

**STATE OF VERMONT
BEFORE THE PROFESSIONAL RESPONSIBILITY BOARD**

In Re THOMAS MELONE,
(Thomas Melone, Respondent)

PRB File No. 25-120

**RESPONDENT’S REPLY TO MR. HANLEY’S OBJECTION TO RESPONDENT’S
MOTION TO REVISE**

Respondent THOMAS MELONE (“**Respondent**”) hereby replies to the objection filed on December 29, 2025, by Mr. Michael Hanley to Respondent’s motion to revise the Hearing Panel’s order of December 2, 2025 (“**HP Order**”).

As an initial matter, Mr. Hanley is incorrect when he asserts that “there is no Vermont Rule of Civil Procedure rule which expressly provides for motions for reconsideration.” Hanley Obj. at 1. As stated in Respondent’s motion, VRCP 54(b) provides for a motion to revise, or as Mr. Hanley calls it, a motion for reconsideration. *See, e.g., In re Hinesburg Hannaford SP Application*, Docket No. 112-10-18 Vtec, 2019 Vt. Super. LEXIS 68 (Env. Div. June 27, 2019) (Walsh, J.) (“In addressing a motion to revise pursuant to Rule 54(b), this Court applies the legal standard applicable to a Rule 59(e) motion to alter or amend.”); *Dudley v. Snyder*, 140 Vt. 129, 131 (1981) (“a motion to revise an *interlocutory* order [is] appropriate under the general power of revision contained in V.R.C.P. 54(b).”) (emphasis in original).

As Judge Walsh stated in *Hinesburg Hannaford* at *4:

There are four principal reasons for granting such a motion: (1) to correct manifest errors of law or fact; (2) to allow a party to provide “newly discovered or previously unavailable evidence”; (3) to “prevent manifest injustice”; and (4) to respond to an “intervening change in the controlling law.” *In re Lathrop Ltd. P’ship I*, Nos. 122-7-04 Vtec, 210-9-08 Vtec, and 136-8-10 Vtec, slip op. at 10-11 (Vt. Super. Ct. Env’tl. Div. Apr. 12, 2011) (Durkin, J.) (quoting 11 Wright, Miller & Kane, Federal Practice & Procedure: Civil 2d § 2810.1).

Respondent’s motion to revise is based upon categories (1) and (3).¹

¹ Reason 2 was not applicable when the motion was initially made. Now, however, Mr. Hanley in his motion to quash the Bennington subpoenas admitted that he has no evidence other than the respondent’s January 10 PUC filing. That fact constitutes new evidence. New evidence would also be produced in response to the Bennington subpoenas. Reason 2 would be involved in a

Count VI is based upon the (now eliminated) “Screening Counsel” position being a “tribunal.” Under no circumstances, is there any viable argument that “Screening Counsel” is a “tribunal.” The Hearing Panel’s (“HP’s”) order essentially concluding otherwise is manifest error, and requiring Respondent to further defend against such a frivolous position is manifest injustice.

The HP order’s conclusion regarding Count I that “the threat of civil litigation included a threat to report criminal violations” is manifest error too, and requiring Respondent to further defend against such a frivolous position is manifest injustice. Count I is a clear example of weaponizing a vague and overbroad rule in order to chill and retaliate against Respondent’s exercise of his First Amendment rights. While Respondent disputes that there was any “threat” to bring any criminal action or that the other requirements of the rule have been met, the matter of government malfeasance which was disclosed in the January 10, 2025 Public Utility Commission (“PUC”) filing is not a “private civil matter” but one of public concern. VRPC 4.5 simply was not intended to apply to, and constitutionally cannot apply to, the *public* disclosure of government malfeasance in a litigation filing. Otherwise, the disciplinary rules can be turned, as here, into a weapon to chill the public disclosure of, and retaliation for public disclosure of, government malfeasance. In other words, Respondent’s public disclosure is protected by two immunity doctrines, the first is the general litigation privilege, and the second is the First Amendment’s right to be free from retaliation for publicly disclosing alleged government misconduct.² And stating

subsequent motion to revise.

² Official retaliation for protected speech “offends the Constitution [because] it threatens to inhibit exercise of the protected right.” *Hartman v. Moore*, 547 U.S. 250, 256, 126 S. Ct. 1695, 164 L. Ed. 2d 441 (2006) (alteration in original) (citation omitted). *See also, id.*:

Official reprisal for protected speech “offends the Constitution [because] it threatens to inhibit exercise of the protected right,” *Crawford-El v. Britton*, 523 U.S. 574, 588, n. 10, 118 S. Ct. 1584, 140 L. Ed. 2d 759 (1998), and the law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions, including criminal prosecutions, for speaking out, *id.*, at 592, 118 S. Ct. 1584, 140 L. Ed. 2d 759; *see also Perry v. Sindermann*, 408 U.S. 593, 597, 92 S. Ct. 2694, 33 L. Ed. 2d 570 (1972) (noting that the government may not punish a person or deprive him of a benefit on the basis of his “constitutionally protected speech”). Some official actions adverse to such a speaker might well be unexceptionable if taken on other grounds, but when nonretaliatory grounds are in fact insufficient to provoke the

that a party is preparing a civil RICO complaint is not a threat to report criminal violations as the Second Circuit has held. *Revson v. Cinque & Cinque*, 221 F.3d 71, 81 (2d Cir. 2000). Quite simply, there was and is no probable cause for bringing Count I. Mr. Hanley conducted no real investigation. In other words, he did not care if there were any facts that would support Respondent's statements. Mr. Hanley appears to have simply followed the direction of Merrill Bent who highlighted for him passages from various filings with the PUC, and kept blinders on to any other information. Mr. Hanley can offer no evidence that would have any chance of overcoming the immunity doctrines that protect Respondent's statements, and tellingly, Mr. Hanley offers none.

Moreover, even assuming *arguendo* that Rule 4.5 is constitutional,³ the HP's conclusions also ignore all precedent under the rule, a sample of which is below in addition to those previously cited by Respondent.

1. ABA Formal Op. 92-363 (1992) ("The Committee concludes, for reasons to be explained, that the Model Rules do not prohibit a lawyer from using the possibility of presenting criminal charges against the opposing party in a civil matter to gain relief for her client, provided that the criminal matter is related to the civil claim, the lawyer has a well founded belief that both the civil claim and the possible criminal charges are warranted by the law and the facts, and the lawyer does not attempt to exert or suggest improper influence over the criminal process.")

adverse consequences, we have held that retaliation is subject to recovery as the but-for cause of official action offending the Constitution. *See Crawford-El, supra*, at 593, 118 S. Ct. 1584, 140 L. Ed. 2d 759; *Mt. Healthy City Bd. of Ed. v. Doyle*, 429 U.S. 274, 283-284, 97 S. Ct. 568, 50 L. Ed. 2d 471 (1977) (adverse action against government employee cannot be taken if it is in response to the employee's "exercise of constitutionally protected First Amendment freedoms"). When the vengeful officer is federal, he is subject to an action for damages on the authority of *Bivens*. See 403 U.S., at 397, 91 S. Ct. 1999, 29 L. Ed. 2d 619.

³ Rule 4.5 targets speech based on its expressive content. As such it is a content-based regulation will trigger strict scrutiny analysis. Under strict scrutiny, a law is presumptively unconstitutional unless the government can show the challenged law is the least restrictive means of targeting speech while also serving a compelling governmental interest. The fact that the ABA Model Rules abandoned Rule 4.5 in 1983, and almost all States have as well, is compelling evidence that Rule 4.5 is the least restrictive means of targeting speech while also serving a compelling governmental interest.

https://www.americanbar.org/content/dam/aba/publications/YourABA/11_92_363.pdf. See also Delaware State Bar Association Comm. on Prof'l Ethics, Op. 1995-2 (referencing ABA Formal Ethics Opinion 92-363 and agreeing that "DR 7-105(A) was omitted from the Model Rules and hence the Delaware Rules because it was redundant and overbroad.").

2. “[T]hree necessary actions [are required]: (1) a clear or unambiguous threat, (2) communicated to the intended target of the prosecution, and (3) a clear connection between the threat and a purpose or benefit sought to be gained in a civil matter.” None are present here.

<https://www.illinoiscourts.gov/News/1110/Crossing-the-line-Threatening-to-bring-disciplinary-or-criminal-charges-to-obtain-an-advantage-in-a-civil-matter/news-detail/>

3. <https://www.newyorklegalethics.com/revisiting-n-y-rule-on-threats-of-criminal-prosecution/> (“Public Discipline Is Rarely Imposed. In the past century, fewer than 10 New York lawyers have been publicly disciplined for threatening to bring criminal charges against an adversary. *In Matter of Gelman* [230 A.D. 524, 245 N.Y.S. 416 (1st Dept. 1930)], the Court severely censured a lawyer who wrote to a taxicab driver who had hit his client’s car: “If I am put to the trouble of proceeding against you personally on the judgment referred to, I will be compelled to institute criminal proceedings against you for failing to cover your taxicab by proper insurance policy under the law.” In the past two decades, only three lawyers have been publicly disciplined for violating DR 7-105(a). *In Matter of Glavin* [107 A.D.2d 1006, 484 N.Y.S.2d 933 (3rd Dept. 1985)], a lawyer wrote to a building contractor who had been paid \$1,000 by Glavin’s client: “you will return the money or go to jail,” “I will have a warrant issued for your arrest,” and “If you return her money and just don’t do any work then I will tell the City not to punish you.” Citing his violation of DR 7-105(a), the court censured Glavin.”)

4. www.calbar.ca.gov/sites/default/files/portals/0/documents/rules/Rule_3.10-Exec_Summary-Redline.pdf (“This rule does not apply to a threat to bring a civil action. It also does not prohibit actually presenting criminal, administrative or disciplinary charges, even if doing so creates an advantage in a civil dispute.”)

This case was initiated by a complaint filed by Attorney Merrill Bent, who claimed she

was compelled to do by and under color of State law, *i.e.*, VRPC 8.3. Ms. Bent filed the complaint shortly after two things happened.

First, Respondent made a filing on January 10, 2025, with the PUC *publicly* disclosing alleged government malfeasance (which filing forms the sole basis for Count I as conceded by Mr. Hanley in his motion to quash the Bennington subpoenas).

Second, in a subsequent filing with the PUC on January 29, 2025, Respondent disclosed that Bennington Town Manager, Stuart Hurd, implicated an attorney in the alleged cover-up involving the expiration of the Bennington Town Plan (which filing relates to Counts VI and VIII too). In an email to a Bennington resident, who accused Mr. Hurd of lying to the public regarding the validity of the town plan and was questioning the alteration of official documents, *see* **Exhibit C**, Mr. Hurd states: “We believe we have sufficient documentation and a legal opinion supporting our position. It’s not a lie if one believes what one’s saying.” Respondent’s filing stated that “presumably” the opinion is from Merrill Bent. In her reply to that filing, Merrill Bent stated: “Petitioner speculates that this must mean that the undersigned counsel has provided a legal opinion to the Town relating to the validity of the Town Plan. Town Counsel’s communications with its client are protected by attorney-client privilege, and therefore will not be the subject of witness testimony in this proceeding.” *See*, Ms. Bent’s reply memorandum in support of motion to strike, PUC docket 24-3517 at 7 (February 11, 2025). Attorney Bent neither admitted nor denied that she provided the legal opinion that Mr. Hurd claimed that he had. Attorney Stasny’s motion to quash subpoenas, however, strongly implies that the “legal opinion” was in fact given by Merrill Bent or someone in her firm as does Bent’s alleged false statement made on February 11, 2025 in PUC Case No. 24-3517-PET in which she stated that the Town Plan would expire on January 22, 2026 (*see* Exhibit Q) And Mr. Hurd’s stated reliance on the legal opinion waived any attorney-client privilege that may have otherwise applied. And if Ms. Bent was in fact involved in the town’s alleged malfeasance as Exhibit Q indicates, then the crime-tort-fraud exception to the attorney-client privilege would apply in any event.

On the one hand, Mr. Hanley is claiming that Respondent’s statements filed with the PUC

on January 10, 2025 (the “January 10 Comments”) that “[t]he cover up and overt acts include the forgery, counterfeiting and publication of official town and regional documents in violation of 13 V.S.A §1801 and §1802 and the submission of false certifications to the State and Federal government in violation of 13 V.S.A §2002 and 32 V.S.A §631(a)(9),” are false, while at the same time claiming in his recent motion to quash subpoenas that evidence of "forgery," "counterfeiting," "false certifications" and violations of RICO are irrelevant. Those positions are irreconcilable.

Mr. Hanley’s Petition for Misconduct (“Complaint”) alleges that the January 10 Comments contained “false statements of law and fact” and that such statements allegedly resulted in multiple VRPC violations as set forth in Count I, although he has refused to comply with VRCP 9 and specifically state what statements are allegedly false. To prove the alleged rule violations, Mr. Hanley must demonstrate (1) that the statements made were *actually* false and (2) that the Respondent knew they were false. Regardless, the expiration of the Town Plan is front and center in this case, and the evidence cited herein shows that it is manifest error and manifest injustice for Count I not to be dismissed now. No valid Bennington Town Plan means alleged forgery and counterfeiting when official documents are altered to cover-up that there is no valid Town Plan (as shown *infra*), and obtaining or receiving grants or other benefits that require a valid Town Plan involves alleged false certifications (also as shown *infra*).

In Mr. Hanley’s recent motion to quash subpoenas, he made it clear that he has no evidence to support his charge other than the January 10 comments. The January 10 comments are simply insufficient as a matter of law. In other words, Mr. Hanley has now admitted that under no circumstances can he prove Count I by clear and convincing evidence, even if he could overcome the immunity provided by the First Amendment (which he cannot). His intention to still proceed in light of the evidence described herein is prosecutorial misconduct and overreach in order to retaliate for Respondent’s exercise of his First Amendment rights.

Mr. Hanley’s motion to quash subpoenas (“Motion”) indicates that the allegedly offending paragraphs of the January 10 Comments are the highlighted ones highlighted by Merrill Bent— paragraphs 7 & 8. Mr. Hanley does not claim that he has any evidence other than that document

to support the charges in Count I. In other words, in order to meet his clear and convincing burden of proof in this case, Mr. Hanley is simply relying on Exhibit 5 to his Motion to quash, and his own advocate “edits” and characterization. On pages 2-4 of his Motion, Mr. Hanley states:

The allegations in paragraphs 61 – 65 (*sic*) of the Petition are based on a document submitted by Thomas Melone to the Public Utility Commission entitled “Apple Hill Solar LLC’s Preliminary Comments of [sic] the Department of Public Service’s Motion to Stay.” (Exhibit 5). [fn] Exhibit 5 was an exhibit to Merrill Bent’s complaint to the Professional Responsibility Board regarding Mr. Melone. The allegations of “forgery”, “counterfeiting” “conspiracy” and “cover-up” and “violations of the Racketeer Influenced and Corrupt Organizations Act” appear at paragraphs 7 and 8. The highlights on the document were made by Ms. Bent.

despite the statements in “Apple Hill Solar LLC’s Preliminary Comments,” Mr. Melone denies that he said that Town officials and agents were engaged in a “cover-up conspiracy,” “forgery,” “counterfeiting,” “false certifications” and violations of RICO, but admits that he never filed a complaint in any court alleging RICO violations by the Town of Bennington. It is difficult to understand how Mr. Melone denied the allegations of paragraphs 61, 62 and 63 given that “Apple Hill Solar LLC’s Preliminary Comments” (Exhibit 5) is a matter of a public record.

Based upon Mr. Hanley’s Motion, it also appears that the basis on which he claims certain (still not specifically identified) statements were false is based solely on the fact that Respondent “never filed a complaint in any court alleging RICO violations by the Town of Bennington.” Motion at 4. In order prove his claimed violation of Vermont Rule 3.3(a)(1), Mr. Hanley must prove with respect to each statement that (1) the (yet to be) identified statement was *in fact* false, (2) Respondent knew the statement was in fact false,⁴ and (3) the statement was made by Respondent in “representing a client in the proceedings of a tribunal.” Comment [1].

In order prove his claimed violation of Vermont Rule 4.5, Mr. Hanley must prove that Respondent (1) threatened to present criminal charges (2) specifically in order to obtain, (3) an advantage in a civil matter. There is no counterpart in the ABA Model Rules to Vt. Rule 4.5. Vt. Rule 4.5 is based upon the prior DR 7-105(A) of the Model Code (minus the word “solely”), which prohibited a lawyer from using or threatening a criminal prosecution against an opposing party to gain an advantage in a civil matter. Although this provision has no counterpart in the Model Rules,

⁴ Vt. RPC 1.0(f) (““Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in question.”)

it has historically been interpreted as not applying if the criminal matter is related to the civil matter. *See, ABA Formal Ethics Op. 92-363 (1992)* (“The Model Rules do not prohibit a lawyer from using the possibility of presenting criminal charges against the opposing party in a civil matter, to gain relief for a client, provided that the criminal matter is related to the client’s civil claim, the lawyer has a well-founded belief that both the civil claim and the criminal charges are warranted by the law and the facts, and the lawyer does not attempt to exert or suggest improper influence over the criminal process.”)

Complaint para. 61 states:

On January 10, 2025, in proceedings in the Public Utility Commission regarding Apple Hill's application for a Certificate of Public Good, Thomas Melone said that all but two members of the Town of Bennington Select Board were in engaged in an active "cover-up conspiracy" and committed acts of "forgery," engaged in "counterfeiting," filed "false certifications to the state and federal government in violation of criminal statutes" and filed at least one "false statement with the [Public Utility] Commission."

Paragraph 61 does not accurately reflect what was stated. As clearly stated in the January 10 Comments, Respondent stated that the members of the Select Board (other than two) were engaged in “multi-faceted conspiracy to cover up” *the expiration of the Town Plan*. *See*, para. 6 (“cover-up conspiracy includes all of the Select Board members but the two aforementioned and other Does and has resulted, *inter alia*, in the Town fraudulently obtaining grants from various entities, including federal funds, all of which require a Town Plan to be in effect.”)

No allegations against any specific person or the Town were made with respect to the “forgery,” “counterfeiting,” filing of “false certifications to the state and federal government in violation of criminal statutes” or “false statement with the [Public Utility] Commission.” *See* para. 7 (“The cover up and overt acts include the forgery, counterfeiting and publication of official town and regional documents in violation of 13 V.S.A §1801 and §1802 and the submission of false certifications to the State and Federal government in violation of 13 V.S.A. §2002 and 32 V.S.A §631(a)(9).”) *See also id.* (“The cover-up also includes filing false statements with the Commission that are based upon the existence of a Town Plan, but for which the Town knows does not exist and has not existed since October 6, 2023.”) Only the “cover-up” was alleged

against the members of the Select Board (other than two). A complaint was filed against the Town in federal court related to the Town Plan. *PLH Vineyard Sky LLC v. Town of Bennington*, 2:25-cv-469 (D. Vt. filed May 2, 2025).

Complaint para. 62 states:

Thomas Melone told the Public Utility Commission that he was "finalizing" a complaint to be filed in the United States District Court for the District of Vermont against the Town of Bennington for violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1962(c).

Paragraph 62 does not accurately reflect what was stated. The January 10 Comments says Respondent was finalizing a *civil* complaint against the Town and others (including unidentified "Does") that would include *various civil claims*, including breach of contract, declaratory and injunctive relief related to the Town Plan, civil rights violations and a civil RICO count. But the Respondent did not state what defendants would be charged in which Court. In other words, as to the Town, the two claims that were certain to be directed to the Town were the breach of contract⁵ and the declaration that the Town Plan expired. There is no threat against any person Mr. Hanley can point to. The allegation in the Complaint edits and aggrandizes what occurred apparently in an attempt to align with Mr. Hanley's chosen narrative to retaliate against Respondent for exercising his First Amendment rights.

Complaint para. 63 states:

A RICO complaint must describe "predicate acts," specific criminal offenses, that, when committed as part of a pattern, can be the basis for civil actions. "Predicate acts" are the building blocks of a RICO claim and must be linked to a criminal "enterprise" to constitute a RICO violation.

The United States Supreme Court has "made clear that it would not interpret *civil* RICO narrowly." *Attorney Gen. of Canada v. R.J. Reynolds Tobacco Holdings, Inc.*, 268 F.3d 103, 139 n.6 (2d Cir. 2001) (citing *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 105 S. Ct. 3275, 87 L. Ed. 2d 346 (1985)) (emphasis added.) A civil RICO claim is a civil claim. It must be based upon certain predicate indictable offenses that can be attributed to an enterprise. A RICO enterprise

⁵ The breach of contract was based, *inter alia*, on what the Respondent alleged were unauthorized acts of Merrill Bent.

“includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.” 18 U.S.C. § 1961(4) (emphasis added).

Complaint para. 64 states:

Mr. Melone never filed a complaint alleging "RICO" violations by the Town of Bennington in any court.

Based upon paras. 61-64, Count I makes the following charges:

115. Thomas Melone's claims in filings in the Public Utility Commission that officials and agents of the Town of Bennington were engaged in a "cover-up conspiracy," committed acts of "forgery" and "counterfeiting," filed "false certifications to the state and federal government in violation of criminal statutes," and filed "false statements with the [Public Utility] Commission" and Thomas Melone's claim that the Town and its officials and employees were liable to him or his business organization for violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1962(c) violated:

- a) Rule 3.5(d) in that it was undignified or discourteous conduct which was degrading or disrupting to a tribunal;
- b) Rule 4.3 (*sic*) in that it showed a lack of candor toward a tribunal, the Public Utility Commission, in that Thomas Melone's statements were false statements of law and fact;
- c) Rule 4.5 by threatening to present criminal charges in order to obtain advantage in a civil manner, his companies' applications for Certificates of Public Good; and
- d) Rule 8.4(d) in that it was conduct prejudicial to the administration of justice.

Vermont Rule 3.5, entitled *Impartiality and Decorum of the Tribunal* states:

A lawyer shall not:

(d) engage in undignified or discourteous conduct which is degrading or disrupting to a tribunal.

Vermont Rule 3.3 entitled *Candor Toward the Tribunal* states:

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

Comment [1] to the Rule states:

This rule governs the conduct of a lawyer who is representing a client in the proceedings of a tribunal. See Rule 1.0(m) for the definition of “tribunal.”

Comment [2] to the Rule states:

This rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client’s case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate’s duty of candor to the tribunal. Consequently, although a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.

Vermont Rule 4.5 entitled *Threatening Criminal Prosecution* states:

A lawyer shall not present, participate in presenting, or threaten to present criminal charges in order to obtain an advantage in a civil matter.

Vermont Rule 8.4 entitled *Misconduct* states:

It is professional misconduct for a lawyer to: ...(d) engage in conduct that is prejudicial to the administration of justice

Comment [6] to the Rule states

A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

A. Existing Evidence

The statements and disclosure made in the January 10 Comments were based soundly on existing documentary and video evidence. The following is a non-exhaustive list of such evidence divided up by the different statements in the January 10 Comments.

(i) The Town’s Alleged Cover-Up of the Town Plan Expiration

As it relates to the Town’s alleged cover-up of the expiration of the Town Plan, the following is a non-exhaustive list of examples of video evidence of various members of the Select Board attempting to cover-up the fact that the Town Plan had expired:

<u>Date</u>	<u>Link</u>	<u>Time</u>
9/9/24	https://www.youtube.com/watch?v=Ocnv_ROqfvE	2:49:00 through 2:52:00
9/23/24	https://www.youtube.com/watch?v=iyxiawhARHA	2:00:00; and

		2:21:30 through 2:23:17
10/14/24	https://www.youtube.com/watch?v=URE8DggHDcw	0:20:00; 38:40 through 39:16
10/28/24	https://www.youtube.com/watch?v=So5FKFdhMec	0:11:00 through 12:22; 1:53:30 through 1:55:30
11/11/24	https://www.youtube.com/watch?v=_g490-ZVotI&list=PLdXvmfaqL6tgGAh8DsxqzWQ7OWrfh1nPt&index=2	1:53:00 through 2:00:00
10/27/25	https://m.youtube.com/watch?v=MkN9YZ3nA90&list=PLdXvmfaqL6tgGAh8DsxqzWQ7OWrfh1nPt&index=5&pp=iAQB	1:21:20 through 1:23:20

The following is a non-exhaustive list of examples of documentary evidence of Town Officials attempting to cover up the fact that the Town Plan had allegedly expired. *See also, PLH Vineyard Sky LLC v. Town of Bennington*, 2:25-cv-469 (D. Vt. filed May 2, 2025):

- The Manager’s Report dated September 23, 2024 (**Exhibit A** hereto) contains false statement concerning the status of the Town Plan.
- The Manager’s Report dated November 11, 2024 (**Exhibit B** hereto) contains false statements concerning the status of the Town Plan.
- The Email exchange (**Exhibit C** hereto) pursuant to which a citizen of Bennington challenged then Town manager Stu Hurd’s claim that the Town Plan didn’t expire in 2023, Mr. Hurd falsely maintains that the Town Plan has not expired and said: “*It’s not a lie if one believes what one’s saying.*”
- See Section (ii) below regarding alleged violations of 13 V.S.A. § 1801.
- See Section (iii) below regarding alleged false certifications and representations made in connection with state incentive programs.

(ii) **Alleged Violations of 13 V.S.A. § 1801**

With respect to the statement regarding alleged violations of 13 V.S.A. § 1801, the cover page of the Town Plan (which is a public record and official document) was twice altered to include

false information as to the re-adoption of the Town Plan. This alteration of a public document was publicized on the Town’s website on or around October 2, 2024. The image below on the left is the cover page of the Town Plan on the Town website as it was publicized before October 2, 2024. The image on the right is the altered document.

Bennington Town Plan



Adopted: October 6, 2015

Prepared by the
Bennington Planning Commission
Approved by the Planning Commission, June 1, 2015

Assistance provided by the Bennington County Regional Commission
Funded in part by the Vermont Agency of Commerce and Community Development

Bennington Town Plan



Adopted: October 6, 2015
Amended and Re-adopted: January 22, 2018
Amended: May 23, 2022
Amended: June 24, 2024

Assistance provided by the Bennington County Regional Commission
Funded in part by the Vermont Agency of Commerce and Community Development

The altered document in addition to being published on the Town’s official website, was also uploaded to the Vermont Department of Housing and Community Development (“**DHCD**”) on October 2, 2024, apparently by Dan Monks, the current Town Manager, although Mr. Monk’s deposition would provide more information on that. As such, the altered document also can be found as of today’s date on the official DHCD website.⁶

In addition to uploading an allegedly false and altered document to the State, on the “DHCD Municipal Plan and Bylaw Intake” form, on October 2, 2024, Mr. Monks also stated that

⁶

https://outside.vermont.gov/agency/ACCD/bylaws/Bylaws%20and%20Plans%20Approved/Forms/Group%20by%20Municipality.aspx?_gl=1*_Iglc6qy*_ga*MTQzMTIxMTk2MC4xNzMzMjQzNzI5*_ga_V9WQH77KLW*cze3NjAwNDgwNTQkbzExNyRnMCR0MTc2MDA0ODA1OSRqNTUkbDAkaDA.

the date of the adoption of the plan was January 22, 2018 (*see* **Exhibit D**). Separately, Mr. Monks on July 16, 2024, on a different “DHCD Municipal Plan and Bylaw Intake” form had indicated that the adoption date was June 24, 2024 (*see* **Exhibit E**). As of the date hereof, the DHCD website still lists the date of adoption of the Town Plan as June 24, 2024, even though when one clicks on the link it brings you to the altered version of the Town Plan showing an adoption date of January 22, 2018. In any case, if the Town Plan had expired or had not been re-adopted on either January 22, 2018 or June 24, 2024, then all of those statements were false.

(iii) **Alleged False Certifications With Respect to Incentive Programs**

With respect to the state and federal incentive programs, when municipalities in Vermont allow their Town Plan to expire, it causes that municipality to become ineligible for critical state and federal grant money⁷. Notwithstanding the expiration of the Bennington Town Plan in October of 2023, the Town continued to apply for and receive millions of dollars in state and federal funds through grants and tax benefits as well as other types of benefits from various programs that specifically require that a duly adopted municipal be in place (collectively, the “Incentive Programs”). These Incentive Programs can be further classified by (A) State Designation Programs, (B) Municipal and Regional Resilience Fund and (C) grants.

A. State Designation Programs.

One of the Incentive Programs that the Town has actively participated in both before and after the alleged expiration of the Town Plan are known as the State Designation Programs. The ACCD describes the State Designation Programs on its website as follows:

The Department of Housing and Community Development manages the state designation programs – Downtowns, Village Centers, New Town Centers, Growth Centers and Neighborhood Development Areas. These programs work together to provide incentives, align policies and give communities the technical assistance needed to encourage new development and redevelopment in our compact, designated areas. The program’s incentives are for both the public and private sector within the designated area, including tax credits for historic building rehabilitations and code improvements, permitting benefits for new housing,

⁷ https://www.timesargus.com/news/local/expired-plan-nullifies-zoning-changes/article_c018dbf2-ac24-11ef-a5b9-af741d61a594.html

funding for transportation-related public improvements and priority consideration for other state grant programs.⁸

Each of the five (5) designation programs (Downtowns, Village Centers, New Town Centers, Growth Centers and Neighborhood Development Areas) requires a confirmed Planning Process under 24 V.S.A. §4350.⁹ In order to obtain or retain confirmation of the Planning Process, a municipality must have an approved plan. *See* 24 V.S.A. §4350(b)(1).

As described in the State Designation Programs Planning Manual¹⁰, there are a number of municipal benefits that come from a municipality obtaining the designations:

Most state grants to municipalities are issued through a competitive application process that ranks applications on a set of selection criteria. By obtaining designation, municipalities improve the competitiveness of their applications and their ability to access the following funds:

- Downtown Transportation Fund – loans, loan guarantees, or grants up to \$100,000 for capital transportation and related capital improvement projects in designated downtowns. Grants may not exceed 50% of a project’s cost.
- Priority consideration for specific state agency funding programs – the type of priority given to designated areas and the weight given for designation may vary by designation and funding program and may change from year to year:
 - Municipal Planning Grants (ACCD)
 - Better Connections grant program (ACCD and VTrans)
 - Vermont Community Development Program (ACCD)
 - Transportation Alternatives Program (VTrans)
 - Bicycle and Pedestrian Program (VTrans)
 - Historic Preservation Grants (ACCD)
 - Property Assessment Fund - Contaminated Sites / Brownfields (ANR)
 - Clean Water State Revolving Loan Fund for Water/Wastewater infrastructure (ANR)

⁸ <https://accd.vermont.gov/community-development/designation-programs>

⁹ *See* 24 V.S.A. § 2793(b)(3) (downtown development districts); 24 V.S.A. § 2793a (a) (village centers); 24 V.S.A. § 2793b(b)(1) (new town center development districts); 24 V.S.A. § 2793c (c)(3) (growth center); 24 V.S.A. § 2793e (c)(1) (neighborhood development areas). Three of the five designation districts (Village Centers, Growth Center and Neighborhood Development area) also specifically require a duly adopted plan in addition to the planning process confirmation.

¹⁰ https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Planning-Your-Towns-Future/DHCD-Planning-Manual-Module2.pdf?_gl=1*1tzsxt*_*ga*MTQzMTIxMTk2MC4xNzMzMjQzNzI5*_ga_V9WQH77KLW*cze3NjAxMTMzNDgkbzExOSRnMCR0MTc2MDEzMzM1NCRqNTQkbDAkaDA.

- State funds for affordable housing (VHCB)
- Locating state buildings or offices – priority site consideration by the State Department of Buildings and General Services when leasing or constructing buildings. While not specifically funding for a municipality, the additional “feet on the street” from a state office building adds to the business vitality of the designated area, increasing the value of nearby property and thus of property tax assessments.
- Technical Assistance – dedicated state employees provide assistance to designated communities, offering advice on community planning, revitalization and economic development, one-on-one consultation, board development and assistance with funding to help revitalize and strengthen your community.

In addition, when one-time opportunities for funding or technical assistance arise, such as special funding after disasters, municipalities with designated centers are likely to be selected for technical assistance and funding.

Another benefit of the State Designation Programs is the access to state tax credits to incentivize private investment in certain qualified projects. *See generally* 24 V.S.A. §2794 & §2793a and 32 V.S.A. §5930cc.

B. Municipal and Regional Planning and Resilience Fund.

During the period of time when a municipal Planning Process is confirmed, the municipality shall be eligible to receive additional funds from the municipal and regional planning fund (the “**Planning Fund**”), among other benefits. *See* 24 V.S.A. §4350(d)(4) and 24 V.S.A. § 4306. Upon information and belief, Bennington has received \$27,900 out of the Planning Fund since the expiration of the Town Plan.

C. Grants

Another form of Incentive Program that the Town has actively participated in both before and after the expiration of the Town Plan is the application for and receipt of certain grants. The requirement of a duly adopted and current Town Plan to apply for and receive grant money comes in one of two ways. *First*, the State Designation Programs allow municipalities to improve the competitiveness of their applications and their ability to access the state and federal funds through grants. For example, if a municipality is applying for a grant and using a State Designation Program to improve the competitiveness of its application, it would need a duly adopted Town

Plan in place to support such designation. *Second*, the terms of the grant itself may require that a municipality have a duly adopted town plan in place. For example, all grants through the VCDP¹¹ require that the municipality certify that it has a duly adopted and current municipal plan. *See, e.g., Exhibit F*, the “Resolution for VCDP Grant Application Authority”, dated August 26, 2024, that the Town submitted to the VCDP in connection with their planning grant for the Shires Housing Merger (the “**Shires Grant**”) which includes a (false) certification that the Town has a duly adopted and current Municipal Plan. Shires was integrally involved with the Benn High project, Count V.

Upon information and belief, the following is a non-exhaustive list of examples of the Town of Bennington applying for and/or receiving funding through the Incentive Programs when it would not be entitled to such funds because with an expired Town Plan:

- (i) Bennington has received \$27,900 out of the Planning Fund since the expiration of the Town Plan. 24 V.S.A. § 4306(b)(2)(A) requires that a municipality be confirmed under Section 4350 prior to receiving such funds.
- (ii) On October 23, 2023, the Town Select Board adopted a resolution (*see Exhibit G*) approving a Municipal Planning Grant Application from the DHCD in the amount of \$26,500 to hire consultants to aid the BCRC in a comprehensive update of the Town Plan. The Municipal Planning Grant is also funded pursuant to 24 V.S.A. § 4306, which requires that a municipality be confirmed under Section 4350 prior to receiving such funds.
- (iii) In December of 2023, the Town applied for \$304,000 of federal funds for the Ninja Path: Phase II, Stage 1 through the VTrans Fall 2023 Transportation Alternatives (TAP) and Municipal Highway and Stormwater Mitigation Program Grant

¹¹ The VCDP is a division within the DHCD, which in turn is a division of the Vermont Agency of Commerce and Community Development (the “ACCD”). The VCDP operates the Community Development Block Grant Program (“CDBG”) of the U.S. Department of Housing and Urban Development (“HUD”). VCDP provides CDBG grant funds to municipalities throughout Vermont for housing, economic development and other community development projects to benefit primarily low-to-moderate income persons. In addition to the certifications to be made by the municipalities in their applications for grants to the VCDP, there are numerous other controlling documents that require a duly adopted and current municipal plan be in place. For example, the State of Vermont HUD Consolidated Plan (July 1, 2020) (*see Exhibit J*), the VCDP Program Guide (July 2023) (*see Exhibit K*) and Planning Grant Instructions (July 2023) (*see Exhibit L*) each require that the municipal applicant have a duly and adopted and current municipal plan in place as a condition precedent to applying for and/or receiving grant money.

(MHSMP). On August 29, 2024, the Town was awarded \$1,958,400 in federal funds through the VTrans Bicycle and Pedestrian Program. Priority was given to this project because of the State Designation Programs (*see* **Exhibit H** hereto, page 5).

- (iv) On February 12, 2024, the Town Select Board executed a Grant Agreement Resolution approving a VCDP grant (the “**Squire Grant**”) in the amount of \$700,000 for the Squire Recovery Housing project (*see* **Exhibit I** hereto). These funds are CDBG funds under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*). Pursuant to the State of Vermont’s HUD Consolidated Plan, each applicant must have a municipal plan adopted in accordance with 24 V.S.A. Ch. 117. The Resolution for the Squire Grant was signed by Tom Haley, Jim Carroll, Gary Corey, Jeanne Conner and Ed Woods. The Grant Agreement itself (which is a VCDP form agreement) contains certifications from the Town that the Town has the legal authority to apply for an accept the grant (*see* **Exhibit M**). The Town certified that it had the legal authority to receive funds under a VCDP grant which specifically requires a duly adopted and current Town Plan. Without a Town Plan, that certification would be false.
- (v) On March 25, 2024, the Town Select Board adopted a resolution approving a \$40,000 grant (the “**Skatepark Grant**”) from the DHCD in the amount of \$40,000 for the Bennington Skatepark project (*see* **Exhibit N** hereto). This grant is part of the DHCD’s “Better Places” Program which requires participation in the State Designation Program to participate. The State Designation Program, in turn, requires a duly adopted Town Plan to receive funds.
- (vi) On April 22, 2024, the Town Select Board executed a Grant Agreement Resolution approving a VCDP grant in the amount of \$1,000,000 (the “**Gage Grant**”) for the Gage Street Recovery Housing project (*see* **Exhibit O** hereto). These funds are CDBG funds under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*). Pursuant to the State of Vermont’s HUD Consolidated Plan, each applicant must have a municipal plan adopted in accordance with 24 V.S.A. Ch. 117. Upon information and belief, the Resolution for the Gage Grant was signed by Jeannie Jenkins, Jeanne Conner, Tom Haley, Sarah Perrin and Ed Woods (*see* **Exhibit O**). The Grant Agreement itself (which is a VCDP form agreement) contains certifications from the Town that the Town has the legal authority to apply for an accept the grant (*see* **Exhibit P**). The Town falsely certified that it had the legal authority to receive funds under a VCDP grant that specifically requires a duly adopted and current Town Plan

(iv) **Alleged False Statements to the Vermont Public Utility Commission.**

As to the alleged false statements made by Merrill Bent on behalf of the Town to the PUC, in Case No. 24-3517-PET, she stated that the expiration date of the Town Plan is January 22, 2026 (*see* page 2 of **Exhibit Q**). If the Town Plan expired on October 6, 2023, then that statement would

be false. In addition, in Case No. 23-0249-PET, Merrill Bent on behalf of the Town stated that its Town Plan and the policies contained therein are entitled to substantial deference under 24 V.S.A. § 4352 (see **Exhibit R**). However, an affirmative determination of energy compliance expires with the expiration of the Town Plan under 24 V.S.A. § 4352(h). If the Town Plan expired on October 6, 2023, then that statement would be false.

(v) **RICO.**

The alleged predicate acts by various persons were the alleged forging, altering and counterfeiting of official Town documents, the false certifications and representations made on grant applications and grant agreements and mail fraud and/or wire fraud in order to perpetuate the scheme. The alleged pattern of racketeering activity consisted of alleged forging, altering and counterfeiting official Town documents, making false certifications to the State and mail fraud and/or wire fraud. The various persons involved allegedly engaged in an intentional scheme or artifice to continue to receive benefits (including payments) under the Incentive Programs, allegedly defrauding various governmental entities.

The persons involved allegedly committed mail fraud and/or wire fraud by virtue of the alleged false and misleading representations concerning the status of the Town Plan, including, without limitation, (i) uploading on the Town website and the ACCD website alleged altered and fraudulent versions of the Town Plan, (ii) allegedly issuing official Town documents misrepresenting the status of the Town Plan, (iii) allegedly conveying false information concerning the status of the Town Plan through written materials provided at Planning Commission and Select Board meetings, (iv) allegedly conveying written and oral false information concerning the status of the Town Plan at Planning Commission and Select Board meetings, several of which are on video and (iv) allegedly enabling the Town to make false certifications regarding the status of the Town Plan on applications for Incentive Programs.

It was reasonably foreseeable to the persons involved that the mails and/or wires would be used in furtherance of the scheme, and the mails and/or wires were in fact used to further and execute the scheme. The precise dates of such transmissions cannot be alleged without access to

the books and records of the persons involved, however, Respondent generally alleges that such transmissions were repeated and regular, occurring since at least October 6, 2023. For the purpose of furthering and executing their scheme, the persons allegedly involved regularly allegedly caused matters and things to be placed in post offices or authorized depositories, or deposited or caused to be deposited matters or things to be sent or delivered by a private commercial interstate carrier.

For the purpose of furthering and executing the alleged scheme, the alleged persons involved also regularly transmitted and caused to be transmitted writings and electronic data in interstate commerce by means of wire communication.

The uploading on the Town website and the ACCD website of the alleged altered and fraudulent version of the Town Plan, the broadcasting of the Select Board meetings on television where alleged false information was conveyed concerning the status of the Town Plan and the alleged false representation and certifications made in connection with applications for and receipt of the benefits under the Incentive Programs are only a few instances of the pattern of racketeering activity, consisting of alleged mail fraud and/or wire fraud violations, engaged in by certain Town officials.

Each alleged postal and electronic transmission was incident to an essential part of the scheme, namely to mask the true status of the Town Plan and to continue to apply for and receive benefits under the Incentive Programs.

Additionally, each alleged postal and/or electronic transmission constituted a predicate act of mail fraud and/or wire fraud in that each transmission furthered and executed the scheme to defraud the public.

The foregoing accumulation of evidence was more than sufficient for Respondent to believe that truth of the matters asserted in the January 10 Comments and more than sufficient to commence an action against the various persons allegedly involved. The burden on plaintiffs under Vermont law at that stage is “exceedingly low.” See *Prive v. Vermont Asbestos Group*, 2010 VT 2, ¶ 14, 187 Vt. 280, 992 A.2d 1035. In any case, the evidence that Respondent had on January 10, 2025, clearly indicated that certain officials of Bennington were allegedly involved. For

example, with respect to the claim of allegedly filing false certifications to the State, **Exhibit F** clearly shows which Bennington officials were involved because they are the ones with their signature on the Resolution. With respect to the claims of violations of 13 V.S.A. § 1801, however, the altered Town Plan is unsigned, and although it was Dan Monks who allegedly uploaded the altered document to the VCDP website, it is not possible to tell solely from the cover page of the Town Plan, which person or persons were responsible for the actual alleged alteration or which persons knew about it. On that issue discovery via subpoenas and depositions will further illuminate the baselessness of Mr. Hanley's charges. This is one of the reasons why Respondent can deny the allegations of paragraph 61 of the Petition. Paragraph 61 of the Complaint reads as follows:

On January 10, 2025, in proceedings in the Public Utility Commission regarding Apple Hill's application for a Certificate of Public Good, Thomas Melone said that all but two members of the Town of Bennington Select Board were engaged in an active "cover-up conspiracy" and committed acts of "forgery," engaged in "counterfeiting," filed "false certifications to the state and federal government in violation of criminal statutes" and filed at least one "false statement with the [Public Utility] Commission."

As discussed above, Respondent never stated that all but two members of the Town of Bennington Select Board were engaged in acts of "forgery" and "counterfeiting," Respondent stated that only the cover up included such acts. Respondent did not "name names" at such point in time because Respondent did not (and still does not) know exactly which persons actually executed the alleged altering of official documents or which officials knew about it. So, while Respondent had sufficient evidence of wrongdoing to support the veracity of his statements as well as to support the impending litigation, there was still additional work to be done through discovery to pinpoint exactly which officials were involved, and what each person actually did.

As evidenced by the accumulation of evidence described above, what Respondent had on January 10, 2025, was clear and more than sufficient to support his assertions. Mr. Hanley simply cannot under any circumstances satisfy his burden of demonstrating that Respondent's statements were false.

With respect to the other counts referenced in the motion to revise, the Respondent relies on the motion, none of which was disputed by Mr. Hanley.

Finally, for the reasons previously argued, Mr. Hanley was not validly appointed and has no standing to file opposition.

Dated: January 12, 2026

Respectfully submitted,
/s/Thomas Melone
Thomas Melone
601 S. Ocean Blvd.
Delray Beach, FL 33483
Telephone: (212) 681-1120
Facsimile: (801) 858-8818
Thomas.Melone@AllcoUS.com

EXHIBIT A

MANAGER'S REPORT
September 23, 2024

ACTION

Nothing at this time.

INFORMATIONAL

Clean Heat Standard (Act 18 of 2023) The Chair asked that I include a brief update on the status of Act 18, the Clean Standard legislation passed in 2023. That update is attached hereto.

Garlic Town a Success Another successful Garlic Town event has been completed. Although rain fell late in the day, it did not dampen the spirit of the event or the spirits of those enjoying it. Congratulations to the Chamber and its many volunteers for the effort.

Skatepark Underway This project has broken ground. The area clearing and regrading is being done. Fencing has been installed to make sure the construction area remains safe. This is truly an exciting step for this great public/private community project.

New Downtown Initiative This initiative is a BBC driven effort to coalesce downtown merchants into a group with a common goal, a safer, more secure downtown. The Town and the Police Department will offer help and advice to address what the merchants see as action items.

Benmont Avenue/Hunt Street Intersection and Improvements This project is now completed, except for striping. It appears to flow smoothly and when striping is completed, it will be clear to all that there is adequate room for all. As we look to the future, the continuation of real sidewalk with a grass strip with appropriate landscaping separating pedestrians and vehicles on the west side of the street will make Benmont Avenue a much better and safer roadway.

The Silk Road/ No. Bennington Road Roundabout We just received word that this project will be out to bid this fall with a 2025 start date. Construction is expected to take most of the next construction season. A public hearing will be held by the Agency of Transportation. It should be announced in the near future.

FOLLOW UP

Town Plan Resolution A question was raised at the last meeting regarding the effective date of our Town Plan. In 2018, the Regional Commission determined that the amendment and adoption of the Town Plan by the Planning Commission and Select Board and subsequently the Regional Commission effectively extended the renewal date to January 22, 2026.

The Communication Coordinator's Report is attached.

Update on the CLEAN HEAT STANDARD UNDER ACT 18 OF 2023

At the September 9, 2024, Select Board meeting, a board member requested information about the status of the Clean Heat Standard. As chair, I offered to provide a written update at our next meeting. Please see below.

The Public Utility Commission (PUC) released the first Report on the Clean Heat Standard under Act 18 on February 15, 2024. It can be read in its entirety at:

<https://puc.vermont.gov/sites/psbnew/files/documents/clean-heat-checkback-report-1-021524.pdf>

It is important to note that the PUC expressly states in the first paragraph of the Executive Summary on page 2 that the February 2024 report should not be used to estimate the impact of the potential Clean Heat Standard.

I. Executive summary

In Public Act 18 (2023 Vt., Bien. Sess.) (“Act 18”), the Vermont Legislature directed the Vermont

Public Utility Commission (“Commission”) to undertake the design of the proposed Clean Heat

Standard and to present a proposed rule to the Legislature in January 2025. This is the first of two reports required by Act 18. It details the efforts undertaken thus far to design the Clean Heat Standard rule, including the steps taken to date and the contributions of the many interested participants. This preliminary report does not provide estimates of the impact of the potential Clean Heat Standard on customers and their fuel bills, fossil fuel reductions, greenhouse gas emissions reductions, or impacts on Vermont’s economy. Those important analyses must follow a thorough examination of the many complex topics embedded in Act 18 and must occur as part of the Commission drafting a Clean Heat Standard rule that is implementable on a practical level and achieves the intent of the Act.

The PUC will issue a draft Clean Heat Standard rule on October 1 followed by a 60-day Public Comment period. The legislature will take up the Clean Heat Standard rule in the next legislative session that begins in January 2025.

Other informational resources include:

[Overview and analysis of the latest Vermont GHG Inventory and Forecast \(1990-2021\)](#)

[VNRC's About the Affordable Heat Act](#)

[EAN's Affordable Heat Fact Sheet](#)

[Vermont GHG Inventory and Forecast Methodology](#)

This information was taken from a webinar on Monday, September 16 to which all Select Board members were invited.

Sincerely, Jeannie Jenkins

EXHIBIT B

MANAGER'S REPORT
November 11, 2024

ACTION

Nothing at this time.

INFORMATIONAL

BCRC History of Current Town Plan The discussions regarding the validity of our Plan are clarified by the record provided by BCRC. It is clear that the Commission considered adopting the amended Town Plan and confirming the energy compliance, two separate actions. Attached to this report are the Hearing Notice, the Agenda, the Minutes which contain the hearing and the vote results, the ballot which indicates two decisions, a July 2022 letter confirming the Plan's expiration in January 2026, and a September 2024 letter once again confirming the Plan's expiration in January 2026. This is the record the Town has relied upon for the last 6 years. Our Town Plan is valid.

Public Records Request (PRR) Spreadsheet Our Communications Coordinator is now keeping a spread sheet of the PRR's received. I've attached a copy for your information.

FOLLOW UP

Select Board Listening Sessions Looking at every other month, the following sessions are planned for the third Wednesday in December (Dec. 18), and February (Feb 19) from 6 pm until 7 pm at the Fire Facility.

The Community Development and Permitting/Planning Reports are attached.

EXHIBIT C

----- Forwarded message -----

From: Stuart Hurd <shurd@benningtonvt.org>

Date: Tue, Oct 15, 2024 at 4:44 AM

Subject: RE: Town Website

To: Joey Kulkin <jkulkin71@gmail.com>, Ned <edwardnperkins@gmail.com>

We believe we have sufficient documentation and a legal opinion supporting our position. It's not a lie if one believes what one's saying. We're moving on. Enjoy the day.

Stuart A. Hurd

Town Manager

Town of Bennington

205 South Street

PO Box 469

shurd@benningtonvt.org

From: Joey Kulkin <jkulkin71@gmail.com>

Sent: Monday, October 14, 2024 7:02 PM

To: Stuart Hurd <shurd@benningtonvt.org>; Ned <edwardnperkins@gmail.com>

Subject: Re: Town Website

*** This email originated outside your organization. ***

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Stu, you just lied to the public again about the town plan which expired on 10/6/23.

This time you said the town plan is valid in the eyes of the state.

Please produce communications from the state confirming what you just said. Because it's a lie.

We've got the documents.

You don't.

Thanks!

On Fri, Oct 11, 2024 at 3:22 PM Joey Kulkin <jkulkin71@gmail.com> wrote:

Hi, Stu, someone from your staff replaced the cover page on the state database in recent days but it's still based on a lie.

QUESTIONS:

- On what day did a member of your staff upload the ACCD database with this new cover page?
- Who uploaded it?
- Who authorized this person to make the change?

REQUEST:

- Please provide email authorization by you to the member of staff who uploaded this new (and false) cover page.



On Wed, Oct 9, 2024 at 10:57 AM Stuart Hurd <shurd@benningtonvt.org> wrote:

The Plan is valid until 2026. Have a great day.

Stuart A. Hurd

Town Manager

Town of Bennington

205 South Street

PO Box 469

shurd@benningtonvt.org

From: Joey Kulkin <jkulkin71@gmail.com>

Sent: Wednesday, October 9, 2024 10:38 AM

To: Stuart Hurd <shurd@benningtonvt.org>; Ned <edwardnperkins@gmail.com>

Subject: Re: Town Website

*** This email originated outside your organization. ***

Do not click links or open attachments unless you recognize the sender and know the content is safe.

I was wrong: the photo is from the SVSU meeting dealing with Shaftsbury Elementary.

See, it's not hard to admit wrongdoing.

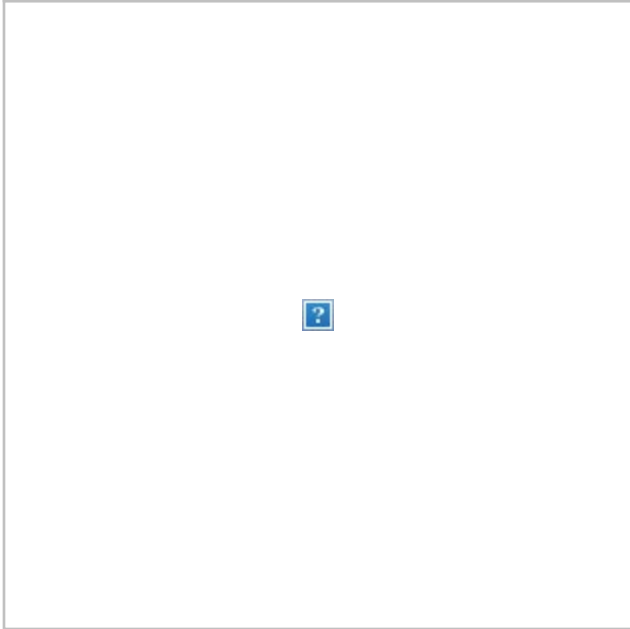
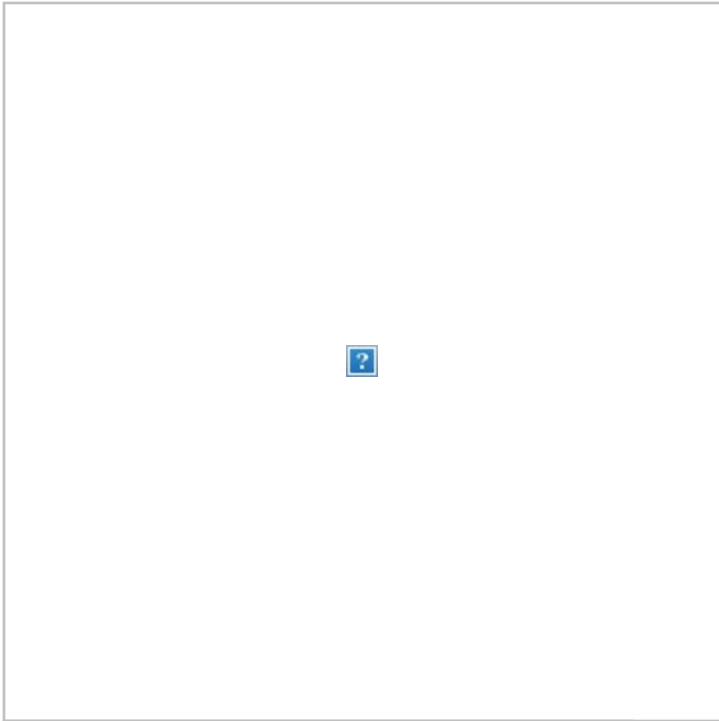
That's all you had to do with the Town Plan but it's too late for simple apologies.

On Wed, Oct 9, 2024 at 10:10 AM Joey Kulkin <jkulkin71@gmail.com> wrote:

Hi, Stu,

I have a few questions ...

Last week several people went to the town website and saw that the cover page of the adopted 2015 town plan was changed.



This was done without an official action of the Select Board and the citizens of Bennington definitely didn't know about it.

Questions:

1, On what day was the cover page changed?

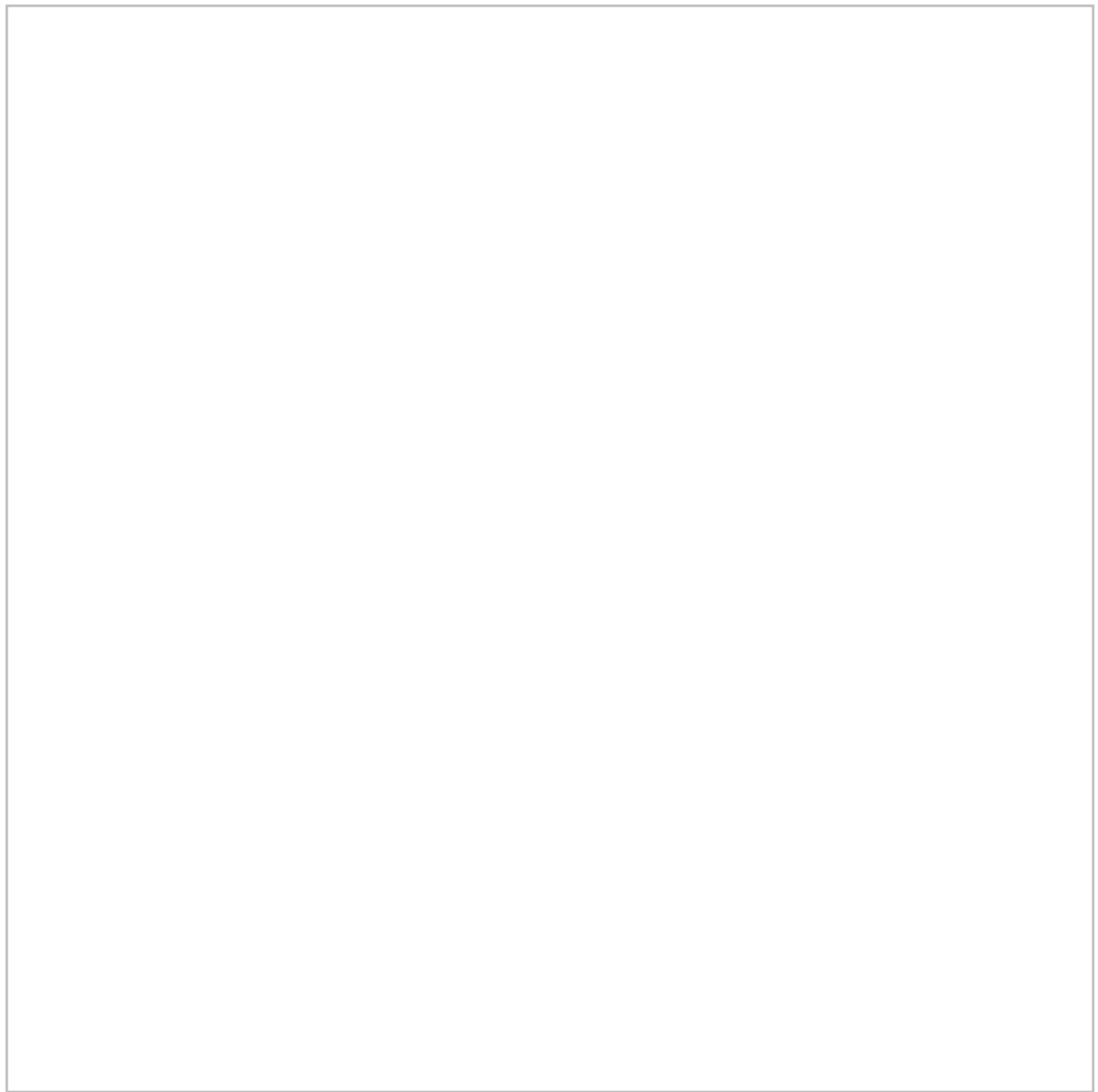
- 2, Who went into the system and uploaded the new cover page?
- 3, Who gave authorization to upload the new cover page?
- 4, Please send over the email giving authorization to upload the new cover page.

Thank you,

Joey

This was the Shaftsbury Select Board meeting last night.

Just wait till the people of Bennington wake up, and it's happening.



CONFIDENTIALITY/DISCLOSURE NOTICE: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any printing, copying, dissemination, distribution, disclosure or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and delete it from your system. Please note that this email message, along with any response or reply, may be considered public record, and thus, subject to disclosure under the Vermont Public Records Law (1 V.S.A. §§ 315-320).

CONFIDENTIALITY/DISCLOSURE NOTICE: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any printing, copying, dissemination, distribution, disclosure or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and delete it from your system. Please note that this email message, along with any response or reply, may be considered public record, and thus, subject to disclosure under the Vermont Public Records

Law (1 V.S.A. §§ 315-320).

EXHIBIT D

DHCD Municipal Plan and Bylaw Intake

Submitted by: Anonymous user

Submitted time: Oct 2, 2024, 2:13:08 PM

Municipality

Bennington

Regional Planning Commission

Bennington County Regional Planning Commission

Submitter Details

Submitter's Name

Daniel Monks

Submitter's Title

Assistant Town Manager

Submitter's Email

dmonks@benningtonvt.org

Select your Submission

Municipal Plan

Type of Municipal Plan Submission

Adopted

Date of Adoption

Jan 22, 2018

Upload Municipal Plan

PDF Town Plan last amended on 6_24_24.pdf
10.7MB

Have you submitted the Municipal Plan to your Regional Planning Commission?

Yes

EXHIBIT E

9/4/24, 8:58 AM

DHCD Municipal Plan and Bylaw Intake

DHCD Municipal Plan and Bylaw Intake

Submitted by: Anonymous user

Submitted time: Jul 16, 2024, 1:39:57 PM

Municipality

Bennington

Regional Planning Commission

Bennington County Regional Planning Commission

Submitter Details

Submitter's Name

Daniel Monks

Submitter's Title

Assistant Town Manager

Submitter's Email

dmonks@benningtonvt.org

Select your Submission

Municipal Plan

Type of Municipal Plan Submission

Adopted

Date of Adoption

Jun 24, 2024

Upload Municipal Plan

PDF

Adopted-Bennington-Town-Plan-10-9-15-rev060322.pdf
13.4MB

EXHIBIT F

RESOLUTION FOR VCDP GRANT APPLICATION AUTHORITY

Single Applicant

WHEREAS, the Town of Bennington (hereinafter "Applicant") is applying for a Grant under the Vermont Community Development Program VCDP planning grant (PG) for Shires Housing merger; and WHEREAS, it is necessary that an application be made and agreements be entered into with the State of Vermont.

Now, THEREFORE, BE IT RESOLVED as follows:

- 1. that Applicant possesses the legal authority as defined in the State Act [10 VSA §683(8)] to apply for the grant and to administer the program; and
2. that Applicant apply for a grant under the terms and conditions of said program and agree hereby to enter into Certifications and Assurances there of; and
3. the Applicant has a duly adopted and current Municipal Plan from October 6, 2015 (Date Adopted) and that the project is consistent with said plan; and
4. the Applicant has received documentation from the Regional Planning Commission that the project is consistent with the "Regional Plan; and
5. that Shannon Barsotti is hereby authorized to be Contact Person and as such to provide, on behalf of Applicant, all documents and information necessary for the completion of said application and to provide such coordination as may be necessary for said application; and
6. that (Name) Stuart Hurd Title Bennington Town Manager who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal Authorizing Official (MAO) for the Grants Management On-line System, Intelligrants; and
7. that it is understood that, if the application is funded, the receipt of CDBG funds, as federal funds passed through the State of Vermont, may require that an audit of the Applicant be conducted under the provisions of the Single Audit Act, as amended, and that CDBG funds may be used to fund only a limited portion of the audit cost.

Passed this 26 day of August, 2024.

LEGISLATIVE BODY

Handwritten signatures of legislative body members on a set of four lines.

The above resolution is a true and correct copy of the resolution as adopted at a meeting of the Legislative Body held on the 26 day of August, 2024, and duly filed in my office.

IN WITNESS WHEREOF, I hereunto set my hand this 26 day of August, 2024.
Cassandra Barbeau (Clerk)
Cassandra Barbeau (Signature)

EXHIBIT G

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **OCTOBER 23, 2023**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT:** Jeannie Jenkins-Chair; Tom Haley-Vice Chair; Jeanne
7 Conner; Ed Woods; Gary Corey; Sarah Perrin; and Jim Carroll.

8 **SELECT BOARD MEMBERS ABSENT:** None.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Adam Sancic-Agency of Human Services; Bill Karis
11 and Bruce Lee-Clark-Energy Committee; Representative Mary Morrissey; Sam Restino; Martha
12 Mackey; Donald Washum; Ned Perkins; Clark Adams; Margae Diamond; Nancy White; Police
13 Officer joined meeting at 6:40pm; 10 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-
14 Secretary.

15 At 6:00pm, Chair Jeannie Jenkins called the meeting to order.

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited.

18 **2. VISION STATEMENT**

19 Mr. Haley read the Town’s Vision Statement that was adopted by the Select Board on
20 August 24, 2020:

21 “Bennington is a welcoming, engaged, inclusive, resilient community where everyone
22 regardless of identity shares in our vitality and benefits from an outstanding quality of life.”

23 **3. CONSENT AGENDA**

24 **A. MINUTES OF OCTOBER 9, 2023**

25 **B. WARRANTS**

26 *Jim Carroll moved and Jeanne Conner seconded to approve the Minutes of October 9,*
27 *2023 amended as follows:*

28 *Page 1, Line 10, Page 4, Line 140, and Page 5, Line 168 Change “Sofia” to*
29 *“Sofie”*

30 *Page 3, Line 76 Change “the Benn High petition” to “the petition on the sale of*
31 *124 Pleasant Street building”*

32 **Page 7, Line 218 Change “unanimously.” to “with Sarah Perrin abstaining.”**

33 **The motion carried unanimously.**

34 **4. PUBLIC COMMENT**

35 The following Public Comment Practices to make the experience for all involved a
36 productive and informative use of the Public Comment period at Select Board meetings was
37 placed on the podium for those that wish to make Public Comments to reference:

- 38 1. Public Comment is to allow residents an opportunity to share information or make
39 announcements that benefit the community at large.
- 40 2. The topic should not be related to an agenda item. If a member of the public wants to
41 comment on an agenda item they can do so during the discussion of that item.
- 42 3. Comments should be 3 minutes or less.
- 43 4. You are required to state your real name and town of residence.
- 44 5. Sharing comments, announcements and concerns are encouraged rather than asking
45 questions. Public Comment is not a time for discussion. If you have specific questions it is best
46 to call the Town Manager to get a full explanation and accurate information.
- 47 6. If the topic requires much discussion the item will be considered as an agenda item at a
48 future meeting.

49 _____
50 Sam Restino: 1. Can we do something, like turn it into parking, at 300 School Street? 2. Calling
51 for a Code Blue advisory because the temperature will drop to 30° tonight. 3. The Farmer’s
52 Market is back in Bennington at the First Baptist Church. 4. The renovations at the Southwest
53 Vermont Medical Center are impressive and were done without closing the hospital. 5. Paving
54 is taking place on Harwood Hill. 6. Harvestfest was great. 7. There will be a meeting at the Fire
55 Facility at 6:00pm on October 25th, taxes are due November 10th, and the parking ban begins on
56 November 15th. He will begin a “Repair Café” in downtown Bennington for small household
57 repairs that people will bring in.

58 Representative Mary Morrissey: 1. The worker at the scale house at the landfill said that there
59 was confusion on what the charges are now concerning brush and asked for a clarification. *Mr.*
60 *Hurd: Clarified that there is no charge for leaves or grass clippings or two 30 gallon bags of*
61 *brush.* 2. Attended a Project Alliance meeting at Bennington College and was “and I hate to say,
62 disappointed” that the Town Manager or any police were not in attendance. Also, would like a
63 Public Hearing on the Autumn Inn project as the neighborhood is concerned. *Ms. Jenkins: Did*
64 *attend this meeting and the Autumn Inn project is a private project and we cannot hold a Public*
65 *Hearing on a private project. Project Alliance is taking the lead on this.*

66 Nancy White: Other towns in the region were told to take part in our town survey. *Ms. Jenkins:*
67 *This is the 3rd time we've done the survey and the survey asks you what town you're from. We*
68 *have set it up this way because Bennington is the largest town in the county and hosts several*
69 *social service organizations. Mr. Woods: We know what towns data is coming from including*
70 *what data is coming from Bennington.*

71 Donald Washum: Thought that Public Comment was the only time that anything could be
72 discussed. *Ms. Jenkins: Explained that Public Comment was for things that were not on the*
73 *Agenda and the public has the opportunity to speak on any agenda item at the time that it*
74 *comes up.*

75 Ned Perkins: Wondered why there were 3 line items in the Warrants on the Benn High project
76 when the taxpayers were not paying for this. *Ms. Jenkins: We did approve some of the ARPA*
77 *funds to be expended on the Benn High project for pre-development and all expenditures flow*
78 *through the Warrants regardless of where the funding has come from. Contact Mr. Hurd*
79 *tomorrow for guidance as to where the pre-development amount was decided.*

80 Jack Hurley: *Was not allowed to speak because he refused to follow the rules.*

81 **5. AGENCY OF HUMAN SERVICES (AHS) HOUSING CRISIS**

82 Adam Sancic from the Agency of Human Services (AHS) did the following presentation:

- 83 • The June Cohort are households that will be approved through the end of March 2024
84 and are in compliance with Act 81 that they are actively engaging in a community
85 partner or provider for any barriers they may have to transition from temporary housing
86 to permanent housing.
- 87 • The numbers for those currently in motels in Bennington County are -
 - 88 ✓ A total of 124 households - 89 in June Cohort and 35 in emergency housing (28
 - 89 or 84 days in general assistance).
 - 90 ✓ Of the 124 households, 76 households are in the Town of Bennington that
 - 91 includes 83 adults and 32 children, and the remaining 48 households are
 - 92 throughout the county.
 - 93 ✓ There are various criteria's that would qualify them for the 84 days of emergency
 - 94 housing - a fire, a child, etc.
- 95 • Through Act 81, AHS has hired 2 staff to engage with the households - with the guidance
96 of Margae Diamond - to be sure that they are receiving all of the needed support
97 possible.
- 98 • We also need to be sure that they are screened for 'coordinated entry' which prioritizes
99 housing supports for families in need, such as Section 8 vouchers and public housing.
- 100 • Bennington County has 60% of the population currently screened and we are
101 outreaching to the other 40% who are not.

- 102 • We also have emergency cold exceptions where we can house individuals when it is
103 23°F or lower with a certain degree of humidity. This usually starts around November
104 15th, but obviously, it is weather driven.
- 105 • We have been dealing with motels that are not providing basic needs - that being what
106 a motel would provide for anyone that is staying there - for the last couple of years and
107 the Director of Economic Services is contacting these motels directly. There are motels
108 that are doing as they should.
- 109 • Rutland City and Town have been doing their own inspections of motels over the last 5
110 or 6 months, and other towns are looking into this since the AHS can only do so much
111 throughout the State. This has substantially improved the motels accountability.
- 112 • Ms. Jenkins read a statement from Jonah Spivak saying:
113 ✓ The Town of Bennington handles all complaints for the State for health and
114 safety concerns in the Town of Bennington. In North Bennington and Old
115 Bennington, we handle the health concerns.
- 116 • Current funding can be found on the Vermont Housing Budget Report.

117 *Board comments and questions answered by Mr. Sancic:*

118 Mr. Woods: Because we need the motel rooms, there are no consequences to the motel owner
119 if they don't provide the basic needs, correct? *Capacity is an issue and having outreach*
120 *employees in the motels does help, however, it is the "rock and hard place" scenario.*

121 Mr. Woods: Motels are not designed for people to live there and there is no way to be able to
122 clean or do maintenance if someone is always there. Perhaps arranging for everyone to leave
123 for certain hours once a week would be helpful. *This isn't in the current contracts.* Perhaps it
124 should be going forward.

125 *Public comments and questions answered by Mr. Sancic:*

126 Representative Mary Morrissey: The State cannot fund putting people in deplorable conditions
127 and were going to send a letter so stating that and perhaps a guideline to the towns as to their
128 role. Have you received that? *Not yet but that doesn't mean that it isn't happening.* Ms.
129 *Jenkins: If the towns are to assume the responsibility then there would be a funding stream*
130 *attached to that, as well.*

131 Clark Adams: Is the AHS a government program? *It's the State of Vermont.* Was under the
132 impression that the Autumn Inn project involved local government and State entities. Ms.
133 *Jenkins: It involves Project Alliance, which is a coalition of social service organizations, the Town,*
134 *legislators, police department, health department, etc., with everyone coming to the table with*
135 *different perspectives. However, Hale Resources is putting together the Autumn Inn project. It*
136 *is not a Town project and we're at the table to address any permitting issues, or other issues*
137 *from our perspective, that Hale Resources may need but we are not the developer.* Mr. Monks:

138 *Any development would either go through the Development Review Board or building inspector*
139 *for approval, not the Select Board.*

140 Sam Restino: Stated that Code Blue is 32°F with wind chill. Do people have to wait until
141 November 15th for emergency code exceptions? *There are also other programs in place to*
142 *address the cold.*

143 Ned Perkins: Noted that there were people on his church steps that they wanted to give
144 direction to where they could be helped. Who would that be? *That would be Margae Diamond*
145 *at Turning Point and is part of the Outreach project. Ms. Diamond: Added that there are several*
146 *agencies that are part of the Outreach project, but some of the problem is that some people*
147 *that we're trying to help refuse to engage with us primarily due to lack of trust. It takes time to*
148 *build that trust.*

149 Martha Mackey: Explain who makes up the 35 in emergency housing. *These individuals came*
150 *along after the cohort so they were given general assistance for either 28 or 84 days. It is age*
151 *dependent, with a disability, with children 6 or under, etc.*

152 Martha Mackey: Explain the cold exceptions. *We would prioritize the congregate shelters before*
153 *motels as there are more services in the shelters. How do we reach out so people know where*
154 *to go? The Outreach program, other social service programs, and all of the community partners*
155 *are aware of how to advise the homeless.*

156 Nancy White: Clarified that the law enforcement involved with Project Alliance is the
157 Bennington Police Department and not the Sheriff's Department. Will the Autumn Inn project
158 go through zoning? *Mr. Woods: Yes, it will go through normal zoning channels. Mr. Hurd:*
159 *Project Alliance has that the folks involved has to commit a portion of their income to housing*
160 *and be engaged with agencies that can help them. Most of those people are Bennington*
161 *residents or live in this region who are in Bennington and unhoused or have addiction problems.*

162 Nancy White: If something happens at a shelter, who is accountable? *Ms. Jenkins: The police*
163 *are called. Mr. Hurd: And the person causing the problem is accountable.*

164 Jack Hurley: Would not give his name and was escorted out of the meeting by the police officer.

165 **6. ENERGY COMMITTEE UPDATE**

166 Bill Karis, Chair of the Energy Committee, and Bruce Lee-Clark did the following
167 presentation:

- 168 ○ Much of our work centers around community outreach.
- 169 ○ We applied for and were rewarded a Municipal Energy Resilience Program Mini
170 Grant for \$4,000 dedicated to community outreach energy efficiencies programs
171 and have until December 31, 2026 to spend the funds.

- 172 ○ We participated in Healthy Kids Day where they partnered with Window
173 Dressers to distribute these weatherization programs from BROCC,
174 NeighborWorks, and Efficiency Vermont.
175 ○ We co-sponsored the Earth Day Panel on energy and climate change and are
176 planning to broaden our reach with events and education going forward with the
177 grant funding.
178 ○ Discussion has also taken place to convert Morgan Springs into a geothermal
179 heat pump opportunity given the spring's proximity to the Rec Center. We have
180 had a non-committal acknowledgement from the Agency at this time.

181 Ms. Jenkins commented that this is a strong energy committee.

182 *Public comments/questions answered by Mr. Karis and Mr. Lee-Clark:*

183 Sam Restino: Is there any initiative to help people convert from fossil fuels to renewable fuels?
184 *There is support from Efficiency Vermont with rebates and incentives to make that transition,*
185 *money coming through the Inflation Reduction Act, and money to upgrade your electric*
186 *infrastructure. The Energy Committee will get this information out to people as soon as it is*
187 *available.*

188 Sam Restino: We need to get more car chargers in Town. *It's the "chicken and the egg" as to*
189 *whether we need more chargers or more EV's. We have data that shows usage of the chargers*
190 *has almost doubled.*

191 Nancy White: Are there other towns that provide charging stations that are free to those using
192 them? *There are a number of municipally owned charging stations in other towns that do not*
193 *charge those that are using them. Many municipalities have realized that the payback to install*
194 *credit card readers at each station isn't worth the cost of installing them and many businesses*
195 *that have charging stations agree. Some businesses will allow a certain amount of time free*
196 *and will then charge for time over that.*

197 **7. SCHEDULE VOTE ON PETITION**

198 Mr. Hurd explained that the reason for the petition was to challenge the Town's
199 authority to sell the property at 124 Pleasant Street. The question the voters will be deciding
200 will probably read "Shall the Town of Bennington convey, or sell, the property at 124 Pleasant
201 Street?" or the language that the statute provides. The vote can occur at a special meeting or
202 at the annual Town Meeting, and it is his recommendation to have it at the Town Meeting so as
203 to get a better turnout and not to incur an additional cost of \$6,000.

204 ***Jim Carroll moved and Ed Woods seconded to schedule the vote on the petition***
205 ***challenging the Town's authority to sell the property at 124 Pleasant Street on the Annual***
206 ***Town Meeting ballot.***

207 Mr. Woods verified that the vote will have no bearing on the Benn High project going
208 forward, and Mr. Hurd concurred. The \$400,000 value of the building, although a significant
209 amount of money, is less so on a \$28M project. We are working with the developers to address
210 that shortfall with a solution to occur relatively quickly.

211 Ms. Jenkins added that the building will be empty because the Senior Center and Meals
212 on Wheels will be located at the renovated Benn High building and we will no longer have a use
213 for the building.

214 Ms. Perrin agrees with the vote taking place on the Annual Town Meeting ballot.

215 Sam Restino wanted to be sure that the language of the question would be worded so it
216 is clear to the voters what they're voting on, and Ms. Jenkins stated that it will be a yes or no
217 vote.

218 Nancy White asked where will the question be on the ballot, and Mr. Hurd answered
219 that it will be the first question following the Town ballot and prior to the agency questions.
220 And, she asked if there would be the discussions that those who signed the petition asked for,
221 and Mr. Hurd responded that the discussion will take place at the floor meeting.

222 ***The motion carried unanimously.***

223 **8. PLANNING GRANT TOWN PLAN**

224 Mr. Monks reported the following:

- 225 ■ Bennington County Regional Commission (BCRC) is working with the Town
226 Planning commission on Phase 1 of a comprehensive update that will include a
227 concerted effort to address diversity, equity, and inclusion issues.
- 228 ■ Phase 1 includes the development and implementation of an outreach plan and
229 the development of a thematic outline on which to base the comprehensive
230 town plan update.
- 231 ■ Phase 1 will be ongoing for about a year.
- 232 ■ BCRC staff are now preparing an Application for a State of Vermont Municipal
233 Planning Grant to hire consultants to aid the Bennington Planning Commission in
234 Phase 2 of the comprehensive update of Bennington's Town Plan.
- 235 ■ Phase 2 will include drafting a proposed comprehensive update to the Town Plan
236 based on the work completed in Phase 1 and a public outreach effort to gather
237 feedback on the proposed updated town plan.
- 238 ■ The requested grant amount is \$26,500. The required matching funds of \$3,550
239 will be split between the next two fiscal years.

240 ***Jim Carroll moved and Gary Corey seconded to adopt the Resolution approving the***
241 ***Municipal Planning Grant Application in the amount of \$26,500.***

242 Nancy White: Has this gone out to bid? Mr. Monks said yes.

243 Nancy White: When will the woman who will be in charge of this be introduced? Mr.
244 Monks answered the BCRC and Abundant Sun are putting together, and will be doing, an
245 outreach plan that is expected to be approved by the Planning Commission in November.

246 Nancy White: The Planning Commission meetings should be televised on CAT-TV. Mr.
247 Monks responded that that is a budgetary decision and any decisions by the Planning
248 Commission are updated at a Select Board meeting that is televised.

249 Clark Adams: Is there something the Town is or isn't doing based on their Vision
250 Statement that reflects the need for this DEI study? Mr. Monks stated that it isn't a DEI study, it
251 is an update of our Town Plan which is the primary document that drives land use decisions,
252 development decisions, housing decisions, etc. It is a comprehensive public policy document.
253 Ms. Jenkins added that when we came together as a community and put together the Town
254 Vision we are now making sure our Town Plan is in line with the Vision that we have moving
255 forward.

256 Clark Adams: Is the 14th Amendment part of your working papers for the document? We
257 need to think of ourselves as people and not "this and that". Mr. Monks noted that by looking
258 at DEI issues we are making sure that benefits are expanded to include everybody, which is the
259 14th Amendment.

260 ***The motion carried unanimously.***

261 **9. REVOLVING LOAN PROPOSAL - 748 MAIN STREET**

262 Ms. Barsotti explained the following:

- 263 ➤ The Town received a Bennington Revolving Loan Fund application from 748 Main
264 Street LLC (Valerie and Eric Meichtry) to fund renovations to the Bradford Common
265 building at 748 Main Street.
- 266 ➤ Loan amount = \$35,000; fixed rate of 50% of prime interest rate plus 2 points, but not
267 to exceed 7%; 10 years at 6.25% interest rate.
- 268 ➤ Scope of work = improvements to tenant space (electrical work, framing and drywall),
269 and external concrete repair and paint.
- 270 ➤ Collateral = Second position on commercial real estate valued at \$372,500.
- 271 ➤ Contingencies = All appropriate permits must be obtained and insurance required by
272 BRLP policies must be obtained.
- 273 ➤ The applicant meets all other requirements pertaining to the loan application.

274 ***Ed Woods moved and Jim Carroll seconded to approve the Bennington Revolving Loan***
275 ***to 748 Main Street (Valerie and Eric Meichtry) for \$35,000 as described above. The motion***
276 ***carried unanimously.***

277 **10. MANAGER'S REPORT**

278 Mr. Hurd did the following report:

279 The budget schedule has been set and those agencies that are in the budget -
280 Bennington Free Library, Rescue Squad, and North Bennington Recreation-Lake Paran - will be
281 asked to submit their information to the Town by December 1st. All other agencies that appear
282 on the ballot need to submit their information by December 8th. Letters will be going out to all
283 agencies - different letters to those in the budget from those that are not - within 2 days and
284 will be submitted to the Board by December 18th.

285 Biannual Citizen Survey Now Ready - And available on the Town's website:
286 <https://benningtonvt.org/community/survey/index.php> with hard copies available in the Town
287 Office.

288 South Stream Road Speed Issues - The School Zone has been created, is clearly established and
289 signed. We'll continue to monitor to see its effect but so far the average speed has been 25
290 mph within the school zone and 35 mph outside of.

291 River Walk Update - We're now on the last block between School and Park Streets.

292 Benmont Avenue Burned Structure - We have reached out to DEC Deputy Commissioner John
293 Smeltzer to get an understanding of the State's view of this particular property and how it may
294 assist the Town in addressing the terrible conditions with no response at this time. The building
295 is abandoned and we want to remove it.

296 **11. UPCOMING AGENDAS**

297 November 13, 2023 - YMCA Update

298 November 13, 2023 - Health Dashboard Project

299 December 11, 2023 - Bennington Police Department

300 **12. OTHER BUSINESS**

301 None.

302 **13. EXECUTIVE SESSION**

303 **A. PERSONNEL**

304 *At 8:03pm, Sarah Perrin moved and Gary Corey seconded that the meeting was*
305 *adjourned finding that an Executive Session be held on Personnel as premature public*
306 *knowledge would place a person involved in the subject matter at a substantial*
307 *disadvantage. No action will be taken when going back into Open Session. The motion*
308 *carried unanimously.*

309

310

311 Respectfully submitted,

312 Nancy H. Lively

313 Secretary

EXHIBIT H

2024 Transportation Alternatives Grant Program

Application for Additional Funds

Ninja Path: Phase II, Stage 1

Town of Bennington



December 2023

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**VTrans Fall 2023 Transportation Alternatives (TAP)
and
Municipal Highway and Stormwater Mitigation Program Grant (MHSMP)
Combined Application**

Thoroughly read the TAP and MHSMP application guidebooks before you begin your application. It includes important program information and step-by-step instructions. Pay particular attention to the application process requirements. **Applications are due by e-mail by December 8, 2023.** Please e-mail the completed application to: Ross.gouin@vermont.gov and Scott.robertson@vermont.gov.

