inspection” and will take “before” pictures.
- A HUD Certified Lead Inspector will also inspect each property and develop specifications regarding lead remediation as required.

b. **Progress Inspection:**

- A check in with the contractor by the RT;
- Or as needed during the course of the rehabilitation.

c. **Final Inspection:**

- Contractor will notify CDC or RT that the work is complete;
- RT or CDC will meet with the contractor or Owner/Agent present
- Work completed satisfactorily, the RT will sign off, certify project completion and take pictures;
- For work not completed to Code or not completed as agreed, the RT will issue a punch list;
- Contractor will notify RT or CDC when completed; CDC or RT will schedule to complete the inspection, RT will certify completion and take pictures.
- A final inspection will also be conducted by the HUD Certified Lead Inspector to insure compliance with lead safe regulations.

II. Bid Process

The owner/applicant must either include any items identified by RT in the scope of work or complete the issues that do not meet code prior to the rehabilitation. The RT must sign off on the work once completed if not included in the rehabilitation work.

There are two acceptable methods to proceed with the bidding/project management:

- 1) The owner/applicant may choose to become the “general contractor” for the scope of work. At least three (3) bids are required for each specific rehabilitation task. Bids may be either obtained from a general contractor covering all rehabilitation tasks or from separate contractors for each specific rehabilitation task. The owner is solely responsible to invite, accept, or reject any bid proposal. However, bids must be reasonable and a documented reason for selecting other than the “most responsible and lowest bidder”.
- 2) The owner/applicant may choose to have the City’s CDC perform all aspects of the bidding, scope of work, and construction management. This will be highly recommended for the homeowner who owns one property and has no experience in rehabilitation management.
- 3) In both cases, the City’s CDC, RT. and staff will oversee the bid process.

Shortage of contractors: Over the past three years there has been a shortage of contractors in the area to perform work on residential properties. It is important to competitively bid the work and obtain at least two bids; however, it may not be practical. In these cases the owner/applicant and City may document the number of attempts made to secure two bids and why it was not possible to secure them. A note should be added to the file that the bid submitted has been reviewed and is considered reasonable. If it is “not reasonable,” the scope will need to be modified and bid again.

Family/relatives performing work: Bid proposals may be secured from and awarded to a member of the applicant's family (i.e. relative) if the bidder:

- is a bona fide and skilled trades person;
- is not living in the same household as the borrower;
- has no financial interest in the property to be rehabilitated; and
- the relationship is disclosed in writing by the borrower at the time of bid proposal.

Low bid: Regardless of the method of bidding/project management, it is expected that the lowest qualified bid will be accepted. If, however, the low bid is not accepted and the rehabilitation activity is awarded to a higher bidder; the owner/applicant must submit to CDC:

- a written statement explaining the reason for accepting the higher bid. If compelling, the work may be awarded to the higher bidder; and/or
- if not compelling, must fund the difference out of pocket but may be rolled into the loan, if there is a loan besides the Deferred Forgivable Loan, to fund the rehabilitation work.

Any contractor chosen must prove his ability to provide all necessary insurances, expertise, equipment, and materials to satisfactorily complete the respective task.

III. Contractor Eligibility

To be considered an eligible contractor the following standards apply:

Insurance: The contractor and subcontractors shall carry Worker's Compensation Insurance for all their employees in accordance with the Worker's Compensation laws of the State of Maine. The contractor and subcontractors shall carry Manufacturer's and Contractor's Public Liability Insurance with a limit of \$300,000 for personal injury or death and \$100,000 for property damage. The City may require bonding for contracts in excess of \$100,000.

License and Qualifications: The contractor shall have in effect a license if required by the City of Biddeford, or State of Maine. The contractor must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.

Credit: The City may require a list of credit references, names of suppliers, name of bank where contractor does business, and names and addresses of recent home improvement customers.

Skill and Equipment: No approval of a contract shall be given unless the construction contractor can satisfactorily demonstrate that he/she and/or their subcontractor(s) have the necessary skills and equipment to perform the work in an efficient and expedient manner.

IV. Labor Performed by the Owner/Applicant

Bid proposals may be secured from and awarded to the owner/applicant (i.e. owner may serve as general contractor and/or do work on his/her own property), if the owner/applicant meets the following requirements:

1. Is a contractor or tradesman who has an ownership interest in a contracting or trades business that has been in existence for at least six (6) months prior to loan application or, as a property owner, has employed, for at least six (6) months prior to loan application, a full-time maintenance crew with the expertise and equipment to satisfactorily complete the respective tasks which the owner proposed to perform.
2. The Borrower must have completed a Department of Environmental Protection approved lead-smart renovator's course, if pertinent to the work being performed.
3. For those tasks to be performed by the Owner and/or the Owner's employees:
 - a. Bid proposals shall be for materials and employee labor only, with no profit, overhead or payment to the Owner for personal expertise or labor allowed;
 - b. A maximum of **\$5,000** per unit will be allowed for materials purchased;
 - c. Invoices for materials shall be for costs only, including any discounts, with no mark-ups allowed;
 - d. Invoices for labor shall be accompanied by payrolls which include hours and work performed by each employee;
4. For those tasks to be performed by a sub-contractor (e.g. plumbing, electrical, etc.), at least two (2) separate bids shall be secured for each specific rehabilitation task.

V. General Terms and Conditions for Rehabilitation

1. Approved rehabilitation activities must be completed in accordance with applicable federal/state or local codes:

- a. **Owner/applicant agrees to correct any and all code violations in the property**
 - b. Owner/applicant agrees to permit inspection of the property and rehabilitation work by City, Rehabilitation Technician and Code Enforcement. This includes all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
 - c. Owner/applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property.
 - d. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
2. **NO work, regardless of the funding source, may commence on the property until the environmental review is complete and the Funding Agreement is signed;**
 3. No monies will be disbursed for improvements made that were not in the original scope of work to reimburse the borrower for improvements made to the property that were not approved by CDC.
 4. Agree to have the property inspected by a licensed/HUD certified Lead Risk Assessor, if the scope of the rehabilitation disturbs lead and is built prior to 1978; and, if an issue is found;
 5. Agree to provide certification and testing documentation before and after the lead removal/abatement activities begin and are completed; and
 6. Agree to obtain a permit and submit plans (i.e. floor, electrical, plumbing plans) as requested by City/Code enforcement as may be required for a building permit.

