§ 570.204 Special activities by Community-Based Development Organizations (CBDOs).

(a) Eligible activities. The recipient may provide CDBG funds as grants or loans to any CBDO qualified under this section to carry out a neighborhood revitalization, community economic development, or energy conservation project. The funded project activities may include those listed as eligible under this subpart, and, except as described in paragraph (b) of this section, activities not otherwise listed as eligible under this subpart. For purposes of qualifying as a project under paragraphs (a)(1), (a)(2), and (a)(3) of this section, the funded activity or activities may be considered either alone or in concert with other project activities either being carried out or for which funding has been committed. For purposes of this section:

(1) Neighborhood revitalization project includes activities of sufficient size and scope to have an impact on the decline of a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government which is under 25,000 population;

(2) Community economic development project includes activities that increase economic opportunity, principally for persons of low- and moderate-income, or that stimulate or retain businesses or permanent jobs, including projects that include one or more such activities that are clearly needed to address a lack of affordable housing accessible to existing or planned jobs and those activities specified at 24 CFR 91.1(a)(1)(iii); activities under this paragraph may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination;

(3) Energy conservation project includes activities that address energy conservation, principally for the benefit of the residents of the recipient’s jurisdiction; and

(4) To carry out a project means that the CBDO undertakes the funded activities directly or through contract with an entity other than the grantee, or through the provision of financial assistance for activities in which it retains a direct and controlling involvement and responsibilities.

(b) Ineligible activities. Notwithstanding that CBDOs may carry out activities that are not otherwise eligible under this subpart, this section does not authorize:

(1) Carrying out an activity described as ineligible in §570.207(a);

(2) Carrying out public services that do not meet the requirements of §570.201(e), except that:

[53 FR 34439, Sept. 6, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 71 FR 30035, May 24, 2006]
(i) Services carried out under this section that are specifically designed to increase economic opportunities through job training and placement and other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services; and

(ii) Services of any type carried out under this section pursuant to a strategy approved by HUD under the provisions of 24 CFR 91.215(e) shall not be subject to the limitations in §570.201(e)(1) or (2), as applicable;

(3) Providing assistance to activities that would otherwise be eligible under §570.203 that do not meet the requirements of §570.209; or

(4) Carrying out an activity that would otherwise be eligible under §570.205 or §570.206, but that would result in the recipient’s exceeding the spending limitation in §570.200(g).

(c) Eligible CBDOs. (1) A CBDO qualifying under this section is an organization which has the following characteristics:

(i) Is an association or corporation organized under State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation within the jurisdiction of the recipient, or in the case of an urban county, the jurisdiction of the county; and

(ii) Has as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low and moderate income; and

(iii) May be either non-profit or for-profit, provided any monetary profits to its shareholders or members must be only incidental to its operations; and

(iv) Maintains at least 51 percent of its governing body’s membership for low- and moderate-income residents of its geographic area of operation, owners or senior officers of private establishments and other institutions located in and serving its geographic area of operation, or representatives of low- and moderate-income neighborhood organizations located in its geographic area of operation; and

(v) Is not an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity (even though such persons may be otherwise qualified under paragraph (c)(1)(iv) of this section); and

(vi) Except as otherwise authorized in paragraph (c)(1)(v) of this section, requires the members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body; and

(vii) Is not subject to requirements under which its assets revert to the recipient upon dissolution; and

(viii) Is free to contract for goods and services from vendors of its own choosing.

(2) A CBDO that does not meet the criteria in paragraph (c)(1) of this section may also qualify as an eligible entity under this section if it meets one of the following requirements:

(i) Is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making; or

(ii) Is an SBA approved Section 501 State Development Company or Section 502 Local Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended; or

(iii) Is a Community Housing Development Organization (CHDO) under 24 CFR 92.2, designated as a CHDO by the HOME Investment Partnerships program participating jurisdiction, with a geographic area of operation of no more than one neighborhood, and has received HOME funds under 24 CFR 92.300 or is expected to receive HOME funds as described in and documented in accordance with 24 CFR 92.300(e).

(3) A CBDO that does not qualify under paragraph (c)(1) or (2) of this section may also be determined to qualify as an eligible entity under this section if the recipient demonstrates to the
satisfaction of HUD, through the provi-
sion of information regarding the orga-
nization’s charter and by-laws, that
the organization is sufficiently similar
in purpose, function, and scope to those
entities qualifying under paragraph (c)(1) or (2) of this section.

[60 FR 1944, Jan. 5, 1995, as amended at 71 FR
30035, May 24, 2006]

§ 570.205 Eligible planning, urban en-
vironmental design and policy-plan-
ning-management-capacity building
activities.

(a) Planning activities which consist
of all costs of data gathering, studies,
analysis, and preparation of plans and
the identification of actions that will
implement such plans, including, but
not limited to:
(1) Comprehensive plans;
(2) Community development plans;
(3) Functional plans, in areas such as:
(i) Housing, including the develop-
ment of a consolidated plan;
(ii) Land use and urban environ-
mental design;
(iii) Economic development;
(iv) Open space and recreation;
(v) Energy use and conservation;
(vi) Floodplain and wetlands manage-
ment in accordance with the require-
ments of Executive Orders 11988 and
11990;
(vii) Transportation;
(viii) Utilities; and
(ix) Historic preservation.
(4) Other plans and studies such as:
(i) Small area and neighborhood
plans;
(ii) Capital improvements programs;
(iii) Individual project plans (but ex-
cluding engineering and design costs
related to a specific activity which are
eligible as part of the cost of such ac-
tivity under §§ 570.201–570.204);
(iv) The reasonable costs of general
environmental, urban environmental
design and historic preservation stud-
ies; and general environmental
assessment- and remediation-oriented
planning related to properties with
known or suspected environmental
contamination. However, costs nec-
essary to comply with 24 CFR part 58,
including project specific environ-
mental assessments and clearances for
activities eligible for assistance under
this part, are eligible as part of the
cost of such activities under §§ 570.201–
570.204. Costs for such specific assess-
ments and clearances may also be in-
curred under this paragraph but would
then be considered planning costs for
the purposes of § 570.200(g);
(v) Strategies and action programs to
implement plans, including the de-
velopment of codes, ordinances and regu-
lations;
(vi) Support of clearinghouse func-
tions, such as those specified in Execu-
tive Order 12372; and
(vii) Analysis of impediments to fair
housing choice.
(viii) Developing an inventory of
properties with known or suspected en-
vironmental contamination.
(5) [Reserved]
(6) Policy—planning—management—
capacity building activities which will
enable the recipient to:
(1) Determine its needs;
(2) Set long-term goals and short-
term objectives, including those re-
lated to urban environmental design;
(3) Devise programs and activities to
meet these goals and objectives;
(4) Evaluate the progress of such pro-
grams and activities in accomplishing
these goals and objectives; and
(5) Carry out management, coordina-
tion and monitoring of activities nec-
essary for effective planning imple-
mentation, but excluding the costs nec-
essary to implement such plans.
[53 FR 34439, Sept. 6, 1988, as amended at 56
FR 56127, Oct. 31, 1991; 60 FR 1915, Jan. 5, 1995;
71 FR 30035, May 24, 2006]

§ 570.206 Program administrative
costs.

Payment of reasonable administrative
costs and carrying charges related
to the planning and execution of com-
munity development activities assisted
in whole or in part with funds provided
under this part and, where applicable,
housing activities (described in para-
graph (g) of this section) covered in the
recipient’s housing assistance plan.
This does not include staff and over-
head costs directly related to carrying
out activities eligible under § 570.201
through § 570.204, since those costs are
eligible as part of such activities.