<u>Ninja Path Phase II, Stage 1</u> (Project Name/Title)	<u>802-447-9708</u> (Phone)
<u>Daniel Monks, Assistant Town Manager</u> (Municipality contact person responsible for the management of this project)	<u>dmonks@BenningtonVT.org</u> (e-mail address)
<u>Town of Bennington</u> (Town)	<u>\$ 304,000</u> Amount of Federal Funds requested (no more than 80% of the project cost estimate).
<u>05201</u> (Zip Code)	<u>\$60,800</u> Amount of Local Match. Example: Federal Award = \$600,000 (80% of total) Local Match = \$150,000 (20% of total) Total Project Cost = \$750,000 (100% of the total)
<u>205 South Street, Bennington, VT</u> (Mailing Address)	

County: Bennington

Town/Village/City: Town of Bennington

Specific location, street, or road: The Ninja Path Phase II, Stage 1 begins northwest of the VT279 overpass, where it connects to the existing dirt path, and ends at Morse Rd., Bennington.

Regional Planning Commission: Bennington County Regional Commission

If a linear project, what is the length in feet? The Ninja Path Phase II, Stage 1 is 1,790 linear feet (the project we are applying for funds to complete with this application). The Ninja Path Phase II is 7,335 linear feet. The total length of the Ninja Path Phases I & II is 11,164 feet.

Is the project on or intersecting to a State maintained highway? Yes No

- Note: If yes, be sure to include documentation that you have notified the VTrans District Transportation Administrator of the intent to apply for TA funding and have provided them with a brief (one paragraph) description of the proposed project.*

Project type being applied for: Scoping Design/Construction

The municipality understands that a typical construction project utilizing TAP or MHSMP Program funds will take roughly three years (min.) in the Design and ROW phases prior to going to construction (as pointed out in the TAP and MHSMP Application Guides)? Yes No

Does this project have a previously completed scoping or feasibility study? Yes No

Note:

Attach a map(s) of the project area and clearly show the limits of the project as well as surrounding benefits from the proposed improvement. If the project is within or adjacent to a designated downtown, village or growth center, clearly indicate the relationship of the proposed project to the boundary of the designated area. Color photos of the area are also recommended.

Fiscal Information:

Accounting System Automated Manual Combination

SAM Unique Identifier # DPNJGBNAJMF6

Fiscal Year End Month June

Property Ownership:

If the proposed project is on private property that will need to be acquired by the Municipality through purchase, easement, or eminent domain (includes temporary construction rights) in accordance with the "Uniform Act", then the municipality is committed to exercising its right of **eminent domain** to acquire the rights to construct the project if necessary. **The project has ROW Clearance**

Yes No

Funding:

Does this project already have existing funding? If so, please describe. Yes No

The Ninja Path Project has received three grants for a total of \$1,742,000 of funding (including local match). The three grants are:

- 2015 Bicycle/Pedestrian Grant (\$1,108,000)
 - \$896,366 Federal funds
 - \$98,834 State funds
 - \$110,800 Local match
- 2022 Transportation Alternatives Grant (\$370,000)
 - \$296,000 Federal funds
 - \$74,000 Local match
- 2023 Transportation Alternatives Grant (\$264,000)
 - \$211,200 Federal funds
 - \$52,000 Local match

The local match will be paid with Town funds.

Please see attached project budget for details.

Please note that existing projects will not be considered for additional funding without a current NEPA clearance and ROW clearance. Please provide date of clearances below:

ROW of Way Certificate issued on November 4, 2021. The NEPA Clearance (MAB Environmental Documentation Clearance) was issued June 14, 2018.

Will you accept an award less than you applied for? Yes No

- If yes, please indicate whether local funds will be used to make up the shortfall, or if the project scope will be reduced. If the project scope is to be reduced, describe what part of the project (please be specific) you would accept partial funding for.

We would accept partial funding. \$158,797 would allow us to construct Phase II, Stage 1 if construction bids come in at or below the construction cost estimate. We are applying for \$304,000 because the project has already received \$296,000 of federal funds through the TA Program, and \$304,000 is the maximum amount we can apply for before exceeding the TA Program's \$600,000 funding cap. A \$304,000 grant will provide a cushion if bids for Stage 1 exceed the construction estimate. Any remaining funds will be used for constructing Stage 2.

The Ninja Path Phase II has a budget deficit of \$2,112,187. The Town has broken Phase II into three stages to make construction financially feasible. Each phase has independent utility and can be used by the public.

A support letter from the governing body of the applicant municipality or organization and an acknowledgement and source of the local match and commitment to future maintenance responsibility for construction projects is required (must be dated within 1 year of the application). Is a letter of support attached?

Yes No

Regional Planning Commission Letter of Support:

In order to apply, the project must have a letter of support from the regional planning commission. Is a letter of support attached?

Yes No

PLEASE NOTE: If this application is for salt or sand shed funding, the applicant must read and understand the ***Municipal Assistance Section Salt Shed Application Guide***. All of the following scoring questions below must thoroughly convey an understanding of the salt and sand guidance provided.

Application Scoring Criteria:

- 1. Please give a brief description of the project (be sure to indicate the primary facility type being applied for and be concise). (10 points max.)**

This grant application seeks funding for the construction of Phase II, Stage 1 of the Ninja Path (please refer to project maps). Stage 1 involves the creation of a 1,790 linear feet shared-use path paved with permeable pavement, along with the construction of a bridge over the Furnace Brook and boardwalk approaches to the bridge.

Stage 1 will have independent utility and will be usable by pedestrians and cyclists traveling between the existing shared-use path (beginning at the Bennington College entrance), and Morse Road. A short section of existing interim dirt path will connect Stage 1 with the existing paved path to Bennington College.

When all phases are complete, the Ninja Path will be a 11,164 foot long, paved shared-use path.

2. What is the feasibility of this project? Feasibility (or Scoping) study applications will not be scored on this criterion. Also, please describe the extent of project development to date. (10 points max.)

The project is shovel ready and on track to advertise for construction bids in the winter of 2023/24, pending the resolution of a few minor comments from VTrans on the Final Plans. All 11 necessary easements have been recorded and the project has received its ROW Certificate. Permitting is complete: VTrans has issued a Section 1111 Permit Letter of Intent for the portion of the project in the VT279 ROW; ANR issued a Wetlands Permit and a Stream Alteration Permit, and the Town of Bennington has signed a Memorandum of Understanding with the ANR Rivers Program for the portions of the path located within flood hazard areas and/or river corridor protection areas identified by the Rivers Program; the bridge over the Walloomsac River has its No Rise Certification; and ANR has issued a necessary ACT 250 Land Use Permit Administrative Amendment.

3. Does this project address a need identified in a local or regional planning document? If so, please describe. (5 points max.)

The *Bennington Town Plan* and the *Bennington County Regional Plan* both identify the need to create a safe bike/ped connection between downtown Bennington, the Northside Drive commercial corridor, and North Bennington. For example, the *Bennington County Regional Plan*, Section 10.6: Bicycling and Walking, states "Priority pedestrian and bicycle improvements in the region include: Ninja Trail: On and off-road connection between Bennington's downtown, the Northside Drive area, Bennington College, and North Bennington. The *Bennington Town Plan* states in Section 6.3 Pedestrian and Bicycle Transportation: "Bennington provides a beautiful and historic environment for walking and bicycling, and the Town should actively work to ensure that adequate facilities are available to encourage these activities. Such multi-use pathways improve mobility options for residents and can serve as tourism resources as well...The Town has explored options for multi-use paths. Two possible routes would extend from the Bennington Pathway: one following the Walloomsac River all the way to the Henry Covered Bridge..." (Roughly the alignment of the Ninja Path.) Section 7.14 - Policies and Recommendations for Community Facilities and Services - #17 of the proposed Town Plan "...strategies to complete further extensions [of pathways] along the Walloomsac River, including the Ninja Trail [should be]

pursued.” And Section 6.7 – Transportation Policies and Recommendations - #13 of the proposed Town Plan – “Create extensions to the pathway system along the Walloomsac River and to North Bennington.”

4. Does this project:

- A. Benefit a State Designated Center per the link below (i.e., downtowns, villages, or neighborhood growth centers recognized by the Vermont Department of Economic, Housing and Community Development?**

Not applicable for Environmental Mitigation Categories (5 points max.)

<http://maps.vermont.gov/ACCD/PlanningAtlas/index.html?viewer=PlanningAtlas>

A portion of the Ninja Path project is located within Bennington’s Designated Growth Center. The Ninja Path is the missing safe bicycle/pedestrian link between Bennington’s Designated Downtown with the Village of North Bennington’s Designated Village Center.

- B. Benefit mobility for disadvantaged populations to include elderly, disabled, minorities, and low-income residents. Please describe this impact (if applicable) in detail. Supporting documentation, including recent data must be included.**

Not applicable for Environmental Mitigation Categories (10 points max.)

The Ninja Path will give cyclists and pedestrians a safe and appealing route through one of the region’s most important transportation corridors. It will provide a walking and cycling route linking many key trip generators, including downtown Bennington and Bennington College and the commercial corridor between. It will link residents of two adjacent census tracts, considered by the USDA as food deserts, to Bennington’s only supermarkets. The path will allow workers who cannot afford to own and maintain a private motor-vehicle access to jobs along the Northside Drive Commercial Corridor. The path will connect residents of two nearby affordable housing complexes (which combined contain 179 apartments) to grocery stores, pharmacies and jobs along the northwestern end of the corridor. The path will also improve mobility for the many children who live along Bennington’s growing path system, and encourage healthy, active transportation in a region with an 8% rate of type 2 diabetes.

- 5. Provide a project cost estimate below (project costs below include both federal dollars and local dollars). Projects will be scored based on whether the cost appears realistic for the size and scope of the project. For scoping studies, use PE and Local Project Management lines only.**

Note: If you are applying for additional funds for an existing project, show the amount being requested for this grant in the PE, ROW, Construction, Construction Engineering, and Municipal Project Management rows below. Also, be clear regarding total project cost and other funding amounts and sources in the additional funding comments box below.

(10 points max.)

Right-of-way / Acquisition (ROW)

(appraisals, land acquisition and legal fees)

\$0

Construction (construction costs with reasonable contingency)	<u>\$ 261,440</u>
Construction Engineering (cost to provide inspection during construction)	<u>\$ 42,560</u>
Municipal Project Management Costs (minimum of 10% of total PE, ROW and Construction Phases).	<u>\$ 0</u>
Total Project Cost	<u>\$ 304,000</u>

Addition Funding Comments: (ex. Total and additional funding for existing projects)

The Ninja Path has been awarded a total of \$1,742,000 of funding (including local match). The design engineering and MPM budget is \$390,297 leaving \$1,351,703 for construction and construction inspection. The total construction/construction inspection estimate for Phase II, Stages 1-3 is \$3,463,890, leaving a budget deficit of \$2,112,187. The Town has broken Phase II into three stages to make construction financially feasible. Each phase has independent utility. The engineer’s cost estimate separates Phase II Stage 1 into a base bid and two bid alternates. The base bid (Stage 1) covers the bridge over the Furnace Brook and the boardwalks leading to the bridge which is critical to the project. The two bid alternates (Alternate 1 and Alternate 2) replace sections of existing interim dirt path with paved path.

The construction/construction inspection estimate for Phase II, Stage 1 is \$1,510,500, leaving a budget deficit of \$158,797, so a grant award for that amount will allow us to construct Stage 1. A \$304,000 grant (the maximum allowable with the \$600,000 per project TA funding limit) will provide a cushion if bids for Stage 1 exceed the construction estimate. Any remaining funds will be used for constructing Stage 2.

6. Select the eligibility category below (A, B, C or D) that best fits your project and answer the corresponding questions for that category (choose only one category). 10 bonus points will be awarded to projects that are primarily Bicycle or Pedestrian facilities.

A. Bicycle and Pedestrian Facilities (includes Safe Routes for Non-Drivers and Conversion of abandoned railroad corridors.

(i) Will the project contribute to a system of pedestrian and/or bicycle facilities?
(10 points max.)

The Ninja Path is a key element of Bennington’s existing and planned path network. It will connect North Bennington, Bennington College, and the Northside Drive/VT67A commercial corridor to seven existing and planned bike/pedestrian facilities (and to Bennington’s extensive sidewalk network and Bennington College’s campus path network). Please see attached Bennington Shared-use Path System Map. The seven facilities are:

- **Completed northern end of the Ninja Path.** This is a 12’ wide paved path that provides a safe route along VT67A from the Bennington College entrance to Hannaford Plaza. Phase II of the Ninja Path will connect to this existing Path
- **Completed southern end of the Ninja Path.** This existing paved path connects from Morse Rd. to Hicks Ave., a low traffic street. Phase II of the Ninja Path will connect to this existing Path.

- **Walloomsac Bicycle/Pedestrian Bridge** – The Ninja Path connects to downtown via this bridge, which was replaced after Tropical Storm Irene at the cost of \$730,000. The Ninja Path will greatly increase the bridge’s utilization.
- **The Bennington Rail Trail**, constructed in 2022, is the link between the Ninja Path to downtown Bennington.
- **Kocher Drive Multi-Use Path** – This project was completed in 2020 and connects the Ninja Path to the existing **East Road Shared-use Path**, which provides access to the regional middle school and High School from downtown.
- The **Orchard Village to Willowbrook Path**, constructed in fall 2020, gives residents of Orchard Village access to the Ninja Path via local slow traffic streets.
- **The Benmont Ave. Active Transportation Corridor** is an on-street bike/ped facility that will provide an additional connection from the Ninja Path to downtown. This project has ROW Certification and construction is expected in 2024.

(ii) Will the project provide access to likely generators of pedestrian and/or bicyclist activity? **(10 points max.)**

The Ninja Path will provide direct access from high-density downtown neighborhoods (and North Bennington) to many major bicycle/pedestrian trip generators. Path users will be able to directly access the businesses along the Northside Drive/VT67A commercial corridor, a major regional center of commercial activity, which includes the town’s only grocery stores (Hannaford and Price Chopper), major retailers such as Wal-Mart and Home Depot, hotels, restaurants, industrial companies in the Morse Industrial Park, and high-density affordable apartment complexes such as Orchard Village (104 units) and Willowbrook Apartments (75 units). The path will also provide direct access to Bennington College.

(iii) Will the project address a known, documented safety concern? **(10 points max.)**

There is no safe or inviting walking or bicycling route between downtown Bennington and North Bennington, or to the many important destinations between. The lack of a safe bicycle/pedestrian connection between Bennington College and downtown and to grocery stores on VT67A is a long-standing issue. The path will provide an alternative to the sole connecting road, Northside Drive/VT67A, which is a congested commercial strip with many busy commercial drive accesses, turning vehicles, and high-volume intersections. The mile-long western end of the road is especially dangerous and uninviting. It is a four-lane highway with typical traffic speeds of 40–50 mph and just two short sections of disconnected sidewalk.

Project Budget

Ninja Bicycle Path	PROJECT BUDGET	21-Nov-23
Bennington STP BP15(2) & TA22(9)		

Funding Grant 1	Federal Funds	\$ 898,366
Bennington STP BP15(2)	State Funds	\$ 98,834
2015 Bike/ped Grant	Local Match (10%)	\$ 110,800
	Grant total	\$ 1,108,000

Funding Grant 2	Federal Funds	\$ 296,000
Bennington TAP TA22(9)	State Funds	\$ -
2022 TA Grant	Local Match (20%)	\$ 74,000
	Grant total	\$ 370,000

Funding Grant 3	Federal & State Funds	\$ 211,200
2023 Bike/ped Grant	Local Match (20%)	\$ 52,800
	Grant total	\$ 264,000

	TOTAL FUNDING	\$ 1,742,000
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Project Management	MPM (Original Contract)	\$ 77,560
	Amendment #1	\$ 20,000
	Subtotal MPM	\$ 97,560

Design	Design original contract	\$ 154,525
	Amendment #1 (Archaeology)	\$ 19,815
	Amendment #2 (Archaeology)	\$ 8,897
	Amendment #3 (MMI Hanaford bridge design)	\$ 7,500
	Amendment #4	\$ 102,000
	Subtotal Design	\$ 292,737

ROW	No ROW costs	\$ -
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	TOTAL Design/MPM	\$ 390,297
	Remaining minus Design/MPM	\$ 1,351,703

Construction: Phase II	Stage 1, Base Bid	\$1,077,500
	Stage 1, Base Bid, Construction Inspection	\$150,850
	Stage 1, Alternate 1	\$155,000
	Stage 1, Alternate 1, Construction Inspectio	\$21,700
	Stage 1, Alternate 2	\$92,500
	Stage 1, Alternate 2, Construction Inspectio	\$12,950
	STAGE 1 - TOTAL COST	\$1,510,500

	Stage 2, Construction Estimate	\$848,700
	Stage 2, Construction Inspection	\$118,818
	STAGE 2 - TOTAL COST	\$967,518

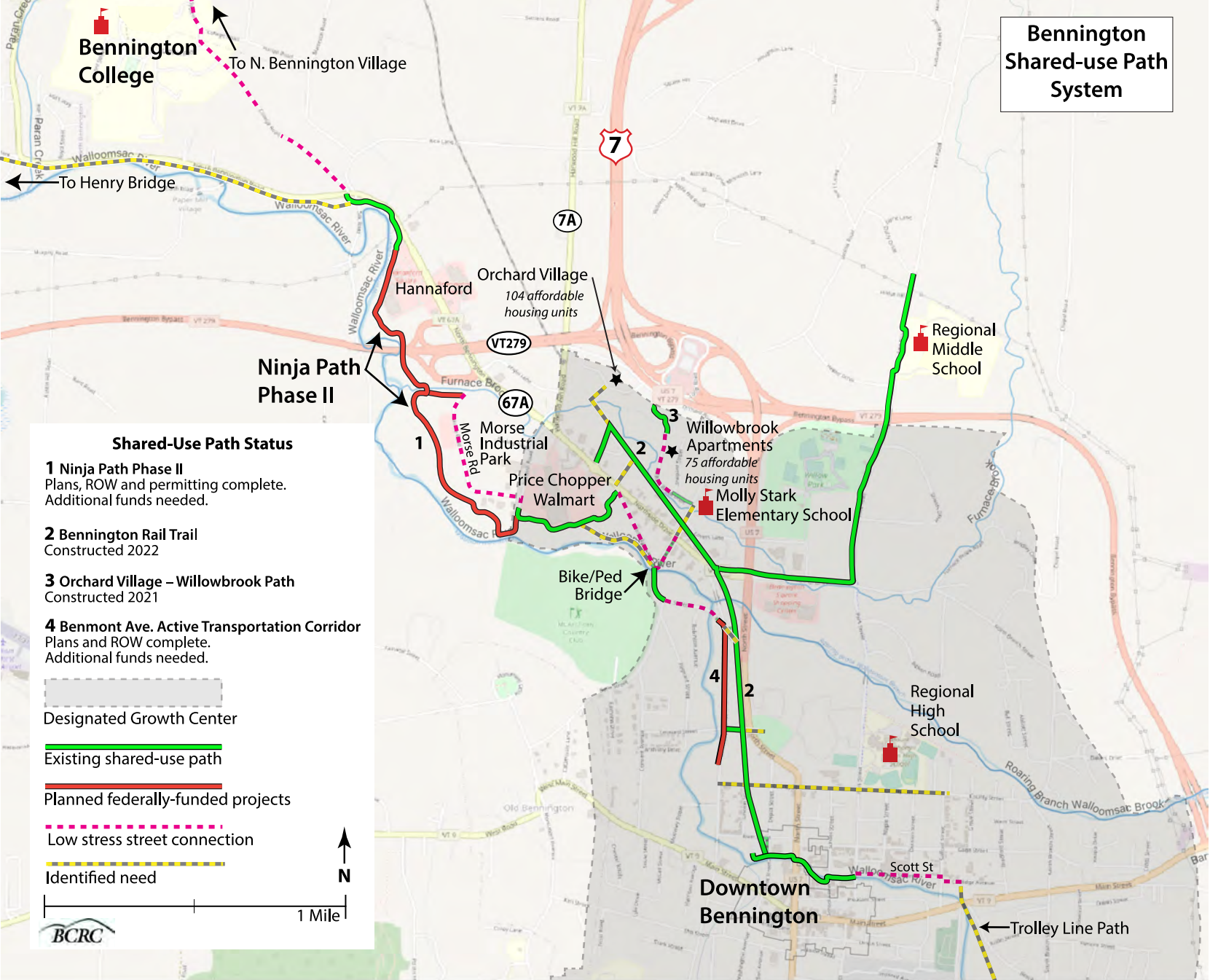
	Stage 3, Construction Estimate	\$864,800
	Stage 3, Construction Inspection	\$121,072
	STAGE 3 - TOTAL COST	\$985,872

	NINJA PATH PHASE II - TOTAL CONSTRUCTION COST	\$3,463,890
	Available funds	\$1,351,703
	Remaining funds	-\$2,112,187

Maps

- A. Bennington Shared-use Path System
- B. Ninja Path Phase II
- C. Ninja Path Phase II Project Overview Plan (from Final Plans)


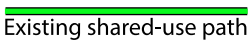

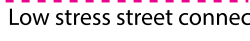
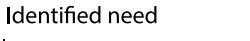
Bennington Shared-use Path System



Ninja Path Phase II

Shared-Use Path Status

- 1 Ninja Path Phase II**
Plans, ROW and permitting complete.
Additional funds needed.
- 2 Bennington Rail Trail**
Constructed 2022
- 3 Orchard Village – Willowbrook Path**
Constructed 2021
- 4 Benmont Ave. Active Transportation Corridor**
Plans and ROW complete.
Additional funds needed.

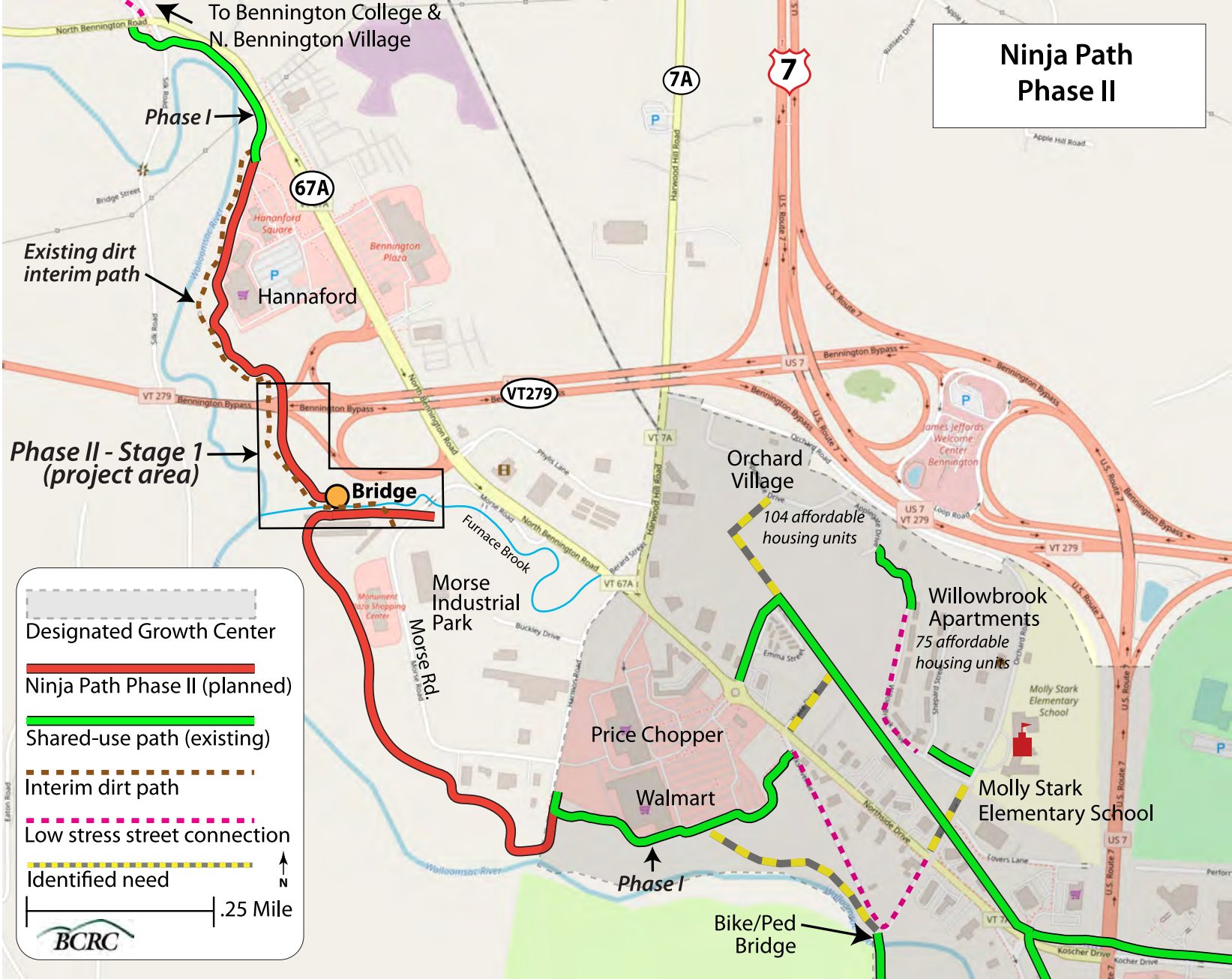
-  Designated Growth Center
-  Existing shared-use path
-  Planned federally-funded projects
-  Low stress street connection
-  Identified need



1 Mile



Ninja Path Phase II



Phase I

Existing dirt interim path

Phase II - Stage 1 (project area)

Bridge

Orchard Village

104 affordable housing units

Willowbrook Apartments
75 affordable housing units

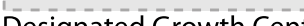





Molly Stark Elementary School

Price Chopper

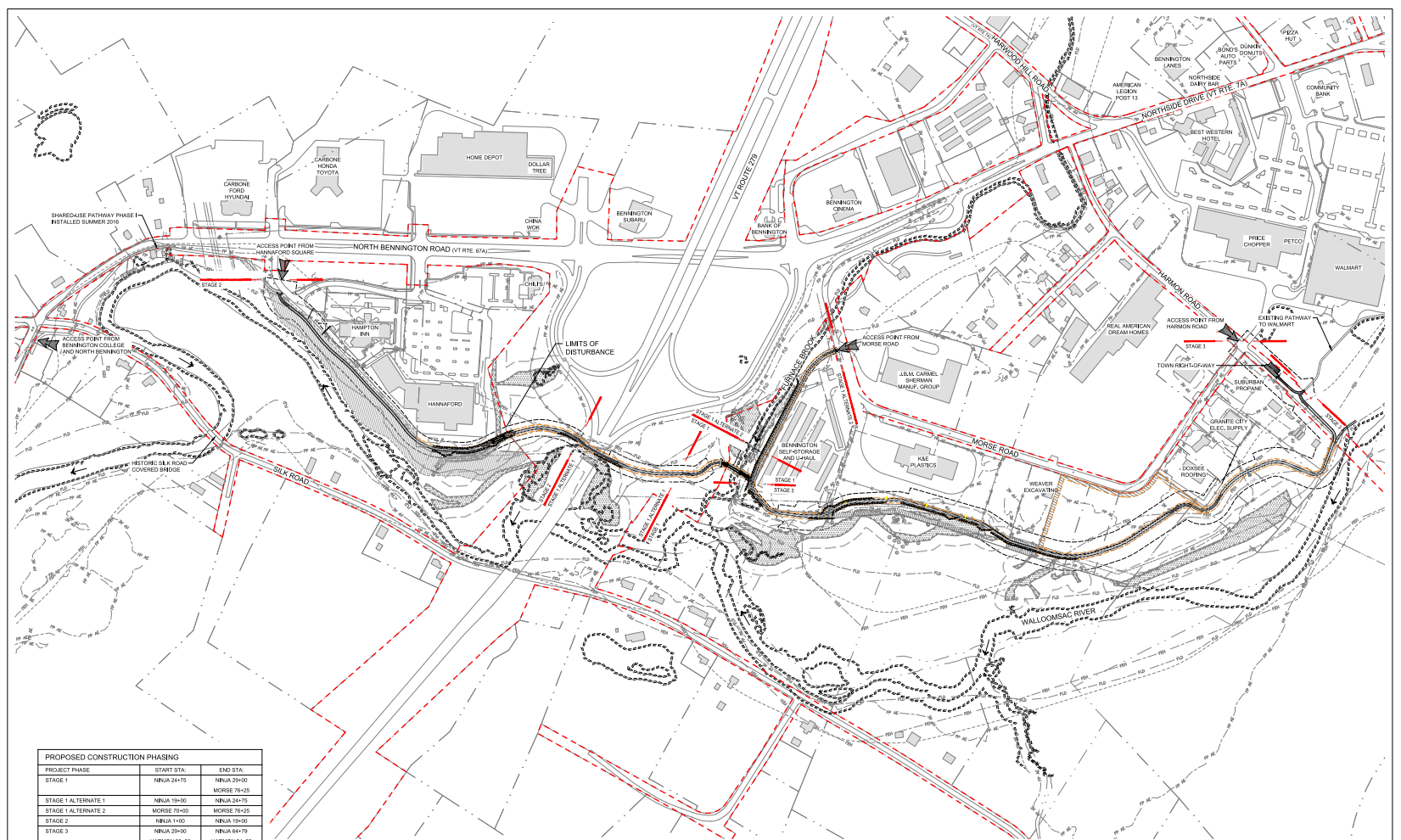
Walmart

Phase I

Bike/Ped Bridge

-  Designated Growth Center
 -  Ninja Path Phase II (planned)
 -  Shared-use path (existing)
 -  Interim dirt path
 -  Low stress street connection
 -  Identified need
- N
↑
- 0 | .25 Mile





SHARESJE PATHWAY PHASE 1
INSTALLED SUMMER 2016

ACCESS POINT FROM
BENNINGTON COLLEGE
(AND NORTH BENNINGTON)

WYBOND: SILK ROAD
COVERED BRIDGE

PROPOSED CONSTRUCTION PHASING		
PROJECT PHASE	START STA.	END STA.
STAGE 1	NINJA 24+75	NINJA 29+00
		MORSE 76+05
STAGE 1 ALTERNATE 1	NINJA 19+00	NINJA 24+75
STAGE 1 ALTERNATE 2	MORSE 70+00	MORSE 76+25
STAGE 2	NINJA 1+00	NINJA 19+00
STAGE 3	NINJA 29+00	NINJA 64+75
	HARMON 80+00	HARMON 84+25

1 PHASE II: PROJECT OVERVIEW PLAN

(PROPOSED CONSTRUCTION)



Scale: 1"=200'



MSK ENGINEERS
 P.O. BOX 139, 150 DEPOT STREET
 BENNINGTON, VERMONT 05209
 PH: (802) 442-4000 FAX: (802) 442-1950

PROJECT NAME : NINJA PATH
 PROJECT NUMBER : BENNINGTON – STP BP15 (2)

FILE NAME : Stage 1_Layout.dwg
 PROJECT LEADER : A. RODRIGUEZ PE
 DESIGNED BY : MSK
 PROJECT OVERVIEW PLAN

PLOT DATE : 10-23-2023
 DRAWN BY : MSK
 CHECKED BY : J. DOLMETSCH PE
 SHEET 17 OF 38

Required Documents

- A. Right of Way Clearance
- B. MAB Environmental Documentation Clearance
- C. VTrans District Transportation Administrator Notification
- D. Regional Commission Support Letter
- E. Town of Bennington Support Letter



RIGHT OF WAY CERTIFICATE

DATE:

PROJECT:

PPMS #:

This is to certify that the right of way has been or will be acquired in accordance with Vermont State Statute, the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 as amended and Title 23 of the Code of Federal Regulations, Part 635 (when applicable) and the status of the right of way is as follows:

- No acquisitions of land or rights was necessary since all construction will be within the existing controlled right of way. Use of non-controlled right of ways will be allowed through executed agreements or approved permits.
- Pursuant to 23 CFR 635.309(c)(1) and/or (2), all the acquisitions of land and rights have been completed including legal and physical possession and/or the right to occupy and to use all rights of way required for the proper execution of the project has been acquired.
- Pursuant to 23 CFR 635.309(c)(3), all the necessary right of way has not been acquired, however, the acquisitions are being progressed and all legal and physical possession will be completed prior to award of the construction contract.

Comments:

APPROVED:

Trey Polk, Right of Way Acquisitions and Utilities Manager

Distribution

Andrea Wright, Right of Way and Environmental Program Manager

Marvin D. Kingsbury, Programming Engineer, Planning

Craig Keller, Chief of Permits

Anthony Davis, Finance & Administration

Meredith Asselin, Finance & Administration

Patrick Kirby, FHWA

ROW Admin for OnBase



MAB ENVIRONMENTAL DOCUMENTATION CLEARANCE

TO: Jonathan Kaplan, Project Manager **DATE:** June 14, 2018
COPY: Environmental Section Administrative Assistant and Environmental Section Project File
FROM: Julie Ann Held, Environmental Specialist, SW Region (802)828-3963
PROJECT: Bennington STP BP 15(2)

RESOURCE REVIEW (RESOURCES PRESENT AND CLEARANCES OBTAINED):

Cultural Resources: Cleared 03/15/2018– Jen Russell, Archaeology Officer and Judith Ehrlich, Historic Preservation Officer
Natural Resources: Cleared 02/28/2018 – James Brady, Biologist (Wetlands and Waterways; Threatened, Endangered and Rare species; Wildlife Habitat; Agricultural Soils)
Other Resources: Not Required

FEDERAL APPROVALS:

Section 106 Determination: No Adverse Effect Issued: 03/15/2018
Section 4(f) Determination: Not Required
Section 6(f) Determination: Not Required
NEPA Documentation: CE Submitted: 03/15/2018; Concurrence Issued: 06/14/2018

ENVIRONMENTAL COMMITMENTS: Memo Issued: 06/14/2018

COMMENTS: If there will be any material changes to properties with existing ACT 250 permits, amendments may be required, and coordination with the ACT district 250 Coordinator is recommended. Based on the proposed amount of impervious surface included in the September 2017 conceptual plans from MSK it appears likely that this project will trigger the need for an operational stormwater permit. Title 19 and Floodplain coordination is recommended. A Wetland permit will be required for this project. A US Army Corps of Engineers Pre-Construction Notice will be required.

It is the responsibility of the project sponsor to comply with state and federal environmental regulations and obtain required state and federal environmental permits.

Template updated 04/06/17



Manders of BCRC

November 20, 2023 at 11:14 AM

Transportation Alternatives grant application for the Ninja Path

To: Christopher Taft

Hi Chris,

This email serves as notice that the Town of Bennington is applying for a 2024 VTrans Transportation Alternatives Grant for the Ninja Path. Part of the path covered by the grant will cross under a VT279 overpass. Theresa Gilman, Permitting Services Supervisor, has issued a Section 1111 Permit Letter of Intent for the portion of the project in VT279 right of way.

Please let me know if you would like more information about the project.

Thanks,
Mark

Mark Anders, Senior Transportation Planner

Cell (347) 623-9807
manders@bcrcvt.org

Bennington County Regional Commission
210 South St., Suite 6
Bennington, VT 05201



Christopher Taft

November 20, 2023 at 12:31 PM

RE: Transportation Alternatives grant application for the Ninja Path

To: Manders of BCRC

Thank you. I am familiar with the project.

Christopher Taft | Deputy Director (Acting)
District maintenance and Fleet Division
Vermont Agency of Transportation
802-379-2266 phone | Christopher.Taft@vermont.gov
<http://vtrans.vermont.gov>





Bennington County Regional Commission

210 SOUTH STREET • SUITE 6 • BENNINGTON, VERMONT 05201 • (802) 442-0713

October 25, 2023

Scott Robertson, P.E.
Vermont Agency of Transportation, Municipal Assistance Bureau
Barre City Place, 219 North Main St.
Barre, VT 05641

Re: Support Letter for Bennington – Ninja Path additional funds application

Dear Scott,

The Bennington County Regional Commission (BCRC) is pleased to support the Town of Bennington's grant application to the VTrans Transportation Alternatives Grant Program for additional funds to construct the Ninja Path.

The Ninja Path will give cyclists and pedestrians a safe and appealing route through one of the region's most important transportation corridors. It is an exciting project that will encourage walking and cycling for transportation by linking many important bike/ped trip generators, including downtown Bennington to Bennington College, and residents of two adjacent census tracts, considered by the USDA as food deserts, to Bennington's only supermarkets. The path will also improve mobility for children and encourage healthy transportation in a region with an 8% rate of type 2 diabetes.

This project is a very high priority for our region, and I encourage the committee to fund the application.

Sincerely,

Mark Anders

Mark Anders, Planner



TOWN OF BENNINGTON

November 14, 2023

Scott Robertson, P.E.
Vermont Agency of Transportation
Municipal Assistance Bureau
Barre City Place
219 North Main St.
Barre, VT 05641

Re: Grant Application for Ninja Path

The Town of Bennington wholeheartedly supports the application for a Transportation Alternatives Grant to fund the proposed Ninja Trail. The Town of Bennington Select Board has consistently expressed its strong support for the project.

The Town of Bennington understands that a 20% non-federal local match is required and will provide the match if awarded the grant. In addition, the Town of Bennington will also accept future maintenance responsibility for the improvements.

Residents of Bennington will benefit from the proposed project in many ways. In particular, the planned improvements will provide a much-needed safe route from downtown Bennington to the Northside Drive Commercial area enabling citizens and visitors to walk or cycle to schools, jobs, grocery stores and government offices along a very busy travel corridor now dominated by vehicle traffic.

Thank you for your consideration and we look forward to working with VTRANS and the Bennington County Regional Commission to construct this important project.

Respectfully,

Daniel W. Monks
Assistant Town Manager

Engineer's Cost Estimate

- A. Phase II – Stages 1-3
- B. Phase II – Stage 1, Base Bid
- C. Phase II – Stage 1, Alternate 1
- D. Phase II – Stage 1, Alternate 2
- E. Phase II – Stage 2
- F. Phase II – Stage 3

CONCEPTUAL OPINION OF PROBABLE COST (100%) FOR:
**BENNINGTON - STP BP15 (2) - NINJA PATH PHASES II -
 STAGES 1-3**

STAGE	DESCRIPTION	COST ESTIMATE
I BASE	BRIDGE	\$1,228,350.00
I A1	VT 279 TO FURNACE BROOK	\$176,700.00
I A2	MORSE ROAD TO FURNACE BROOK	\$105,450.00
II	HANNAFORD TO FURNACE BROOK	\$967,518.00
III	WAL-MART TO FURNACE BROOK	\$985,872.00
TOTAL		\$3,463,890.00

OPINION OF PROBABLE COST (100%) FOR:
BENNINGTON - STP BP15 (2) - NINJA PATH PHASE II - STAGE 1, BASE

ITEM #	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL
201.10	CLEARING AND GRUBBING, INCLUDING INDIVIDUAL TREES AND STUMPS	LS	1	\$ 10,000.00	\$ 10,000.00
201.15	REMOVING MEDIUM TREES	EACH	13	\$ 1,495.80	\$ 19,445.40
203.15	COMMON EXCAVATION	CY	140	\$ 27.00	\$ 3,780.00
203.32	GRANULAR BORROW	CY	25	\$ 36.31	\$ 907.74
204.25	STRUCTURE EXCAVATION	CY	120	\$ 25.73	\$ 3,087.07
204.30	GRANULAR BACKFILL FOR STRUCTURES	CY	15	\$ 48.60	\$ 729.00
210.12	FINE MILLING, BITUMINOUS PAVEMENT	SY	0	\$ 10.80	\$ -
301.25	SUBBASE OF CRUSHED GRAVEL, COARSE GRADED	CY	0	\$ 48.60	\$ -
301.26	SUBBASE OF CRUSHED GRAVEL, FINE GRADED	CY	420	\$ 51.84	\$ 21,772.80
406.25	SUPERPAVE BITUMINOUS CONCRETE PAVEMENT	TON		\$ 151.20	\$ -
507.11	REINFORCING STEEL LEVEL I	LB	7000	\$ 3.50	\$ 24,500.00
529.150	REMOVAL OF STRUCTURE	EACH		\$ 5,400.00	\$ -
541.25	CONCRETE CLASS B	CY	50	\$ 1,060.32	\$ 53,016.12
601.2605	12" CPEP(SL)	LF	70	\$ 216.00	\$ 15,120.00
601.2620	24" CPEP(SL)	LF		\$ 259.20	\$ -
613.11	STONE FILL, TYPE II	CY	3	\$ 56.16	\$ 168.48
618.30	DETECTABLE WARNING SURFACE	SF	0	\$ 54.00	\$ -
620.12	CHAIN-LINK FENCE, 6 FEET	LF		\$ 183.60	\$ -
620.16	GATE FOR CHAIN-LINK FENCE, 6 FEET	EACH		\$ 2,700.00	\$ -
620.50	REMOVE AND RESETING FENCE	LF		\$ 14.90	\$ -
635.11	MOBILIZATION/DEMOBILIZATION	LS	1	\$ 81,621.23	\$ 81,621.23
641.11	TRAFFIC CONTROL, ALL INCLUSIVE	LS	1	\$ 5,000.00	\$ 5,000.00
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	187	\$ 0.54	\$ 100.98
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF		\$ 0.54	\$ -
646.463	DURABLE 12 INCH SOLID WHITE LINE, EPOXY PAINT	LF	0	\$ 9.72	\$ -
646.493	DURABLE LETTER OR SYMBOL, EPOXY PAINT	EACH	4	\$ 194.40	\$ 777.60
649.11	GEOTEXTILE FOR ROADBED SEPARATOR	SY	450	\$ 1.94	\$ 874.80
649.31	GEOTEXTILE UNDER STONE FILL	SY	12	\$ 4.32	\$ 51.84
651.15	SEED	LB	5	\$ 27.00	\$ 135.00
651.18	FERTILIZER	LB	15	\$ 5.40	\$ 81.00
651.35	TOPSOIL	CY	13	\$ 64.80	\$ 842.40
652.10	EPSC PLAN	LS	1	\$ 9,000.00	\$ 9,000.00
653.4702	SILT FENCE, TYPE II	LF	216	\$ 4.32	\$ 933.12
656.3001	DECIDUOUS TREES, SMALL	EACH	6	\$ 150.00	\$ 900.00
675.20	TRAFFIC SIGNS, TYPE A	SF	3	\$ 25.92	\$ 77.76
675.341	SQUARE TUBE SIGN POST AND ANCHOR	LF	10	\$ 25.92	\$ 259.20
900.620	SPECIAL PROVISION: COLLAPSIBLE BOLLARDS	EACH	0	\$ 1,080.00	\$ -
900.620	SPECIAL PROVISION (TIMBER TEST PILE 12"Ø, 40' LONG)	EA	2	\$ 5,400.00	\$ 10,800.00
900.640	SPECIAL PROVISION (FURNISHING 12"Ø TIMBER PILES)	LF	840	\$ 48.60	\$ 40,824.00
900.640	SPECIAL PROVISION (DRIVING 12"Ø TIMBER PILES)	LF	780	\$ 54.00	\$ 42,120.00
900.640	SPECIAL PROVISION (CHAIN-LINK FENCE, 5 FT)	LF	20	\$ 27.00	\$ 540.00
900.640	SPECIAL PROVISION (TIMBER RAILING)	LF	160	\$ 108.00	\$ 17,280.00
900.640	SPECIAL PROVISION: THREE RAIL PRESSURE TREATED WOOD RAILING	LF	0	\$ 216.00	\$ -
900.645	SPECIAL PROVISION (PREFABRICATED PEDESTRIAN BRIDGE) - Furnace Brook	LS	1	\$ 324,000.00	\$ 324,000.00
900.6450	SPECIAL PROVISION: CAST-IN-PLACE CONCRETE TRENCH DRAIN AND GRATE	LS	0	\$ 2,160.00	\$ -
900.670	SPECIAL PROVISION (ELEVATED TIMBER BOARDWALK)	SF	640	\$ 270.00	\$ 172,800.00
900.680	SPECIAL PROVISION: PERVIOUS PAVEMENT	TON	240	\$ 151.20	\$ 36,288.00
SUB-TOTAL					\$ 897,833.54
CONTINGENCY (20%)					\$ 179,566.71
TOTAL CONTRACT ITEMS					\$ 1,077,500.00
Construction Engineering / Inspection (+/-14%)					\$ 150,850.00
TOTAL PROJECT COST FOR PHASE II, STAGE 1					\$ 1,228,350.00

OPINION OF PROBABLE COST (100%) FOR:
BENNINGTON - STP BP15 (2) - NINJA PATH PHASE II - STAGE 1, ALTERNATE 1

ITEM #	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL
201.10	CLEARING AND GRUBBING, INCLUDING INDIVIDUAL TREES AND STUMPS	LS	1	\$ 10,000.00	\$ 10,000.00
201.15	REMOVING MEDIUM TREES	EACH	6	\$ 1,495.80	\$ 8,974.80
203.15	COMMON EXCAVATION	CY	410	\$ 27.00	\$ 11,070.00
203.32	GRANULAR BORROW	CY	50	\$ 36.31	\$ 1,815.48
204.25	STRUCTURE EXCAVATION	CY	0	\$ 25.73	\$ -
204.30	GRANULAR BACKFILL FOR STRUCTURES	CY	0	\$ 48.60	\$ -
210.12	FINE MILLING, BITUMINOUS PAVEMENT	SY	0	\$ 10.80	\$ -
301.25	SUBBASE OF CRUSHED GRAVEL, COARSE GRADED	CY	0	\$ 48.60	\$ -
301.26	SUBBASE OF CRUSHED GRAVEL, FINE GRADED	CY	280	\$ 51.84	\$ 14,515.20
406.25	SUPERPAVE BITUMINOUS CONCRETE PAVEMENT	TON		\$ 151.20	\$ -
507.11	REINFORCING STEEL LEVEL I	LB	0	\$ 3.50	\$ -
529.150	REMOVAL OF STRUCTURE	EACH		\$ 5,400.00	\$ -
541.25	CONCRETE CLASS B	CY	0	\$ 1,060.32	\$ -
601.2605	12" CPEP(SL)	LF	0	\$ 216.00	\$ -
601.2620	24" CPEP(SL)	LF		\$ 259.20	\$ -
613.11	STONE FILL, TYPE II	CY	0	\$ 56.16	\$ -
618.30	DETECTABLE WARNING SURFACE	SF	0	\$ 54.00	\$ -
620.12	CHAIN-LINK FENCE, 6 FEET	LF		\$ 183.60	\$ -
620.16	GATE FOR CHAIN-LINK FENCE, 6 FEET	EACH		\$ 2,700.00	\$ -
620.50	REMOVE AND RESETING FENCE	LF		\$ 14.90	\$ -
635.11	MOBILIZATION/DEMOBILIZATION	LS	1	\$ 11,739.56	\$ 11,739.56
641.11	TRAFFIC CONTROL, ALL INCLUSIVE	LS	1	\$ 5,000.00	\$ 5,000.00
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	275	\$ 0.54	\$ 148.50
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF		\$ 0.54	\$ -
646.463	DURABLE 12 INCH SOLID WHITE LINE, EPOXY PAINT	LF	0	\$ 9.72	\$ -
646.493	DURABLE LETTER OR SYMBOL, EPOXY PAINT	EACH	0	\$ 194.40	\$ -
649.11	GEOTEXTILE FOR ROADBED SEPARATOR	SY	800	\$ 1.94	\$ 1,555.20
649.31	GEOTEXTILE UNDER STONE FILL	SY	0	\$ 4.32	\$ -
651.15	SEED	LB	5	\$ 27.00	\$ 135.00
651.18	FERTILIZER	LB	25	\$ 5.40	\$ 135.00
651.35	TOPSOIL	CY	25	\$ 64.80	\$ 1,620.00
652.10	EPSC PLAN	LS	1	\$ 9,000.00	\$ 9,000.00
653.4702	SILT FENCE, TYPE II	LF	220	\$ 4.32	\$ 950.40
656.3001	DECIDUOUS TREES, SMALL	EACH	10	\$ 150.00	\$ 1,500.00
675.20	TRAFFIC SIGNS, TYPE A	SF	0	\$ 25.92	\$ -
675.341	SQUARE TUBE SIGN POST AND ANCHOR	LF	0	\$ 25.92	\$ -
900.620	SPECIAL PROVISION: COLLAPSIBLE BOLLARDS	EACH	0	\$ 1,080.00	\$ -
900.620	SPECIAL PROVISION (TIMBER TEST PILE 12"Ø, 40' LONG)	EA		\$ 5,400.00	\$ -
900.640	SPECIAL PROVISION (FURNISHING 12"Ø TIMBER PILES)	LF		\$ 48.60	\$ -
900.640	SPECIAL PROVISION (DRIVING 12"Ø TIMBER PILES)	LF		\$ 54.00	\$ -
900.640	SPECIAL PROVISION (CHAIN-LINK FENCE, 5 FT)	LF		\$ 27.00	\$ -
900.640	SPECIAL PROVISION (TIMBER RAILING)	LF		\$ 108.00	\$ -
900.640	SPECIAL PROVISION: THREE RAIL PRESSURE TREATED WOOD RAILING	LF	100	\$ 216.00	\$ 21,600.00
900.645	SPECIAL PROVISION (PREFABRICATED PEDESTRIAN BRIDGE) - Furnace Brook	LS	0	\$ 324,000.00	\$ -
900.6450	SPECIAL PROVISION: CAST-IN-PLACE CONCRETE TRENCH DRAIN AND GRATE	LS	1	\$ 2,160.00	\$ 2,160.00
900.670	SPECIAL PROVISION (ELEVATED TIMBER BOARDWALK)	SF	0	\$ 270.00	\$ -
900.680	SPECIAL PROVISION: PERVIOUS PAVEMENT	TON	180	\$ 151.20	\$ 27,216.00
SUB-TOTAL					\$ 129,135.14
CONTINGENCY (20%)					\$ 25,827.03
TOTAL CONTRACT ITEMS					\$ 155,000.00
Construction Engineering / Inspection (+/-14%)					\$ 21,700.00
TOTAL PROJECT COST FOR PHASE II, STAGE 1					\$ 176,700.00

OPINION OF PROBABLE COST (100%) FOR:
BENNINGTON - STP BP15 (2) - NINJA PATH PHASE II - STAGE 1, ALTERNATE 2

ITEM #	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL
201.10	CLEARING AND GRUBBING, INCLUDING INDIVIDUAL TREES AND STUMPS	LS	1	\$ 5,000.00	\$ 5,000.00
201.15	REMOVING MEDIUM TREES	EACH	4	\$ 1,495.80	\$ 5,983.20
203.15	COMMON EXCAVATION	CY	200	\$ 27.00	\$ 5,400.00
203.32	GRANULAR BORROW	CY	25	\$ 36.31	\$ 907.74
204.25	STRUCTURE EXCAVATION	CY	0	\$ 25.73	\$ -
204.30	GRANULAR BACKFILL FOR STRUCTURES	CY	0	\$ 48.60	\$ -
210.12	FINE MILLING, BITUMINOUS PAVEMENT	SY	8	\$ 10.80	\$ 86.40
301.25	SUBBASE OF CRUSHED GRAVEL, COARSE GRADED	CY	0	\$ 48.60	\$ -
301.26	SUBBASE OF CRUSHED GRAVEL, FINE GRADED	CY	200	\$ 51.84	\$ 10,368.00
406.25	SUPERPAVE BITUMINOUS CONCRETE PAVEMENT	TON	0	\$ 151.20	\$ -
507.11	REINFORCING STEEL LEVEL I	LB	0	\$ 3.50	\$ -
529.150	REMOVAL OF STRUCTURE	EACH	0	\$ 5,400.00	\$ -
541.25	CONCRETE CLASS B	CY	0	\$ 1,060.32	\$ -
601.2605	12" CPEP(SL)	LF	0	\$ 216.00	\$ -
601.2620	24" CPEP(SL)	LF	0	\$ 259.20	\$ -
613.11	STONE FILL, TYPE II	CY	0	\$ 56.16	\$ -
618.30	DETECTABLE WARNING SURFACE	SF	16	\$ 54.00	\$ 864.00
620.12	CHAIN-LINK FENCE, 6 FEET	LF	0	\$ 183.60	\$ -
620.16	GATE FOR CHAIN-LINK FENCE, 6 FEET	EACH	1	\$ 2,700.00	\$ -
620.50	REMOVE AND RESETING FENCE	LF	1	\$ 14.90	\$ -
635.11	MOBILIZATION/DEMOBILIZATION	LS	1	\$ 7,006.25	\$ 7,006.25
641.11	TRAFFIC CONTROL, ALL INCLUSIVE	LS	1	\$ 6,200.00	\$ 6,200.00
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	84	\$ 0.54	\$ 45.36
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	0	\$ 0.54	\$ -
646.463	DURABLE 12 INCH SOLID WHITE LINE, EPOXY PAINT	LF	4	\$ 9.72	\$ -
646.493	DURABLE LETTER OR SYMBOL, EPOXY PAINT	EACH	0	\$ 194.40	\$ -
649.11	GEOTEXTILE FOR ROADBED SEPARATOR	SY	600	\$ 1.94	\$ 1,166.40
649.31	GEOTEXTILE UNDER STONE FILL	SY	0	\$ 4.32	\$ -
651.15	SEED	LB	5	\$ 27.00	\$ 135.00
651.18	FERTILIZER	LB	15	\$ 5.40	\$ 81.00
651.35	TOPSOIL	CY	15	\$ 64.80	\$ 972.00
652.10	EPSC PLAN	LS	1	\$ 9,000.00	\$ 9,000.00
653.4702	SILT FENCE, TYPE II	LF	380	\$ 4.32	\$ 1,641.60
656.3001	DECIDUOUS TREES, SMALL	EACH	5	\$ 150.00	\$ 750.00
675.20	TRAFFIC SIGNS, TYPE A	SF	7	\$ 25.92	\$ 181.44
675.341	SQUARE TUBE SIGN POST AND ANCHOR	LF	21	\$ 25.92	\$ 544.32
900.620	SPECIAL PROVISION: COLLAPSIBLE BOLLARDS	EACH	1	\$ 1,080.00	\$ 1,080.00
900.620	SPECIAL PROVISION (TIMBER TEST PILE 12"Ø, 40' LONG)	EA	0	\$ 5,400.00	\$ -
900.640	SPECIAL PROVISION (FURNISHING 12"Ø TIMBER PILES)	LF	0	\$ 48.60	\$ -
900.640	SPECIAL PROVISION (DRIVING 12"Ø TIMBER PILES)	LF	0	\$ 54.00	\$ -
900.640	SPECIAL PROVISION (CHAIN-LINK FENCE, 5 FT)	LF	0	\$ 27.00	\$ -
900.640	SPECIAL PROVISION (TIMBER RAILING)	LF	0	\$ 108.00	\$ -
900.640	SPECIAL PROVISION: THREE RAIL PRESSURE TREATED WOOD RAILING	LF	0	\$ 216.00	\$ -
900.645	SPECIAL PROVISION (PREFABRICATED PEDESTRIAN BRIDGE) - Furnace Brook	LS	0	\$ 324,000.00	\$ -
900.6450	SPECIAL PROVISION: CAST-IN-PLACE CONCRETE TRENCH DRAIN AND GRATE	LS	0	\$ 2,160.00	\$ -
900.670	SPECIAL PROVISION (ELEVATED TIMBER BOARDWALK)	SF	0	\$ 270.00	\$ -
900.680	SPECIAL PROVISION: PERVIOUS PAVEMENT	TON	130	\$ 151.20	\$ 19,656.00
SUB-TOTAL					\$ 77,068.71
CONTINGENCY (20%)					\$ 15,413.74
TOTAL CONTRACT ITEMS					\$ 92,500.00
Construction Engineering / Inspection (+/-14%)					\$ 12,950.00
TOTAL PROJECT COST FOR PHASE II, STAGE 1					\$ 105,450.00

OPINION OF PROBABLE COST (100%) FOR:
BENNINGTON - STP BP15 (2) - NINJA PATH PHASE II - STAGE 2

ITEM #	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL
201.10	CLEARING AND GRUBBING, INCLUDING INDIVIDUAL TREES AND STUMPS	LS	1	\$ 30,000.00	\$ 30,000.00
201.15	REMOVING MEDIUM TREES	EACH	75	\$ 1,495.80	\$ 112,185.00
203.15	COMMON EXCAVATION	CY	850	\$ 27.00	\$ 22,950.00
203.32	GRANULAR BORROW	CY	150	\$ 36.31	\$ 5,446.44
204.25	STRUCTURE EXCAVATION	CY	100	\$ 25.73	\$ 2,572.56
204.30	GRANULAR BACKFILL FOR STRUCTURES	CY	10	\$ 48.60	\$ 486.00
210.12	FINE MILLING, BITUMINOUS PAVEMENT	SY	10	\$ 10.80	\$ 108.00
301.25	SUBBASE OF CRUSHED GRAVEL, COARSE GRADED	CY	0	\$ 48.60	\$ -
301.26	SUBBASE OF CRUSHED GRAVEL, FINE GRADED	CY	850	\$ 51.84	\$ 44,064.00
406.25	SUPERPAVE BITUMINOUS CONCRETE PAVEMENT	TON		\$ 151.20	\$ -
507.11	REINFORCING STEEL LEVEL I	LB	5000	\$ 3.50	\$ 17,500.00
529.150	REMOVAL OF STRUCTURE	EACH		\$ 5,400.00	\$ -
541.25	CONCRETE CLASS B	CY	36	\$ 1,060.32	\$ 38,171.61
601.2605	12" CPEP(SL)	LF		\$ 216.00	\$ -
601.2620	24" CPEP(SL)	LF		\$ 259.20	\$ -
613.11	STONE FILL, TYPE II	CY		\$ 56.16	\$ -
618.30	DETECTABLE WARNING SURFACE	SF		\$ 54.00	\$ -
620.12	CHAIN-LINK FENCE, 6 FEET	LF		\$ 183.60	\$ -
620.16	GATE FOR CHAIN-LINK FENCE, 6 FEET	EACH		\$ 2,700.00	\$ -
620.50	REMOVE AND RESETTING FENCE	LF		\$ 14.90	\$ -
635.11	MOBILIZATION/DEMOBILIZATION	LS	1	\$ 62,818.70	\$ 62,818.70
641.11	TRAFFIC CONTROL, ALL INCLUSIVE	LS	1	\$ 16,200.00	\$ 16,200.00
646.40	DURABLE 4 INCH SOLID WHITE LINE, EPOXY PAINT	LF	0	\$ 0.54	\$ -
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	288	\$ 0.54	\$ 155.52
646.463	DURABLE 12 INCH SOLID WHITE LINE, EPOXY PAINT	LF	11	\$ 9.72	\$ 106.92
646.493	DURABLE LETTER OR SYMBOL, EPOXY PAINT	EACH	0	\$ 194.40	\$ -
649.11	GEOTEXTILE FOR ROADBED SEPARATOR	SY	2376	\$ 1.94	\$ 4,618.94
649.31	GEOTEXTILE UNDER STONE FILL	SY	0	\$ 4.32	\$ -
651.15	SEED	LB	25	\$ 27.00	\$ 675.00
651.18	FERTILIZER	LB	100	\$ 5.40	\$ 540.00
651.35	TOPSOIL	CY	100	\$ 64.80	\$ 6,480.00
652.10	EPSC PLAN	LS	1	\$ 27,000.00	\$ 27,000.00
653.4702	SILT FENCE, TYPE II	LF	910	\$ 4.32	\$ 3,931.20
656.3001	DECIDUOUS TREES, SMALL	EACH	115	\$ 150.00	\$ 17,250.00
675.20	TRAFFIC SIGNS, TYPE A	SF	7	\$ 25.92	\$ 181.44
675.341	SQUARE TUBE SIGN POST AND ANCHOR	LF	21	\$ 25.92	\$ 544.32
900.620	SPECIAL PROVISION: COLLAPSIBLE BOLLARDS	EACH	1	\$ 1,080.00	\$ 1,080.00
900.640	SPECIAL PROVISION (CHAIN-LINK FENCE, 5 FT)	LF	20	\$ 27.00	\$ 540.00
900.645	SPECIAL PROVISION (PREFABRICATED PEDESTRIAN BRIDGE) - STA. 15+00	LS	1	\$ 216,000.00	\$ 216,000.00
900.680	SPECIAL PROVISION: PERVIOUS PAVEMENT	TON	500	\$ 151.20	\$ 75,600.00
SUB-TOTAL					\$ 707,205.65
CONTINGENCY (20%)					\$ 141,441.13
TOTAL CONTRACT ITEMS					\$ 848,700.00
Construction Engineering / Inspection (+/-14%)					\$ 118,818.00
TOTAL PROJECT COST FOR PHASE II, STAGE 2					\$ 967,518.00

OPINION OF PROBABLE COST (100%) FOR:
BENNINGTON - STP BP15 (2) - NINJA PATH PHASE II - STAGE 3

ITEM #	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL
201.10	CLEARING AND GRUBBING, INCLUDING INDIVIDUAL TREES AND STUMPS	LS	1	\$ 30,000.00	\$ 30,000.00
201.15	REMOVING MEDIUM TREES	EACH	25	\$ 1,495.80	\$ 37,395.00
203.15	COMMON EXCAVATION	CY	2000	\$ 27.00	\$ 54,000.00
203.32	GRANULAR BORROW	CY	0	\$ 36.31	\$ -
204.25	STRUCTURE EXCAVATION	CY	0	\$ 25.73	\$ -
204.30	GRANULAR BACKFILL FOR STRUCTURES	CY	0	\$ 48.60	\$ -
210.12	FINE MILLING, BITUMINOUS PAVEMENT	SY	155	\$ 10.80	\$ 1,674.00
301.25	SUBBASE OF CRUSHED GRAVEL, COARSE GRADED	CY	50	\$ 48.60	\$ 2,430.00
301.26	SUBBASE OF CRUSHED GRAVEL, FINE GRADED	CY	1665	\$ 51.84	\$ 86,313.60
406.25	SUPERPAVE BITUMINOUS CONCRETE PAVEMENT	TON	50	\$ 151.20	\$ 7,560.00
507.11	REINFORCING STEEL LEVEL I	LB	0	\$ 3.50	\$ -
529.150	REMOVAL OF STRUCTURE	EACH	1	\$ 5,400.00	\$ 5,400.00
541.25	CONCRETE CLASS B	CY	50	\$ 1,060.32	\$ 53,016.12
601.2605	12" CPEP(SL)	LF	50	\$ 216.00	\$ 10,800.00
601.2620	24" CPEP(SL)	LF	40	\$ 259.20	\$ 10,368.00
613.11	STONE FILL, TYPE II	CY	12	\$ 56.16	\$ 673.92
618.30	DETECTABLE WARNING SURFACE	SF	17	\$ 54.00	\$ 918.00
620.12	CHAIN-LINK FENCE, 6 FEET	LF	225	\$ 183.60	\$ 41,310.00
620.16	GATE FOR CHAIN-LINK FENCE, 6 FEET	EACH	1	\$ 2,700.00	\$ 2,700.00
620.50	REMOVE AND RESETTING FENCE	LF	193	\$ 14.90	\$ 2,876.47
635.11	MOBILIZATION/DEMOLITION	LS	1	\$ 65,512.60	\$ 65,512.60
641.11	TRAFFIC CONTROL, ALL INCLUSIVE	LS	1	\$ 16,200.00	\$ 16,200.00
646.40	DURABLE 4 INCH SOLID WHITE LINE, EPOXY PAINT	LF	190	\$ 0.54	\$ 102.60
646.413	DURABLE 4 INCH SOLID YELLOW LINE, EPOXY PAINT	LF	442	\$ 0.54	\$ 238.68
646.463	DURABLE 12 INCH SOLID WHITE LINE, EPOXY PAINT	LF	4	\$ 9.72	\$ 38.88
646.493	DURABLE LETTER OR SYMBOL, EPOXY PAINT	EACH	5	\$ 194.40	\$ 972.00
649.11	GEOTEXTILE FOR ROADBED SEPARATOR	SY	5040	\$ 1.94	\$ 9,797.76
649.31	GEOTEXTILE UNDER STONE FILL	SY	48	\$ 4.32	\$ 207.36
651.15	SEED	LB	25	\$ 27.00	\$ 675.00
651.18	FERTILIZER	LB	190	\$ 5.40	\$ 1,026.00
651.35	TOPSOIL	CY	205	\$ 64.80	\$ 13,284.00
652.10	EPSC PLAN	LS	1	\$ 27,000.00	\$ 27,000.00
653.4702	SILT FENCE, TYPE II	LF	1651	\$ 4.32	\$ 7,132.32
656.3001	DECIDUOUS TREES, SMALL	EACH	9	\$ 150.00	\$ 1,350.00
675.20	TRAFFIC SIGNS, TYPE A	SF	15	\$ 25.92	\$ 388.80
675.341	SQUARE TUBE SIGN POST AND ANCHOR	LF	61	\$ 25.92	\$ 1,581.12
900.620	SPECIAL PROVISION: COLLAPSIBLE BOLLARDS	EACH	1	\$ 1,080.00	\$ 1,080.00
900.640	SPECIAL PROVISION: TWO RAIL PRESSURE TREATED WOOD RAILING	LF	1111	\$ 32.40	\$ 35,996.40
900.640	SPECIAL PROVISION: THREE RAIL PRESSURE TREATED WOOD RAILING	LF	150	\$ 216.00	\$ 32,400.00
900.640	SPECIAL PROVISION: BARBED WIRE SECURITY MEASURE	LF	260	\$ 27.00	\$ 7,020.00
900.680	SPECIAL PROVISION: PERVIOUS PAVEMENT	TON	1000	\$ 151.20	\$ 151,200.00
				SUB-TOTAL	\$ 720,638.64
				CONTINGENCY (20%)	\$ 144,127.73
				TOTAL CONTRACT ITEMS	\$ 864,800.00
				Construction Engineering / Inspection (+/-14%)	\$ 121,072.00
				TOTAL PROJECT COST FOR PHASE II, STAGE 2	\$ 985,872.00

Project Area Photos

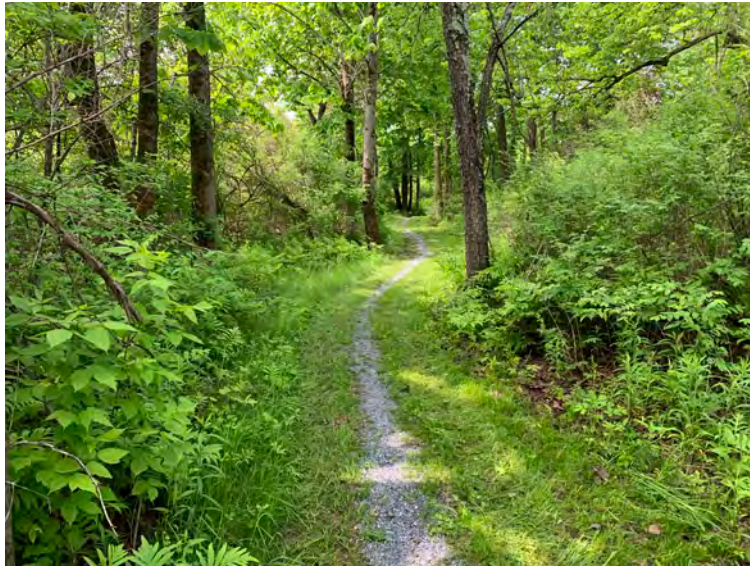
- A. Ninja Path federally funded section
- B. Connecting infrastructure
- C. VT-67A/VT-7A/Northside Drive

Project Area Photos

Ninja Path Federally Funded Section



The Ninja Path will pass under VT-279. The over-pass was designed to accommodate a future path.



Volunteers cleared an interim path along a short section with no environmental or ROW restrictions for the public to use while the longer, federally funded path is developed.



The path will utilize a short section of Harmon Rd. which was abandoned after a covered bridge washed out in 1938.



The path will pass behind Morse Industrial Park where many Bennington residents are employed.



The path will cross Furnace Brook. The project team has coordinated with the ANR Rivers Program since 2016 on the stream crossing plan.

Connecting Infrastructure

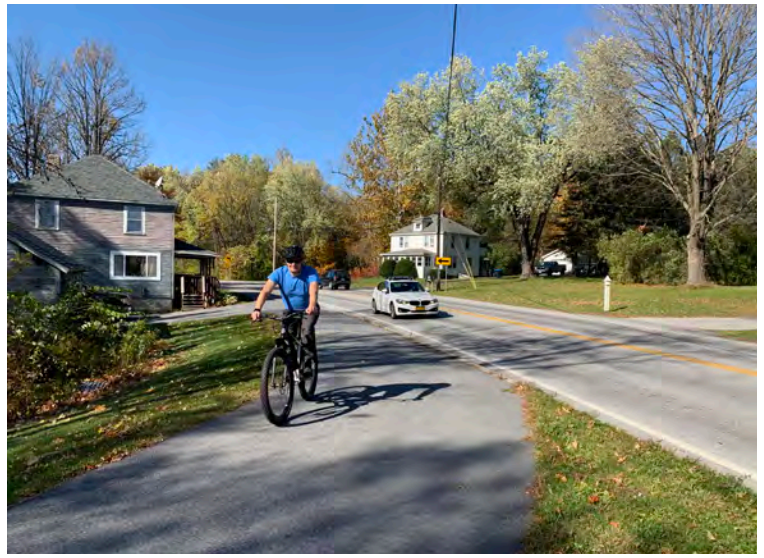
The federally funded Ninja Path project will bridge a difficult 1.43-mile gap between two completed paths.



Town built path along VT-67A connecting Bennington College to Hannaford Plaza.



The Bennington College access road is a low-stress cycling connection from the Ninja Path to the college and North Bennington's village center.



Town built path section along VT-67A.



This bike/ped bridge spanning the Walloomsac River was replaced after Tropical Storm Irene and is a key connection between the Ninja Path and downtown Bennington.



This short Ninja Path section connects the federally funded project to Hicks Ave. and the existing bike/ped bridge over the Walloomsac River (above).

VT-67A/VT-7A/Northside Drive

The Ninja Path allows cyclists and pedestrians to avoid the VT-67A/VT-7A/Northside Drive corridor while providing access to the businesses along it.



VT-67A/VT-67A intersection



VT-67A/VT-67A



VT-67A near the Home Depot entrance



VT-279 overpass over VT67A and path of desire footpath.