Part 4

Application Process

City Assistance in projects is generally in the form of a deferred forgivable loan and is designed to provide construction and/or permanent financing in conjunction with other Federal, State, or City Programs or other lending institutions. Some programs require a match from the applicant/borrower. Specific terms and conditions are listed.

I. To Apply for a City Deferred Forgivable Loan :

A property owner interested in participating in the City's Multi Family Housing Program who lives at a property of 2 to 4 units, must submit a completed, signed application along with the required submissions to the Planning and Development Department (PDD), City of Biddeford, 205 Main Street, Biddeford, ME 04005. If you have questions specific to the program, you can contact Linda Waters, Community Development Coordinator, at 207-284-9105 or Linda.Waters@biddefordmaine.org. Personal appointments may be made upon request. There is an open application period as long as funding is available. Deferred Forgivable Loans are processed on a first come, first serve basis.

Application Submission: The following items may be required submissions as part of the application package:

- a) **An application that is complete and signed by every owner with an interest of 20% or more interest in the property;**
- b) **Signed permission to check credit of each individual owner with an interest of 20% or more in the property;**
- c) **Financial information from all owners with a 20% interest or more, including: income from all sources (employment income must include 2 months of pay stubs or payroll record); two years of personal and corporate income taxes; two months of personal bank statements; rent roll and tenant income verification forms, any other documentation as requested;**
- d) **Copy of the current Hazard Insurance on the property;**
- e) **Addresses of all properties in the City of Biddeford owned wholly or in part by the applicant;**
- f) **Written description of the project improvements.**

Application Processing and Review: Each application will be dated upon receipt in the Planning and Development Department offices on the Second Floor at City Hall. Only one original application is needed; however, applicants should retain a copy of the completed application. The program description outlines the type of funding available as well as the maximum funding limit. You may request up to that limit; however, if the ask is not supported by the need, the City may fund at a lower amount. You must meet the individual program and the financial guidelines for each type of funding applied for.

Verification of Information: Once the application is submitted, City staff will verify all sources of income, assets, and matching sources. Third party written verifications may be needed. Credit reports may be requested to determine credit worthiness of the applicant(s).

Property Record Search: The City Solicitor will conduct a title search on the property to make sure that the title is clear from liens and City Staff will complete property verifications with City Departments (Assessing, Finance, Water and Sewer, Treasurers, Code Enforcement and Planning) on the property in the City of Biddeford to ensure that there are no outstanding assessments or complaints against the properties. This cost is part of the CDBG grant package.

Outstanding City Assessments or Complaints: If there are outstanding assessments or complaints, the applicant will not be eligible for funding until the assessments are paid in full and the complaints cooperatively dealt with. If the property owner is in a payment plan with the Tax Office and is current and demonstrates a good paying record, a loan may be considered on this property.

Environmental Review: City staff will check the Federal, State, and local databases to determine whether or not the building is historic and, if so, the type of review needed. If federal guidelines require project review by the Maine Historic Preservation Commission, the approval process may take as long as 45 days. City staff will also check the FEMA Flood Database and the Wetlands Mapper to determine if there are any restrictions and requirements related to these issues on the property, and a GIS map of the property location will be printed and maintained in the application file. No work may be implemented until the Environmental Review is complete.

Initial Inspection and Bid Process: The Community Development Coordinator will review the project with the RT and set an appointment to conduct an initial inspection of the property to ensure that the proposed improvements will add value and safety, and that the building can support the proposed improvements. The RT will make recommendations as needed, including items that do not meet code and need to be repaired as part of the project. After bid specifications are completed at least 3 bids will be solicited by the property owner and submitted to the CDC for review, and approval by the CAC and City Council before initiating a contract. A contract will then be signed between the property owner and contractor(s).

Debarred or Suspended Contractors: CDC staff will check the contractors that have provided proposals against the Debarred Contractor listing at <http://www.sam.gov> to determine if the contractor has been debarred, suspended, is proposed for debarment, excluded, or otherwise disqualified from work that is federally funded. Staff will document the file.

National Objective: Each funded activity must meet one of the three HUD national objectives: 1) low-moderate income benefit; 2) elimination of slum and blight; or 3) urgent need. In aggregate, at least 70% of all funds must assist low and moderate income persons over a 1-3 year period. CDC staff will document the file the extent to which the project meets these National Objectives.

II. Risk Analysis

All Deferred Forgivable Loans will be underwritten by staff or contractors of the Planning and Development Department.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

- a. Track record of cooperation with Code Enforcement and other City departments; and
- b. Verification that all City Department assessments (taxes, City utilities, etc.) have been paid.
- c. Credit check and/or Police check as determined by City Staff.

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Citizens Advisory Committee and to Council for approval.

Other Considerations: The City may accept or reject any application for funding and has an “open window” to accept applications for rehabilitation projects throughout the year. Sometimes a property/owner meets the required criteria but then is not funded by the City.

The following reasons may cause the City to reject an application for funding:

- 1) There is no more funding available through City sources;
- 2) The funding priority may have changed; or
- 3) There are environmental review concerns. Examples may be: the property is in a 100 year flood plain; it's historic and the cost to rehabilitate the building is no longer cost reasonable for the limited funding the City has available; severe or toxic contamination, or not within the cost effectiveness requirements of HUD, etc.; or
- 4) There was a material change in either the property condition or the owner's financial condition. If this situation occurs after the Deferred Forgivable Loan has been approved but before the contract signing, City staff may choose to not place the project under contract. If this occurs after approval and the contract signing, the City may choose to follow the **default remedies** under the Deferred Forgivable Loan.

