

Avoiding Special Conditions for FFY24 CDBG Round

Anti-Speculation Forgiveness Plan

- a) Grantee must include the forgiveness per year (i.e. – 1/15th every year), if not more aggressive.
- b) Define terms, e.g., “hardship”.

Anti-Displacement Plan

Provide a timeline for responses at all levels of the grievance process.

Citizen Participation Plan

- a) Must include language to accept written comments.
- b) Must include procedures, timeline, and hierarchy for resolving complaints & grievances.

Contingency Plans

Contingency Plans cannot include the use of Program Income (PI). If a community submits a plan that does, it will result in a special condition.

ERR Historic Review Consideration for Housing

If there is a statement to the effect of, “We will review any property that is more than 50 years old” on the statutory checklist or it is mentioned in narrative, it will be a special condition to remove it from the checklist and that the applicant understands that it is not a consideration. It used to be written into the federal regulation (36 CFR Part 800) years ago but was later removed. The Mass Historic Commission which serves as the State Historic Preservation Officer (SHPO) for federal review purposes used to write it into programmatic agreements with municipalities, but they stopped writing those agreements years ago. **The bottom line is that every property needs to be submitted to MHC via a property notification form (PNF).**

Housing Rehabilitation

Sweat equity is not allowed in the Housing Rehabilitation program.

Management Plan Adequacy

The Grant Management Plan must be clear, roles and identified staff should not be vague, and plan should not refer to different staff being able to “step in” as needed, or organization chart should not show “various staff” indicated but not identified by role or name. The Contractor must identify staff and roles and be as specific as possible. Staff expected to work on the grant must be clearly identified and roles and responsibilities must be described.

Public Hearing

Hearing documentation must Include:

- a) Documentation of virtual participants. (attendance list, screen shots of participants)
- b) And/or Sign-in sheet of in-person meeting.
- c) The hearing should be held at a time public could be reasonably expected to attend.
- d) Consider identifying a snow date.
- e) The posting/legal ad language for the public hearing should include language that identifies the specific CDBG activities to be discussed - e.g., a housing rehabilitation program, the Main Street Water and Sewer infrastructure project, NOT language that only states “CDBG eligible activities”.

Must specifically identify proposed projects/activities. All participating communities must be identified.

- f)** must identify the amount of grant funds being requested.
- g)** must include how written comments can be submitted.

Note: On March 29, 2023, Governor Healey signed into law a supplemental budget bill which, among other things, extends the temporary provisions pertaining to the Open Meeting Law to March 31, 2025. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The language does not make any substantive changes to the Open Meeting Law other than extending the expiration date of the temporary provisions regarding remote meetings from March 31, 2023 to March 31, 2025. Please see the following link for more information: [The Open Meeting Law | Mass.gov](#)