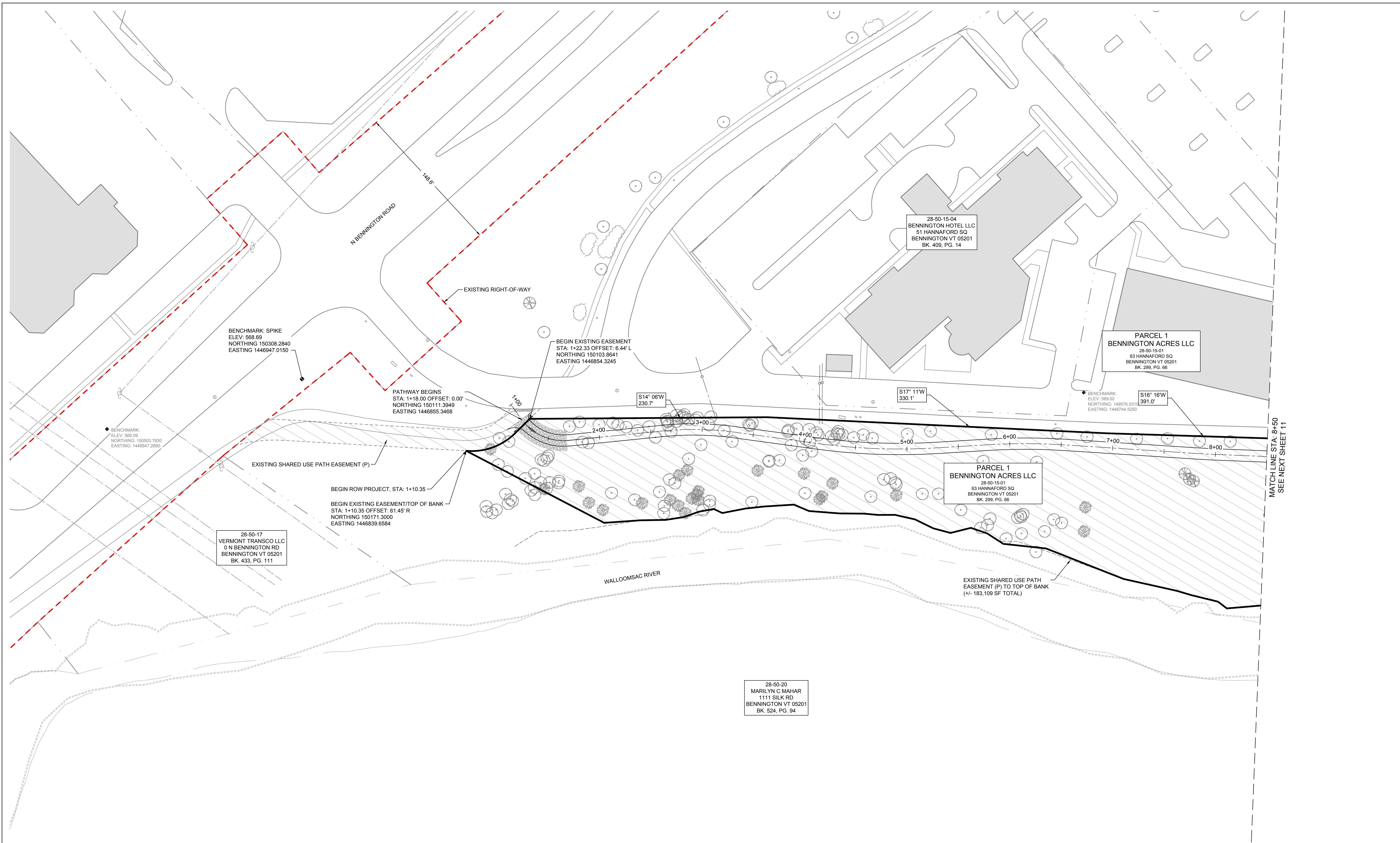
VT-279 entrance from VT-67A



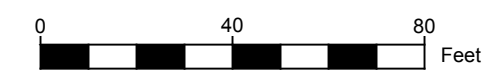
Pedestrian path of desire along VT-67A

Ninja Path Phase II Final Plans (excerpt)

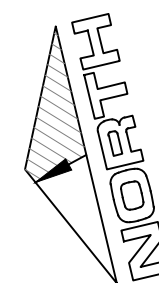
For a full plan set, please email Mark Anders at:
manders@bcrcvt.org



1 PHASE II - RIGHT-OF-WAY ACQUISITIONS



Scale: 1:40



MSK
ENGINEERS
P.O. BOX 139, 150 DEPOT STREET
BENNINGTON, VERMONT 05201
PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
PROJECT NUMBER : BENNINGTON - STP BP15 (2)

FILE NAME : Stage 1 _Right-of-Way.dwg PLOT DATE : 10-23-2023
PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
RIGHT-OF-WAY ACQUISITIONS SHEET 10 OF 38

MATCH LINE STA: 8+50
SEE PREVIOUS SHEET 10

PARCEL 1
BENNINGTON ACRES LLC
28-50-15-01
63 HANNAFORD SQ
BENNINGTON VT 05201
BK. 299, PG. 66

PARCEL 2
MARTINS FOODS OF S
BURLINGTON INC
28-50-15-03
141 HANNAFORD SQ
BENNINGTON VT 05201
BK. 358, PG. 63

STATE OF VERMONT
VT ROUTE 279
BENNINGTON VT 05201

28-50-20
MARILYN C MAHAR
1111 SILK RD
BENNINGTON VT 05201
BK. 524, PG. 94

STA: 11+27.43 OFFSET: 27.18' R
NORTHING 149158.1005
EASTING 1446528.4526

STA: 10+88.17 OFFSET: 31.35' L
NORTHING 149189.4267
EASTING 1446591.1867

STA: 11+01.58 OFFSET: 15.00' L
NORTHING 149180.3206
EASTING 1446572.9612

L=143.98, R=235.00
CH=S8° 58' 51"E, 141.74'

INSTALL & MAINTAIN (P)
SHARED USE PATH,
EASEMENT AREA:
9,388 SF

STA: 15+87.10 OFFSET: 15.00' L
NORTHING 148905.7236
EASTING 1446811.1084

L=19.91, R=265.00
CH=S52° 38' 31"E, 19.91'

L=31.22, R=265.00
CH=N47° 06' 52"W, 31.20'

L=127.06, R=265.00
CH=N30° 00' 13"W, 125.85'

L=112.68, R=235.00
CH=S30° 00' 13"E, 111.60'

AREA WITHIN STATE OF VERMONT RIGHT-OF-WAY
ACCESS GRANTED VIA 1111 PERMIT: 34,410 SF

S26° 32'E
81.1'

L=115.91, R=235.00
CH=S40° 39' 51"E, 114.74'

S54° 48'E
109.2'

L=17.17, R=235.00
CH=S45° 50' 01"E, 17.17'

S43° 44'E
71.2'

S20° 21'W
32.0'

STA: 15+98.28 OFFSET: 15.00' R
NORTHING 148775.7141
EASTING 1446799.9765

STA: 16+42.55 OFFSET: 104.48' R
NORTHING 148683.1040
EASTING 1446765.6230

L=62.00, R=185.00
CH=S6° 39' 58"E, 61.71'

L=72.06, R=215.00
CH=N6° 39' 58"W, 71.72'

STA: 14+40.75 OFFSET: 15.00' R
NORTHING 148968.0470
EASTING 1446673.2792

L=19.48, R=265.00
CH=N52° 41' 16"W, 19.48'

END BRIDGE
STA: 15+65.00
L=28.17, R=235.00
CH=N51° 21' 39"W, 28.15'

BEGIN PREFABRICATED PEDESTRIAN BRIDGE
STA: 15+05.00

STA: 16+58.12 OFFSET: 136.54' R
NORTHING 148649.6932
EASTING 1446753.2198

TRENCH DRAIN
STA: 20+10.49

L=23.05, R=115.00
CH=S3° 13' 04"W, 23.01'

L=17.03, R=85.00
CH=N3° 13' 04"E, 17.01'

L=235.52, R=485.00
CH=N16° 26' 07"W, 233.21'

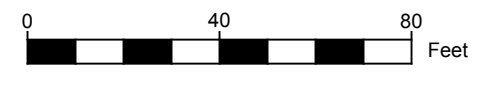
EXISTING SHARED USE PATH
EASEMENT (P) TO TOP OF BANK
(+/- 183,109 SF TOTAL)

EXISTING RIGHT-OF-WAY

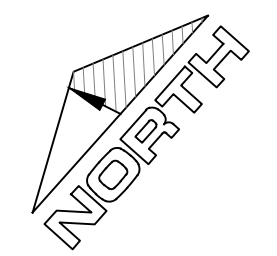
L=250.09, R=515.00
CH=S16° 26' 07"E, 247.64'

MATCH LINE STA: 22+50
SEE NEXT SHEET 12

1 PHASE II - RIGHT-OF-WAY ACQUISITIONS



Scale: 1:40



MSK
ENGINEERS
P.O. BOX 139, 150 DEPOT STREET
BENNINGTON, VERMONT 05201
PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
PROJECT NUMBER : BENNINGTON - STP BP15 (2)

FILE NAME : Stage 1_Right-of-Way.dwg PLOT DATE : 10-23-2023
PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
RIGHT-OF-WAY ACQUISITIONS SHEET 11 OF 38

MATCH LINE STA: 22+50
SEE PREVIOUS SHEET 11

STATE OF VERMONT
VT ROUTE 279
BENNINGTON VT 05201

35-50-11
LAUREL SENGER
0 SILK RD
BENNINGTON VT 05201
BK. 230, PG. 243

28-50-22
RICHARD C PEMBROKE III
789 SILK RD
BENNINGTON VT 05201
BK. 493, PG. 190

35-50-14
VIRGINIA L BAKER
747 SILK RD
BENNINGTON VT 05201
BK. 421, PG. 21

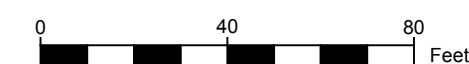
35-50-11
LAUREL SENGER
0 SILK RD
BENNINGTON VT 05201
BK. 230, PG. 243

L=36.44, R=115.00
CH=N37° 43' 50"W, 36.29'
STA: 33+22.12 OFFSET: 15.00' R
NORTHING 147245.7339
EASTING 1447208.3863

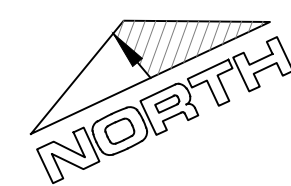
PARCEL 3
MSR HOLDINGS LLC
35-50-15
25 MORSE RD
BENNINGTON VT 05201
BK. 451, PG. 152

MATCH LINE STA: 33+50
SEE NEXT SHEET 13

1 PHASE II: RIGHT-OF-WAY ACQUISITIONS



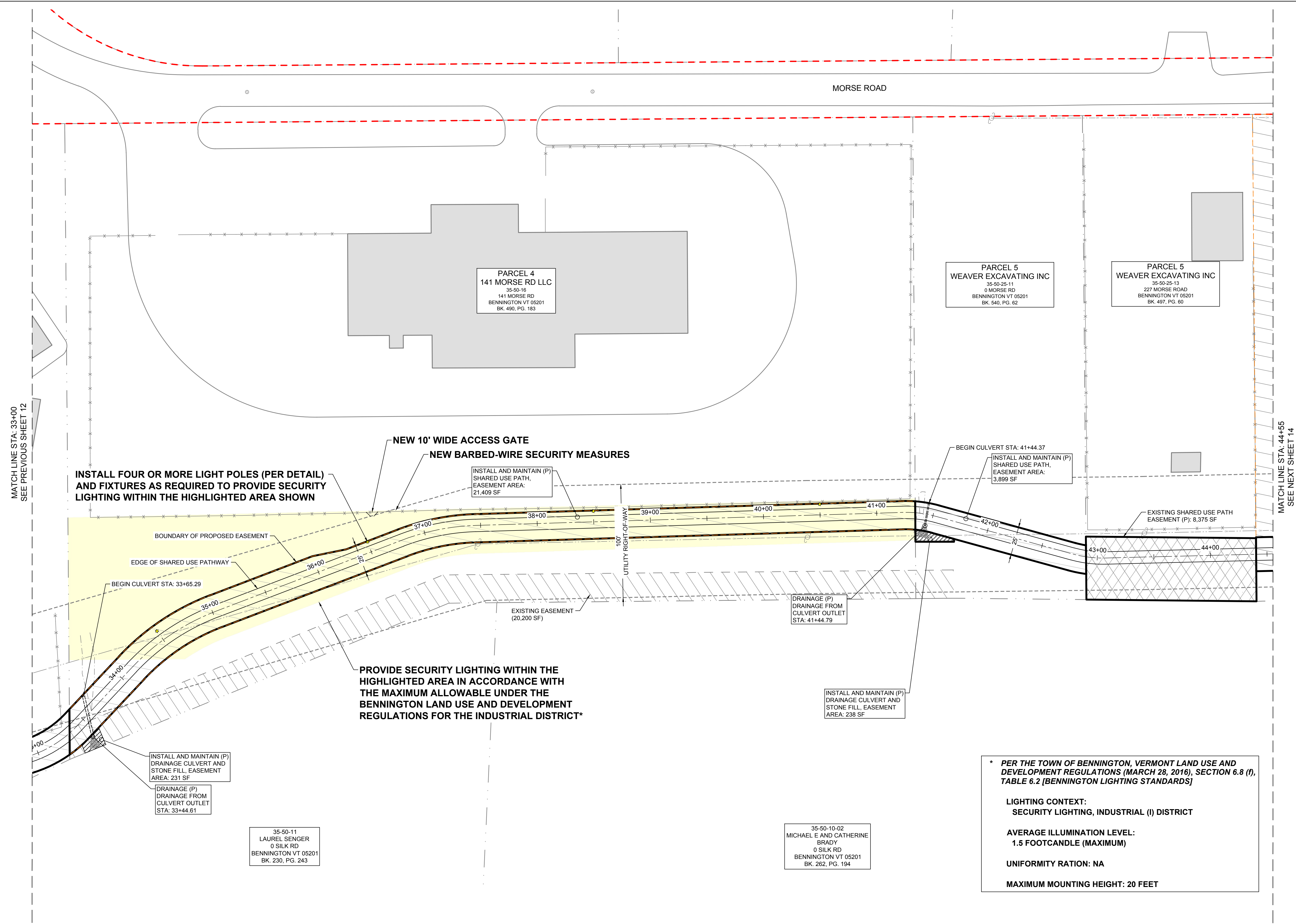
Scale: 1:40



MSK
ENGINEERS
P.O. BOX 139, 150 DEPOT STREET
BENNINGTON, VERMONT 05201
PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
PROJECT NUMBER : BENNINGTON - STP BP15 (2)

FILE NAME : Stage 1_Right-of-Way.dwg PLOT DATE : 10-23-2023
PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
RIGHT-OF-WAY ACQUISITIONS SHEET 12 OF 38



MATCH LINE STA: 33+00
SEE PREVIOUS SHEET 12

MATCH LINE STA: 44+55
SEE NEXT SHEET 14

INSTALL FOUR OR MORE LIGHT POLES (PER DETAIL) AND FIXTURES AS REQUIRED TO PROVIDE SECURITY LIGHTING WITHIN THE HIGHLIGHTED AREA SHOWN

**NEW 10' WIDE ACCESS GATE
NEW BARBED-WIRE SECURITY MEASURES**

PROVIDE SECURITY LIGHTING WITHIN THE HIGHLIGHTED AREA IN ACCORDANCE WITH THE MAXIMUM ALLOWABLE UNDER THE BENNINGTON LAND USE AND DEVELOPMENT REGULATIONS FOR THE INDUSTRIAL DISTRICT*

* PER THE TOWN OF BENNINGTON, VERMONT LAND USE AND DEVELOPMENT REGULATIONS (MARCH 28, 2016), SECTION 6.8 (f), TABLE 6.2 [BENNINGTON LIGHTING STANDARDS]

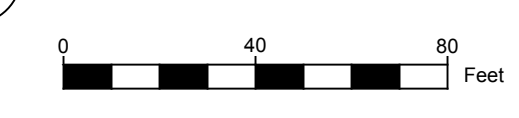
**LIGHTING CONTEXT:
SECURITY LIGHTING, INDUSTRIAL (I) DISTRICT**

**AVERAGE ILLUMINATION LEVEL:
1.5 FOOTCANDLE (MAXIMUM)**

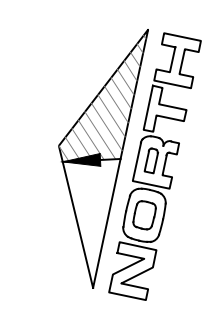
UNIFORMITY RATION: NA

MAXIMUM MOUNTING HEIGHT: 20 FEET

1 PHASE II: RIGHT-OF-WAY ACQUISITIONS



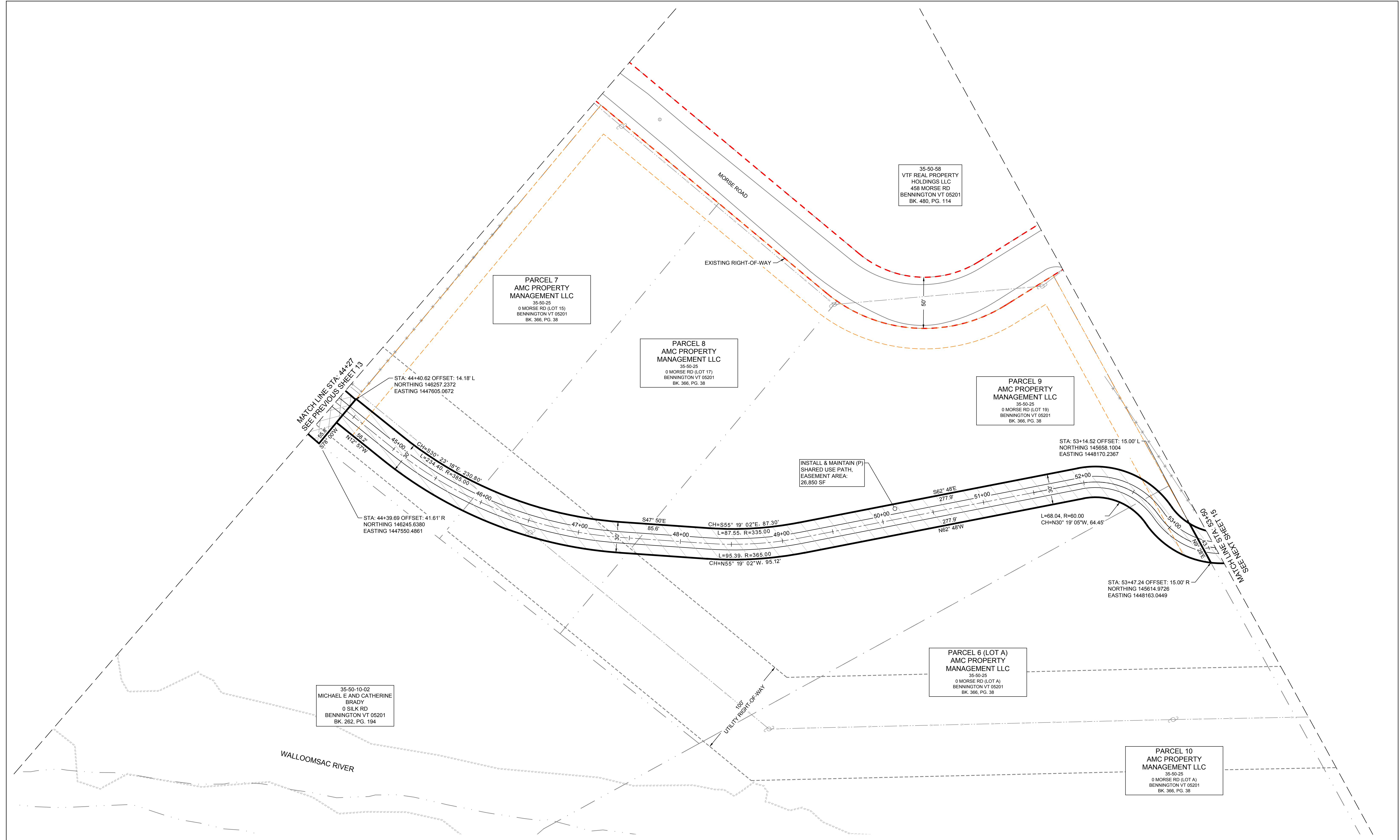
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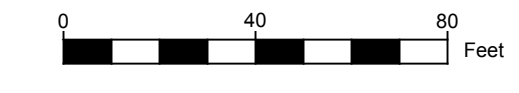
MSK ENGINEERS
P.O. BOX 139, 150 DEPOT STREET
BENNINGTON, VERMONT 05201
PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
PROJECT NUMBER : BENNINGTON - STP BP15 (2)

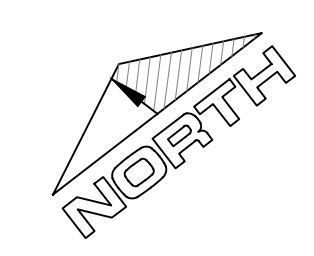
FILE NAME : Stage 1_Right-of-Way.dwg PLOT DATE : 10-23-2023
PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
RIGHT-OF-WAY ACQUISITIONS SHEET 13 OF 38



1 PHASE II: RIGHT-OF-WAY ACQUISITIONS



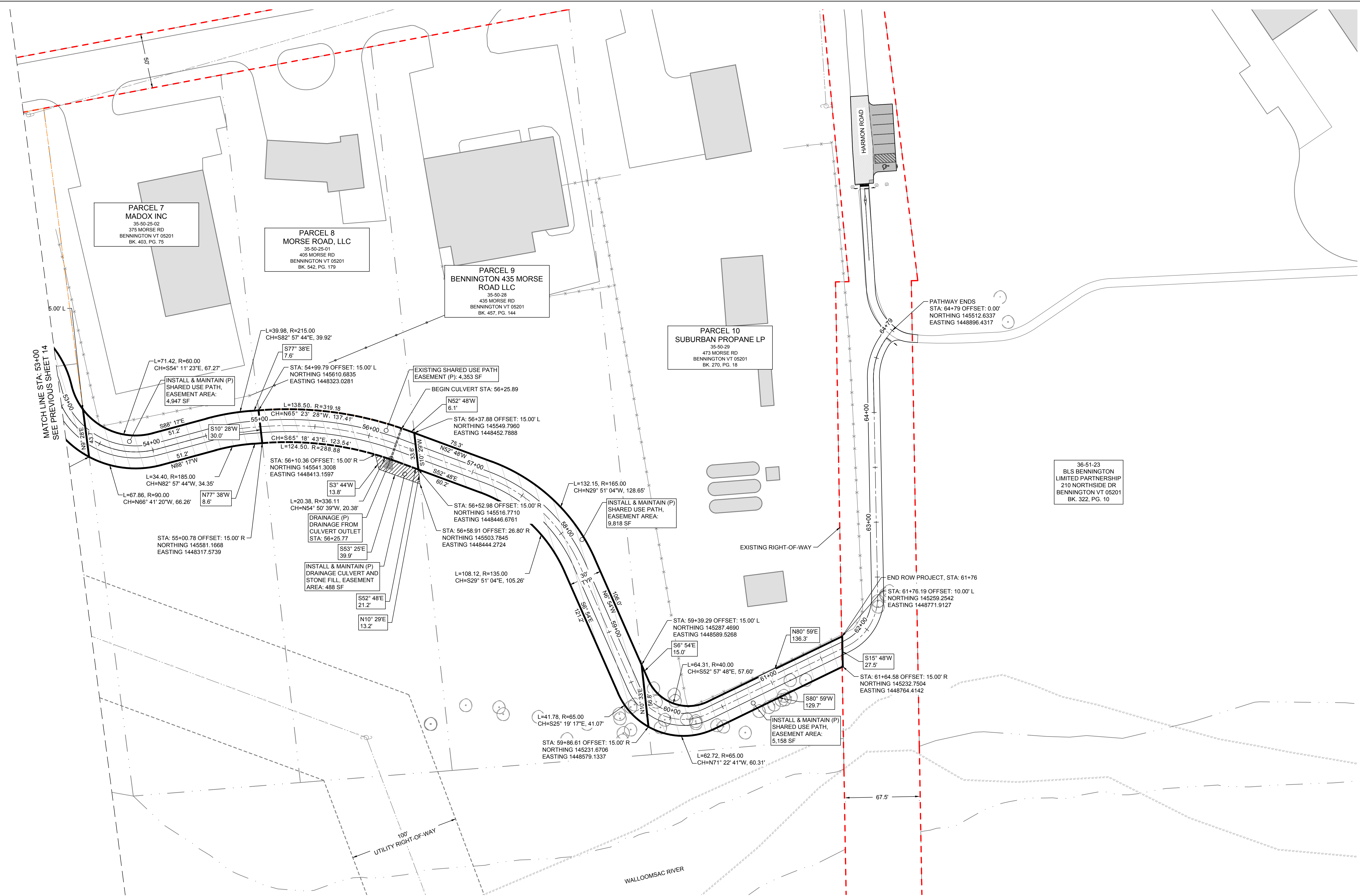
Scale: 1:40



MSK ENGINEERS
 P.O. BOX 139, 150 DEPOT STREET
 BENNINGTON, VERMONT 05201
 PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
 PROJECT NUMBER : BENNINGTON - STP BP15 (2)

FILE NAME : Stage 1 _Right-of-Way.dwg PLOT DATE : 10-23-2023
 PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
 DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
 RIGHT-OF-WAY ACQUISITIONS SHEET 14 OF 38



PARCEL 7
MADOX INC
35-50-25-02
375 MORSE RD
BENNINGTON VT 05201
BK. 403, PG. 75

PARCEL 8
MORSE ROAD, LLC
35-50-25-01
405 MORSE RD
BENNINGTON VT 05201
BK. 542, PG. 179

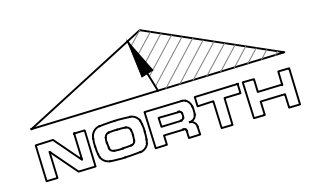
PARCEL 9
BENNINGTON 435 MORSE
ROAD LLC
35-50-28
435 MORSE RD
BENNINGTON VT 05201
BK. 457, PG. 144

PARCEL 10
SUBURBAN PROPANE LP
35-50-29
473 MORSE RD
BENNINGTON VT 05201
BK. 270, PG. 18

36-51-23
BLS BENNINGTON
LIMITED PARTNERSHIP
210 NORTHSIDE DR
BENNINGTON VT 05201
BK. 322, PG. 10

1 PHASE II: RIGHT-OF-WAY ACQUISITIONS

Scale: 1:40



MSK
ENGINEERS
P.O. BOX 139, 150 DEPOT STREET
BENNINGTON, VERMONT 05201
PH: (802) 447-1402 FAX: (802) 445-1291

PROJECT NAME : NINJA PATH
PROJECT NUMBER : BENNINGTON - STP BP15 (2)

FILE NAME : Stage 1_Right-of-Way.dwg PLOT DATE : 10-23-2023
PROJECT LEADER : A. RODRIGUEZ PE DRAWN BY : MSK
DESIGNED BY : MSK CHECKED BY : J. DOLMETSCH PE
RIGHT-OF-WAY ACQUISITIONS SHEET 15 OF 38

EXHIBIT I

GRANT AGREEMENT RESOLUTION - SINGLE GRANTEE

Form PM-1

WHEREAS, the (check one) Town City Village of Bennington
has applied for funding under the Vermont Community Development Program, as provided for in 10
VSA Ch. 29, and has received an award of funds under said provisions; and

WHEREAS, the Agency of Commerce and Community Development has tendered a Grant Agreement
07110-IG-2021- to this municipality for said funding:

Bennington-03

Now, THEREFORE, BE IT RESOLVED as follows:

- 1) that the legislative body of this municipality accepts and agrees to the terms and conditions of said Grant Agreement;
- 2) that (Name) Shannon Barsotti Title Community Development Director
is hereby designated as the person with overall Administrative responsibility for the VCDP activities related to this Grant Agreement; and
- 3) that (Name) Stuart Hurd Title Town Manager
who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, hereby designated as the Authorizing Official (AO) to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

Passed this 12th day of February, 2024.

LEGISLATIVE BODY

(Typed Name)

(Signature)

Jeannie Jenkins, Chair

Tom Haley, Vice Chair

Jim Carroll

Gary Corey

Jeanne Conner

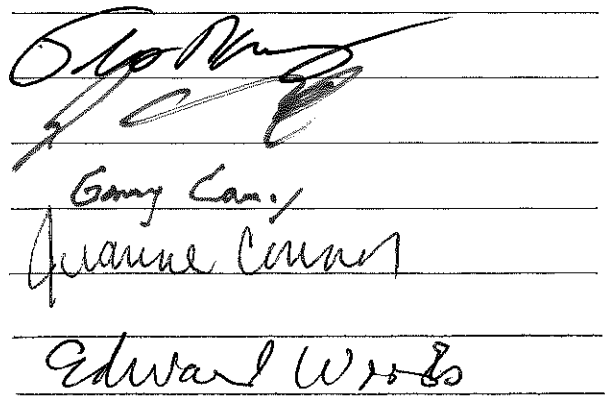
Sarah Perrin

Ed Woods

For Agency Use:

Processed By: _____

Date: _____



Handwritten signatures of Gary Corey, Jeanne Conner, and Ed Woods.

EXHIBIT J

STATE OF VERMONT HUD CONSOLIDATED PLAN

For Housing and Community Development Programs
2020-2024 Strategic Plan, and 2020 Action Plan

Agency of Commerce and Community Development
Department of Housing and Community Development

July 1, 2020

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Executive Summary

ES-05 Executive Summary - 91.300(c), 91.320(b)

1. Introduction

The State of Vermont's 2020-2024 Consolidated Plan guides the use of funding received through several programs administered under the U.S. Department of Housing and Urban Development. These include the Community Development Block Grant Program (CDBG), CDBG Recovery Housing Program (RHP) HOME Investment Partnerships Program (HOME), Emergency Solutions Grant Program (ESG) and Housing Trust Fund (HTF). The CDBG and CDBG-RHP are administered by the Vermont Community Development Program (VCDP) in the Department of Housing and Community Development (DHCD) of the Agency of Commerce and Community Development (ACCD). The Vermont Housing and Conservation Board (VHCB) administers HOME and HTF. The ESG is administered by the Office of Economic Opportunity (OEO) of the Department for Children and Families of the Agency of Human Services.

This plan identifies the State's housing and community development priorities based on an extensive needs assessment, market analysis, and citizen and stakeholder input. It establishes goals for meeting these priority needs over the next five years that reflect anticipated resources and past performance. Each goal is accompanied by an estimate of resources that will be used to meet it as well as outcome indicators that will be used to evaluate the State's performance.

As it has for many years, the State will use CDBG, HOME, HTF and ESG to provide decent, affordable housing, suitable living environments and expand economic opportunities for low and moderate-income Vermonters. The state will continue to pursue those goals with the new CDBG-RHP program. It will do so according to three guiding principles. The first is achieving the perpetual affordability of housing resources and investments. The second principle is promoting development in State designated downtowns, village centers, neighborhood development areas and other areas that are consistent with the state's historic settlement pattern and "Smart Growth" – including designated 'new town centers' and 'growth centers'. The third principle is to link our homeless assistance activities with permanent housing through systems, practices and initiatives that are informed by data and proven approaches. Under all circumstances, the State is committed, and obligated, to ensuring that any project funded, and those entities responsible for administering such funds must affirmatively further fair housing and work towards overcoming illegal housing discrimination and broadening housing options for all people.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The plan establishes four goals to address the identified housing and community development priorities.

1. Increase the supply and quality of affordable housing.
2. Decrease the number of people experiencing homelessness.
3. Create and retain jobs.
4. Strengthen communities and improve the quality of life of Vermonters.

Strategies for meeting these goals and the desired outcomes are detailed in the Strategic Plan section. The State will use CDBG, CDBG-RHP, HOME, HTF and ESG funds for housing, homelessness, job, and community strengthening activities. Outcomes over the next five years will include:

Housing: 700 rental units being constructed or rehabilitated, 510 homeowner units being developed and rehabilitated and 25 housing units for the homeless added.

Homelessness: 2,500 households assisted with rental and rapid rehousing assistance and 15,000 nights of shelter provided.

Jobs: 150 jobs being created or retained and 10 businesses being assisted.

Communities: 21,450 persons served by improved public facilities or infrastructure, 1,750 persons assisted by public services, 2 acres of brownfields being remediated and two blighted buildings being demolished.

3. Evaluation of past performance

The following is the actual data reported in Vermont's Consolidated Annual Performance Evaluation Report (CAPER) for FY15-FY18 for CDBG, HOME, ESG and HTF for housing units assisted, jobs created/retained, homeless individuals/households assisted, and individuals/households served through public facility and public service projects.

The State exceeded the 1,050 "housing units assisted" originally projected in the FY15 Consolidated Plan by 95% through the reporting period covered in the FY18 CAPER with CDBG, HOME and HTF funds, and the FY19 units assisted will continue to increase that percentage. This impressive surpassing of the original FY15-FY19 goals was due in part to the availability of HTF resources in FY16 that were not originally accounted for. There were also several especially large projects that utilized funding covered by this Plan over the reporting period. As such, the State does not anticipate assisting that number of housing units previously reported through the CAPER but has adjusted upward the target number of units assisted by 15% from what was proposed in the FY15 Consolidated Plan.

CDBG anticipates being close to meeting its target of 175 jobs created/retained originally projected in its FY15 Consolidated Plan but plans to reduce the number of jobs projected for this Consolidated Plan. This reflects an understanding of the number of jobs currently anticipated to be created/retained in the pipeline for economic development.

CDBG exceeded the number of individuals assisted for public facility projects by year 3 of the FY15 Consolidated Plan. CDBG plans to increase the number of persons served for public facilities by 15% due to the increased needs in childcare and infrastructure across the state that were discussed at the community outreach meetings for this Plan.

CDBG exceeded the number of individuals and households served for “public service” in the previous plan. The State does not anticipate maintaining the levels reached over the past 4 years as indicated in the above chart for public service. CDBG currently has projects in the pipeline with housing counseling programs that have projections to serve nearly four times the amount (375) projected in the previous consolidated plan. Due to that forecast CDBG plans to increase the projections in households served to 1,500.

ESG exceeded the number of homeless Rental Assistance/Rapid Rehousing households served and Homeless Overnight Shelter stays than originally projected. ESG plans to increase the numbers served for Rental Assistance/Rapid Rehousing by 25% and for Homeless Overnight Shelter stays by 50% from our previous plan.

Year	Housing Units Assisted	Jobs Created or Retained	Homeless Rental Assistance	Homeless Overnight	Public Facility Projects Individuals Assisted	Public Service Projects Individuals Assisted	Public Service Housing households	Community Planning Projects Awarded
2015	741	20	600	4208	9194	11493	1758	5
2016	421	39	756	3954	0	0	1661	6
2017	543	55	1635	2366	24410		1661	3
2018	342	21	562	3709	0	0	2547	9
Totals	2047	135	3553	14237	33604	11493	7627	23

Table of Past Performance

4. Summary of citizen participation process and consultation process

In developing this Plan, the Department of Housing and Community Development (DHCD), the Vermont Housing and Conservation Board (VHCB), and the Office of Economic Opportunity (OEO) followed the State’s Citizen Participation Plan and consulted with a broad range of local, regional and State organizations, including units of local government, both Continua of Care and the Citizen Advisory Group. In addition, they conducted four community outreach meetings and an online survey to gather input on the needs of residents and communities in the areas of housing, economic development, public facilities, and services. Input provided during the outreach meetings are summarized in the Citizen Participation and Consultation sections and greatly informed the draft plan published for public comment.

5. Summary of public comments

The Department received significantly more public comments on the 2020-2024 draft Consolidated Plan than in the past. This is likely due to increased outreach and solicitation for comments as well as growing awareness of the importance of the sources covered by this plan to fund proposed projects. In an era of shrinking resources and rising costs, the programs articulated here are increasingly oversubscribed and simultaneously essential for completing the array of funding necessary to address the goals outlined below.

Written comments were received by the following organizations: Champlain Housing Trust, Cathedral Square Corporation, First Step Recovery Housing, Vermont Human Rights Commission, Housing VT, Vermont Center for Independent Living, Vermont Housing Finance Agency, Vermont Legal Aid, World Learning School for International Training, and the Windham Windsor Housing Trust.

Comments ranged from suggestions for very specific changes in the narratives to broad support of overall goals and the necessity to continue the important work supported by the programs discussed in this Plan. Most comments were accepted in some form and increased specificity, clarity, and otherwise strengthened the Plan. There were, however, several comments that were deemed outside the jurisdiction of these programs, which are elaborated in the following summary.

Extensive comments were submitted from Vermont Legal Aid suggesting significantly increased emphasis on the obligation to, and support for, affirmatively furthering fair housing. The Department strongly supports these efforts and took care to include more explicitly such support for these goals within the limitations of the Consolidated Plan format and character limits. While these commitments were not as explicit in past plans, they do manifest in the grant agreements and other requirements surrounding dispersal of the Consolidated Plan programs. Similarly, making more explicit the commitment to supporting housing that is accessible to all and located within inclusive communities was underscored in several places that had previously mentioned the goals of providing housing that was “safe, decent, and affordable”.

In conjunction with prior stated commitments to prioritize funding of projects located within areas designated for growth in accordance with “Smart Growth” principles, the Plan was also edited to accept the request that ‘new town center’ and ‘growth center’ designations receive the same level of priority as other State Designated Areas.

The majority of written public comments underscored existing and growing need and the increasing importance of these programs to ensure essential community development investments and human service provision.

6. Summary of comments or views not accepted and the reasons for not accepting them

Most comments that included suggested changes to the Consolidated Plan draft were incorporated in some manner, however, there were a minority of comments and views that were not incorporated. Of these, most were not able to be incorporated because they were outside of the jurisdiction of this Plan and the eligible activities for these programs. This included, creating a rental registry and collecting better consumer-level data on rental units, supporting the issuance of a State Bond for increased housing development, and addressing local zoning and land use regulations that present a barrier to affordable housing development. While such efforts would be largely supported, the programs included in the Consolidated Plan are likely not the most appropriate resources and should be addressed through other means. In a similar vein, several commenters suggested use of funds for ongoing program support that would not be possible with existing public service caps. For example, providing support for job training programs for people with developmental disabilities, providing monetary assistance for childcare, enhancing mental health services and training for service workers, were all mentioned as needs. While the Department acknowledges the need and supports work to address it, the programs covered under this plan are ill-suited to provide the ongoing program support that was described. As noted above, extensive comments were received from Vermont Legal Aid regarding the need to affirmatively further fair housing. One such suggestion was to identify Fair Housing activities and efforts to eliminate housing discrimination as a “high level” goal and priority. While the organizations administering these funds have all committed to affirmatively furthering fair housing and include concrete requirements of recipient grantees to demonstrate their efforts toward the same, it was understood that the structure of the Plan does not allow these activities to be listed as a “priority” or “goal” as those terms are defined. There were, however, notable instances where the Plan narrative was edited to be more explicit about the commitment to furthering fair housing and supporting inclusive communities. There were conflicting comments about inclusion of “new town centers” and “growth centers” in the stated prioritization of projects within State Designated Areas. The opposition to such inclusion was rejected for two significant reasons. Firstly, these designations, which are the newest in the State Designation Program, are intended to promote “Smart Growth” principles, which is already noted in the existing Plan and, therefore, are interpreted by many to already be included in the stated prioritization. Secondly, to ensure fair geographic distribution of funds, communities who commit to “Smart Growth” principles by seeking the new town center and growth center designations need to have an equal opportunity to access funding as communities that already have an established downtown or village. To neglect to make explicit the intention of supported identified areas of growth would both exclude well-meaning municipalities and remove an incentive to avoid continued sprawl in areas where developing a dynamic municipal center has been a need identified by the community.

Final Paragraph to ES-05 #6

Finally, there were several concerns submitted regarding the Special Housing Projects Pilot usage of Community Development Block Grants. As proposed, this pilot would make explicit the intention to seek project applicants who can demonstrate an ability to use underutilized resources, such as the State’s Private Activity Bond Cap and “4%” Low Income Housing Tax Credits. The Pilot also aims to more

explicitly consider per unit development costs given the context of the particular project. Based on recommendations from the recently completed Housing Cost Study, successful applicants for this Pilot would also demonstrate the limited need for multiple sources of public funding – which was noted as a significant driver of overall project cost. The concerns voiced were that, given the oversubscription to CDBG funds in recent years, this would divert funds from deserving projects and also that consideration of per-unit costs lacked a contextualization that recognized policy priorities that drive costs. It was noted by Department staff that the criteria that defined this Pilot would be in addition to existing CDBG criteria, and therefore any program eligible for the Pilot would be eligible for a CDBG grant currently. Since the maximum amounts available for the described Pilot are not being set aside, these additional criteria are merely making explicit a desire to address recommendations from the Housing Cost Study and if no projects meet the criteria the funding amounts noted will be distributed to other applicants. In other words, this Pilot does not create a ‘new slice’ out of the existing pie but rather encourages consideration of the use of underutilized resources not currently considered. While the Pilot was not removed based on the comments received, efforts were taken to alter the description in order to ensure that project context is taken into account when considering per unit costs instead of merely focusing on unit cost averages.

7. Summary

The growing need and shrinking availability of resources to support housing and community development and human service provision is leading to a growing interest in the process establishing program priorities. This has resulted in many stakeholders across the State of Vermont developing an increasing interest in the Consolidated Planning process and in becoming involved and submitting comments. Many of these comments have voiced support for these program priorities and an understanding of the fundamental needs that need to be addressed with these limited funds. Others were constructive suggestions for alterations to the Plan that lead to increased clarity and specificity. Ultimately, the public comments and engagement in this process speaks volume to the importance of the programs covered under this Consolidated Plan

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.300(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	VERMONT	Vermont Community Development Program, DHCD/ACCD
HOME Administrator	VERMONT	Vermont Housing and Conservation Board
ESG Administrator	VERMONT	Office of Economic Opportunity, DCF/AHS
HTF Administrator	VERMONT	Vermont Housing and Conservation Board

Table 1 – Responsible Agencies

Narrative

The DHCD is designated as the agency responsible for developing the Consolidated Plan and administering CDBG and Recovery Housing Program. The mission of the department is to improve the lives of Vermonters and further the sustainable development of Vermont communities.

By State statute, the Vermont Housing and Conservation Board (VHCB) has been designated as the agency responsible for administering HOME funds and the Housing Trust Fund. Therefore, the State's HOME program will be administered by VHCB pursuant to a contract with the Department. Additionally, HTF is to be administered by VHCB in accordance with the "Vermont HTF Allocation Plan".

The OEO, as part of Agency of Human Services (AHS), administers the ESG program. The mission of AHS is, "To improve the health and well-being of Vermonters today and tomorrow and to protect those who are unable to protect themselves." The highest priority for AHS housing efforts is to end homelessness in Vermont. The AHS Office of Economic Opportunity works in partnership with the private sector, community-based organizations, and others to increase the self-sufficiency of Vermonters, strengthen Vermont communities, and eliminate the causes and symptoms of poverty.

Stable, safe, affordable housing is critical to the health and well-being of all Vermonters. Homelessness is a complex issue that is about poverty as well as chronic health challenges that impact a significant portion of Vermonters served by the Agency. Put simply, AHS cannot achieve its mission when people are experiencing the trauma and instability of homeless. As such, the goal of all AHS housing-related investments is to prevent and end homelessness in Vermont.

The Office of Economic Opportunity, as part of AHS, administers the ESG program. The mission of AHS is, “To improve the health and well-being of Vermonters today and tomorrow and to protect those who are unable to protect themselves.” The highest priority for AHS housing efforts is to end homelessness in Vermont. The AHS Office of Economic Opportunity works in partnership with the private sector, community-based organizations, and others to increase the self-sufficiency of Vermonters, strengthen Vermont communities, and eliminate the causes and symptoms of poverty.

The Agency, and its many state and local partners, support a continuum of housing and housing-related support services. Above all, AHS prioritizes permanent housing that is 1) affordable to those making less than 30% of Area Median Income (AMI) and 2) that accommodates the needs of AHS clients struggling with any number of challenges like poverty, family instability, and disabling medical conditions including substance use and mental health issues.

Consolidated Plan Public Contact Information

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PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.200(I) and 91.315(I)

1. Introduction

In developing the State's 2020-2024 Consolidated Plan, DHCD consulted with a multitude of organizations, including municipal governments, representatives on the “ConPlan Advisory Board”, and many local and regional organizations and stakeholders in housing and homeless service programs. In preparing its plan DHCD, through the Advisory Board and other partner organizations, distributes information about the consolidated planning process and seeks to engage involvement from a wide constituency of people, including participation from low and moderate-income people, people living in slum and blighted areas and in areas where CDBG, HOME, HTF and ESG funds are used. In addition, DHCD created an online survey to gather input. A link to the survey was distributed through several stakeholder newsletters encouraging participation from stakeholder groups and to forward to the general population.

To consult specifically on ESG, the Office of Economic Opportunity (OEO) reaches out to the Continuums of Care (CoC), nonprofit homeless shelter and service providers, as well as other State agency and nonprofit partners where homeless policy and service populations overlap.

To consult with agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management, DHCD reached out to the Vermont Emergency Management Agency (VEM). Information on the “vulnerability of housing occupied by low- and moderate-income households to increased natural hazard risks due to climate change” came from VEM’s 2018 Vermont State Hazard Mitigation Plan’s Vermont Profile and Hazard Assessment of populations vulnerable to natural disasters.

To consult with broadband Internet providers and “organizations engaged in narrowing the digital divide”, DHCD contacted the Vermont Department of Public Service which “tracks broadband deployment for all buildings in the state and updates the data annually with new information from broadband service providers.” This information is generally more precise and accurate than data tracked by the FCC and other jurisdictions which only goes to the census block level. The DHCD did not contact individual Internet providers because there are more than 60 different providers in the state.

Provide a concise summary of the state’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

In the last several years, affordable housing providers and representatives of health, mental health, environmental, labor, and service agencies have substantially strengthened their networking and coordination activities. The State, through DHCD and OEO, has led, actively encouraged and participated

in these efforts, and will continue to do so. In addition to participating in the two Continua of Care groups, DHCD also coordinated with the Department of Health on Vermont's "Health in All Policies" initiatives that are aimed at ensuring a health-centric policy lens is used to assess all State policies and address gaps in the system to maintain and enhance the health outcomes for all Vermont residents.

Similarly, DHCD coordinates economic development activities with the Department of Economic Development (also of ACCD), regional development corporations, local and state chambers of commerce and other State agencies.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The State of Vermont has two Continua of Care, Chittenden County and "Balance of State". The OEO and DHCD both participate in regular meetings of these groups through the Chittenden Homelessness Alliance and the Vermont Coalition to End Homelessness which are each a coalition of homeless service providers, mental health care providers, Veterans Affairs, service providers addressing the needs of homeless and runaway youth, and other organizations with missions to address the needs of those who are experiencing homelessness or precariously housed. These groups meet monthly to discuss ongoing efforts and needs and coordinate resources and advocacy efforts.

Staff from DHCD and OEO also participate in meetings of the gubernatorially created Council on Homelessness, which is hosted and chaired by the Agency of Human Services, OEO's parent Agency. Quarterly meetings of the Council bring together a broad swath of service providers to make recommendations on how the Executive Branch can establish policies and requests of the legislature to support the needs of Vermonters experiencing or at risk of homelessness.

The Vermont Council on Homelessness develops, monitors and reports on the Vermont Plan to End Homelessness. The Council, chaired by the AHS Secretary's Office, includes representatives from across State government including the Department for Children and Families, Department of Mental Health, Department of Disabilities, Aging & Independent Living, Agency of Education, Department of Corrections, DHCD, as well as persons with lived experience of homelessness and representatives from the Continuums of Care.

Vermont's five-year plan (2018-2022) endorses three key strategies to prevent and end homelessness.

1. Housing Supply, Affordability, Access: Increase the number of homes affordable to Vermonters with extremely low-incomes (less than 30% of area median income), especially those who are homeless.
2. Coordination of Programming: Align programs serving Vermonters who are homeless, or at risk of homelessness, under the clear objective of Housing Stability. Emphasize meeting the housing needs of the Person, not merely the program.
3. Supportive Services: Expand the capacity of programs to provide individualized supportive services once formerly homeless families and individuals move into permanent housing.

These strategies are designed to be implemented through 20 action items. Vermont's plan now contains an appendix, including: an overview of the Ending Family Homelessness framework; a summary of Vermont's Youth Homelessness Prevention Plan; the Blueprint for Ending Veteran's Homelessness in Vermont; technical definitions of "Homelessness" and "At-Risk"; and an overview of Coordinated Entry and Assessment.

Vermont has worked to restructure its homeless assistance funding to better align with state and federal goals to reduce the number of individuals and families experiencing homelessness, shorten the length of time persons are homeless, and to reduce the number of people returning to homelessness.

Vermont has received a HUD Youth Demonstration Program award and is currently testing out various innovative program to address and prevent homelessness amongst youth and young adults. AHS-DCF is involved with the ongoing work of these partners.

Describe consultation with the Continuum(s) of Care that serves the state in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

Vermont has two HUD Continuums of Care (CoC), the Chittenden County CoC (known as the Chittenden County Homeless Alliance) and the Balance of State CoC (known as the Vermont Coalition to End Homelessness). The Balance of State CoC is a coalition of 13 local or regional CoCs.

The State Office of Economic Opportunity (OEO) coordinates with partners in AHS, the CoCs, and external stakeholders to ensure that the Emergency Solutions Grant program is part of an integrated, statewide strategy to ending homelessness and improving housing and stability outcomes for families and individuals. CoCs have provided input into how Vermont is determining the allocation of funds, the development of performance and evaluation outcomes, and the development of policies and procedures for the administration of HMIS. This input and consultation has been provided through 3 primary methods:

- Formal presentations and discussion at CoC Meetings, at least annually
- OEO Housing Advisory Group and the Vermont Council on Homelessness
- Online Survey

OEO and AHS are active participants in the governance of each CoC. OEO also serves on and/or chairs various committees in each, including HMIS, Coordinated Entry and other ad hoc workgroups.

OEO convenes a Housing Advisory Group composed of grantee organizations who also serve as leaders in local Continua of Care; this group provides a deeper review of broad stakeholder input, including program standards, the process for making subawards, and performance measures. OEO also participates on the Vermont Council on Homelessness.

OEO issues a public survey distributed to all program grantees and posted to both CoC list-serves to solicit input on funding priorities and review performance measurements. This survey is in addition to the public survey and community sessions for the entire Consolidated Plan.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Vermont Legal Aid
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities Service-Fair Housing Legal Services
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
2	Agency/Group/Organization	CVOEO
	Agency/Group/Organization Type	Services - Housing Regional organization
	What section of the Plan was addressed by Consultation?	Annual Action Plan
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
3	Agency/Group/Organization	Rutland Regional Planning Commission
	Agency/Group/Organization Type	Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
4	Agency/Group/Organization	VERMONT HOUSING FINANCE AGENCY
	Agency/Group/Organization Type	Housing Other government - State

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
5	Agency/Group/Organization	Homeless Prevention Center
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
6	Agency/Group/Organization	Vermont Agency of Human Services
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Health Health Agency Child Welfare Agency Grantee Department

	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
7	Agency/Group/Organization	Springfield Regional Development Corporation
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
8	Agency/Group/Organization	West Rutland
	Agency/Group/Organization Type	Other government - Local Civic Leaders
	What section of the Plan was addressed by Consultation?	Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
9	Agency/Group/Organization	Southern Windsor County Regional Planning Commission
	Agency/Group/Organization Type	Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
10	Agency/Group/Organization	Vermont Center for Independent Living
	Agency/Group/Organization Type	Services - Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
11	Agency/Group/Organization	CHAMPLAIN HOUSING TRUST
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Regional organization
	What section of the Plan was addressed by Consultation?	Annual Action Plan
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
12	Agency/Group/Organization	Vermont Affordable Housing Coalition
	Agency/Group/Organization Type	Statewide Membership Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
13	Agency/Group/Organization	Vermont Interfaith Action
	Agency/Group/Organization Type	Faith-based Organization

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Annual Action Plan
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
14	Agency/Group/Organization	Vermont Economic Development Authority
	Agency/Group/Organization Type	Other government - State Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
15	Agency/Group/Organization	COMMUNITY CAPITAL OF CENTRAL VERMONT
	Agency/Group/Organization Type	Small Business and Microenterprise Lender Community Development Financial Institution
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
16	Agency/Group/Organization	CATHEDRAL SQUARE CORPORATION
	Agency/Group/Organization Type	Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.

17	Agency/Group/Organization	VERMONT HOUSING AND CONSERVATION BOARD
	Agency/Group/Organization Type	Housing Other government - State Grantee Department
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board. VHCB administers the HOME funds and HTF for Vermont.
18	Agency/Group/Organization	Central Vermont Economic Development Corporation
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
19	Agency/Group/Organization	Vermont State Housing Authority
	Agency/Group/Organization Type	Housing PHA Other government - State
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
20	Agency/Group/Organization	Montpelier Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.

21	Agency/Group/Organization	Vermont Soap Company
	Agency/Group/Organization Type	Business Leaders
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization is represented on the Advisory Board.
22	Agency/Group/Organization	Town of Castleton
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Castleton Regional Outreach Meeting
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization hosted a Consolidated Plan Regional Outreach meeting.
23	Agency/Group/Organization	SPRINGFIELD TOWN
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Springfield Regional Outreach meeting
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization hosted a Consolidated Plan Regional Outreach meeting.
24	Agency/Group/Organization	Town Milton
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Milton Regional Outreach Meeting
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization hosted a Consolidated Plan Regional Outreach meeting.
25	Agency/Group/Organization	Town of St. Johnsbury
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	St. Johnsbury Regional Outreach Meeting

How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization hosted a Consolidated Plan Regional Outreach meeting.
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Identify any Agency Types not consulted and provide rationale for not consulting

No Agencies were intentionally left out of consulting efforts for this Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		
Statewide Housing Needs Assessment	Vermont Housing Finance Agency	The Statewide Housing Needs Assessment informed the NA and MA forms in the Strategic Plan

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination among the State and any units of general local government, in the implementation of the Consolidated Plan (91.315(l))

In order to maximize opportunities for public participation DHCD organized four regional citizen outreach “Community Meetings” between January and March 2020. The OEO and VHCB participated in many of these, as well. Each community meeting was organized with several local co-hosts, including municipalities. The community meetings were advertised via websites, newspaper ads, and newsletter emails. Every municipality (local government) in the state and every regional planning, regional housing and regional economic development organization was invited to attend. Meetings were held in the following communities: St. Johnsbury, Milton, Castleton, and Springfield.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Consolidated Plan is developed with public input as per the State of Vermont Citizen Participation Plan adopted April 2005.

In January through March 2020 four regional meetings were held across the state to gather input and comment from the general public about community development needs. These were advertised through local newspapers and outreach by "Partners" from local municipalities and nonprofits. Meetings were held in Milton, Castleton, St. Johnsbury, and Springfield. In addition, the Department developed an online survey that was broadly distributed across the state through posting on DHCD's website, including it in DHCD's Strong Communities electronic newsletter, Vermont Housing Finance Agency blog post, and Newsletters of the Vermont Affordable Housing Coalition and Vermont Coalition to End Homelessness.

The Draft plan was published on DHCD's website on March 26, 2020 and its availability was widely distributed via email and included in the legally warned public hearing notice.

In January and April 2020, the Department convened meetings of the Consolidated Plan Citizen Advisory Board. The meetings were held in addition to two Public Hearings. The Consolidated Plan Citizen Advisory Board was formed to guide the development and priorities of the State's Consolidated Plan. The Citizen Advisory Board encompasses a broad range of constituents including representation from organizations that are faith-based, serve the homeless and persons with disabilities, seniors, public housing tenants, economic development, and other non-housing community development needs. Citizen Advisory Group members are encouraged to distribute information about the consolidated planning process to their constituents and people they serve. Members of this group assist in stimulating involvement from a wide constituency of people, especially participation from low- and moderate-income people, people living in slum and blighted areas, and in areas where CDBG, HOME, HTF and ESG funds are used.

Two public hearings were legally warned and publicized two weeks in advance in all major newspapers across the state and by postings, email, and online. The first hearing was conducted on January 31, 2020, before development of the plan to obtain citizens' views about the needs and interests of the public in the areas of housing, public services, community development and economic development, development of proposed grant activities, and to review past performance related to the HUD Consolidated Plan. The second hearing was held on April 13, 2020 in a virtual platform due to COVID 19 outbreak to hear comments on the draft plan and was followed by a 30-day written comment period.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response / attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/ broad community	Three people gave testimony at the hearing.	Three people gave testimony on economic development, preschool childcare, and housing needs. See notes.	N/A. This hearing was held to get input before drafting the plan.	https://accd.vermont.gov/sites/accdnew/files/documents/Housing/ConPlan-Public-Hearing-Notes-Jan-31-2020.pdf

Sort Order	Mode of Outreach	Target of Outreach	Summary of response / attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Non-targeted/ broad community	This hearing was held virtually due to coronavirus. Approximately eleven people provided testimony.	See notes.	No comments were not accepted. One person commented about using CDBG for rental assistance. The department said it's not a normal use for CDBG so but was willing to look into it. One person commented about the need for housing availability and modifications for people with mental illness. The department offered to receive information about this need. A few people made comments relating to federal CARES act funding. The department explained that CARES funding will be addressed in the FY 2019 Amendment.	https://accd.vermont.gov/sites/accdnew/files/documents/Housing/ConPlan%20Meeitng%20-%20April%2013%202020.pdf

Sort Order	Mode of Outreach	Target of Outreach	Summary of response / attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Internet Outreach	Non-targeted/ broad community	DHCD conducted an online survey on the site Survey Monkey that was open from September 2019 to May 2020. A total of 319 respondents completed the survey.	See summary of survey responses.	N/A	https://accd.vermont.gov/sites/accdnew/files/documents/Housing/DHCD-ConPlan-Citizen-Participation-Survey-Results.pdf

Sort Order	Mode of Outreach	Target of Outreach	Summary of response / attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Meeting	Non-targeted/ broad community	Eight people attended the community outreach meeting held in Milton, Vermont on January 23, 2020.	See notes.	N/A	https://acd.vermont.gov/sites/acdnew/files/documents/Housing/ConPlan%20Meeting%20Mintues%20-%20Milton_1-23-20.pdf
5	Public Meeting	Non-targeted/ broad community	Four people attended the community outreach meeting held in Castleton, Vermont on February 4, 2020.	See notes.	N/A	https://acd.vermont.gov/sites/acdnew/files/documents/ConPlan%20Meeting%20Mintues%20-%20Castleton.pdf

Sort Order	Mode of Outreach	Target of Outreach	Summary of response / attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
6	Public Meeting	Non-targeted/ broad community	Seven people attended the community outreach meeting held in St. Johnsbury, Vermont on February 19, 2020.	See notes.	N/A	https://accd.vermont.gov/sites/accdnew/files/documents/Housing/DHCD-Minutes-StJohnsbury-Con-Plan-Outreach-02-19-2020.pdf
7	Public Meeting	Non-targeted/ broad community	Six people attended the community outreach meeting held in Springfield, Vermont on March 3, 2020.	See notes.	N/A	https://accd.vermont.gov/sites/accdnew/files/documents/Springfield%20Con%20Plan%20minutes%2003-09-20.pdf

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The housing and homeless needs assessment and market analysis in this plan are based on the pre-populated data tables provided by HUD as supplemented and supported by the Vermont Housing Needs Assessment, which was conducted by the Vermont Housing Finance Agency. Homeless and special needs information was provided by the State Agency of Human Services, Office of Economic Opportunity as well as the Department of Corrections and a network of organizations that provide support for survivors of domestic violence. Public housing needs are primarily based on pre-populated data as evaluated by Vermont's public housing directors.

In 2019, DHCD selected the research team at Vermont Housing Finance Agency (VHFA) to conduct a statewide Housing Needs Assessment. In addition to providing analysis of a number of indicators of the economic and housing market throughout the state and for each of the 14 counties in Vermont, this effort also supported an ongoing data collection and dissemination project known as the HousingData.org Community Profiles. VHFA analyzed the current state of Vermont's housing stock along with the economic makeup of the state and used growth and economic projections to suggest priorities for addressing Vermont's current and future housing needs. Much of the data collected for this analysis, and its conclusions, were drawn upon during the creation of this Plan. The statewide report and county chapters from the Vermont Housing Needs Assessment are available on the Department's website at: <https://accd.vermont.gov/housing/plans-data-rules/needs-assessment>.

NA-10 Housing Needs Assessment - 24 CFR 91.305 (a,b,c)

Summary of Housing Needs

As evidenced by the 2020 Housing Needs Assessment, American Community Survey data, and public outreach efforts, Vermont continues to grapple with a lack of housing that is affordable, safe, and available. At least 34% of all households in Vermont are housing cost burdened. Renter households are even more precarious, with 50% of the renter households bearing a housing cost burden. As the housing stock continues to age and wages stay stagnant, the state is increasingly attending to homes (both rental and owner-occupied) that do not meet basic health and energy efficiency standards. There are still people in Vermont who are experiencing homelessness for lack of available units. In short, more housing is need, it needs to be affordable, and in order to address other societal needs and desires it should be located in areas with access to services and commerce. While the population of Vermont has not risen dramatically in recent history, the number of households has increased changing the nature of the housing needs. It is also reasonable to expect that as the effects of climate change put increasing pressure on our nation’s coastal areas, places like Vermont can expect to see increased migration, which will further stress our existing stock. Additional housing units are needed today and that need will continue to grow for the anticipated future.

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	625,741	626,604	0%
Households	250,375	257,167	3%
Median Income	\$51,284.00	\$55,176.00	8%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	32,380	31,595	46,445	28,990	117,755
Small Family Households	7,840	8,225	15,240	11,430	63,275
Large Family Households	700	1,240	2,790	1,735	6,205
Household contains at least one person 62-74 years of age	6,080	7,810	10,770	6,835	28,035
Household contains at least one person age 75 or older	5,935	7,165	6,895	3,020	7,040
Households with one or more children 6 years old or younger	3,800	3,520	5,955	4,010	10,220

Table 6 - Total Households Table

Data Source: 2011-2015 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	535	335	320	265	1,455	380	165	235	30	810
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	285	280	315	125	1,005	10	60	105	25	200
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	280	345	340	235	1,200	90	125	290	200	705
Housing cost burden greater than 50% of income (and none of the above problems)	11,350	4,085	705	65	16,205	8,340	6,260	4,360	830	19,790

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	2,220	5,880	6,210	995	15,305	2,180	6,125	9,970	5,420	23,695
Zero/negative Income (and none of the above problems)	800	0	0	0	800	675	0	0	0	675

Table 7 – Housing Problems Table

Data 2011-2015 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	12,450	5,050	1,680	690	19,870	8,820	6,610	4,995	1,085	21,510
Having none of four housing problems	6,415	9,250	14,715	7,345	37,725	3,220	10,685	25,060	19,865	58,830

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Household has negative income, but none of the other housing problems	800	0	0	0	800	675	0	0	0	675

Table 8 – Housing Problems 2

Data 2011-2015 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	4,415	3,605	2,385	10,405	2,010	2,960	5,225	10,195
Large Related	325	455	365	1,145	240	520	980	1,740
Elderly	3,205	2,600	1,250	7,055	5,760	7,015	5,145	17,920
Other	6,450	4,015	3,180	13,645	2,820	2,110	3,130	8,060
Total need by income	14,395	10,675	7,180	32,250	10,830	12,605	14,480	37,915

Table 9 – Cost Burden > 30%

Data 2011-2015 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	3,805	1,410	110	5,325	1,780	1,810	1,495	5,085
Large Related	285	130	60	475	180	185	200	565
Elderly	2,315	1,100	255	3,670	4,195	3,030	1,570	8,795

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Other	5,630	1,720	305	7,655	2,425	1,325	1,110	4,860
Total need by income	12,035	4,360	730	17,125	8,580	6,350	4,375	19,305

Table 10 – Cost Burden > 50%

Data 2011-2015 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	415	555	480	225	1,675	110	165	340	110	725
Multiple, unrelated family households	45	35	90	75	245	0	10	65	115	190
Other, non-family households	135	50	85	65	335	10	8	0	10	28
Total need by income	595	640	655	365	2,255	120	183	405	235	943

Table 11 – Crowding Information – 1/2

Data 2011-2015 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	0	0	0	0	0	0	0	0

Table 12 – Crowding Information – 2/2

Data Source
Comments:

Describe the number and type of single person households in need of housing assistance.

According to the 2020 Vermont Housing Needs Assessment, the number of single person households has expanded faster than any other household type since 2010. By 2017 there were an estimated 79,584

single person households, comprising 30% of all households in the state. Even as an expanding group, single person households are disproportionately represented in the low- to moderate-income categories with approximately 54,984 single person households earning less than 80% of the area median income.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

Of the entire Vermont adult population, 22% report having at least one type of disability. Of Vermonters who are beyond 65 years of age, 33% report having a disability compared to only 12% of younger households. In no county in Vermont can a single-person household living entirely on SSDI benefits afford an apartment rented at the calculated HUD fair market rent.

Survivors of domestic and sexual violence in Vermont can receive services through a partnership of organizations under the Vermont Network Against Domestic and Sexual Violence. According to the 2019 data snapshot, the Vermont Network member organizations helped 8,760 in the preceding year. Of those, approximately 75% were female-identified adults. The same report cited 2,546 people accepted some form of help with housing. In an effort to further elevate the needs and enhance protections for people who have survived domestic and sexual violence, Vermont's General Assembly has added protected status to "victims of domestic and sexual violence" in Vermont's Fair Housing and Public Accommodations statutes.

What are the most common housing problems?

As defined by HUD, housing problems are cost burden, overcrowding, and lack of a complete kitchen or plumbing facilities (substandard housing). By far, the most common housing problem experienced by Vermonters is cost burden.

There are an estimated 89,840 Vermont households (36%) that are paying more than 30% of household income for housing costs and of these cost burdened households 39,150 (16%) are paying 50% or more of household income. A larger proportion of renters, 51%, are cost burdened statewide than similarly burdened homeowners, who make up 30% of the total number of homeowner households.

Are any populations/household types more affected than others by these problems?

Households with income below 50% of Area Median Income are significantly more likely to experience cost burden. This is true regardless of household size, although more large households – 5 or more individuals - with incomes below 50% of AMI are experiencing cost burden.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the

needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Families living in poverty spend a higher proportion of their household income on basic necessities. An estimated 68,639 Vermonters (11%) live in poverty.

It is difficult to predict which families and individuals are currently housed but at imminent risk of homelessness. Many who do end up homeless report their previous living situation as ‘doubled up’ with family or friends. The characteristics of families and unaccompanied youth currently experiencing homelessness can be informative. According to the 2019 Point in Time Count, a total of 1,089 Vermonters were counted as literally homeless. Of this total, 23% (251 people) were children under 18 years of age, including 6 (0.5%) who were unaccompanied minors. Looking more broadly at “youth”, defined as individuals age 24 and younger, an additional 136 persons were counted as homeless who were between 18 and 24 years of age. Twenty seven of these homeless youth were parents themselves, with 35 children in these households. These parenting youth represented 21% of all households with children.

For those families that do become homeless, most will require short-term homeless services to transition to permanent housing combined with access to affordable housing. These families may have established or re-established a support system that likely includes at least some mainstream resources. A smaller number of families, particular those with disabilities, will require longer-term rental subsidies and support services. In addition, both families at-risk and formerly homeless commonly need transportation, employment opportunities, affordable child care, and access to mental health and substance abuse services.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The jurisdiction does not have estimates of the at-risk population, but uses the HUD definition to define this population as:

An individual or family with an annual income below 30% of median family income for the county; who lacks sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the homeless definition; who has no appropriate subsequent housing options identified; AND who meets one of the following conditions:

- Has moved because of economic reasons 2 or more times during the preceding 60 days; OR
- Is living in the home of another because of economic hardship; OR
- Has been notified they will lose their housing within 21 days; OR
- Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; OR

- Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons; OR
- Is exiting a publicly funded institution or system of care.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Substandard housing or housing with one or more housing problems including cost burdened are linked to instability. In particular, households that are extremely low income and severely cost burdened are linked to an increased risk of homelessness.

NA-15 Disproportionately Greater Need: Housing Problems - 91.305 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems as defined by HUD at a greater rate (10 percentage points or more) than the income level as a whole. While Vermont is slowly becoming more diverse, it is still made up of predominately white households with 265,208, or 94.9%, of all Vermont households identifying as “white alone”. In comparison, approximately 77% of all U.S. households similarly identify as “white alone”. Due to the small proportion of racial and ethnic minority households in Vermont, even a small number experiencing a housing problem can result in a disproportionately greater need for that group than the State as a whole.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	25,720	5,331	1,555
White	24,030	4,970	1,430
Black / African American	315	65	39
Asian	267	63	14
American Indian, Alaska Native	167	57	20
Pacific Islander	0	0	0
Hispanic	416	20	14

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	23,657	7,958	0
White	22,202	7,736	0
Black / African American	208	0	0
Asian	380	64	0
American Indian, Alaska Native	105	12	0
Pacific Islander	0	0	0
Hispanic	343	89	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	22,827	23,618	0
White	21,727	22,699	0
Black / African American	129	110	0
Asian	303	140	0
American Indian, Alaska Native	68	85	0
Pacific Islander	4	0	0
Hispanic	328	273	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	8,243	20,802	0
White	7,820	20,013	0
Black / African American	70	107	0
Asian	142	63	0
American Indian, Alaska Native	0	80	0
Pacific Islander	4	0	0
Hispanic	92	244	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2011-2015 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

In the 0-30% of Area Median Income category, it was found that 78.9% (25,720 out of 32,606) of all households reported have housing problems, and that only the Hispanic households were found to have disproportionately greater housing needs with 92.4% (416 out of 450) of Hispanic households reporting to have housing problems. In the 30-50% of Area Median Income category, it was found that 74.8% (23,657 out of 31,615) of all households reported having a housing problem. Within this category, 100% (208) of Black/African American households, 85.6% (380 out of 444) of Asian households, and 89.7% (105 out of 117) of American Indian, Alaskan Native households were found to have a housing problem, representing a disproportionate number of said households compared to the whole. In the 50-80% of Area Median Income category, it was found that 49.1% (22,827 out of 46,445) of all households reported having a housing problem. Within this category, 68.4% (303 out of 443) of Asian households and 100% (8) of Pacific Islander households have housing needs. In the 80-100% of Area Median Income category, it was found that 28.4% (8,243 out of 29,045) of all households reported having a housing problem. Within this category, 39.5% (70 out of 177) of Black/African American households, 69.2% (142 out of 205) of Asian households, and 100% (4) of Pacific Islander households have housing problems, which represents a disproportionately high exposure to housing problems than the jurisdiction as a whole.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.305(b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

As described in NA-15 above, a disproportionately greater need exists when the members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level as a whole. Vermont is predominately white. Racial and ethnic minority groups represent only 3.5% of the total number of Vermont households. Therefore, even a small number of racial or ethnic minority households having a severe housing problem can result in a proportionately greater need for that group than the State as a whole.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	21,269	9,680	1,555
White	19,753	9,164	1,430
Black / African American	279	99	39
Asian	263	69	14
American Indian, Alaska Native	145	79	20
Pacific Islander	0	0	0
Hispanic	348	81	14

Table 17 – Severe Housing Problems 0 - 30% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	11,722	19,996	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
White	10,913	19,122	0
Black / African American	39	169	0
Asian	322	118	0
American Indian, Alaska Native	22	95	0
Pacific Islander	0	0	0
Hispanic	149	277	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	6,674	39,799	0
White	6,302	38,112	0
Black / African American	54	185	0
Asian	126	322	0
American Indian, Alaska Native	27	126	0
Pacific Islander	4	0	0
Hispanic	81	520	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,823	27,198	0
White	1,660	26,125	0
Black / African American	25	147	0
Asian	100	105	0
American Indian, Alaska Native	0	80	0
Pacific Islander	4	0	0
Hispanic	14	327	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2011-2015 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

In the 0-30% of Area Median Income category, it was found that 65.4% (21,269 out of 32,504) of all households reported having a severe housing problem. Within this category, 76% (263 out of 346) of Asian households and 78.5% (348 out of 443) Hispanic households experience severe housing problems. In the 30-50% of Area Median Income, it was found that 36.9% (11,722 out of 31,718) of all households reported having a severe housing problem. Within this category 73.2% (322 out of 440) of Asian households reported having a severe housing problem. In the 50-80% of Area Median Income category, it was found that 14.4% (6,674 out of 46,473) of all households reported having a severe housing problem. Within this category, 28.1% (126 out of 448) of Asian households and 100% (4) of Pacific Islander households reported having disproportionately greater housing needs. In the 80-100% of Area Median Income category, it was found that 6.3% (1,823 out of 29,012) of all households reported having a severe housing problem. Within that category, 48.8% (100 out of 205) of Asian households and 100% (4) of Pacific Islander households reported severe housing problems.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.305 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A housing cost burden exists when a household pays more than 30% of income toward housing and a severe cost burden exists when housing costs are more than 50% of household income. A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience a cost burden at a greater rate (10 percentage points or more) than the income level as a whole. Vermont is predominately white. Racial and ethnic minority groups represent only 3.14% of Vermont households. Therefore, even a small number of racial or ethnic minority households having a housing cost burden or severe cost burden can result in a disproportionately greater need for that group than the state as a whole.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	167,798	49,524	38,429	1,630
White	161,343	47,066	35,976	1,513
Black / African American	967	399	276	39
Asian	1,417	481	562	14
American Indian, Alaska Native	493	150	179	20
Pacific Islander	29	0	4	0
Hispanic	1,756	743	532	29

Table 21 – Greater Need: Housing Cost Burdens AMI

Data 2011-2015 CHAS
Source:

Discussion

Of the 275,381 households in Vermont as reported in the table above (Table 21 – Greater Need: Housing Cost Burdens AMI), 49,524 households (19.2%) are considered to be cost burdened and 38,428 households (14.9%) are considered to be severely cost burdened. While these instances are significant for the households experiencing them, using HUD’s definition of disproportionate needs it is found that there are no statistically significant instances of disproportionately greater needs due to housing cost burdens among racial and ethnic minorities in Vermont.

NA-30 Disproportionately Greater Need: Discussion – 91.305 (b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Using the income category data and definition of disproportionate needs provided by HUD in NA-15 and NA-20, the following discussion presents the occurrences in which a racial or ethnic group has a disproportionate greater instance of housing problems within certain income categories.

Black/African American households are shown to have a disproportionately greater instance of housing problems in the low- (30-50% AMI) and middle- (80-100% AMI) income categories and show no disproportionately prevalent instances of severe housing problems. Asian households in Vermont are shown to have disproportionately greater instances of housing problems in the low-, moderate- (50-80% AMI), and middle-income categories and are shown to have severe housing problems within all four income categories of extremely-low- (0-30% AMI), low-, moderate-, and middle-income. American Indian, Alaskan Native households show a disproportionately greater instance of housing problems within the low-income category and no instances of severe housing problems. Pacific Islander households show a disproportionately greater instance of both housing problems and severe housing problems within the moderate- and middle-income categories. Hispanic households are shown to have a disproportionately greater instance of both housing problems and severe housing problems within the low-income category.

There are no statistically significant instances of disproportionately greater needs due to housing cost burdens among racial and ethnic minorities in Vermont (see NA-25).

If they have needs not identified above, what are those needs?

No other housing needs were identified for these groups.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Nearly 95% of Vermont households identify as White. Racial and ethnic minority households make up only 3.5% of Vermont households. Many of the Vermont's minority households live in and near the City of Burlington, which is Vermont's largest city and is a HUD entitlement community.

NA-35 Public Housing – (Optional)

Introduction

This section is optional for State grantees, and the information was not obtained or evaluated as part of the Vermont Housing Needs Assessment.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	92	1,755	6,137	696	4,523	64	417	313

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	
# Homeless at admission	0	2	2	31	3	10	11	7	
# of Elderly Program Participants (>62)	0	19	834	1,359	210	1,061	11	3	
# of Disabled Families	0	38	551	2,693	236	2,038	37	74	

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program
# of Families requesting accessibility features	0	92	1,755	6,137	696	4,523	64	417
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	90	1,641	5,727	660	4,211	60	375	303
Black/African American	0	1	75	262	14	210	3	27	6
Asian	0	1	27	76	12	54	0	4	4
American Indian/Alaska Native	0	0	12	66	10	42	1	11	0
Pacific Islander	0	0	0	6	0	6	0	0	0
Other	0	0	0	0	0	0	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	2	23	77	5	57	4	7	2
Not Hispanic	0	90	1,732	6,060	691	4,466	60	410	311

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

This section is optional for State grantees, and the information was not obtained or evaluated as part of the Vermont Housing Needs Assessment.

What are the number and type of families on the waiting lists for public housing and section 8 tenant-based rental assistance? Based on the information above, and any other information available to the jurisdiction, what are the most immediate needs of residents of public housing and Housing Choice voucher holders?

This section is optional for State grantees, and the information was not obtained or evaluated as part of the Vermont Housing Needs Assessment.

How do these needs compare to the housing needs of the population at large

According to Vermont's local public housing directors, the needs of individuals and families on wait lists are "vastly" greater than the population at large. This is supported by the Vermont Housing Needs Assessment and a comparison with the Directory of Affordable Rental Housing that found that vacancy rates for government subsidized housing are much lower than the rest of the rental market. Most government subsidized housing is fully occupied with wait lists.

NA-40 Homeless Needs Assessment – 91.305(c)

Introduction:

The homeless needs assessment data is based on the one-day count (Point-in-Time) in January 2019. This is the only consistent statewide source of population level data that includes all sheltered and unsheltered individuals and families experiencing homelessness. Other data exists but is confined to reports from specific programs such as publicly-funded shelters (ESG), publicly-funded motel vouchers (General Assistance), street outreach (PATH), the Vermont Network Against Domestic and Sexual Violence, and the Vermont Coalition of Runaway and Homeless Youth Programs. Vermont organizations with a mission to address homelessness have been engaged in several years in implementing a robust Homelessness Information Management System (HMIS). This project is ongoing and when fully implemented will provide additional information about the nature of homelessness throughout the state beyond the limitations of the Point in Time count. The HMIS system, however, will have its own limitations, not least of which is the necessity to protect the identity and location of individuals who are accessing homelessness services while fleeing situations involving domestic and sexual violence. What is clear is that Vermont, as well as many places across the country, continue to struggle to ensure adequate housing for all residents as the State faces a housing wage gap that has grown, a tightening rental market and, among many other complex issues, the growing prevalence of substance use disorders.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	365	7	1,863	0	0	0
Persons in Households with Only Children	2	0	37	0	0	0
Persons in Households with Only Adults	216	103	0	0	0	0

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Chronically Homeless Individuals	134	33	292	0	0	0
Chronically Homeless Families	17	3	93	0	0	0
Veterans	67	4	286	0	0	0
Unaccompanied Child	2	0	37	0	0	0
Persons with HIV	2	0	13	0	0	0

Table 26 - Homeless Needs Assessment

Data Source No data available for number becoming homeless each year, number exiting homelessness each year, number of
Comments: days persons experience homelessness.

Indicate if the homeless population is: Partially Rural Homeless

Rural Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	307	7	0	0	0	0
Persons in Households with Only Children	2	0	0	0	0	0

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Only Adults	472	62	0	0	0	0
Chronically Homeless Individuals	96	19	0	0	0	0
Chronically Homeless Families	17	3	0	0	0	0
Veterans	62	3	0	0	0	0
Unaccompanied Youth	2	0	0	0	0	0
Persons with HIV	1	0	0	0	0	0

Table 27 - Homeless Needs Assessment

Data Source No data available for number becoming homeless each year, number exiting homelessness each year, number of
Comments: days persons experience homelessness.

For persons in rural areas who are homeless or at risk of homelessness, describe the nature and extent of unsheltered and sheltered homelessness with the jurisdiction:

In the Vermont 2019 Point-in-Time Counts (PIT), a total of 1,089 persons were experiencing homelessness. The PIT snapshot seeks to capture all sheltered and unsheltered individuals and families experiencing homelessness in one 24-hour period of time. Of the 1,089 persons from the combined Chittenden CoC and Balance of State CoC 2019 PIT data; 114 persons were unsheltered. Using this data, approximately 71% (780) of Vermont’s homeless persons are found outside of our sole metropolitan area.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

This data is not currently available in a reliable manner across the state. Continued implementation of the HMIS system is one step toward improving the availability and reliability of this metric, however, even complete HMIS implementation will still be an imperfect measure as it cannot capture data on those whose confidentiality must be protected, such as survivors of domestic and sexual violence.

Based on the 2019 Point in Time Count, the average length of stay in homeless shelter has risen to 52 days. Although a useful measure, it is nonetheless a poor proxy for the duration of homelessness and is not available by subpopulation.

A number of factors can drive an extended duration of homelessness. Under current rental vacancy conditions, access to a rental unit, even when a subsidy or voucher is secured can delay rehousing. Given the general age and quality of Vermont’s rental housing units, it has also been reported by homelessness service providers that available apartments often do not meet basic HUD Housing Quality Standards and can therefore not be utilized to house those experiencing homelessness until repairs are made, further delaying the process of accessing housing. A prospective tenant’s credit, criminal record, previous rental history and lack of income/employment are major barriers for individuals accessing rental units.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	0	0
Black or African American	0	0
Asian	0	0
American Indian or Alaska Native	0	0
Pacific Islander	0	0
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	0	0
Not Hispanic	0	0

Data Source
Comments:

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The 2019 PIT count found 408 Vermont parents and children living in families. Additionally, he 2019 PIT count found 122 youth under the age of 25 who were unaccompanied and homeless. Of these, 27 were parents of young children.

The population of homeless veterans has declined steadily since the 2013 PIT count when it peaked at 128. The year 2019 saw a continuation of this downward trend; 87 homeless veterans were counted, a 19.5% decrease from 2018. This reflects the coordinated efforts of veterans' service providers to move this number towards "functional zero", according to the Vermont Coalition to End Homelessness and the Chittenden County Homeless Alliance.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Persons identified as Black, African American, Hispanic, or Latino were disproportionately represented in the overall homeless population (in relation to these groups' representation in the total state population) in the 2019 PIT count. 15% of all people counted in 2019 identified their race as other than white.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

The number of people staying in Vermont's publicly funded homeless shelters has decreased slightly each year in 2015-2019. However, the increased average length of stay and virtually unchanged shelter capacity may be the root cause of this decrease. Another significant factor that affects the number of unsheltered homeless on the date of the Point in Time Count is the availability of General Assistance vouchers made available during Adverse Weather Conditions. Such vouchers can be made more widely available for use when the temperature or windchill is less than 20 degrees F or temperatures are less than 32 degrees F with a higher than 50% chance of precipitation. Whether such conditions exist on the date of the PIT count can have significant effects on the number of unsheltered individuals.

NA-45 Non-Homeless Special Needs Assessment – 91.305 (b,d)

Introduction

This section serves to highlight the number of persons who are not homeless but may require supportive housing. This includes but is not limited to the elderly, frail elderly, persons with mental, physical and/or developmental disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, and victims of domestic violence. Highest among these populations in Vermont are adults with severe mental illness, persons with substance abuse, the elderly, and persons with disabilities.

Describe the characteristics of special needs populations in your community:

State planners recognize that the housing needs of most sub-populations are not radically different from those of the general population. The Agency of Human Services promotes safe and permanently affordable housing integrated into non-specialized residential buildings or settings. This strategy has been aided by promotion of clearer standards around universal design through the State qualified allocation plan, as well as mixed-income housing achieved through project and tenant-based rental assistance. The large majority of AHS clients with special needs live in the community and depending on their needs, may receive specialized case management services to help them coordinate and access services in the community. For Vermonters with severe special needs, such as serious mental health issues, they have access to residential care with on-site services.

What are the housing and supportive service needs of these populations and how are these needs determined?

Permanent Supportive Housing (PSH) defined by HUD includes the provision of long-term rental assistance and supportive services for persons experiencing homelessness and a disabling condition of long duration, primarily those with serious mental health challenges, substance use disorders, and related diseases. Tenants in PSH must have access to an adequate level of services appropriate to their level of need.

“Supportive housing” provided outside the homelessness continuum is largely undefined and without a system-wide funding mechanism. Thus, there is not a robust array of PSH for vulnerable people outside the homeless continuum.

AHS facilitates housing stability for the most vulnerable by working with housing partners to ensure access to scarce affordable housing and rental subsidies and working with community service providers to ensure that low-income Vermonters have access to an array of supportive services.

AHS’ Department of Mental Health administers the Subsidy + Care program, modeled after HUD’s PSH program to serve Vermonters in mental health acute care beds or those who are homeless and at serious risk of needing an acute care bed. Tenant-based rental subsidies are administered by the VSHA.

Treatment Services are provided by community-based organizations that serve people with serious mental illness. About 100 households benefit from this program annually.

The Department of Disabilities, Aging and Independent Living (DAIL) offers:

- Developmental Disabilities Home and Community Based Services may help pay for home modifications for physical accessibility, modifications related to an individual's disability that promote safety and independence, and one-time funding for assistive technology, adaptive equipment, home modifications for physically accessible, and other special supports and services not covered by the Medicaid State Plan.
- Resources to help cover the costs associated with moving into an apartment including the "Supported Apartment Fund" and "Brandon Training School Fund" (for people who used to live in the state institution), used furnishings/appliances available through a non-profit network, grants from community service organizations, and Vermont's participation in the ABLE account program.
- DAIL staff and developmental disabilities services providers assist with applying for vouchers, locating apartments and transitioning to tenancy. Assistance is also provided by GMSA, their local peer support network, and the Vermont Center for Independent Living.
- The Support and Services at Home (SASH) model supports older adults in their own home, thus avoiding homelessness and/or nursing home care.

The Department of Health, Division of Alcohol and Drug Abuse Programs, funds short-term housing and on-site case management services for people leaving residential treatment for Substance Use Disorder who want to live in a sober environment.

The Department of Corrections (DOC) utilizes community-based residential facilities to support re-entry into the community. DOC funds some supportive housing for people with mental health issues to prevent homelessness and reduce recidivism. Through community partners, DOC funds transitional housing in a mix of emergency shelter beds, congregate housing sites and scattered apartments. Participants have complex needs, are generally exiting institutions (incarceration or substance abuse treatment) and have no other housing options. In FY19, 647 individuals were served by transitional housing; including 290 with disabilities between the ages of 18-62. DOC's largest grantee, Pathways Vermont, provided rental assistance and services to 61 individuals with complex mental health needs, a history of homelessness, and involvement with the criminal justice system.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The Vermont Department of Health funds the Housing Opportunities for People with AIDS (HOPWA) program administered by the Vermont State Housing Authority (VSHA). The rental assistance is intended to help someone become permanently housed while awaiting a federally funded HOPWA voucher. In addition to the federal HOPWA program, persons with HIV/AIDS can access State emergency financial

assistance to prevent eviction or secure stable housing. This funding comes from the AHS Department of Health and is delivered through one of three local AIDS Service Organizations (ASOs).

NA-50 Non-Housing Community Development Needs - 91.315 (f)

Describe the jurisdiction's need for Public Facilities:

Vermont has a number of non-housing community development needs. The needs and extent of appropriate assistance differ from community to community. Vermont is one of the most rural states in the nation and thus has few large population centers. Vermont has been undergoing a transition from a largely agriculturally based economy to a diversified economy for decades. This transition presents challenges and opportunities for the state and its residents. Tourism, education, healthcare, high-tech and green economy jobs seem to be driving the new economic future of Vermont. However, Vermont residents and lawmakers have consistently made commitments to honor the past agricultural traditions of a working landscape, historic villages, and sustainable growth patterns.

Vermont residents pride themselves on local effort, ingenuity, and creativity in solving local problems. Vermont's CDBG program supports and encourage local community development initiatives that benefit low and moderate income residents and have lasting results. Due to limited capacity at many of our smaller more rural municipalities and small non-profit and for profit entities, support for thoughtful planning to move community and economic development efforts forward is needed. The VCDP targets a portion of CDBG funding to support these planning efforts through planning grants.

The need for public facilities varies from region to region and from community to community. However, many communities need support to establish or continue to operate senior centers, childcare facilities, community centers and facilities that assist or prevent homelessness. Facilities that support special needs populations, such as addiction treatment centers, domestic and sexual abuse victims and adult daycare centers are also needed.

With a small rural population, the need to coordinate, collaborate and work regionally is important. The long-term sustainability of these public facilities and those that depend on them must be considered. The VCDP program works with communities to address their most critical needs, ensure projects benefit low and moderate income persons, leverage funds and address sustainability and resiliency issues.

How were these needs determined?

In addition to past experience, the need for public facilities was determined through community outreach meetings, Consolidated Plan surveys and consultation with partner agencies and organizations.

Describe the jurisdiction's need for Public Improvements:

Vermont's population, like much of New England's, is aging fast. In addition, many of our downtowns, villages and historic buildings were built before modern accessibility codes and standards were required. In Vermont, we continue to see the need to address architectural barriers that prevent populations with disabilities from participating in daily activities. Communities throughout the state need assistance to provide accessible sidewalks, public buildings, and parking facilities for their residents.

In addition, some communities are experiencing difficulty maintaining water and sewer systems. This is especially challenging for communities experiencing a population decline, loss of large employers or predominately low and moderate income populations. On the other hand, some of Vermont's smaller rural communities are challenged by the lack of municipal sewer and water systems. These systems are expensive to install and maintain and limited grant dollars are available to help defray the costs of installation. These communities cannot add businesses or housing without installing municipal water and sewer. This lack of infrastructure is preventing growth and prosperity and driving development farther from the commercial core where adequate land for onsite water and sewer exists. This type of development puts housing farther from jobs and services and disproportionately impacts low income populations.

How were these needs determined?

In addition to past experience, the need for public improvements was determined through community outreach meetings, Consolidated Plan surveys and consultation with partner agencies and organizations.

Describe the jurisdiction's need for Public Services:

VCDP works with communities throughout the state and encounters a wide and diverse range of public service needs, issues and challenges. These could include the need for job training programs, financial fitness counseling, meals on wheels and other food security programs benefiting low and moderate income populations. These are just a few examples of the type of eligible public service projects that could be assisted. VCDP considers each community's needs and works first to identify if those services or needs can be addressed with existing programs and resources. If unavailable or cost prohibitive, VCDP works with community and service leaders to marshal the resources needed to address the underserved needs of low and moderate income populations. CDBG funding for Public Services must remain within the annual 15% cap on public services. Therefore, VCDP looks to partner with local service providers and identify ongoing, stable sources of program funding before awarding CDBG funds. Thankfully, Vermont has a strong network of social service providers including State, federal, private and non-profit.

How were these needs determined?

In addition to past experience, the need for public services was determined through community outreach meetings, Consolidated Plan surveys and consultation with partner agencies and organizations.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The housing and homeless needs assessment and market analysis in this plan are based on the pre-populated data tables provided by HUD, supplemented and supported by the Vermont Housing Needs Assessment. Homeless and special needs information was provided by OEO.

The 2020 Housing Needs Assessment was conducted by the Vermont Housing Finance Agency. Information available in the Assessment is also made available and regularly updated based on reliable, regular sources, on the Community Profiles section of the www.housingdata.org website. This site is a vast expansion of past housing needs assessments and represents the first attempt to maintain an ongoing resource for individual residents, industry experts, policy makers, municipal officials, and other interested parties to access up-to-date information on the needs and opportunities within their community and region.

Major takeaways from the 2020 Needs Assessment were not surprising but certainly call for action. Without significant changes to birth rates or in-migration, Vermont's population is not anticipated to dramatically change over the coming years with the only area expected to modestly increase in population being the northwestern part of the state. Those who already live here continue to age and without an influx of younger residents, the average age is expected to continue to increase. While the state population stagnates, the number of households continues to increase as household size shrinks. Despite this, the growth in housing units has slowed over the past decades. This reality has continued to strain existing housing stock without adequate expansion of available units in our areas desirable for growth.

Additionally, Vermont has some of the oldest housing stock in the country. The median Vermont home was built in 1974 and a quarter of the existing stock was built before 1939. Housing units occupied by renters tends to be older, with a median renter-occupied home built in 1965. While not universally the case, older housing stock tends to have the potential for more household hazards such as lead paint, low energy efficiency, and antiquated heating systems. As we seek to ensure that more of our elder population is able to age in the communities they have connections within, maintenance issues on these buildings may become problematic.

Vermont also relies heavily on the tourism industry and many fear that the increased prevalence of online rent-by-owner platforms, such as AirBnB, VRBO, and others, may be having an effect on the long term rental housing market. There have always been seasonal homes within Vermont and the 2020 Needs Assessment estimated that of the 331,106 housing units in the state, 53,940 (16%) are listed as seasonal or vacation homes. As it becomes easier for the owners of housing units to rent on the online market, however, it is expected that an even larger share of the existing housing stock will be catering to

visitors in order to garner higher rents. As of July 2019, there were 8,041 unique listings for rental properties on the short-term rental sites. Without a comprehensive survey of the existing long-term rental units and a longitudinal comparison, it is difficult to quantify the effect of this growing industry on the availability of long-term rental units in the state. The 2020 Needs Assessment was the first attempt to collect data on the short-term rental industry in Vermont in order to begin to understand the effects on housing availability. This issue will undoubtedly continue to receive attention and concern from municipalities and policy makers.

MA-10 Number of Housing Units – 91.310(a)

Introduction

While local and regional markets vary, the low vacancy rates and relatively high level of cost burden reported in the Housing Needs Assessment indicates that the number of quality housing units in the state is insufficient for the current and projected needs. Additionally, Vermont has some of the oldest housing stock in the country. In order to address housing gaps, housing development will need to be accompanied by rehabilitation and preservation of existing stock.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	216,640	67%
1-unit, attached structure	12,647	4%
2-4 units	40,363	12%
5-19 units	21,005	6%
20 or more units	11,878	4%
Mobile Home, boat, RV, van, etc	22,641	7%
Total	325,174	100%

Table 28 – Residential Properties by Unit Number

Data Source: 2011-2015 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	581	0%	5,009	7%
1 bedroom	6,395	4%	21,081	28%
2 bedrooms	40,752	22%	27,267	37%
3 or more bedrooms	134,856	74%	21,226	28%
Total	182,584	100%	74,583	100%

Table 29 – Unit Size by Tenure

Data Source: 2011-2015 ACS

Table of Assisted Apartments

	Vermont
Total apartments	13,796
Low Income Housing Tax Credit	6,698
VHCB grant/loan	5,731
VHFA loan	4,643
New Construction/Substantial Rehab	4,455
HOME Program	2,795
Community Development Block Grant	1,817
Rural Development Section 515	1,581
Public Housing	1,428
FHLB's Affordable Housing Program	859
Section 202 Housing for Elderly	742
Section 236	161
Section 811 Housing for Disabled	48
HOPWA	6

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Affordable rental housing developed with government subsidies

According to Vermont’s Directory of Affordable Rental Housing (DoARH), there are approximately 13,796 apartments in buildings that received government development subsidies in the State of Vermont. Of these units, 2,594 are age-restricted and another 3,818 are restricted to seniors and people with disabilities. The remaining 7,180 are general occupancy apartments, available to qualified households regardless of age. The vast majority of the 12,501 apartments in these buildings that are not market rate units serve households at or below 60% of the area median income.