III. City Approval/Disapproval

All Deferred Forgivable Loans that meet program and financing guidelines are presented for review and approval to the Planning and Development Director, Citizens Advisory Committee (COC), and City Council.

The following are the rules each person/committee will follow:

- a. Each person/committee will need to give approval before the loan is awarded.
- b. Approval of Deferred Forgivable Loans will be contingent upon the applicant meeting the ongoing requirements of the program.
- c. The Planning and Development Director has the authority to adjust terms, rates and the other requirements on a case-by-case basis, after approval by the CAC and City Council by written notification, including email.

Once the City Council makes a recommendation, the applicant will be notified via letter by the Planning and Development Department Staff. If the terms have been modified, the recipient will be given an opportunity to accept the new terms and conditions or request an appeal.

IV. Appeal Process

The applicant may appeal the decision regarding a Deferred Forgivable Loan under the following circumstances:

- a. Must be in writing with an explanation regarding why the applicant should be granted an appeal and addressed to Biddeford Citizens Advisory Committee (CAC), c/o Linda M. Waters, City of Biddeford, 205 Main Street, Biddeford, Maine 04005.

- b. No new information may be presented by the applicant, only clarification of information that was originally provided but, in the applicant's point of view, may not have presented their complete financial or another condition.
- c. Request for an appeal must be made in writing to the CAC within 30 days of the date of the decision to deny or modify the terms of participation.
- d. The CAC will schedule and hold an appeal hearing for the appeal process.
- e. The applicant may provide written information or may request to be present at the appeal hearing and present information directly to the CAC.
- f. The CAC will deliberate the request and make its decision after the hearing, and forward the decision to the City's Finance Committee.
- g. The City's Finance Committee's decision is final and the applicant will be notified by Planning and Development Department staff.

V. General Terms and Conditions for Participation in the City Program

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a Deferred Forgivable Loan through the City.

The City of Biddeford views the documents as the contractual agreement between the Owner/Applicant and the City. To fulfill this agreement, the Owner/Applicant must:

1. Complete within six (6) months all rehabilitation work as described in the Deferred Forgivable Loan application submitted by the applicant and approved by the City. For exterior work, scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed all funds disbursed to the Owner/Applicant by the City of Biddeford through its program as stated in the contract documents.
3. The Owner/Applicant accepts ultimate responsibility for fulfilling the contract and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity are made solely between the Owner/Applicant and the respective contractor and/or supplier;
 - b. The Owner/Applicant will indemnify and hold harmless the City of Biddeford and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. The entire principal balance shall become immediately due and payable without notice or demand upon the following events:
 - a. The commencement of any proceedings by or against the Owner/Applicant under any bankruptcy or insolvency laws;
 - b. The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of the developer;

- c. Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon or insurance premiums on the project property; and/or
 - d. Failure to maintain the income limit requirement that 51% of the units of the property be maintained for low to moderate income households according to HUD guidelines throughout the ten year period, as documented through monitoring by the City. The 51% threshold of housing units must remain constant throughout the life of the Deferred Forgivable Loan and the property and household units are subject to monitoring by the City of Biddeford at any given time.
- 5. Deferred Forgivable Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be included in the Owner/Applicant's contract package.
- 6. A Owner/Applicant agrees to permit inspection by the City's CDC, RT, and/or Code Enforcement personnel of the property, rehabilitation work, all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project.
- 7. The Owner/Applicant agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by Code is unacceptable for disbursement of any funds.
- 8. Disbursement of Program funds:
 - Disbursement of all Deferred forgivable Loan funds is made through the City after the work has been approved for funding and the Contractor has submitted a Contractor Payment Request Form approved by the owner and a Certificate and Release of Liens signed by the contractor.
 - The above is contingent upon approved activities being completed according to applicable municipal codes.
 - No money will be disbursed to reimburse the Owner/Applicant for improvements made to the property which were not approved by the City before they were commenced.
- 10. The Owner/Applicant is required to maintain hazard insurance on the improved property for the full term of the contract and in a minimum amount equal to the total value of all mortgages

held on the property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

11. The arwardee agrees to keep such records as may be required by the City of Biddeford with respect to the rehabilitation activities.

12. The Owner/Applicant further agrees to abide by all terms and conditions of Federal Regulations which are described in the next Section.

Part 5

Federal/State/Local Requirements

I. National Objectives (24 CFR 570.200; 570.208; and 570.506)

This section summarizes the National Objectives of the CDCBG Program contained in the Code of Federal Regulations, Title 24, Part 570, Sections 570.200 (a)(2) and (3), 570.208(a)-(d).

Each Activity must meet one of the CDCBG program's three broad National Objectives:

- a. Benefit low-moderate-income persons;
- b. Aid in the prevention or elimination of slums or blight; or
- c. Meet urgent needs (relating to natural disasters)

Housing Activities: Are activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households.

In order to meet the housing LMI national objective, the following standards apply:

- a. Structures with two units must have both units occupied by a LMI household;
- b. If the structure contains three units, at least two units must be LMI occupied.
- c. Residential structures with four units must have at least 51% or 3 of the units occupied by LMI households.

Record Keeping Requirements: Title 24, Part 570.506(4)(iii) requires that for each activity carried out for the purpose of providing or improving housing which is determined to benefit low and moderate [income](#) person, the City keep documentation for each unit occupied by a low and moderate [income household](#) including the size and [income](#) of the [household](#).

II. Furthering Fair Housing (24 CFR 570.601)

The Owner/Applicant must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with the Fair Housing Act of 1968 as amended.

III. Anti-Discrimination (24 CFR 570.602)

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions

against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

The Maine Human Rights Act prohibits discrimination in employment, housing, public accommodation and credit based on race, color, sex, physical or mental disability, religion, ancestry, or national origin.

Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

IV. Labor Standards (24 CFR 570.603)

Rehabilitation funded by CDCBG that have nine (9) units or more residential units must comply with section 110(a) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq. aka Davis Bacon Wage Rates, and as provided under the CDCBG regulations in 24 CFR 570.603 . This applies to non- volunteer labor financed in whole or part using federal funding covered by the Act.

V. Environmental Review (24 CFR 570.604; 570.605)

The City will conduct an environmental review on every property that receives City assistance in accordance with 24 CFR Part 58 and Part 50 and as further described in CDCBG regulations 24 CFR 570.604. The level of review is determined by the type of rehabilitation activity that is undertaken. NO work may commence on the property until the review is complete and the Funding Agreement is signed.

Areas of particular concern that may cause delay in approval of the project include:

- a. Historic properties;
- b. Properties located in a Special Flood Hazard Area (SFHA) flood zone; and
- c. Contaminated sites requiring special cleanup provisions

These include special requirements and will be staff reviewed to determine whether or not the City is willing to invest in these properties.

Flood Hazard Insurance: For properties approved for funding that are located in a designated flood hazard area, the applicant will be required to carry flood insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in CDCBG regulations 24 CFR 570.605.

VI. Relocation (24 CFR 570.606)

Families may be required to be temporarily relocated because of the nature and extent of the rehabilitation. The City makes every attempt possible to minimize the disruption of families and individuals; however, in certain circumstances, if funding is approved by the City, and the occupants are displaced, the City will follow the requirements of 49 CFR Part 24, as provided under the CDCBG regulations 24 CFR 570.606. For rehabilitations related to the Lead

Abatement, relocation is a component of the lead program and will be funded through that program.

VII Employment and Contracting Opportunities. (24 CFR 570.607)

Under the current CDCBG housing programs, Section 3 requirements do not apply to the rehabilitation work which includes demolition and lead based paint abatement, because the dollar threshold will not exceed \$100,000 for an individual contractor. On LALP funded projects, contractors may be subject to Section 3 and will follow the process established by the LALP.

VIII. Lead Based Paint (24 CFR 570.608)

Any rehabilitation funded by CDCBG shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards. The City contracts with _____ that has licensed Lead Inspectors and Risk Assessors that design the lead hazard control work tasks to be compliant with HUD and Maine DEP regulations. All contractors must be certified under the RRP rule and licensed under Maine Department of environmental Protection (MEDEP) Chapter 424 Regulations (10-03-2016).

IX. Debarred, Suspended or Ineligible Contractors (24 CFR 570.609)

No awards will be made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35)

At the time a contract is bid, the City will check all contractors and subcontractors at SAM.gov to ensure that they are not listed on the ineligible parties list. A printout of "no record" will be placed on file.

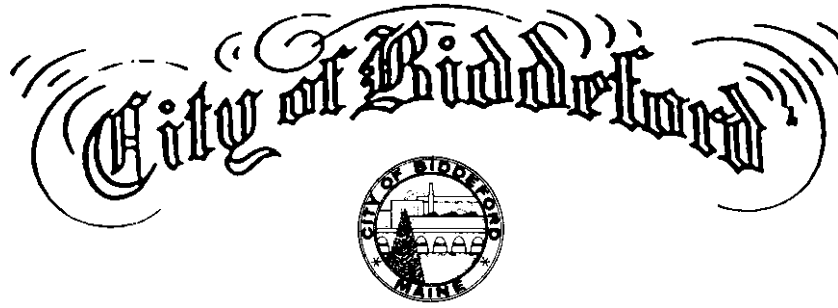
X. Conflict of Interest (24 CFR 570.611)

Interest of Certain Federal Officials: No member of or Delegate to the Congress of the United States and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials: No member, officer, or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston, or employee of the City of Biddeford who exercises any decision-making functions or responsibilities regarding the Community Development Program shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

Bonus, Commission or Fee: The Owner/Applicant cannot pay any bonus, commission, or fee for the purpose of obtaining the City of Biddeford's approval of the loan application or any other approval or concurrence required by the City of Biddeford or its designee to complete the rehabilitation work financed in whole or in part with the rehabilitation deferred forgivable loan.

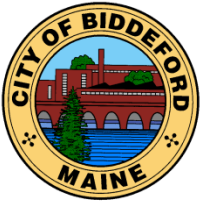
¹The program proposal had been through the public notice and hearing process on May 18.



2020.45

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a 3-year contract with Maine Housing for \$500,000 to fund the 2-4 unit, owner-occupied housing program.



CITY OF BIDDEFORD

Planning and Development

Mathew Eddy
Director, Planning and Development
205 Main Street
Biddeford, ME 04005
Mathew.Eddy@biddefordmaine.org
207-282-7119

City Council

Meeting Date: June 2, 2020

Meeting Time: 6:00 PM

Agenda Item No:

Item Description: Maine Housing Contract

Submitted by: Mathew Eddy

Supporting Information/Documentation:

See Below and Attached amendments and programs:

Proposed contract

Maps Delineating Census Tracts 252-01 and 252.02.

Key Terms:

- HUD—Housing and Urban Development(source of CDBG funds)
- Action Plan-Annual action plan approved by City Council for the expenditure of CDBG funds. This memo will address two annual Action Plans: Amending the 2019 Action Plan and to approve the 2020 Action Plan.
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program CDBG-CV—HUD “Care’s” Act
- Community Solution Grant—newly established grant program offered by Maine Housing (MH), the state of Maine’s Housing Authority.

Executive Summary:

MaineHousing is making up to \$500,000 in Grant funds available to the City for use in 2-4 unit housing structures. The City plans to use the Grant funds for (i) 2-4 unit rehabilitation projects funded in part with U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant (“CDBG”) funds (“CDBG Rehab Projects”), and (ii) 2-4 unit lead hazard reduction projects funded in part with HUD’s Lead Hazard Reduction Program funds (“HUD Lead Projects”). Ten percent of the funds are designated for administration to serve the program. City shall use Grant funds only for work on CDBG Rehab Projects and HUD Lead Projects.

