(b) Is one of pervasive poverty, unemployment and general distress, as described in §597.102;
(c) Does not exceed twenty square miles in total land area;
(d) Has a continuous boundary, or consists of not more than three non-contiguous parcels;
(e) Is located entirely within the jurisdiction of the unit or units of general local government making the nomination, and is located in no more than two contiguous States; and
(f) Does not include any portion of a central business district, as this term is used in the most recent Census of Retail Trade, unless the poverty rate for each population census tract in the district is not less than 35 percent for an Empowerment Zone and 30 percent for an Enterprise Community.

§ 597.101 Data utilized for eligibility determinations.

(a) Source of data. The data to be employed in determining eligibility pursuant to the criteria set forth at §597.102 shall be based upon the 1990 Decennial Census, and from information published by the Bureau of the Census and the Bureau of Labor Statistics. The data shall be comparable as to point or period of time and methodology employed. Specific information on appropriate data to be submitted will be provided in the application.

(b) Use of statistics on boundaries. The boundary of an urban area nominated for designation as an Empowerment Zone or Enterprise Community must coincide with the boundaries of census tracts, or, where tracts are not defined, with block numbering areas.

§ 597.102 Tests of pervasive poverty, unemployment and general distress.

(a) Pervasive poverty. Pervasive poverty shall be demonstrated by the nominating entities by providing evidence that:
(1) Poverty is widespread throughout the nominated area; or
(2) Poverty has become entrenched or intractable over time (through comparison of 1980 and 1990 census data or other relevant evidence); or
(3) That no portion of the nominated area contains any component areas of an affluent character.

(b) Unemployment. Unemployment shall be demonstrated by:
(1) Data indicating that the weighted average rate of unemployment for the nominated area is not less than the national average rate of unemployment; or
(2) Evidence of especially severe economic conditions, such as military base or plant closings or other conditions which have brought about significant job dislocation within the nominated area.

(c) General distress. General distress shall be evidenced by describing adverse conditions within the nominated urban area other than those of pervasive poverty and unemployment. A high incidence of crime, narcotics use, homelessness, abandoned housing, and deteriorated infrastructure or substantial population decline, are examples of appropriate indicators of general distress.

§ 597.103 Poverty rate.

(a) General. The poverty rate shall be established in accordance with the following criteria:
(1) In each census tract within a nominated urban area, the poverty rate shall be not less than 20 percent;
(2) For at least 90 percent of the population census tracts within the nominated urban area, the poverty rate shall not be less than 25 percent; and
(3) For at least 50 percent of the population census tracts within the nominated urban area, the poverty rate shall be not less than 35 percent.

(b) Special rules relating to the determination of poverty rate—(1) Census tracts with no population. Census tracts with no population shall be treated as having a poverty rate which meets the standards of paragraphs (a)(1) and (2) of this section, but shall be treated as having a zero poverty rate for purposes of applying paragraph (a)(3) of this section.

(2) Census tracts with populations of less than 2,000. A population census tract which has a population of less than 2,000 shall be treated as having a poverty rate which meets the requirements of paragraphs (a)(1) and (a)(2) of
this section if more than 75 percent of
the tract is zoned for commercial or in-
dustrial use.

(3) Adjustment of poverty rates for En-
terprise Communities. Where necessary
to carry out the purposes of this part,
the Secretary may reduce by 5 percent-
age points one of the following thresh-
holds for not more than 10 percent of the
census tracts, or, if fewer, five popu-
lation tracts in the nominated urban
area:

(i) The 20 percent threshold in para-
graph (a)(1) of this section;
(ii) The 25 percent threshold in para-
graph (a)(2) of this section; and
(iii) The 35 percent threshold in para-
graph (a)(3) of this section; Provided
that, the Secretary may in the alter-
native reduce the 35 percent threshold
by 10 percentage points for three popu-
lation census tracts.

(4) Rounding up of percentages. In
making the calculations required by
this section, the Secretary shall round
all fractional percentages of one-half
percent or more up to the next highest
whole percentage figure.

(c) Noncontiguous areas. A nominated
urban area may not contain a non-
contiguous parcel unless such parcel
separately meets the criteria set forth
at paragraphs (a)(1), (2), and (3) of this
section.

(d) Areas not within census tracts. In
the case of an area which does not have
population census tracts, the block
numbering area shall be used.

Subpart C—Nomination Procedure

§ 597.200 Nominations by State and
local governments.

(a) Nomination criteria. One or more
local governments and the State or
States in which an urban area is lo-
cated may nominate such area for des-
ignation as an Empowerment Zone and/
or as an Enterprise Community, if:

(1) The urban area meets the require-
ments for eligibility set forth in
§§ 597.100 and 597.103;
(2) The urban area is within the juris-
diction of a State or States and local
government(s) that have the authority
to nominate the urban area for des-
ignation and that provide written as-
surances satisfactory to the Secretary
that the strategic plan described in
paragraph (c) of this section will be im-
plemented;
(3) All information furnished by the
nominating State(s) and local govern-
ment(s) is determined by the Secretary
to be reasonably accurate; and
(4) The State(s) and local govern-
ment(s) certify that no portion of the
area nominated is already included in
an Empowerment Zone or Enterprise
Community or in an area otherwise
ominated to be designated under this
section.

(b) Nomination for designation. No
urban area may be considered for des-
ignation pursuant to subpart D of this
part unless the nomination for designa-
tion:

(1) Demonstrates that the nominated
urban area satisfies the eligibility cri-
teria set forth at § 597.100;
(2) Includes a strategic plan, as de-
scribed in paragraph (c) of this section;
and
(3) Includes such other information
as may be required by HUD in the ap-
plication or in a Notice Inviting Appli-
cations, to be published in the FEDERAL
REGISTER.

(c) Strategic plan. Each application
for designation must be accompanied
by a strategic plan, which must be de-
veloped in accordance with four key
principles, which will also be utilized
to evaluate the plan. These principles
are:

(1) Economic opportunity, including
job creation within the community and
throughout the region, as well as en-
trepreneurial initiatives, small busi-
ness expansion and training for jobs
that offer upward mobility;
(2) Sustainable community develop-
ment, to advance the creation of
liveable and vibrant communities
through comprehensive approaches
that coordinate economic, physical,
community and human development;
(3) Community-based partnerships,
involving the participation of all seg-
ments of the community, including the
political and governmental leadership,
community groups, health and social
service groups, environmental groups,
religious organizations, the private and
non-profit sectors, centers of learning
and other community institutions; and