The largest single funding source for the development of these apartments is the Low-Income Housing Tax Credit which has funded 6,698 age-restricted and general occupancy apartments. A variety of other

federal and state funding sources have also been used to develop these apartments, as shown in the attached table.

Rental assistance

Statewide, 7,126 apartments are subsidized through federal project-based rental assistance. The primary sources of rental assistance funds are the HUD Section 8 program, the Public Housing Program, and USDA's Rural Development Section 521 Program. In addition, 5,462 apartments are made affordable through federal tenant-based vouchers. Both the project-based and tenant-based rental assistance programs are generally directed to households at or below 50% of the area median income, both seniors and younger households.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

There are 664 apartments subsidized through Section 8 rental assistance from the U.S. Department of Housing and Urban Development have Housing Assistance Payment (HAP) contracts that expire before 2025. Of these apartments, 417 are monitored by the Vermont State Housing Authority and the remaining 247, by Vermont Housing Finance Agency. Renewal occurs at the date of contract expiration.

At least 4,384 publicly subsidized apartments in Vermont are required to be maintained perpetually affordable. Since the late 1980s, all state housing development funding has required perpetual affordability. The most limited type of housing tax credits (called allocated 9% federal Low-Income Housing Tax Credits) have done the same since the early 2000s.

Does the availability of housing units meet the needs of the population?

While markets vary amongst regions, Vermont's overall vacancy rate is below what is considered healthy, indicating that there is unmet need. Additionally, nearly 40% of Vermont households are experiencing some cost burden. As the number of households continues to grow as expected – despite a generally stagnant population – and homelessness continues to be experienced, it is clear that the housing needs of the population have not been met. This is especially true amongst the lowest income brackets. The fact that vacancy rates are near or at zero with existing waiting lists in nearly all of our subsidized housing stock also speaks to unmet need.

Describe the need for specific types of housing:

Types of housing that are more affordable relative to household income are greatly needed. With such small, slow growing housing stock, the few vacant units in growing parts of the state carry high rents or sales prices relative to the income level of people experiencing the most severe needs. There are also several co-occurring factors that suggest a greater need for accessible, small units within easy walking distance from municipal centers. As discussed elsewhere in this report, Vermont's population continues

to age and household size among all age groups continues to stay smaller than historical averages. In consultation with numerous stakeholder groups, it was also made clear that there is a growing desire for units within a short distance from centers for social interaction and the provision of services. This suggests that the policies of encouraging Smart Growth in and around our historic development patterns should continue to be prioritized. There is also a clear need for greater accessibility within the housing stock as the aging population increasingly encounters mobility challenges. The 2020 Housing Needs Assessment did, however, find that Vermont has a high proportion of households who are “over housed” with a small number of occupants living in homes with a large number of bedrooms – homes that represent a lifestyle and family sizes that are no longer the norm.

MA-15 Cost of Housing – 91.310(a)

Introduction

Housing costs in much of the state continue to rise as wages have been generally stagnant. This contributes to the affordability issues that affect Vermont as well as many areas across the country. The most prevalent housing problem in Vermont is Cost Burden with nearly 40% of all households experiencing some cost burden and approximately 16% experiencing a severe cost burden.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2015	% Change
Median Home Value	200,600	217,500	8%
Median Contract Rent	664	778	17%

Table 30 – Cost of Housing

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	17,122	23.0%
\$500-999	39,454	52.9%
\$1,000-1,499	13,353	17.9%
\$1,500-1,999	3,483	4.7%
\$2,000 or more	1,171	1.6%
Total	74,583	100.0%

Table 31 - Rent Paid

Data Source: 2011-2015 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	7,110	No Data
50% HAMFI	18,280	10,695
80% HAMFI	47,605	38,295
100% HAMFI	No Data	64,095
Total	72,995	113,085

Table 32 – Housing Affordability

Data Source: 2011-2015 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	0	0	0	0	0
High HOME Rent	0	0	0	0	0
Low HOME Rent	0	0	0	0	0

Table 33 – Monthly Rent

Data Source Comments:

Is there sufficient housing for households at all income levels?

No. Vermont’s rental vacancy rate has decreased substantially since 2010, which mirrors the pattern experienced nationwide through the recovery from the Great Recession. This suggests strong demand for Vermont rentals relative to the supply available. Additionally, while household growth is projected to be modest over the next five years, it is anticipated that the growth will be greatest amongst the lowest and highest incomes groups, which will have an undue burden on the already oversubscribed housing stock affordable to those in the low- and moderate-income categories earning less than 80% of area median income. Based on analyses in past housing needs assessments as well as information received through public outreach, it is becoming increasingly apparent that households earning between 80% and 120% of area median income are also having difficulty finding suitable housing options. With a greater purchasing power than their lower income neighbors, these households have the potential to outbid for the available housing units and add to the downward pressure on those seeking housing affordable at low income levels.

How is affordability of housing likely to change considering changes to home values and/or rents?

Without significant increases in wages or available housing units, housing affordability is expected to continue to be a challenge in many parts of the state.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

ACS estimates of area median rent are often lower than the rents of market rate units actually available. This occurs because (1) in many places, subsidized apartments with rent limits make up a large portion of the rental stock and (2) housing quality is poor among many market rate rentals. The Vermont Housing Finance Agency conducted analysis of a number of different sources of rental data as part of the statewide Housing Needs Assessment. Median monthly gross rental cost estimates for all unit bedroom amounts is \$972 in Vermont with a range from a low of \$718 in Essex County to \$1,230 in Chittenden County.

Regardless of number of bedrooms, in all cases 2020 Fair Market Rent (FMR) amounts are lowest in Essex County and highest in the Burlington Metropolitan Statistical Area. These ranges are significant. FMR for a studio ranges from \$580 in Essex to \$1,030 in Burlington. One bedroom FMRs range from \$603 to \$1,223. The two bedroom range is \$762 to \$1,573. Three bedrooms range from \$983 to \$1,974. Finally, the posted Fair Market Rent for a four bedroom unit in Essex is \$1,080 compared to \$2,131 in the Burlington MSA. In all cases the FMR is lower than the Area Median Rent and in most of the past years, the administrators of Housing Choice Vouchers have found it necessary to engage in rental surveys in one or more counties in order to better align 40% percentile rental estimates with realities on the ground.

Given the lack of available, subsidized multifamily rental units in the state, many residents must choose from alternatives in the private market. In Vermont, these are typically single family and duplex rentals and units over storefronts. It appears that most non-conventional rentals are priced above Fair Market Rents and HOME rents, limiting the ability of low-income households to afford most non-conventional rentals. It is critical, therefore, to continue to preserve existing affordable housing and strive to create additional affordable housing opportunities in the state.

MA-20 Condition of Housing – 91.310(a)

Introduction:

Detailed data on housing problems both statewide and by county are included in the Vermont Housing Needs Assessment. As defined by HUD, housing problems are cost burden, overcrowding, and lack of a complete kitchen or plumbing facilities (substandard housing).

Definitions

The State’s definitions are as follows:

“Standard Condition” means: A housing unit that meets HUD’s Section 8 Housing Quality Standards.

“Substandard Condition but Suitable for Rehabilitation” means: A housing unit that does not currently meet HUD’s Section 8 Housing Quality Standards but is structurally sound and can be brought up to code for less than replacement cost.

(The table below refers to HUD’s definitions.)

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	54,797	30%	34,149	46%
With two selected Conditions	938	1%	1,963	3%
With three selected Conditions	115	0%	116	0%
With four selected Conditions	5	0%	16	0%
No selected Conditions	126,729	69%	38,339	51%
Total	182,584	100%	74,583	100%

Table 34 - Condition of Units

Data Source: 2011-2015 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	23,223	13%	7,305	10%
1980-1999	54,117	30%	15,809	21%
1950-1979	56,893	31%	20,540	28%
Before 1950	48,351	26%	30,929	41%
Total	182,584	100%	74,583	100%

Table 35 – Year Unit Built

Data Source: 2011-2015 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	105,244	58%	51,469	69%
Housing Units build before 1980 with children present	13,310	7%	9,280	12%

Table 36 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 37 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

Vermont’s housing stock continues to be some of the oldest housing stock on average in the country and is seeing increasing need for rehabilitation. This is true in both owner occupied and rental occupied homes, although rental stock tends to be older on average than owner occupied housing stock. Of all Vermont’s housing stock nearly 60% was built before 1980 and a quarter of the stock was built before 1939. The median construction year for Vermont’s rental housing stock was 1964 compared to a median construction date for owner occupied housing in 1976.

Discussions with Vermont Legal Aid and the network of homelessness service providers operating in Vermont indicate that the lack of rental housing options that meet basic habitability standards is a barrier to housing those experiencing homelessness. Additionally, it is understood that low rental vacancy rates lead many low- and moderate-income renters to suffice with living in substandard conditions. Public outreach also garnered numerous comments about the inability of communities outside Chittenden County to attract new residents despite job availability. The major reason cited for this challenge was the significant rehabilitation needs of the existing housing stock that made purchasing or renting in the area undesirable to potential employees and residents.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

An estimated 191,325 homes, or 58% of Vermont's housing stock was built before 1978, when lead-based paint was banned for residential use in the United States. An analysis of ACS PUMS data, conducted as part of the Vermont Housing Needs Assessment, suggests that 36,589 Vermont homeowner and 36,123 Vermont renter households live in homes that were built before 1978 and earn incomes less than 80% of Area Median Income. These low to moderate income households would likely struggle with the cost of lead paint remediation or abatement. In 2018 alone, the Vermont Department of Health identified 420 children under the age of six who tested positive for elevated levels of lead in their blood.

To address these issues, Vermont has two lead remediation programs, one administered by The City of Burlington and limited to Burlington and Winooski, and the Lead-Based Paint Program, administered by the Vermont Housing and Conservation Board, that covers the rest of the State. Since 1980 these two programs have remediated lead from roughly 3,562 homes with over 2,900 of those homes outside of the City of Burlington. While other homes may have been remediated at personal cost, the homes addressed through these two programs represent just under 5% of Vermont homes at high risk of containing lead paint. This would suggest that ongoing resources must be applied to this issue to reduce exposure risk to deteriorating lead paint.

Discussion:

Information on vacant units and REO properties is not available on a statewide level and most local communities do not track such properties.

MA-25 Public and Assisted Housing – (Optional)

Introduction:

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	98	1,792	6,248	751	4,815	521	3,553	6,675
# of accessible units									

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 38 – Total Number of Units by Program Type

Data PIC (PIH Information Center)

Source:

MA-30 Homeless Facilities – 91.310(b)

Introduction

This section includes a brief inventory of facilities, housing, and services that meet the needs of homeless persons, with particular focus on chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. In Vermont, many facilities are available to serve both families and individuals. Particularly in rural areas, few facilities are targeted to a subpopulation. In the following table, emergency shelter refers to any facility, the primary purpose of which is to provide a temporary shelter for the homeless, and which does not require occupants to sign leases or occupancy agreements. Transitional housing projects are those which are designed to provide housing and supportive services to homeless persons to facilitate movement to independent living within 24 months. Permanent Supportive Housing is permanent housing in which supportive services are provided to assist homeless persons with a disability to live independently.

Facilities Targeted to Homeless Persons

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	826	15	39	0	0
Households with Only Adults	1,094	186	0	429	0
Chronically Homeless Households	0	0	0	0	0
Veterans	3	0	8	0	0
Unaccompanied Youth	11	10	8	0	0

Table 39 - Facilities Targeted to Homeless Persons

Data Source
Comments:

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

There are a number of statewide initiatives to better leverage mainstream resources:

- There has been a significant effort to increase substance abuse treatment and recovery services through the “hub and spoke” model, SBIRT and integrated screening for substance abuse across all AHS programs, and training for recovery center staff. OEO has and will continue to offer training opportunities for homeless shelters and service providers focused on substance abuse and co-occurring disorders.
- AHS and the Vermont Council on Homelessness have made significant developments to discharge policies and protocols for those publicly funded systems of care.
- AHS Department of Mental Health Subsidy Plus Care program provides ongoing rental subsidy and assistance to adults with severe and persistent mental illness.
- The Vermont Chronic Care Initiative (VCCI) is a statewide program that provides care coordination and intensive case management services to non-dually-eligible Medicaid beneficiaries with one or more chronic conditions, with a focus on improving outcomes and reducing unnecessary utilization. The VCCI modified approach is to focus on the top five percent of Vermont Medicaid beneficiaries with the highest utilization.
- The Vermont Blueprint for Health is a State-led, nationally-recognized initiative transforming the way primary care and comprehensive health services are delivered and paid for. Under the Blueprint, increased value is placed on addressing the social determinants of health, such as homelessness.
- AHS Department of Corrections Transitional Housing programs provides re-entry support to prevent homelessness.
- AHS Reach Up (TANF) employs community-based housing case managers to support housing placement and retention for homeless and at-risk households enrolled in TANF.
- Vermont has expanded the capacity of nonprofit homeless service providers to connect clients to Supplemental Security Income (SSI) and Social Security Disability (SSDI) benefits through SSI/SSDI Outreach, Access and Recovery (SOAR) training.

In addition to the above list, a wide array of mainstream resources are coordinated through local service providers and CoC, including:

- Community-based Mental Health Services
- Vocational Rehabilitation
- Legal Aid
- Area Agencies on Aging
- Community Action Agencies, including utility assistance
- Head Start programs
- Parent Child Centers, childcare assistance
- Women, Infants and Children (WIC)

- Federally Qualified Health Centers and free clinics
- SNAP (3SquaresVt), and SNAP Employment & Training programs

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

OEO administers funds that support homeless services and facilities across Vermont, including the Emergency Solutions Grant and State funds. In 2019, these combined funds supported operations, staffing, and homelessness prevention and rapid re-housing assistance at approximately 39 non-profit emergency shelter, transitional housing, re-housing and prevention organizations serving all regions of the state.

Through the General Assistance program, AHS Department for Children and Families provides funding for motel vouchers when no appropriate shelter bed can be found. This represents a significant portion of Vermont's emergency shelter overflow capacity. Except on extreme cold weather nights, eligibility for the program is more restrictive than the definition of homeless, and the length of stay in the motel is capped at 28 or 84 days depending on eligibility. This past year, nearly \$2 million in funds from the General Assistance (GA) Emergency Housing program was strategically invested under the Housing Opportunity Grant Program into community-based programs designed to decrease reliance on motels to shelter homeless persons and families.

OEO administers the Family Supportive Housing (FSH) project which provides intensive home-based case management and service coordination to formerly homeless families with children, many with DCF family services involvement.

The Transitional Living Programs of the Vermont Coalition of Runaway and Homeless Youth Program (VCRHYP) member organizations helps youth ages 16 to 24 that are homeless or at risk of becoming homeless make the difficult transition into adulthood by helping them reengage with education, increase employability, and build vital life skills. Youth receive housing support through VCRHYP transitional living programs. VCRHYP programs also provide support to help stabilize families in crisis in order to prevent youth from running away from home; or help those who already have.

Facilities and services available specifically to Veterans experiencing homelessness include the Supportive Services for Veterans Families program (rapid rehousing and prevention), HUD-VASH (permanent housing), and several facilities with transitional housing targeted to serve Veterans. HUD's competitive CoC SHP programs funds services and programs in Vermont as well. Some of these services and facilities overlap with those addressed above. The CoC SHP supports transitional shelter facilities, support services, Safe Havens, and permanent supportive housing. As permanent supported housing vouchers and units become available, they are being targeted to serve persons experiencing chronic homelessness.

MA-35 Special Needs Facilities and Services – 91.310(c)

Introduction

This section provides an overview of programs within the AHS Department of Mental Health, supportive services linked to housing for the elderly and frail elderly, persons with disabilities, and more limited options for other populations such as persons with addiction. The Agency of Human Services also reviews discharge procedures and practices across the agency to support housing stability for Vermonters with special needs.

To the extent information is available, describe the facilities and services that assist persons who are not homeless but who require supportive housing, and programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

AHS Department of Mental Health (DMH) supports a number of community-based options for persons leaving a State psychiatric bed and returning to the community. These programs work together to ensure housing stability for this vulnerable population. In addition to Safe Haven and Transitional options for the homeless, DMH supports:

- The Mental Health Subsidy & Care program, modeled after federal Shelter plus Care which provides tenant-based rental vouchers for people with serious mental illness coming from a hospital or acute care setting.
- The Community Rehabilitative Treatment (CRT) Housing Support Fund, which provides subsidy as well as start-up and move-in costs to people who meet CRT definitions.
- Housing First programming which uses a team-approach to provide optional services to clients with mental illness who are not connected to the State's system of designated agencies.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

For people exiting mental health institutions, discharge-planning is a partnership between the local community partner agencies and a Care Management Team. Discharge-planning from acute care is a plan of return to the community. The hospital social workers have the primary responsibility for connecting clients and their care with and to the local community and its resources. The DMH Health Care Management team helps to facilitate this process through active partnerships with the agencies that provide the primary support and services to the consumer in the community. DMH is the single agency in Vermont that has the primary responsibility for coordinating the activity of all stakeholders involved in the community re-entry system for homeless mental health consumers who are in treatment in acute care beds.

AHS Department of Mental Health (DMH) supports a number of community-based options for persons returning to the community:

- The Community Rehabilitation and Treatment (CRT) Housing Support Fund keeps people with serious mental health issues stable in the community. The CRT Housing Support funds temporary rental assistance that can be used as a “bridge” to a permanent subsidy administered by the housing authority, and funds other short-term assistance needed to keep people out of mental health crisis and hospitalization.
- The Subsidy + Care program serves homeless Vermonters in mental health acute care beds or those individuals who are homeless and at serious risk of needing an acute care bed. Subsidy + Care provides tenant-Based rental subsidies, which are administered by the Vermont State Housing Authority (VSHA). Treatment Services for Subsidy + Care are provided by community-based organizations funded by DMH to serve people with serious mental illness.
- Housing First programming provides optional services to clients with mental illness who are not connected to the State’s system of designated agencies.
- The Department of Disabilities, Aging and Independent Living (DAIL) Developmental Disabilities Home and Community Based Services may help pay for home modifications for physical accessibility and modifications related to an individual’s disability. Another DAIL funding source also allows one-time funding to pay for assistive technology, adaptive equipment, and home modifications, and other special supports and services not covered under the Medicaid State Plan.
- DAIL; and other community partners provide resources that help cover the costs associated with moving into an apartment. Funding and supports include: DAIL one-time funding; GMSA’s “Supported Apartment Fund” and “Brandon Training School Fund”; DAIL’s Public Guardianship Fund; GMSA’s statewide network of local peer support groups; a vast network of non-profit organizations offering used furnishings/appliances; grants from community service organizations and Vermont’s participation in the ABLE account program.
- DAIL staff, including Public Guardians, and local developmental disabilities services providers provide supports to assist participants apply for vouchers, locate apartments and successfully transition to tenancy. Assistance is also provided by GMSA and their local peer support network and the Vermont Center for Independent Living.

DAIL supports older adults who might otherwise live in a nursing homes through Support and Services at Home (SASH.) SASH coordinates the resources of social-service agencies, community health providers and nonprofit housing organizations to support older and or disabled Vermonters who choose to live independently at home. Individualized, on-site support is provided by a Wellness Nurse and a SASH Care Coordinator <https://sashvt.org/learn/>

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

Based on a 2019 report to the Vermont Legislature, the following are a list of activities to be undertaken to address supportive services needs:

Service Funding

1. Identify sources of funding for supportive housing services including flexibility under Medicaid and partnerships with One-Care Vermont.
2. Consider flexibility in the way the Vermont Rental Subsidy (VRS) is used to support housing stability of families receiving Reach-up. Maintaining this resource is important while also considering alternative options.
3. Encourage the Chittenden and Balance of State Continua of Care to include funding for housing retention services in all CoC Project Applications.
4. Expand Family Supportive Housing to promote equitable access to the Family Unification Voucher program.

Services Design, Delivery and Coordination

1. Create a one-stop-shop for the “three legs” of the permanent supportive housing “stool” - capital, operating and services funding. Distributing resources in this way will improve subsidy utilization and better leverage service dollars. Make these dollars available through a statewide RFP process which will streamline systems, minimize/consolidate documentation requirements, facilitate the development of affordable housing, and create greater transparency about the process.
2. Expand “Move-On” strategies for tenants who currently receive services through Shelter + Care but who no longer need intensive support but do require permanently affordable housing due to their fixed income. This increases the availability of permanent supportive housing for persons who need it most, increases service capacity, and ensures that persons exiting permanent supportive housing have access to stable and affordable housing options that maximize community integration.

Housing Availability

1. Despite progress with the Housing for All Revenue Bond need still exists. Data collected on conformance with the Governor’s Executive Order on Publicly Funded Housing for the Homeless indicate that public investments in affordable housing are resulting in more units being utilized by homeless. Additional investments will house more homeless and increase utilization of specialized vouchers.
2. Allocate resources to improve the quality and conditions of existing housing stock.
3. Work with the affordable housing community to develop models of expanded resident coordination and eviction prevention efforts to ensure vulnerable households do not lose lifetime access to federally subsidized housing and/or rental assistance.

4. Continue to encourage Affordable Housing Providers to work with CoCs to house people eligible for PSH CoC (S+C) to meet their “15%” goal. This would allow providers to 1) increase the operating funding in their buildings through the subsidy portion and 2) ensure formerly homeless tenants have access to consistent, dedicated case management services.

Barriers to Lease up and Documentation

1. Advocate for changes at the Federal level to allow states and local communities more time to adapt to revisions made annually to CoC program prioritization and practice expectations.
2. Prevent vulnerable households from losing their federally subsidized housing and entering (or returning to) homelessness by ensuring eviction prevention activities are taking place in publicly funded affordable housing.
3. Combat discriminatory rental practices by some landlords who avoid leasing to applicants with housing vouchers via education and code and regulatory enforcement action
4. Encourage landlord liaison programs to enhance capacity to identify apartments and landlords.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

N/A for State grantees

MA-40 Barriers to Affordable Housing – 91.310(d)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

A number of State and federal public policies negatively impact the cost of developing, maintaining, and improving affordable housing and the incentives to do so. In most cases, these policies are sound and designed to provide ancillary benefits but have an effect of making housing more costly or difficult to develop. Listed below are barriers to affordable housing identified through the 2019 report entitled *Analysis of Vermont Affordable Rental Housing Development Cost Factors* and Vermont’s 2017 *Analysis of Impediments to Fair Housing Choice*. The list also reflects information gathered from a broad group of planning, development, and municipal stakeholders.

1. Limited public resources, particularly decreasing funding for development, preservation, services, and subsidies that support affordable housing.
2. Increasing standards for energy efficiency.
3. State and local land use controls.
4. Permitting processes and community development standards.
5. Limited funding to promote Fair Housing and address discrimination in rental and sales housing markets.
6. Federal funding regulatory requirements such as the National Environmental Policy Act, Davis-Bacon, and procurement standards.

MA-45 Non-Housing Community Development Assets -91.315(f)

Introduction

This section summarizes the State of Vermont non-housing community development assets, major sectors of the economy, educational attainment, and workforce development.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	3,515	3,714	2	2	0
Arts, Entertainment, Accommodations	30,490	31,424	14	15	1
Construction	13,589	14,117	6	7	1
Education and Health Care Services	57,559	49,353	26	23	-3
Finance, Insurance, and Real Estate	10,584	10,016	5	5	0
Information	4,386	4,346	2	2	0
Manufacturing	29,714	30,420	13	14	1
Other Services	8,177	7,794	4	4	0
Professional, Scientific, Management Services	14,933	12,549	7	6	-1
Public Administration	0	0	0	0	0
Retail Trade	34,416	33,794	15	16	1
Transportation and Warehousing	6,048	6,158	3	3	0
Wholesale Trade	8,793	8,835	4	4	0
Total	222,204	212,520	--	--	--

Table 40- Business Activity

Data 2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)
Source:

Labor Force

Total Population in the Civilian Labor Force	321,002
Civilian Employed Population 16 years and over	303,978
Unemployment Rate	5.47
Unemployment Rate for Ages 16-24	16.97
Unemployment Rate for Ages 25-65	3.64

Table 41 - Labor Force

Data Source: 2011-2015 ACS

Occupations by Sector	Number of People
Management, business and financial	75,700
Farming, fisheries and forestry occupations	10,611
Service	30,836
Sales and office	64,793
Construction, extraction, maintenance and repair	31,211
Production, transportation and material moving	16,803

Table 42 – Occupations by Sector

Data Source: 2011-2015 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	192,984	70%
30-59 Minutes	67,864	25%
60 or More Minutes	15,496	6%
Total	276,344	100%

Table 43 - Travel Time

Data Source: 2011-2015 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	9,943	1,480	7,984

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
High school graduate (includes equivalency)	70,552	4,578	20,231
Some college or Associate's degree	68,317	2,860	15,492
Bachelor's degree or higher	97,822	2,313	14,026

Table 44 - Educational Attainment by Employment Status

Data Source: 2011-2015 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	386	731	751	2,817	7,099
9th to 12th grade, no diploma	5,209	3,600	3,255	8,273	6,826
High school graduate, GED, or alternative	17,417	19,218	18,633	57,571	31,710
Some college, no degree	21,332	12,092	13,022	32,268	14,999
Associate's degree	2,065	5,294	6,751	17,324	6,006
Bachelor's degree	5,575	16,906	17,376	37,580	16,001
Graduate or professional degree	353	6,594	9,572	26,255	15,124

Table 45 - Educational Attainment by Age

Data Source: 2011-2015 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	6,505,694
High school graduate (includes equivalency)	10,447,837
Some college or Associate's degree	11,429,190
Bachelor's degree	13,428,082
Graduate or professional degree	16,335,383

Table 46 – Median Earnings in the Past 12 Months

Data Source: 2011-2015 ACS

Based on the Business Activity table above, what are the major employment sectors within the state?

Based on the Business Activity table above the largest employment sector is Education and Health Care Services, employing approximately 25% of the workers in the state. This is followed by Retail Trade

(15%). Arts, Entertainment, Accommodations and Manufacturing each employ 13% of the state's workers.

Describe the workforce and infrastructure needs of business in the state.

Vermont's population is aging more rapidly than the Nation's. This creates challenges to our education system, tax structure, customer base and workforce. More Vermonters will be leaving the workforce in the foreseeable future than will be entering it. Recruiting younger workers from outside the state and training the youth and workforce currently within the state will be important to maintain a healthy employment base.

Prior to the COVID-19 Pandemic, employers were expressing a need for additional people in the workforce to meet the demand for jobs. Vermont's unemployment rate was 3.2% in March 2020, up from 2.4% in December 2019 and at the time of this writing, all indications were that official statistics for April 2020 would show dramatically higher unemployment (VT Dept. of Labor), a clear indicator of the negative economic and social impacts that the Pandemic has and will continue to have in the foreseeable future. "Vermont has an estimated 331,1061 homes, 186,310 of which are currently used or intended for owner occupancy (56%), 80,462 of which are used or intended for renters (24%), and 53,940 of which are used as seasonal or vacation homes (16%). The estimated remaining 10,394 are vacant² (3%). Vermont has a high rate of homeownership, at 71%, which Vermont ranks 7th in the nation." (2020 Vermont Housing Needs Assessment). Due to this high rate of homeownership, there will be a clear need to support both households with mortgage and rental assistance.

Aging infrastructure that service Vermont's many small, rural towns and Villages, including water and wastewater systems are reaching the end of their expected useful life and need major upgrades to comply with increased treatment regulations. The roads and bridges will require continued maintenance. Additional Federal and State financial support is needed for these improvements. Reducing Vermont's energy costs would help support businesses.

The Vermont Department of Economic Development completed a Statewide Comprehensive Economic Development Strategy (CEDS) that lays out a road map and an economic development action agenda to address the identified economic development needs of the State.

Describe any major changes that may have an economic impact, such as planned public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The challenges referenced above are real, but local strategies, regional partners and guidance from Vermont's statewide CEDS, and regional CEDS are prepared to tackle and invest in a strong economic future for Vermont.

How do the skills and education of the current workforce correspond to employment opportunities in the state?

As evidenced by the above table “Educational Attainment by Employment Status (Population 16 and Older)”, Vermont has a relatively well-educated workforce. Nearly the entire labor force in Vermont (96% of civilian employed in the labor force) has graduated High School and 67% of civilian employed in the labor force have at least some college education. This bodes well for expanding high-tech service and manufacturing businesses in the state that have expressed a need for additional workers. To support these types of employment opportunities, expanding educational and training programs will continue to be a major policy focus.

Describe current workforce training initiatives supported by the state. Describe how these efforts will support the state's Consolidated Plan.

Initiatives to extend internet connectivity and broadband service throughout the state have opened up opportunities in rural areas and contributed to a growing number of technology-based companies in Vermont’s few population centers. The State must continue to train existing workers as well as recruit new workers into the state to support growing industries such as manufacturing and renewable energy. Prior to the COVID-19 Pandemic this was evidenced by Vermont’s low un-employment rate and the thousands of existing jobs available at many of Vermont’s large employers. Vermont’s unemployment rate was 3.2% in March 2020, up from 2.4% in December 2019 and that upward trend is expected to continue when additional data are available during the state of emergency issues on March 13, 2020 (VT Dept. of Labor)

Describe any other state efforts to support economic growth.

The State of Vermont utilizes planning initiatives such as the statewide Comprehensive Economic Development Strategies (CEDS) and is pursuing permitting reform (ACT 250 development regulations) to identify how and where to best support economic growth through the entire State. Revenue sources that the State utilizes to support economic growth including those provided through funding incentives such as the State Designation programs (Downtown, Village Center, Neighborhood, and Growth Center), equity raised through Opportunity Zones, New Market Tax Credits, State and Federal Historic Tax Credits and LIHTC. Vermont Housing and Conservation Board administers Federal HOME funds, State housing funding, and conservation funding. Other State efforts to support economic development supported by State and local bonding authority include Tax Increment Financing and the Vermont Employer Growth Incentive (VEGI).

The Vermont Procurement Assistance Center (PTAC) provides direct support to Vermont businesses and employment training is administered at the state, regional, and local level by both the State of Vermont and its Regional Partners.

Other efforts include the State Energy Plan which will support the creation of new green energy sector job. One long term strategy to address the imbalance between incomes and rent is to increase the number of good paying jobs with support through the programs already described above.

Vermont Economic Development Authority, Community Capital of Vermont, and Vermont Community Loan Fund provide access to capital for small, non-traditional, start-up businesses and entrepreneurs. Additional resources include the Small Business Development Center, Vermont Center for Emergent Technologies, Small Businesses Administration, USDA-Rural Development, regional and local economic development revolving loan funds are available to help businesses grow. The Regional Economic Development Councils (RDC's) and Regional Planning Commissions (RPC's) are key to aiding businesses and municipalities.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

As Vermont is predominately rural there are few concentrated areas. However, for the purpose of this Plan, an area of concentration may be considered a county where a significant percentage of households have multiple housing problems relative to the population as a whole. Co-occurring housing problems are spread throughout all counties of the state. Cost burden is by far the most common housing problem experienced and is relatively even throughout the state, with slightly more variation of severe cost burden.

The counties with the greatest proportion of severely cost burdened households are Lamoille and Windham with approximately 18% of households paying half or more of household income for housing. The county with the smallest proportion of severely cost burdened households is Franklin county (13%).

Data on housing problems are included in the 2020 Vermont Housing Needs Assessment statewide and county chapters.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Approximately 96.2% of Vermont households are headed by someone who identifies as White; Racial and ethnic minority households make up only 3.8% of Vermont households. Many of the state's minority households live in and near the City of Burlington, in Chittenden County, which is Vermont's largest city and is a HUD entitlement community.

As Vermont is predominately rural there are few concentrated areas. However, for the purpose of this Plan, an area of concentration may be considered a county with a significant percentage of minority or low income families relative to the population as a whole. Based on this assessment it does not appear that any particular county has a disproportionately high share of minorities and hence lack a concentration of racial or ethnic minorities. However, median household income is generally lower in the three "Northeast Kingdom" counties of Caledonia, Essex, and Orleans, however, the percentage of cost burdened households in these counties are statistically similar to levels of burden for the state as a whole.

Data on racial and ethnic populations and households by income are included in the Vermont Housing Needs Assessment statewide and county reports.

What are the characteristics of the market in these areas/neighborhoods?

N/A

Are there any community assets in these areas/neighborhoods?

N/A

Are there other strategic opportunities in any of these areas?

N/A

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

According to the Vermont Department of Public Service, 287,104 (93.2%) of the buildings in the State of Vermont are able to access broadband service with a speed of 4/1 - 4 Mbps and an upload speed of at least 1 Mbps. 20,978 (6.8%) buildings remain underserved. Based on data available through the Vermont Department of Public Service Essex County has the highest percentage of underserved buildings in Vermont (32.3% of buildings are underserved), followed by Caledonia County (19.8%), Orleans County (13.8%), Orange County (10.5%), and Lamoille County (10.1%).

Reference <https://publicservice.vermont.gov/content/broadband-availability>

*as of 9/30/2019

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

The Department of Public Service has a small grant program, the Connectivity Initiative, to provide funding to ISPs to deploy service to unserved locations. Presently the locations eligible for this funding are those lacking 4/1.

Speed Tier	Served	Percent	Not Served	Percent
100/100 Mbps	53,777	17.5%	254,305	82.5%
25/3 Mbps	238,183	77.3%	68,899	22.7%
4/1	287,104	93.2%	20,978	6.8%

Table 47 - Broadband Connectivity

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

As the climate continues to warm, Vermont anticipates increase in volatility regarding precipitation and temperatures and a marked frequency and severity of weather-related disasters. As is true of the rest of the country, Vermont has historically sited communities and infrastructure in valleys and near waterbodies. With climate change models predicting increased precipitation and stronger storms in New England, many communities in Vermont now find themselves and their infrastructure increasingly vulnerable to natural disasters such as flooding. As a State with a population that is more aged on average than the nation as a whole, extreme temperatures pose a notable risk to our elderly population. Vermont and Vermonters have long been accustomed to the challenges of assuring that our aging housing stock is capable of maintaining reasonable warmth during cold winter months, the jurisdiction is now also contending with the prospect of retrofitting older homes to accommodate systems to ensure reasonably cool temperatures in the increasingly warmer months as well.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Natural hazards can affect everyone in Vermont, but some populations may be more vulnerable to certain types of events or more significantly impacted during events. Vermont's Social Vulnerability Index (SVI) defines overall vulnerability by summarizing four themes: socioeconomic status, household composition and disability, minority status and language, and housing and transportation. The SVI identifies five 'flags' for socioeconomic vulnerability: Poverty, Unemployment, Income per capita, and Health Insurance. Every one of the 14 Vermont Counties has a municipality with at least one of these flags. These flags are more prevalent in the northeastern corner of the state.

Vermonters over the age of 65 is a specific demographic that is potentially more vulnerable to certain events, such as extreme heat and this age group is disproportionately lower income. In 2016, 17% of Vermont was over the age of 65 based on estimates from the U.S. Census, above the national average of 14.5%. Vulnerability can also be economic. As noted in previous sections, Vermont has an aging housing stock and the need for rehabilitation and weatherization to mitigate extreme temperature events is a particularly high financial burden to low- and moderate-income households. While neither the State Hazard Mitigation Plan, nor other emergency management research conducted has identified that low- and moderate-income households are disproportionately located in fluvial erosion hazard areas, it is understood that housing replacement for homes lost or damaged in flood events will be especially burdensome on low- and moderate-income households.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The State of Vermont has determined its highest priorities for the use of CDBG, HOME, HTF and ESG funds based on the statewide housing needs assessment, market analysis, citizen and stakeholder input.

1. Safe, Decent, Accessible, and Inclusive Affordable Housing
2. Individuals and Families Experiencing Homeless
3. Economic Opportunity
4. Strong Communities

The plan establishes four goals to address the identified housing and community development priorities.

1. Increase the supply and quality of affordable housing.
2. Decrease the number of people experiencing homelessness.
3. Create and retain jobs.
4. Strengthen communities and improve the quality of life of Vermonters.

Vermont will use CDBG, HOME, HTF and ESG to leverage other public and private resources to achieve these goals. It will do so according to three guiding principles.

1. Achieving the perpetual affordability of housing resources and investments.
2. Promoting development in the State's designated downtowns, village centers, neighborhood development areas and other areas that are consistent with the state's historic settlement pattern and "Smart Growth", including 'new town centers', 'growth centers', and the addition of federally recognized Opportunity Zones.
3. Linking homeless assistance activities with permanent housing through systems, practices and initiatives that are informed by data and proven approaches.

Additionally, Vermont will receive CDBG-RHP funding in FY2020, that funding is aimed to assist in the recovery of the ongoing opioid crisis. The funds will be targeted to provide transitional housing to individuals in recovery from a substance use disorder.

SP-10 Geographic Priorities – 91.315(a)(1)

Geographic Area

Table 48 - Geographic Priority Areas

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

In keeping with the State’s long-standing policy, the State does not plan to target assistance to specific geographic regions. CDBG, HOME and HTF funds will be allocated on a competitive basis to locally driven projects that address priority needs. The State anticipates CDBG-RHP funds will also be allocated on a competitive basis to meet the opioid housing need (States are still waiting for program regulations).

ESG funds are awarded as part of the statewide Housing & Opportunity Grant Program (HOP). Awards are made on a competitive basis according to local needs.

SP-25 Priority Needs – 91.315(a)(2)

Priority Needs

Table 49 – Priority Needs Summary

1	Priority Need Name	Safe, Decent, and Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	
	Associated Goals	Increase supply and quality of affordable housing

	Description	Addressing the housing gaps and needs identified in the Vermont Housing Needs Assessment by increasing the supply of decent affordable housing.
	Basis for Relative Priority	According to the results of the citizen outreach efforts and the Vermont Housing Needs Assessment, there is a significant need for housing that is affordable and high quality. In all areas of the state, residents cited high housing costs and quality levels below what was desired as a major issue. The low vacancy rates in both rental units and owner-occupied housing reported in the Housing Needs Assessment also speaks to this existing, and growing need.
2	Priority Need Name	Individuals and families experiencing homelessness
	Priority Level	High
	Population	Extremely Low Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Victims of Domestic Violence Unaccompanied Youth
	Geographic Areas Affected	
	Associated Goals	Increase supply and quality of affordable housing Decrease number people experiencing homelessness
	Description	Decrease the number of families and individuals experiencing homelessness.
	Basis for Relative Priority	Incidences of homelessness have been growing throughout the state for the past several years. While efforts have been made to address this issue, it continues to be a problem and some Vermonters are living in unsafe situations. Eliminating the experience of homelessness is a high priority to ensure all Vermonters are safely housed.
3	Priority Need Name	Economic Opportunity
	Priority Level	High

	Population	Extremely Low Low Moderate Middle Non-housing Community Development
	Geographic Areas Affected	
	Associated Goals	Create and retain jobs
	Description	Increasing economic opportunity by supporting job creation and retention programs.
	Basis for Relative Priority	Creating and retaining jobs, particularly those that pay a livable wage is essential to sustaining healthy, vibrant communities and ensuring that housing is affordable. Economic development and lowering barriers to economic opportunity was perennially mentioned as a high priority throughout the community outreach process.
4	Priority Need Name	Strong Communities
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Non-housing Community Development
	Geographic Areas Affected	
	Associated Goals	Increase supply and quality of affordable housing Strengthen communities and improve quality of life
	Description	Strengthening communities through public facilities, infrastructure, services, accessibility, and planning activities.
	Basis for Relative Priority	The long-term goals of the VCDP include the fostering of Strong Communities. Vermont's communities will be strengthened through addressing all of the Priority Needs.

Narrative (Optional)

The State anticipates using CDBG funds to help address the emergency health situation the state and nation are facing due to the continued spread of COVID-19. With this in mind we want to be sure to understand how our limited CDBG funds may be used to address the emergency recovery needs of Vermont communities. We are participating in discussions with the Governor's office and the Legislature regarding resources available to address the un-unprecedented economic impact of COVID-19 on the Vermont economy and vulnerable persons.

SP-30 Influence of Market Conditions – 91.315(b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	<p>Vermont will use ESG funds under Rapid Rehousing for TBRA for homeless households. This will be available statewide based on existing low vacancy rates and the limited availability of affordable units.</p> <p>Vermont does not use HOME funds for TBRA.</p>
TBRA for Non-Homeless Special Needs	N/A - Vermont does not use HOME funds for TBRA
New Unit Production	Vermont has low vacancies and limited affordable housing availability throughout the state. New Unit Production is appropriate in many communities, particularly in downtown and growth centers.
Rehabilitation	Vermont has some of the oldest housing stock in the country. As such, much of it is in a condition that will require capital improvement to maintain minimum housing standards.
Acquisition, including preservation	Acquisition and preservation of existing affordable housing is essential to increasing availability. There are 664 apartments subsidized through Section 8 rental assistance from the U.S. Department of Housing and Urban Development have Housing Assistance Payment (HAP) contracts that expire before 2025. Of these apartments, 417 are monitored by the Vermont State Housing Authority and the remaining 247, by VHFA. Renewal occurs at the date of contract expiration.

Table 50 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.315(a)(4), 91.320(c)(1,2)

Introduction

The State of Vermont receives HUD funding for CDBG, HOME, HTF, and ESG. The State will be receiving a one-time allocation for CDBG-RHP in FY20.

Annually, during the five-year period covered by this Plan, Vermont anticipates receiving approximately \$6.7 million in CDBG funds to be used for housing, economic development, and public services and facilities, \$3 million in HOME funds to be used for housing, \$3 million in HTF funds to be used for extremely low income housing, and approximately \$645,000 in HUD funds through the ESG program to be used for emergency shelter and rapid rehousing for persons experiencing homelessness. The VCDP estimates an additional \$200,000 in CDBG program income each year.

CDBG, HOME, HTF and ESG will be used strategically to address priority needs and leverage other federal, State and local resources. These include federal low-income housing tax credits. The State's LIHTC program is administered by the Vermont Housing Finance Agency (VHFA) in accordance with Vermont's Qualified Allocation Plan (QAP). The QAP closely reflects the priorities, goals and strategies of the Consolidated Plan. A significant source for non-housing community development is equity generated by New Market Tax Credits, which are deployed by Housing Vermont's Vermont Rural Ventures, a qualified community development enterprise. Both VHFA and Housing Vermont sit on the Vermont Housing Council and Con Plan Citizen Advisory Group ensuring close coordination. Additional resources that may be leveraged to support the goals of the Consolidated Plan include Section 8, McKinney-Vento, Vermont Housing and Conservation Trust and matching funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	7,246,223	200,000	0	7,446,223	27,600,000	Assuming \$6.7 million annual allocation plus \$200,000 in program income.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	3,000,000	0	0	3,000,000	12,000,000	Assuming \$3 million small State minimum annually. HOME will be used for Multifamily rental new construction and rehab.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	677,036	0	0	677,036	2,580,000	Assuming \$645,000 annual allocation. ESG will be used for emergency shelter, rapid rehousing and HMIS.
HTF	public - federal	Acquisition Admin and Planning Homebuyer assistance Multifamily rental new construction Multifamily rental rehab New construction for ownership	3,000,000	0	0	3,000,000	12,000,000	Assuming \$3 million small state minimum annually.
Other	public - federal	Other	753,000	0	0	753,000	0	Assuming one-time allocation for FY2020

Table 51 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

For CDBG funds, VCDP's Program Guidelines require applicants to provide a full description of how matching requirements will be met including the name and address of the source and indicate whether it is a loan, grant, cash, cash-in-kind goods or services, etc. Matching requirements are as follows:

(a) Implementation Grants (IG): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

1. a. Economic Development Loans: borrower must provide cash-equity of at least 10% of the total project cost. This cannot be borrowed or otherwise encumbered money. Note: The Agency may waive the 10% equity match required for a VCDP economic development project if justified.
2. b. Slums & Blight: Cash or cash-in-kind goods or services of at least 10% of the VCDP funds. This match must directly fund remediation of the S&B condition.

(b) Scattered Site Housing Grants (SS): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

(c) Planning Grants (PG): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

(d) Accessibility Modification Grants (AM): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds for Handicapped Accessibility work on municipally owned buildings and community libraries.

(e) Home Access Grants (HA): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

If a community has an in-active VCDP/HUD funded Revolving Loan Fund (RLF) as defined by Agency Procedures, at least 20% of the RLF balance on hand must be committed to the project when applying for VCDP funds.

For HOME funds, priority is given to projects with non-federal funding sources for leveraging HOME Funds to ensure the overall HOME Program meets the 25% match requirement. Projects must demonstrate leverage of resources and cost-effectiveness, which may include but is not limited to density bonuses, energy efficiency, lead paint hazard abatement, and historic preservation. Vermont Housing Conservation Board (VHCB) State funding for housing is often used as match for the HOME Program.

ESG requires a dollar for dollar match. Vermont Agency of Human Services, Office of Economic Opportunity (OEO) will use State general funds appropriation for homeless assistance as match for the ESG program.

If appropriate, describe publicly owned land or property located within the state that may be used to address the needs identified in the plan

N/A

SP-40 Institutional Delivery Structure – 91.315(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
VERMONT	Government	Economic Development Homelessness Non-homeless special needs Ownership Planning Rental neighborhood improvements public facilities public services	State
VERMONT HOUSING AND CONSERVATION BOARD	Other	Rental	State
Vermont Office of Economic Opportunity	Government	Homelessness Planning	State
Vermont State Housing Authority	PHA	Homelessness Public Housing Rental	State
VERMONT HOUSING FINANCE AGENCY	Other	Ownership Rental	State
ADDISON COUNTY COMMUNITY TRUST	Non-profit organizations	Ownership Rental	Region
WINDHAM & WINDSOR HOUSING TRUST	CHDO	Ownership Rental	Region
Downstreet Housing & Community Development	CHDO	Ownership Rental	Region
CHAMPLAIN HOUSING TRUST	CHDO	Ownership Rental	Region
Rural Edge	CHDO	Ownership Rental	Region
Housing Foundation, Inc.	Non-profit organizations	Ownership Rental	State

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Housing Trust of Rutland County	CHDO	Ownership Rental	Region
Lamoille Housing Partnership	Non-profit organizations	Ownership Rental	Region
Randolph Area Community Development Corp	Non-profit organizations	Ownership Rental	Region
Shires Housing	CHDO	Ownership Rental	Region
Twin Pines Housing Trust	CHDO	Ownership Rental	Region
Vermont Coalition to End Homelessness	Continuum of care	Homelessness Planning	Jurisdiction
CATHEDRAL SQUARE CORPORATION	CHDO	Rental neighborhood improvements	Region
Chittenden County Homeless Alliance	Continuum of care	Homelessness Planning	Jurisdiction
Vermont Coalition of Runaway and Homeless Youth Programs	Non-profit organizations	Homelessness	State
Vermont Network Against Domestic and Sexual Violence	Non-profit organizations	Homelessness	State
Vermont Community Action Partnership	Non-profit organizations	Homelessness Non-homeless special needs public services	State
HOUSING VERMONT	Non-profit organizations	Economic Development Rental	State
Addison County Regional Planning Commission	Government	Planning	Region
Bennington County Regional Commission	Government	Planning	Region
Central Vermont Regional Planning Commission	Government	Planning	Region

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Chittenden County Regional Planning Commission	Government	Planning	Region
Lamoille County Planning Commission	Government	Planning	Region
NORTHEAST VERMONT DEVELOPMENT ASSOCIATION	Government	Economic Development Planning	Region
Rutland Regional Planning Commission	Government	Planning	Region
Southern Windsor County Regional Planning Commission	Government	Planning	Region
Two-Rivers Ottauquechee Regional Commission	Government	Planning	Region
Windham Regional Commission	Government	Planning	Region
Addison County Economic Development Corporation	Non-profit organizations	Economic Development	Region
Bennington County Industrial Corporation	Non-profit organizations	Economic Development	Region
Brattleboro Development Credit Corporation	Non-profit organizations	Economic Development	Region
Central Vermont Economic Development Corporation	Non-profit organizations	Economic Development	Region
FRANKLIN COUNTY INDUSTRIAL DEVELOPMENT CORPORATION	Regional organization	Economic Development	Region
Greater Burlington Industrial Corporation	Non-profit organizations	Economic Development	Region
Green Mountain Economic Development Corporation	Non-profit organizations	Economic Development	Region

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Lake Champlain Islands Chamber of Commerce	Non-profit organizations	Economic Development	Region
Lamoille Economic Development Corporation	Non-profit organizations	Economic Development	Region
Rutland Economic Development Corporation	Non-profit organizations	Economic Development	Region
Springfield Regional Development Corporation	Non-profit organizations	Economic Development	Region
Community Capital of Vermont	Non-profit organizations	Economic Development	State

Table 52 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Vermont’s delivery system for housing and community development funds is recognized for its effectiveness. Because of Vermont’s relatively small size, many of the people working within the state personally know each other and know who to contact for specific assistance. Major statewide housing agencies are centrally located in Montpelier and Burlington, and coordination is further enhanced by cross membership on the statewide agencies’ boards.

DHCD, VHFA, VSHA, and VHCB each play a unique and well-defined role in the production, rehabilitation, financing, and subsidy of housing for a low- and moderate-income Vermonters. These agencies work together with federal housing agencies including HUD and USDA Rural Development, and with departments of AHS to create a delivery system that leverages the maximum amount of federal dollars available to Vermont.

The agencies also comprise, along with representatives of USDA Rural Development and HUD, the Vermont Advisory Council on Historic Preservation which serves as a resource for preservation related policy work and developing solutions for troubled projects. This ensures non-duplication of effort, effective communication, multiple perspectives in policy decisions and consistency in priorities across the State’s housing agencies.

All four statewide housing agencies, along with a representative of the Governor’s office, comprise the Joint Committee on Tax Credits. This committee makes recommendations to the VHFA Board on the Qualified Allocation Plan (QAP) and supplemental State housing tax credit allocations. These are largely based on the priorities of the Consolidated Plan.

Vermont also has a strong network of non-profit housing development organizations providing statewide coverage. Housing funding applications from the non-profit developers are driven by the needs of the communities they serve. VHCB, as the HOME Program administrator, works closely with this network which includes several CHDOs with in-house development capacity. VHCB provides CHDO Operating assistance to eligible groups through VHCB's Organizational Grants process. Due to this strong statewide network and several qualifying CHDOs, VHCB has never had difficulty meeting the 15% CHDO project set-aside requirement and doesn't anticipate any problems in the future; however, the 2013 HOME regulations have placed some limitations on certain projects which previously would have qualified for CHDO set-aside. VHCB will continue to track this issue carefully.

CDBG funding is awarded to municipalities or Units of Local Government. A majority of Vermont's municipalities are extremely small when compared to other regions of the country. In addition, Vermont does not have county or regional government. This results in many municipalities lacking the capacity to apply for and/or carryout CDBG projects without assistance. This is exacerbated by increasing regulatory requirements. Fortunately, VCDP works closely with the State's Regional Planning Commissions and Regional Development Corporations to overcome this gap and lack of capacity to ensure even the smallest communities in the state receive CDBG funding.

Shrinking resources for publicly funded agencies and organizations could cause programs and people serving the community development needs of the state to be reduced further straining already limited resources and capacity. On a per-capita basis, Vermont has an extremely high number of non-profit organizations. These organizations provide services and help meet the needs of many different communities. However, as resources become strained more collaboration and greater efficiency will be required.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X		
Mortgage Assistance	X		
Rental Assistance	X	X	X
Utilities Assistance	X	X	
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics			
Other Street Outreach Services	X	X	
Supportive Services			
Alcohol & Drug Abuse	X		

Supportive Services			
Child Care	X		
Education	X	X	
Employment and Employment Training	X		
Healthcare	X	X	X
HIV/AIDS	X		X
Life Skills	X		
Mental Health Counseling	X	X	
Transportation	X		
Other			
	X		

Table 53 - Homeless Prevention Services Summary

Describe the extent to which services targeted to homeless person and persons with HIV and mainstream services, such as health, mental health and employment services are made available to and used by homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families and unaccompanied youth) and persons with HIV within the jurisdiction

OEO will distribute State and federal resources for homeless assistance and prevention services through an RFP process which requires demonstration that local coordination exists between service providers. It is also required of ESG grantees that mainstream resources are maximized to meet the needs of those experiencing homelessness including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

While there are a number of services available at the community level for special needs populations and some services that are specifically targeted to individuals and families experiencing homelessness, these services are not available at levels sufficient to meet local needs. This is particularly the case for employment, childcare, transportation, mental health, and substance abuse services. A large portion of Vermont is considered rural, which makes access to services and transportation barriers more acute.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

VCDP works closely with the State's Regional Planning Commissions and Regional Development Corporations to overcome this lack of capacity in the State's institutional and service delivery system. Each year VCDP works with and provides CDBG funding to some of the smallest communities in the state. Proving that although it is challenging to serve small communities lacking capacity, it is able to address this gap and provide assistance to all communities wishing to address their community development needs.

To address gaps in the delivery of services for special needs and homeless persons, the Chittenden and Balance of State Continua of Care include more than 70 partners across the state working to address homelessness in local communities. These organizations help to carry out the work of this plan aimed at decreasing the number of individuals and families experiencing homelessness.

SP-45 Goals Summary – 91.315(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase supply and quality of affordable housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Safe, Decent, and Affordable Housing Individuals and families experiencing homelessness Strong Communities	CDBG: \$15,770,220 HOME: \$15,000,000 HTF: \$15,000,000 CDBG-RHP: \$753,000	Rental units constructed: 350 Household Housing Unit Rental units rehabilitated: 350 Household Housing Unit Homeowner Housing Added: 10 Household Housing Unit Homeowner Housing Rehabilitated: 500 Household Housing Unit Housing for Homeless added: 25 Household Housing Unit
2	Decrease number people experiencing homelessness	2020	2024	Homeless		Individuals and families experiencing homelessness	ESG: \$3,257,036	Tenant-based rental assistance / Rapid Rehousing: 2500 Households Assisted Homeless Person Overnight Shelter: 15000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Create and retain jobs	2020	2024	Non-Housing Community Development		Economic Opportunity	CDBG: \$8,761,234	Jobs created/retained: 150 Jobs Businesses assisted: 10 Businesses Assisted
4	Strengthen communities and improve quality of life	2020	2024	Non-Housing Community Development		Strong Communities	CDBG: \$10,513,480	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 21450 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 1500 Households Assisted Brownfield acres remediated: 2 Acre Buildings Demolished: 2 Buildings

Table 54 – Goals Summary

Goal Descriptions

1	Goal Name	Increase supply and quality of affordable housing
	Goal Description	<p>We hope to increase the supply and quality of affordable housing by utilizing these strategies on a statewide level:</p> <ul style="list-style-type: none"> • House lower income families and individuals, with special preference to projects housing extremely low income families and individuals at or below 30% of area median income. • Produce affordable, accessible rental units, especially in regions where a market analysis identifies a shortage of elderly housing affordable to lower income seniors. • Provide service enriched housing that allows seniors the opportunity to age in place, and for persons with disabilities. • Locate affordable rental housing near public transportation services with access to employment centers, services, recreational opportunities, and schools. • Increase the supply of affordable rental housing through the acquisition and/or rehabilitation of existing units especially in communities where there are tight housing markets, very low vacancy rates or there is a high incidence of distressed housing. • Increase the supply of affordable rental housing through the construction of new units especially in communities where there are tight housing markets, very low vacancy rates or there is a high incidence of distressed housing. • Promote mixed income developments to create integrated and inclusive communities. • Promote the development of new rental housing and home owner units designed and built to a level of energy efficiency that meets or exceeds the levels required to qualify for the Energy Star label. • Identify and remove barriers to increasing the supply of rental housing. • Support increasing housing supply to address impediments to fair housing and inclusivity of communities. • Preserve existing affordable housing projects including mobile home parks, in a manner consistent with prudent investment criteria. • Redevelop existing properties with consideration given for projects that leverage other resources specific to the preservation of historic structures.

		<ul style="list-style-type: none"> • Address habitability and infrastructure problems in mobile home parks. • Preserve existing mobile home parks, and relocate families and individuals displaced by mobile home park closure. • Develop, replace, or relocate mobile home parks and lots that are in flood hazard areas. • Support the network of scattered site rehabilitation programs. • Redevelop foreclosed properties for affordable rental housing. • Address barriers to rehabilitation of the existing supply of rental housing that serves extremely low, low- and moderate-income families and individuals. • Provide accessible or adaptable housing for persons with disabilities, including homeownership opportunities. • Address the current and potential need for accessibility modifications and adaptable units to serve Vermonters with physical disabilities. • Improve access to affordable mortgages and counseling-based lending for lower income families and individuals seeking to become homeowners. • Increase programs for homeowner education and counseling. • Maximize the use of the Section 8 homeownership option by public housing authorities. • Support projects with employer assisted home ownership programs. • Redevelop foreclosed properties for home ownership. • Promote the development of home-ownership units that include a shared equity appreciation covenant. • Encourage utilization of Private Activity Bond Cap with the potential of “4%” Low Income Housing Tax Credits • Consider per-unit development costs for requests for public funding • Work with stakeholder groups and the Agency of Agriculture to identify methods of investing in the rehabilitation or replacement of housing for agricultural workers to improve worker health and farm sustainability.
2	Goal Name	Decrease number people experiencing homelessness
	Goal Description	ESG funds will be fully leveraged along with State resources to reduce the number of individuals and families experiencing homelessness. These funds will provide:

		<ul style="list-style-type: none"> • Emergency Shelter Operations, including day shelters, year-round overnight shelters, warming shelters, and motel stays when other shelter is not available • Essential Services to individuals and families in emergency shelter • Rapid Rehousing, Housing Relocation and Stabilization Services (including short-term financial assistance) • Rapid Rehousing, Rental Assistance for up to 24 months (including rental arrears) <p>Homeless Management Information Systems (HMIS), including the costs to contribute data to the HMIS designated by the Continuum of Care</p>
3	Goal Name	Create and retain jobs
	Goal Description	<p>We hope to create and retain jobs by utilizing these strategies on a statewide level:</p> <ul style="list-style-type: none"> • Invest in business facilities, including broadband and wireless access, energy efficiency improvements, machinery, equipment, and other capital requirements. • Invest in businesses that acquire, improve and occupy otherwise underutilized or vacant industrial property. • Develop small businesses, foster entrepreneurship, and complement but not duplicate other small business programs. • Invest in companies that meet the priorities established in the State or regional Comprehensive Economic Development Strategies (“CEDS”) where they exist and that contribute to cluster success, offer diversity to local economies and/or otherwise complement the mix of existing industries. • Invest in businesses that use the Vermont Training Program and other job training programs offered by the Vermont Department of Labor; make business investments that might integrate with or capitalize on those resources, but do not replicate them. • Support initiatives, projects and business investments that contribute to the availability of childcare for employee families. <p>Support infrastructure projects that lead to job creation and/or retention.</p>
4	Goal Name	Strengthen communities and improve quality of life
	Goal Description	<p>We hope to promote downtown preservation and revitalization, remediate and reuse of brownfields, and increase access to public facilities and services by utilizing these strategies on a statewide level:</p>

		<ul style="list-style-type: none"> • Promote projects in Designated Downtowns and Village Centers, Growth Centers, Neighborhood Development Areas and New Town Centers, including the addition of federally recognized Opportunity Zones. • Reinvest in downtown properties, particularly in the upper stories including elevators, sprinklers, and other code-related improvements. • Promote projects in Designated Downtowns that are also area-wide low- and moderate-income benefit communities with façade, streetscape, and other infrastructure improvements. • Promote projects that expand and improve water and wastewater capacity in the designated areas. • Participate in projects that leverage other State and federal programs such as tax credits and transportation grants in order to promote public and private investment in downtown areas. • Address training and technical assistance needs for downtown organizations and their municipal partners. • Redevelop Brownfields into productive use. • Support municipal projects to remove barriers to public buildings to bring them into compliance with current ADA standards. • Remove barriers to accessibility for places of business and/or residential facilities to bring them into compliance with current ADA standards. • Promote facilities and services that stabilize living environments and enhance quality of life for families and individuals. • Provide access to affordable capital and counseling-based lending for lower income entrepreneurs or potential homeowners. • Increase access to work force development and job training for low- and moderate-income job seekers. • Support unmet Disaster Recovery community infrastructure needs. • Use New Market Tax Credits to attract investment for community and economic development projects in high poverty areas. • Promote facilities and services that stabilize living environments and enhance quality of life for families and individuals recovering from addiction.
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Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

HOME Program funds will be used exclusively for rental housing development (new construction and rehabilitation). Approximately 40 households will benefit from HOME assisted units annually or 200 households over the five years of this plan. All 200 HOME units will be restricted to households at or below 60% area median income at initial occupancy. For projects with 5 or more HOME units, at least 20% will be restricted to households at or below 50% area median income. The rents shall be restricted to the applicable HOME rent limits published by HUD. It is worth noting however, that historically nearly 90% of HOME designated units are initially occupied by households at or below 50% AMI, with over 55% at or below 30% AMI.

HTF program funding will be used to construct new multifamily rental housing and to rehabilitate existing multifamily rental housing. HTF units will serve extremely low-income families. It is anticipated that over the next 5 years approximately 15 Vermont projects will be awarded HTF funds resulting in about 65 units.

ESG Program funds for Rapid Rehousing will be used exclusively to provide tenant-based rental assistance for very low-income households (below 30% AMI) in housing that is at fair market rent or below as published by HUD. An estimated 3,000 households will be assisted with ESG Rapid Rehousing and state matching funds from 2020-2024.

CDBG program funding will be used to construct new multifamily rental housing and to rehabilitate existing multifamily rental housing. In addition, CDBG funding will be used to rehabilitate existing homeownership units. It is estimated that approximately 70% of all CDBG assisted units will serve households below 50% area median income. From 2020 -2024 it is estimated that CDBG funding will assist approximately 350 affordable rental units and 350 affordable homeowner units that meet the HOME definition.

SP-50 Public Housing Accessibility and Involvement – 91.315(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

N/A

Activities to Increase Resident Involvements

The Vermont State Housing Authority administers public housing funds in the form of rental assistance - the Section 8 Housing Choice Voucher program. VSHA's Section 8 funding includes a homeownership program, a project-based voucher program and a variety of targeted programs. VSHA has operated its Section 8 Homeownership program since 1999.

To facilitate resident input into its public housing rental assistance programs, VSHA also has a Section 8 Resident Advisory Board (RAB), which provides VSHA with a forum for sharing information about the Agency's Annual Plan. The role of the RAB is to make recommendations in the development of the PHA Plan and to provide input for any significant amendments or modification to the PHA Plan.

Vermont's local housing authorities own and manage the state's public housing units.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

N/A

SP-55 Barriers to affordable housing – 91.315(h)

Barriers to Affordable Housing

A number of State and federal public policies negatively impact the cost of developing, maintaining, and improving affordable housing and the incentives to do so. In most cases, these policies are sound and designed to provide ancillary benefits but have an effect of making housing more costly or difficult to develop. Listed below are barriers to affordable housing identified through the 2019 report entitled Analysis of Vermont Affordable Rental Housing Development Cost Factors and Vermont’s 2017 Analysis of Impediments to Fair Housing Choice. The list also reflects information gathered from a broad group of planning, development, and municipal stakeholders.

1. Limited public resources, particularly decreasing funding for development, preservation, services, and subsidies that support affordable housing.
2. Increasing standards for energy efficiency.
3. State and local land use controls.
4. Permitting processes and community development standards.
5. Limited funding to promote Fair Housing and address discrimination in rental and sales housing markets.
6. Federal funding regulatory requirements such as the National Environmental Policy Act, Davis-Bacon, and procurement standards.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The State has long had a strong commitment to ensure all Vermonters have access to safe, decent, accessible homes they can afford. From 2020 to 2024, it will continue to employ and expand strategies to address State and federal policies that create barriers to affordable housing.

Limited public resources, particularly decreasing funding for development, preservation, services, and subsidies that support affordable housing.

1. Promote the State’s commitment to perpetual affordability.
2. Maximize leveraging and seek ways to reduce operating and development costs.
3. Support the continuation and expansion of the State affordable housing, downtown and historic tax credits.
4. Support State resources for affordable housing such as rental subsidy programs, homelessness assistance and the Vermont Housing and Conservation Trust Fund.
5. Consider per unit development costs in funding applications.
6. Consider ability to utilize Private Activity Bond Cap and potential of “4%” Low Income Housing Tax Credits

Increasing standards for energy efficiency.

1. While supporting the State's energy goals, ensure a robust analysis of costs is considered in the development of State energy-efficiency standards and building codes.
2. Seek expanded and new sources of funding for energy improvements in both publicly supported and private single and multi-family housing.

State and local land use controls.

1. Continue to review State and local land use programs and policies for ways to strengthen environmental protection while reducing unnecessary barriers to residential development, particularly affordable housing.
2. Encourage and promote development and growth in Designated Downtowns and Village Centers, Growth Centers, Neighborhood Development Areas and New Town Centers.
3. Provide technical assistance to municipalities to review and reform outdated and exclusionary land use restrictions.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing (additional text)

Permitting processes and community development standards.

1. Provide technical assistance to communities, developers and property owners seeking to provide affordable housing.
2. Provide technical assistance and funding to municipalities around zoning and land use planning.
3. Promote exemptions and streamlining of State permitting processes in areas designated for growth.

Limited funding to promote Fair Housing and address discrimination in rental and sales market housing markets.

1. Continue collaboration through the Fair Housing Committee of the Vermont Housing Council to undertake the actions recommended in 2017 Analysis of Impediments.
2. Support efforts of the Vermont Human Rights Commission, the Fair Housing Project, Vermont Legal Aid, and others to secure additional funding for fair housing activities.
3. Work with landlord and tenant organizations to increase awareness of State and federal housing law and ensure the rights and responsibilities of both are appropriately balanced in changes to State statutes.

Federal funding regulatory requirements such as the National Environmental Policy Act, Davis-Bacon, and procurement standards.

1. Continue to provide technical assistance and update guidance to grantees as requirements expand and change.
2. Access and seek additional training opportunities for State administrators and grantees.

3. Provide federal funding and regulatory agencies with information on the benefits and challenges of statutory and regulatory requirements and recommendations for improvements.

SP-60 Homelessness Strategy – 91.315(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Vermont provides outreach to homeless persons through a network of local agencies, including shelters, service agencies and housing providers. United Way 2-1-1 provides a one-stop resource and referral point for all persons.

The PATH Program provides assistance to several Vermont organizations to conduct outreach efforts to people experiencing a serious mental illness or co-occurring disorder. PATH is funded by the U.S. Dept. of Health & Human Services and administered in Vermont by the AHS Department of Mental Health.

The Vermont Coalition of Runaway and Homeless Youth Programs include a Street Outreach Program, provided by several organizations, to reach out to homeless and at-risk youth. These programs are funded by the U.S. Dept. of Health & Human Services.

Addressing the emergency and transitional housing needs of homeless persons

The State of Vermont leverages both State and federal resources to address the needs of homeless individuals and families. These resources include those for prevention, rapid rehousing, transitional housing, and shelter operations. The statewide network of local emergency shelters, including shelters for victims of domestic and sexual violence, are often full in winter months and many have developed “overflow” capacity. Additional shelter beds are available seasonally through warming shelters in communities with increased need. When shelters are full, AHS Department for Children and Families pays for emergency motel stays for homeless persons who are in a vulnerable population, including elders, people with disabilities, families with children, and victims of domestic violence.

Member agencies of Vermont’s Coalition of Runaway and Homeless Youth Programs provide emergency and transitional housing services to youth through the Runaway and Family Stabilization and Transitional Living Programs with funding from the US Dept. of Health & Human Services with support from AHS. Vermont was also the recipient of a HUD Youth Demonstration Program award which is expanding programs and resources for homeless youth.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Through AHS, the Vermont Council on Homelessness, and local Continua of Care, Vermont is actively engaged in developing multiple programs and strategies to shorten the duration of homelessness, ensure that people are stable after receiving assistance, and support homeless persons moving into permanent housing as rapidly as possible. ESG funds are specifically targeted to support Rapid Rehousing programs. In addition to ESG, State-funded resources include:

- The Vermont Rental Subsidy program, providing 12 months of rental assistance to formerly homeless families and individuals. Administered by AHS Department for Children and Families;
- AHS OEO administers Family Supportive Housing Program linking intensive supportive services and affordable housing to formerly homeless families with children, especially families with multiple episodes of homelessness;
- AHS OEO administers the consolidated Housing & Opportunity Grant program, which includes State funded short-term supported housing, rapid rehousing services, transitional housing for youth, victims of Domestic Violence and Veterans.

Vermont has a strong relationship with the Veterans Administration's grant per diem program to provide emergency shelter to veterans. Funding through the VA Supportive Services for Veterans' families supports various initiatives statewide to provide prevention and rehousing assistance. These projects are coordinated with local Continua of Care.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Vermont leverages State resources to divert low-income individuals and families from homelessness. In addition to homelessness prevention activities funded under the OEO Housing & Opportunity Grant Program, the following initiatives address discharge from publicly funded institutions and systems of care:

- The Vermont Coalition of Runaway and Homeless Youth Programs with AHS Department for Children & Families funding and partnerships ensure persons being discharged from the foster care system are not routinely discharged into homelessness and are accessing mainstream resources, including the Sect. 8 Family Unification Vouchers for youth in transition.
- State-funded Mental Health Subsidy & Care program, modeled on HUD Shelter plus Care, targets assistance towards homeless persons in hospitals to ensure a successful discharge into housing, not homelessness or McKinney-Vento funded programs.
- The AHS Department of Corrections (DOC) ensures persons being discharged from the corrections system of care are not routinely discharged into homelessness. If suitable permanent housing in the community cannot be located for a person exiting Corrections, DOC

utilizes a comprehensive statewide system of transitional housing to ensure that persons are not routinely discharged into homelessness.

SP-65 Lead based paint Hazards – 91.315(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

Lead-based paint remains a major concern in Vermont due to the State's older housing stock, particularly rental properties that house many lower income residents. More than 70% of Vermont's housing was constructed before 1978 when the use of lead paint was banned. Because the State is so reliant upon this older housing stock to meet the needs of low- and moderate-income people, hazards from deteriorated lead paint and unsafe renovations continue to present considerable challenges. Beginning in the early 1990's, and continuing into the present, Vermont has taken numerous actions to both address existing LBP hazards and increase access to lead-safe housing for low- and moderate-income families.

Since 1996 Vermont has had a law (Title 18, Chapter 38) that has reduced the number of Vermont children exposed to lead paint hazards in their homes by requiring rental property owners and childcare providers to safely address potential problems in pre-1978 buildings. Rates of blood lead screening continue to improve as the consequences of childhood lead poisoning become better known. Tens of thousands property owners, contractors, painters, maintenance workers and others have been trained in lead safe work practices. Public awareness of the potential dangers of lead paint hazards has improved in the last decade thanks to the efforts of the Vermont Department of Health, the Vermont Housing & Conservation Board's Lead-Based Paint Hazard Reduction Program, and other health and housing groups.

In 2008 Vermont was one of the first jurisdictions to recognize the dangers of any lead in children's blood and lowered its "level of concern" to 5 micrograms per deciliter of blood, nearing the detectable limits of standard laboratory analysis. The US CDC has since done the same for the entire country. Some changes were made to Vermont's lead paint law in 2008 that improved disclosure requirements and required the use of lead safe work practices when paint is disturbed at any pre-1978 residential property.

Since 1994, VHCB's Lead-Based Paint Hazard Reduction Program has utilized numerous HUD Lead Hazard Control Grants to control lead paint hazards in nearly 3,000 homes and apartments throughout the State. The Program provides assistance to low-income homeowners, private owners of affordable rentals, and non-profit developers whose apartments remain perpetually affordable to low-income residents. The Program works closely with all federally funded housing assistance programs to coordinate implementation of the Lead Safe Housing Regulation. The City of Burlington, Vermont's largest city, also administers a HUD-funded lead hazard control program that has assisted hundreds of units in Burlington and Winooski.

HUD's Lead Safe Housing Regulation (1012/1013) has been fully implemented in Vermont. The State continues to evaluate how the EPA Renovation, Repair and Painting (RRP) rule intersects with HUD's rule and the State's own, similar regulations. The Vermont Department of Health, working with EPA, have drafted new rules that would bring RRP implementation and enforcement under State jurisdiction. The

Vermont Legislature has passed an updated statute which will be triggered upon approval of these new rules.

How are the actions listed above integrated into housing policies and procedures?

Because both State and federal regulations concerning lead-based paint have been in place for decades, these requirements have been successfully integrated into Vermont's housing policies and procedures. Since the inception of Vermont's law in 1994, housing assistance programs have required lead safe work practices during renovations or repairs of pre-1978 properties. The VHCB Lead Program has worked with the State's housing agencies and organizations to integrate the requirements of HUD's Lead Safe Housing Rule into their operations. Since 2010 these efforts have included compliance with EPA's Renovation, Repair and Painting (RRP) Rule.

SP-70 Anti-Poverty Strategy – 91.315(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The goals of the State to reduce the number of poverty level families are to (a) meet basic subsistence requirements for those in need, (b) strengthen and preserve families, and (c) support self-empowerment.

The Department for Children and Families (DCF)-Economic Services Division offers the majority of programs and services provided to low income families in Vermont. For example, Reach Up is Vermont's Temporary Assistance to Needy Families (TANF) program which provides cash assistance, case management, and support services to Vermont families whose income is generally below 50% of the Federal Poverty Level. Reach Up and its related programs are managed by the Economic Services Division (ESD) and are critical to alleviating poverty. These critical programs provide nearly 7,000 Vermont children and their families with household income to help provide basic needs.

In addition, DCF- Office of Economic Opportunity (OEO) manages a number of grants to make housing more affordable and prevent homelessness among vulnerable Vermonters. Below is a list of some of DCF's most effective anti-poverty program investments:

- Family Supportive Housing is an evidence-informed model that provides permanent housing and intensive case management and financial empowerment support to families who have experienced homelessness and are at-risk of child welfare involvement. Families served by FSH tend to have high rates of housing stability (76-90% over the last four years) and most families close their child welfare case during enrollment and do not have a new case after they exit.
- Fuel Assistance- The Seasonal Fuel Assistance Program helps low-income families pay a portion of their home heating bills. Assistance is for homeowners or renters who pay for heat or who have heat included in the rent. The Crisis Fuel Program-Emergency fuel, and metered utility (disconnection, and furnace repairs or replacements. Crisis Fuel and After-Hours Emergency Fuel Program for Families with monthly gross income up to 200% of poverty level.
- Financial Empowerment Program Reach Up case managers use "Your Money, Your Goals" toolkit to help Reach Up recipients address financial barriers
- Ready 2 Go Transportation Program Reach Up provides rides for those with no transportation through the Ready to Go program, and helps participants develop plans to pay fines and obtain their licenses. While transportation remains a barrier to employment for people on Reach Up, programs like Ready to Go have helped decrease the rate of recipients who identify transportation as an obstacle (Reach Up Annual report 2019).
- The Child Care Financial Assistance Program (CCFAP) helps eligible families with the cost of childcare. Payments are made directly to childcare providers and is provided through DCF-Child Development Division. <https://dcf.vermont.gov/benefits/ccfap>
- Help Me Grow Vermont: Help Me Grow is dedicated to the success and wellbeing of Vermont's families and the communities they live in. Help Me Grow helps early childhood partners work

together to build strong, connected communities and healthy, resilient families. Investing in Vermont children's healthy development today is the foundation of our community's future social and economic wellbeing. Help Me Grow builds families' and service providers' understanding of early development, promotes the importance of social and emotional skill development, and connects children to the community resources and supports they need, when they need them. <https://helpmegrowvt.org/>

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

AHS and DHCD have a long history of coordinating their efforts with the Vermont State Housing Authority, Vermont Housing and Conservation Board, local Public Housing Authorities, private landlords and other housing organizations to assure that housing services reach Vermont's neediest citizens.

Examples of such collaborations include:

- Coordination through the Vermont Council on Homelessness to create and carry out a ten-year plan to end homelessness in Vermont;
- The Vermont Housing Council, which provides a coordinating forum on housing policy and programs;
- Cross representation on boards of the major housing funding organizations including the Vermont Community Development Board, the Vermont Housing Finance Agency and the Vermont Housing and Conservation Board;
- Coordination with other State agencies and non-profit groups of the range of federal McKinney programs, including ESG and the CoC Supportive Housing Program; and
- AHS' active participation in the development and review of the State's Consolidated Plan.

SP-80 Monitoring – 91.330

Describe the standards and procedures that the state will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

All Programs under the Consolidated Plan must follow *State Bulletin #5 Policy for Grant Issuance and Monitoring* which incorporates the provisions of the new "Uniform Guidance" issued by OMB.

CDBG conducts a Pre-Award Eligibility Determination and Risk Assessment is completed prior to an award to ensure no award is made to an ineligible organization and to mitigate any high-risk awards through special conditions in grant agreements and monitoring and reporting.

CDBG also takes a risk-based monitoring approach that is based on such factors as size of award; first time receiving an award; complexity of project; staff turnover; past performance; outstanding or delinquent reports; and one or more audit findings/internal control issues regarding program performance or compliance.

All grantees are monitored on a regular basis in accordance with program specific guidelines, State and federal regulations. Monitoring of all programs includes desk review of requisitions and supporting back-up documentation; review of program reports; and audit reports. CDBG monitoring also includes onsite reviews to interview program and administrative staff; and conduct onsite construction inspections. Monitoring of the HOME and HTF projects includes annual rent and tenant income reviews of HOME/HTF designated units, on-site inspections during the project's affordability period, and review of project financial information. VHCB has developed and implemented numerous policies and procedures to comply with the revised 2013 HOME regulations and HTF regulations and guidance.

ESG subrecipients are monitored on-site every three years, including programmatic and financial, case files, and staff and board interviews.

The overall goal of monitoring is to ensure compliance, and to provide technical assistance to ensure the long-term success of our partners, programs, and the clients that they serve.

Expected Resources

AP-15 Expected Resources – 91.320(c)(1,2)

Introduction

The State of Vermont receives HUD funding for CDBG, HOME, HTF, and ESG. The State will be receiving a one-time allocation for CDBG-RHP in FY20.

Annually, during the five-year period covered by this Plan, Vermont anticipates receiving approximately \$6.7 million in CDBG funds to be used for housing, economic development, and public services and facilities, \$3 million in HOME funds to be used for housing, \$3 million in HTF funds to be used for extremely low income housing, and approximately \$645,000 in HUD funds through the ESG program to be used for emergency shelter and rapid rehousing for persons experiencing homelessness. The VCDP estimates an additional \$200,000 in CDBG program income each year.

CDBG, HOME, HTF and ESG will be used strategically to address priority needs and leverage other federal, State and local resources. These include federal low-income housing tax credits. The State's LIHTC program is administered by the Vermont Housing Finance Agency (VHFA) in accordance with Vermont's Qualified Allocation Plan (QAP). The QAP closely reflects the priorities, goals and strategies of the Consolidated Plan. A significant source for non-housing community development is equity generated by New Market Tax Credits, which are deployed by Housing Vermont's Vermont Rural Ventures, a qualified community development enterprise. Both VHFA and Housing Vermont sit on the Vermont Housing Council and Con Plan Citizen Advisory Group ensuring close coordination. Additional resources that may be leveraged to support the goals of the Consolidated Plan include Section 8, McKinney-Vento, Vermont Housing and Conservation Trust and matching funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	7,246,223	200,000	0	7,446,223	27,600,000	Assuming \$6.7 million annual allocation plus \$200,000 in program income.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	3,000,000	0	0	3,000,000	12,000,000	Assuming \$3 million small State minimum annually. HOME will be used for Multifamily rental new construction and rehab.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	677,036	0	0	677,036	2,580,000	Assuming \$645,000 annual allocation. ESG will be used for emergency shelter, rapid rehousing and HMIS.
HTF	public - federal	Acquisition Admin and Planning Homebuyer assistance Multifamily rental new construction Multifamily rental rehab New construction for ownership	3,000,000	0	0	3,000,000	12,000,000	Assuming \$3 million small state minimum annually.
Other	public - federal	Other	753,000	0	0	753,000	0	Assuming one-time allocation for FY2020

Table 55 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

For CDBG funds, VCDP's Program Guidelines require applicants to provide a full description of how matching requirements will be met including the name and address of the source and indicate whether it is a loan, grant, cash, cash-in-kind goods or services, etc. Matching requirements are as follows:

(a) Implementation Grants (IG): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

1. a. Economic Development Loans: borrower must provide cash-equity of at least 10% of the total project cost. This cannot be borrowed or otherwise encumbered money. Note: The Agency may waive the 10% equity match required for a VCDP economic development project if justified.
2. b. Slums & Blight: Cash or cash-in-kind goods or services of at least 10% of the VCDP funds. This match must directly fund remediation of the S&B condition.

(b) Scattered Site Housing Grants (SS): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

(c) Planning Grants (PG): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

(d) Accessibility Modification Grants (AM): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds for Handicapped Accessibility work on municipally owned buildings and community libraries.

(e) Home Access Grants (HA): Match can consist of a loan, grant, cash or cash-in-kind goods or services of a flat 10% of the VCDP funds.

If a community has an in-active VCDP/HUD funded Revolving Loan Fund (RLF) as defined by Agency Procedures, at least 20% of the RLF balance on hand must be committed to the project when applying for VCDP funds.

For HOME funds, priority is given to projects with non-federal funding sources for leveraging HOME Funds to ensure the overall HOME Program meets the 25% match requirement. Projects must demonstrate leverage of resources and cost-effectiveness, which may include but is not limited to density bonuses, energy efficiency, lead paint hazard abatement, and historic preservation. Vermont Housing Conservation Board (VHCB) State funding for housing is often used as match for the HOME Program.