Detailed Review:

The \$500,000 grant was received as part of a grant competition from Maine Housing. Notice of the award was back around the first of this year, 2020. At that point, the city was implementing the Lead Paint Grant program from HUD (\$2 million), and had completed a housing assessment analysis (as part of the CDBG planning process, including a public forum attended by Maine Housing officials) that pointed to a number of housing deficiencies in the community.

Staff presented housing information to the City Council (spring-summer, 2019) as we drilled down from broad demographics to specific areas and marketing strategies where the community could create a housing program with targeted funding. Data from that analysis was used in the HUD lead paint application and has been the basis for moving the CDBG funding toward a housing rehabilitation program. The 2-4 unit structure, particularly owner occupied, is prevalent in the community, especially within the HUD designated census tracts, 252-01 and 252-02 (see attached map). Maine Housing was intrigued with the focus on 2-4 unit structures in the urban area of mill communities; they thought it might be replicable in other areas of the State.

In granting the funding, Maine Housing identified the following uses of the funding over 3 years:

1. \$50,000 for administration,
2. \$150,000 as match for lead paint remediation, and
3. \$270,000 for rehabilitation.

The focus on the funding is on the owner occupied 2-4 unit structures. The implementation will be consistent with HUD CDBG grant and Lead Paint guidelines, to avoid confusion. Staff will mix and match the MH funds as individual projects emerge. The funding tied to the Lead program will provide federal match. The funding tied to CDBG will permit the city to look at complete rehabilitation. 51% of the units will be preserved for ten years for those at 80% of median income. The goal is rehabilitate 15 structures over 3 years in the core area of the community.

Funding Source:

Maine Housing; Real Estate Transfer Tax

Staff Recommendation:

Approval for the City manager to enter into a 3 year contract with Maine Housing for \$500,000 to fund the 2-4 unit owner occupied housing program.

2 - 4 Residential Units

Biddeford_Census_Block_Groups



Biddeford_Historic_Mill_District



Buildings



Parcels_with_Owner_Data_and_Residential_Units

2 Residential Units



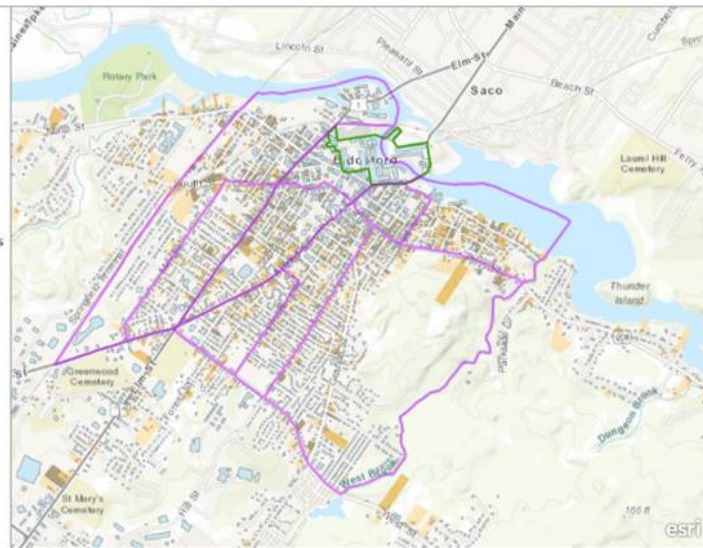
3 Residential Units



4 Residential Units



Other Parcels



2-4 Residential Units

0.4mi

City of Biddeford, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

MAINE STATE HOUSING AUTHORITY

COMMUNITY SOLUTIONS GRANT AGREEMENT

This Community Solutions Grant Agreement (the “Agreement”) is entered into this 11th day of May, 2020 by and between **City of Biddeford**, a Maine municipality with a place of business and mailing address of 205 Main Street, P.O. Box 586, Biddeford, Maine, 04005 (“City”) and **Maine State Housing Authority**, a public body corporate and politic and instrumentality of the State of Maine with a principal place of business and mailing address of 353 Water Street, Augusta, Maine, 04330-4633 (effective June 5, 2020: 26 Edison Drive, Augusta, Maine 04330) (“MaineHousing”).

RECITALS

1. MaineHousing’s Community Solutions Grant (“Grant”) provides matching grants to municipalities for investment in the creation or preservation of affordable housing units for persons of low to moderate income.
2. MaineHousing is making up to \$500,000 in Grant funds available to City for use in 2-4 unit housing structures.
3. City plans to use the Grant funds for (i) 2-4 unit rehabilitation projects funded in part with U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant (“CDBG”) funds (“CDBG Rehab Projects”), and (ii) 2-4 unit lead hazard reduction projects funded in part with HUD’s Lead Hazard Reduction Program funds (“HUD Lead Projects”).

AGREEMENT

1. **Grant.** MaineHousing is making the Grant available to the City subject to the following:
 - a. Amount. The Grant is up to \$500,000.
 - b. Disbursements. MaineHousing shall disburse Grant funds in \$100,000 increments.
 - c. Use of Proceeds. City shall use Grant funds only for work on CDBG Rehab Projects and HUD Lead Projects. Up to 10% of the Grant funds may be used for administrative work related to CDBG Rehab Projects or HUD Lead Projects and outlined in Exhibit A attached (“Administration Funds”).
 - d. Reports. City shall submit quarterly progress reports on or before the 15th day of the month following each quarter of operation. The reports shall be in a form satisfactory to MaineHousing and will include for each project at minimum: the address of the project, whether the project is a CDBG Rehab Project or a HUD Lead Project, the amount of MaineHousing funds spent on the project in the previous quarter, the amount of CDBG or HUD funds spent on the project in the previous quarter, and the amount of Administration Funds expended in the previous quarter.

- e. Term. City shall expend the Grant funds within three years of the date of this Agreement, unless MaineHousing extends the time for performance in writing. Any Grant funds that are not expended by the City within three years of the date of this Agreement, shall be returned to MaineHousing along with any interest earned on the funds, unless MaineHousing agrees otherwise in writing.
- f. Documents. City agrees to provide any information and execute any additional documents that MaineHousing determines are reasonable or necessary in its sole discretion to ensure proper administration of this Grant.
- g. Evaluation. Within three months of the City's last expenditure of Grant funds, the City shall provide MaineHousing with a program evaluation of outcomes as described in Exhibit B.

2. **Compliance with Applicable Laws.** City shall ensure compliance with all applicable Federal, state and local laws and ordinances, including, but not limited to, building, zoning, land use, environmental, lead remediation, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, the Maine Human Rights Act, Subchapter IV, and the Americans with Disabilities Act all as may be amended from time to time and with any rules or regulations promulgated pursuant thereto. City shall comply with all of HUD's requirements for CDBG Rehab Projects and HUD Lead Projects. Any disbursement of funds by MaineHousing shall not be construed as an assurance or acknowledgment of compliance with any such laws, ordinances, rules or regulations.

3. **Records; Inspections.** City shall maintain and keep full, correct and current all books, documents, plans and other records concerning the Grant, and compliance with this Agreement and with the applicable requirements of HUD and the City for CDBG Rehab Projects and HUD Lead Projects. City shall keep all such books and records separate and identifiable from the records for City's other business and activities. City shall keep all such books and records for a minimum of seven (7) years from the termination of this Agreement.

MaineHousing, its employees and agents, shall have the right to audit and examine all such books and records, and any supporting information or data, at reasonable times upon reasonable notice by MaineHousing. City shall furnish copies of any such books and records, and supporting information, to MaineHousing upon request. City shall take all actions necessary to ensure MaineHousing, its employees and agents, shall have the right to inspect the CDBG Rehab Projects and HUD Lead Projects during construction.

4. **Recapture or Reduction.** MaineHousing may recapture or reduce the Grant and may terminate this Agreement upon any of the following:

- a. MaineHousing determination that activities are not being carried out in accordance with this Agreement;
- b. Change in the use of the Grant funds without the prior written consent of MaineHousing.

- c. Any voluntary or involuntary assignment, pledge or transfer of this Agreement, the Grant, and any documents executed in connection with the Grant without the prior written consent of MaineHousing; or
- d. Any voluntary or involuntary termination of existence, dissolution, liquidation, sale or other disposition of all or substantially all of the assets, marshalling of assets and liabilities, receivership, insolvency, bankruptcy, assignment for the benefit or credits, reorganization, arrangement, composition, readjustment, liquidation, insolvency or other relief of the same, or different kind or business failure of the City.

5. **Notices.** Any notice or demand required or provided for in this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes when hand-delivered or mailed by certified or registered United States mail, postage prepaid, to the City or MaineHousing at their respective addresses set forth herein, or at such other address as either of them may from time to time hereafter designate by notice given to the other as herein provided.

6. **Confidentiality.** City shall safeguard and protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors and other representatives to safeguard and protect from disclosure at all times, all information about individual applicants for and individual recipients of Grant funds.

7. **Authority of City.** The City hereby by execution of this Agreement certifies that it is authorized to undertake the activities contemplated hereby and that its undersigned officer is duly authorized to bind the City to the terms of this Agreement.

8. **Indemnification.** City shall indemnify and hold MaineHousing and its commissioners, officers, employees and agents harmless from and against any and all claims, demands, liability, cost or expense (including, but not limited to reasonable attorneys' fees and other costs of litigation) that may be incurred by MaineHousing arising out of or in any way related to the City's breach of any of its obligations under this Agreement or any action taken by MaineHousing to enforce or exercise its rights under this Agreement as a result of such breach. The obligations under this section shall survive the termination or expiration of this Agreement as necessary to effectuate its provisions.

9. **No Immunity.** City hereby waives any defense of governmental immunity it may have as to any actions brought by MaineHousing arising out of this Agreement.

10. **Governing Law; Change in Law.** This Agreement is subject to and shall be construed in accordance with the laws of the State of Maine, including without limitation, the Maine Housing Authorities Act, 30-A MRSA §4701, et seq., any rules adopted pursuant thereto, and any amendments to such laws and rules, and with applicable Federal law, any regulations and guidance adopted or issued pursuant thereto and any amendments to such laws, regulations and guidance.

11. **Waiver.** The provisions of this Agreement cannot be waived, except in writing by MaineHousing clearly expressing MaineHousing's intent to waive said provisions. MaineHousing's failure to exercise or delay in exercising any right or remedy hereunder or otherwise afforded by law shall not be construed as a waiver or release thereof or preclude the exercise thereof at any time thereafter. Any failure by MaineHousing to insist upon strict performance by the City of any of the terms or provisions of this Agreement shall not be deemed to be a waiver of any terms or provisions

of this Agreement and MaineHousing shall have the right thereafter to insist upon strict performance by the City of any and all such terms and provisions.

12. **Entire Agreement.** This Agreement constitutes the entire agreement between MaineHousing and the City with respect to the subject matter hereof, and the Agreement supersedes all previous negotiations, discussions and agreements between MaineHousing and the City with respect to the subject matter hereof, and no parol evidence of any prior or other agreement or alleged agreement shall be permitted to contradict or affect the terms of this Agreement.

13. **Amendment.** This Agreement may be amended or modified in whole or in part only by written agreement of MaineHousing and the City clearly expressing intent to amend this Agreement.

14. **Severability.** In the event that any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall be valid and enforceable to the fullest extent permitted by law. The parties hereto agree that the term or provision held to be invalid or unenforceable, as contrary to applicable law, shall automatically be deemed to be reformed as to be consistent with applicable law.