ESG requires a dollar for dollar match. Vermont Agency of Human Services, Office of Economic Opportunity (OEO) will use State general funds appropriation for homeless assistance as match for the ESG program.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

N/A

Annual Goals and Objectives

AP-20 Annual Goals and Objectives – 91.320(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase supply and quality of affordable housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Safe, Decent, and Affordable Housing	CDBG: \$3,350,800 HOME: \$3,000,000 HTF: \$3,000,000 CDBG-RHP: \$753,000	Rental units constructed: 70 Household Housing Unit Rental units rehabilitated: 70 Household Housing Unit Homeowner Housing Added: 2 Household Housing Unit Homeowner Housing Rehabilitated: 100 Household Housing Unit Housing for Homeless added: 5 Household Housing Unit
2	Decrease number people experiencing homelessness	2020	2024	Homeless		Individuals and families experiencing homelessness	ESG: \$677,036	Tenant-based rental assistance / Rapid Rehousing: 500 Households Assisted Homeless Person Overnight Shelter: 3000 Persons Assisted
3	Create and retain jobs	2020	2024	Non-Housing Community Development		Economic Opportunity	CDBG: \$1,861,556	Jobs created/retained: 30 Jobs Businesses assisted: 2 Businesses Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Strengthen communities and improve quality of life	2020	2024	Non-Housing Community Development		Strong Communities	CDBG: \$2,233,867	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 4290 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 300 Households Assisted

Table 56 – Goals Summary

Goal Descriptions

1	Goal Name	Increase supply and quality of affordable housing
	Goal Description	
2	Goal Name	Decrease number people experiencing homelessness
	Goal Description	
3	Goal Name	Create and retain jobs
	Goal Description	
4	Goal Name	Strengthen communities and improve quality of life
	Goal Description	

AP-25 Allocation Priorities – 91.320(d)

Introduction:

In keeping with the State’s long-standing policy, the State does not plan to target assistance to specific geographic regions or activities. State law requires that CDBG funds, dispersed through VCDP are awarded on a competitive basis, based on an evaluation of need, impact and feasibility, and subject to HUD limitations. Likewise, VHCB allocates HOME funds on a competitive basis, except for up to 5% for general operating assistance for Community Housing Development Organizations (CHDOs) to implement HOME projects, and HTF is allocated on a competitive basis in accordance with the HTF Allocation Plan. ESG funds are awarded to eligible nonprofits, including community and/or faith-based organizations following the selection process of the Vermont Office of Economic Opportunity. The State anticipates CDBG-RHP grants will be awarded on a competitive basis as well.

Funding Allocation Priorities

	Increase supply and quality of affordable housing (%)	Decrease number people experiencing homelessness (%)	Create and retain jobs (%)	Strengthen communities and improve quality of life (%)	Total (%)
CDBG	45	0	25	30	100
HOME	100	0	0	0	100
ESG	0	100	0	0	100
HTF	100	0	0	0	100
Other CDBG-RHP	100	0	0	0	100

Table 57 – Funding Allocation Priorities

Reason for Allocation Priorities

The State’s allocation priorities are based on the priority needs identified in the Housing Needs Assessment and further developed through the citizen participation and consultation process to meet the goals identified in the plan.

How will the proposed distribution of funds will address the priority needs and specific objectives described in the Consolidated Plan?

The proposed distribution of funds addresses the priority needs identified by allocating funding to the most critical needs identified through the Housing Needs Assessment, market analysis, citizen participation process, and consultation with service providers, agencies and organizations. Vermont continues to see affordable housing, reducing homelessness and job creation as a strong need for the State. During the public participation process there was a lot of discussion about public facility needs around the State. Based on that feedback the Strong Communities goal has been changed from a low to

high need. These needs are clearly reflected in the State's allocation of CDBG, HOME, and HTF resources. Specifically, ESG funds will be fully leveraged along with State resources to reduce the number of individuals and households experiencing homelessness. These funds will also focus on shortening the length of time people experience homelessness and reduce the number of individuals returning to homelessness.

This distribution is further informed by past program performance and evaluations of how CDBG, HOME, HTF, and ESG can be used most effectively and efficiently given program rules.

AP-30 Methods of Distribution – 91.320(d)&(k)

Introduction:

This section summarizes the methods of distribution for State programs that administer HUD funds, as well as the National Housing Trust Fund. In each of the State programs described below, the State encourages applications for projects that include more than one goal or objective or which address more than one Priority Need (e.g., an application for a housing project that also consists of a component of commercial space; or a public facility project that also consists of a component of public services).

As required, it also provides information about locally controlled program income / revolving loan funds.

Distribution Methods

Table 58 - Distribution Methods by State Program

1	State Program Name:	Housing Opportunity Grant Program
	Funding Sources:	ESG
	Describe the state program addressed by the Method of Distribution.	<p>OEO’s Housing Opportunity Grant Program combines ESG funds with state homeless assistance funds to help nonprofit organizations work within their local Continuums of Care to:</p> <ul style="list-style-type: none"> • Reduce the incidence and duration of homelessness; • Shorten the length of time an individual or household is homeless; and Prevent homelessness.
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	<p>Selection of applicants for ESG funding under the consolidated Housing Opportunity Grant Program will be made based on the following:</p> <ul style="list-style-type: none"> • Meeting of criteria as outlined in this document and detailed in the Request for Proposal (RFP). • The applicant’s history of providing effective shelter or rapid rehousing services to the homeless, and of successfully operating performance-based grant-funded programs. • The applicant’s demonstrated coordination with organizations in their local "continuum of care," to address identified gaps in services for the homeless and improve outcomes for

	<p>participants. All activities undertaken with ESG assistance are consistent with the State’s consolidated plan.</p> <ul style="list-style-type: none"> • If the applicant is requesting Emergency Shelter Operations funding: Assurance that funds will preserve or support existing shelter bed capacity. • If applicant is requesting Essential Services or Rapid Re-Housing funding: The applicant’s ability to transition homeless participants or shelter residents to permanent or transitional housing, and/or prevent homelessness for families and individuals who are at risk. The applicant’s ability to assist homeless participants in obtaining mainstream supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals. • The applicant’s engagement of homeless individuals and families in the governance or operation of programming and services, to the maximum extent practicable. • Previous project performance under the program performance measures. <p>Actual funding will be based on the follow:</p> <ul style="list-style-type: none"> • Requested amount (total request and spending plan) • Available funds • Strength of application in demonstrating application criteria are met • Local need • Alignment with state and federal strategies • Previous funding and project performance
<p>If only summary criteria were described, how can potential applicants access application manuals or</p>	<p>N/A - CDBG only</p>

<p>other state publications describing the application criteria? (CDBG only)</p>	
<p>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	<p>In April 2019, OEO will release a Request for Proposals for the Housing Opportunity Grant Program (which includes ESG program funds). Awards made for State Fiscal Year 2019 (July 1-June 30, 2019) will be considered for renewal first in SFY 2020, followed by requests for new projects or additional funding. Current awards (SFY 2019) were reviewed and evaluated by AHS OEO based on local need, capacity, approach and local coordination. Part of the selection process may involve a site visit of the finalists at which time documentation listed in the application will be reviewed. Vermont will make ESG sub-awards with successful applicants for ESG-funded activities under Housing Opportunity Grant Program agreements. One or more grants will be awarded by OEO to Vermont municipalities, or, with municipal approval, Vermont nonprofits whose purpose is to shelter, serve, and re-house the homeless.</p> <p>Like all awards, the second year of funding will be based on anticipated funding and performance. Grantees will report on performance measures quarterly.</p>
<p>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	
<p>Describe how resources will be allocated among funding categories.</p>	<p>Decisions on how to prioritize funding categories are based on survey and public forum input through the Consolidated Plan process, guidance and national reports released by HUD, the National Alliance to End Homelessness, and the US Interagency Council on Homelessness (USICH); the Vermont Council on</p>

	<p>Homelessness five-year plan to end homelessness; and an acknowledgement that homelessness is inherently traumatic for families and individuals. In addition, decisions were informed by survey and discussions with CoC stakeholders regarding funding priorities. Survey results revealed strong consensus that Vermont prioritize funding for Emergency Shelter, Homelessness Prevention and Rapid Re-housing. Further consultation confirmed that Vermont’s homeless prevention needs and rehousing service needs could be better met outside the requirements of HUD funding. State funds will adequately support these efforts and Vermont will focus ESG Emergency Shelter funds on preserving existing shelter capacity and/or supporting seasonal capacity, as is consistent with the AHS housing policy. The survey also confirmed that promoting permanent housing through rapid re-housing activities are widely supported strategies for reducing homelessness.</p> <p>OEO estimates the following allocation to planned activities:</p> <ul style="list-style-type: none"> • Emergency Shelter (Operations & Essential Services): 60% • HMIS: 22% • Rapid Rehousing (Financial & Rental Assistance): 10.5% • Administration: 7.5% (maximum allowed) <p>Specific funding within the major categories of Rapid Rehousing and Emergency Shelter may shift based on the applications received and awarded.</p>
<p>Describe threshold factors and grant size limits.</p>	<p>Eligible applicants are municipalities and nonprofits including community and faith-based organizations. New applicants, and applicants who have recently relocated their operations to another municipality, must submit a completed Certification of Local Government Approval with their application.</p> <p>Faith-based organizations are required to have separate 501c3 status established to meet eligibility requirements.</p> <p>All grantees must be in compliance with program guidelines and applicable state and federal policies and procedures, including compliance with federal nondiscrimination law. This includes certification from all Emergency Shelter applicants must certify that the assisted property will be maintained as an Emergency Shelter for the period of funded assistance. All Shelters must have passed ESG shelter habitability inspection within the past year.</p>

		There are no grant size limits per se for ESG funds. Grants to subrecipients of ESG funds typically range from \$8,000 to \$170,000.
	What are the outcome measures expected as a result of the method of distribution?	This method of distribution will support the State’s goal of serving 500 households through rapid rehousing services and providing emergency overnight shelter to 3,000 people.
2	State Program Name:	Special Housing Projects Pilot
	Funding Sources:	CDBG
	Describe the state program addressed by the Method of Distribution.	<p>The Special Housing Projects Pilot is intended to provide seed funds to encourage innovative projects that address housing health issues and provide net new units with limited public investment. Funds of up to \$250,000 per applicant and an annual maximum of \$750,000 will be administered through the existing Vermont Community Development Program (VCDP) protocol with the addition of several special criteria. Consideration will be made to the percentage of public investment contributing to the total project proposal, the number of public funding sources being utilized, ability of applicant to leverage Private Activity Bond Cap and potentially “4%” Low Income Housing Tax Credits and with consideration to the per unit development cost.</p> <p>The VCDP is funded with Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. Section 5301 et seq., herein referred to as the "FEDERAL ACT." All municipalities in Vermont, except Burlington (which receives funds directly from HUD), are eligible to apply for VCDP funds.</p> <p>The VCDP is authorized under the Vermont Community Development Act, Title 10 V.S.A. Chapter 29, referred to in this Consolidated Plan as the "STATE ACT." The lead agency, ACCD, administers the VCDP through the Department of Housing and Community Development (DHCD). All municipalities, unless currently sanctioned, are eligible to apply for VCDP funding through a competitive, needs based application process. Funding levels, maximum and minimum grant requests, selection criteria, State priorities, and application assistance can be found on the next pages and in more detail at the VCDP website.</p>

<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>The State Act stipulates that the allocation of VCDP funds shall be competitive, ensure that a wide range of community development activities be eligible, and be based on a system that measures the need and impact of the proposed projects (10 VSA Sec.687). The VCDP has established an application process and selection criteria to meet the intent of the State Act. The VCDP uses a Web-based Application System. Applications are completed online and are submitted by municipalities. VCDP staff then review each application for eligibility and completeness, before conducting a thorough analysis of each eligible application. The VCDP Board then reviews each application and DHCD staff recommendations and makes funding recommendations to the ACCD Secretary on behalf of the Governor. Staff analyses of the applications are written based on the following criteria and must meet one of three HUD National Objectives (Low and Moderate Income, Slums and Blight, and Urgent Need).</p> <p>The selection criterion is as follows:</p> <ol style="list-style-type: none"> 1. Project Need: The project must meet a documented community or regional need. Determinations will be based on evaluation of such factors as: <ul style="list-style-type: none"> • Need documentation; Appropriate solution; Appropriate funding; Meeting Consolidated Plan priorities; Meeting local and regional plan priorities; Health/safety risks to beneficiaries; Impact if project is not funded; Ability of project to address recommendations identified in legislative and stakeholder reports 2. Project Impact: The project must show how well it meets a national objective and how well it impacts the community. Determinations will be based on evaluation of such factors as: <ul style="list-style-type: none"> • Ability to meet the need Number/percentage of low and moderate-income persons directly benefiting; Longevity of the benefit; Beneficiary involvement in developing the project; Indirect benefit to low and moderate-income persons and the community 3. Project Feasibility: The project must be attainable and the representations and commitments within the application must be believable. This will include such factors as: <ul style="list-style-type: none"> • Readiness to start/Proposed time frame is realistic; Proposed benefit is realistic; Costs are appropriate and justified; Prior VCDP performance record
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	<p>4. Project Cost and Leverage: Projects funded by the Special Housing Project Pilot must demonstrate an ability to achieve net new housing units with limited public investment. Factors to be considered will include:</p> <ul style="list-style-type: none"> • Per unit costs in line with characteristics of the project; Percent of project funded by public investment; Ability of project to leverage underutilized resources such as Private Activity Bond Cap and/or “4%” Low Income Housing Tax Credits.
<p>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</p>	<p>Please see the VCDP Program Guide at: https://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-Program-Guide.pdf for a detailed description of the program including; selection criteria, funding levels and application instructions.</p>
<p>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	<p>N/A - ESG only</p>
<p>Identify the method of</p>	

<p>selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	
<p>Describe how resources will be allocated among funding categories.</p>	<p>The VCDP must expend at least 70% of the HUD Award over a period of three program years to fund activities that principally benefit persons of low and moderate income. Grants for Activities which aid in the prevention or elimination of slums and blight (Slums and Blight) or that are designed to meet urgent community development needs (Urgent Need) do not necessarily provide a direct benefit to persons with low and moderate incomes. Such awards, therefore, must be drawn from the remaining 30% of the CDBG award over a period of three program years. Grants for these activities combined will be limited to 13% of the total HUD Award over a period of three program years.</p> <p>Costs for grant activities known as General Administration may not exceed 12% of a VCDP grant award. This limitation assures compliance with the federally imposed cap of 20% of the total Annual HUD Award and program income that may be used for all VCDP planning and general administrative purposes, including both State and local costs. The federal share of State administration funding is capped at 2% of the annual CDBG award, which must be matched by a minimum of 2% in State funds, plus 1% for technical assistance and an additional \$100,000 of unmatched HUD funding for a total HUD funded State administration of 3% of the CDBG award plus \$100,000. The State does not intend to use any Program Income for State administration.</p> <p>The VCDP will set aside \$200,000 for Accessibility Modification Grants (AM) and \$100,000 for Home Access Grants (HA) until the last funding round during the period July 1, 2020 – June 30, 2021. Any funds remaining may then be awarded to Implementation and Planning Grants (IG, PG).</p>

	<p>The Federal Act restricts the total funds that may be used to fund activities known as Public Services to 15% of the Annual HUD Award that is allocated for assistance to municipalities. The maximum allowable for public service activities is shown in Table – CDBG FFY2020 Distribution Plan.</p> <p>The State may use up to one percent of the Annual HUD Awards for FFY88 through FFY2020 to the extent funds remain undistributed for these program years to provide technical assistance to local governments and nonprofit recipients. The amount established for this Consolidated Plan is shown in Table – CDBG FFY2020 Distribution Plan.</p> <p>FY20 is the second year that VCDP will set aside up to 25% of its annual CDBG allocation for Scattered-Site (SS) Housing Rehab Grants to be distributed at the first funding round during the period July 1, 2020 – June 30, 2021. Any funds remaining may then be awarded to Implementation and Planning Grants (IG, PG) at the last funding round during the same aforementioned period.</p>
<p>Describe threshold factors and grant size limits.</p>	<p>All applications for VCDP funds must meet the following eligibility thresholds to be considered for review. These eligibility thresholds are statutory and cannot be waived by the Agency. Failure to meet all eligibility thresholds will result in rejection of the Application.</p> <p>Eligible Applicant: The only eligible applicants are Vermont towns and cities and incorporated villages chartered to function as general-purpose units of local government.</p> <p>A municipality may apply as a single applicant, as the lead applicant of a consortium, as a member of a consortium, but not as a single applicant and as lead applicant of a consortium.</p> <p>Eligible Activity: Only those activities eligible under the Federal Act may be funded under this program.</p> <p>Federal Objective: Each proposed VCDP activity must meet at least one national objective. The national objective claim must be fully supported, and in some cases, the AGENCY should pre-approve your approach for meeting the national objective.</p> <p>State Objective: Each proposed VCDP activity must meet at least one State objective.</p> <p>Public Hearing: Each VCDP applicant must conduct at least one (1) public hearing with notice as required by the STATE ACT, prior to application submission. HUD regulations require a minimum of two (2) public hearings, each at a different stage of the program, to obtain citizens' views and responding to proposals</p>

		<p>and questions. The VCDP complies with this regulation by requiring the first public hearing during the application stage and the second public hearing prior to the completion date of the funded grant program.</p> <p>Municipal Plan: Each VCDP applicant, including consortium members, must have a municipal plan adopted in accordance with 24 VSA Ch. 117. The plan must identify the municipality's community development needs including housing and economic development as well as the needs of low and moderate-income persons and the activities to be undertaken to meet such needs.</p> <p>Anti-Displacement Plan: Under the provisions of the Uniform Act, 42 USC §4601 et seq., each successful applicant, including all municipalities in joint applications, but excluding Planning Grant applicants, must submit a Residential Anti-Displacement and Relocation Assistance Plan (ADP) and state whether the proposed activity will result in displacement, relocation, property demolition, or property change of use. Please see the VCDP Program Guide at: https://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-Program-Guide.pdf for a detailed description of eligibility criteria and program thresholds.</p> <p>For grant size limits - see CDBG Grant Types, Funding Limits and Match Requirements.</p>
	What are the outcome measures expected as a result of the method of distribution?	<p>This method of distribution will support the State's 2020 Consolidated Plan goals in housing, economic development, public facilities and services. With a FFY20 CDBG allocation of approximately \$7.2 million, CDBG annually will create 43 rental units and 2 homeowner units, rehabilitate 44 rental units and 100 homeowner units, create or retain 30 jobs and assist 2 businesses, and serve approximately 4,590 Vermonters through public facility and service activities</p>
3	State Program Name:	Vermont Community Development Program
	Funding Sources:	CDBG
	Describe the state program addressed by the Method of Distribution.	<p>The Vermont Community Development Program (VCDP) is funded with Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. Section 5301 et seq., herein referred to as the "FEDERAL ACT." All municipalities in Vermont, except Burlington (which receives funds directly from HUD), are eligible to apply for VCDP funds.</p> <p>The VCDP is authorized under the Vermont Community Development Act, Title 10 V.S.A. Chapter 29, referred to in this Consolidated Plan as the "STATE ACT." The lead agency, ACCD, administers the VCDP</p>

	<p>through the Department of Housing and Community Development (DHCD). All municipalities, unless currently sanctioned, are eligible to apply for VCDP funding through a competitive, needs based application process. Funding levels, maximum and minimum grant requests, selection criteria, State priorities, and application assistance can be found on the next pages and in more detail at the VCDP Website.</p> <p>The VCDP provides eligibility criteria, notices of funding availability, a Program Guide and Application Instructions on its website: http://accd.vermont.gov/community-development/funding-incentives/vcdp</p> <p>The Website is used to provide potential applicants and existing grantees with all the resources needed to apply for funding, receive technical assistance and successfully manage their projects. VCDP Staff are readily available to assist potential applicants, current applicants and existing grantees. Each year, VCDP notifies (Via Email) every eligible municipality in the state of the availability of CDBG funding and the application process. This outreach and communication is critical for VCDP since funding is not directly allocated or targeted to specific communities or regions within the state. VCDP provides an open application process with applications accepted throughout the year and funding availability guaranteed throughout the year. Three VCDP Board meetings to make funding recommendations have been established for the FFY 2020 Program Year. Municipalities are encouraged to apply for funding throughout the year. More information on VCDP Board Meeting dates, application instructions and assistance accessing the program can be found at: http://accd.vermont.gov/community-development/funding-incentives/vcdp/applicant-guidance</p>
<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>The State Act stipulates that the allocation of VCDP funds shall be competitive, ensure that a wide range of community development activities be eligible, and be based on a system that measures the need and impact of the proposed projects (10 VSA Sec.687). The VCDP has established an application process and selection criteria to meet the intent of the State Act. The VCDP uses a Web-based Application System. Applications are completed online and are submitted by municipalities. VCDP staff then review each application for eligibility and completeness, before conducting a thorough analysis of each eligible application. The VCDP Board then reviews each application, interviews and questions the applicants using the below criteria and makes funding recommendations to the ACCD Secretary on behalf of the Governor. Each of the three criteria has equal weight and staff analyses of the applications are written</p>

	<p>based on these criteria and must meet one of three HUD National Objectives (Low and Moderate Income, Slums and Blight, and Urgent Need). The selection criterion is as follows:</p> <ol style="list-style-type: none"> 1. Project Need: The project must meet a documented community or regional need. Determinations will be based on evaluation of such factors as: Need documentation; Appropriate solution; Appropriate funding; Meeting Consolidated Plan priorities; Meeting local and regional plan priorities; Health/safety risks to beneficiaries; Impact if project is not funded 2. Project Impact: The project must show how well it meets a national objective and how well it impacts the community. Determinations will be based on evaluation of such factors as: Ability to meet the need Number/percentage of low and moderate-income persons directly benefiting; Longevity of the benefit; Beneficiary involvement in developing the project; Indirect benefit to low and moderate-income persons and the community 3. Project Feasibility: The project must be attainable and the representations and commitments within the application must be believable. This will include such factors as: Readiness to start/Proposed time frame is realistic; Proposed benefit is realistic; Costs are appropriate and justified; Prior VCDP performance record <p>Please see the VCDP Program Guide at: https://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-Program-Guide.pdf for a detailed description of the program including; selection criteria, funding levels and application instructions.</p> <p>All CDBG applicants seeking funding for affordable multi-family rental housing (for new units and rehabilitation of existing units) shall describe the plans and tools they have in place to achieve the goal of making available at least 15% of the units in their portfolio to those who are homeless.</p>
<p>If only summary criteria were described, how can potential applicants access application manuals or</p>	<p>Please see the VCDP Program Guide at: https://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-Program-Guide.pdf for a detailed description of the program including; selection criteria, funding levels and application instructions.</p>

<p>other state publications describing the application criteria? (CDBG only)</p>	
<p>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	<p>N/A - ESG only</p>
<p>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	
<p>Describe how resources will be allocated among funding categories.</p>	<p>The VCDP must expend at least 70% of the HUD Award over a period of three program years to fund activities that principally benefit persons of low and moderate income. Grants for Activities which aid in the prevention or elimination of slums and blight (Slums and Blight) or that are designed to meet urgent</p>

	<p>community development needs (Urgent Need) do not necessarily provide a direct benefit to persons with low and moderate incomes. Such awards, therefore, must be drawn from the remaining 30% of the CDBG award over a period of three program years. Grants for these activities combined will be limited to 13% of the total HUD Award over a period of three program years.</p> <p>Costs for grant activities known as General Administration may not exceed 12% of a VCDP grant award. This limitation assures compliance with the federally imposed cap of 20% of the total Annual HUD Award and program income that may be used for all VCDP planning and general administrative purposes, including both State and local costs. The federal share of State administration funding is capped at 2% of the annual CDBG award, which must be matched by a minimum of 2% in State funds, plus 1% for technical assistance and an additional \$100,000 of unmatched HUD funding for a total HUD funded State administration of 3% of the CDBG award plus \$100,000. The State does not intend to use any Program Income for State administration.</p> <p>The VCDP will set aside \$200,000 for Accessibility Modification Grants (AM) and \$100,000 for Home Access Grants (HA) until the last funding round during the period July 1, 2020 – June 30, 2021. Any funds remaining may then be awarded to Implementation and Planning Grants (IG, PG).</p> <p>The Federal Act restricts the total funds that may be used to fund activities known as Public Services to 15% of the Annual HUD Award that is allocated for assistance to municipalities. The maximum allowable for public service activities is shown in Table – CDBG FFY2020 Distribution Plan.</p> <p>The State may use up to one percent of the Annual HUD Awards for FFY88 through FFY2020 to the extent funds remain undistributed for these program years to provide technical assistance to local governments and nonprofit recipients. The amount established for this Consolidated Plan is shown in Table – CDBG FFY2020 Distribution Plan.</p> <p>FY20 is the second year that VCDP will set aside up to 25% of its annual CDBG allocation for Scattered-Site (SS) Housing Rehab Grants to be distributed at the first funding round during the period July 1, 2020 – June 30, 2021. Any funds remaining may then be awarded to Implementation and Planning Grants (IG, PG) at the last funding round during the same aforementioned period.</p>
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<p>Describe threshold factors and grant size limits.</p>	<p>All applications for VCDP funds must meet the following eligibility thresholds to be considered for review. These eligibility thresholds are statutory and cannot be waived by the Agency. Failure to meet all eligibility thresholds will result in rejection of the Application.</p> <p>Eligible Applicant: The only eligible applicants are Vermont towns and cities and incorporated villages chartered to function as general-purpose units of local government.</p> <p>A municipality may apply as a single applicant, as the lead applicant of a consortium, as a member of a consortium, but not as a single applicant and as lead applicant of a consortium.</p> <p>Eligible Activity: Only those activities eligible under the Federal Act may be funded under this program.</p> <p>Federal Objective: Each proposed VCDP activity must meet at least one national objective. The national objective claim must be fully supported, and in some cases, the AGENCY should pre-approve your approach for meeting the national objective.</p> <p>State Objective: Each proposed VCDP activity must meet at least one State objective.</p> <p>Public Hearing: Each VCDP applicant must conduct at least one (1) public hearing with notice as required by the STATE ACT, prior to application submission. HUD regulations require a minimum of two (2) public hearings, each at a different stage of the program, to obtain citizens' views and responding to proposals and questions. The VCDP complies with this regulation by requiring the first public hearing during the application stage and the second public hearing prior to the completion date of the funded grant program.</p> <p>Municipal Plan: Each VCDP applicant, including consortium members, must have a municipal plan adopted in accordance with 24 VSA Ch. 117. The plan must identify the municipality's community development needs including housing and economic development as well as the needs of low and moderate-income persons and the activities to be undertaken to meet such needs.</p> <p>Anti-Displacement Plan: Under the provisions of the Uniform Act, 42 USC §4601 et seq., each successful applicant, including all municipalities in joint applications, but excluding Planning Grant applicants, must submit a Residential Anti-Displacement and Relocation Assistance Plan (ADP) and state whether the proposed activity will result in displacement, relocation, property demolition, or property change of use.</p>
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		<p>Please see the VCDP Program Guide at: https://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-Program-Guide.pdf for a detailed description of eligibility criteria and program thresholds.</p> <p>For grant size limits - see CDBG Grant Types, Funding Limits and Match Requirements.</p>
	What are the outcome measures expected as a result of the method of distribution?	<p>This method of distribution will support the State's 2020 Consolidated Plan goals in housing, economic development, public facilities and services. With a FFY20 CDBG allocation of approximately \$7.2 million, CDBG annually will create 43 rental units and 2 homeowner units, rehabilitate 44 rental units and 100 homeowner units, create or retain 30 jobs and assist 2 businesses, and serve approximately 4,590 Vermonters through public facility and service activities.</p>
4	State Program Name:	Vermont HOME Program
	Funding Sources:	HOME
	Describe the state program addressed by the Method of Distribution.	<p>HOME Investment Partnerships Program (HOME) allocation for FFY2020 is \$3,000,000. The Department of Housing and Community Development (DHCD) is the agency responsible for developing the Consolidated Plan, and State statute designates the Vermont Housing and Conservation Board (VHCB) as the agency responsible for administering HOME funds.</p> <p>In FFY 2020, HOME funds will be used for the following programs with investments in the form of grants or long-term deferred loans:</p> <p>1. Acquisition and Rehabilitation Program. HOME funds will be used for acquisition and rehabilitation of conventional rental properties to make them affordable to low income households and/or to convert them to cooperatives, and to preserve existing affordable rental properties.</p> <p>When HOME funds are used for rehabilitation, the work must be performed according to the VHCB's written rehabilitation standards, which describe the methods and materials to be used, and the entire unit must be brought up to applicable property standards as described in 24 CFR 92.251(b).</p> <p>2. New Construction Program. HOME funds will be used for the production of conventional rental properties that serve an area or market where existing housing stock is limited and/or to provide housing for households/individuals with documented special needs. Units created under this program must be affordable to low income households.</p>

3. Refinancing existing debt. Multi-family rental projects developed by locally based housing organizations that receive HOME funds for rehabilitation may utilize HOME funds to refinance existing debt if there is significant rehabilitation of the property proposed in addition to the refinancing (See the HOME Refinancing Guidelines in AP-90 HOME Program Specific Requirements).

Community Housing Development Organizations (CHDOs)

At least fifteen percent (15%) or approximately \$450,000 of the FFY2020 HOME allocation will be used for rental projects developed, owned, or sponsored by qualified Community Housing Development Organizations (CHDOs) as defined in 24 CFR 92.2.

Up to five percent (5%) or approximately \$150,000 of the State's total HOME allocation may be used for general operating assistance for qualified CHDOs who are expected to receive CHDO project funds within 24 months. CHDO Operating funds will be awarded through VHCB's organizational grant application process.

Statewide Allocation

The State's allocation including CHDO project funds, but not including Administration or CHDO Operating) will be distributed to projects on a competitive basis throughout the state, excluding the City of Burlington which has its own allocation.

Program Administration

The State's HOME program will be administered by VHCB pursuant to a contract with DHCD. The State recognizes that its Consolidated Plan cycle is not consistent with the ability of its agent, VHCB, to commit HOME funds. Considering the fact that Vermont's HOME Program is recognized by HUD as a national leader in achieving the goals of the HOME Program, we do not find this inconsistency to be a significant issue in program delivery.

Administrative Costs

The State intends to use up to 10% of the HOME allocation for administrative and planning costs, distributing funds among the two entities involved with administering Vermont's HOME Program: DHCD and VHCB. The State may use approximately \$300,000 (10%) in FFY 2020 funds for eligible administrative costs.

<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>Eligible Applicants</p> <p>Information about the HOME Program is available on VHCB’s website, including links to the HOME Program Handbook, application deadlines and Board meeting dates, and the common housing application. VHCB works closely with a statewide network of non-profit affordable housing developers who are provided this information. In addition, VHCB provides information about the HOME Program application process and requirements to for-profit developers when inquiries are received. General Information for Applicants Seeking VHCB and/or HOME Program Funds for Affordable Housing Development is available here: https://vhcb.org/our-programs/housing/housing-applications.</p> <p>Eligibility to apply for HOME funds will be no more restrictive than required by HOME regulations. Consistent with the regulations, at least 15% of the annual allocation will be used for projects developed, owned, or sponsored by qualified CHDOs, as defined in 24 CFR 92.2. Applications will be accepted on a rolling basis and acted upon at regularly scheduled VHCB Board meetings based on project readiness. VHCB uses the State's Common Housing Application with an additional VHCB/HOME application supplement and checklist.</p> <p>Threshold Criteria</p> <p>The following criteria must exist in any application to be considered for a commitment of HOME funds:</p> <ol style="list-style-type: none"> 1. The project must be perpetually affordable. 2. At least one of the Consolidated Plan housing related goals must be included. 3. Preference shall be given to projects located in the State's Designated Downtowns, Village Centers, neighborhood development areas and other areas that are consistent with the state's historic settlement pattern and "Smart Growth". <p>Consolidated Plan Affordable Housing Goals</p> <p>On a competitive basis, applications that have met the threshold criteria described above will be evaluated and ranked according to how many of the Consolidated Plan Affordable Housing Strategies are addressed by the project.</p> <p>Efficient Use of Resources</p>
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	<p>Consistent with 24 CFR Section 92.250(b), projects seeking HOME funds will require an analysis of whether the amount of HOME funds invested is reasonable to achieve affordable housing. This analysis must confirm that the project can be sustained from rent levels affordable to the targeted population while maintaining adequate levels of maintenance or repair and fully funding reserves required by lenders or grantors. This analysis will be done by VHCB for each application.</p> <p>Additional Analysis</p> <p>In accordance with VHCB’s Underwriting Policy and Procedures, additional analysis in the following areas will be performed by VHCB underwriting staff prior to making a HOME funding recommendation to the Board:</p> <ul style="list-style-type: none"> • Development capacity and fiscal soundness of the applicant • Project location • Market demand • Budget documents • Plans and specifications • HOME requirements • Developer/owner profit standard and evaluation <p>More detailed information about VHCB's underwriting criteria is available in VHCB's Underwriting Policy and Procedures. Applicants are also encouraged to review the information contained in VHCB's HOME Program Handbook, also available on their website.</p> <p>All HOME applicants seeking funding for affordable multi-family rental housing (for new units and rehabilitation of existing units) shall describe the plans and tools they have in place to achieve the goal of making available at least 15% of the units in their portfolio to those who are homeless.</p>
<p>If only summary criteria were described, how can potential applicants access</p>	<p>N/A - CDBG only</p>

<p>application manuals or other state publications describing the application criteria? (CDBG only)</p>	
<p>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	<p>N/A - ESG only</p>
<p>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	
<p>Describe how resources will be allocated among funding</p>	<p>Funding will be allocated by funding category based on the merit of the proposals submitted and the demonstrated market demand.</p>

	categories.	
	Describe threshold factors and grant size limits.	<p>In order to be considered for HOME funding, all applications must meet the threshold requirements stated above. In addition, projects must meet all HOME Program and other applicable federal requirements.</p> <p>There is no set maximum HOME award; however, applicants should be aware that demand for HOME funds is competitive.</p> <p>The HOME maximum per-unit subsidy limits are as follows: \$65,000 for 0 bedrooms, \$75,000 for 1 bedroom, \$90,000 for 2 bedrooms, \$115,000 for 3 bedrooms, and \$125,000 for 4 bedrooms. These limits represent approximately 50% of the HUD maximums. VHCB may, on a case-by-case basis, exceed these limits if there is a compelling reason to do so, as long as HUD's limits are not exceeded.</p>
	What are the outcome measures expected as a result of the method of distribution?	<p>This method of distribution will support the State's 2020 Consolidated Plan goal in housing for HOME to assist 200 units in housing through creation of new rental units and rehabilitated rental units. With the FFY20 HOME allocation of approximately \$3,000,000, it is estimated annually HOME will assist approximately 6 rental projects, resulting in approximately 40 units affordable to low- and very-low income households.</p>
5	State Program Name:	Vermont National Housing Trust Fund
	Funding Sources:	HTF
	Describe the state program addressed by the Method of Distribution.	<p>National Housing Trust Fund (HTF) dollars will be distributed statewide, including the City of Burlington. HTF funds will be awarded on a competitive basis to locally driven projects that address the criteria outlined in AP-90, the 2020 Vermont HTF Allocation plan as well as the priority housing needs as identified in the State's Consolidated Plan.</p>
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	<p>The following threshold criteria must exist in any application to be considered for a HTF award: 1) the project must include the creation or preservation of permanent rental housing (transitional housing and shelters are not eligible), 2) the housing must remain perpetually affordable after the expiration of the HTF required period via a VHCB Housing Subsidy Covenant, 3) at least one of the State's Consolidated Plan housing priorities must be addressed, and 4) there must be a reasonable expectation that the project will be ready to proceed within 18 months.</p>

	<p>Applications will be reviewed by staff according to VHCB’s Affordable Housing Policy (https://vhcb.org/sites/default/files/policy/housing/housing.pdf) as well as VHCB’s Underwriting Policy and Procedures, (https://vhcb.org/sites/default/files/policy/housing/Project-Underwriting-Policies-+-Procedures.pdf), which includes analysis in the following areas:</p> <ul style="list-style-type: none"> • Development capacity and fiscal soundness of the applicant, and experience of the development team • Project location • Market demand • Budget documents • Plans and specifications • HTF and other applicable federal requirements • Developer/owner profit standard and evaluation <p>In addition to VHCB’s applicable policies, applications for funding submitted by eligible entities will be reviewed, and funding will be prioritized, according to how the following criteria are met:</p> <ul style="list-style-type: none"> • the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner; • the extent to which the project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families; • the duration of the units' affordability period; • the merits of the application in meeting the priority housing needs as identified in the State’s Consolidated Plan: <ol style="list-style-type: none"> 1. safe, decent, affordable housing (increase the supply and quality of affordable housing), 2. individuals and families experiencing homelessness (decrease the number experiencing homelessness, increase supply and quality of affordable housing), and
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	<p>3. strong communities (increase supply and quality of affordable housing, strengthen communities and improve quality of life);</p> <ul style="list-style-type: none"> • the extent to which the application makes use of non-federal funding sources, and • the extent to which the project Affirmatively Furthers Fair Housing. <p>Will the housing be located in an area of opportunity, with low concentrations of racial or ethnic minorities and low concentrations of poverty? If the proposed project is located in an area with a concentration of racial or ethnic minorities and/or poverty, will the housing contribute to the revitalization of a disinvested community, or help prevent displacement of residents living in neighborhoods on the verge of or already undergoing gentrification?</p> <p>Applications must include a description of the eligible activities to be conducted with the HTF funds in accordance with 24 CFR 93.200, and must contain a certification by each eligible recipient that housing units assisted with the HTF will comply with HTF requirements.</p> <p>All HTF applicants seeking funding for affordable multi-family rental housing (for new units and rehabilitation of existing units) shall describe the plans and tools they have in place to achieve the goal of making available at least 15% of the units in their portfolio to those who are homeless.</p>
<p>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</p>	<p>N/A - CDBG only</p>
<p>Describe the process for awarding funds to state recipients and how the state</p>	<p>N/A - ESG only</p>

<p>will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	
<p>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	
<p>Describe how resources will be allocated among funding categories.</p>	<p>The HTF regulations allow up to 10% of HTF funds to be used for homeownership activities; however, given the extremely low income (ELI) targeting requirements of the program and the need for rental housing affordable to ELI households in the state, Vermont will use HTF program funds exclusively for rental housing to meet the priority housing needs as identified by the State’s Consolidated Plan. In accordance with HTF regulations, up to 10% of the State’s HTF allocation will be used for administration.</p> <p>HTF project funds may be used to pay for the following eligible costs: development hard costs, refinancing, acquisition, related soft costs, operating cost assistance and operating cost reserves (not to exceed 1/3 of the state’s annual allocation), relocation, and costs related to payment of loans. Awards of HTF funds will be made in the form of grants or 0%, 30-year deferred loans in order to minimize project debt and maximize affordability to ELI households.</p>

<p>Describe threshold factors and grant size limits.</p>	<p>In order to be considered for HTF funding, all applications must meet the threshold requirements stated above. In addition, projects must meet all HTF and other applicable federal requirements.</p> <p>There is no set maximum HTF award; however, applicants should be aware that demand for HTF funds may be competitive.</p> <p>In the early years of this young program, to allow maximum flexibility while VHCB and its partners gain experience using HTF to create rental housing affordable to ELI households, the maximum per-unit subsidy limits for HTF will be set at HUD’s applicable limits for the HOME Program. These limits are currently \$147,074 for 0BRs, \$168,600 for 1BRs, \$205,018 for 2BRs, \$265,229 for 3 BRs, and \$291,137 for 4BRs+.</p>
<p>What are the outcome measures expected as a result of the method of distribution?</p>	<p>This method of distribution will support the State’s 2020 Consolidated Plan goals in housing for HTF to assist 65 units through creation of new rental units and rehabilitated rental units. With the FFY20 HTF allocation of \$3 million, it is estimated that HTF dollars will assist annually approximately 3 rental projects, resulting in approximately 13 units affordable to ELI households.</p>

CDBG FFY2020 DISTRIBUTION PLAN

	Anticipated FFY2020 Allocation
FFY 2020 CDBG Annual HUD Award	\$7,246,223
Anticipated FFY 2020 Program Income*	\$ 200,000
Total Available	\$7,446,223
CDBG Allocations Based on FFY 2020 Annual HUD Award and Program Income	
Implementation Grants (IG) (Includes Planning Grant Target of \$150,000 and Special Housing Projects Pilot up to \$750,000)	\$4,817,281
Scattered Site Grants (SS-HRLF) – Housing Revolving Loan Fund set-aside (1)	\$1,811,556
Accessibility Modifications Grants (AM) set-aside (1)	\$ 200,000
Home Access Grants (HA) set-aside (1)	\$ 100,000
Anticipated Program Income	\$ 200,000
Total State Administration	\$ 317,386
<ul style="list-style-type: none"> • 2% \$144,924 • \$100,000 • + 1%TA \$72,462 	
Total	\$7,446,223

(1) FFY2020 SS, AM, & HA any remaining funds available at the time of the last funding round during the period of July 1, 2020 through June 1, 2021 may be awarded to Implementation and Planning Grants.

NOTE: Allocations are estimated based on the State’s FFY 2020 Award.

- *Program Income (PI) estimate based on amounts expected.
- Funds will be allocated so that each funding cycle will have funds to award.
- The Agency reserves the right to adjust fund categories by up to \$100,000.
- Recaptured funds will be reallocated as soon as feasible.
- SS set-aside is up to 25% of VCDP’s annual FFY allocation.
 - SS-HRLF set-aside is limited to up to 15% of its total annual allocation for counseling activities

Program Limitations

Public Service Limitation (15% of total allocation)	\$1,086,933
Federal 20% Cap for state & local general administration and all planning activities	\$1,449,245
<ul style="list-style-type: none"> • Cap for state & local general administration (IG, AM, HA) and all planning activities • SS-HRLF set-aside is limited to up to 12% of its total annual allocation for general administration 	\$ 217,387
Limit on Slums & Blight and Urgent Need (13% of Total)	\$ 942,009

CDBG Grant Types, Funding Limits, and Match Requirements

	Implementation (IG)	Scattered Site (SS-HRLF)	Planning (PG)	Accessibility Modification (AM)	Home Access (HA)	Multi-year Funding Implementation	Disaster Assistance
Annual Allocation							
	\$5,017,281 includes \$200,000 Program	Minimum \$1,811,556 ¹	Target amount of \$150,000	Minimum \$200,000	Minimum \$100,000 ²	No amount reserved	Disaster Specific
Funding Limits							
Maximum	\$1,000,000 ³	Annual Allocation is based on performance	\$60,000	\$100,000	\$100,000	\$1,250,000 ⁴	Disaster Specific
Minimum	\$50,000		\$3,000	\$5,000	\$5,000	\$250,000	
Match Requirements							
	10% of VCDP Funds in cash or cash-in-kind for ADA and Slums & Blight; which must be applied to remediating the S&B condition.	10% of VCDP Funds in cash or cash-in-kind.	10% of VCDP Funds in cash or cash-in-kind.	10% of VCDP Funds in cash or cash-in-kind.	10% of VCDP Funds in cash or cash-in-kind.	10% of VCDP Funds in cash or cash-in-kind for ADA and Slums & Blight; which must be applied to remediating the S&B condition.	
Please see the VCDP Program Guide at: http://accd.vermont.gov/community-development/funding-incentives/vcdp/applicant-guidance for a detailed description of the program including; grant types, selection criteria, match requirements, funding levels and application instructions.							

¹ SS, AM & HA funds not awarded by June 1 may be awarded to Implementation and Planning Grants.

² HA funds may be distributed through the scattered site housing RLF's in partnership with VCIL if requested.

³ Maximum funding limit for community public facility and public service projects is \$500,000. If a public facility project is in support of transitional housing the maximum funding limit is \$1,000,000.

⁴ No more than \$500,000 can be forward committed.

AP-35 Projects – (Optional)

Introduction:

Not applicable to State Action Plans. This is where the State of Vermont will add its Projects for the 2020 program year.

#	Project Name

Table 59 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Refer to AP-25 Allocation Priorities and AP-85 Other Actions - Obstacles to addressing underserved needs.

AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)

Will the state help non-entitlement units of general local government to apply for Section 108 loan funds?

No

Available Grant Amounts

N/A

Acceptance process of applications

N/A

AP-45 Community Revitalization Strategies – 91.320(k)(1)(ii)

Will the state allow units of general local government to carry out community revitalization strategies?

No

State’s Process and Criteria for approving local government revitalization strategies

N/A

AP-50 Geographic Distribution – 91.320(f)

Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed

In keeping with the State’s long-standing policy, the State does not plan to target assistance to specific geographic regions. CDBG, HOME, and HTF funds will be allocated on a competitive basis to locally-driven projects that address priority needs. The State anticipates CDBG-RHP funds will also be allocated on a competitive basis to meet the opioid housing need (States are still waiting for program regulations).

ESG funds are awarded as part of the statewide Housing Opportunity Grant Program (HOP). Awards are made on a competitive basis according to local needs.

Geographic Distribution

Target Area	Percentage of Funds

Table 60 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

N/A - Vermont does not allocate investments geographically.

Affordable Housing

AP-55 Affordable Housing – 24 CFR 91.320(g)

Introduction:

Each year, Vermont strives to provide as many affordable housing units as possible through production of new units, rehabilitation of existing units and preservation of subsidized units at risk of loss. However, the reality is the HUD funding provided to Vermont through CDBG, HOME, and HTF (approximately \$13 million annually) is not enough on its own to significantly address the affordable housing need in the state. The number of affordable housing units created or rehabilitated is much more dependent on the investments of Low Income Housing Tax Credits and access to other affordable housing investments. The State will use CDBG, HOME, and HTF to leverage these resources, and ESG will provide tenant-based rental assistance / rapid rehousing to homeless households.

One Year Goals for the Number of Households to be Supported	
Homeless	505
Non-Homeless	237
Special-Needs	0
Total	742

Table 61 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	500
The Production of New Units	71
Rehab of Existing Units	171
Acquisition of Existing Units	0
Total	742

Table 62 - One Year Goals for Affordable Housing by Support Type

Discussion:

Note: If funds are reduced these goals will be adjusted proportionally according to the allocation priorities outlines in this plan.

AP-60 Public Housing - 24 CFR 91.320(j)

Introduction:

Vermont's Public Housing Authorities are operating in a changing environment. A once reliable federal funding landscape has seen year to year swings, with the general trend over the past several years being downward. Public Housing Program operating subsidies, Capital Funds, Housing Choice Voucher Program Housing Assistance Payments funding, and Housing Choice Voucher Program Administrative fees have all seen dramatic federal funding reductions. Even in this environment, none of Vermont's PHA's are considered troubled, and many are rated as high-performing.

Actions planned during the next year to address the needs to public housing

The Commissioner of DHCD will continue to review PHA plans that are submitted, to certify the Plans' consistency with the State's Consolidated Plan. Additionally, the executive directors of the Montpelier Housing Authority and the Vermont State Housing Authority are members of the Department's Consolidated Plan Advisory Board, and a representative of the public housing authorities serves on the Vermont Housing Council. PHA's are eligible for VCDP funds through their municipalities.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Vermont State Housing Authority administers public housing funds in the form of rental assistance - the Section 8 Housing Choice Voucher program. VSHA does not own or operate traditional Public Housing. In Vermont, this is done exclusively by the eight local housing authorities.

VSHA's Section 8 funding includes a homeownership program for first-time homebuyers, a project-based voucher program and a variety of targeted programs. VSHA has operated its Section 8 Homeownership program since 1999.

To facilitate resident input into its Section 8 Housing Choice Voucher Program, VSHA has a Section 8 Resident Advisory Board (RAB), which provides VSHA with a forum for sharing information and obtaining comments about the Agency's Annual Plan. The role of the RAB is to make recommendations in the development of the PHA Plan and to provide input for any significant amendments or modification to the PHA Plan.

Each PHA in Vermont administering a Public Housing Program has at least one public housing resident serving on the PHA Board of Commissioners. This is to ensure residents have a voice on the governance/administration of Vermont's PHAs. In addition, each PHA in Vermont has organized a Resident Advisory Board to assist in the development of each PHA's Annual Agency Plan. This ensures that residents have an adequate involvement in management.

Winooski Housing Authority has a Homeownership Program whereby Housing Choice Voucher Program

clients may utilize their housing assistance to provide debt service on home mortgages. Clients who qualify must undergo Home Ownership Counseling prior to the purchase of a home.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A - None of Vermont's PHA's are designated as troubled.

AP-65 Homeless and Other Special Needs Activities – 91.320(h)

Introduction

This section of the draft plan lays out Vermont's one-year goals and actions for reducing and ending homelessness in the state.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Vermont provides outreach to homeless persons through a network of local agencies, including shelters, service agencies and housing providers. United Way 2-1-1 provides a one-stop resource and referral point for all persons.

The PATH Program provides assistance to several Vermont organizations to conduct outreach efforts to people experiencing a serious mental illness or a co-occurring substance use disorder. PATH is funded by the U.S. Department of Health & Human Services and administered in Vermont by the AHS Department of Mental Health.

The Vermont Coalition of Runaway and Homeless Youth Programs include a Street Outreach Program, provided by several organizations, to reach out to homeless and at-risk youth. These programs are funded by the U.S. Dept. of Health & Human Services.

One Year Action:

Full implementation of coordinated entry this year will streamline access to homeless assistance, assess needs using a standard CoC-wide tool, and make referrals to service providers and shelter based on well-established protocols. At this time, Coordinated Entry and Assessment has been implemented in all 13 local Continuums.

Addressing the emergency shelter and transitional housing needs of homeless persons

The State of Vermont leverages resources to address the needs of homeless individuals and families. These resources include those for prevention, rapid re-housing, transitional housing, and shelter operations. The statewide network of local emergency shelters, including shelters for victims of domestic and sexual violence, are often full in winter months and many have developed “overflow” capacity. Additional shelter beds are available seasonally through warming shelters in communities with increased need. When shelters are full, AHS’s Department for Children and Families pays for emergency motel stays for homeless persons who are in a vulnerable population, including elders, people with

disabilities, families with children, and victims of domestic violence.

Member agencies of Vermont's Coalition of Runaway and Homeless Youth Programs provide emergency and transitional housing services to youth through the Runaway and Family Stabilization and Transitional Living Programs with funding from the US Department of Health & Human Services, and with support from AHS.

One Year Action:

Vermont continues to invest in expanded community capacity as an alternative to motel stays as they are not an effective long-term solution to homelessness and often lack the appropriate supports to address underlying issues which may be contributing to homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Through AHS, the Vermont Council on Homelessness, and local Continuums of Care, Vermont is actively engaged in developing multiple programs and strategies to shorten the duration of homelessness, ensure that people are stable after receiving assistance, and support homeless persons moving into permanent housing as rapidly as possible. ESG funds are specifically targeted to support Rapid Re-housing programs.

In addition to ESG, state-funded resources include:

- The Vermont Rental Subsidy program, providing 12 months of rental assistance to formerly homeless families and individuals. Administered by AHS Department for Children and Families;
- AHS OEO administers Family Supportive Housing Program linking intensive supportive services and affordable housing to families with children experiencing homelessness, especially families with multiple episodes of homelessness.
- AHS OEO administers the consolidated Housing Opportunity Grant Program (HOP), which includes state funded short-term supported housing, rapid rehousing services, transitional housing for youth, victims of Domestic Violence and Veterans.

Vermont has a strong relationship with the Veterans Administration's grant per diem program to provide emergency shelter to veterans. Funding through the VA Supportive Services for Veterans Families supports various initiatives statewide to provide prevention and re-housing assistance. These

projects are coordinated with local Continuums of Care.

Additionally, Vermont has established, through an Executive Order entitled “Publicly Funded Housing for the Homeless”, a goal that at least 15% of all housing portfolios that have received publicly controlled development funds be available and serving households exiting homelessness. After enacting the so-called “15% Goal”, the Department of Housing and Community Development led a group of stakeholders in the creation of the Housing Access Reporting Tool (HART) for the use of housing developers and managers to report on their progress towards this goal. In addition to the quantification of the number of units that are serving households experiencing homelessness at the time of application to the unit, the HART also includes information about collaborations between housing providers and the local Continuum of Care organizations. This annual report is to be reviewed by funders at the time of grant application and is intended to increase collaboration between housing providers and homeless service providers. Since implementation in 2016, the HART reports have demonstrated success in encouraging communication between shelter providers and permanent housing providers about the needs of households experiencing homelessness.

One Year Actions:

Support CoC HMIS implementation to provide systems-level performance data.

Reinforce local implementation of Coordinated Entry through new Continuum of Care McKinney-Vento funding available from the U.S. Department of Housing and Urban Development.

Continue to receive and review HART reports on progress towards the “15% Goal” and enhancing collaborations between permanent housing providers and shelter service providers. Share annual progress on increased access with the Vermont Council on Homelessness and Vermont Housing Council.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Vermont leverages state resources to divert low-income individuals and families from homelessness. In addition to homelessness prevention activities funded under the OEO Housing Opportunity Grant Program, the following initiatives address discharge from publicly funded institutions and systems of care:

- The Vermont Coalition of Runaway and Homeless Youth Programs with AHS Department for Children & Families funding and partnerships ensure persons being discharged from the foster care system are not routinely discharged into homelessness and are accessing mainstream

resources, including the Housing Choice Voucher Program and Family Unification Vouchers for youth in transition.

- State-funded Mental Health Subsidy & Care program, modeled on HUD Shelter plus Care targets assistance towards homeless persons in emergency settings such as hospitals to ensure a successful discharge into housing, without utilizing McKinney-Vento funded programs.
- The AHS Department of Corrections (DOC) ensures persons being discharged from the corrections system of care are not routinely discharged into homelessness. If suitable permanent housing in the community cannot be located for a person exiting Corrections, DOC utilizes a comprehensive statewide system of transitional housing to ensure that persons are not routinely discharged into homelessness.

One Year Actions:

AHS will continue to review data on persons experiencing homelessness to target additional discharge planning and oversight where resources, policies or protocols fail to prevent homelessness.

Discussion

These are the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs:

In general, Vermont promotes supported housing integrated into non-specialized residential buildings or settings. This strategy is aided by promotion of universal design through the State qualified allocation plan, as well as mixed-income housing achieved through project and tenant-based rental assistance and on-site supportive services customized to a client's needs.

The Support and Services at Home (SASH) program provides on-site supportive and coordination services to the elderly and frail elderly through a statewide network of designated regional housing organizations (DRHOs). SASH services are funded primarily through Vermont's Blueprint for Health and State grant funds from the Department of Disabilities Aging and Independent Living.

Persons with disabilities have access to an array of housing and housing supports, with an emphasis on the least restrictive community setting and maximum consumer choice. In Vermont, Housing Choice (Section 8) rental assistance has been effectively targeted to persons with mental, physical or developmental disabilities. Unfortunately, Vermont had not been awarded Section 811 Project-Based Rental Assistance to make rental housing affordable to more non-elderly persons with disabilities.

Beyond accessing the appropriate level of residential or outpatient treatment, persons with alcohol or other drug addictions can access a limited number of transitional beds supported through grants from the AHS, Department of Health, Division of Alcohol and Drug Abuse Prevention.

In addition to the federal HOPWA program, persons with HIV/AIDS can access new, targeted state-

funded rental subsidies and emergency financial assistance to prevent eviction or secure stable housing. This funding comes from the AHS Department of Health and is delivered through one of three local AIDS Service Organizations (ASOs).

AP-75 Barriers to affordable housing – 91.320(i)

Introduction:

DHCD, AHS, and VHCBC and its housing partners, will continue efforts to lower the barriers to affordable housing identified in the strategic plan and below. Specific actions to be taken in the 2019 program year include:

- In coordination with VHFA, VHCBC and housing developers, examine operating costs of projects with and without services and create benchmarks for use in development and funding decisions.
- In coordination with VHFA and VHCBC, analyze timelines for funding applications and decisions to identify opportunities to reduce the administrative cost and cost of land holding for applicants.
- Provide technical assistance to developers and communities about neighborhood development areas and work with regulatory agencies on reducing permitting requirements outlined in Act 250 for our Designated Areas.
- DHCD will continue to respond to complaints and concerns about conditions in mobile home parks using the authority granted by the legislature in 2015 and the rules promulgated in 2016.
- Promote fair housing by conducting trainings to promote affirmatively furthering fair housing and supporting efforts to provide landlord-tenant education programming.
- Participate and ensure housing, particularly in vulnerable populations, is included in resilience and disaster preparedness efforts.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In the 2020 program year, the State will undertake the following actions to address barriers to affordable housing.

Limited public resources, particularly decreasing funding for development, preservation, services, and subsidies that support affordable housing.

1. Promote the State's commitment to perpetual affordability.
2. Maximize leveraging and seek ways to reduce operating and development costs.
3. Support the continuation and expansion of the State affordable housing, downtown and historic tax credits.
4. Support State resources for affordable housing such as rental subsidy programs, homelessness assistance and the Vermont Housing and Conservation Trust Fund.
5. Consider per unit development costs in funding applications
6. Consider utilization of underutilized resources such as the State's Private Activity Bond Cap and/or "4%" Low Income Housing Tax Credits

Increasing standards for energy efficiency.

1. While supporting the State's energy goals, ensure a robust analysis of costs is considered in the development of State energy-efficiency standards and building codes.
2. Seek expanded and new sources of funding for energy improvements in both publicly supported and private single and multi-family housing.

State and local land use controls.

1. Continue to review State and local land use programs and policies for ways to strengthen environmental protection while reducing unnecessary barriers to residential development, particularly affordable housing.
2. Encourage and promote development and growth in Designated Downtowns and Village Centers, Growth Centers, Neighborhood Development Areas and New Town Centers.
3. Provide technical assistance to municipalities to review and reform outdated and exclusionary land use restrictions.

Permitting processes and community development standards.

1. Provide technical assistance to communities, developers and property owners seeking to provide affordable housing.
2. Provide technical assistance and funding to municipalities around zoning and land use planning.
3. Promote exemptions and streamlining of State permitting processes in areas designated for growth.

Limited funding to promote Fair Housing and address discrimination in rental and sales market housing markets.

1. Continue collaboration through the Fair Housing Committee of the Vermont Housing Council to undertake the actions recommended in 2017 Analysis of Impediments.
2. Support efforts of the Vermont Human Rights Commission, the Fair Housing Project, Vermont Legal Aid, and others to secure additional funding for fair housing activities.
3. Work with landlord and tenant organizations to increase awareness of State and federal housing law and ensure the rights and responsibilities of both are appropriately balanced in changes to State statutes.

Federal funding regulatory requirements such as the National Environmental Policy Act, Davis-Bacon, and procurement standards.

1. Continue to provide technical assistance and update guidance to grantees as requirements expand and change.
2. Access and seek additional training opportunities for State administrators and grantees.

3. Provide federal funding and regulatory agencies with information on the benefits and challenges of statutory and regulatory requirements and recommendations for improvements.

AP-85 Other Actions – 91.320(j)

Introduction:

This section describes actions that will be pursued in addition to the actions described elsewhere in this plan

Actions planned to address obstacles to meeting underserved needs

During the 2020 Outreach Meetings, there were several needs that were identified that have not been raised in previous Consolidated Plan updates, including the growing need for more affordable childcare as well as the need for greater availability of housing units affordable for farm workers. Several participants from a coalition of childcare providers articulated the need for greater availability and affordability of childcare facilities. While funds prioritized under this Plan are likely ineligible to be used for tuition assistance, there may be an opportunity to assist with building acquisition and rehabilitation in order to bring down the debt obligations of childcare providers. Farm worker housing was also mentioned as an underserved need, particularly housing for such workers that is independent from the employer. DHCD intends to continue investments in housing affordable to low- and moderate-income households and will encourage applications from municipalities that have high levels of agricultural activity to address the needs of community members who are employed in area farm work.

In addition, municipal employees stated the need for funding for infrastructure improvements to create opportunities for economic development projects, and funding to assist property owners in connecting to municipal water and sewer. In many communities, water and wastewater capacity limits the expansion of businesses as well as the construction of housing in our village centers, which has a dampening effect on maintaining a vibrant and dynamic community center.

Actions planned to foster and maintain affordable housing

The Vermont Housing Finance Agency (VHFA) maintains a detailed list of all assisted housing projects in the state, including those without perpetual affordability covenants. VHFA works proactively, in conjunction with other State agencies and organizations as needed, to ensure that affordability contracts are renewed, and housing assistance is maintained. The Vermont Housing and Conservation Board also host the Preservation Council, a group of housing agency representatives, which strategizes and prioritizes efforts throughout the state to preserve existing affordable housing. These efforts will continue over the next year and into the foreseeable future to preserve housing affordability.

Actions planned to reduce lead-based paint hazards

Vermont's ongoing activities to reduce lead-based paint hazards in housing, eliminate childhood lead poisoning, and integrate lead poisoning prevention and home health and safety efforts into affordable

housing programs include:

1. Continue to implement activities of the state-wide Lead-Based Paint Hazard Reduction Grant Program in the private housing stock, administered by the Vermont Housing & Conservation Board.
2. Continue to implement activities of the State and community-based Healthy & Lead Safe Homes Program, administered by the Vermont Department of Health through a cooperative agreement with the U.S. Centers for Disease Control (CDC).
3. Continue to implement activities of VHCB's state-wide Healthy Homes Vermont Program and raise awareness of the strong connections between home environments and resident health.
4. Implement the recommendations of the 2006 Get the Lead Out of Vermont Task Force.
5. Continue to implement provisions of Act 94 (an Act Relating to Childhood Lead Poisoning Screening and Lead Hazard Abatement), passed by the Vermont General Assembly in 1993.
6. Continue to develop and implement appropriate recommendations of Act 94 (passed in 1993) and Act 165 (passed 1996), including the development of financial strategies for lead hazard reduction in future years; and pursue further legislative action to reduce lead paint hazards. The Vermont Legislature is currently considering a bill that will have the State take over administration of the Renovation, Repair and Painting (RRP) Rule and integrate it into Vermont's lead paint laws'
7. Administer HUD funds received in 2019 to address the on-going need for lead-based paint hazard reduction in thousands of Vermont housing units.
8. Maintain regular contact with the National Center for Healthy Housing (formerly the National Center for Lead Safe Housing).
9. Continue participation on the New England Lead Coordinating Committee, convened by the Tufts University School of Medicine and the University of Connecticut.
10. Evaluate and amend policies of the Vermont Housing Finance Agency and the Vermont Housing & Conservation Board regarding lead-based paint, health, safety, or toxic and hazardous materials, as appropriate.
11. Coordinate procedures with the Department of Health, the Vermont State Housing Authority and local Public Housing Authorities regarding childhood poisoning in owned and assisted units, as needed.
12. Continue to build a database in the Department of Health regarding incidences of childhood lead poisoning and presence of lead hazards in housing stock.
13. Coordinate lead hazard reduction efforts with activities of the State Office of Economic Opportunity Weatherization Assistance Program in low-income housing units.
14. Continue public information, education, and outreach efforts.
15. Continue to develop public and private financial resources for lead-based paint hazard control activities in Vermont's housing stock.
16. Coordinate with the Department of Health and affordable housing funders and developers in implementing the Healthy Homes strategic plan promoted by HUD and promote the incorporation of healthy homes principles into ongoing practices and programs.

17. Coordinate efforts with all housing groups, agencies, and stake-holders to create sustainable delivery of healthy homes services to reduce health and safety hazards in housing in a comprehensive and cost-effective manner, with a focus on protecting the health of children and other sensitive populations in low-income households.
18. Continue coordination and collaboration among health, housing, and historic preservation agencies and interest groups.

Actions planned to reduce the number of poverty-level families

One in ten Vermonters live in poverty. Children are more likely than adults to live in poverty or in deep poverty. The Agency of Human Services (AHS) offers supports for these households and to those who earn more than the poverty threshold but still struggle to meet their basic needs.

AHS through its Departments, primarily, the Department for Children and Families (DCF) is responsible for reducing the number of families living in poverty. Reach Up is Vermont's Temporary Assistance to Needy Families program providing cash assistance, case management, and support services to families whose income is generally below 50% of the Federal Poverty Level. Reach Up and related programs are managed by the Economic Services Division and provide nearly 7,000 Vermont children and their families with household income to help meet basic needs. DCF- Office of Economic Opportunity manages grants to make housing more affordable and prevent homelessness.

Below is a list of some of DCF's most effective anti-poverty program investments that AHS will continue to administer:

- Family Supportive Housing is an evidence-informed model that provides permanent housing, intensive case management, and financial empowerment support to families who have experienced homelessness and are at-risk of child welfare involvement. Families served by FSH tend to have high rates of housing stability and most families close their child welfare case during enrollment and do not have a new case after they exit.
- The Seasonal Fuel Assistance Program helps low-income families pay a portion of their home heating bills. The Crisis Fuel and After-Hours Emergency Fuel Program serve families with monthly gross income up to 200% of poverty level.
- Financial Empowerment Program uses "Your Money, Your Goals" toolkit to help Reach Up recipients address financial barriers.
- Ready 2 Go Transportation Program provides rides for those with no transportation and helps participants develop plans to pay fines and obtain their licenses. Programs like this have helped decrease the rate of recipients who identify transportation as an obstacle (Reach Up Annual report 2019).
- The Child Care Financial Assistance Program helps eligible families with the cost of childcare. Payments are made directly to childcare providers and is provided through DCF-Child Development Division. <https://dcf.vermont.gov/benefits/ccfap>
- Help Me Grow Vermont helps early childhood partners work together to build strong, connected communities and healthy, resilient families. Help Me Grow an understanding of early development, promotes the importance of social and emotional skill development, and connects children to the community resources and supports they need, when they need them.

<https://helpmegrowvt.org/>

In addition to the Agency initiatives, AHS works closely with the State's affordable housing community to ensure that the lowest income families in Vermont can access quality housing. The regional housing non-profits were encouraged through Vermont State Executive Order No. 3-73 to "make available at least 15% of their housing portfolio to homeless families and individuals including those with special needs...". AHS provides input to projects that are funded through participation in the Vermont Housing and Conservation Board. AHS prioritize units for the lowest income Vermonters, and of the 748 affordable housing units have been funded since 2017, approximately 42% are targeted to households with incomes at or below 50% of area median income.

Actions planned to develop institutional structure

1. Continue to encourage closer coordination between housing and human service providers, particularly with the Agency of Human Services, to better serve our lowest income population; and continue coordination with the Department of Labor to ensure that unemployed or under-employed Vermonters are connected to progressive employment programs.
2. Continue to require Economic Development Projects with job creation elements to enter into a hiring agreement with the Department of Labor career resource center.
3. Continue to encourage closer communication with the Agency of Transportation to encourage integrated transportation systems that link housing with jobs and services.
4. The Public Transit Administrator in the Agency of Transportation will continue to review CDBG applications and provide comment when there are elements that relate to the use of or access to public transportation.
5. Continue efforts to simplify and to coordinate application requirements for various funding sources including quarterly meetings between DHCD, VHCB, and VHFA to discuss varying funding priorities and timelines.
6. Streamline service delivery and enhance local effectiveness by continuing to build and enhance the capacity of community-based homeless assistance providers and nonprofit housing providers.

Actions planned to enhance coordination between public and private housing and social service agencies

Continue, through the Department's leadership of the Housing Council, formation of State policy, to assist housing providers, State agencies, such as the Vermont Housing and Conservation Board, (VHCB), Vermont State Housing Authority (VSHA), and others to ensure the availability of safe and affordable housing for all Vermonters.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.320(k)(1,2,3)

Introduction:

As reported throughout this plan the State will strive to; increase the supply and quality of affordable housing, decrease the number of persons experiencing homelessness, create and retain jobs, strengthen communities, and improve the quality of life for all Vermonters. CDBG, HOME, HTF, and ESG funding will be leveraged and partnerships will be strengthened to maximize the available resources.

Specific priorities and goals for CDBG, HOME, HTF, and ESG funding are identified in the annual goals and objectives contained in this plan.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.320(k)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	942,009
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	80.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.320(k)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

N/A – No other forms of investment will be used.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

N/A – Vermont will not be using HOME funds for homebuyer assistance programs.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

N/A – Vermont will not be using HOME funds for homebuyer assistance programs.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Multi-family projects developed by locally based housing organizations that receive HOME funds for rehabilitation may utilize HOME funds to refinance existing debt consistent with 24 CFR 92.206(b)(2), if they meet the following guidelines:

1. Refinancing is necessary to permit or to continue affordability under section 92.252;
2. Rehabilitation is the primary eligible activity. A minimum of \$7,500 of rehabilitation per unit is required;
3. The grantee must demonstrate that disinvestment in the property has not occurred;
4. The grantee must demonstrate management capacity and practices that ensure that the long term needs of the project can be met and the targeted population can be served over an extended affordability period;
5. The grantee must demonstrate that the new investment is being made to maintain current affordable units, to create greater affordability in current affordable units, or to create additional affordable units;
6. Refinancing will be limited to projects that have previously received an investment of public funds;
7. The minimum HOME affordability period shall be 15 years and all HOME assisted projects are required to be perpetually affordable via a VHCB Housing Subsidy Covenant;
8. HOME funds may be used for refinancing anywhere in the State of Vermont with the exception of the City of Burlington;
9. HOME funds cannot be used to refinance multifamily loans made or insured by any Federal program, including CDBG.

**Emergency Solutions Grant (ESG)
Reference 91.320(k)(3)**

1. Include written standards for providing ESG assistance (may include as attachment)

Please see attached State ESG written standards. The State requires that all ESG grantees submit to the Office of Economic Opportunity (OEO) written standards (policies and procedures) for providing ESG assistance. OEO approves only those standards that are in compliance with ESG regulations and are consistent with state and federal goals.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

Both the Chittenden County CoC and the Balance of State CoC adopted coordinated entry policies and procedures in January 2018. OEO participates in the Chittenden County CoC coordinated entry committee and chairs the Balance of State CoC coordinated entry committee. OEO is also the recipient of HUD CoC Coordinated Entry project funds, which it pairs with state funding to support implementation in the Balance of State. All ESG grantees are required to participate in the coordinated entry system in their region.

Both coordinated entry systems incorporate a screening form to assist a range of partners with making a referral for homeless assistance and a uniform housing assessment tool, which evaluates severity of service need and/or vulnerability in order to support prioritization of scarce resources. In Chittenden County, the assessment form is varied for subpopulations of single adults, families, youth, and victims of domestic violence. Both CoCs use a hybrid model which includes partner agencies serving as a hub or an assessment partner, and both use HMIS and a master list review process. 2-1-1 provides access to coordinated entry across the geographic area.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

OEO administers the Emergency Solutions Grants program (ESG) as part of the Housing Opportunity Grant Program (HOP). The Housing Opportunity Grant Program blends federal and state funding to help nonprofit organizations, including community and faith-based organizations; provide emergency overnight and day shelter; provide transitional housing where appropriate; offer supportive services for homeless families and individuals; and implement effective homeless prevention and rapid re-housing initiatives within the local continua of care. Vermont has chosen to allocate ESG resources towards Emergency Shelter (Operations and Essential Services), HMIS and Rapid Re-housing (Client Financial Assistance and Rental Assistance, short- and medium-term). Other activities, such as Street Outreach, Shelter Renovation, Homelessness Prevention and Rapid Rehousing Services will be funded through other funding sources and coordinated locally and/or as part of the consolidated Housing Opportunity Grant Program.

In April 2020, OEO will release a Request for Proposals for the Housing Opportunity Grant Program (which includes ESG program funds). Awards made for State Fiscal Year 2021 (July 1-June 30, 2021) will be considered for renewal first in SFY 2022, followed by requests for new projects or additional funding. Current awards (SFY 2020) were reviewed and evaluated by AHS OEO based on local need, capacity, approach, and local coordination.

Eligible applicants are municipalities and nonprofits including community and faith-based organizations. Faith-based organizations are required to have separate 501c3 status established to meet eligibility requirements. Part of the selection process can involve a site visit of the finalists at which time documentation listed in the application will be reviewed. All Emergency Shelter applicants must certify that the assisted property will be maintained as an Emergency Shelter for the period of funded assistance. New applicants, and applicants who have recently relocated their operations to another municipality, must submit a completed Certification of Local Government Approval with their application. Vermont makes ESG sub awards under the Housing Opportunity Grant Program. One or more grants will be awarded by OEO to Vermont municipalities, or, with municipal approval, Vermont nonprofits whose purpose is to shelter, serve, and re-house the homeless. All sub awards are made on the State Fiscal Year calendar (July 1 – June 30). Please see the Methods of Distribution for selection criteria.

Spending plans will be negotiated based on ineligible activities, where activities are not in alignment with state and federal goals, when there are inadequate funds to meet all requests, and/or where proposed grantees are either ineligible or lack the capacity to carry out proposed activities. Additional guidance on eligible and ineligible uses of ESG funds are contained in the Department of Housing and Urban Development's ESG program guidelines, the Request for Proposal and in grant agreements between the state of Vermont and its subrecipients. This includes the ESG requirements for faith-based organizations.

OEO will monitor grantees and measure the performance at the grantee and statewide level.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

N/A. The Grantee is a State and not subject to § 576.405(a).

5. Describe performance standards for evaluating ESG.

Performance measures will be evaluated on both the grantee and statewide level. In addition to measuring the number of persons and families in emergency shelter, the number of shelter bed nights provided, the number of households receiving rapid rehousing assistance – Vermont uses performance-based contracting, outcome measures, indicators and targets, consistent with the goal of decreasing the incidence and duration of homelessness. Current performance standards for ESG

include:

Emergency Shelter, Operations

Maintain shelter facilities that are staffed, insured, and clear of safety violations.

- At least 90% of homeless households entering the shelter meet with a case manager or program equivalent within 3 days of shelter entry.

Emergency Shelter, Essential Services - Case Management

At least 90% of homeless households referred for case management meet with a case manager or program equivalent for intake and assessment within 3 days of referral.

Of those homeless households receiving case management:

- At least 70% subsequently attain employment OR are enrolled in an educational or training program, OR qualify for TANF, SSI or General Assistance within 90 days of referral;
- At least 70% subsequently are stabilized in transitional or permanent housing within 90 days AND of those housed, at least 70% continue to be stably housed for at least 90 days.

Rapid Re-Housing for Homeless Families & Individuals

Homeless households assisted have their housing stabilized.

To establish baseline data, Grantee will report on the average length of time from program entry until housing was stabilized for these households.

- At least 70% of households who are homeless have their housing stabilized within 28 days
- At least 70% of households stabilized remain stably housed for at least 90 days following the intervention. OEO tracks performance measures for grantees quarterly. If a grantee's performance falls below 75% of a stated target, OEO in conjunction with the grantee may require a performance improvement plan. Continued failure to meet performance measures may result in loss of funding or cancellation of the grant agreement. An ability to meet or exceed performance targets will be consideration for renewal of the grant agreement.

Housing Trust Fund (HTF)
Reference 24 CFR 91.320(k)(5)

1. How will the grantee distribute its HTF funds? Select all that apply:

Applications submitted by eligible recipients

2. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

3. If distributing HTF funds by selecting applications submitted by eligible recipients,

a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Eligibility to apply for HTF funds will be no more restrictive than required by HTF regulations. Eligible applicants/recipients of HTF funds include nonprofit and for-profit developers, public housing agencies, and municipalities. In accordance with the definition at 24 CFR 93.2, recipients must:

- Make acceptable assurances to the grantee (VHCB) that it will comply with the requirements of the HTF program during the entire period that begins upon selection of the recipient to receive HTF funds, and ending upon the conclusion of all HTF-funded activities;
- Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity;
- Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable requirements and regulations of such programs; and,
- Have demonstrated experience and capacity to conduct an eligible HTF activity as evidenced by its ability to own, construct, or rehabilitate, and manage and operate an affordable multifamily rental housing development.

b. Describe the grantee's application requirements for eligible recipients to apply for HTF funds. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Entities seeking HTF dollars for eligible projects may submit applications for funding to VHCB using the Common Housing Application. A HTF application supplement, available on VHCB's website, must also be completed and submitted to VHCB.

Applications will be accepted on a rolling basis, however, funding decisions shall be made by the VHCB Board at regularly scheduled meetings. VHCB board meeting and application due dates are published at www.vhcb.org.

The following threshold criteria must be met by an application to be considered for a HTF award: 1) the project must include the creation or preservation of permanent rental housing (transitional housing and shelters are not eligible), 2) the housing must remain affordable in perpetuity after the expiration of the HTF required period via a VHCB Housing Subsidy Covenant, 3) at least one of the State's Consolidated Plan housing priorities must be addressed, and 4) there must be a reasonable expectation that the project will be ready to proceed within 18 months.

Applications must include a description of the eligible activities to be conducted with the HTF funds in accordance with 24 CFR 93.200 (Eligible activities) and must contain a certification (included in the HTF application supplement) by each eligible recipient that housing units assisted with the HTF will comply with HTF requirements.

All HTF applicants seeking funding for affordable multi-family rental housing (for new units and rehabilitation of existing units) shall describe the plans and tools they have in place to achieve the goal of making available at least 15% of the units in their portfolio to those who are experiencing homeless.

c. Describe the selection criteria that the grantee will use to select applications submitted by eligible recipients. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Selection Criteria

On a competitive basis, applications that have met the threshold criteria described above will be evaluated according to how and the extent to which they meet the HTF criteria listed below. These criteria will carry equal importance and weight. The HTF criteria, together with the criteria and considerations in the VHCB Affordable Housing Funding Policy and the Underwriting Policy and Procedures will be used to determine "Need," "Impact," and "Quality" scores (up to 10 points each) for

a project's funding recommendation to the VHCB Board of Directors.

HTF Criteria

1.The applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner

- Applicants will be evaluated on their development capacity (do they have experienced development staff, are they using a development consultant, are they partnering with another development entity?); their experience with federal affordable housing programs (what other federally-funded affordable housing projects have they developed?); and their track record for developing projects within a reasonable timeframe (were those projects successfully completed in a timely manner?)

2.The extent to which the project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families

- While project-based rental assistance is not a HTF requirement, applications will be evaluated based on whether any of the units in the project, including the HTF units, will have project-based rental assistance to ensure residents do not pay more than 30% of their income towards rent and utilities. The type of project-based rental assistance and the length of commitment for the assistance will also be considered.
- Other mechanisms that ensure affordability for extremely low-income households, such as cross-subsidization or operating assistance reserves, will be considered.

3.The duration of the units' affordability period

- All HTF funded projects will be subject to a minimum 30-year affordability period. Consideration will be given to projects that propose a HTF affordability period greater than the minimum 30 years.
- After the expiration of the HTF period, all projects will be subject to perpetual VHCB affordability requirements at less restrictive income and rent levels, and every reasonable effort must be taken to structure the project in a manner that avoids displacement. The proposed number of VHCB restricted units and the level of the VHCB restrictions will be considered.

4.The merits of the application in meeting the priority housing needs as identified in the State's Consolidated Plan; i.e. safe, decent, affordable housing (increase the supply and quality of affordable housing)

- Does the project increase the supply and quality of affordable housing?
- How many of the following Consolidated Plan Affordable Housing strategies are addressed by

the application?

d. Describe the grantee's required priority for funding based on geographic diversity (as defined by the grantee in the consolidated plan). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

N/A - there will be no geographic priority

e. Describe the grantee's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The following threshold criteria must be met by an application to be considered for a HTF award:

1. The project must include the creation or preservation of permanent rental housing (transitional housing and shelters are not eligible),
2. The housing must remain affordable in perpetuity after the expiration of the HTF required period via a VHCB Housing Subsidy Covenant,
3. At least one of the State's Consolidated Plan housing priorities must be addressed, and
4. There must be a reasonable expectation that the project will be ready to proceed within 18 months.

f. Describe the grantee's required priority for funding based on the extent to which the rental project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The extent to which the project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families

- While project-based rental assistance is not a HTF requirement, applications will be evaluated based on whether any of the units in the project, including the HTF units, will have project-based rental assistance to ensure residents do not pay more than 30% of their income towards rent and utilities. The type of project-based rental assistance and the length of commitment for the assistance will also be considered.
- Other mechanisms that ensure affordability for extremely low-income households, such as

cross-subsidization or operating assistance reserves, will be considered.

g. Describe the grantee's required priority for funding based on the financial feasibility of the project beyond the required 30-year period. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The duration of the units' affordability period

- All HTF funded projects will be subject to a minimum 30-year affordability period. Consideration will be given to projects that propose a HTF affordability period greater than the minimum 30 years.
- After the expiration of the HTF period, all projects will be subject to perpetual VHCB affordability requirements at less restrictive income and rent levels, and every reasonable effort must be taken to structure the project in a manner that avoids displacement. The proposed number of VHCB restricted units and the level of the VHCB restrictions will be considered.

h. Describe the grantee's required priority for funding based on the merits of the application in meeting the priority housing needs of the grantee (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The merits of the application in meeting the priority housing needs as identified in the State's Consolidated Plan

Safe, decent, affordable housing (increase the supply and quality of affordable housing)

- Does the project increase the supply and quality of affordable housing?
- How many of the following Consolidated Plan Affordable Housing strategies are addressed by the application?
 1. House lower income families and individuals, with special preference to projects housing extremely low income families and individuals at or below 30% of area median income.
 2. Increase the supply of affordable rental housing through the acquisition and/or rehabilitation of existing units especially in communities where there are tight housing markets, very low vacancy rates or there is a high incidence of distressed housing.

3. Increase the supply of affordable rental housing through the construction of new units especially in communities where there are tight housing markets, very low vacancy rates or there is a high incidence of distressed housing.
4. Promote mixed income developments to create integrated communities.
5. Promote the development of new rental housing designed and built to a level of energy efficiency that meets or exceeds the levels required to qualify for the Energy Star label.
6. Preserve existing affordable housing projects in a manner consistent with prudent investment criteria.
7. Redevelop existing properties with consideration given for projects that leverage other resources specific to the preservation of historic structures.
8. Redevelop foreclosed properties for affordable rental housing.
9. Provide accessible or adaptable housing for persons with disabilities.
10. Provide service enriched housing serving persons with disabilities.
11. Produce affordable senior rental units in regions where a market analysis identifies a shortage of elderly housing affordable to lower income seniors.
12. Provide service enriched housing that allows seniors the opportunity to age in place.
13. Locate affordable rental housing in close proximity to public transportation services with access to employment centers, services, recreational opportunities, and schools.

i. Describe the grantee's required priority for funding based on the extent to which the application makes use of non-federal funding sources. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The extent to which the application makes use of non-federal funding sources

- Does the applicant plan to apply for and/or anticipate a commitment of non-federal sources of funding?
- How much, and from what source(s)?
- What percentage of the total development cost do the non-federal funding sources represent?

4. Does the grantee's application require the applicant to include a description of the eligible activities to be conducted with HTF funds? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

Yes

5. Does the grantee's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

Yes

6. Performance Goals and Benchmarks. The grantee has met the requirement to provide for performance goals and benchmarks against which the grantee will measure its progress, consistent with the grantee's goals established under 24 CFR 91.315(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

Yes

7. Maximum Per-unit Development Subsidy Amount for Housing Assisted with HTF Funds.

Enter or attach the grantee's maximum per-unit development subsidy limits for housing assisted with HTF funds.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts, and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts, and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

For FFY20, the fifth year of the program, the maximum per-unit subsidy limits for HTF will again be set at HUD's applicable limits for the HOME Program. They will be applied statewide and are adjusted by the number of bedrooms per unit.