15. **Construction.** The above recitals to this Agreement are incorporated herein and made a part of this Agreement, including without limitation defined terms. The headings in this Agreement are for convenience only and do not define or limit the scope of the provisions of this Agreement. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which together shall constitute one agreement of all parties to this Agreement.

16. **No Third Party Beneficiaries.** This Agreement is solely for the benefit of the City and MaineHousing and no other person or entity shall have the right to rely on any agreement, representation or obligation set forth in this Agreement.

17. **Successors and Assigns.** This Agreement shall be binding upon City's successors, transferees and assigns and shall inure to the benefit of and be enforceable by MaineHousing, its successors, transferees and assigns.

IN WITNESS WHEREOF, the City and MaineHousing have caused this Agreement to be executed on their behalf by their duly authorized representatives as of the day and year first above written.

CITY OF BIDDEFORD

By: _____
James Bennett
Its: City Manager

**MAINE STATE HOUSING
AUTHORITY**

By:  _____
Daniel Brennan
Its: Director

Exhibit A

**City of Biddeford's
2-4 Unit Lead Hazard Control & Rehab Projects
Administration Funds
(see attached budget documents)**

City of Biddeford 2-4 Unit Lead & Rehab Proj - ADMIN EXPENSE

Housing Administrator (0.11 FTE x 3 years)	\$30,900	4.4 hours/wk
Housing Assistant (0.15 FTE x 3 years)	<u>19,100</u>	5.5 hours/wk
TOTAL: ADMIN COSTS @10%	<u>\$50,000</u>	

Biddeford's 2-4 Unit Lead Hazard Control & Rehab Program
For Existing Owner-Occupants of 2-4 Unit Structures in Downtown Biddeford
Three-Year Budget (2020 through 2022)

Combined Budget			
MSHA 2-4 Unit Lead & Rehab Project REVENUE			
40431 MSHA 2-4 Unit Rehab Program Revenue			<u>-500,000</u>
MSHA 2-4 Unit Lead & Rehab Project - ADMIN EXPENSE			
60102 Housing Program Administrator (0.11 FTE x 3 years)	\$ 30,900	4.4 hours/week based on 40 hrs/week	
60102 Housing Program Assistant (0.15 FTE x 3 years)	<u>19,100</u>	5.5 hours/week based on 37.5 hrs/wk	
TOTAL: MSHA 2-4 Unit Lead & Rehab Projects ADMIN COSTS	<u>\$ 50,000</u>	TOTAL ADMIN EXP OF 10%	
MSHA 2-4 Unit Lead & Rehab PROJ - DIRECT EXP			
71402 7c. Lead Remediation Contractors*	150,000	15 UNITS @ \$10K lead control/unit (HUD lead match)	
71402 7d. Preservation Rehab Contractors**	270,000	9 Units @ \$30,000 rehab per unit	
71502 9b. Consulting Fees (title work, loan docs)	3,750	15 units @ \$250 Merchants Reports/legal Docs	
71506 9f. Tenant Relocation (lodging/food reimb)	14,250	15 units @ \$950 each (all units require relocation)	
71510 9j. Lead Lab Testing Fees	10,500	15 units x \$700 dust wipe costs per unit	
71512 9k. Bid document Preparation	<u>1,500</u>	15 packets @ \$100 each	
TOTAL: MSHA 2-4 Unit Lead & Rehab Projects DIRECT EXP	<u>\$ 450,000</u>		
TOTAL: MSHA 2-4 UNIT LEAD & REHAB PROJECT EXPENSE	<u>\$ 500,000</u>		

*Lead remediation funds (max of \$10K per unit) come in the form of a 3-year/0% interest/forgivable loan

**Preservation rehab funds (max of \$30K per unit) come in the form of 10-year/0% /self-amortizing subsidy with lien

Biddeford's 2-4 Unit Lead Hazard Control & Rehab Program
For Existing Owner-Occupants of 2-4 Unit Structures in Downtown Biddeford
Three-Year Budget (2020 through 2022)

Budget Breakout by Project			
MSHA 2-4 Unit Lead & Rehab Project			
	15 Lead Projects	9 of 15 Rehab Projects	
Housing Program Administrator (0.11 FTE x 3 years)	\$ 18,540	\$ 12,360	
Housing Program Assistant (0.15 FTE x 3 years)	<u>11460</u>	<u>7640</u>	
TOTAL: MSHA 2-4 Unit Lead & Rehab Projects Admin Costs	<u>\$ 30,000</u>	<u>\$ 20,000</u>	10% Admin
MSHA 2-4 Unit Lead & Rehab PROJ - DIRECT EXP			
Lead Remediation Contractors*	150000	0	
Preservation Rehab Contractors**	0	270,000	
Consulting Fees (title work, loan docs)	3750	0	
Tenant Relocation (lodging/food reimb)	14,250	0	
Lead Lab Testing Fees	10,500	0	
Bid document Preparation	<u>900</u>	<u>600</u>	
TOTAL: MSHA 2-4 Unit Lead & Rehab Projects DIRECT EXP	<u>\$ 179,400</u>	<u>\$ 270,600</u>	without admin
TOTAL: MSHA 2-4 UNIT LEAD & REHAB PROJECT EXPENSE	<u>\$ 209,400</u>	<u>\$ 290,600</u>	<u>500,000</u> fully loaded
Cost per unit <u>with</u> Administration costs	\$ 13,960	\$ 32,289	per unit w/admin
Cost per unit <u>without</u> Administration costs	<u>\$ 11,960</u>	<u>\$ 30,067</u>	<u>per unit w/o admin</u>

*Lead remediation funds (max of \$10K per unit) come in the form of a 3-year/0% interest/forgivable loan

**Preservation rehab funds (max of \$30K per unit) come in the form of 10-year/0% interest/self-amortizing subsidy with lien