These limits are currently (as of 10/1/19): \$149,868 for 0BRs, \$171,801 for 1BRs, \$208,912 for 2BRs, \$270,266 for 3 BRs, and \$296,666 for 4BRs+.

The decision to use the HOME subsidy limits and apply them statewide is based on an analysis of the actual total development costs of affordable multifamily rental housing properties in Vermont. While there is significant difference in individual project costs, there is relatively little variation in the averages across the State's counties. The averages for the counties with the highest and lowest total development cost per unit both differ by less than 20% compared with the statewide average. The data do not support consistently higher development costs in some geographic areas over others.

Setting the HTF maximum per-unit subsidy limits at the existing HOME limits is allowed by HUD and cost data indicate the use of the HOME limits is appropriate as the initial baseline cap for the amount of HTF investment that may be put into any HTF-assisted unit. However, it is important to note that the cap is not the only mechanism VHCB will use to allocate no more HTF funds than allowable and necessary for project quality and affordability. Each application for HTF funding will be reviewed and analyzed in accordance with VHCB's Policy & Procedures for Project Underwriting, which includes a subsidy layering review. VHCB staff has extensive experience in this area, including through its administration of HOME. The review includes an examination of sources and uses (including any operating or project-based rental assistance) and a determination that all costs are reasonable.

Through its underwriting process, VHCB will ensure that the level of HTF subsidy provided: 1) does not exceed the actual HTF eligible development cost of the unit, 2) that the costs are reasonable and in line with similar projects across the State, 3) the developer is not receiving excessive profit, and 4) HTF funding does not exceed the amount necessary for the project to be successful for the required 30-year affordability period.

As required by HUD, the HTF maximum subsidy limits will be assessed and adjusted annually as needed.

8. Rehabilitation Standards. The grantee must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The grantee's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The grantee must attach its rehabilitation standards below.

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

VHCB's HTF Rehabilitation Standards shall apply to HTF assisted projects. The standards provide details on what work is required, how that work should be performed (methods), and what materials should be used. The standards refer to applicable codes and, in some circumstances, establish requirements that exceed the minimum requirements of codes. Methods and materials are specified in some of the incorporated applicable codes referenced on pages 1-2, including International Building Code (IBC). In addition, VHCB's HTF Rehabilitation Standards include language that provides detail on methods and materials.

The rehabilitation standards address the following categories: health and safety; major systems; lead-based paint; accessibility; disaster mitigation; State and local codes, ordinances, and zoning requirements; and inspectable areas and observable deficiencies from HUD's Uniform Physical Condition Standards identified by HUD as applicable to HTF-assisted housing.

Applicants must be able to demonstrate compliance with these standards. If any particular element of the project does not meet the standards, applicants must bring this to the attention of VHCB staff. Waivers may be requested in accordance with VHCB procedures.

9. Resale or Recapture Guidelines. Below, the grantee must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

10. HTF Affordable Homeownership Limits. If the grantee intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

The grantee has determined its own affordable homeownership limits using the methodology described in § 93.305(a)(2) and the limits are attached.

N/A

11. Grantee Limited Beneficiaries or Preferences. Describe how the grantee will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve unmet needs identified in its consolidated plan or annual action plan. If the grantee will not limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter “N/A.”

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the grantee must not limit or give preferences to students. The grantee may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3) only if such limitation or preference is described in the action plan.

While Vermont’s HTF Program is not limiting beneficiaries to a particular segment of the extremely low-income population, VHCB will give funding preference to projects that include the creation of permanent supportive housing (PSH) with rental assistance and support services for persons who are homeless or at risk for homelessness. VHCB is establishing this preference in accordance with its long term commitment to creating housing for the most vulnerable, the priorities of the State’s Consolidated Plan, results of the most recent Point in Time Count, and HUD’s emphasis on permanent (over transitional) housing. It is also consistent with Vermont’s 2016 Executive Order (No. 03-16) which establishes the following goal: “owners of publicly-funded housing [shall] make available at least 15% of their affordable housing portfolio to homeless families and individuals, including those with special needs who require service support and rental assistance to secure and maintain their housing.”

In accordance with the State’s Consolidated Plan guiding principle of “promoting development in State designated downtowns, village centers, neighborhood development areas and other areas that are consistent with the State’s historic settlement pattern and ‘Smart Growth’,” VHCB shall give funding preference to projects located in these areas.

Preference shall also be given to projects that 1) create new units or 2) preserve affordable, subsidized units in properties acquired from private owners.

Owners of housing funded with HTF dollars may (but are not required to) limit occupancy or provide preference to the following populations:

- Homeless families or individuals
- People with disabilities (including people with mental illness)
- Victims of domestic violence
- Frail elders
- Veterans

However, any limitation or preference must not violate the nondiscrimination requirements in the HTF interim rule at 24 CFR 93.350, and the applicant must have affirmative marketing procedures and

requirements that apply in the context of the limited/preferred tenant eligibility for the project. Preferences and/or limitations may not be given to students.

12. Refinancing of Existing Debt. Enter or attach the grantee’s refinancing guidelines below. The guidelines describe the conditions under which the grantee will refinance existing debt. The grantee’s refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the grantee will not refinance existing debt, enter “N/A.”

Multi-family projects developed by locally based housing organizations that receive HTF funds for rehabilitation may utilize HTF funds to refinance existing debt consistent with 24 CFR 93.201(b) if they meet the following guidelines:

1. Refinancing is necessary to reduce the overall housing costs and to make the housing more affordable and proportional to the number of HTF-assisted units in the rental project.
2. Rehabilitation is the primary eligible activity. A minimum of \$7,500 of rehabilitation per unit is required. The proportional rehabilitation cost must be greater than the proportional amount of debt that is refinanced;
3. The grantee must demonstrate management capacity and practices that ensure that the long term needs of the project can be met and the targeted population can be served over an extended affordability period;
4. The grantee must demonstrate that the new investment is being made to maintain current affordable units, to create greater affordability in current affordable units, to create additional affordable units, or to continue the affordability of units that could be lost;
5. Refinancing will be limited to projects that have previously received an investment of public funds;
6. The minimum HTF affordability period shall be 30 years. All HTF assisted projects are required to remain affordable in perpetuity after the expiration of the HTF required period via a VHCB Housing Subsidy Convent;
7. HTF funds may be used for refinancing anywhere in the State of Vermont including the City of Burlington;

HTF funds cannot be used to refinance multifamily loans made or insured by any Federal program, including CDBG.

Appendix - Alternate/Local Data Sources

EXHIBIT K

EXHIBIT H



Vermont Community Development Program Program Guide

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VCDP Program Guide

The Vermont Community Development Program (VCDP) requires that all applications be submitted online. No paper applications will be accepted. For a complete listing of this year's Community Development Board meeting schedule, please refer to the **CD Board, Meetings & Awards page**. To assist applicants with their applications, we have created this Program Guide and **Application Instructions** found on our **Applicant Guidance page** of the Departments website that can be used for each application type: **Implementation Grant, Planning Grant, Accessibility Modification, Scattered Site** for the **On-line Grants Management System**.

This Program Guide 1) provides information about VCDP to help an applicant determine if CDBG funds are appropriate for the project in need of funding and 2) gives an overview of the program requirements. The Application Instructions provide further detail and information to assist an applicant to successfully complete the application.

Due to the critical and on-going need for the creation and retention of quality jobs and housing throughout Vermont, the highest priority for Vermont Community Development Program (VCDP) funding will continue to be housing and economic development projects.

I. Introduction and First Steps

The VCDP is a division in the Department of Housing and Community Development (DHCD) within the **Agency of Commerce and Community Development**, and it operates the Community Development Block Grant Program (CDBG) of the U.S. Department of Housing and Urban Development (“HUD”). VCDP provides CDBG grant funds to municipalities throughout Vermont (with the exception of the City of Burlington, which deals directly with HUD) for housing, economic development and other community development projects to benefit primarily low-to-moderate income persons. VCDP is governed by the federal **Housing and Community Development Act 42 U.S.C. § 5301et seq. (the “Federal Act”)** and related regulations, and the **Vermont Community Development Act, 10 V.S.A. chapter 29, subchapter 1 (the “State Act”)**. HUD requires Vermont to prepare a **Consolidated Plan** for Housing and Community Development to establish the state’s parameters and priorities for use of the federal funds by VCDP.

Eligible Applicants

Any Vermont town, city (except Burlington), or incorporated village chartered to function as a general-purpose unit of local government, or a consortium of such entities is eligible to apply through VCDP for a CDBG grant. However, the majority of projects are a coordinated effort between the municipalities, community groups, businesses and local or state non-profit organizations. **(See 10 V.S.A. Chapter 29.)** All applicants, potential subgrantees, and potential borrowers must be registered with the **System for Award Management (SAM.gov)**.

Contact VCDP Staff

VCDP staff are available to talk with you about your project and to answer your questions about its fit with the Program, and applicants are highly encouraged to apply **ONLY** after discussing the project with VCDP staff. Your chief contact will be the Community Development Specialist (**CD Specialist**) assigned to your geographic region of the state, see table below. Your **CD Specialist** can help you connect with

other appropriate people from our Agency or other agencies and organizations that can provide you assistance with the development of your project.

Often a visit by your **CD Specialist** to the site of your project is helpful for both you and the Specialist. This is preferably done prior to the application deadline but may also occur after the application has been submitted.

VCDP Staff	Questions
Nathan Cleveland nathan.cleveland@vermont.gov 802-585-5659	Community Development Specialist Team Leader Eligibility, Pre-Applications and Programmatic guidance
Julia Connell julia.connell@vermont.gov 802-828-5215	Community Development Specialist Eligibility, Pre-Applications and Programmatic guidance
Grace Vinson grace.vinson@vermont.gov 802-622-4236	Environmental Officer – specializes in HUD Environmental Reviews and NEPA for all grants
Gretel St. Lawrence gretel.stlawrence@vermont.gov 802-636-7255	Environmental Specialist – specializes with Tier II Environmental Reviews for Scattered Site grants.
Patrick Scheld patrick.scheld@vermont.gov 802-828-1365	Administrative Services Manager – specializes in Scattered Site Grants and oversees compliance of grants management activities.
Brett Chornyak brett.chornyak@vermont.gov 802-249-4707	Grants Management Specialist – specializes in Requisitions, Closeout and Eligibility of Accessibility and Planning Grants
Juliann Sherman juliann.sherman@vermont.gov 802-828-5226	Grants Management Specialist – specializes in Requisitions, Procurement, Davis-Bacon, Contracts, Onsite Monitoring and Section 3
Cassie Bell cassie.bell@vermont.gov 802-828-5211	Grants Management Analyst – specializes in Audits, Financial Management, Closeout Agreements
Cindy Blondin cindy.blondin@vermont.gov 802-828-5219	Grants Management Analyst - Online Grants Management System, Federal Reporting and Compliance.
Ann Karlene Kroll annkarlene.kroll@vermont.gov 802-828-5225	DHCD Federal Programs Director – oversees VCDP program and specializes in Uniform Relocation Act (URA)

Meeting National & State Objectives

A key issue to discuss with VCDP staff is eligibility. There are three National Objectives established under the **Federal Act**, and each project must meet one of them. The National Objectives are Low-and-Moderate Income, Slums and Blight, and Urgent Need. More detailed information can be found in this Guide under **National and State Objectives/Benefit**.

Provide Early Notification of Potential Projects

While not required to notify the Agency of the intent to apply for CDBG funds, applicants are strongly encouraged to use the **VCDP Pre-Application Form** as soon as VCDP has been identified as a potential source of funds. Advantages are that the Pre-Application is circulated to others at the Agency resulting in more comprehensive feedback and you will have earlier access to assistance from staff in making your application as competitive as possible. You can submit your pre-application to the Lead Community Development Specialist.

Organize an All-Funders Meeting

For some projects, notably economic development and multi-unit housing projects, it is extremely valuable and important for a meeting to be arranged with representatives from all potential funding sources prior to the preparation of an application. VCDP strongly encourages these meetings and will be happy to assist in coordinating them. During these meetings issues such as timing, eligibility and project feasibility can be addressed. Contact the **CD Specialist** above for your region early in the process to discuss your project and make arrangements for an all-players meeting.

Seek Assistance with Application Preparation

Many applicants, both municipal officials and project developers, find that they are too busy to actually complete the application forms themselves. There are a number of non-profit agencies, including the **regional planning commissions** and **regional development corporations** that have assisted applicants on previous VCDP applications.

VCDP also maintains a list of **Community Development Consultants** who have worked on applications in the past.

Public Hearing

One of the most frequent items preventing an application from being considered as planned is the failure to comply with the application public hearing requirements. More detailed information can be found in this Guide under **Citizens Information/Public Hearing**.

Environmental Review

Every U.S. Department of Housing and Urban Development (HUD) assisted project must complete an Environmental Review (ER). The ER does not need to be completed before an application is submitted, but applicants are highly encouraged to start the ER early in the application process. The ER must be completed before any choice limiting activities incur. For more information please contact VCDP Environmental Officer and review the Environmental Review page on our website, [including the ER Process](#) Memo

II. Program Overview

Types of Projects

CDBG funds are able to assist communities with a wide range of projects, because the funds can be used for many types of expenditures. Funding through VCDP is a potential resource for housing, economic development, public facilities, public services, and planning. Types of activities within these project areas include:

- Housing rehabilitation and acquisition, lead abatement, home ownership assistance
- Economic development loans to businesses
- Water, sewer, and other infrastructure serving economic development or housing
- Rehabilitation or acquisition of public facilities; senior, childcare, assisted living, or homeless facilities
- Handicap accessibility modifications
- Planning
- Disaster assistance

The VCDP website lists many projects that have been funded in the past, including those that have won **recent awards**.

The VCDP is a program that primarily serves income eligible beneficiaries, and this benefit requirement is one of the most important program mandates to understand and meet as you consider pursuing VCDP funds for a project. The benefit requirement varies from project to project, so this is an important issue to fully understand by consulting with **VCDP staff**.

Grant Types

The VCDP provides federal CDBG funding for eligible activities through the application types listed below.

Implementation Grant (IG) – Application Instructions

Provides funding for economic development, housing, public facilities, and public services, in support of economic development or housing that will result in direct benefit to persons of low- and moderate-income, will eliminate slums or blight, or will address a community's urgent need.

Grant Range: \$50,000 minimum to \$500,000 maximum or \$1,000,000 maximum (see below*). A 10% match of cash or cash-in-kind goods or services is required for all grants.

*The \$500,000 maximum is applicable ONLY to applications for community public facilities projects (i.e. community centers, senior centers, day care centers) and public service projects. If you have any question on whether the project under consideration is subject to the \$500,000 cap, be sure to obtain clarification from a **CD Specialist**.

Implementation Grant for Brownfield Activities in an IG: If an applicant seeks VCDP funding to remediate and reuse a brownfield site(s), VCDP funds will only be available for sites where there is a clear commitment to the reoccupation and reuse of the subject property, and the project is not eligible or appropriate for the Brownfields Revolving Loan Fund or any other federal or state brownfield funds.

Since the Brownfields Remediation Fund has been capitalized with **U.S. Environmental Protection Agency** and state funds, VCDP does not have a dedicated Brownfield fund. Since brownfields continue to be important to address, brownfield projects will be funded through the competitive process for Implementation Grants. For further information, see the **VCDP Brownfields Summary**.

MULTI-YEAR GRANTS: Implementation Grants may be funded over multiple years (minimum 3 years/maximum 4 years) in phases. Each phase must meet benefit independently to achieve **National and State Objectives**.

NOTE: The regular IG application is used on the Online Grants Management System for a multi-year Implementation Grant.

Grant Range: \$200,000 to \$1,250,000 for all phases. You must contact the **CD Specialist** for your region to be sure there are funds available for a multi-year application.

DISASTER ASSISTANCE (DA): The Disaster Assistance provides funding assistance to municipalities and their residents who are victims of damage caused by floods, earthquakes, or other disasters that have been declared a state of emergency by the Governor (and federally approved). VCDP funds are awarded on a competitive basis and cannot be used in lieu of other federal or state funds available to assist with disaster assistance.

RECOVERY HOUSING PROGRAM (RHP): The Recovery Housing Program provides funding to projects that are intended to be used to address the needs of transitional housing for people recovering from substance use disorder in the State.

Scattered Site Grant (SS) - Application Instructions

Provides funds to the regional scattered site housing rehabilitation revolving loan fund programs and are a specific type of implementation grant and have their own application on the Online Grants Management System.

VCDP will set aside up to 35% of its annual CDBG allocation for Scattered-Site (SS) Housing Rehab Grants to be distributed at the first funding round during the period July 1, 2023 – June 30, 2024. Any funds remaining may then be awarded to Implementation and Planning Grants (IG, PG) at the last funding round of the FFY2023 Program Year.

SS applications are considered at the Fall Community Development Board meeting that is typically scheduled for early November. See our Board meeting schedule on our [website](#).

Grant Range: \$50,000 minimum to \$1,000,000 maximum. (Due to the reduction in CDBG funds by Congress, the ability to receive the maximum award amount is unlikely.) A 10% match of cash or cash-in-kind goods or services is required for all grants.

Planning Grant (PG) - Application Instructions

Provides funding for community development planning activities and/or pre-development activities in preparation for implementing a project in one or more of the program areas (housing, economic development, public facilities or public services). Planning grant funds allow communities access to the technical expertise and professional resources needed to test ideas, propose strategies, develop plans, establish policies and procedures, and conduct organizational activities. It is important to remember that the successful funding of a planning grant does NOT guarantee or imply that VCDP funding for the project at implementation will also be successful- the project must stand on its own merits and receiving CDBG planning dollars does not make the implementation proposal more competitive.

Grant Range: \$3,000 minimum to \$60,000 maximum. A 10% match of cash or cash-in-kind goods or services is required for all grants.

NOTE: If a community has an open PG, it will bear on the competitiveness of an application for an additional PG. Applicants will need to explain in the application their capacity to manage an additional PG and explain why the open PG is not completed and provide the timeline for completion.

Accessibility Modification Grant (AM) - Application Instructions

Provides funding, on a first-come, first-serve basis for projects that bring existing municipally-owned buildings that serve a municipal function and non-school-community libraries (do not have to be municipally owned) into full compliance with the Americans with Disabilities Act (ADA) and the rules of the **Vermont Access Board**. Projects must be bid ready- all decisions must be made that would impact the bid documents. Construction of new stand-alone buildings is not eligible for the AM program.

Grant Range: \$5,000 to \$150,000. A 10% match of cash or cash-in-kind goods or services is required for all grants.

The plan for distribution of funds among these grant types for FFY2023, as established through the **Consolidated Plan**, is set out below:

CDBG FFY2023 DISTRIBUTION PLAN

	FY2023 Allocation
FFY 2023 CDBG Annual HUD Award	\$7,334,647
Anticipated FFY 2023 Program Income*	\$ 200,000
Total Available	\$7,534,647

CDBG Allocations Based on FFY 2023 Annual HUD Award and Program Income

Implementation Grants (IG) (Includes Planning Grant Target of \$360,000, Recovery Housing Target of \$500,000 and Special Housing Projects Pilot up to \$750,000)	\$3,847,482
Scattered Site Grants (SS-HRLF) – Housing Revolving Loan Fund set-aside (1)	\$2,567,126
Accessibility Modifications Grants (AM) set-aside (1)	\$ 600,000
Anticipated Program Income	\$ 200,000
Total State Administration	\$ 320,039
<ul style="list-style-type: none"> • 2% \$146,693 • \$100,000 • + 1%TA \$73,346 	
Total	\$7, 534,647

(1) FFY2020 SS & AM any remaining funds available at the time of the last funding round during the period of July 1, 2023, through June 1, 2024, may be awarded to Implementation and Planning Grants.

NOTE: Allocations are estimated based on the State’s FFY 2023 Award.

- *Program Income (PI) estimate based on amounts expected.
- Funds will be allocated so that each funding cycle will have funds to award.
- The Agency reserves the right to adjust fund categories by up to \$100,000.
- Recaptured funds will be reallocated as soon as feasible.
- SS set-aside is up to 35% of VCDP’s annual FFY allocation.
 - SS-HRLF set-aside is limited to up to 15% of its total annual allocation for counseling activities

Program Limitations

Public Service Limitation (15% of total allocation)	\$1,100,197
Federal 20% Cap for state & local general administration and all planning activities	\$1,466,929
<ul style="list-style-type: none"> • Cap for state & local general administration (IG & AM) and all planning activities • SS-HRLF set-aside is limited to up to 12% of its total annual allocation for general administration 	\$ 308,055
Limit on Slums & Blight and Urgent Need (13% of Total)	\$ 953,504

Timeline Process

VCDP accepts applications on a rolling basis. However, it is recommended that you submit your application prior to the **Target Date for Submission** corresponding to the Board Meeting you would like to attend. VCDP holds three Board Meetings per fiscal year. As part of the **Timeline** from application submission to Board Meeting date, Community Development Specialists will review the application and provide an analysis to the Board.

Risk Assessment

Grants Management Staff reviews each application through a Risk Assessment. Additional Conditions may be added based on the Assessment. Organizations are ranked from low to moderate to high risk based on program and performance. Grants Management staff also take into consideration previous monitoring experience, review of requisitions, supporting documentation, working with the respective administrators/developers, review of final program reports, and review of single audit reports with the Risk Assessment.

UEI Numbers, SAMS registration, and Debarment

All parties that will receive CDBG funds, including contractors, must have a Unique Entity Identification Number which is an identification number provided by registering with the **System for Award Management (SAM)**. By registering your organization with sam.gov, VCDP staff are able to determine that the party has not been debarred from receiving federal funds. Additionally, they may not be on the [State's debarment list](#).

Funding Decision Process

Implementation Grants (IG)

Grant applications are reviewed by VCDP staff and VCDP Board through a **review process**. The **VCDP Board** is a nine-member citizen Board established by the State Act and appointed by the Governor. The **CD Specialist** assigned to your region will also produce an analysis of your grant application for review by the Board. You will have an opportunity to respond to the staff analysis before the Board performs its final review, and in the case of an Implementation Grant, you will have an opportunity to present your proposal to the Board at its meeting. The Board will make funding recommendations to the Secretary of the Agency of Commerce and Community Development based on an evaluation of the project with respect to need, impact and feasibility. The Secretary makes all final funding decisions.

Scattered Site (SS) Grants

Applicants for the Scattered Site Grants are the five Regional Homeownership Centers throughout the State. These grants are a specific type of Implementation Grant that has its own application in GEARS. Scattered Site applications are presented at the First Board Meeting of the fiscal year and are awarded a revolving loan fund programs through the Homeownership Centers that together provide Statewide access for eligible homeowners to address home repair needs.

Planning Grants (PG)

Applicants for Planning Grants will not present their proposals to the Board. Planning Grants are presented to the Board through a consent agenda, based on VCDP staff recommendations. The Board will make funding recommendations to the Secretary of the Agency of Commerce and Community Development based on an evaluation of the project with respect to need, impact and feasibility. The Secretary makes all final funding decisions.

Accessibility Modification Grants (AM)

Applications are reviewed by VCDP staff and brought directly to the Agency Secretary for funding decisions. The decision is based on an eligibility review and the balance of funds available. AM grant applications do not go before the VCDP Board, because they are funded on a first-come first-serve basis out of \$300,000 targeted for AM projects and do not compete against other grant types. Due to the reduction in CDBG funds by Congress, there may be factors that lead to the award being less than the amount requested.

Compliance Requirements to Consider Prior to Application Submission

Because of the requirements attached to federal dollars such as CDBG funds, there are some areas, particularly with Implementation and Accessibility Modification Grant applications, that should be considered well in advance of the application deadline in order to avoid serious difficulties with your project. We strongly urge you to learn about the following areas prior to applying:

The Uniform Relocation Act

The Federal **Uniform Relocation Act (the “URA”)** requires VCDP and grantees to minimize the hardship on persons and to ensure the fair and equitable treatment of persons who are displaced as a result of federally-assisted projects designed for the benefit of the public as a whole.

The URA is a very complicated federal statute, and if you answer yes to any of the following questions, you need to become knowledgeable in the requirements of the statute.

- Does the project involve or have the potential to involve the acquisition, rehabilitation, demolition or conversion of real property?
- Are there tenants or other occupants, including businesses that will be affected by the project? If so, they must be notified of the proposed project in accordance with requirements of the federal Uniform Relocation Act.
- Do the tenants or other occupants need to be relocated, either permanently (longer than 12 months) or temporarily?
- Will there be a reduction of the number of affordable housing units and/or bedrooms because of this project? If so, you likely will need to develop and submit a 1:1 Replacement Plan for approval with the application.

Please read through the federal regulations provided in **Federal Regulations 24 CFR Part 42, Displacement, Relocation Assistance and Real Property Acquisition** for definitions and the basic rules for compliance. Please also contact your **CD Specialist** and review the **HUD Handbook 1378**. This handbook provides a guide for compliance with the URA.

Environmental Review Process

The environmental review process should start early in the application process. Applicants are encouraged to open the Environmental Review application on GEARS simultaneously with the VCDP Application, or earlier, if possible, for large or more complex projects.

If an ER is not able to be completed prior to application submittal, the ER Release will be listed as an Award Condition. Communication with the VCDP Environmental Team and Historic Preservation throughout the application process will ensure a successful and efficient review.

The **National Environmental Policy Act of 1969, 42 U.S.C § 4321 et seq. (“NEPA”)**, and related regulations, apply to all CDBG-funded projects. An assessment is required to determine the entire project’s impact on the environment. All activities involved in a project must be assessed; those funded with CDBG funds as well as those funded with other resources. This assessment must be completed, and the ER Release Letter must be received before any non-general administration project funds are obligated or expended. Only expenditures for project administration/management can be incurred. For instance, a construction contract(s) cannot be executed, and construction cannot commence prior to receiving the ER release. prior to environmental release. For detailed guidance on the Environmental Review Process please see the [Environmental Review](#) webpage. For additional information and guidance, please contact Grace Vinson, the VCDP Environmental Officer in our Grants Management Division (802-622-4236).

Historic Preservation

One component of the ER is [Section 106 of the National Historic Preservation Act](#), as amended (54 U.S.C. § 306108). The process seeks to accommodate historic preservation concerns with the needs of federal undertakings or projects. The goals of consultation are to identify historic properties potentially affected by the project, assess the effects, and seek ways to avoid, minimize or mitigate any adverse effects. Historic properties are any district, site, building, structure, or object that is eligible for or listed in the [National Register of Historic Places](#). To begin the Historic Preservation portion of the ER, a Section 106 Preliminary Review Form (PRF) needs to be submitted to the Vermont State Historic Preservation Officer (SHPO) for every project. It is highly encouraged to submit the PRF as soon as project planning commences, with as much information as possible. SHPO will have a 30-day review period when provided with the adequate documentation to provide an initial determination of effect. If SHPO determines that there is the potential for adverse effects to historic properties, SHPO will request a [VCDP Approved Consultant](#) be hired to help avoid, minimize, or mitigate adverse effects and conclude with a review and recommended findings.

Fair Labor Standards & Davis Bacon Wage Rates

Any housing project of more than seven units or any other construction project of more than \$2,000, where federal funds are all or part of the project funding, triggers the requirements of the Davis Bacon Act, the Copeland anti-Kickback Act, and the Contract Work Hours and Safety Standards Act. These federal laws impose considerable record keeping obligations and impose requirements on your contractors and subcontractors. Please refer to **Fair Labor Standards and Davis-Bacon** on the **VCDP Grants Management Guide** page of our website. To ensure that workers receive no less than the prevailing wage rate for similar work in each specific locality, the communities if awarded must secure the **Wage Rates** (prior to publishing any Request for Bids (RFB)).

Procurement Obligations

With public funds come the obligations to follow and document a full and open competitive process for the procurement of goods and services. Applicants should not hire any entity prior to receiving an award, and if a compelling need to hire exists, be certain to contact **Grants Management** of VCDP first for guidance. Otherwise, you may create a situation where VCDP cannot consider funding the project. Please refer to **Procurement on VCDP Grants Management Guide** page of our website for detailed guidance before you enter into any arrangements for the provision of goods or services for your project (e.g., architects, consultants, engineers, construction contractors). For instance, you must ensure and document that all prime contractors and subcontractors are not on the HUD **Debarment List**.

In addition, the Grantee or Administrator must verify and document that the prime contractor has been certified and registered with the **Vermont Secretary of State's Office**.

For further information and guidance with respect to Fair Labor Standards, the Davis-Bacon process, Procurement and Contracts, please contact **Juliann Sherman**, our Grants Management Specialist in our Grants Management Division (828-1357).

III. Program Policies/Requirements

Applicant

Consortium Guidelines

When more than one municipality applies for and receives a grant from the Vermont Community Development Program and the purpose of the grant is to provide infrastructure or other governmental service, the grant is treated as a single award to the municipalities, severally and collectively. Each municipality is responsible for the entire grant. However, to have several municipalities administer one grant can be unwieldy. Therefore, VCDP policies provide for a collaborative arrangement termed a "Consortium." Under this arrangement, one municipality serves as the "Lead" and serves as the agent for all of the other municipalities, which are considered "Joint Applicants". The specifics of this arrangement are set out in a "**Consortium Contract**". Be aware that there are specific **public hearing requirements** for consortiums.

There are several possible arrangements for providing non-governmental services outside of a municipality's jurisdiction:

One municipality provides services to a region or sub-region such as a community applying on behalf of an organization that wants to establish a county-wide program, such as **Home Share Now**, in a county or wants to conduct an accessibility survey for all municipalities within a county wanting to participate.

A consortium provides services within their municipal limits such as two abutting municipalities working together on housing or an industrial park project that is on a parcel(s) of land located within both municipalities,

or

A consortium provides services to a region or sub-region such as two or more municipalities in two different counties (other than **NVDA's** three county region or **FCIDC's** two county region) working together to establish a multiple county-wide program. Using the same examples as above, this could be a home share program or an accessibility survey for municipalities within several counties.

Prospective applicants must determine whether it makes sense for municipalities to act together to accomplish the project's objectives. **VCDP staff** can assist you in making this determination. The number and membership of a consortium will depend on the proposed project and the relevant characteristics of the region. VCDP requires that:

(a) A consortium must be formed and must include all the municipalities being served where the proposed project is for a customary municipal service, such as a water or sewer line and is to serve more than one municipality;

(b) A consortium of at least one municipality per region must be formed when more than one region is served by the proposed project. For example, if a project proposed providing services to more than one region or a planning study covered more than one region, a consortium is required. An exception is if a community public facility such as a shelter for troubled teenagers or a parent/child center draws beneficiaries to it from more than one region; and

(c) No consortium would be required, though the applicants may choose to form one, when the proposed project will provide services directly to individuals in more than one municipality in one region, e.g., such as the Home Share Now program. In addition, an application by a community on behalf of an already established **Non-profit Community Development Organization (NCDO)** serving more than one region does not need to submit a consortium application if the project is simply a continuation of the NCDO's work.

For purposes of VCDP, the Agency has defined a "region" as either the service area of one of the Agency's block grant partners (a regional planning commission and a regional development organization), or a county. A "sub-region" is an area that is a portion of a block grant partner's service area, or a portion of a county. Regional programs must meet the consortium guidelines as described above. In addition, it is important to demonstrate in the application that there is support within the region being served when a consortium is not required. This can be in the form of monetary contributions, letters of support, etc.

Please note that because CDBG funds may be used within any community in the region without such community's formal participation, VCDP requires that each such community be provided a written explanation of any planned CDBG expenditure in the community along with at least thirty days to reject the use of CDBG funds within the community.

Fair Housing

As a condition to the disbursement of funds, a municipality must certify that it adheres to all federal and state laws related to the prevention of discrimination in the provision of housing benefits. A municipality must certify that it affirmatively furthers fair housing. These obligations reach beyond a given project and apply to the official conduct of the municipality. As a condition of a CDBG award, the municipal applicant will be required to attend an approved Fair Housing Training. A member of the legislative body, municipal CEO, municipal manager/administrator or a municipal designee responsible

for housing issues within a municipality such as members of planning commissions, zoning boards of appeal, development review boards or local housing committees as approved by the legislative body will be required to attend an approved Fair Housing Training within one year of the Award Date. The goal is to ensure the appropriate people are attending the trainings and sharing the information they receive with their municipal colleagues.

For further information, please see the Departments **Fair Housing Training Policy** or webpage on **Fair Housing Trainings** or contact **Shaun Gilpin**, our Housing Specialist.

Municipal Plan

In order to be eligible for CDBG funds, a municipality must have in place a municipal plan adopted in accordance with **24 V.S.A. Chapter 117**, Subchapter 5, “Municipal Development Plan”. The plan must identify the municipality’s community development needs including housing and economic development as well as the needs of low and moderate-income persons and the activities to be undertaken to meet such needs. A project must be consistent with the applicable plan.

Keep in mind, if applying as a consortium application, each applicant of the consortium must have an adopted municipal plan.

Number of Applications per Board Meeting

Municipalities are allowed to submit one Implementation, one Planning, one Access Modification and one Scattered Site Grant for a Community Development Board meeting. Please note that due to the highly competitive nature of VCDP, the likelihood of a municipality receiving funding for all four application types is very low.

Grant Activities

Eligible Activity

Only those activities eligible under **Section 105 of the Federal Act** may be funded under this program. See **VCDP Program Areas and Eligible Activities** for complete listing of eligible activities.

Due to the critical and on-going need for the creation and retention of quality jobs and housing throughout Vermont, the highest priority for the Vermont Community Development Program (VCDP) funding will be housing and economic development projects.

Ineligible Activity

The activities listed below are ineligible under the Federal Act:

- Public facilities used for services provided for the general conduct of government (except for accessibility modification projects)
- Public education costs

For further information regarding activities please see **VCDP Program Areas and Eligible Activities, Title I - Housing and Community Development Act of 1974, as amended 42 U.S.C. Sec. 5305 et seq. and Code of Federal Regulations 24 CFR 570.483.**

Non-fundable Projects

Due to the limited funds available and the many types of projects that the federal law allows, the following project types will not be funded by the VCDP. Fire, Police, Ambulance, and Emergency 911 Phone system activities in these areas tend to be municipal government priorities and so tend to have access to funding sources that VCDP-eligible projects are less likely to access.

National and State Objectives/Benefit

National Objective

Each project must result in benefits that address the National Objectives established under the Federal Act. Below is more information related to the benefit required under the National Objectives.

Serving Persons of Low- and Moderate-Income

If you propose to meet the National Objectives by serving persons of low- and moderate-income through job creation or retention or by providing housing, please bear in mind that you will be required to document that the project has achieved the proposed benefit within the grant period by demonstrating that at least 51% of the individuals served are persons of low- or moderate-income at or below 80% area-median-income by county.

There are some housing projects that require 100% of the beneficiaries served to be low- or moderate income. You will need to be prepared to perform income surveys or other means of documenting the income level of households or families benefiting from your project. “Limited Clientele” and “Area-Wide Benefit” are two concepts which may allow predetermination that proposed benefit will be met, and may simplify, to some extent, a grantee’s benefit documentation obligation.

Limited Clientele. A project that serves a Limited Clientele is one in which direct benefit is provided to one or more groups of persons who have been documented or are presumed, under HUD regulations, to be of low- and/or moderate-income.

Under Limited Clientele there are three ways to document benefit (serving persons of which at least 51% are low to moderate income):

1. **Presumed Low/Moderate Income:** proposed beneficiaries are included in the list of categories of persons in **24 CFR Section 570.483 (b)(2)**. These categories include the following: abused children, battered spouses, elderly persons, severely disabled persons, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers.
2. **Pre-qualified:** proposed beneficiaries are not included in the presumed list above, but secondary data submitted by the applicant to VCDP clearly demonstrates that the intended beneficiaries are income eligible through their participation in some other income eligibility program such as Headstart, Medicaid, etc.

3. Completion of Income Surveys: Proposed beneficiaries that do not qualify as presumed or pre-qualified, need to complete family or household income surveys. Be sure to confirm with **VCDP staff** which income survey is applicable.

Area-Wide Benefit. A project which will provide area-wide benefit is one that will provide public services or public facilities to a target area which is demonstrated to have a population of at least 51% low- and/or moderate-income persons. An area-wide benefit activity is an activity that is available to benefit all the residents of the target area. Typical area-wide benefit activities include water-sewer lines and community or neighborhood facilities. For further information, see HUD's interactive **Area Wide Low-and-Moderate Income (LMI) Community Data map** and see below for further information on **area-wide benefit**.

For further information on determination of benefit please see **Title I - Housing and Community Development Act of 1974, as amended 42 U.S.C. Sec. 5305 et seq, Code of Federal Regulations 24 CFR 570.483** or contact your **CD Specialist** for guidance.

Slums & Blight

Elimination of a slum or a blighted condition on a spot or area basis meets the Slums and Blight National Objective and is therefore a means to provide benefit under the Federal Act. This means that the household or family income of the beneficiaries is not necessary for a Slums and Blight eligible project. If there are known beneficiaries for the project, VCDP will require income surveys to confirm that the Low- and Moderate-Income National Objective cannot be met. Since there are limited funds available due to statutory requirements dictating the amount of funds that must meet the Low- and Moderate- Income National Objective, be sure to contact your **CD Specialist**. For further Slums and Blight information refer to **Criteria for Slums and Blight** and the **Code Federal Regulations 24 CFR 570.483**.

Note: A project proposed under Slums and Blight must be more than remediation of the property or area. **There needs to be a feasible redevelopment plan**; however, the redevelopment plan is not eligible for CDBG funding under Slums and Blight.

Urgent Need

Addressing a community's urgent need meets the Urgent Need National Objective and is therefore a means to provide benefit under the Federal Act. This means that the household or family income of the beneficiaries is not necessary for an Urgent Need eligible project. If there are known beneficiaries for the project, VCDP will require income surveys to confirm that the Low- and Moderate-Income National Objective cannot be met. To qualify under Urgent Need, VCDP must conclude that the project will alleviate conditions that pose a serious and immediate threat to the health and welfare of the community, are recent in origin and cannot be addressed with funding from the community or other sources. Since there are limited funds available due to statutory requirements dictating the amount of funds that must meet the Low- and Moderate-Income National Objective, be sure to contact your **CD Specialist**. For further information refer to the **Code Federal Regulations 24 CFR 570.483**. An Urgent Need Certification must be filled out for an application.

State Objective

Each proposed VCDP activity must meet at least one state objective as set forth at **10 V.S.A. § 682(b)(2)**. The state objectives are:

- Housing - Conserve, expand, and/or improve housing.
- Employment - Create and/or retain employment.
- Public Facilities - Improve public facilities in support of housing or economic development activities, or where there is a threat to the public health and safety (including public services).

Documenting Benefit

If the project is meeting the National Objective of Serving Persons of Low and Moderate Income, it is important to understand the various ways to document benefit and which benefit determination methods can and cannot be utilized with different project types.

Area-Wide Benefit

Based on American Community Survey Income Data some municipalities, in whole or in part, consist of a population that is at least 51% low and moderate income. It is possible that areas of your community would, therefore qualify on an "area-wide" basis. To determine benefit to low and moderate-income persons based on the area served by the activity, use:

- the municipal boundaries or boundaries of the service area;
- the income characteristics of households and unrelated individuals in the area.
- **HUD LMI Area Wide Benefit Map**

Public Facility or Public Service Benefit

To determine benefit to low and moderate-income persons from an activity involving a public facility or public service designed for use by predominantly low and moderate-income persons, include documentation demonstrating that at least 51% of users are low and moderate-income persons. Contact your **CD Specialist** for assistance.

Housing Benefit

To determine benefit to low and moderate-income persons based on the incomes of the households directly benefiting from the activity, such as single-family rehabilitation, where the activity involves the submission of an application or the completion of a personal record in the project, use:

- the size of each household receiving benefit; and
- the income of each such household.

To determine benefit to low and moderate-income persons in multi-family rehabilitation activity, use:

- the local definition of "affordable to low and moderate-income household";
- the rent charged (or to be charged) after rehabilitation, for each dwelling unit in each structure rehabilitated; and

-
- the total number of dwelling units in each structure to be rehabilitated and the percent of units in each structure which will be occupied by low and moderate-income households.

Economic Development Benefit

To determine benefit for job creation of FTE (Full-time equivalent; based on a 40-hour work week) jobs to be filled by or made available to low and moderate-income persons, use:

- the number of current FTE jobs
- the number of FTE jobs expected to be created
- nature of FTE jobs to be created, including pay range and benefits; whether jobs are for a full year or are seasonal
- type of FTE jobs to be created (number skilled, semi-skilled, and for unskilled, any special education or experience required)
- timeline for new FTE job creation
- documentation of ability of business to create the FTE jobs any other evidence that will be used to show that at least 51% of FTE jobs will be filled by or made available to low and moderate-income persons, such as: payrolls, documentation of hiring through **Vermont Department of Labor** or certification of wage scales.

To determine benefit based on FTE jobs to be retained, use:

- number of FTE jobs to be retained
- number of these jobs that are currently filled by low and moderate-income persons
- documentation that jobs will be lost if the project were not funded; with breakdown of how many of these are now filled by low and moderate-income persons.

Family Income Surveys must be completed by the existing employees and at least 51% must be income eligible. Any employee not completing a survey will be treated as non-LMI.

Contact your **CD Specialist** for assistance. For documenting benefit, check the **VCDP Resources** page of the Departments website for links to the most current HUD Income Guidelines and HUD Income Survey Forms for your community to be use to document benefit. For further information, refer to the **Title I - Housing and Community Development Act of 1974, as amended 42 U.S.C. Sec. 5301 (c)** and **Code Federal Regulations 24 CFR 570.483**.

Budget

Scope

Your project budget should include funds adequate to perform all activities required to achieve the proposed benefit that meets the National and State Objectives.

Sources

The VCDP expects all applicants to vigorously explore all funding sources. This includes all available grants, loans, conventional financing, local capital campaigns, income generated from previous CDBG or HUD-direct grants, and community tax dollars (where appropriate). These efforts will bear on the competitiveness of an application. A revolving loan fund (RLF) controlled by an applicant must be

considered as a funding source, and any decision not to access such funds for the project must be explained. The RLF funds cannot sit idle or be held as an endowment or trust only to earn interest.

If a community has an in-active CDBG/HUD funded Revolving Loan Fund (RLF) as defined by Agency Procedures (see definition below), at least 20% of the RLF balance on hand must be committed to the project when applying for CDBG funds. For Planning Grants only, this requirement will be the lesser of 20% of the RLF balance or the 10% match required whichever is less, up to \$7,500. The required RLF funds may be provided in the form of a loan or a grant to the project.

Definition of in-active: CDBG funds in an RLF where the average annual disbursement, excluding any amount expended for Administration & Management Costs, does not exceed 25% of the total balance over a 3-year period.

In addition, communities are expected to provide financial support in the way of donated general administrative or program management services, waiving or reducing connection or local permit fees, or

other cash-in-kind contributions relevant to the project or explain why such support is not possible. A community is generally not expected to go to its taxpayers for funds unless it is a municipally owned community public facility, or the project is vital to its downtown or village center.

General Administration & Program Management

The amount of federal funds used for general administration and program management of the grant must be “necessary and reasonable” for the proper and efficient performance and administration of the VCDP award. In order to be charged to the VCDP grant, all general administration and program management costs must comply with the federal **Uniform Guidance (2 CFR Part 200)** and **VCDP policies and procedures**.

All administrative services and professional services contracts between Grantees and Program Administrators must comply with the VCDP “**Sample Contract for Administrative and Professional Services**” contained in the **Forms and Sample Documents** page. Payment under such contracts may only be made for “necessary and reasonable” costs that are invoiced and supported by appropriate documentation that identifies the specific personnel, time worked for each project, and rate being charged.

General Administration. These are costs relating to the overall management of the VCDP grant. These activities typically are common to any VCDP grant and include financial management, progress reports, requisitions, procurement, and final program reports/closeout, among others. The one common cost related to all grants is environmental review, but this is a Program Management cost except in a Planning Grant, where it remains a General Administration cost. The cost of performing General Administration is a good way for a community, with in-house capacity, to provide a cash-in-kind commitment, even if only a partial contribution, to demonstrate support for the project. Any organization that cannot perform this responsibility as a cash-in-kind contribution should be certain to adequately budget this cost. The details on the amount that can be budgeted are in the **Application Instructions**.

Please be aware that any unexpended General Administration funds may not be used for other grant agreement budget line items and must be returned to the Agency.

Program Management. Every project budget (other than those for planning grants) must include funds for program management of the project. CDBG funds or other funding sources may be used for what VCDP refers to as “program management activities” which are directly related to accomplishing program tasks specific to the project being funded and include all soft costs not considered General Administrative costs. Program management activities include the costs related to environmental reviews, clerk of the works services, with Davis-Bacon and permit compliance, as well as engineering architectural and other professional services.

Pre-Award Costs

Applicants who receive an award may be reimbursed through the Grant Agreement for pre-award costs such as the fees charged by professionals (environmental consultants, architects, engineers, archeologists, lawyers, etc.) in the preparation of the applications. Such costs will not be reimbursable to applicants who do not receive an award. These costs must be clearly identified in the application and are subject to Agency approval. It is critical to remember that proper procurement must be followed to be reimbursed.

Program Income/Unrestricted Revenue

Program Income is income received by a VCDP grantee or subgrantee from activities supported by CDBG funds, including loan principal, loan interest, and funds resulting from the sale or lease of assets purchased with CDBG grant funds. Please contact **VCDP Staff** for further details.

Unrestricted Revenue is all gross income directly generated by the CDBG grant funds and received by a Subgrantee meeting the definition of a **Non-Profit Community Development Organization (NCDO)**, including gross income resulting from second, third, etc. generation loans. Unrestricted Revenue is also subject to assessment, unless it is used to establish a micro-enterprise or scattered site housing rehabilitation revolving loan fund program.

An applicant will be required to provide information on its Program Income and Unrestricted Revenue through the application process.

As stated above, inactive Revolving Loan Funds will be subject to providing funds to VCDP applications.

Communities or their designees who generate income from CDBG assisted loans will be required to repay to the Agency no more than 50% of the original CDBG grant award over an appropriate period of time. The exceptions of repayment to the Agency are micro-enterprise and scattered site housing rehabilitation revolving loan fund (RLF) programs. Repayments received by the Agency as Program Income will be added to the annual allocation available to municipalities through the VCDP funding cycles.

Real Estate Appraisals

Real estate appraisals are required when the project includes acquisition of real property in fee simple, a real estate lease where renewal options allow for extensions of 50 years or more, or permanent easements. An appraisal will not be required where the owner is donating the property interest, or the property interest is determined to have a market value of less than \$2,500 and the determination is documented and has been made by a person familiar with the local real estate market. The appraisal

must be conducted on the property “as is” and may not be affected by any enhanced or decreased value to the property which may result from CDBG funding. Appraisals must be conducted within six (6) months of the execution of the Option Agreement, Purchase and Sales Agreement or other document committing to a purchase. Real estate appraisals must be conducted independently and impartially by a qualified appraiser and must be supported by analysis of relevant market information. This is not a threshold but is required. In other words, an application will be accepted without the completed appraisal, but a funding decision without one is unlikely.

CDBG funds as a Grant vs. Loan

Economic Development Projects

Direct assistance to a for-profit entity must be in the form of a loan. Loan terms will be reviewed and approved by the Agency on a case-by-case basis. VCDP will allow more flexible loan terms to include loans from 0% to 2% and allow deferred loans if justified. The negotiating parties are the business, the community, and VCDP. The loan must be adequately secured by the assets of the business (or other acceptable security).

Indirect assistance to a business occurs when CDBG grants are made to municipalities that use the grant to support business or housing development. For example, a community may need to extend water or sewer lines so that a business may locate or expand in the community. Another example is a grant to a community that, in turn, lends the money to a property owner needing to fit up their building – in order to provide space for a business that wants to locate in the community, or would have to leave the area because their current location has become unsuitable for their needs. While there is no direct loan to the business, the community - through the business - must demonstrate the minimum 51% low and moderate-income benefit.

A grant in lieu of a loan to a non-profit entity must be approved by the Agency. A deferred loan option will also be evaluated by the Agency for non-profit entities.

Housing Projects

Direct assistance for a housing project will be structured in the form of a grant or loan based on the needs and circumstances of the project. VCDP may request documentation, e.g., operating budget, pro-forma, etc, to justify a request for VCDP funds to be structured as a grant. For a project structured as a loan, it may be deferred based on the needs of the project. The terms and conditions for the loan are negotiated between the municipality, the borrower and the Agency. They must be reasonable and appropriate for the project and comply with the Agency grant agreement. VCDP funds must be adequately secured by the assets of the borrower.

Evaluating Economic Development & Housing Projects

Economic Development Projects

The **Federal Act** requires that the public benefit provided by an economic development activity – jobs retained or created – should be appropriate to the amount of CDBG assistance provided.

Note: VCDP may require a credit analysis for ED projects. If the project is receiving funding from a bank, VEDA, USDA-RD or other participating lender and an acceptable credit analysis was completed or will be completed by that participating lender in a timely manner and the analysis is shared with VCDP staff one will not be required.

Housing

For housing projects utilizing the bond (4%) or the allocated (9%) Low Income Housing Tax Credit through the **Vermont Housing Finance Agency (VHFA)**, a **market study meeting VHFA standards** must be submitted with an application (threshold requirement). All other housing projects should also submit a market study, but based on specific project circumstances, VCDP will consider waiving this requirement.

Housing projects seeking bond 4% or allocated 9% Low Income Housing Tax Credits through the **Vermont Housing Finance Agency (VHFA)** are more competitive if they have either received funding approval from VHFA before the Community Development Board considers the VCDP application or have been underwritten by VHFA staff in preparation of a VHFA Board meeting.

The Department reserves the option to contract with a credit analyst to perform a financial analysis of housing applications.

VCDP applicants submitting applications for housing projects meeting consolidated plan priorities beyond creation and/or rehabilitation of housing units are required to submit a breakdown of project costs.

IV. Thresholds

These criteria must be met in order for the application to be accepted for consideration. They are “tickets for admission” to the competition for funds; they are not competitive criteria for selection. With the application being an on-line system, these thresholds must be met to allow the application to be submitted via the web, so be sure none have been overlooked.

Thresholds which apply to all applications

Application

The VCDP accepts applications on a rolling basis. However, it is recommended that an application is submitted prior to the Target Dates listed on the Applicant Guidance page. For the details, see the document titled “**Guidance to Applying to VCDP**”.

The Municipal/Authorizing Officials (MAO) – Mayor, City/Town/Village Manager, Town Administrators, Members of City Council, Select Boards and Village Trustees – are the only individuals at the Municipality that can submit an application electronically, in essence signing and certifying the application on behalf of the Municipality.

For more information on gaining access to **VCDP’s online grants management system**, please review the descriptions of the “**System Roles**” and how to create a “**New User Account**”.

Completeness: Forms and Certifications

(a) Legislative Body Resolution. A VCDP grant can only be awarded to a municipality or municipalities. Even if an organization or agency sponsors the project and prepares the application, final

authority and responsibility rests with the applicant municipality(ies). To be certain that the legislative body understands the obligations it will assume if the application is successful, the appropriate Resolution for VCDP Grant Application Authority must be adopted by the applicant municipality(ies), signed by the legislative body(ies) and uploaded to the application. Municipal Financial Staff must be informed of the submittal of the application, and a **Unique Entity Identification number** must be obtained and active on **SAM.gov**. The Applicant(s) adoption of the Resolution certifies and assure(s) compliance with required laws, rules, executive orders and regulations spelled out in Attachment E to the Grant Agreement and explained in the **Grants Management Guide chapter on the Grant Agreement**.

There are three resolutions but all three are never needed for one application.

1. Resolution for a Single Applicant.
2. Resolution for the Lead Applicant in a consortium.
3. Resolution for the Participating Applicants in a consortium.

(b) Certification of Income. Where a municipality has received grants in the past from VCDP or from HUD, and these grants have produced Program Income or Unrestricted Revenue, VCDP expects that this income will be considered as a funding source for the new project. VCDP expects the timely and thoughtful re-use of limited resources.

The legislative bodies of all applicant municipalities must supply information on the Income/Revenue Generated from CDBG or HUD Funded Grants, and a Certification of Program Income/Unrestricted Revenue form is available as part of the **On-line Grants Management System**.

(c) **Municipal Plan**. As described above, the applicant (and all joint applicants in a consortium) must have a duly adopted and current Municipal Plan under **24 V.S.A. Chapter 117, Subchapter 5**. See above for more detailed information.

(d) Corrective Action Plan for Brownfield projects. If a project includes a request for brownfield redevelopment activities, a Corrective Action Plan (CAP) must be submitted as part of the application, unless determined not applicable by the Agency. Be sure to obtain this determination prior to submitting the application.

Citizens Information/Public Hearing



Proper Warning. The municipality's legislative body must hold at least one public hearing to provide residents with an opportunity to learn about the proposal and an opportunity to comment. **The Federal Act** requires that the development of projects carried out in whole or in part with CDBG funds, must involve citizen participation, especially low- and moderate-income citizen participation.

The public hearing must be held at least five days before the application is submitted to the Agency and the hearing notice must appear in a newspaper of general circulation in the area at least fifteen days prior to the date the hearing is held (10 V.S.A. § 684). So long as a physical location is provided for attendees and one member of the public body is present, public hearings may occur as hybrid digital/physical meetings wherein members of the public and/or public body attend in person or digitally.

The Public Hearing Notice forms are included within the on-line application. Please be sure to properly estimate the amount of CDBG funds you will be seeking. VCDP will require a new notice and hearing if the application amount is more than 10% higher than the warned amount. Complete the information called for in the application and send this to the newspaper(s). The **application instructions** provide detailed information on how to complete the public hearing notice. Be sure to allow for the time it may take to have it published. Have the newspaper send a tear-sheet to verify the date of publication and to be submitted with the application. The date of publication must be visible on the tear-sheet.

It is vital that the notice show that the hearing is being warned by the applicant's Legislative Body (of the lead applicant, in the case of a consortium).

Re-submittal of an application. Applicants resubmitting an application for funding under this program should be aware of the following:

A new public hearing is required if 1) more than six months has lapsed between the date of the last public hearing and the date you submit your application, 2) the project is significantly different from what was previously proposed, and/or 3) the amount requested, if increased, is more than 10% higher than the amount in the public hearing notice.

If your application is unsuccessful and you want to reapply in a future meeting, please contact your **CD Specialist**.

Minutes of the Public Hearing. A copy of the minutes kept at the hearing(s) must be submitted. The minutes may be draft ones not yet formally adopted by the Legislative Body. The minutes should indicate the date, time, and place of the hearing, the list of attendees, a brief description of what was presented and of any discussion that took place. If any written comments were received, this should be noted, and copies submitted. If comments were made objecting to the project, a response to the objections must be provided as part of the application. The minutes should be dated and signed by the recorder. The **application instructions** will guide you through the process of uploading/attaching this document(s) to your application.

Public Hearing process specifics for consortia. Each applicant municipality must hold a public hearing to allow its citizens to learn about the proposed project, ask questions and express their views. Consortium municipalities may hold their own hearing or combine meetings and notices with other consortium members, provided that doing so will comply with the spirit of the requirement and all citizens involved have adequate notice of the hearing and convenient access to its location. All potential member municipalities should be included in the notices even if some are unsure if they will ultimately become members of the consortium.

National and State Objectives

(a) National Objective. **As stated above**, each proposed VCDP activity must meet a National Objective established by the **Federal Act**. The national objective claimed must be fully supported and, in some cases, the Agency should pre-approve your approach for meeting the objective. The National Objectives are:

- LMI - Provide a benefit primarily to persons with Low and Moderate Incomes.
- S&B – Eliminate a slum or blighted condition.
- Urgent Need – Meet a condition that recently became an urgent need.

(b) State Objective. **As stated above**, each proposed VCDP activity must meet at least one state objective as set forth at **10 V.S.A. § 682(b)(2)**:

- Housing - Conserve, expand, and improve housing.
- Employment - Create and retain employment.
- Public Facilities - Improve public facilities in support of housing or economic development activities, or where there is a threat to the public health and safety (including public services).

Thresholds which apply only to particular grants

Site Control

Applications for any Implementation Grant where site control is necessary for the activity to be undertaken must include evidence of site control such as ownership (title) or a purchase option agreement in compliance with HUD's requirements. Any purchase option agreement must be signed by all parties and must remain valid during the application, award and grant agreement development process. A Purchase and Sales Agreement executed after the Environmental Review Release Date is also acceptable.

Applications for a planning grant where site control is necessary for the project to be undertaken must include acceptable documentation for site access to do the planning work and availability of the site to implement the results of the planning if found feasible. This typically would be actual site control or a letter from the property owner that a) demonstrates support for the study's scope of work, b) allows access for whatever work must be done on the property for the study, c) ensures that the property is available during the timeframe needed to complete the study so the project, if found feasible, can move to implementation, and d) provides a willingness to sell the land at the appraised value. Contact your **CD Specialist** if you need clarification.

Required Match

Provide a full description of how matching funds will be provided. Give the name and address of the source and indicate whether it is a loan, grant, cash, cash-in-kind goods or services, etc.

(a) Economic Development Loans: borrower must provide cash-equity of at least 10% of the total project cost. This cannot be borrowed or otherwise encumbered money. **Note:** The Agency may waive the 10% equity match required for a VCDP economic development project if justified.

(b) Handicapped Accessibility work: A cash or cash-in-kind contribution must be provided at an amount equal to a flat 10% of the CDBG funds for all Accessibility Modification Grants (AM). For Implementation Grants (IG) that include handicapped access activities, the 10% match is required only when (i) handicapped access activity makes up more than 50% of the project, and/or (ii) benefit is based solely on handicapped access. The match must be applied to the handicapped access elements of the project.

(c) Slums & Blight: Cash or cash-in-kind goods or services of at least 10% of the CDBG funds. This match must directly fund remediation of the S&B condition.

(d) Municipally-Owned Facilities: Municipalities must make a municipal contribution toward the cost of projects to construct or improve these facilities. No match amount is prescribed, but the contribution will bear on the competitiveness of the application.

(e) Planning Grants: Cash or cash-in-kind goods or services of a flat 10% of the CDBG funds.

(f) Home Access Grants: Cash or cash-in-kind goods or services of a flat 10% of the CDBG funds.

(g) If a community has an in-active VCDP/HUD funded Revolving Loan Fund (RLF) as **defined by Agency Procedures**, at least 20% of the RLF balance on hand must be committed to the project when applying for CDBG funds. This match is capped at \$6,000 for a Planning Grant.

(h) Municipalities/Grantees: Municipalities are encouraged to provide a cash-in-kind match for some or all of the cost of performing General Administration tasks such as financial management, requisitions, progress reports, and Single Audit costs. If some of this cash-in-kind match creates a financial burden on the Municipality, then those costs should be budgeted as a specific line item(s) for reimbursement with CDBG funds from the grant.

Other Funds First

(a) Municipal water and/or wastewater projects: VCDP will not fund a municipal water supply or wastewater project without a clear demonstration that other funders of water supply and wastewater projects are participating to the full extent possible. It must also be clear that the community is fully participating.

Federal and State Sources: Provide documentation that the **Vermont Agency of Natural Resources**, **USDA Rural Development**, and **U. S. Economic Development Administration** have been contacted, as appropriate, regarding the potential for funding of the proposed project. This documentation must include written responses of the particular agency's determinations regarding eligibility for funding under the agency's programs, and if eligible, what would be the level of support and why this level of support is appropriate to the project. Contact your **CD Specialist** for the contact person for each source.

Local Bond Support: Provide an analysis from a knowledgeable source — bond council, accountant, etc. — of the ability of the municipality(ies) involved with the proposed project to assume bonded debt as a way to provide local funding.

(b) Brownfield Projects: If a project includes a request for Brownfield redevelopment activities, the applicant must demonstrate that no other federal, state or regional funding source can fund the Brownfield activities, because CDBG funds may not be utilized in lieu of other sources dedicated to Brownfield remediation efforts. For more details, please contact your **CD Specialist**.

Market Study

A full independent market study is required with the application. For applications utilizing the bond (4%) or allocated (9%) Low Income Housing Tax Credits (LIHTC) the **market study must meet VHFA standards**. All other housing projects should submit a market study; however, this requirement may be waived by VCDP for cause based on specific project circumstances.

For any project involving commercial property, contact your **CD Specialist** to determine if a market study will be required.

Consultant Analysis

(a) Economic Development Projects. The amount of CDBG funding assistance for jobs created or retained should not exceed \$40,000 per job. **Note:** VCDP will allow the cost per job to reach the federal maximum of \$50,000 per job under certain circumstances, but if for any reason, this amount is exceeded, funds will have to be repaid to the Agency as a disallowed cost under HUD requirements.

Any project which proposes job creation or retention to provide direct benefit as a means of meeting one of the **National Objectives** must provide specific information from the business, so the Agency can obtain an analysis of the business for the purpose of demonstrating the necessity and appropriateness of VCDP public assistance and the feasibility of the proposed job creation or retention. Please see **Business Analysis Instructions** for specific guidance and a listing of what needs to be submitted with the application.

HUD requires that all businesses being supported by CDBG funds must have a Unique Entity Identification Number which is an identification number provided by registering with the System for Award Management (SAM). Additionally, they may not be on the State's debarment list. The supported business must be registered with **SAM.gov** and should expect the following information to be requested:

- legal name
- name and address for the organization's headquarters
- "doing business as" (DBA) or other name by which the organization is commonly known or recognized
- physical address, city, state, & zip code
- mailing address
- telephone number
- contact name & title
- number of employees
- financial statements from the supported business and any principal owner(s) with 20% or more ownership of the business

(b) Other Projects. The agency may require an analysis by a consultant for Housing projects as well as for Slums and Blight projects.

Public Service projects

Applicants must provide documentation that a public service proposal is a new or increased service above and beyond that which has been available in the applicant municipality(ies).

EXHIBIT L

EXHIBIT I



Vermont Community Development Program **Planning Grant Instructions**

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Planning Grant (PG) Instructions

The Vermont Community Development Program (VCDP) applications are only accepted on our **Online Grants Management System**. To gain access to the system, please review the descriptions of the “**System Roles**” and how to create a “**New User Account**”. Everyone needing access to the application will need to create a user account in our system and have it validated (only one account is necessary per person). Once the account has been validated and has been attached to the application you may begin to fill out the appropriate forms. These application instructions will guide you through the menu in our Online Grants Management System. The focus of the Application Instructions deals primarily with the content of the grant application and is designed to be used while actively completing an application.

If you need more information about how to use the Online Grants Management System, please contact your **CD Specialist** or **Cindy Blondin**.

Before You Begin

System Emails

Throughout the application process you will receive system messages informing you of your application status. Be sure to add SOV.EGrantsNoReply@vermont.gov to your safe list if you use spam blockers. You will be receiving messages from the system periodically.

Spell Checking and Formatting

There are some check spelling capabilities, but the system does not have formatting built into the new online application. You can cut and paste text from a word processing program to the system.

Required Fields

Throughout the application you will see fields that have a red asterisk beside them; this indicates it's a required field.

Automatic Time Out

Save often! The system automatically times out after **45** minutes of inactivity. It is important to save your work at regular intervals to prevent loss. If you are timed out, you will automatically be sent back to the log in page. Any unsaved information will be lost.

Read Me Page

You must also certify that you have read the “Read Me” page by checking a box at the bottom of that screen.

Screenshot from Read Me page in Application

READ ME PAGE

NOTE: Any application that is not submitted to Agency in time to be reviewed by the June Community Development Board meeting will need to start a new application for the next fiscal year which starts July 1.

Application Target Dates	Board Meeting Dates
September 12, 2023	November 9, 2023
February 6, 2024	April 4, 2024
April 9, 2024	June 6, 2024

What Board Meeting is your project targeting. *

- PUBLIC HEARING:** Every applicant **must** hold a public hearing before the application can be submitted. Please see the [Boards and Meetings](#) VCDP website and be certain to get the public hearing notice published as required. Please note that if the application is a consortium (multiple municipalities) then a public hearing will be required to be held in each participating municipality. The required public hearing notice format is built into this application as part of the Public Hearing Notice page. For further information, contact your CD Specialist.
- MUNICIPAL PLAN:** All applicant communities, including consortium member communities, must have an adopted and still current Municipal Plan under 24 V.S.A. Chapter 117, Subchapter 5. For further information, contact your CD Specialist.
- ENVIRONMENTAL REVIEW:** Every project is required to complete an Environmental Review. For further guidance on Environmental Review please refer to our [Environmental Review Webpage](#) or contact the [Department's Environmental Officer](#).
- HISTORIC PRESERVATION:** Every project is subject to review under Section 106 of the National Historic Preservation Act, please complete the [Section 106 Preliminary Review Form](#) and submit it to the email listed on the form. The [Department's Environmental Officer](#) can assist you with completing the form, and staff from the [Division for Historic Preservation](#) will assist you with the Section 106 Process.

I certify that I have read and understand this page, and if I am not an employee of the applicant municipality, I have made the applicant municipality aware of the requirements on this page. *

Program Area Selection

In order to populate the pages of your online application with budget forms, you must first select a program area that most closely fits your project. If your project involves more than one program area, please check all the appropriate boxes.

Screenshot from Program Area Selection form in Application

PROGRAM AREA SELECTION

Please select all of the program areas your grant will cover:

- Housing
- Economic Development
- Public Facilities
- Public Services

Executive Summary

Please identify the working title for your project, once saved the title used will be the title that will appear when hovering over the application identifier within the system.

The screenshot shows a web form titled "EXECUTIVE SUMMARY". It includes an "Instructions" section stating "Required fields are marked with an *". A "Working Title for Project" field contains "Community Center Project". A "Document Information" field shows "IG-2016-Pownal-00003" with a "Details" link. A "Project Title" dropdown menu is open, displaying "Community Center Project". A breadcrumb trail reads "You are here: > VCDP Application Menu > Forms M...".

Consortium

If applying as a consortium, mark yes and then mark each applicable municipality checkbox in the list labeled 'Participating Municipalities'.

A consortium is formed when two or more municipalities submit a joint application with one municipality agreeing to serve as the lead grantee. See the Program Guide for **Consortium Guidelines**.

Screenshot from Executive Summary form in Application

The screenshot shows a question: "Is this a consortium project?" with radio buttons for "Yes" and "No". A note says "If Yes, please select the participating municipalities." followed by a red asterisk. Below is a list titled "Participating Municipalities" with four items, each with an unchecked checkbox: "Town of South Hero", "Town of Springfield", "Town of St. Albans", and "Town of St. George".

Chief Executive Officer

List the name and title of the elected Chief Executive Officer (CEO) of the municipality. In the case of a joint application, it is the name of the lead applicant's CEO that should be entered. For those municipalities with a municipal manager or administrator, this person can act as the CEO if so authorized by the elected governing body (city council, board of selectmen or trustees), to act on behalf of the municipality.

Contact Person

Please provide the name of the person designated to be your day-to-day contact for the VCDP with respect to the application. This person shall be responsible for:

- keeping all applicant partners advised as to application progress and communication with the VCDP
- providing the VCDP information as may be needed during the application review process

- securing decisions from the applicant(s) and others involved with the project with respect to any issues about the project which may arise during application review

Person who prepared this application

If we have questions or need clarification, it is a big help to have the name of the person who did the work of putting together the application. If the Contact Person did the work, just indicate that this is the case. The Grantee Roles & Capacity page should also be completed in the application.

Estimated Project Funding

This section automatically populates based on the budget pages that you fill out in the online system. No dollar amounts will appear in this field until you have built your budget pages and saved this page.

Subgrantee and Borrower

If your project involves a subgrant or loan, the legal name, complete address, DUNS# and Federal ID# for the subgrantee and borrower are required. Select N/A if your project does not have a Subgrantee or Borrower.

National and State Objectives

Screenshot from the National and State Objectives form in the Application

State Objective *

Housing

Economic Development

The loan will be For: Profit Borrower Non-Profit Borrower

Public Facility

Public Service

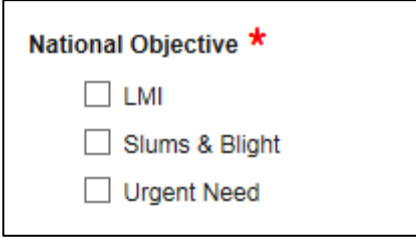
State Objective

Each proposed VCDP activity must meet at least one state objective. The State Objectives are:

- *Housing - Conserve, expand, and improve housing.
- *Economic Development - Create and retain jobs.
- Public Facilities - Improve public facilities in support of housing or economic development activities, provides other public benefit or where there is a threat to the public health and safety.
- Public Services – Provide services that support job creation and/or retention, support family self-sufficiency, support housing, or assist persons with special needs.

National Objective

Screenshot from the National and State Objectives form in the Application

A screenshot of a form titled "National Objective" with a red asterisk. Below the title are three checkboxes, each followed by a label: "LMI", "Slums & Blight", and "Urgent Need".

National Objective *

LMI

Slums & Blight

Urgent Need

Each proposed VCDP grant must meet at least one National Objective established by the Federal Act. The National Objective claimed must be fully supported and, in some cases, the Agency should pre-approve your approach for meeting the objective. The National Objectives are:

- **Low-Moderate Income (LMI)** - Provide a benefit primarily to persons with very low, low and moderate incomes.

If you propose to meet the National Objectives by serving persons of very low, low, and moderate income, please bear in mind that you will be required to document that the project has achieved the proposed benefit within the grant period by demonstrating that at least 51% of the individuals served are persons of low- or moderate-income. **Please Note: Any projects being considered under a Planning Grant must have the potential for providing benefit where at least 51% of those served would be persons with very low, low or moderate incomes.*

- **Slums & Blight** - Eliminate a slum or blighted condition. Elimination of a slum or a blighted condition on a spot or area basis is a means to provide benefit under the Federal Act. However, only limited funds are available due to statutory requirements dictating the amount of funds that must meet the low- and moderate-income national objective.

For further information on qualifying as a Slums and Blight project refer to the **Criteria for Slums and Blight**.

- **Urgent Need** - Meet a condition that recently became an urgent need. Addressing a community's urgent need may provide benefit under the Federal Act. However, only limited funds are available due to statutory requirements dictating the amount of funds that must meet the low- and moderate-income national objective. For further information, refer to the **Code Federal Regulations 24 CFR 570.483**.

Program Management and General Administration

Program Management

Program Management activities are not identified in Planning Grants.

General Administration

General Administration activities relate to the overall management of the VCDP grant. These functions are common to any VCDP grant and include environmental review, financial management, progress reports, requisitions, procurement and final program reports/closeout, among others. Once the Program Area is selected, budget pages will appear in the application. Be sure to add a page to the budget and select the “General Administration” tab.

Note: All administrative services must comply with the VCDP **“Sample Contract for Administrative Services”** contained in the **VCDP Grants Management Guide**. Payment under such contracts may only be made for “necessary and reasonable” costs that are invoiced and supported by appropriate documentation that identifies the specific personnel, time worked for each project, and rate being charged.

Procured According to VCDP Standards

Goods and services, such as buying supplies, retaining design professionals and awarding construction contracts are all subject to procurement procedures. The appropriate method for any given product or service is dependent on the estimated cost or price, whether the procurement is for a service or product, the type of contract to be utilized, whether the service or product is unique, whether there is any eligible, qualified competition. The key element of procurement is that the entire process provides for full and open competition.

For guidelines and specific procurement methods refer to **Procurement on our webpage for the Grants Management Guide**.

Environmental Review Release

You must secure an Environmental Review Release (ER) letter from the Agency prior to obligating any funds, such as offering contracts, beginning planning work, or requisitioning CDBG funds. No HUD or non-HUD funds for project activities may be committed, nor can any legally binding agreements (e.g. contracts) be made prior to receiving the ER Release. All ER forms are available in the Online Grants Management System. Issuance of a Grant Agreement will not take place until the ER Release Letter is issued. For any questions on the ER process, please contact the **Environmental Officer**.

Project Description

Applicants are required to provide a detailed description of their projects, including the service area, location maps, floor plans, photographs, and floodplain documentation from the **FEMA Map Service**.

- Please note that any projects being considered under a Planning Grant must have the potential for providing benefit where at least 51% of those served would be persons with very low, low or moderate incomes.

Service Area

Indicate the area/region your project will service. This can be as small as a neighborhood in your town or could encompass a county or larger region.

Floodplain

Screenshot from the Project Description form in the Application

f) Is any part of the project located in a flood plain? Yes No If only part of the project is located in a flood plain, please clarify what part is in the flood plain.

Under the Environmental Review process, you must consider the potential impact the project may have to a designated floodplain. Contact the relevant town clerk, regional planning commission, or the **FEMA Map Service** to obtain a copy of the floodplain map covering your project area.

Designated Downtown/Village

Screenshot from the Project Description form in the Application

g) If implemented would the project be located in a designated downtown or designated village center as determined by the Downtown Development Board? Yes No
 If no, is it located downtown? Yes No *If only part of the project is located in a designated downtown, designated village center or simply in the downtown, please clarify what part.

Towns and villages that receive downtown/village designation are eligible for a number of benefits, including tax credits, loans and grants from various state agencies, and priority consideration from other state programs and agencies. To find out if your town/village is designated or to find out how to become designated, please contact the **Downtown Program**.

Environmental Review Identifier Number

If you have not yet started an Environmental Review for your project, please contact **James Brady**, Environmental Officer at (802) 622-4236.

Screenshot from the Project Description form in the Application

h) Please provide the Environmental Review Identifier Number and status of the Environmental Review for this project.

Budget

Screenshot from the Project Budget form in the Application

Activity	Planning - Only
VCDP	\$15,000
Activity Total	\$25,000

Consider the scope of your budget as those dollars needed to fund all planning and general administration activities required to meet your proposal's benefit and to achieve the State and National Objective. Make sure to identify all activities both planning and General Administration to be funded through your budget, whether by VCDP or Other Resources. Please note: all projects must include General Administration. Also, all Cash-In-Kind contributions must have an associated dollar value.

Activity

Every planning grant includes Planning and General Administration. Each activity of the project needs to be itemized in the budget. As a reminder, make certain you identify how these budget amounts were determined and attach the supporting documentation. If you are basing your information on prior experience, please provide the cost information from that prior experience. Please see the following link for guidance as to **eligible program activities**.

Budget Considerations for General Administration

All planning grants must have General Administration in the budget. These are costs related to the overall management of the VCDP grant. General Administration work common to any VCDP grant includes environmental review, financial management, progress reports, requisitions, procurement, the final program reports/closeout, among others.

1. Up to eight percent of the VCDP request (not the total project cost) for all grant types and projects, other than scattered site housing developments, *may* be budgeted for General Administration activities. If this amount calculates to be less than \$5,000.00, the grantee can request up to \$5,000 provided it does not exceed 12% of the VCDP request. However, AM projects are limited to 8%, even if this results in an amount less than \$5,000. More than 8% may be allowed, on a case-by-case basis, provided the applicant demonstrates that a larger amount is necessary for the project.
2. Up to twelve percent of the VCDP request *may* be budgeted for General Administration activities for regional scattered site housing loan programs and regional small business loan programs.

Please be aware that any unexpended General Administrative funds may not be used for other grant agreement budget line items, and must be returned to the Agency. An exception may be made by the VCDP under limited circumstances. See Program Guide for additional information on General Administration.

Budget Considerations for Program Management

There is no Program Management activity associated with Planning Grants. Please include any budget considerations for program management in your Planning activity budget.

*Other Budget Considerations:

10% Match Requirement

Planning Grants must include a cash or cash-in-kind contribution of goods and/or services of a flat 10% of the CDBG funds requested. All Cash-In-Kind contributions must have an associated dollar value.

Pre-Award Costs

Applicants who receive an award may be reimbursed through the Grant Agreement for pre-award costs such as the fees charged by professionals (architects, engineers, archeologists, lawyers, etc.) in the preparation of the applications with pre-approval from VCDP staff. Such costs will not be reimbursable to applicants who do not receive an award. These costs should be clearly identified in the application.

Other Resources

Screenshot from the Project Budget form in the Application

Other Resources	Type	Amount	Other Description	Funding Source	Status	Upload	Already Uploaded
▼	▼			▼	▼	Browse...	<input type="checkbox"/>
▼	▼			▼	▼	Browse...	<input type="checkbox"/>
▼	▼			▼	▼	Browse...	<input type="checkbox"/>

The VCDP expects all applicants to explore all potential funding resources including local capital campaigns. These efforts will bear on the competitiveness of an application. A revolving loan fund controlled by an applicant should be considered as a funding source. Applicants will be expected to explain why a municipally-controlled revolving loan fund is not a source of funds for the project in those cases where such a fund exists.

**Please Note: Communities with an inactive VCDP/HUD funded Revolving Loan Fund (RLF) must commit at least 20% of the RLF balance on hand when applying for any VCDP Grants. Committed funds may be in the form of a loan or grant to the project.*

In addition, communities are expected to provide financial support in the way of donated general administrative or program management services, waiving or reducing connection or local permit fees, or other cash-in-kind contributions relevant to the project or explain why such support is not possible.

**Please Note: Communities with an inactive VCDP/HUD funded Revolving Loan Fund (RLF) must commit at least 20% of the RLF balance on hand when applying for any VCDP Grants. Committed funds may be in the form of a loan or grant to the project.*

The application must include documentation for the status for every funding source included as Other Resources. There are several very important factors to keep in mind when providing evidence of the commitment of funds from other sources. These include:

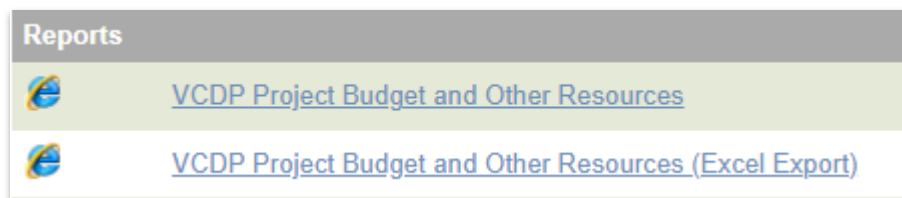
- The commitment must still be firm when the money is needed.
- You must be able to comply with all conditions placed on the commitment.
- The commitment cannot be dependent on events beyond the control of the applicant

Identify each resource individually and upload its supporting documentation. **Please Note: All planning grants are required to have a 10% match for all CDBG funds requested.*

How to Create a Budget Summary

Now that you have entered each activity into the forms of your budget, you can automatically generate a budget summary by using the report located at the bottom of the VCDP Application Menu – Forms, under the heading reports – VCDP Project Budget and Other Resources.

Screenshot from VCDP Application Menu - Forms



This report takes each budget form in the application and brings them all together in one place in order to see a summary and a total for all project activities.

Click on the VCDP Project Budget and Other Resources link and this will open a new window and the budget summary will appear on the screen. If you would like to export the budget to Excel – select VCDP Project Budget and Other Resources (Excel Export) and the report will export results to Excel.

Screenshot of the VCDP Project Budget and Other Resources:

Application Number	Municipality	Title				
PG-2016-Pownal-00001	Town of Pownal	Project Budget and Other Resources				
1						
Other Resources			Funding Source	Type	Amount	Status
Affordable Housing Program Federal Home Loan Bank of Boston (AHP)			Federal		\$5,000	Committed
Rehabilitation Investment Tax Credit (RITC)			Federal		\$5,000	Committed
Activity	Program Area	Code	VCDP Amount	AHP	RITC	Total Activity Costs
General Administration	Economic_Development	5013	\$5,000	\$5,000		\$10,000
Planning - Only	Housing	6012	\$5,000			\$5,000
Planning - Only	Public_Facilities	6012	\$15,000			\$15,000
Planning - Only	Public_Services	6012	\$5,000		\$5,000	\$10,000
Total Costs			\$30,000	\$5,000	\$5,000	\$40,000
Percentage of Total			75%	13%	13%	

Narrative

The Narrative is organized in a manner to identify all information that is critical to the CD Specialist’s analysis and to the VCDP Board review of your application. The information requested allows for evaluation of your project with respect to VCDP requirements and provides information to assist the VCDP Board when evaluating the competitiveness of your application in your funding cycle.

Please provide a response to each and every question. If a question does not apply to the project, answer “N/A.” We strongly suggest you copy and paste your answers to each question from a word processing system directly into each text box. This will help avoid any spelling, grammar, or punctuation errors. There are no size limitations in the text boxes.

Please do not use any special formatting if you are cutting and pasting from a word document. The Online Grants Management System will not recognize bold or italicized font, bullets, tables or tab indentations. The use of formatting could make generating a PDF of your document a challenge.

There is a space below each text box to attach a supporting document if needed. Only one document can be uploaded per question. Please be sure to label attachments clearly. If you need to attach more than one document use the Application Attachments form and include a sentence in the text box indicating the name of the additional attachment, the information it contains and that it has been uploaded to the Application Attachments form.

Priorities of the Consolidated Plan

Each project must meet at least one of the priorities indicated in the Consolidated Plan. Due to the critical and on-going need for the creation and retention of quality jobs and housing throughout Vermont, the highest priority for VCDP funding will be housing and economic development projects. In your response please speak to how your project meets the priorities in the **Consolidated Plan**.

Regional Needs - Housing

All housing projects will be evaluated based on the regional need and the ability of the proposed project to address that need. Applicants should review the **2015-2020 Vermont Housing Needs Assessment** and respond accordingly.

Priorities of the Regional Plan

Most projects have impacts beyond the borders of the applicant municipality. Your response to this question should indicate the regional goal(s) that the project is meeting and how the project meets the goal(s). Additionally, the implications of the project must be considered, and a written statement that the project is not at odds with the ongoing regional initiatives must be provided from the regional commission(s).

Comprehensive Economic Development Strategy (CEDS)

Please confirm with your local **Regional Development Corporation** that your region has an approved CEDS and that your project is consistent with it.

Project Need

Questions 1-12 of the application form the basis of the staff analysis of your project. The VCDP Board relies, to a large extent, on staff analysis to make funding recommendations. An organized, complete narrative, with appropriate supporting documentation, is critical to a full and fair analysis of your project. All VCDP-funded projects must meet a well-documented need.

There is a space below each text box to attach a supporting document if needed. Only one document can be uploaded per question. Please be sure to label attachments clearly. If you need to attach more than one document use the Application Attachments form and include a sentence in the text box indicating the name of the additional attachment, the information it contains and that it has been uploaded to the Application Attachments form.

Project Need is Well-Documented (e.g., studies, updated data, etc.)

1. Describe the need for this project.

* Back up your statement with studies, research and data. Avoid generalized statements with no substantial data or evidence.

2. Describe the manner in which the need was determined and how your project (proposal) will meet the need described in #1.

*Cite relevant data and attach any studies or information to support this need.

There is not more appropriate solution than the one presented.

3. a. Describe why this is the best approach to meet this need.
 - b. Identify other approaches that were considered and explain why they were not pursued.

*Clearly indicate all other alternatives that were explored and investigated as alternatives. Summarize the options and outcomes of your investigation.

All appropriate funding sources have been sought.

4. Describe the effort to obtain other funding and, why particular funding sources were considered but not pursued.

*Cite all other sources that have been pursued. Be sure to include any other applications that were made to other funding sources. If they were not funded, please indicate reasons and explain why other funding is not applicable to this application.

5. Explain the level of municipal government support.

*If the town is not providing any financial support for the project or any Cash-in-Kind services, please explain why.

How well the project meets a Consolidated Plan goal.

6. Describe how your project meets the goals of the **Consolidated Plan** and identify the strategies that will be employed to meet those goals.

Is the project consistent with the local Municipal Plan?

7. Provide a letter from the Municipality that tells us how this project is consistent with the Municipal Plan.

*the certification should come from a person at the municipality who has a right to act on behalf of the municipality. This could be a municipal official or chair of the planning commission.

Is the project consistent with the regional plan?

8. Upload a certification from the Regional Planning Commission that the project is consistent with the Regional Plan. Provide clarification if needed.

*the certification should come from a person at the Regional Planning Commission.

9. a) If this project is being carried out on behalf of the municipalities within your county or region, the application must include documentation of regional support.

b) Is this project on the Regional Development Corporation Priority List?

*Check in with your Regional Development Corporation on how to get on their list.

Degree of health/safety risks to beneficiaries

10. Describe how this project, if it were to be implemented, would directly address a health or safety issue for the intended beneficiaries.

*Health and safety issues include potable water supplies, eradicating homelessness and poverty, lead paint abatement, handicap accessibility, crime prevention, providing increased health and wellness services, etc. If you are unsure how to answer this question, please contact your **CD Specialist**.

Timing Pressures

11. Please describe, if applicable, any particular issues that make this project time sensitive.

*Please address if you have closing dates, contract with time limits, other funding that is dependent on CDBG funds, cost estimates with expiration dates, or other factors that may apply.

Project Impact

Questions 12-13 of the application form the basis of the staff analysis based on your description of the project's impact. The VCDP Board relies, to a large extent, on staff analysis to make funding recommendations. The factors below relate to how well the project will meet the national objective, as well as its impact on the community. An organized, complete narrative, with appropriate supporting documentation, is critical to a full and fair analysis of your project.

There is a space below each text box to attach a supporting document if needed. Only one document can be uploaded per question. Please be sure to label attachments clearly. If you need to attach more than one document use the Application Attachments form and include a sentence in the text box indicating the name of the additional attachment, the information it contains and that it has been uploaded to the Application Attachments form.

Level of beneficiary involvement in the development of the project, as appropriate

12. Describe how persons of low- and moderate- income were involved in the development of this project. How have they shown support?

* Describe any planning meetings, resident meetings, or surveys that have been done. Describe what methods of communication were used to communicate the goals of the project and how you collected input from persons of low and moderate incomes.

How well the project indirectly impacts the community and/or additional LMI people.

13. Describe the indirect impact to the community, if it were to be implemented and other LMI beneficiaries that may be indirectly served by the project.

*A housing rehab project may preserve housing for 10 existing residents (Direct Benefit) of the facility but may positively impact the community (Indirect Benefit) by retaining affordable housing in an area that has very little. The indirect benefit could also be related to neighbors and adjacent properties, future employees, generations, etc.

Project Feasibility

Questions 14-20 form the basis of the staff analysis of your project's feasibility. The VCDP Board relies, to a large extent, on staff analysis to make funding recommendations. An organized, complete narrative, with appropriate supporting documentation, is critical to a full and fair analysis of your project. The project and its proposed benefit must be feasible. The following factors will be considered in order to gauge project feasibility:

There is a space below each text box to attach supporting documents if needed. Please be sure to label attachments clearly.

Readiness to start within three months of the award.

14. Please specifically identify the level of access to any land or buildings that will be required in order to complete your project as proposed; please explain when and how you expect to obtain such access.

*If the planning activities are site specific, adequate access to the site during the life of the planning grant is crucial. If the entity undertaking the planning activities does not own the site a letter from the property owner must be obtained. The letter should: a) demonstrates support for the study's scope of work, b) allows access for whatever work must be done on the property for the study, c) ensures that the property is available during the timeframe needed to complete the study so the project, if found feasible, can move to implementation, and d) provides a willingness to sell the land at the appraised value.

15. Please identify the status of commitments from each of the other funding sources; please explain when commitments are expected from each funding source.

Benefit/Timeframe Feasibility

16. There must be a reasonable expectation for achieving benefits for persons of low- and moderate-income in the plan(s) developed with the use of CDBG funds were to be implemented. Explain what the anticipated benefits(s) would be and how this was determined.

17. Timetable:

- a. Provide a project timeline. Include dates the Environmental Release, permits in hand, 100% funding commitments, design completion, construction completion, etc. as well as for

procurement steps including hiring, execution of contracts achieving Benefit, and any other key dates for actions to carry out this project.

b. How was this timetable determined?

18. If the applicant community has an open PG, please explain its capacity to administer an additional PG and describe the timeline to complete the open PG.

Cost estimates are reasonably supported

19. Submit back-up documentation to support the cost shown on the Budget Forms. If supporting documentation was uploaded to the budget forms, please note this in the text box and select N/A.

20. Despite best efforts and built in contingencies, please explain how cost overruns will be covered?

*It is not enough to say that the estimates for your project are firm. Please discuss your capacity for gap financing or the availability of operating reserves.

Resolution for Grant Application

Screenshot from the Resolution for Grant Application form in the Application

1. Does your community have a valid Municipal Development Plan in Accordance with 24 V.S.A. Chapter 117? *

Yes No

Date adopted (mm/dd/yyyy)

Date expired

2. Please select the appropriate Resolution for VCDP Grant Application Authority from below and have the Legislative body execute the resolution and upload. For Non-Municipal Resolutions have the Board of Directors execute the resolution and upload.

[Single Applicant](#)

[Lead Applicant of Consortium](#)

[Participating Applicant of a Consortium](#)

Upload your Form here *

No file chosen

3. Does your community currently regulate development within the floodplain? *

Yes No

Upload a copy of your Flood Hazard Area Regulations. No file chosen

4. Has a current designee from the municipality attended a Fair Housing Training by DHCD or a training approved by DHCD within the past three years? * If Yes, please verify information has been entered on the "Municipal Policies, Plans and Insurance" page. If no, please see upcoming trainings on our Departments website at: <http://accd.vermont.gov/housing/events> Yes No

5. Please have your municipal zoning administrator complete and sign the Municipal Fair Housing Certification form below and upload.

No file chosen *

[Municipal Grantee Fair Housing Certification](#)

A VCDP grant must go to a municipality or municipalities. Even if an organization or agency sponsors the project and prepares the application, final authority and responsibility rests with the municipality(ies). To be certain that the legislative body understands the obligations it will assume if the application is successful, the appropriate Resolution for VCDP Grant Application Authority must be adopted by the municipality(ies), signed by the legislative body(ies) and the original(s) are uploaded to the grant application.

The municipality should select the most appropriate Resolution for the VCDP grant application. These forms are available in the online application:

- Single Applicant
- Lead Applicant in a Consortium
- Participating Applicants in a Consortium

The Legislative Body's Resolution is to certify that it -

- possesses legal authority to apply for the grant and to administer the program;
- applies for a grant under the terms and conditions of said program and agrees hereby to enter into **Certifications and Assurances**;
- has a duly adopted and current Municipal Plan or Community Development Plan and that the project is consistent with the plan;
- has received documentation from the Regional Planning Commission that the project is consistent with the Regional Plan;
- has authorized a designated person to be the Contact Person to provide, on behalf of Applicant, all documents and information necessary for the completion of the application and to provide such coordination as may be necessary for the application; and
- is understood that, if the application is funded, the receipt of CDBG funds, as federal funds passed through the State of Vermont may require that an audit of the Applicant be conducted under the provisions of the Single Audit Act, as amended, and that CDBG funds may be used to fund only a limited portion of the audit cost.

It is important to note that -

- The only eligible applicants are Vermont towns, cities (except Burlington), and the incorporated villages chartered to function as general-purpose units of local government.
- By adopting and signing this resolution, the applicant is agreeing, if a grant is received, to comply with and enforce as required all of the laws, rules, executive orders and procedures enumerated in **Certifications and Assurances found in the Grants Management Guide chapter on the Grant Agreement**.
- The municipal plan must be adopted under the provisions of the State's Planning and Development Act (**24 VSA Chapter 117**), must not have expired, and must include provisions covering economic development.
- The Community Development plan must be adopted by the legislative body after a properly warned public hearing, and notice provided to the planning commission if one exists.
- The implications of your proposal must be considered, and a written statement that the project is not at odds with ongoing regional initiatives must be secured from the regional commission or commissions if the project is in more than one region.
- This provision authorizes the Contact Person identified in the Executive Summary of your application.
- If the expenditure of federal funds during a grantee's fiscal year period is \$750,000 or greater, the Agency will require an A-133 Single Audit. The costs of a Single Audit are eligible VCDP expenditures; however, a Single Audit is only on a pro rata basis. If the expenditure of federal funds during a grantee's fiscal year period is less than \$750,000, the Agency will conduct a Review of Expenditure Documentation at no cost to the grantee.

Floodplain Management

The municipality’s Flood Hazard Area Regulations need to be uploaded if they regulate development in the floodplain.

Fair Housing

For VCDP to stay in compliance with HUD’s affirmatively further fair housing requirement, VCDP requires municipal grantees that receive CDBG funds to attend an approved Fair Housing Training as a condition of the grant and the training certification is valid for three years for the person who attended. If a municipality has not completed the training at the time of the application being submitted, it will be a condition of the grant award if the application is successful. Municipal Fair Housing Training opportunities can be found on the Departments website at <http://accd.vermont.gov/housing/events>.

The municipality’s zoning administrator will be required to complete the **Municipal Grantee Fair Housing Certification** form to be submitted with the application.

Public Hearing

Screenshot from the Public Hearing Notice form in the Application

Public Hearing Notice

All of the pages that have been added to this section will appear in a drop down menu in the upper right side of this form opposite the menu bar. Use the GO button next to the drop down menu to navigate between the pages.

For publication on or before (mm/dd/yyyy) *

Public hearing will be held

Time (hh:mm AM/PM) *

Date (mm/dd/yyyy) *

Street Address *

Please identify place and address of where copies of the proposed application will be available *

May be viewed during the hours of *

Special Accommodations Contact Person *

Special Accommodation Number To Contact (###-###-####) *

VCDP Funds *

Activities *

The municipality's legislative body must hold at least one public hearing, in an ADA accessible location, to provide residents with an opportunity to learn about the proposal and an opportunity to comment. The Federal Act requires that the development of projects carried out in whole or in part with CDBG funds, must involve citizen participation, especially low- and moderate-income citizen participation.

Complete the information called for on this form and save it. Once you save the information you can use the View PDF button at the top or bottom of your screen. This will create the Public Hearing Notice that can then be emailed or sent via the mail to a newspaper(s) of local circulation. Be sure to allow for the time it

may take to have it published. Have the newspaper send a tear-sheet to verify the date of publication and upload a copy of it with your application or send it to DHCD.

Notice Requirements

The public hearing must be held ***at least five days** before the application is submitted to the Agency and the hearing notice must appear in a newspaper of general circulation in the area at least fifteen days prior to the date the hearing is held.

***Due to the COVID 19 outbreak** HUD has approved communities being able to host virtual public hearing meetings that are held in real time for community members to able to participate in the meeting. The notice must comply with the state’s public notice requirements (Act 92 Sec. 5 & 6 and 1 VSA § 312 (d)(1)); published two days prior to the public hearing, posted on the municipalities website and posted near the municipal office and at least two other designated public places in the Municipality.

Please be sure to properly estimate the amount of CDBG funds you will be seeking. VCDP will require a new notice and hearing if the application amount is more than 10% higher than the warned amount.


**Please Note: It is vital that the notice show that the hearing is being warned by the applicant’s Legislative Body (of the lead applicant, in the case of a consortium).*

Specifics for Consortium Projects: Each applicant municipality must hold a public hearing to allow its citizens to learn about the proposed project, ask questions and express their views. Consortium municipalities may hold their own hearing or combine meetings and notices with other consortium members, provided that doing so will comply with the spirit of the requirement and all citizens involved have adequate notice of the hearing and convenient access to its location. All potential member municipalities should be included in the notices even if some are unsure if they will finally become members of the consortium.

Minutes of the Public Meeting

Screenshot from the Minutes of the Public Meeting form in the Application

Please enter the following information regarding the public meeting(s) held and click the SAVE button.

Date Held	<input type="text"/>	(mm/dd/yyyy) *
Number of Attendees	<input type="text"/>	
Location	<input type="text"/>	*
Hearing Officer	<input type="text"/>	*
Date Published	<input type="text"/>	(mm/dd/yyyy) *
Where Published?	<input type="text"/>	 *
Upload a copy of the minutes here	<input type="text"/>	<input type="button" value="Browse..."/> *

A copy of the minutes kept at the hearing(s) must be submitted with the application. The minutes should indicate the date, time, and place of the hearing, the list of attendees, a brief description of what was presented and of any discussion that took place. If any written comments were received, this should be noted, and copies attached. The minutes should be dated and signed by the recorder and uploaded with the application.

Copy of the Public Hearing Notice

Screenshot from the Copy of the Notice form in the Application

Attach a copy of the notice as it was published in the newspaper. **This must be the tear sheet provided by the newspaper or copy of the newspaper page showing both the notice and date of publication.**

Description * *

Be sure to obtain a copy of the tear sheet or page from the newspaper in which the Notice was published. Include this with the application by uploading the document ensuring that the date of publication is visible.

Specifics for Re-Submittal of an Application

Applicants resubmitting an application for funding under this program should be aware of the following:

- A new public hearing is not required unless 1) more than six months has lapsed between the date of the last public hearing and the application deadline for the cycle under which the application is being resubmitted, 2) the project is significantly different from what was previously proposed, and/or 3) the amount requested is more than 10% higher than the amount in original notice.
- In terms of the application itself, a new application will need to be resubmitted and, in some cases, new Resolution(s) will need to be executed and submitted.
- If you add/revise anything from the previous application, be sure it is clear what is new and/or changed. It would be best to submit the application with an addendum that has the new information.

Certification of Program Income/Unrestricted Revenue Available

Screenshot from Certification of Program Income/Unrestricted Revenue Available form in Application

Does the municipality currently have a revolving loan fund funded by previous VCDP or HUD-directed grants? Yes No
 Does the sub-grantee currently have a revolving loan fund funded by previous VCDP or HUD-directed grants? IF yes, click ADD button and complete a form for the sub-grantee's revolving loan fund. Yes No
Note: If no to both questions, then completing remainder of the form is not required.

***Please note that communities with inactive (as defined by Agency Procedures) VCDP/HUD funded RLF's, must commit at least 20% of the RLF balance on hand when applying for any VCDP Grants. Committed funds may be in the form of a loan or grant to the project. For Planning Grants only, communities with inactive revolving loan funds will be required to commit 20% of the loan funds on hand or \$7,500 (25% of the maximum \$30,000 PG,) whichever is less.**

Municipality

Reporting Date (mm/dd/yyyy)

Check appropriate box Applicant
 Lead Applicant (consortium)
 Participating Applicant (consortium)
 NCDO/RLF Name

Income/Revenue Generated From VCDP or HUD Funded Grants

Schedule 1 Establishment of the Current Cash Balance

	Third Previous Fiscal Year	Second Previous Fiscal Year	First Previous Fiscal Year	Current Fiscal Year
(yyyy)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Opening balance	<input type="text"/>			
Plus total receipts during fiscal year	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Less total outlay during fiscal year	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ending balance				<input type="text"/>
Current balance as of <input type="text"/> (mm/dd/yyyy)				

Schedule 2 Establishment of the amount of Current Cash Balance that is Obligated (A legally committed liability to a third party through a purchase order, executed contract or a loan commitment letter, but not funds reserved or designated for a specific purpose)

Explanation of Obligation

Amount Obligated

Determination of what should be considered for use in this application
 Current balance from Schedule 1
 Less total of all Obligation from Schedule 2
 Equals the amount potentially available
 Amount of this that is committed to the proposed project

In addition to providing the current balance of your account, you will also be asked to provide information regarding the following:

- Describe how the funds were used during the past three years. Give the purpose and amounts for each loan or grant.
- Describe the process used to "Obligate" in Schedule 1 from the amounts listed in Schedule 2. Include a copy of loan policies that govern the expenditure of revolving loan funds.
- Explain what loan payments are expected during the term of the proposed project(s), whether there will be balloon payments or other receipts of funds.
- Indicate whether or not there has been any consideration given to selling the loan portfolio on the secondary market. If so, when would that happen?
- Provide an explanation of any portion of the amount potentially available that is not being committed to the proposed project(s).

Certification of Program Income/Unrestricted Revenue Availability

Applicants that have received income from previous VCDP and/or HUD grants must include a history of such receipts for the previous three years, the current balance of such funds and what is anticipated to be received during the course of the proposed program. Describe how the funds are being used and indicate whether the funds are being committed to the proposed activities.

Revolving Loan Fund capitalized with VCDP or HUD funds

If your municipality has ever had one of the below types of grants that generated income, then it is possible that you have a revolving loan fund capitalized with VCDP or HUD funds:

VCDP Grant Types

- VCDP Implementation Grant (IG)
- VCDP Rapid Response Grant (RR)
- VCDP Community Improvement Grant (CI)
- VCDP Opportunity Program Grant (OP)
- VCDP Rural Development Action Grant (RD)

HUD Direct Grant Types

- HUD Urban Development Action Grant (UDAG)
- HUD Community Development Block Grant (CDBG)
- HUD Special Purpose Grants

Communities with income generated from previous VCDP or HUD-direct grants must consider using such income (revolving loan funds) for their proposed projects and must explain any decision not to access such funds for the project. Where such income exists, the failure to apply the resource will bear on the competitiveness of the application. Funds cannot sit idle or be held as an endowment or trust only to earn interest. Inactive VCDP or HUD Revolving Loan funds will be required to contribute 20% of the balance on hand toward the project being considered.

- Keep in mind that only income/repayment from previous grants is to be reported. It is not prior awards, or the amount being applied for nor is it anticipated income from future grants.
- Note: The Chief Executive Officer, by certifying the Executive Summary, you are attesting to the completeness and accuracy of program income/unrestricted revenues information provided.

All municipalities – including all municipalities in a consortium application – must complete the Certification of Program Income/Unrestricted Revenue form within the application, whether or not they have received a grant under the VCDP or HUD programs.

Application Attachments

Screenshot from Application Attachments form in Application

To upload more than 1 document per subject area use the Document Name field and Browse below. More will be provided once the page is saved.
For specific information about each of the attachments refer to the [VCDP Application Instructions](#) and [Program Guide](#).

Local Bond Support *

Browse... N/A

Public Service documentation *

Browse... N/A

One for One Replacement Plan *

Browse... N/A

Market Study *

Browse... N/A

Option Agreement/Other evidence of site control *

Browse... N/A

Proposed/Executed Lease *

Browse... N/A

Document Name Browse...

Document Name Browse...

Document Name Browse...

Document Name Browse...

Document Name Browse...

Local Bond Support

Provide an analysis from a knowledgeable source — bond council, accountant, etc. — of the ability of the municipality(ies) involved with the proposed project to assume bonded debt as a way to provide local funding.

Public Service Documentation

Applicants must provide documentation that a public service proposal is a new or increased service above and beyond that which has been available in the applicant municipality(ies).

URA/One for One Replacement Plan

The federal Uniform Relocation Act (the “URA”) requires the VCDP and grantees to minimize the hardship of persons and to ensure the fair and equitable treatment of persons who are displaced as a result of federally-assisted projects designed for the benefit of the public as a whole.

The URA is a very complicated federal statute, and if you answer yes to any of the following questions, you need to become knowledgeable in the requirements of the statute.

- Does the project involve or have the potential to involve the acquisition, rehabilitation, demolition or conversion of real property?
- Are there tenants or other occupants, including businesses that will be affected by the project? If so, they must be notified of the proposed project in accordance with requirements of the federal Uniform Relocation Act.
- Do the tenants or other occupants need to be relocated, either permanently or temporarily?
- Will there be a reduction of the number of housing units and/or bedrooms because of this project? If so, you likely will need to develop and submit a 1:1 Replacement Plan for approval with the application.

Please read through the federal regulations provided in **Federal Regulations 24 CFR Part 42, Displacement, Relocation Assistance and Real Property Acquisition** for definitions and the basic rules for compliance. Please also contact your **CD Specialist** and review the **HUD Handbook 1378**. This handbook provides a guide for compliance with the URA.

Market Study

A full independent market study is required with the application. For applications utilizing the allocated (9%) Low Income Housing Tax Credits (LIHTC) the market study should meet **Vermont Housing Finance Agency** standards. All other housing projects should submit a market study; however, this requirement may be waived by the VCDP for cause based on specific project circumstances.

Option Agreement/Other Evidence of Site Control

If the planning activities are site specific, adequate access to the site during the life of the planning grant is crucial. If the entity undertaking the planning activities does not own the site a letter from the property owner must be obtained. The letter should: a) demonstrates support for the study’s scope of work, b) allows access for whatever work must be done on the property for the study, c) ensures that the property is available during the timeframe needed to complete the study so the project, if found feasible, can move to implementation, and d) provides a willingness to sell the land at the appraised value.

Proposed/Executed Lease

If the project involves the lease of a property, a copy of the proposed or executed lease should be included as part of the application.

Viewing Your Completed Application

Screenshot of Management Tools menu – Create Full Print Version PDF


VCDP Application Menu - Management Tools


The menu below contains links to the tools that can be used to manage this document. See the description below each link for more detail.


Document Information: [IG-2016-Pownal-00003](#)


[Details](#)


Management Tools


 **CREATE FULL PRINT VERSION**
Select the link above to create a printable version of the document.

 [CREATE FULL BLANK PRINT VERSION](#)
Select the link above to create a blank printable version of the document.

 [ADD/EDIT PEOPLE](#)
Select the link above to perform actions such as adding people, changing a security role, or altering people's active dates on this document.

 [STATUS HISTORY](#)
Select the link above to view the status history of this document.

 [CHECK FOR ERRORS](#)
Select the link above to check the entire document for errors.

 [ATTACHMENT REPOSITORY](#)
Select the link above to view all attachments in this document.

Once you have completed your application, you have the option of viewing it in a PDF Format. To view a PDF of your application, go to the Management Tools menu and click Create Full Print Version link. A new window will open. Click Open or Save PDF.

**Please Note: The Budget Summary and uploaded Attachments will not appear in the PDF. Your PDF will contain application pages only. To view the budget summary, see the How to Create a Budget Summary section of this document.*


Checking for Errors

Screenshot of Management Tools menu - Check for Errors


VCDP Application Menu - Management Tools


The menu below contains links to the tools that can be used to manage this document. See the description below each link for more detail.


Document Information: [IG-2016-Pownal-00003](#)


 [Details](#)


Management Tools


 [CREATE FULL PRINT VERSION](#)
Select the link above to create a printable version of the document.

 [CREATE FULL BLANK PRINT VERSION](#)
Select the link above to create a blank printable version of the document.

 [ADD/EDIT PEOPLE](#)
Select the link above to perform actions such as adding people, changing a security role, or altering people's active dates on this document.

 [STATUS HISTORY](#)
Select the link above to view the status history of this document.

 **CHECK FOR ERRORS**
Select the link above to check the entire document for errors.

 [ATTACHMENT REPOSITORY](#)
Select the link above to view all attachments in this document.

You may check your document for submission errors throughout the writing process. This error checking option will alert you if there are any required items that are missing from your application.

Go to the Management Tools section and click Check for Errors. A list of Errors will appear. You can click the highlighted title to go directly to the page with errors. Once you make corrections, click the Save button.

If there are any missing required items, the system will not allow you to submit an application. Error Checking will help minimize the possibility of receiving error messages at the time of submission. If you have any questions about error messages that you are receiving, please contact your **CD Specialist**.

EXHIBIT M

State of Vermont
Department of Housing and Community Development
Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

*Agency of Commerce and
Community Development*

January 30, 2024

Stuart Hurd, Town Manager
Town of Bennington
PO Box 469, 205 South Street
Bennington VT 05201

RE: 07110-IG-2021-Bennington-03; Squire Recovery Housing Project
Grant Agreement Offer

Dear Mr. Hurd:

Uploaded for your consideration is the Grant Agreement between the Town of Bennington and this Agency. Please review the offer carefully. **Prior to signing the Grant Agreement in the GEARS system your Legislative Body is required to adopt a resolution, Form PM-1. This form states the acceptance and responsibility of the terms and conditions of the Grant Agreement and designates the person with the overall responsibility and authority to execute all appropriate documents.** If it is satisfactory you need to log into your account in the GEARS system and go to the Grant Agreement and Amendment Documents page of the grant above, upload the signed Grant Agreement Resolution(s), certify, select your name, date and save the page and then change the status of the Grant to “Grant Agreement Accepted” by February 29, 2024. This will have the same legal effect as a hand-written signature.

If any information is incorrect in Part 1 & 2, or the Scope of Work in Attachment A, or Budget in Attachment B of the Grant Agreement as offered, please add a note with the suggested revisions on the page and change the status of the grant to "Grant Agreement Offer Mods Required". Changes may not be made to Attachments C, D, or E. The Agency shall take the requested changes into consideration and implement where discretion allows and will reoffer the Grant Agreement for you to sign.

Once pushed to “Grant Agreement Accepted” the Commissioner will receive a notification that it has been executed by the Town of Bennington and then will fully execute it in the GEARS system. You will receive a notification of this execution.

Before a request for funds can be processed, all requirements and special conditions as stated in the Grant Agreement must be satisfied. It is important to understand that some special conditions may have already been met, and if you have any questions in this regard, please contact me. We recommend that you review the requirements set out in the Grants Management Guide, paying particular attention to **the chapter on [The Grant Agreement](#)**, and that you review your Grant Agreement carefully for all requirements.



Stuart Hurd, Town Manager
January 30, 2024
Page 2

If you have any questions regarding the Grant Agreement, please contact me by email Julia.Connell@vermont.gov or by phone at 802-828-5215.

Sincerely,



Julia Connell
Community Development Specialist

JC:cmb

Enclosures

cc: Shannon Barsotti, Bennington CD Director
Kate Cooper, Shires
Jan Buonanno Shires



STATE OF VERMONT GRANT AGREEMENT

Part 1 - Grant Award Detail

SECTION I - GENERAL GRANT INFORMATION

¹ Grant #: 07110-IG-2021-Bennington-03		² Original <input checked="" type="checkbox"/> Amendment # _____	
³ Grant Title: Squire Recovery Housing Project			
⁴ Amount Previously Awarded: \$ 0.00		⁵ Amount Awarded This Action: \$ 700,000.00	⁶ Total Award Amount: \$ 700,000.00
⁷ Award Start Date: 6/16/2022		⁸ Award End Date: 12/31/2026	⁹ Subrecipient Award: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
¹⁰ Vendor #: 39990	¹¹ Grantee Name: Town of Bennington		
¹² Grantee Address: PO Box 469, 205 South Street			
¹³ City: Bennington		¹⁴ State: VT	¹⁵ Zip Code: 05201
¹⁶ State Granting Agency: ACCD-Department of Housing and Community Development			¹⁷ Business Unit: 07110
¹⁸ Performance Measures: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	¹⁹ Match/In-Kind: <u>\$1,605,500</u> Description: See Attachment B - Payment Provisions and Project Budget, 4. Sources and Uses		
²⁰ If this action is an amendment, the following is amended: Amount: <input type="checkbox"/> Funding Allocation: <input type="checkbox"/> Performance Period: <input type="checkbox"/> Scope of Work: <input type="checkbox"/> Other: <input type="checkbox"/>			

SECTION II - SUBRECIPIENT AWARD INFORMATION

²¹ Grantee UEI #: DPNJGBNAJMF6		²² Indirect Rate: <u>0</u> % <small>(Approved rate or de minimis 10%)</small>	²³ FFATA: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
²⁴ Grantee Fiscal Year End Month (MM format): 6			²⁵ R&D: <input type="checkbox"/>
²⁶ UEI Registered Name (if different than VISION Vendor Name in Box 11):			

SECTION III - FUNDING ALLOCATION

STATE FUNDS

Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$0.00	\$0.00	\$0.00	
Special Fund	\$0.00	\$0.00	\$0.00	
Global Commitment (non-subrecipient funds)	\$0.00	\$0.00	\$0.00	
Other State Funds	\$0.00	\$0.00	\$0.00	

FEDERAL FUNDS

(includes subrecipient Global Commitment funds)

Required Federal Award Information

³¹ CFDA #	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Federal Award Date	³⁸ Total Federal Award
14.228	Recovery Housing Program (RHP)	\$0.00	\$500,000.00	\$500,000.00	B-22-RH-50-0001	03/27/2023	\$755,059.00
³⁹ Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		⁴⁰ Federal Award Project Descr: RHP FY22					
14.228	Community Development Block Grant (CDBG)	\$0.00	\$200,000.00	\$200,000.00	B.22.DC.50.0001	9/9/2022	\$7,294,016.00
Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		Federal Award Project Descr: CDBG FY22					
		\$0.00	\$0.00	\$0.00			\$0.00
Federal Awarding Agency:		Federal Award Project Descr:					
		\$0.00	\$0.00	\$0.00			\$0.00
Federal Awarding Agency:		Federal Award Project Descr:					
Total Awarded - All Funds		\$0.00	\$700,000	\$700,000.00			

SECTION IV - CONTACT INFORMATION

STATE GRANTING AGENCY

NAME: Julia Connell
TITLE: Community Development Specialist
PHONE: 802-828-5215
EMAIL: Julia.Connell@vermont.gov

GRANTEE

NAME: Shannon Barsotti
TITLE: Community Development Director
PHONE: 802-445-1330
EMAIL: sbarotti@benningtonvt.org

GRANT AGREEMENT # 07110-IG-2021-BENNINGTON-03

1. **Parties:** This is a Grant Agreement between State of Vermont Agency of Commerce and Community Development (hereinafter called “State” or “Agency”) and Town of Bennington with principal place of business at PO Box 469, 205 South Street, Bennington VT 05201 (hereinafter called “Grantee”). It is the grantee’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the grantee is required to have a Vermont Department of Taxes Business Account Number. The grantee is required by law to have a Federal ID# and it is 03-6000370.
2. **Subject Matter:** The subject matter of this Grant Agreement is Recovery Housing Program Grant and Community Development Block Grant.
3. **Award Details:** Amounts, dates and other award details are as shown in the attached *Grant Agreement Part 1-Grant Award Detail*. A detailed scope of work covered by this award is described in Attachment A.
4. **Amendment:** No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Grantee.
5. **Cancellation:** This Grant Agreement may be suspended or cancelled by either party by giving written notice as provided in Attachment C, Section 27 or Attachment D, Sections XVI and XVII.
6. **Attachments:** This Grant consists of 33 pages including the following attachments that are incorporated herein:

Attachment A – Scope of Work to Be Performed and Special Conditions

Attachment B – Payment Provisions and Project Budget

Attachment C – Customary State Grant Provisions

Attachment D – Other Provisions (CDBG Standard Provisions)

Attachment E – Certifications

NOTE: Signatures blocks have been omitted because document will use e-signing technology in lieu of signatures.

SCOPE OF WORK AND SPECIAL CONDITIONS

(A) Definitions - The following definitions shall apply throughout:

Grantee:	Town of Bennington
Subgrantee:	Shires Housing, Inc. 307 North Street, Bennington, VT 05201 (UEI# WPANKZH3W8F3 and Federal ID# 22-2976053)
Administrator:	Shires Housing
Program Manager:	Shires Housing

(B) **Project Description:**

The Grantee shall subgrant CDBG and RHP funds together with Other Resources, as set out in *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to Shires Housing to acquire and renovate the historic property known as “Squire House” located at 185 North Street, Bennington, VT 05201-1813. This project will provide recovery housing to eight (8) women, and women with children, experiencing substance use disorder. In coordination with Mission City Church and the Vermont Foundation of Recovery (VFOR), the project will provide three (3) units of six (6) bedrooms for recovery housing and one on-site office/program space. One apartment will contain four (4) bedrooms, to encourage peer support and reduce isolation for women in their early stay. The other two (2) apartments will have one (1) bedroom each to provide privacy for women with children or for those further along in their recovery. The property was purchased by Shires Housing on May 3, 2022.

The site is a 0.65-acre lot with a large home that is currently subdivided into offices. The house has largely been well preserved, with measures already in place to improve energy efficiency. The project site is located in close proximity to employment opportunities, schools, and services; and is within 0.1 miles of a bus stop.

The Mission City Church and VFOR will enter into a long-term master lease agreement with Shires Housing. By providing on-site staff support, group facilities, and dignified housing, this project will build stability, facilitate the recovery process and helps successfully remove barriers to connect residents with permanent housing. This project shall conform to all local and regional plans and units shall be kept affordable in perpetuity.

Shires Housing will track the housing units and beds, VFOR will track the individuals assisted with transitional housing and transitioning to permanent housing. This project will provide eight (8) women with safe, substance-free, peer-led, service-integrated, mid-term (approximately 8-14 months) recovery residence as a bridge from treatment facilities to permanent housing solutions.

Activity Description

(1) Acquisition of Real Property (Activity 1001)

The Subgrantee shall use Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to acquire the building and property located at 185 North Street, Bennington, VT 05201-1813. The acquisition was

determined through an appraisal completed in May 2021. Shires Housing purchased the property on May 3, 2022.

(2) Transitional Housing Rehabilitation (Activity 1002)

The Subgrantee shall use CDBG and RHP funds, together with Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to complete the rehabilitation and renovations to the building and property located at 185 North Street, Bennington, VT 05201-1813. A new fire sprinkler system will be installed, and water service expanded to the building. Light fixtures will be replaced with LED fixtures and wiring, and circuiting will be done in all remodeled areas. All floors will be refinished. Minor plaster and gypsum wallboard repairs will be made to retain and restore historic finishes, while wallpaper will be removed, and walls painted. Doors will be replaced and added, as needed. Several doors, including pocket doors, will be made inoperable. Insulation and air sealing will be added to attic areas, and low-temperature heat pumps added, as needed. A high-efficiency boiler will be installed to replace the existing oil-fired boiler, and additional baseboard radiation will be added as needed. Exterior work will include repairs to chimney and slate, restoration and replacement of windows and doors, as needed, repair and repainting of siding and trim, and development of a new ramp to provide access to the first floor.

(3) Program Management (Activity 1013)

The Subgrantee shall use Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to perform Program Management including but not necessarily limited to, activities relating to securing release of funds under the environmental regulations, securing compliance with labor standards (including Davis-Bacon wage rates), permit assistance, procurement standards, contracts management, construction oversight and coordination, and legal services.

(C) General Administration (Activity 5013)

The Grantee shall use Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, for the general administration of the grant. General administration responsibilities include, but are not limited to, activities relating to setting up and maintaining financial management records, completing progress reports, ensuring that the terms and conditions of this *Agreement* are carried out, assisting with subrecipient monitoring, and for eligible costs of audit.

(D) National Objective

The National Objective of Low and moderate Income will be met by through the rehabilitation of three (3) units of transitional housing at 185 North Street, Bennington, VT 05201-1813 to create three (3) units serving eight (8) women, and women with dependent children, recovering from substance use disorder. Of the beneficiaries with substance use disorder assisted through this project, all (100%) will be of LMI status. The project will only focus on women, and women with dependent children, recovering from substance use disorder.

Activity	National Objective	Performance Indicator(s)	Proposed
Public Facility – Transitional Housing Rehabilitated	Low & Moderate Income	Number of Transitional Housing Units Created	0
		Number of Transitional Housing Units Rehabilitated	3
		Number of Transitional Housing Beds	8
		Number of Persons Served	8
		Number of Low or Moderate-Income Persons Served	8
		Number of persons assisted with Transitional Housing able to transition to permanent housing	1
		Number of persons with children assisted with Transitional Housing	1
		Number of persons with children assisted with Transitional Housing able to transition to permanent housing	0

(E) **The** following documents shall be filed with the Agency at the times specified:

- (1) Prior to the first requisition of funds under this Agreement, as required by Attachment D, Section II(D), Grantee shall provide copies of the management forms and municipal policies or a certification that all required policies previously have been adopted and filed with the Agency.
- (2) Prior to the first requisition of funds, the Grantee shall provide evidence of a firm commitment of Other Resources called for by Attachment B, Section 4.
- (3) Prior to executing the Subgrant Agreement with the Subgrantee and the Program Manager, Grantee shall ensure that the Subgrantee and Program Manager have each obtained Unique Entity Identification (UEI) numbers from the SAM.gov UEI Request Service at <https://sam.gov/content/entity-registration>, have each registered with the System for Award Management (“SAM”) at www.sam.gov, are not listed on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>, and shall provide the UEI number, evidence of registration, and evidence that the parties are not debarred to the Agency.
- (4) Prior to the first requisition of funds, a copy of the fully executed Subgrant Agreement between the Grantee and Subgrantee, together with such other documents as may be required to secure compliance with the conditions of said subgrant.
- (5) Prior to the first requisition of funds, the Subgrant Agreement shall require, at a minimum, that Subgrantee secure its obligations thereunder by providing Grantee a mortgage on the real property being assisted with CDBG funds. The Grantee shall upload a copy of the fully executed and recorded mortgage to GEARS along with any other supporting documentation. This mortgage may be discharged upon request of the Subgrantee after the National Objective is achieved and the requisite five (5) years of compliance with the terms of the subgrant is completed, if applicable.
- (6) Prior to the first requisition of funds, the Grantee shall provide the Agency with a Memorandum of Understanding (MOU) for the wraparound services associated with the project.

- (7) Prior to the first requisition of funds, the Grantee shall provide an opinion of counsel, satisfactory to the Agency, that each of the documents provided pursuant to Paragraphs (E)(4) through (6) hereof is a legal, valid, and binding instrument, enforceable in accordance with its terms; that such documents meet the requirements of this Agreement, including but not limited to the requirements set forth at paragraphs (J) (1) to (17), and provides for use of the CDBG and RHP funds in compliance with this Agreement; and that the Subgrantee has met all conditions required under such documents which must predate the first requisition.
 - (8) Prior to the first requisition of funds, the Grantee shall certify to the Agency as to the applicability of the EPA's Lead-Based Paint, Renovation, Repair, and Painting Program Rule (40 CFR 745.80, Subpart E) to the Project. If said Rule does apply to the Project, Grantee shall provide the Agency with documentation as to what steps have/will be taken to ensure compliance with the Rule. (Housing Rehabilitation Projects)
 - (9) Prior to the first requisition of funds, certification that all permits needed for the project have been identified and those needed to commence activities have been secured.
 - (10) Prior to the first requisition of funds, the Grantee shall provide evidence that it has established a bank account that meets the requirements of Attachment D, Paragraph V.
 - (11) Prior to close-out, Grantee shall provide the Agency with certification that the project meets Vermont Alliance for Recovery Residences (VTARR) standards or has been approved by Agency of Human Services (AHS)
 - (12) Within six months of the date of this Grant Agreement, or prior to the completion date of the project, whichever occurs first, a member of the legislative body, municipal CEO, municipal manager/administrator, or a municipal designee responsible for housing issues within a municipality such as a member of the planning commission, zoning board of appeal, development review board or local housing committee, shall attend an Agency-approved Fair Housing Training.
 - (13) The Grantee shall demonstrate compliance with Davis-Bacon reporting requirements.
- (F) The Grantee shall comply and shall require the Subgrantee to comply with all conditions set forth in the Environmental Review Release Letter dated May 3, 2022, and shall maintain/upload documentation demonstrating compliance.
- (G) The Grantee shall ensure adequate Subrecipient Oversight Monitoring per the Uniform Guidance using the Subgrantee Financial Monitoring Worksheet that was submitted as an award condition. If the Subgrantee Financial Monitoring Worksheet was not submitted as an award condition, it must be completed prior to the first requisition. Only a Municipal staff person can complete and be responsible for the Subgrantee monitoring.
- (H) RHP Use of Funds:**
- (1) Grantee shall use funds solely for allowable activities to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.

- (2) The aggregate use of RHP funds shall principally benefit low- and moderate-income families in a manner that ensures the grant amount is expended for activities that benefit such persons; and
 - (3) Activities expected to be assisted with RHP funds must be in accordance with the approved RHP Action Plan.
 - (4) Grantee will not attempt to recover any capital costs of public improvements assisted with RHP grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (a) RHP grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than RHP;
 - (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient RHP funds (in any form, including program income) to comply with the requirements of clause (a).
- (I) Grantee shall comply with all conditions set forth in the Environmental Review Release Letter dated May 3, 2022, including but not limited to the requirement of completing an Environmental Assessment, and shall maintain documentation demonstrating compliance. Until the entire Environmental Assessment has been completed and the final Environmental Review Release (ERR) letter has been completed, signed, and dated, 24 CFR Part 58 provides that the Grantee may not go out to bid or sign any legally binding contracts or spend public or private funds for rehabilitation, repairs, excavation, installation, or any other work that may have a physical impact or limit the choice of alternatives, other than project design and engineering plans and planning related activities necessary to complete the Environmental Review. All supporting documentation must be included in the ERR and made available during monitoring or as requested.
- (J) The Subgrant Agreement between the Grantee and the Subgrantee shall contain such provisions as are appropriate and necessary to meet the requirements of the VCDP as set forth in this *Agreement*, and as set forth in VCDP's Sample Subgrant Agreement; shall incorporate by reference this Grant Agreement; and shall, at a minimum, provide for the following:
- (1) The Grantee shall subgrant \$200,000 in CDBG funds and \$500,000 in RHP Funds.
 - (2) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is authorized to do business in the State of Vermont.
 - (3) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is in good standing with respect to, or in full compliance with a plan to pay, any and all federal, state and local taxes.
 - (4) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is current on or is in full compliance with a plan to pay, any and all financial obligations.

- (5) Require Subgrantee to certify that, as of the date of execution of the Subgrant Agreement, the organization has obtained a Unique Entity Identification (UEI) number from the SAM.gov UEI Request Service at <https://sam.gov/content/entity-registration>, has registered with the System for Award Management (“SAM”) at www.sam.gov, is not listed in the Exclusions portion of Performance Information in the System for Award Management (“SAM”) at www.sam.gov; nor named on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>.
- (6) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, all permits needed for the project have been identified and those needed to commence activities have been secured.
- (7) Require the Subgrantee to provide a firm commitment of all Other Resources.
- (8) Require Subgrantee to secure its obligations hereunder by providing Grantee a mortgage on the real property. A copy of the recorded mortgage shall be uploaded to the GEARS system.
- (9) Require the Subgrantee to perform the General Administration (Activity #5013) and the Program Management (Activity #3013) of this grant, including all applicable specific functions set forth in the “VCDP Sample Subgrant and Administrative Services/Program Management Agreement.”
- (10) Require the Subgrantee to comply with Section 3 requirements in accordance with 24 CFR 75 Subpart C to provide economic opportunities in connection with this project, to the greatest extent feasible, to low and very low-income persons residing within the area in which the project is located and to Section 3 businesses. Section 3 requirements shall be included in bid documents and be attached to all contracts executed in connection with this project. For more information on Section 3 see [HUD Regulations](#).
- (11) Require the Subgrantee to demonstrate compliance with Davis-Bacon reporting requirements.
- (12) Require the Subgrantee to provide a plan that sets forth how it will comply with the requirements of the Uniform Relocation Act. Documentation demonstrating compliance with the URA and the plan will be reviewed when the project is monitored.
- (13) Require the Subgrantee to complete a Subgrantee Financial Monitoring Worksheet that complies with Subrecipient Monitoring per the Uniform Guidance and upload the documentation to the Agency’s on-line grants management system (GEARS).
- (14) Require Subgrantee to commit to meet the national objectives called for under the *Federal Act* by:
 - (a) achieving the benefits called for in the National Objective section of this Agreement, and
 - (b) maintaining documentation as may be necessary to clearly demonstrate that said benefits have been met.
- (15) Require the Subgrantee to provide documentation that the Memorandum of Understanding (MOU) for the wraparound services associated with the project will be maintained for at least 5 years after the completion date to comply with the terms of the subgrant.

-
- (16) Contain a provision that for a period of at least five (5) years from the Completion Date, the Subgrantee shall obtain, pay for, and keep in full force, insurance on the property assisted with CDBG funds against such risks and in such amounts and with an insurance carrier as may be reasonably acceptable to the Grantee. Such insurance policy shall contain a loss payable clause acceptable to the Grantee. The Subgrantee shall furnish the Grantee satisfactory evidence of such insurance.
- (17) Contain a provision that for a period of five (5) years from the Completion Date, in compliance with the provisions of "**Use of Real Property**," [24 CFR §570.505](#) and "**Agreements with Sub Recipients**" [24 CFR §570.503\(b\)\(7\)](#) including that timely notice shall be given to the Grantee and the Agency should there be the anticipation of a change of use or sale of all or a portion of the facility assisted using CDBG funds to any person or entity who will use it for any changed purpose, of discontinuance of operation of all or a portion of the facility, or of material alteration or expansion of its purpose or function, including the loss of affordability of the facility or housing units. The Grantee shall have such remedies that are available under the law, up to and including full recovery of the CDBG funds."

PAYMENT PROVISIONS AND PROJECT BUDGET

1. Payment Requisitions

The Agency will process requisitions on or about the first and fifteenth of the month. The Grantee must submit requisitions a minimum of seven (7) business days prior to processing.

The Grantee shall submit requisition requests through the GEARS System along with adequate source documentation such as: invoices paid, canceled checks and timesheets. For reimbursement for Grantee's or Subgrantee's personnel, the supporting documentation must detail the expenditures by identifying the personnel, the time worked, the rate being charged per each respective individual, and a description of the work that was performed. For any other costs that are billed directly to Grantee or Subgrantee, Grantee shall identify the expenditures and attach copies of supporting invoices.

2. Reporting Requirements

The Grantee shall submit Progress and Financial Reports through the GEARS System quarterly to the Agency detailing the status of the Grantee's or Subgrantee's work and the status of the Project, and in particular the activities described in Attachment A. The First Reporting period shall end **December 31, 2022**, and the report shall be due no later than **January 30, 2023**. The Second Reporting period shall end **March 31, 2023**. All subsequent quarterly reports shall be due no later than thirty (30) days following the end of the reporting period.

The Grantee shall develop an overall financial management system sufficient to demonstrate the tracking of all expenditures and receipts.

3. General Provisions

In no event will the total funds provided by the Agency exceed the Total Award. Any additional funds required to complete the activities set forth in this Agreement will be the responsibility of the Grantee.

4. Sources and Uses

The Other Resources total \$1,605,500 derived as follows:

Other Resources	Funding Source	Type	Amount	Status
Efficiency Vermont (EVT) - Energy Incentives	State/Local	Grant	\$ 21,589	Committed
Municipal Contribution (MUNI) - Town + Shire's Time	State/Local	Cash-in-Kind	\$ 1,694	Committed
Preservation Trust of Vermont (PTV) - PTV Grant	Private	Grant	\$ 25,000	Committed
Rehabilitation Investment Tax Credit (RITC) - Historic Equity	Federal	Equity	\$ 305,610	Committed
VT Downtown/Village Center Tax Credits (VDTC) - Downtown tax credit	State/Local	Equity	\$ 78,472	Committed
Vermont Housing & Conservation Board (VHCB) - Acquisition and Legal	State/Local	Loan	\$ 405,248	Committed
Vermont Housing & Conservation Board (VHCB) - VHCB ARPA SFR	State/Local	Deferred Loan	\$ 615,785	Committed
Housing & Conservation Board - Feasibility (VHCB-F) - VHCB Feasibility	State/Local	Grant	\$ 10,000	Committed
Other (Other) - Hoehl Family Foundation Grant	Private	Grant	\$ 107,500	In-Hand
Other (Other) - Capital campaign, fundraised	Private	Cash	\$ 34,602	In-Hand
Total Other Resources			\$ 1,605,500	

Activity	Program Area	Code	RHP & CDBG Amount	VHCB	EVT	RITC	PTV	MUNI	Other	VHCB-F	VDTC	Total Activity Costs
Transitional Housing Rehabilitated	Public Facilities	1002	\$ 700,000	\$ 615,785	\$ 21,589		\$ 25,000		\$ 26,968			\$ 1,389,342
Acquisition - Real Property	Public Facilities	1001	\$ -	\$ 405,248								\$ 405,248
Program Management	Public Facilities	1013	\$ -			\$ 305,610			\$ 115,134	\$ 10,000	\$ 78,472	\$ 509,216
General Administration	Public Facilities	5013	\$ -					\$ 1,694				\$ 1,694
Total Costs			\$ 700,000	\$ 1,021,033	\$ 21,589	\$ 305,610	\$ 25,000	\$ 1,694	\$ 142,102	\$ 10,000	\$ 78,472	\$ 2,305,500
Percentage of Total			30%	44%	1%	13%	1%	0%	6%	0%	3%	

5. Funding Sources for Project

Federal Funds: \$1,005,610 (44%)
 State/Local Funds: \$1,132,788 (49%)
 Private Funds: \$167,102 (7%)

ATTACHMENT C: STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS
REVISED DECEMBER 7, 2023

- 1. Definitions:** For purposes of this Attachment, “Party” shall mean the Contractor, Grantee, or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. “Agreement” shall mean the specific contract or grant to which this form is attached.
- 2. Entire Agreement:** This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect. Where an authorized individual is either required to click-through or otherwise accept, or made subject to, any electronic terms and conditions to use or access any product or service provided hereunder, such terms and conditions are not binding and shall have no force or effect. Further, any terms and conditions of Party’s invoice, acknowledgment, confirmation, or similar document, shall not apply, and any such terms and conditions on any such document are objected to without need of further notice or objection.
- 3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial:** This Agreement will be governed by the laws of the State of Vermont without resort to conflict of laws principles. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State regarding its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.
- 4. Sovereign Immunity:** The State reserves all immunities, defenses, rights, or actions arising out of the State’s sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State’s immunities, defenses, rights, or actions shall be implied or otherwise deemed to exist by reason of the State’s entry into this Agreement.
- 5. No Employee Benefits For Party:** The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.
- 6. Independence:** The Party will act in an independent capacity and not as officers or employees of the State.
- 7. Defense and Indemnity:**
- A.** The Party shall defend the State and its officers and employees against all third-party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

- B.** After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.
- C.** The Party shall indemnify the State and its officers and employees if the State, its officers, or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.
- D.** Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys' fees, collection costs or other costs of the Party or any third party.

8. Insurance: During the term of this Agreement, Party, at its expense, shall maintain in full force and effect the insurance coverages set forth in the Vermont State Insurance Specification in effect at the time of incorporation of this Attachment C into this Agreement. The terms of the Vermont State Insurance Specification are hereby incorporated by reference into this Attachment C as if fully set forth herein. A copy of the Vermont State Insurance Specification is available at: [https://aoa.vermont.gov/Risk- Claims-COI](https://aoa.vermont.gov/Risk-Claims-COI).

9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports, and other proofs of work.

10. False Claims Act: Any liability to the State under the Vermont False Claims Act (32 V.S.A. § 630 et seq.) shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority, or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Use and Protection of State Information:

- A.** As between the State and Party, "State Data" includes all data received, obtained, or generated by the Party in connection with performance under this Agreement. Party acknowledges that certain State Data to which the Party may have access may contain information that is deemed confidential by the State, or which is otherwise confidential by law, rule, or practice, or otherwise exempt from disclosure under the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq. ("Confidential State Data").
- B.** With respect to State Data, Party shall:
- i.** take reasonable precautions for its protection;
 - ii.** not rent, sell, publish, share, or otherwise appropriate it; and
 - iii.** upon termination of this Agreement for any reason, Party shall dispose of or retain State Data if and to the extent required by this Agreement, law, or regulation, or otherwise requested in writing by the State.

- C.** With respect to Confidential State Data, Party shall:
- i.** strictly maintain its confidentiality;
 - ii.** not collect, access, use, or disclose it except as necessary to provide services to the State under this Agreement;
 - iii.** provide at a minimum the same care to avoid disclosure or unauthorized use as it provides to protect its own similar confidential and proprietary information;
 - iv.** implement and maintain administrative, technical, and physical safeguards and controls to protect against any anticipated threats or hazards or unauthorized access or use;
 - v.** promptly notify the State of any request or demand by any court, governmental agency or other person asserting a demand or request for Confidential State Data so that the State may seek an appropriate protective order; and
 - vi.** upon termination of this Agreement for any reason, and except as necessary to comply with subsection B.iii above in this section, return or destroy all Confidential State Data remaining in its possession or control.
- D.** If Party is provided or accesses, creates, collects, processes, receives, stores, or transmits Confidential State Data in any electronic form or media, Party shall utilize:
- i.** industry-standard firewall protection;
 - ii.** multi-factor authentication controls;
 - iii.** encryption of electronic Confidential State Data while in transit and at rest;
 - iv.** measures to ensure that the State Data shall not be altered without the prior written consent of the State;
 - v.** measures to protect against destruction, loss, or damage of State Data due to potential environmental hazards, such as fire and water damage;
 - vi.** training to implement the information security measures; and
 - vii.** monitoring of the security of any portions of the Party's systems that are used in the provision of the services against intrusion.
- E.** No Confidential State Data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the United States, except with the express written permission of the State.
- F.** Party shall notify the State within twenty-four hours after becoming aware of any unauthorized destruction, loss, alteration, disclosure of, or access to, any State Data.
- G.** State of Vermont Cybersecurity Standard Update: Party confirms that all products and services provided to or for the use of the State under this Agreement shall be in compliance with State of Vermont Cybersecurity Standard Update in effect at the time of incorporation of this Attachment C into this Agreement. The State of Vermont Cybersecurity Standard Update prohibits the use of certain branded products in State information systems or any vendor system, and a copy is available at: <https://digitalservices.vermont.gov/cybersecurity/cybersecurity-standards-and-directives>
- H.** In addition to the requirements of this Section 12, Party shall comply with any additional requirements regarding the protection of data that may be included in this Agreement or required by law or regulation.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this Agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this Agreement. Records produced or acquired in a machine-readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of this Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable, and shall include this provision in all subcontracts for work performed in Vermont. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Offset: The State may offset any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any offset of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided in 32 V.S.A. § 3113.

16. Taxes Due to the State: Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, Party is not under an obligation to pay child support or is in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order. Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract, or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), as amended by Section 17 of Act No. 142 (2010) and by

Section 6 of Act No. 50 (2011).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of

Vermont: Section 10 (“False Claims Act”); Section 11 (“Whistleblower Protections”); Section 12 (“Confidentiality and Protection of State Information”); Section 14 (“Fair Employment Practices and Americans with Disabilities Act”); Section 16 (“Taxes Due the State”); Section 18 (“Child Support”); Section 20 (“No Gifts or Gratuities”); Section 22 (“Certification Regarding Debarment”); Section 30 (“State Facilities”); and Section 32.A (“Certification Regarding Use of State Funds”).

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel, and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Regulation of Hydrofluorocarbons: Party confirms that all products provided to or for the use of the State under this Agreement shall not contain hydrofluorocarbons, as prohibited under 10 V.S.A. § 586.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds. Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State’s debarment list at:

<https://bgs.vermont.gov/purchasing-contracting/debarment>.

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Vermont Public Records Act: Party acknowledges and agrees that this Agreement, any and all information obtained by the State from the Party in connection with this Agreement, and any obligations of the State to maintain the confidentiality of information are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 *et seq.*

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lockouts) (“Force Majeure”). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not use the State’s logo or otherwise refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel this Agreement at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Agreement immediately, and the State shall have no obligation to pay Party from State revenues.

B. Termination for Cause: Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party's notice or such longer time as the non-breaching party may specify in the notice.

C. Termination Assistance: Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

29. No Implied Waiver of Remedies: Either party's delay or failure to exercise any right, power, or remedy under this Agreement shall not impair any such right, power, or remedy, or be construed as a waiver of any such right, power, or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party's performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to, and use of, State facilities, which shall be made available upon request. State facilities will be made available to Party on an "AS IS, WHERE IS" basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

A. Requirement to Have a Single Audit: The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the Federal Audit Clearinghouse within nine months. If a single audit is not required, only the Subrecipient Annual Report is required. A Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

B. Internal Controls: In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission.

C. Mandatory Disclosures: In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,000, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify; and (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

OTHER PROVISIONS (CDBG STANDARD PROVISIONS)

I. Subject Matter:

(A) This Agreement is funded, in whole or in part, through a grant provided to the Agency by the United States Department of Housing and Urban Development (HUD) under Title I of the federal Housing and Community Development Act of 1974, as amended, 42 U.S.C. § 5301 *et seq.* (the “Federal Act”). Pursuant to the Federal Act, the State of Vermont has elected to administer the federal program of Community Development Block Grants (CDBG) through the Agency. The Agency, in accordance with the provisions of the Vermont Community Development Act, 10 V.S.A. chapter 29 (the “State Act”), has awarded CDBG funds for the purpose of supporting the Grantee’s community development program. This Agreement shall be governed by all applicable provisions, as amended, contained in the Federal Act, the CDBG Regulations (24 CFR Part 570), the State Act, and the Grants Management Guide, including the Agency Procedures contained therein, whether specifically referred to in this Agreement or not.

II. Obligations of Grantee.

(A) Agreements to be in Writing. The activities required by this Agreement shall be performed by the Grantee or one or more subrecipients, such as a subgrantee or borrower, or one or more third parties such as a contractor or subcontractor, pursuant to one or more written contracts consistent with this Agreement. When the term “subrecipient” is used herein it shall mean a person or entity that receives a subgrant or loan from the Grantee hereunder to contribute to the achievement of the National Objective set out in Attachment A.

(B) Liability of Grantee. The Grantee shall remain fully liable and obligated for compliance with this Agreement notwithstanding the subgranting, lending or contracting with any third party(s). The Grantee shall require any third party to comply with all applicable provisions of this Agreement, shall provide a copy of this Agreement to any such third party, and shall, when appropriate, attach and incorporate by reference this Agreement to any contract with such third party.

(C) Documents. The Grantee understands that the filing of documents with the Agency does not require that the Agency review and comment upon any such documents. It shall be the Grantee’s sole responsibility. Filing of such documents with the Agency or use of model documents provided by the Agency shall in no way diminish Grantee’s obligations hereunder.

(D) Municipal Policies and Forms.

(1) Grantee shall have duly adopted municipal policies as set forth below, and shall file copies of such policies with the Agency:

- (a) Equal Employment Opportunity
- (b) Fair Housing
- (c) Use of Excessive Force
- (d) Use of CDBG funds for Federal Lobbying
- (e) Drug-Free Workplace
- (f) Code of Ethics
- (g) Subrecipient Oversight Monitoring Policy
- (h) Whistleblower Protections
- (i) Texting While Driving Policy
- (j) Violence Against Women Act

The Grantee may have previously adopted the above policies and filed copies of the same with the Agency. No duplicate filing shall be required if Grantee certifies such facts.

- (2) Grantee shall duly adopt and file the following with the Agency: Form PM-1:
Resolution to Accept the Grant Agreement

(E) Public Hearing. The Grantee shall hold a public hearing prior to the Completion Date to afford its residents the opportunity to review and comment on the program results and overall performance. The hearing shall be publicly warned at least fifteen (15) days in advance, stating the purpose of the hearing, with the notice appearing in a newspaper of general circulation in the municipality. Written minutes and a summary of public comments shall be filed with the Agency with the Final Program report.

(F) Publicity. If the Grantee or Subrecipient issues a press release or public communication pertaining to the Project assisted by this Agreement, it shall include a statement that the project is funded by a CDBG grant awarded by the Agency of Commerce and Community Development and shall reference the Total Award amount. Any construction sign posted at the Project Site shall identify that funding is provided by the U.S. Department of Housing and Urban Development through a CDBG grant awarded by the Agency of Commerce and Community Development.

(G) Continuing Obligations. Grantee's obligations under Sections XI (Monitoring and Reporting), XII (Audits), XIII (Completion Certificate) and XIV (Retention of and Access to Records) shall survive the termination of this Agreement.

III. Program Costs.

(A) Allowable Costs. The Grantee may incur only such costs as are reasonable and necessary for the Project and are allocable and allowable under the Agency Procedures, Chapters 5 through 7. Expenditures not specifically authorized may not be incurred without prior written approval by the Agency.

- (B) Cash-in Kind. Cash and cash-in-kind contributions made by the Grantee shall follow the criteria established by the Agency Procedures, Chapter 8.
- (C) Impermissible Expenditures Pending Environmental Review. The Grantee shall not incur costs for Project activities, except as provided in Subparagraph (D) below, until the Environmental Review required by §104(g) of the Federal Act has been completed and the Agency has issued the "Notice of Release of Funds."
- (D) Allowable Expenditures Pending Grant Agreement. As of the Award Date (Award Start Date), reasonable costs may be incurred for Environmental Studies, Planning, General Administration, Program Engineering and Design, and Public Information. Any Project activities performed by the Grantee in the period between the Award Date and the execution of this Agreement shall be performed at the sole risk of the Grantee.
- (E) Completion and Closeout. All costs other than General Administration must be obligated or expended prior to the Completion Date (Award End Date). All CDBG funds (other than those related to Closeout) must be liquidated or paid within thirty (30) days after the Award End Date. No CDBG funds may be obligated after the Completion Date except for those General Administration activities required to close out the Grant, such as the Final Program Report, Single Audit (if required), and Closeout Agreement. All obligations must be liquidated prior to closeout.
- (F) Agency Review of Expenses. At any time during the performance of this Agreement, or upon receipt of the Final Program Report and the Final Audit Report, the Agency may review any or all costs incurred by the Grantee and any or all payments made. Upon such review the Agency shall disallow any items of expense which are determined to be in excess of approved expenditures and shall inform the Grantee of any such disallowance by written notice.
- (G) Disallowance of Expenses. If the Agency disallows costs for which payment has not yet been made, it shall refuse to pay such costs. If payment has been made with respect to costs which are subsequently disallowed, the Agency may deduct and/or withhold the amount of disallowed costs from any future payments under this Agreement or require that such costs be refunded to the Agency.

IV. Requisition of CDBG funds.

- (A) CDBG funds may be requisitioned as advances and/or reimbursements, except as provided in paragraph (C), below. The Grantee shall establish procedures to ensure that any CDBG funds in excess of \$5,000 are expended within ten (10) calendar days of receipt in Grantee's depository account and shall ensure that any subrecipient shall conform to such procedures.

- (B) The Grantee shall not requisition CDBG funds for amounts that are withheld from contractors or subcontractors to assure satisfactory completion of the work. These amounts may be requisitioned when the Grantee makes final payment, including the amounts withheld.
- (C) The Secretary may suspend the requisition of advances should it be determined that the Grantee is unwilling or unable to establish and comply with procedures to minimize the time period between cash advances and disbursement. Payments to the Grantee shall then be made only as reimbursement for actual cash disbursements.
- (D) The Grantee shall expend CDBG funds on a pro rata basis with Other Resources, unless otherwise authorized by the Agency.
- (E) If CDBG funds are needed prior to their availability due to VCDP requirements or conditions, the Grantee and/or one of the project parties must seek bridge financing to meet any expenses that cannot be delayed. The expenditure of bridge financing must comply with all VCDP requirements, including the environmental review process.
- (F) If the project's non-general administration budget comes in under budget, CDBG funds in an amount proportionate to the unused portion of the total budget (CDBG funds and Other Resources) shall be returned to the Agency. Such amounts may not be reallocated to other activities.
- (G) If the project's general administration budget comes in under budget, the unused portion shall be returned to the Agency. The expenditure of CDBG funds for General Administration must be maintained at the ratio set out in the Project Budget, Attachment B.

V. Bank Accounts for CDBG funds.

(A) Depository Accounts.

- (1) Funds disbursed pursuant this Agreement shall be deposited in a separate, non interest-bearing account, dedicated to CDBG funds, and held in the name of and under the ownership of the Grantee. Any interest earned on funds in the depository account shall be remitted to the State for subsequent return to the United States Treasury. Funds held in the depository account shall be under the control of the Grantee's treasurer, and shall be paid out only on orders drawn by officials authorized by law to draw such orders.
- (2) Accounts established in the name of the Grantee and into which Program Income or housing rehabilitation escrow funds are deposited shall conform to the requirements

- of subparagraph (A)(1) of this Paragraph, except that such accounts may be interest bearing.
- (3) All depository accounts shall be fully insured by the Federal Deposit Insurance Corporation (FDIC) or its equivalent. Any balance exceeding such coverage must be collaterally secured by U.S. Government obligations.
- (B) Fidelity Bond Requirements. All individuals who are authorized to deposit receipts and/or pay out funds from any of the accounts covered by this Paragraph shall have fidelity bond coverage in an amount commensurate with the total losses which might be incurred.
- (C) Other Accounts. The Grantee shall require that accounts involved with the activities covered by this Agreement which are established by Subrecipients or entities retained for the purposes of administration of this grant be secured as required in Subparagraph (A)(3) and that persons who are authorized to make deposits into or pay out funds from any such accounts have fidelity coverage as required in Subparagraph (B).

VI. Financial Management.

The Grantee shall establish and maintain a system which assures effective control over and accountability for all funds, property and other assets used for or obtained under this Agreement. Such system shall:

- (A) Maintain separate accounting records and source documentation for the activities funded under this Agreement and provide accurate financial information in the Progress Reports and any other status reports in the form specified by the Agency;
- (B) Provide for accurate, current and complete disclosure of the financial status of the Program and for the expenditure of any Other Resources listed in the Project Budget, Attachment B;
- (C) Establish records of budgets, receipts, and expenditures for each activity and demonstrate the sequence and status of receipts, obligations, disbursements, and fund balance;
- (D) Be consistent with generally accepted accounting principles and support the program and/or single audit(s) requirements set forth in Agency Procedures, Chapter 21; and
- (E) Include a subrecipient monitoring policy that requires the Grantee to exercise oversight monitoring of grant funds that are disbursed to a sub-recipient, to ensure the funds are properly managed (See Agency Procedures, Chapter 19). The Grantee shall also require the sub-recipient to complete the Financial Monitoring Worksheet.

VII. Procurement Procedures.

- (A) The Grantee may use established procurement procedures which reflect applicable State and local laws and regulations, provided that these procedures meet the requirements of the standards set forth in the Agency Procedures, Chapter 10. This Agreement and the Agency Procedures shall in no way be construed to relieve the Grantee of contractual obligations outside of this Agreement.
- (B) Conflict of Interest.
- (1) In the procurement of supplies, equipment, construction, and services by the Grantee, all members of the legislative bodies, officers or employees of the Grantee, or their designees, Subrecipients, or agents, or other persons who exercise any functions or responsibilities with respect to the program shall be bound by the provisions of Agency Procedures, Chapters 9 and 10.
- (2) The Grantee shall include or cause to be included, provisions covering conflict of interest consistent with the requirements of this Paragraph in all contracts with third parties.
- (3) The Grantee shall not employ any employee of the Agency.
- (C) The Grantee shall be responsible, in accordance with good administrative practices and sound business judgment, for the settlement of any contractual or other issues arising out of procurement obligations set forth herein.
- (D) Prior to entering into agreements with third party recipients (contractor, subcontractor, architect, engineer, etc.), the Grantee and any subrecipient (subgrantee/borrower) shall ensure that each third party recipient of the funds provided under this Agreement is not included on the List of Parties Excluded from Federal Procurement or Non-Procurement Programs (www.sam.gov) in accordance with Executive Orders 12549 and 12689; nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment> Documentation of compliance with this requirement shall be kept with other program documents and shall be available for review upon request.
- (E) Compliance with Section 3 of the Housing and Urban Development Act of 1968. Grantee and Subgrantees/Borrowers shall ensure compliance with [24 CFR 75](#) Subpart C when employment or contracting opportunities are generated because a Section 3 Project: housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. Preference shall be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing and to Section 3 business concerns which provide economic

opportunities to low- and very low-income persons residing in the community where the project is located or service area. Additional information on Section 3 compliance can be found at: https://www.hud.gov/program_offices/field_policy_mgt/section3

(F) Compliance with Davis-Bacon and Related Acts.

Grantee and Subgrantees shall ensure compliance with the Davis Bacon Act, including its prevailing wage and reporting requirements, for construction contracts paid with funds under this Agreement in excess of \$2,000.

Grantee and Subgrantees shall also ensure compliance with all other applicable federal labor requirements including the Copeland Anti-Kickback Act and the Contract Work Hours and Safety Standards Act. Additional information on these and other applicable Federal Labor Standards Requirements can be found in the Agency's Grants Management Guide, Chapter 7 at

<http://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-GMG-FLSandDB-Chapter.pdf> and on HUD's website at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/sech/13441.

VIII. Bonding Requirements.

(A) For construction or facility improvement where the contract is for less than \$100,000, the Grantee may follow its established procedures. In the event the Grantee has no established procedures in place, the requirements of subparagraph (B) hereof shall be met.

(B) For contracts or subcontracts exceeding \$100,000, the provisions of the Agency Procedures, Chapter 11 on bonding requirements shall be followed. If bonds are required, they shall be in such form and amount as provided in the Agency Procedures, Chapter 11.

(C) Where bonds are required, they shall be procured from a surety company registered and licensed to do business in the State of Vermont and countersigned by its Vermont registered agent.

IX. Program Income.

Except as may be provided in Special Conditions (Attachment A), Program Income and Unrestricted Revenue generated by the use of funds granted pursuant to this Agreement will be administered in accordance with the policies set forth in Agency Procedures, Chapter 22.

X. Equal Opportunity and Americans with Disabilities Act.

No person shall on the ground of race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition, be excluded

from participation in, be denied the benefits of, or be subjected to discrimination under any of the activities covered by this Agreement.

XI. Monitoring and Reporting.

- (A) The Grantee shall monitor the activities covered by this Agreement, including those of contractors and subcontractors, to assure that all program requirements are met.
- (B) From time to time, as requested in writing by the Agency, the Grantee shall submit such data and other information as the Agency may require. The Grantee shall submit or cause the submission of progress and financial reports to the Agency in a format prescribed by the Agency and according to the schedule required by the Agency.
- (C) The Final Program Report shall be submitted as the report for the period which ends with the Completion Date. The Grantee shall submit a Final Program Report no later than thirty (30) days following the Completion Date. Evidence of a public hearing held in conformance with Paragraph II of this Agreement shall be filed with the Agency as part of the Final Program Report, which shall consist of, at a minimum, the hearing notice and the minutes taken.

XII. Audit(s).

- (A) Grantees must complete and submit the State of Vermont's Subrecipient Annual Report annually within 45 days after the grantee's fiscal year end. All submissions of both original and revised Subrecipient Annual Reports must be submitted through the online form, and the State is no longer accepting the Subrecipient Annual Report paper versions via mail or email. Grantees must go to this link to submit their original or revised Subrecipient Annual Reports at: <https://finance.vermont.gov/suppliers-and-grantees>, select "Subrecipient Annual Report" link and complete the online form. For Common Subrecipient Annual Report questions visit: <https://finance.vermont.gov/training-and-support/faqs-and-glossaries/grants-faq/sar>.
- (B) The Grantee shall arrange for an independent financial and compliance audit (or audits) of all CDBG costs and activities undertaken during the Period of Performance. In compliance with the Single Audit Act of 1984, as amended, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (Uniform Guidance, the Compliance Supplement for the Code of Federal Domestic Assistance (CFDA) 14.228, and Agency Procedures, Chapter 21, the Grantee shall determine whether a single audit or a program audit is required.
- (C) The Grantee shall submit to the Agency an Interim Audit Report(s) and/or Final Audit Report covering the Period of Performance under this Agreement. An audit that covers a portion of the Period of Performance, or a portion of all expenditures, is defined as an

Interim Audit. A Final Audit is the audit that covers all CDBG grant funds; or if there is an Interim Audit, the audit that covers the balance of any remaining unaudited CDBG funds through the Completion Date, or beyond if necessary.

- (D) Any contract or Agreement entered into by the Grantee and a Subgrantee shall contain language requiring the Subgrantee to comply with the federal Uniform Guidance, 2 CFR Part 200.
- (E) If any expenditure is disallowed as a result of any Interim Audit Report(s) and/or Final Audit Report, the obligation for reimbursement to the Agency shall rest with the Grantee.

XIII. Completion Certificates.

- (A) A Certificate of Program Completion shall be issued to the Grantee when the Agency determines that all required work under this Agreement has been satisfactorily completed, including the execution of a Closeout Agreement if applicable and the submission of the Final Program Report, the Interim Audit Report(s), and/or the Final Audit Report. The Agency must determine that all program and financial compliance issues have been addressed and that the findings and/or concerns, if any, of monitoring reports, program reports, and audit reports have been resolved and cleared in writing.

XIV. Retention of and Access to Records.

- (A) Financial records, supporting documents, statistical records, and all other records pertinent to this CDBG Grant shall be retained in accordance with the Agency Procedures, Chapter 3.
- (B) Authorized representatives of the Agency, HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belonging to, or in use by, the Grantee pertaining to the receipt and administration of Vermont Community Development Program funds, as may be necessary to make audits, examinations, excerpts, and transcripts.
- (C) Any contract or Agreement entered into by the Grantee that relates or pertains to this CDBG Grant shall contain language comparable to Subparagraph (B) above so as to assure access by an authorized party(s) to the pertinent records of any subrecipient, contractor, or subcontractor.
- (D) The Final Program Report, Interim Audit Report(s) and/or Final Audit Report shall be maintained with other program documents available for public review, and at least one copy must remain in the Grantee's files.

XV. Administrative Sanctions.

- (A) The Grantee shall receive notice from the Agency in the event of a failure to submit a timely progress report. No disbursement of grant funds shall be made if such failure continues after thirty (30) days from the date of notice. The Agency shall, in its discretion, determine whether to disburse funds during the notice period.
- (B) The Grantee shall receive a Notice of Delinquency from the Agency in the event of a failure to submit timely Interim or Final Audits, Final Program Reports, Closeout Agreement Proposals, or Closeout Annual Reports. The Grantee shall not be eligible for further CDBG funds if such failure continues after thirty (30) days from the date of notice, and, in addition to the remedies provided under this Agreement, may be subject to any action available to the Agency at law or equity.
- (C) Resolution of Monitoring Findings - The Agency shall notify the Grantee of any issues identified through monitoring by providing a monitoring report containing the Agency's monitoring results, including any Findings or Concerns. No further disbursement of grant funds shall be made under this Agreement until the Agency's Findings and Concerns have been resolved in a manner satisfactory to the Agency. Grantee shall not be eligible for further CDBG funds if such resolution is not achieved within thirty (30)

days of the date of the monitoring report, and, in addition to the remedies provided under this Agreement, may be subject to any action available to the Agency at law or equity.

XVI. Termination for Convenience.

The Agency and the Grantee may terminate the grant in whole, or in part, when agreed that the continuation of the program would not produce the benefits anticipated hereunder, and shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Agency may allow full credit for non-cancellable obligations, properly incurred prior to termination.

XVII. Suspension or Termination for Cause.

- (A) Upon reasonable notice to the Grantee at any time prior to completion, the Agency may suspend this Agreement in whole or in part, may withhold further payments, or may prohibit the Grantee from incurring additional obligations of CDBG funds if it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement or that the continued costs to be incurred will not produce benefits of comparable value. The Agency shall allow all necessary and proper costs which the Grantee could not reasonably avoid during the period of suspension.
- (B) The Agency may terminate this Agreement at any time prior to completion, after reasonable notice and opportunity for hearing, when it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement or that the continued costs to be incurred will not produce benefits of comparable value. The Agency shall promptly notify the Grantee, in writing, of the determination and reasons for the termination, together with the effective date.

XVIII. Appeals and Waiver of Enforcement.

- (A) Appeals from the decisions or actions of the Agency may be made to the Secretary through the provisions of the Agency Procedures, Chapter 18.
- (B) No waiver by the Secretary of the right to enforce any provision of this Agreement shall be deemed a waiver of the right to enforce such provision upon subsequent breach or default, nor waiver of the right to enforce any other provision hereof.

XIX. Budget Revisions and Amendments.

- (A) Budget Revisions. The Grantee may, after providing written notice and justification to the Agency, make a one-time revision of the amounts listed in the "CDBG funds" column

of 4. Sources and Uses in Attachment B – Payment Provisions and Project Budget, provided that:

- (1) the aggregate impact is no more than ten (10%) percent of the Maximum Amount, listed as the “Total” item in the “CDBG funds” column;
- (2) the Maximum Amount is not increased; and
- (3) there is no change to budgeted amounts for General Administration or Program Management Activities (indicated by CDBG Code suffix of “13”) without prior written approval of the Agency.

(B) Amendments.

- (1) Any change or deviation from this Agreement not specifically identified in subparagraph (A) hereof, including extensions of time for completion and budget revisions in excess of ten (10%) percent, shall constitute an amendment of this Agreement and shall only be effective when reduced to writing and signed by or on behalf of the Agency and the Grantee. No more than one amendment for changes which in the view of the Agency are not substantial, shall be permissible. The Agency will not allow any amendment which would substitute the funded activity.
- (2) The Grantee shall notify the Agency if, through the use of Other Resources, there is an intention to expand, enhance, or add to the scope of the program covered by this Agreement, or if there is a proposal to undertake activities that will have an impact upon the buildings, areas, or activities of this CDBG Grant. The Agency reserves the right to require an amendment to this Agreement if such is deemed necessary.
- (3) If any Amendment affects any related documents, including but not limited to Subgrants or Loans of the grant funds, the Grantee shall amend such documents as appropriate and upload the amended documents to the record in the online grants management system.

CERTIFICATIONS AND ASSURANCES

The Grantee hereby certifies and assures that Community Development Block Grant Funds will be utilized in accordance with all the following: to the extent applicable, and that:

Debarment, Suspension, Ineligibility and Voluntary Exclusion from Federal Procurement and Non-procurement Programs

The Chief Executive Officer certifies that the Municipality is not listed in the Exclusions portion of Performance Information in the System for Award Management (“SAM”) at www.sam.gov, in accordance with Executive Orders 12549 and 12689; nor named on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>. In addition, it certifies that no awards will be made to any subgrantees/borrowers, or permit any award at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

Legal Authority

(1) It possesses legal authority as defined in the Vermont Community Development Act [10 VSA 29] to apply for and accept the grant and administer the program.

(2) The legislative body has duly adopted and passed an official act or resolution authorizing the acceptance of and agreement to the conditions and provisions of this *Agreement*, including all understandings, certifications, and assurances contained herein; and designating and authorizing the Chief Executive Officer or designee to execute this *Agreement* and other such documents as may be necessary.

Benefit to Persons of Low and Moderate Income

(3) It will comply with the provisions of Section 104(b)(3) of the Federal Act which requires the use of funds to be developed to give maximum feasible priority to those activities which will benefit low- and moderate-income families, or aid in the prevention or elimination of slums or blight or meet other community development needs having a particular urgency.

Citizens Information

(4) It held at least one public hearing warned at least 15 days prior to obtain the views of citizens on community development and furnished citizens with information required by the Federal and State Acts.

(5) It prepared statements of community development and housing needs, including the needs of lower income persons and activities to be undertaken to meet such needs, the objectives and the projected use of community development funds, including information on the past use of such funds, if any, and have given affected citizens an opportunity to examine these statements and furnished a copy to the Agency.

(6) It allowed citizens an opportunity to examine the application and all supporting documentation and to submit comments thereon and will, in like manner, provide citizen participation when considering substantial program amendments.

Labor

(7) It will administer and enforce:

- (a) the Davis-Bacon Act [40 USC 276a et seq.];
- (b) the Federal Fair Labor Standards Act [29 USC 201 et seq.]; and
- (c) the Contract Work Hours and Safety Standards Act [40 USC 327-333].

(8) It will comply with:

- (a) the Copeland Anti-kickback Act of 1934, [18 USC 874 and 40 USC 276c];
- (b) Executive Order 11246 (Equal Employment Opportunities) as amended by Executive Orders 11375 and 12086 and the regulations issued pursuant thereto [41 CFR 60]; and
- (c) Section 3 of the Housing and Urban Development Act of 1968 [12 USC 1701u] as amended, (equal employment and business opportunities) and the regulations at 24 CFR 75.

Environmental and Historic

(9) The Chief Executive Officer, or other official so designated by the Legislative Body and approved by the Secretary will consent to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 as amended [42 USC 4321 et seq.] and the regulations found at 24 CFR 58; and the Chief Executive Officer is authorized and consents on behalf of the Applicant and him/herself to accept the jurisdiction of the Federal Courts for the purposes of enforcement of the responsibilities of such official.

(10) It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Secretary of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(11) It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with:

- (a) Section 106 of the Historic Preservation Act of 1966 [16 USC 470];
- (b) Executive Order 11593 (Protection and Enhancement of the Cultural Environment);
- (c) the Preservation of Archaeological and Historic Data Act of 1974 [16 USC 469 et seq.]; and
- (d) the procedures prescribed by the Advisory Council on Historic Preservation found at 36 CFR 800.

(12) It will comply with:

- (a) the National Environmental Policy Act of 1969 [42 USC 4321 et seq. and 24 CFR 58];

- (b) the Endangered Species Act of 1973, as amended [16 USC 153 et seq. and 10 VSA 4046 and Chapter 123];
- (c) Executive Order 11990, Protection of Wetlands;
- (d) the Fish and Wildlife Coordination Act of 1958, as amended [16 USC 661 et seq.];
- (e) the Fragile Areas Registry Act of 1977 [10 VSA 6551];
- (f) the Safe Drinking Water Act of 1974, as amended by the Safe Drinking Water Act of 1977 [21 USC 349 and 42 USC 210 and 300f et seq.] pertaining to sole-source aquifers;
- (g) the Clean Air Act of 1970, as amended [42 USC 7401 et seq.] and Vermont law [10 VSA 551 et seq.] as amended;
- (h) Executive Order 12088 relating to the prevention, control, and abatement of water pollution and the Federal Water Pollution Control Act of 1972, as amended, [33 USC 1251 et seq.] and Vermont law [10 VSA 1251 et seq. and 18 VSA § 101 et seq.];
- (i) the provisions of Executive Order 11988 as amended, relating to evaluation of flood hazards and with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973 [42 USC 4001 et seq.] and Vermont law [10 VSA 751 et seq. and Executive Order No. 17 of 1978];
- (j) the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 [42 USC 6901 et seq.] and Vermont law [24 VSA 2202a]; and
- (k) noise abatement and control regulations [24 CFR 51]
- (l) The Wild and Scenic River Act of 1968, as amended [16 U.S.C. 1271 et seq.];

Relocation and Acquisition

- (13) It will comply with:
 - (a) the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended [42 USC 4601 et seq.], referred to as the "Uniform Act;"
 - (b) the implementing regulations of the Uniform Act issued by the Department of Housing and Urban Development (CFR Title 49, Part 24) contained in HUD Acquisition and Relocation Handbook 1378; and
 - (c) the requirements of the Vermont Community Development Acquisition and Relocation Policy.