Proposed/Current Funder	Draw Period	Program Name	Form of Assistance to Owners	Eligible Fund Use	Direct Cost Total \$	Direct Cost Per Unit \$	Total Units
HUD OLHCHH	3 years	<i>Healthy Homes</i>	Grant	health hazards (non-lead)	288000	5000	60
HUD OLHCHH	3 years	<i>Lead Reduction Program</i>	3-year forgivable loan	Lead hazards only	1308000	10000	131
Lead Borrower Match	3 years	<i>Lead Reduction Program</i>	10% borrower match	Lead hazards only	135000	1000	0
YCCAC/BH/Other Match	3 years	<i>Lead Program Match</i>	3-year forgivable loan	Lead hazards only	42000	10000	4
MSHA-Comm Solutions	3 years	2-4 Unit Rehab Program	3-year forgivable loan	2-4 Unit lead/minor rehab	450000	18750	24
AHP/FHLBB RLF	3 years	<i>2-4 Unit: Purch/Rehab</i>	5-year loan (payback)	unit closing/rehab costs	600000	15000	40
HUD-CDBG	3 years	<i>2-4 Unit: Rehab Only</i>	10-year forgivable loan	rehab only costs (non-lead)	600000	15000	40
					3,423,000	11,448	299

(\$150K is lead match)

*

***PROPOSED TOTAL UNITS**

AHP/FHLBB Budget

HUD CDBG

3-year fund total

450000 ?

direct cost

-450000

Exhibit B

City of Biddeford's 2-4 Unit Lead Hazard Control & Rehab Projects Performance Outcomes April 2020-March 2023

1. HUD Lead Projects			2. CDBG Rehab Projects	
Community Solutions Grant	Lead-Safe # Units	Lead Project \$ Balance	Rehabbed # Units	CDBG Project \$ Balance
Target Units & Match Totals	<u>15</u>	<u>\$209,400</u>	<u>9</u>	<u>\$290,600</u>
Q1 April-June 2020	1	\$194,940	0	\$288,934
Q2 July-Sept. 2020	2	\$168,520	0	\$287,268
Q3 Oct.-Dec. 2020	1	\$154,060	0	\$285,602
Q4 Jan-March 2021	0	\$151,560	0	\$283,936
Q5 April-June 2021	1	\$137,100	0	\$282,270
Q6 July-Sept. 2021	1	\$122,640	0	\$280,604
Q7 Oct.-Dec. 2021	0	\$120,140	0	\$278,938
Q8 Jan-March 2022	2	\$93,720	2	\$217,138
Q9 April-June 2022	2	\$67,300	2	\$155,338
Q10 July-Sept. 2022	2	\$40,800	2	\$93,538
Q11 Oct.-Dec. 2022	2	\$14,460	2	\$31,733
Q12 Jan.-Mar. 2023	1	-0-	1	-0-

Total of 15 units will be made lead-safe @ \$10K each (9 of which are also budgeted for deep rehab @ \$30K each)

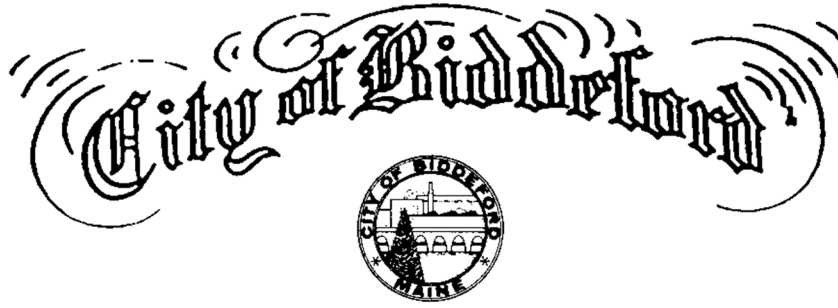
Quarterly spend-downs based on the following cost assumptions as per attached Project Budget:

Total Admin costs of \$50,000 (10% of grant), split 60/40 between the 2 Programs over 12 quarters (\$4,166 per quarter, combined)

Direct Program costs of \$11,960 per unit Made Lead Safe $\times$ 15 units

Direct Program costs of \$30,067 per unit undergoing Preservation Rehab $\times$ 9 units

Addresses of all units lead-abated or rehabbed will be included in each quarterly report



IN BOARD OF CITY COUNCIL...JUNE 2, 2020
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

David Flood
36 May Street
Ward 7

to the *Zoning Board of Appeals*, for a term to expire in December 2022.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: May 27, 2020

Name: David C. Flood

Street Address: 36 May St.

Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): Home: 283-4244 Cell: 423-7643 (Both are 207)

Email Address: David C Flood @ yahoo. com

Which City Committee, Board or Commission do you request to be appointed to:

- ☐ • Airport Commission
- ☐ • Biddeford Fire Advisory Committee
- ☐ • Biddeford Housing Authority
- ☐ • Biddeford Police Advisory Committee
- ☐ • Board of Assessment Review
- ☐ • Cable T.V. Committee
- ☐ • Capital Projects Committee
- ☐ • Conservation Commission
- ☐ • Downtown Development Commission
- ☐ • Economic Improvement Commission

- ☐ • Harbor Commission
- ☐ • Historic Preservation Commission
- ☐ • Planning Board
- ☐ • Policy Committee
- ☐ • Project Canopy Committee
- ☐ • Recreation Commission
- ☐ • Shellfish Conservation Committee
- ☐ • Solid Waste Management Commission
- ☐ • Wastewater Management Commission
- ☒ • Zoning Board of Appeals

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I was elected to City Council twice.

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

My wife Carolyn & I own two downtown buildings and a parking lot, so I have some experience in real estate.

Please provide a brief statement describing your interest in serving the City of Biddeford.

I've done a number of things to help improve Biddeford. In addition to ~~to~~ having been on the City Council, I've been president of the Chamber of Commerce and the primary person who started the Heart of Biddeford. I was president of HoB for five years. Also, we started the Biddeford-Saco - OOB Courier and ran it for 18 years. A newspaper guy is simply aware of a lot that goes on in town.

Attach any additional information to this application and return it to the City Clerk's Office.