Architecture and Construction

- (14) It will comply with:
 - (a) the Lead-Based Paint Requirements [24 CFR Part 35, Subpart B];
 - (b) the Architectural Barriers Act of 1968 [42 USC 4151] and the rules applicable thereto;
 - (c) Section 504 of the Rehabilitation Act of 1973 [29 USC 794]; and

- (d) the provisions of Section 104(b)(5) of the Federal Act which restricts recovery of capital costs by assessing any amount against properties owned and/or occupied by persons with lower incomes.

Equal Opportunity and Fair Housing

- (15) It will affirmatively further fair housing and will comply with Pub. Law 90-284 [Title VIII of the Civil Rights Act of 1968; 42 USC 3601 known as the "Fair Housing Act"], as amended and the regulations issued pursuant thereto [24 CFR 100 to 115].
- (16) It will comply with and will immediately take any measures necessary to effectuate compliance with Pub. L. 88-352 [Title VI of the Civil Rights Act of 1964; 42 USC 2000d] and the regulations at 24 CFR 1.
- (17) It will comply with:
 - (a) Executive Order 11063 as amended by Executive Order 12259 (Leadership and Coordination of Fair Housing in Federal Programs) and the regulations at 24 CFR 100 and 107;
 - (b) Section 109 of the Federal Act [42 USC 5309] and the regulations issued pursuant thereto [24 CFR 5-70.496(b)];
 - (c) the Age Discrimination Act of 1975 [42 USC 6101 et seq.]; and
 - (d) the Americans with Disabilities Act of 1990 [42 USC 12010-12213; 42 USC 225-611] and the regulations issued pursuant thereto.

Other Requirements

- (18) It will comply with the provisions of the Hatch Act [5 USC 1501 et seq.] which limits the political activities of employees.
- (19) It will provide a drug-free workplace according to the requirements set forth in the Drug Free Workplace Act [Public Law 100-690 Title V, Subtitle D, 41 USC 701 et seq.].
- (20) It will comply with the provisions of 24 CFR Part 570.489(h) which govern Conflict of Interest.
- (21) It will comply with the other provisions of The Federal Act [Title I of the Housing and Community Development Act of 1974, as amended; 42 USC 5301 et seq.]; the State Act [10 VSA 29], the Agency Procedures and all other applicable requirements.
- (22) It will comply with Single Audit Act of 1984, as amended, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (Uniform Guidance, the Compliance Supplement for the Code of Federal Domestic Assistance (CFDA) 14.228.
- (23) It will comply with 43 CFR part 18, New Restrictions on Lobbying. Submission of an application also represents the applicant's certification of the statements in 43 CFR part 18, appendix A, Certification Regarding Lobbying
- (24) It will comply with Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that

ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Executive Order.

(25) It will comply with the Violence Against Women Act 2022 (VAWA) which provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.

EXHIBIT N

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **MARCH 25, 2024**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT:** Jeannie Jenkins-Chair; Tom Haley-Vice Chair; Jeanne
7 Conner; Ed Woods; Sarah Perrin and Gary Corey.

8 **SELECT BOARD MEMBERS ABSENT:** Jim Carroll.

9 **ALSO PRESENT:** Dan Monks-Assistant Town Manager; Jonah Spivak-Communications
10 Coordinator; Shannon Barsotti-Community Development Director; Wendy Morse-Bennington
11 Career Month Proclamation; Margae Diamond-State of Vermont Motel Voucher Program
12 Update; Representative Mary Morrissey; Maria Krause; Debbie Matte; Bridget Elder; Nancy
13 White; Sam Restino; Clark Adams; 10 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:02pm, Chair Jeannie Jenkins called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited.

17 **2. VISION STATEMENT**

18 Mr. Haley read the Town’s Vision Statement that was adopted by the Select Board on
19 August 24, 2020:

20 “Bennington is a welcoming, engaged, inclusive, resilient community where everyone
21 regardless of identity shares in our vitality and benefits from an outstanding quality of life.”

22 **3. CONSENT AGENDA**

23 **A. MINUTES OF MARCH 11, 2024**

24 **B. WARRANTS**

25 **C. LIQUOR LICENSES**

26 *Ed Woods moved and Jeanne Conner seconded to approve the March 11, 2024*
27 *Minutes Addendum as presented. The motion carried with Gary Corey abstaining and Jim*
28 *Carroll absent.*

29 *Gary Corey moved and Ed Woods seconded to approve the Consent Agenda as*
30 *amended below:*

31 Mr. Woods asked where Maruti, Inc. is located, and Mr. Monks answered on the corner
32 of Ben Mont Avenue.

33 ***Line 37, Change “mini” to “many”***

34 ***The motion carried with Jim Carroll absent.***

35 **5. PUBLIC COMMENT**

36 The following Public Comment Practices to make the experience for all involved a
37 productive and informative use of the Public Comment period at Select Board meetings was
38 placed on the podium for those that wish to make Public Comments to reference:

- 39 1. Public Comment is to allow residents an opportunity to share information or make
40 announcements that benefit the community at large.
- 41 2. The topic should not be related to an agenda item. If a member of the public wants to
42 comment on an agenda item they can do so during the discussion of that item.
- 43 3. Comments should be 3 minutes or less.
- 44 4. Speakers are required to state their legal name and town of residence.
- 45 5. Sharing comments, announcements and concerns are encouraged rather than asking
46 questions. Public Comment is not a time for discussion. If you have specific questions it is best
47 to call the Town Manager to get a full explanation and accurate information.
- 48 6. If the topic requires much discussion the item will be considered as an agenda item at a
49 future meeting.
- 50 7. Once an individual’s comment is finished, unless a Board member has a clarifying questions,
51 the speaker is asked to take their seat.
- 52 8. When appropriate, Town staff and/or Select Board members will respond to questions or
53 issues raised during public comment at the end of public comment. If additional explanation is
54 desired, members of the public are encouraged to contact Town staff in person during regular
55 business hours, or via e-mail or phone.
- 56 9. When an agenda item is a presentation to the board, and after the board has asked any
57 questions, the public may comment. Any public comment on the presentation will be directed
58 to the board chair. The board chair may answer or ask the presenter to answer at their
59 discretion.

60 _____
61 Representative Mary Morrissey: Reminded everyone that there will be a Hearing on Monday,
62 April 1, 2024, at the Fire House from 5:30pm to 7:30pm in regards to the Bennington Health

63 and Rehab changeover. *Ms. Jenkins: Thanked Representative Morrissey for organizing a*
64 *meeting that was not a Town meeting.*

65 Clark Adams: 1. Today is National Medal of Honor Day for those that have served above and
66 beyond the call of duty in combat. 3,000 awards have been given with 65 recipients still living.
67 2. Wanted to specifically know the form of the additional \$1M that was procured for the Benn
68 High project - cash, tax credit or grant. This breakdown wasn't stated in the Minutes of March
69 11th.

70 Bridget Elder: Hopes that the Sheriff's Office will move forward in April with a Senior Call Back
71 policy as there are many seniors in Bennington.

72 Sam Restino: 1. Would like to know if there will be any cost to the Town for the Peanut
73 Roundabout or will VTRANS be paying for it all? *Mr. Monks: This is a State and Federally funded*
74 *project.* 2. Finds it "detrimental to the Town" that there will not be any Easter festivities on our
75 \$.5M playground at Willow Park.

76 Maria Krause: Started to refer to the personal actions of Jim Carroll and his relationship to the
77 Community Market. *Ms. Jenkins: Discussion on any personal actions is not allowed and the*
78 *Community Market is a private business so any issue with them must be made directly to them.*

79 **5. BENNINGTON CAREER MONTH PROCLAMATION**

80 Wendy Morse, Regional Manager for the Department of Labor, read the Town of
81 Bennington, PROCLAMATION, Bennington Career Month as presented.

82 Eleven years ago this began as a Career Week that has morphed into Career Month and
83 beyond.

84 The following are some of the activities that are planned:

- 85 • March 25 - Bennington Career Month Proclamation presentation
- 86 • April 3 - How to Dress for an Interview
- 87 • April 4 - MAUHS College Fair
- 88 • April 5 - Shadow Day Series
- 89 • April 10 - Arlington Art Day
- 90 • April 10 - The Do's and Don'ts of Interview Speak
- 91 • April 12 - Molly Start Career Carnival
- 92 • April 17 - Mock Interview Day
- 93 • April 17 - VTSBDC Start Your Own Business Seminar
- 94 • April 20 - Healthy Kids Day
- 95 • April 22 - Bennington Workforce and Economic Update
- 96 • April 24 - MAUMS Career Fair
- 97 • April 25 - Burr and Burton Academy's 3rd Annual Career Expo and Job Fair

- 98 • April 27 - Community College of Vermont Open House
- 99 • April 1-June 2 - Calling All Artists
- 100 • March-April - Student Competitions at Southwest Tech
- 101 • Weekly in April - Virtual Resume Workshops; Virtual Interview Workshop; Virtual Re-
- 102 Employment Strategies Workshop
- 103 • May 16 - Spring Job Fest 2024

104 ***The Board signed the Town of Bennington, PROCLAMATION, Bennington Career Month.***

105 **6. STATE OF VERMONT MOTEL VOUCHER PROGRAM UPDATE**

106 Margae Diamond, Executive Director at Turning Point, did the following presentation:

- 107 ○ Turning Point secured a 12-month November- to- November grant through the
- 108 Department of Mental Health (DMH) to fund a collaborative effort for “boots on the
- 109 ground and street outreach”.
- 110 ○ Other partners are UCS, AIDS Project, Homeless Shelter, Pathways, Agency of Human
- 111 Services (AHS), and GBIC’s.
- 112 ○ We are circulating through the motels 4 days/week, go to Harvest House, and go to the
- 113 Community Café on Saturdays.
- 114 ○ We are building trust and focusing on unhoused/housing insecure folks by connecting
- 115 them to resources and getting them on the Coordinated Entry List, which is a Master List
- 116 for the State of Vermont.
- 117 ○ People that get on the ‘List’ are screened for disabilities, education levels, physical and
- 118 mental health condition, etc. and then rated by need.
- 119 ○ Those in motels today are in 3 buckets;
- 120 ▪ Bucket #1 - COVID voucher people with disabilities and/or children and are OK
- 121 until June 30th.
- 122 ▪ Bucket #2 - General Assistance voucher is a set number of days - 28 to 84 days -
- 123 for an emergency situation, such as, their house burned down, for example.
- 124 This has always been going on.
- 125 ▪ Bucket #3 - Adverse weather conditions that ended on March 15th (and used to
- 126 be April 15th in the past). Popup shelters were in Brattleboro, we had Green
- 127 Mountain Express ready to take people there, and only 1 person went. The
- 128 ones in Brattleboro and Rutland only had a few people and are no longer there.
- 129 The popup shelter still up in the State is in Burlington where there are more
- 130 people utilizing it. Of the 62 that were out on March 15th, most were able to
- 131 get disability vouchers and are waiting for them to be signed to go back in.
- 132 Contacting them to let them know this has happened is a big problem.
- 133 ○ There aren’t more people unhoused than before, however, the difference is that we
- 134 have a larger number that are outside left over from COVID.

135 ○ This is a statewide problem, not just a Bennington problem. There are lots of
136 conversations taking place and we should hear something soon on going forward.

137 *Board questions/comments answered by Ms. Diamond:*

138 Ms. Conner: Thank you for all that you are doing. Is the Bennington Coalition for the Homeless
139 full? Yes.

140 Ms. Conner: Do you feel the outreach program is making progress? Yes. *We had 55 people*
141 *reach out when we were tabling at the Sacred Heart Pantry line the other day.*

142 Mr. Woods: Thank you for what you and your partners are doing

143 *Public questions/comments answered by Ms. Diamond:*

144 Sam Restino: 1. On Thursday, March 14th, there was no notification or comment on the
145 shelters. The Governor announced that the 4 shelters had been shut down. Have they been? As
146 *I said before, the only shelter still open is in Burlington and we can't comment on the Governor's*
147 *decision making process.* 2. What are the next steps to know if the motels will continue to
148 accept vouchers? *Ms. Jenkins: That is really a question for the motels, themselves.*

149 Clark Adams: Thanked everyone for their work. Can the Select Board invite the State decision
150 makers to come to Bennington in a Public Forum to speak to the residents on this issue? *Ms.*
151 *Jenkins: Project Alliance is a forum to address these kinds of issues and does include all of these*
152 *partners. The emergency shelter program did not involve the usual players so it was truly "out*
153 *in left field". We have to have our local Emergency Management Plan in place by May 1st, as*
154 *well as, a Regional Emergency Management Plan so any input from the State will be helpful in*
155 *addition to what we've learned over the last several months.*

156 Nancy White: 1. Appreciates all the work that has been done and agrees that housing and
157 homelessness is a statewide problem. 2. The Bennington County Coalition for the Homeless
158 received \$.5M but made no comment on it. What plans does Project Alliance have for the \$.5M
159 earmarked for BCCH? *Those funds are what BCCH applied for and is for their use, not Project*
160 *Alliances. And I don't know what BCCH's plans are for that money.* 3. Has not seen any Project
161 Alliance open meetings and it appears that Bennington is supposed to house the homeless
162 population for the county. Has anyone looked to Manchester for shelters?

163 Debbie Matte: Feels that some people abuse the system and don't do what their supposed to
164 do to get housing. What is a disability? *Disability restrictions need a doctor to sign off on them*
165 *and the individual is not allowed to work. There are a lot of barriers in their way, and there are*
166 *always going to be people that are trying to beat the system. However, the vast majority of the*
167 *people do have a disability or children, and when they are asked for the first and last rent*
168 *deposit, have a good credit rating, and no criminal record is what they're dealing with. This is*
169 *where their case managers come in. Many don't have ID and you can't do anything with an ID.*

170 *Mr. Woods: Knows of a person who has resources that can't get an appointment for months*
171 *with a physician, never mind if you don't have resources or an ID.*

172 *Maria Krause: Availability of housing is the issue - we need to build housing. Ms. Jenkins: We're*
173 *working on it with the Benn High project and Phase 2 and Phase 3 of the Putnam Block - both a*
174 *combination of affordable and market rate housing - but it takes time. The Town's role is not as*
175 *a landlord but to make sure that the infrastructure and the conditions are there so that housing*
176 *can proceed. Over the last 12 years, Shires Housing has done much work in the housing industry*
177 *but it is a slow process. Mr. Monks: Added that the State is looking at some ground breaking*
178 *legislation unknown at this time if it will go through. However, this is what is needed as we are*
179 *in crisis mode for housing and, at best, we are looking out 10 years.*

180 **7. BETTER PLACES GRANT RESOLUTION**

181 Ms. Barsotti did the following presentation:

- 182 ➤ Town staff are preparing an application for the Vermont Agency of Commerce and
183 Community Development's Better Places grant program for the Bennington Skatepark
184 Project.
- 185 ➤ Better Places is a community matching grant program to create vibrant public spaces
186 serving Vermont downtowns and village centers.
- 187 ➤ This grant application will seek \$40,000 in state funding for the new Skatepark and will
188 require the Town to raise an additional \$20,000 through a crowdfunding campaign.
- 189 ➤ The Better Bennington Corporation (BBC) also did a Better Places grant with
190 crowdfunding for the Thursday Night Live series.
- 191 ➤ The difference between the BBC grant and the Skatepark grant is that we can apply for
192 more funding for the Skatepark because it is a permanent fixture.
- 193 ➤ The Skatepark crowdfunding would begin around May 1st and last through June 30th.

194 ***Gary Corey moved and Ed Woods seconded to approve the Municipal Resolution for***
195 ***Better Places Grant Application as presented and designate Stuart Hurd as the authorized***
196 ***individual for the Town of Bennington to apply for, accept, and expend grant funds for the***
197 ***project.***

198 Mr. Haley verified that this in no way would come out of taxpayer funds, and Ms.
199 Barsotti agreed adding that the Town and the Skatepark Committee must create a donation
200 platform to raise our required \$20,000.

201 Ms. Conner assumed that it can be donations from private citizens or a business, and
202 Ms. Barsotti answered yes.

203 Ms. Conner asked what happens if we don't reach the \$20,000 goal, and Ms. Barsotti
204 stated that we do need to raise the \$20,000.

205 Mr. Corey asked what happens if we raise more than \$20,000, and Ms. Barsotti noted
206 that we can't get more from the State but raising more would be good for us.

207 Sam Restino finds it hard to believe that a town that is an aging community with so
208 many expenses will be able to raise \$20,000 in two months, and Ms. Jenkins reminded him that
209 these are not taxpayer dollars.

210 Nancy White asked if this Resolution only pertained to the Skatepark, and Ms. Barsotti
211 answered yes.

212 Clark Adams asked how this fits in with the overall funding of the Skatepark? Ms.
213 Barsotti explained that the total cost of the project is \$900,000 - \$300,000 in ARPA funds;
214 \$300,000 raised by the Skatepark Committee which this \$60,000 will be part of; and \$300,000
215 from the town's Penny for Parks fund that we already have. Each year the Penny for Parks
216 brings in ~\$100,000. We are trying to get to the \$900,000, but, if we have to scale the project
217 down, we will.

218 ***The motion carried with Jim Carroll absent.***

219 **8. MANAGER'S REPORT**

220 Mr. Monks stated that the Town passed a bond for the Gage Street waterline upgrades
221 on March 7, 2023 and the State granted funds for the Settler Road waterline project to address
222 PFOA. Those two projects are ongoing. We have received bids and we must formally apply to
223 the State for funding. The documents required are loan applications although the Settlers Road
224 funding is 100% forgivable and Gage Street would be funded by the bond. We have previously
225 sent these loan applications to the State and they are now requiring that we combine the
226 design and construction loan applications into one.

227 ***Ed Woods moved and Tom Haley seconded to sign the application for the Gage Street***
228 ***Waterline Upgrades and the Settler Road Waterline project as described and to authorize***
229 ***Stuart Hurd to act on behalf of the Town.***

230 Ms. Perrin asked if we were amending the two loan applications, and Mr. Monks stated
231 that it isn't amending them it is combining them.

232 Mr. Woods asked how that would work since one is forgivable and the other is a bond,
233 and Mr. Monks answered that the Settlers Road one is related to PFOA so that is forgivable
234 while the Gage Street one is a loan that will be repaid from the proceeds of the bond. Mr.
235 Monks added that the numbers match exactly and it is clear what is forgivable and what is the
236 bond.

237 ***The motion carried with Jim Carroll absent.***

238 *Vehicle Impound and Animal Control Buildings - 204 Orchard Road* - The Town is moving
239 forward with the vehicle impound and animal control buildings on 204 Orchard Road. Local

240 permit applications have been submitted and a Development Review Board hearing will take
241 place on April 2nd. No State permits are required.

242 Ninja Trail Bids - The Town put out to bid the construction of a pedestrian bridge over the
243 Furnace Brook, including a boardwalk on either end of the bridge. Unfortunately, no bids were
244 submitted for this project. After consulting with the project designers, the Town will either re-
245 bid the project as is, or modify the project and re-bid it.

246 Congressionally Directed Spending - Downtown Bennington - As reported in several media
247 outlets, Senator Welch secured \$5M in federal funds for Phase 2 of the Putnam Block project
248 and Representative Becca Balint secured \$1M in federal funding for the Benn High project.

249 Silk Road Roundabout - Work to re-locate utilities in anticipation of the construction of the Silk
250 Road roundabout (at the entrance of Bennington College) has commenced. In January, VTRANS
251 indicated that construction of the roundabout should commence in late summer of 2024,
252 however recent information suggests that work may not begin until 2025.

253 **9. UPCOMING AGENDA**

254 April 8, 2024 - Board Organization with Vote on Chair and Vice-Chair

255 April 8, 2024 - Street Naming Committee

256 April 8, 2024 - Hometown Heroes Committee

257 **10. OTHER BUSINESS**

258 Ms. Jenkins: This is the last meeting for Gary Corey and Jim Carroll. Mr. Carroll was recognized
259 for his 12 years of service on the Board and Ms. Conner ready a statement from Mr. Carroll
260 where he said that serving Bennington has been the “honor of his life” as well as noting the
261 many accomplishment the 12 years of Select Board’s has achieved. Ms. Conner also read a
262 statement to Mr. Carroll noting his honesty, knowledge of Bennington, and that he has left his
263 mark on the Town.

264 Mr. Corey: Stated that his 3 years has gone by fast and that it has been an honor to serve on
265 this Board.

266 Mr. Haley: Noted the thoughtfulness that Mr. Corey brought to the Board with his questions
267 that no one else would have thought of and thanked him for his service.

268 Ms. Conner: Also read a statement to Mr. Corey pointing out all of his qualities that were a plus
269 to the Board - including the chocolates that he brought to the meetings.

270 Mr. Woods: Stated that Mr. Corey being on the Board set an example for him and one of the
271 reasons that he is here. It has been a pleasure working with you.

272 Ms. Jenkins: Noted Mr. Corey's honesty and thoughtfulness and that he has been a pleasure to
273 work with.

274 Ms. Conner: Reminded everyone about the lead line replacement money to get your lead line
275 replaced for free and to contact MSK as this will come to an end.

276

277

278 ***At 7:25pm, Gary Corey moved and Ed Woods seconded the adjournment of the***
279 ***meeting. The motion carried with Jim Carroll absent.***

280

281

282

283 Respectfully submitted,

284 Nancy H. Lively

285 Secretary

286

EXHIBIT O

GRANT AGREEMENT RESOLUTION - SINGLE GRANTEE

Form PM-1

WHEREAS, the (check one) Town City Village of Bennington
has applied for funding under the Vermont Community Development Program, as provided for in 10
VSA Ch. 29, and has received an award of funds under said provisions; and

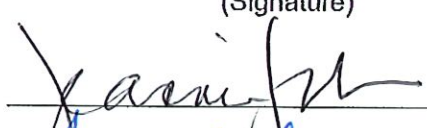
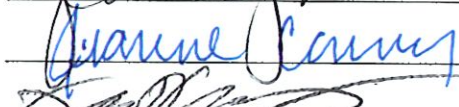
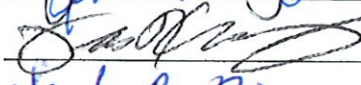
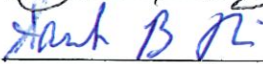
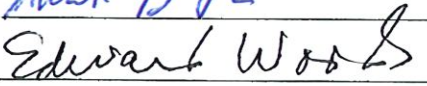
WHEREAS, the Agency of Commerce and Community Development has tendered a Grant Agreement
07110-IG-2021- to this municipality for said funding:
Bennington-04

Now, THEREFORE, BE IT RESOLVED as follows:

- 1) that the legislative body of this municipality accepts and agrees to the terms and conditions of said Grant Agreement;
- 2) that (Name) Shannon Barsotti Title Community Development Director
is hereby designated as the person with overall Administrative responsibility for the VCDP activities related to this Grant Agreement; and
- 3) that (Name) Stuart Hurd Title Town Manager
who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, hereby designated as the Authorizing Official (AO) to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

Passed this 22nd day of April, 2024.

LEGISLATIVE BODY

(Typed Name)	(Signature)
Jeannie Jenkins	
Jeanne Conner	
Tom Haley	
Sarah Perrin	
Ed Woods	
Clark Adams	
Nancy White	

For Agency Use:
 Processed By: _____ Date: _____

EXHIBIT P

State of Vermont
Department of Housing and Community Development
Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

*Agency of Commerce and
Community Development*

April 15, 2024

Stuart Hurd, Town Manager
Town of Bennington
PO Box 469, 205 South Street
Bennington VT 05201

RE: 07110-IG-2021-Bennington-04; Gage Street Recovery Housing Project
Grant Agreement Offer

Dear Mr. Hurd:

Uploaded for your consideration is the Grant Agreement between the Town of Bennington and this Agency. Please review the offer carefully. **Prior to signing the Grant Agreement in the GEARS system your Legislative Body is required to adopt a resolution, Form PM-1. This form states the acceptance and responsibility of the terms and conditions of the Grant Agreement and designates the person with the overall responsibility and authority to execute all appropriate documents.** If it is satisfactory you need to log into your account in the GEARS system and go to the Grant Agreement and Amendment Documents page of the grant above, upload the signed Grant Agreement Resolution(s), certify, select your name, date and save the page and then change the status of the Grant to “Grant Agreement Accepted” by May 15, 2024. This will have the same legal effect as a hand-written signature.

If any information is incorrect in Part 1 & 2, or the Scope of Work in Attachment A, or Budget in Attachment B of the Grant Agreement as offered, please add a note with the suggested revisions on the page and change the status of the grant to "Grant Agreement Offer Mods Required". Changes may not be made to Attachments C, D, or E. The Agency shall take the requested changes into consideration and implement them where discretion allows and will reoffer the Grant Agreement for you to sign.

Once pushed to “Grant Agreement Accepted” the Commissioner will receive a notification that it has been executed by the Town of Bennington and then will fully execute it in the GEARS system. You will receive a notification of this execution.

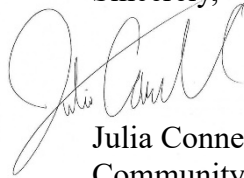
Before a request for funds can be processed, all requirements and special conditions as stated in the Grant Agreement must be satisfied. It is important to understand that some special conditions may have already been met, and if you have any questions in this regard, please contact me. We recommend that you review the requirements set out in the Grants Management Guide, paying particular attention to **the chapter on [The Grant Agreement](#)**, and that you review your Grant Agreement carefully for all requirements.



Stuart Hurd, Town Manager
April 15, 2024
Page 2

If you have any questions regarding the Grant Agreement, please contact me by email Julia.Connell@vermont.gov or by phone at 802-828-5215.

Sincerely,



Julia Connell
Community Development Specialist

JC:cmb

Enclosures

cc: Shannon Barsotti, Bennington CD Director
Kate Cooper, Shires
Jan Buonanno Shires



STATE OF VERMONT GRANT AGREEMENT

Part 1 - Grant Award Detail

SECTION I - GENERAL GRANT INFORMATION

¹ Grant #: 07110-IG-2021-Bennington-04		² Original <input checked="" type="checkbox"/> Amendment # _____	
³ Grant Title: 612 Gage Street Recovery Housing			
⁴ Amount Previously Awarded: \$ 0.00		⁵ Amount Awarded This Action: \$ 1,000,000.00	
⁶ Total Award Amount: \$ 1,000,000.00			
⁷ Award Start Date: 11/19/2021, enhanced 11/15/2022, enhanced 11/13/2023		⁸ Award End Date: 6/30/2026	
⁹ Subrecipient Award: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
¹⁰ Vendor #: 39990		¹¹ Grantee Name: Town of Bennington	
¹² Grantee Address: PO Box 469, 205 South Street			
¹³ City: Bennington		¹⁴ State: VT	¹⁵ Zip Code: 05201
¹⁶ State Granting Agency: Department of Housing and Community Development-ACCD			¹⁷ Business Unit: 07110
¹⁸ Performance Measures: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		¹⁹ Match/In-Kind: \$1,322,883 Description: See Attachment B - Payment Provisions and Project Budget, 4. Sources and Uses	
²⁰ If this action is an amendment, the following is amended: Amount: <input type="checkbox"/> Funding Allocation: <input type="checkbox"/> Performance Period: <input type="checkbox"/> Scope of Work: <input type="checkbox"/> Other: <input type="checkbox"/>			

SECTION II - SUBRECIPIENT AWARD INFORMATION

²¹ Grantee UEI #: DPNJGBNAJMF6		²² Indirect Rate: <u>0</u> % <small>(Approved rate or de minimis 10%)</small>		²³ FFATA: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
²⁴ Grantee Fiscal Year End Month (MM format): 6				²⁵ R&D: <input type="checkbox"/>	
²⁶ UEI Registered Name (if different than VISION Vendor Name in Box 11):					

SECTION III - FUNDING ALLOCATION

STATE FUNDS

Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$0.00	\$0.00	\$0.00	
Special Fund	\$0.00	\$0.00	\$0.00	
Global Commitment (non-subrecipient funds)	\$0.00	\$0.00	\$0.00	
Other State Funds	\$0.00	\$0.00	\$0.00	

FEDERAL FUNDS

(includes subrecipient Global Commitment funds)

Required Federal Award Information

³¹ CFDA #	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Federal Award Date	³⁸ Total Federal Award
14.228	Recovery Housing Program (RHP)	\$0.00	\$200,000.00	\$200,000.00	B-20-RH-50-0001	1/17/2022	\$753,000.00
³⁹ Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		⁴⁰ Federal Award Project Descr: RHP FY20					
14.228	Recovery Housing Program (RHP)	\$0.00	\$160,540.00	\$160,540.00	B-21-RH-50-0001	1/17/2022	\$791,652.00
³⁹ Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		⁴⁰ Federal Award Project Descr: RHP FY21					
14.228	Recovery Housing Program (RHP)	\$0.00	\$194,655.00	\$194,655.00	B-22-RH-50-0001	3/27/20023	\$755,059.00
³⁹ Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		⁴⁰ Federal Award Project Descr: RHP FY22					
14.228	Recovery Housing Program (RHP)	\$0.00	\$444,805.00	\$444,805.00	B-23-RH-50-0001		\$991,106.00
³⁹ Federal Awarding Agency: U.S. Department of Housing and Urban Development (HUD)		⁴⁰ Federal Award Project Descr: RHP FY23					
Total Awarded - All Funds		\$0.00	\$1,000,000	\$1,000,000			

SECTION IV - CONTACT INFORMATION

STATE GRANTING AGENCY

NAME: Julia Connell

TITLE: Community Development Specialist

PHONE: 802-828-5215

EMAIL: Julia.Connell@vermont.gov

GRANTEE

NAME: Shannon Barsotti

TITLE: Community Development Director

PHONE: 802-445-1330

EMAIL: sbarotti@benningtonvt.org

GRANT AGREEMENT # 07110-IG-2021-BENNINGTON-04

1. **Parties:** This is a Grant Agreement between State of Vermont Agency of Commerce and Community Development (hereinafter called “State” or “Agency”) and Town of Bennington with principal place of business at PO Box 469, 205 South Street, Bennington VT 05201 (hereinafter called “Grantee”). It is the grantee’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the grantee is required to have a Vermont Department of Taxes Business Account Number. The grantee is required by law to have a Federal ID# and it is 036000370.
2. **Subject Matter:** The subject matter of this Grant Agreement is Recovery Housing Program Grant.
3. **Award Details:** Amounts, dates and other award details are as shown in the attached *Grant Agreement Part 1-Grant Award Detail*. A detailed scope of work covered by this award is described in Attachment A.
4. **Amendment:** No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Grantee.
5. **Cancellation:** This Grant Agreement may be suspended or cancelled by either party by giving written notice at least 30 days in advance.
6. **Attachments:** This Grant consists of 34 pages including the following attachments that are incorporated herein:
 - Attachment A – Scope of Work to Be Performed and Special Conditions
 - Attachment B – Payment Provisions and Project Budget
 - Attachment C – Customary State Grant Provisions
 - Attachment D – Other Provisions (CDBG Standard Provisions)
 - Attachment E – Certifications

NOTE: Signatures blocks have been omitted because document will use e-signing technology in lieu of signatures.

SCOPE OF WORK AND SPECIAL CONDITIONS

(A) Definitions - The following definitions shall apply throughout:

Grantee:	Town of Bennington
Subgrantee:	Shires Housing, Inc. 307 North Street, Bennington, VT 05201 (DUNS # 957485923 and Federal ID# 22-2976053)
Administrator:	Town of Bennington and Shires Housing, Inc.
Program Manager:	Shires Housing, Inc.

(B) **Project Description:**

The Grantee shall subgrant Recovery Housing Program (RHP) funds together with Other Resources, as set out in *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, Shires Housing to acquire and renovate the property at 612 Gage Street, Bennington, VT 05201. This project will provide recovery housing to men experiencing substance use disorder. In coordination with the Turning Point Center of Bennington, this project will provide two (2) units of recovery housing with nine (9) bedrooms for men in recovery, including one bedroom for a housing manager who will also be in long-term recovery. The property's central location has been identified as a critical need by the Turning Point Center (TPC) to support the recovery process and reintegration into healthy, productive routines.

Shires Housing will ultimately own and maintain the property. Turning Point Center will enter into a long-term master lease agreement with Shires Housing and the building will be designed to meet the programmatic needs of the TPC. The project will include the renovation and retrofit of the building into two (2) units within the main house. Each unit will have a kitchen, bedroom(s) and a bath. This project will provide eight (8) men, and one (1) house manager, with a safe, substance-free, peer-led, service-integrated, mid-term (approximately 8-14 months) recovery residence as a bridge from treatment facilities to permanent housing solutions.

Currently, there are no recovery residences anywhere in Bennington County, with the nearest being in Brattleboro or Rutland. Due to the absence of recovery housing facilities in Bennington County and the current needs of the population, having a separated facility for men only has been identified as an immediate need within the long-term plan to respond to this epidemic.

Shires Housing will be working in partnership with the TPC to determine the requirements of the residence and to assist them during the development phase of this project. The project is working on receiving certification from Vermont Alliance for Recovery Residences (VTARR). Shires Housing will track the housing units and beds and TPC will track individuals assisted with transitional housing and transitioning to permanent housing.

Activity Description

(1) Acquisition of Real Property (Activity 1001)

The Subgrantee shall use Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to acquire the building and property located at 612 Gage Street, Bennington, VT 05201. The building was purchased by Shires Housing with a temporary Vermont Community Loan Fund loan in February 2023.

(2) Transitional Housing Rehabilitation (Activity 1002)

The Subgrantee shall use RHP funds, together with Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to complete the rehabilitation and renovations to the building and property located at 612 Gage Street, Bennington, VT 05201. The first of two (2) split-level units will feature two (2) bedrooms on the first floor with a kitchen, living room for group meetings and programming, and one full bath. The second floor of this unit will have two (2) bedrooms with office space and a full bath. The second unit, at the back of the house, will feature one (1) bedroom on the first floor to be used as a suite with private entrance, kitchen, living room, storage room, and half bath for the house manager. The upper floor of this unit will include four (4) bedrooms with full bath. Exterior work will include repairs to chimney, trim, removal of vinyl and aluminum siding, replacement of wood clapboard siding and asphalt shingle roofing. All windows and doors will be replaced. All light fixtures will be replaced with LED fixtures. Kitchen and bathroom fixtures and appliances will be replaced with high-efficiency models. Basement walls will be insulated with 3" of spray foam. Attic areas will be insulated, and air sealed. A new oil-fired hydronic heating system with baseboard radiation will be installed as well as a new heat pump electric domestic hot water heater.

(3) Program Management (Activity 1013)

The Subgrantee shall use Other Resources, as set out in the *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, to perform Program Management including but not necessarily limited to, activities relating to securing release of funds under the environmental regulations, securing compliance with labor standards (including Davis-Bacon wage rates), permit assistance, procurement standards, contracts management, construction oversight and coordination, and legal services.

(C) General Administration (Activity 5013)

The Grantee shall use Other Resources, as set out in *Attachment B, Payment Provisions and Project Budget, 4. Sources and Uses*, for the general administration of the grant. General administration responsibilities include, but are not limited to, activities relating to setting up and maintaining financial management records, completing progress reports, ensuring that the terms and conditions of this *Agreement* are carried out, assisting with subrecipient monitoring, and for eligible costs of audit.

(D) National Objective

The National Objective of low and moderate income will be met by through the rehabilitation of transitional housing at 612 Gage Street, Bennington, VT 05201 to create eight (8) transitional beds for those in recovery from substance use disorder, and one (1) bed for a housing manager also in long-term recovery. Of the beneficiaries with substance use disorder assisted through this project, nine (9) individuals (100%) will be of LMI status. The project will only focus on serving men.

Activity	National Objective	Performance Indicator(s)	Proposed
Public Facility – Transitional Housing Rehabilitated	Low & Moderate Income	Number of Transitional Housing Units Created	0
		Number of Transitional Housing Units Rehabilitated	2
		Number of Transitional Housing Beds	9
		Number of Persons Served	9
		Number of Low or Moderate-Income Persons Served	9
		Number of persons assisted with Transitional Housing able to transition to permanent housing	3
		Number of persons with children assisted with Transitional Housing	0
		Number of persons with children assisted with Transitional Housing able to transition to permanent housing	0

(E) The following documents shall be filed with the Agency at the times specified:

- (1) Prior to the first requisition of funds under this Agreement, as required by Attachment D, Section II(D), Grantee shall provide copies of the management forms and municipal policies or a certification that all required policies previously have been adopted and filed with the Agency.
- (2) Prior to the first requisition of funds, the Grantee shall provide evidence of a firm commitment of Other Resources called for by Attachment B, Section 4.
- (3) Prior to executing the Contract for Program Management and the Loan and Security Agreement, Subgrant with the Program Manager and the Borrower, Grantee shall ensure that the Program Manager and the Borrower have each obtained Unique Entity Identification (UEI) numbers from the SAM.gov UEI Request Service at <https://sam.gov/content/entity-registration>, have each registered with the System for Award Management (“SAM”) at www.sam.gov, are not listed on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>, and shall provide the UEI number, evidence of registration, and evidence that the parties are not debarred to the Agency.
- (4) Prior to the first requisition of funds, a copy of the fully executed Subgrant Agreement between the Grantee and Subgrantee, together with such other documents as may be required to secure compliance with the conditions of said subgrant.
- (5) Prior to the first requisition of funds, the Subgrant Agreement shall require, at a minimum, that Subgrantee secure its obligations thereunder by providing Grantee a mortgage on the real property being assisted with CDBG funds. The Grantee shall upload

- a copy of the fully executed and recorded mortgage to GEARS along with any other supporting documentation. This mortgage may be discharged upon request of the Subgrantee after the National Objective is achieved and the requisite five (5) years of compliance with the terms of the subgrant is completed, if applicable.
- (6) Prior to the first requisition of funds, the Grantee shall provide the Agency with a Memorandum of Understanding (MOU) for the wraparound services associated with the project.
 - (7) Prior to the first requisition of funds, the Grantee shall provide an opinion of counsel, satisfactory to the Agency, that each of the documents provided pursuant to Paragraphs (E)(4) through (6) hereof is a legal, valid, and binding instrument, enforceable in accordance with its terms; that such documents meet the requirements of this Agreement, including but not limited to the requirements set forth at paragraphs (J) (1) to (17), and provides for use of the CDBG funds in compliance with this Agreement; and that the Subgrantee/Borrower has met all conditions required under such documents which must predate the first requisition.
 - (8) Prior to the first requisition of funds, the Grantee shall certify to the Agency as to the applicability of the EPA's Lead-Based Paint, Renovation, Repair, and Painting Program Rule (40 CFR 745.80, Subpart E) to the Project. If said Rule does apply to the Project, Grantee shall provide the Agency with documentation as to what steps have/will be taken to ensure compliance with the Rule.
 - (9) Prior to the first requisition of funds, certification that all permits needed for the project have been identified and those needed to commence activities have been secured.
 - (10) Prior to close-out, the Grantee shall provide the Agency with certification that the project meets Vermont Alliance for Recovery Residences (VTARR) standards or has been approved by Agency of Human Services (AHS).
 - (11) Prior to the first requisition of funds, the Grantee shall provide evidence that it has established a bank account that meets the requirements of Attachment D, Paragraph V.
 - (12) Within six months of the date of this Grant Agreement, or prior to the completion date of the project, whichever occurs first, a member of the legislative body, municipal CEO, municipal manager/administrator or a municipal designee responsible for housing issues within a municipality such as a member of the planning commission, zoning board of appeal, development review board or local housing committee, shall attend an Agency-approved Fair Housing Training.
 - (13) Prior to close-out, the Grantee shall provide a letter of opinion from an independent third party satisfactory to the Agency that the rehabilitation of 612 Gage Street, Bennington, VT 05201 meets the requirements of the Americans with Disabilities Act and the Vermont Access Board Rules for rehabilitation.
- (F) Grantee shall demonstrate compliance with Davis-Bacon reporting requirements.
- (G) Grantee shall comply with Section 3 requirements in accordance with 24 CFR 75 Subpart C to provide economic opportunities in connection with this project, to the greatest extent feasible, to low and very low-income persons residing within the area in which the project is located and to Section 3 businesses. Section 3 requirements shall be included in bid

documents and shall be attached to all contracts executed in connection with this project. For more information on Section 3 see HUD Regulations.

- (H) Grantee shall comply with the Build America, Buy America Act (“BABA”), including requirements that all iron, steel, and building materials incorporated into qualifying infrastructure projects must be manufactured in the United States, subject to phased implementation, guidance, and waivers issued by HUD. Grantee and Subgrantees shall require the Contractor(s) and Architect(s) to sign a BABA Certification of Compliance to be attached to all AIA G702 “Application and Certification for Payment” forms submitted with requisitions. Grantee and Subgrantees shall maintain documentation supporting BABA compliance for a minimum of three (3) years.
- (I) Grantee shall comply and shall require Subgrantee with all conditions set forth in the Environmental Review Release Letter dated **October 22, 2021**, and shall maintain/upload documentation demonstrating compliance.
- (J) Grantee shall ensure adequate Subrecipient Oversight Monitoring per the Uniform Guidance using the Subgrantee Financial Monitoring Worksheet that was submitted as an award condition. If the Subgrantee Financial Monitoring Worksheet was not submitted as an award condition, it must be completed prior to the first requisition. Only a Municipal staff person can complete and be responsible for the Subgrantee monitoring.
- (K) **RHP Use of Funds:**
- (1) Grantee shall use funds solely for allowable activities to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.
 - (2) The aggregate use of RHP funds shall principally benefit low- and moderate-income families in a manner that ensures the grant amount is expended for activities that benefit such persons; and
 - (3) Activities expected to be assisted with RHP funds must be in accordance with the approved RHP Action Plan.
 - (4) Grantee will not attempt to recover any capital costs of public improvements assisted with RHP grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (a) RHP grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than RHP;
 - (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient RHP funds (in any form, including program income) to comply with the requirements of clause (a).
- (L) The Subgrant Agreement between the Grantee and the Subgrantee shall contain such provisions as are appropriate and necessary to meet the requirements of the VCDP as set forth in this *Agreement*, and as set forth in VCDP’s Sample Subgrant Agreement; shall

incorporate by reference this Grant Agreement; and shall, at a minimum, provide for the following:

- (1) The Grantee shall subgrant \$1,000,000 in RHP funds.
- (2) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is authorized to do business in the State of Vermont.
- (3) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is in good standing with respect to, or in full compliance with a plan to pay, any and all federal, state and local taxes.
- (4) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, the organization is current on or is in full compliance with a plan to pay, any and all financial obligations.
- (5) Require Subgrantee to certify that, as of the date of execution of the Subgrant Agreement, the organization has obtained a Unique Entity Identification (UEI) number from the SAM.gov UEI Request Service at <https://sam.gov/content/entity-registration>, has registered with the System for Award Management (“SAM”) at www.sam.gov, is not listed in the Exclusions portion of Performance Information in the System for Award Management (“SAM”) at www.sam.gov; nor named on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>.
- (6) Require the Subgrantee to provide documentation to certify that, as of the date of execution of the Subgrant Agreement, all permits needed for the project have been identified and those needed to commence activities have been secured.
- (7) Require the Subgrantee to provide a firm commitment of all Other Resources.
- (8) Require Subgrantee to secure its obligations hereunder by providing Grantee a mortgage on the real property. A copy of the recorded mortgage shall be uploaded to the GEARS system.
- (9) Require the Subgrantee to perform the General Administration (Activity #5013) and the Program Management (Activity #3013) of this grant, including all applicable specific functions set forth in the “VCDP Sample Subgrant and Administrative Services/Program Management Agreement.”
- (10) Require the Subgrantee to comply with Section 3 requirements in accordance with 24 CFR 75 Subpart C to provide economic opportunities in connection with this project, to the greatest extent feasible, to low and very low-income persons residing within the area in which the project is located and to Section 3 businesses. Section 3 requirements shall be included in bid documents and be attached to all contracts executed in connection with this project. For more information on Section 3 see [HUD Regulations](#).
- (11) Require the Subgrantee to demonstrate compliance with Davis-Bacon reporting requirements.
- (12) Require the Subgrantee to comply with the Build America, Buy America Act (“BABA”), including requirements that all iron, steel, and building materials incorporated into qualifying infrastructure projects must be manufactured in the United

States, subject to phased implementation, guidance, and waivers issued by HUD. Subgrantees shall require the Contractor(s) and Architect(s) to sign a BABA Certification of Compliance to be attached to all AIA G702 "Application and Certification for Payment" forms submitted with requisitions. Grantee and Subgrantees shall maintain documentation supporting BABA compliance for a minimum of three (3) years.

- (13) Require the Subgrantee to complete a Subgrantee Financial Monitoring Worksheet that complies with Subrecipient Monitoring per the Uniform Guidance and upload the documentation to the Agency's on-line grants management system (GEARS).
- (14) Require Subgrantee to commit to meet the national objectives called for under the *Federal Act* by:
 - (a) achieving the benefits called for in the National Objective section of this Agreement, and
 - (b) maintaining documentation as may be necessary to clearly demonstrate that said benefits have been met.
- (15) Require the Subgrantee to provide documentation that the Memorandum of Understanding (MOU) for the wraparound services associated with the project will be maintained for at least 5 years after the completion date to comply with the terms of the subgrant.
- (16) Contain a provision that for a period of at least five (5) years from the Completion Date, the Subgrantee shall obtain, pay for, and keep in full force, insurance on the property assisted with RHP funds against such risks and in such amounts and with an insurance carrier as may be reasonably acceptable to the Grantee. Such insurance policy shall contain a loss payable clause acceptable to the Grantee. The Subgrantee shall furnish the Grantee satisfactory evidence of such insurance.
- (17) Contain a provision that for a period of five (5) years from the Completion Date, in compliance with the provisions of "**Use of Real Property**," [24 CFR §570.505](#) and "**Agreements with Sub Recipients**" [24 CFR §570.503\(b\)\(7\)](#) including that timely notice shall be given to the Grantee and the Agency should there be the anticipation of a change of use or sale of all or a portion of the facility assisted using RHP funds to any person or entity who will use it for any changed purpose, of discontinuance of operation of all or a portion of the facility, or of material alteration or expansion of its purpose or function, including the loss of affordability of the facility or housing units. The Grantee shall have such remedies that are available under the law, up to and including full recovery of the CDBG funds."

PAYMENT PROVISIONS AND PROJECT BUDGET

1. Payment Requisitions

The Agency will process requisitions on or about the first and fifteenth of the month. The Grantee must submit requisitions a minimum of seven (7) business days prior to processing.

The Grantee shall submit requisition requests through the GEARS System along with adequate source documentation such as: invoices paid, canceled checks and timesheets. For reimbursement for Grantee’s or Subgrantee’s personnel, the supporting documentation must detail the expenditures by identifying the personnel, the time worked, the rate being charged per each respective individual, and a description of the work that was performed. For any other costs that are billed directly to Grantee or Subgrantee, Grantee shall identify the expenditures and attach copies of supporting invoices.

2. Reporting Requirements

The Grantee shall submit Progress and Financial Reports through the GEARS System quarterly to the Agency detailing the status of the Grantee’s or Subgrantee’s work and the status of the Project, and in particular the activities described in Attachment A. The First Reporting period shall end **March 31, 2022**, and the report shall be due no later than **April 30, 2022**. The Second Reporting period shall end **June 30, 2022**. All subsequent quarterly reports shall be due no later than thirty (30) days following the end of the reporting period.

The Grantee shall develop an overall financial management system sufficient to demonstrate the tracking of all expenditures and receipts.

3. General Provisions

In no event will the total funds provided by the Agency exceed the Total Award. Any additional funds required to complete the activities set forth in this Agreement will be the responsibility of the Grantee.

4. Sources and Uses

The Other Resources total \$1,322,883, derived as follows:

Other Resources	Funding Source	Type	Amount	Status
Municipal Contribution (MUNI) - Town + Shire's Time	State/Local	Cash-In-Kind	\$ 1,694	Committed
Vermont Housing & Conservation Board (VHCB) - Supplemental VHCB Funds	State/Local	Grant	\$ 197,543	Committed
Vermont Housing & Conservation Board (VHCB) - VHCB ARPA	Federal	Deferred Loan	\$ 822,964	Committed
Weatherization Assistance Program (WAP) - Energy Incentive	State/Local	Grant	\$ 32,224	Committed
Other (Other) - Substance Use Recovery Housing	State/Local	Grant	\$ 268,458	Committed
Total Other Resources			\$ 1,322,883	

Activity	Program Area	Code	VCDP Amount	VHCB	WAP	MUNI	Other	Total Activity Costs
Transitional Housing Rehabilitated	Public Facilities		\$ 1,000,000	\$ 381,788	\$ 32,224		\$ 210,118	\$ 1,624,130
Acquisition - Real Property	Public Facilities	1001	\$ -	\$ 227,365				\$ 227,365
Program Management	Public Facilities	1013	\$ -	\$ 411,354			\$ 58,340	\$ 469,694
General Administration	Public Facilities	5013	\$ -			\$ 1,694		\$ 1,694
Total Costs			\$ 1,000,000	\$ 1,020,507	\$ 32,224	\$ 1,694	\$ 268,458	\$ 2,322,883
Percentage of Total			43%	44%	1%	0%	12%	100%

5. Funding Sources for Project

Federal Funds: \$1,822,964 (78%)

State/Local Funds: \$499,919 (22%)

Private Funds: \$0 (0%)

ATTACHMENT C: STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS
REVISED DECEMBER 7, 2023

1. Definitions: For purposes of this Attachment, “Party” shall mean the Contractor, Grantee, or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. “Agreement” shall mean the specific contract or grant to which this form is attached.

2. Entire Agreement: This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect. Where an authorized individual is either required to click-through or otherwise accept, or made subject to, any electronic terms and conditions to use or access any product or service provided hereunder, such terms and conditions are not binding and shall have no force or effect. Further, any terms and conditions of Party’s invoice, acknowledgment, confirmation, or similar document, shall not apply, and any such terms and conditions on any such document are objected to without need of further notice or objection.

3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial: This Agreement will be governed by the laws of the State of Vermont without resort to conflict of laws principles. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State regarding its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

4. Sovereign Immunity: The State reserves all immunities, defenses, rights, or actions arising out of the State’s sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State’s immunities, defenses, rights, or actions shall be implied or otherwise deemed to exist by reason of the State’s entry into this Agreement.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence: The Party will act in an independent capacity and not as officers or employees of the State.

7. Defense and Indemnity:

- A.** The Party shall defend the State and its officers and employees against all third-party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

- B.** After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.
- C.** The Party shall indemnify the State and its officers and employees if the State, its officers, or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.
- D.** Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys’ fees, collection costs or other costs of the Party or any third party.

8. Insurance: During the term of this Agreement, Party, at its expense, shall maintain in full force and effect the insurance coverages set forth in the Vermont State Insurance Specification in effect at the time of incorporation of this Attachment C into this Agreement. The terms of the Vermont State Insurance Specification are hereby incorporated by reference into this Attachment C as if fully set forth herein. A copy of the Vermont State Insurance Specification is available at: [https://aoa.vermont.gov/Risk- Claims-COI](https://aoa.vermont.gov/Risk-Claims-COI).

9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports, and other proofs of work.

10. False Claims Act: Any liability to the State under the Vermont False Claims Act (32 V.S.A. § 630 et seq.) shall not be limited notwithstanding any agreement of the State to otherwise limit Party’s liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority, or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Use and Protection of State Information:

- A.** As between the State and Party, “State Data” includes all data received, obtained, or generated by the Party in connection with performance under this Agreement. Party acknowledges that certain State Data to which the Party may have access may contain information that is deemed confidential by the State, or which is otherwise confidential by law, rule, or practice, or otherwise exempt from disclosure under the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq. (“Confidential State Data”).
- B.** With respect to State Data, Party shall:
 - i.** take reasonable precautions for its protection;
 - ii.** not rent, sell, publish, share, or otherwise appropriate it; and
 - iii.** upon termination of this Agreement for any reason, Party shall dispose of or retain State Data if and to the extent required by this Agreement, law, or regulation, or otherwise requested in writing by the State.

- C.** With respect to Confidential State Data, Party shall:
- i.** strictly maintain its confidentiality;
 - ii.** not collect, access, use, or disclose it except as necessary to provide services to the State under this Agreement;
 - iii.** provide at a minimum the same care to avoid disclosure or unauthorized use as it provides to protect its own similar confidential and proprietary information;
 - iv.** implement and maintain administrative, technical, and physical safeguards and controls to protect against any anticipated threats or hazards or unauthorized access or use;
 - v.** promptly notify the State of any request or demand by any court, governmental agency or other person asserting a demand or request for Confidential State Data so that the State may seek an appropriate protective order; and
 - vi.** upon termination of this Agreement for any reason, and except as necessary to comply with subsection B.iii above in this section, return or destroy all Confidential State Data remaining in its possession or control.
- D.** If Party is provided or accesses, creates, collects, processes, receives, stores, or transmits Confidential State Data in any electronic form or media, Party shall utilize:
- i.** industry-standard firewall protection;
 - ii.** multi-factor authentication controls;
 - iii.** encryption of electronic Confidential State Data while in transit and at rest;
 - iv.** measures to ensure that the State Data shall not be altered without the prior written consent of the State;
 - v.** measures to protect against destruction, loss, or damage of State Data due to potential environmental hazards, such as fire and water damage;
 - vi.** training to implement the information security measures; and
 - vii.** monitoring of the security of any portions of the Party’s systems that are used in the provision of the services against intrusion.
- E.** No Confidential State Data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the United States, except with the express written permission of the State.
- F.** Party shall notify the State within twenty-four hours after becoming aware of any unauthorized destruction, loss, alteration, disclosure of, or access to, any State Data.
- G.** State of Vermont Cybersecurity Standard Update: Party confirms that all products and services provided to or for the use of the State under this Agreement shall be in compliance with State of Vermont Cybersecurity Standard Update in effect at the time of incorporation of this Attachment C into this Agreement. The State of Vermont Cybersecurity Standard Update prohibits the use of certain branded products in State information systems or any vendor system, and a copy is available at: <https://digitalservices.vermont.gov/cybersecurity/cybersecurity-standards-and-directives>
- H.** In addition to the requirements of this Section 12, Party shall comply with any additional requirements regarding the protection of data that may be included in this Agreement or required by law or regulation.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this Agreement. “Records” means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this Agreement. Records produced or acquired in a machine-readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of this Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable, and shall include this provision in all subcontracts for work performed in Vermont. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Offset: The State may offset any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any offset of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided in 32 V.S.A. § 3113.

16. Taxes Due to the State: Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, Party is not under an obligation to pay child support or is in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order. Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract, or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors’ subcontractors, together with the identity of those subcontractors’ workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), as amended by Section 17 of Act No. 142 (2010) and by

Section 6 of Act No. 50 (2011).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of

Vermont: Section 10 (“False Claims Act”); Section 11 (“Whistleblower Protections”); Section 12 (“Confidentiality and Protection of State Information”); Section 14 (“Fair Employment Practices and Americans with Disabilities Act”); Section 16 (“Taxes Due the State”); Section 18 (“Child Support”); Section 20 (“No Gifts or Gratuities”); Section 22 (“Certification Regarding Debarment”); Section 30 (“State Facilities”); and Section 32.A (“Certification Regarding Use of State Funds”).

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel, and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Regulation of Hydrofluorocarbons: Party confirms that all products provided to or for the use of the State under this Agreement shall not contain hydrofluorocarbons, as prohibited under 10 V.S.A. § 586.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds. Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State’s debarment list at:

<https://bgs.vermont.gov/purchasing-contracting/debarment>.

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Vermont Public Records Act: Party acknowledges and agrees that this Agreement, any and all information obtained by the State from the Party in connection with this Agreement, and any obligations of the State to maintain the confidentiality of information are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 *et seq.*

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lockouts) (“Force Majeure”). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not use the State’s logo or otherwise refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

A. Non-Appropriation: If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel this Agreement at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Agreement immediately, and the State shall have no obligation to pay Party from State revenues.

B. Termination for Cause: Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party’s notice or such longer time as the non-breaching party may specify in the notice.

C. Termination Assistance: Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

29. No Implied Waiver of Remedies: Either party’s delay or failure to exercise any right, power, or remedy under this Agreement shall not impair any such right, power, or remedy, or be construed as a waiver of any such right, power, or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party’s performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to, and use of, State facilities, which shall be made available upon request. State facilities will be made available to Party on an “AS IS, WHERE IS” basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

A. Requirement to Have a Single Audit: The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the Federal Audit Clearinghouse within nine months. If a single audit is not required, only the Subrecipient Annual Report is required. A Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

B. Internal Controls: In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework” issued by the Committee of Sponsoring Organizations of the Treadway Commission.

C. Mandatory Disclosures: In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,000, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party’s employee’s rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify; and (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

OTHER PROVISIONS (CDBG STANDARD PROVISIONS)

I. Subject Matter:

(A) This Agreement is funded, in whole or in part, through a grant provided to the Agency by the United States Department of Housing and Urban Development (HUD) under Title I of the federal Housing and Community Development Act of 1974, as amended, 42 U.S.C. § 5301 *et seq.* (the “Federal Act”). Pursuant to the Federal Act, the State of Vermont has elected to administer the federal program of Community Development Block Grants (CDBG) through the Agency. The Agency, in accordance with the provisions of the Vermont Community Development Act, 10 V.S.A. chapter 29 (the “State Act”), has awarded CDBG funds for the purpose of supporting the Grantee’s community development program. This Agreement shall be governed by all applicable provisions, as amended, contained in the Federal Act, the CDBG Regulations (24 CFR Part 570), the State Act, and the Grants Management Guide, including the Agency Procedures contained therein, whether specifically referred to in this Agreement or not.

II. Obligations of Grantee.

(A) Agreements to be in Writing. The activities required by this Agreement shall be performed by the Grantee or one or more subrecipients, such as a subgrantee or borrower, or one or more third parties such as a contractor or subcontractor, pursuant to one or more written contracts consistent with this Agreement. When the term “subrecipient” is used herein it shall mean a person or entity that receives a subgrant or loan from the Grantee hereunder to contribute to the achievement of the National Objective set out in Attachment A.

(B) Liability of Grantee. The Grantee shall remain fully liable and obligated for compliance with this Agreement notwithstanding the subgranting, lending or contracting with any third party(s). The Grantee shall require any third party to comply with all applicable provisions of this Agreement, shall provide a copy of this Agreement to any such third party, and shall, when appropriate, attach and incorporate by reference this Agreement to any contract with such third party.

(C) Documents. The Grantee understands that the filing of documents with the Agency does not require that the Agency review and comment upon any such documents. It shall be the Grantee’s sole responsibility. Filing of such documents with the Agency or use of model documents provided by the Agency shall in no way diminish Grantee’s obligations hereunder.

(D) Municipal Policies and Forms.

(1) Grantee shall have duly adopted municipal policies as set forth below, and shall file copies of such policies with the Agency:

- (a) Equal Employment Opportunity
- (b) Fair Housing
- (c) Use of Excessive Force
- (d) Use of CDBG funds for Federal Lobbying
- (e) Drug-Free Workplace
- (f) Code of Ethics
- (g) Subrecipient Oversight Monitoring Policy
- (h) Whistleblower Protections
- (i) Texting While Driving Policy
- (j) Violence Against Women Act

The Grantee may have previously adopted the above policies and filed copies of the same with the Agency. No duplicate filing shall be required if Grantee certifies such facts.

- (2) Grantee shall duly adopt and file the following with the Agency: Form PM-1:
Resolution to Accept the Grant Agreement

(E) Public Hearing. The Grantee shall hold a public hearing prior to the Completion Date to afford its residents the opportunity to review and comment on the program results and overall performance. The hearing shall be publicly warned at least fifteen (15) days in advance, stating the purpose of the hearing, with the notice appearing in a newspaper of general circulation in the municipality. Written minutes and a summary of public comments shall be filed with the Agency with the Final Program report.

(F) Publicity. If the Grantee or Subrecipient issues a press release or public communication pertaining to the Project assisted by this Agreement, it shall include a statement that the project is funded by a CDBG grant awarded by the Agency of Commerce and Community Development and shall reference the Total Award amount. Any construction sign posted at the Project Site shall identify that funding is provided by the U.S. Department of Housing and Urban Development through a CDBG grant awarded by the Agency of Commerce and Community Development.

(G) Continuing Obligations. Grantee's obligations under Sections XI (Monitoring and Reporting), XII (Audits), XIII (Completion Certificate) and XIV (Retention of and Access to Records) shall survive the termination of this Agreement.

III. Program Costs.

(A) Allowable Costs. The Grantee may incur only such costs as are reasonable and necessary for the Project and are allocable and allowable under the Agency Procedures, Chapters 5 through 7. Expenditures not specifically authorized may not be incurred without prior written approval by the Agency.

- (B) Cash-in Kind. Cash and cash-in-kind contributions made by the Grantee shall follow the criteria established by the Agency Procedures, Chapter 8.
- (C) Impermissible Expenditures Pending Environmental Review. The Grantee shall not incur costs for Project activities, except as provided in Subparagraph (D) below, until the Environmental Review required by §104(g) of the Federal Act has been completed and the Agency has issued the "Notice of Release of Funds."
- (D) Allowable Expenditures Pending Grant Agreement. As of the Award Date (Award Start Date), reasonable costs may be incurred for Environmental Studies, Planning, General Administration, Program Engineering and Design, and Public Information. Any Project activities performed by the Grantee in the period between the Award Date and the execution of this Agreement shall be performed at the sole risk of the Grantee.
- (E) Completion and Closeout. All costs other than General Administration must be obligated or expended prior to the Completion Date (Award End Date). All CDBG funds (other than those related to Closeout) must be liquidated or paid within thirty (30) days after the Award End Date. No CDBG funds may be obligated after the Completion Date except for those General Administration activities required to close out the Grant, such as the Final Program Report, Single Audit (if required), and Closeout Agreement. All obligations must be liquidated prior to closeout.
- (F) Agency Review of Expenses. At any time during the performance of this Agreement, or upon receipt of the Final Program Report and the Final Audit Report, the Agency may review any or all costs incurred by the Grantee and any or all payments made. Upon such review the Agency shall disallow any items of expense which are determined to be in excess of approved expenditures and shall inform the Grantee of any such disallowance by written notice.
- (G) Disallowance of Expenses. If the Agency disallows costs for which payment has not yet been made, it shall refuse to pay such costs. If payment has been made with respect to costs which are subsequently disallowed, the Agency may deduct and/or withhold the amount of disallowed costs from any future payments under this Agreement or require that such costs be refunded to the Agency.

IV. Requisition of CDBG funds.

- (A) CDBG funds may be requisitioned as advances and/or reimbursements, except as provided in paragraph (C), below. The Grantee shall establish procedures to ensure that any CDBG funds in excess of \$5,000 are expended within ten (10) calendar days of receipt in Grantee's depository account and shall ensure that any subrecipient shall conform to such procedures.

- (B) The Grantee shall not requisition CDBG funds for amounts that are withheld from contractors or subcontractors to assure satisfactory completion of the work. These amounts may be requisitioned when the Grantee makes final payment, including the amounts withheld.
- (C) The Grantee shall attach a BABA Certification of Compliance to all AIA G702 “Application and Certification for Payment” forms submitted as supporting documentation for requisitions, for qualifying projects. See, Sec. VII(G) Compliance with the Build America, Buy America Act (BABA), below.
- (D) The Secretary may suspend the requisition of advances should it be determined that the Grantee is unwilling or unable to establish and comply with procedures to minimize the time period between cash advances and disbursement. Payments to the Grantee shall then be made only as reimbursement for actual cash disbursements.
- (E) The Grantee shall expend CDBG funds on a pro rata basis with Other Resources, unless otherwise authorized by the Agency.
- (F) If CDBG funds are needed prior to their availability due to VCDP requirements or conditions, the Grantee and/or one of the project parties must seek bridge financing to meet any expenses that cannot be delayed. The expenditure of bridge financing must comply with all VCDP requirements, including the environmental review process.
- (G) If the project’s non-general administration budget comes in under budget, CDBG funds in an amount proportionate to the unused portion of the total budget (CDBG funds and Other Resources) shall be returned to the Agency. Such amounts may not be reallocated to other activities.
- (H) If the project’s general administration budget comes in under budget, the unused portion shall be returned to the Agency. The expenditure of CDBG funds for General Administration must be maintained at the ratio set out in the Project Budget, Attachment B.

V. Bank Accounts for CDBG funds.

(A) Depository Accounts.

- (1) Funds disbursed pursuant this Agreement shall be deposited in a separate, non interest-bearing account, dedicated to CDBG funds, and held in the name of and under the ownership of the Grantee. Any interest earned on funds in the depository account shall be remitted to the State for subsequent return to the United States Treasury. Funds held in the depository account shall be under the control of the

Grantee's treasurer, and shall be paid out only on orders drawn by officials authorized by law to draw such orders.

- (2) Accounts established in the name of the Grantee and into which Program Income or housing rehabilitation escrow funds are deposited shall conform to the requirements of subparagraph (A)(1) of this Paragraph, except that such accounts may be interest bearing.
- (3) All depository accounts shall be fully insured by the Federal Deposit Insurance Corporation (FDIC) or its equivalent. Any balance exceeding such coverage must be collaterally secured by U.S. Government obligations.

(B) Fidelity Bond Requirements. All individuals who are authorized to deposit receipts and/or pay out funds from any of the accounts covered by this Paragraph shall have fidelity bond coverage in an amount commensurate with the total losses which might be incurred.

(C) Other Accounts. The Grantee shall require that accounts involved with the activities covered by this Agreement which are established by Subrecipients or entities retained for the purposes of administration of this grant be secured as required in Subparagraph (A)(3) and that persons who are authorized to make deposits into or pay out funds from any such accounts have fidelity coverage as required in Subparagraph (B).

VI. Financial Management.

The Grantee shall establish and maintain a system which assures effective control over and accountability for all funds, property and other assets used for or obtained under this Agreement. Such system shall:

- (A) Maintain separate accounting records and source documentation for the activities funded under this Agreement and provide accurate financial information in the Progress Reports and any other status reports in the form specified by the Agency;
- (B) Provide for accurate, current and complete disclosure of the financial status of the Program and for the expenditure of any Other Resources listed in the Project Budget, Attachment B;
- (C) Establish records of budgets, receipts, and expenditures for each activity and demonstrate the sequence and status of receipts, obligations, disbursements, and fund balance;
- (D) Be consistent with generally accepted accounting principles and support the program and/or single audit(s) requirements set forth in Agency Procedures, Chapter 21; and

- (E) Include a subrecipient monitoring policy that requires the Grantee to exercise oversight monitoring of grant funds that are disbursed to a sub-recipient, to ensure the funds are properly managed (See Agency Procedures, Chapter 19). The Grantee shall also require the sub-recipient to complete the Financial Monitoring Worksheet.

VII. Procurement Procedures.

- (A) The Grantee may use established procurement procedures which reflect applicable State and local laws and regulations, provided that these procedures meet the requirements of the standards set forth in the Agency Procedures, Chapter 10. This Agreement and the Agency Procedures shall in no way be construed to relieve the Grantee of contractual obligations outside of this Agreement.
- (B) Conflict of Interest.
- (1) In the procurement of supplies, equipment, construction, and services by the Grantee, all members of the legislative bodies, officers or employees of the Grantee, or their designees, Subrecipients, or agents, or other persons who exercise any functions or responsibilities with respect to the program shall be bound by the provisions of Agency Procedures, Chapters 9 and 10.
- (2) The Grantee shall include or cause to be included, provisions covering conflict of interest consistent with the requirements of this Paragraph in all contracts with third parties.
- (3) The Grantee shall not employ any employee of the Agency.
- (C) The Grantee shall be responsible, in accordance with good administrative practices and sound business judgment, for the settlement of any contractual or other issues arising out of procurement obligations set forth herein.
- (D) Prior to entering into agreements with third party recipients (contractor, subcontractor, architect, engineer, etc.), the Grantee and any subrecipient (subgrantee/borrower) shall ensure that each third party recipient of the funds provided under this Agreement is not included on the List of Parties Excluded from Federal Procurement or Non-Procurement Programs (www.sam.gov) in accordance with Executive Orders 12549 and 12689; nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment> Documentation of compliance with this requirement shall be kept with other program documents and shall be available for review upon request.
- (E) Compliance with Section 3 of the Housing and Urban Development Act of 1968. Grantee and Subgrantees/Borrowers shall ensure compliance with [24 CFR 75 Subpart C](#) when employment or contracting opportunities are generated because a Section 3 Project: housing rehabilitation, housing construction, and other public

construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. Preference shall be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing and to Section 3 business concerns which provide economic opportunities to low- and very low-income persons residing in the community where the project is located or service area. Additional information on Section 3 compliance can be found at: https://www.hud.gov/program_offices/field_policy_mgt/section3

(F) Compliance with Davis-Bacon and Related Acts.

Grantee and Subgrantees shall ensure compliance with the Davis Bacon Act, including its prevailing wage and reporting requirements, for construction contracts paid with funds under this Agreement in excess of \$2,000.

Grantee and Subgrantees shall also ensure compliance with all other applicable federal labor requirements including the Copeland Anti-Kickback Act and the Contract Work Hours and Safety Standards Act. Additional information on these and other applicable Federal Labor Standards Requirements can be found in the Agency's Grants Management Guide, Chapter 7 at

<http://accd.vermont.gov/sites/accdnew/files/documents/CD-VCDP-GMG-FLSandDB-Chapter.pdf> and on HUD's website at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/sech/13441.

(G) Compliance with the Build America, Buy America Act (BABA).

Grantee and Subgrantees shall ensure compliance with BABA, including requirements that all iron, steel, and building materials incorporated into qualifying infrastructure projects must be manufactured in the United States, subject to phased implementation, guidance and waivers issued by HUD.

Grantee and Subgrantees shall require the Contractor(s) and Architect(s) to sign a BABA Certification of Compliance to be attached to all AIA G702 "Application and Certification for Payment" forms submitted with requisitions. Grantee and Subgrantees shall maintain documentation supporting BABA compliance for a minimum of three (3) years.

VIII. Bonding Requirements.

- (A) For construction or facility improvement where the contract is for less than \$100,000, the Grantee may follow its established procedures. In the event the Grantee has no established procedures in place, the requirements of subparagraph (B) hereof shall be met.

(B) For contracts or subcontracts exceeding \$100,000, the provisions of the Agency Procedures, Chapter 11 on bonding requirements shall be followed. If bonds are required, they shall be in such form and amount as provided in the Agency Procedures, Chapter 11.

(C) Where bonds are required, they shall be procured from a surety company registered and licensed to do business in the State of Vermont and countersigned by its Vermont registered agent.

IX. Program Income.

Except as may be provided in Special Conditions (Attachment A), Program Income and Unrestricted Revenue generated by the use of funds granted pursuant to this Agreement will be administered in accordance with the policies set forth in Agency Procedures, Chapter 22.

X. Equal Opportunity and Americans with Disabilities Act.

No person shall on the ground of race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of the activities covered by this Agreement.

XI. Monitoring and Reporting.

(A) The Grantee shall monitor the activities covered by this Agreement, including those of contractors and subcontractors, to assure that all program requirements are met.

(B) From time to time, as requested in writing by the Agency, the Grantee shall submit such data and other information as the Agency may require. The Grantee shall submit or cause the submission of progress and financial reports to the Agency in a format prescribed by the Agency and according to the schedule required by the Agency.

(C) The Final Program Report shall be submitted as the report for the period which ends with the Completion Date. The Grantee shall submit a Final Program Report no later than thirty (30) days following the Completion Date. Evidence of a public hearing held in conformance with Paragraph II of this Agreement shall be filed with the Agency as part of the Final Program Report, which shall consist of, at a minimum, the hearing notice and the minutes taken.

XII. Audit(s).

(A) Grantees must complete and submit the State of Vermont's Subrecipient Annual Report annually within 45 days after the grantee's fiscal year end. All submissions of both original and revised Subrecipient Annual Reports must be submitted through the online

form, and the State is no longer accepting the Subrecipient Annual Report paper versions via mail or email. Grantees must go to this link to submit their original or revised Subrecipient Annual Reports at: <https://finance.vermont.gov/suppliers-and-grantees>, select “Subrecipient Annual Report” link and complete the online form. For Common Subrecipient Annual Report questions visit: <https://finance.vermont.gov/training-and-support/faqs-and-glossaries/grants-faq/sar>.

- (B) The Grantee shall arrange for an independent financial and compliance audit (or audits) of all CDBG costs and activities undertaken during the Period of Performance. In compliance with the Single Audit Act of 1984, as amended, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (Uniform Guidance, the Compliance Supplement for the Code of Federal Domestic Assistance (CFDA) 14.228, and Agency Procedures, Chapter 21, the Grantee shall determine whether a single audit or a program audit is required.
- (C) The Grantee shall submit to the Agency an Interim Audit Report(s) and/or Final Audit Report covering the Period of Performance under this Agreement. An audit that covers a portion of the Period of Performance, or a portion of all expenditures, is defined as an Interim Audit. A Final Audit is the audit that covers all CDBG grant funds; or if there is an Interim Audit, the audit that covers the balance of any remaining unaudited CDBG funds through the Completion Date, or beyond if necessary.
- (D) Any contract or Agreement entered into by the Grantee and a Subgrantee shall contain language requiring the Subgrantee to comply with the federal Uniform Guidance, 2 CFR Part 200.
- (E) If any expenditure is disallowed as a result of any Interim Audit Report(s) and/or Final Audit Report, the obligation for reimbursement to the Agency shall rest with the Grantee.

XIII. Completion Certificates.

- (A) A Certificate of Program Completion shall be issued to the Grantee when the Agency determines that all required work under this Agreement has been satisfactorily completed, including the execution of a Closeout Agreement if applicable and the submission of the Final Program Report, the Interim Audit Report(s), and/or the Final Audit Report. The Agency must determine that all program and financial compliance issues have been addressed and that the findings and/or concerns, if any, of monitoring reports, program reports, and audit reports have been resolved and cleared in writing.

XIV. Retention of and Access to Records.

- (A) Financial records, supporting documents, statistical records, and all other records pertinent to this CDBG Grant shall be retained in accordance with the Agency Procedures, Chapter 3.
- (B) Authorized representatives of the Agency, HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belonging to, or in use by, the Grantee pertaining to the receipt and administration of Vermont Community Development Program funds, as may be necessary to make audits, examinations, excerpts, and transcripts.
- (C) Any contract or Agreement entered into by the Grantee that relates or pertains to this CDBG Grant shall contain language comparable to Subparagraph (B) above so as to assure access by an authorized party(s) to the pertinent records of any subrecipient, contractor, or subcontractor.
- (D) The Final Program Report, Interim Audit Report(s) and/or Final Audit Report shall be maintained with other program documents available for public review, and at least one copy must remain in the Grantee's files.

XV. Administrative Sanctions.

- (A) The Grantee shall receive notice from the Agency in the event of a failure to submit a timely progress report. No disbursement of grant funds shall be made if such failure continues after thirty (30) days from the date of notice. The Agency shall, in its discretion, determine whether to disburse funds during the notice period.
- (B) The Grantee shall receive a Notice of Delinquency from the Agency in the event of a failure to submit timely Interim or Final Audits, Final Program Reports, Closeout Agreement Proposals, or Closeout Annual Reports. The Grantee shall not be eligible for further CDBG funds if such failure continues after thirty (30) days from the date of notice, and, in addition to the remedies provided under this Agreement, may be subject to any action available to the Agency at law or equity.
- (C) Resolution of Monitoring Findings - The Agency shall notify the Grantee of any issues identified through monitoring by providing a monitoring report containing the Agency's monitoring results, including any Findings or Concerns. No further disbursement of grant funds shall be made under this Agreement until the Agency's Findings and Concerns have been resolved in a manner satisfactory to the Agency. Grantee shall not be eligible for further CDBG funds if such resolution is not achieved within thirty (30)

days of the date of the monitoring report, and, in addition to the remedies provided under this Agreement, may be subject to any action available to the Agency at law or equity.

XVI. Termination for Convenience.

The Agency and the Grantee may terminate the grant in whole, or in part, when agreed that the continuation of the program would not produce the benefits anticipated hereunder, and shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Agency may allow full credit for non-cancellable obligations, properly incurred prior to termination.

XVII. Suspension or Termination for Cause.

- (A) Upon reasonable notice to the Grantee at any time prior to completion, the Agency may suspend this Agreement in whole or in part, may withhold further payments, or may prohibit the Grantee from incurring additional obligations of CDBG funds if it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement or that the continued costs to be incurred will not produce benefits of comparable value. The Agency shall allow all necessary and proper costs which the Grantee could not reasonably avoid during the period of suspension.
- (B) The Agency may terminate this Agreement at any time prior to completion, after reasonable notice and opportunity for hearing, when it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement or that the continued costs to be incurred will not produce benefits of comparable value. The Agency shall promptly notify the Grantee, in writing, of the determination and reasons for the termination, together with the effective date.

XVIII. Appeals and Waiver of Enforcement.

- (A) Appeals from the decisions or actions of the Agency may be made to the Secretary through the provisions of the Agency Procedures, Chapter 18.
- (B) No waiver by the Secretary of the right to enforce any provision of this Agreement shall be deemed a waiver of the right to enforce such provision upon subsequent breach or default, nor waiver of the right to enforce any other provision hereof.

XIX. Budget Revisions and Amendments.

- (A) Budget Revisions. The Grantee may, after providing written notice and justification to the Agency, make a one-time revision of the amounts listed in the "CDBG funds" column

of 4. Sources and Uses in Attachment B – Payment Provisions and Project Budget, provided that:

- (1) the aggregate impact is no more than ten (10%) percent of the Maximum Amount, listed as the “Total” item in the “CDBG funds” column;
- (2) the Maximum Amount is not increased; and
- (3) there is no change to budgeted amounts for General Administration or Program Management Activities (indicated by CDBG Code suffix of “13”) without prior written approval of the Agency.

(B) Amendments.

- (1) Any change or deviation from this Agreement not specifically identified in subparagraph (A) hereof, including extensions of time for completion and budget revisions in excess of ten (10%) percent, shall constitute an amendment of this Agreement and shall only be effective when reduced to writing and signed by or on behalf of the Agency and the Grantee. No more than one amendment for changes which in the view of the Agency are not substantial, shall be permissible. The Agency will not allow any amendment which would substitute the funded activity.
- (2) The Grantee shall notify the Agency if, through the use of Other Resources, there is an intention to expand, enhance, or add to the scope of the program covered by this Agreement, or if there is a proposal to undertake activities that will have an impact upon the buildings, areas, or activities of this CDBG Grant. The Agency reserves the right to require an amendment to this Agreement if such is deemed necessary.
- (3) If any Amendment affects any related documents, including but not limited to Subgrants or Loans of the grant funds, the Grantee shall amend such documents as appropriate and upload the amended documents to the record in the online grants management system.

CERTIFICATIONS AND ASSURANCES

The Grantee hereby certifies and assures that Community Development Block Grant Funds will be utilized in accordance with all the following: to the extent applicable, and that:

Debarment, Suspension, Ineligibility and Voluntary Exclusion from Federal Procurement and Non-procurement Programs

The Chief Executive Officer certifies that the Municipality is not listed in the Exclusions portion of Performance Information in the System for Award Management (“SAM”) at www.sam.gov, in accordance with Executive Orders 12549 and 12689; nor named on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>. In addition, it certifies that no awards will be made to any subgrantees/borrowers, or permit any award at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

Legal Authority

(1) It possesses legal authority as defined in the Vermont Community Development Act [10 VSA 29] to apply for and accept the grant and administer the program.

(2) The legislative body has duly adopted and passed an official act or resolution authorizing the acceptance of and agreement to the conditions and provisions of this *Agreement*, including all understandings, certifications, and assurances contained herein; and designating and authorizing the Chief Executive Officer or designee to execute this *Agreement* and other such documents as may be necessary.

Benefit to Persons of Low and Moderate Income

(3) It will comply with the provisions of Section 104(b)(3) of the Federal Act which requires the use of funds to be developed to give maximum feasible priority to those activities which will benefit low- and moderate-income families, or aid in the prevention or elimination of slums or blight or meet other community development needs having a particular urgency.

Citizens Information

(4) It held at least one public hearing warned at least 15 days prior to obtain the views of citizens on community development and furnished citizens with information required by the Federal and State Acts.

(5) It prepared statements of community development and housing needs, including the needs of lower income persons and activities to be undertaken to meet such needs, the objectives and the projected use of community development funds, including information on the past use of such funds, if any, and have given affected citizens an opportunity to examine these statements and furnished a copy to the Agency.

(6) It allowed citizens an opportunity to examine the application and all supporting documentation and to submit comments thereon and will, in like manner, provide citizen participation when considering substantial program amendments.

Labor

(7) It will administer and enforce:

- (a) the Davis-Bacon Act [40 USC 276a et seq.];
- (b) the Federal Fair Labor Standards Act [29 USC 201 et seq.]; and
- (c) the Contract Work Hours and Safety Standards Act [40 USC 327-333].

(8) It will comply with:

- (a) the Copeland Anti-kickback Act of 1934, [18 USC 874 and 40 USC 276c];
- (b) Executive Order 11246 (Equal Employment Opportunities) as amended by Executive Orders 11375 and 12086 and the regulations issued pursuant thereto [41 CFR 60]; and
- (c) Section 3 of the Housing and Urban Development Act of 1968 [12 USC 1701u] as amended, (equal employment and business opportunities) and the regulations at 24 CFR 75.

Environmental and Historic

(9) The Chief Executive Officer, or other official so designated by the Legislative Body and approved by the Secretary will consent to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 as amended [42 USC 4321 et seq.] and the regulations found at 24 CFR 58; and the Chief Executive Officer is authorized and consents on behalf of the Applicant and him/herself to accept the jurisdiction of the Federal Courts for the purposes of enforcement of the responsibilities of such official.

(10) It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Secretary of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(11) It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with:

- (a) Section 106 of the Historic Preservation Act of 1966 [16 USC 470];
- (b) Executive Order 11593 (Protection and Enhancement of the Cultural Environment);
- (c) the Preservation of Archaeological and Historic Data Act of 1974 [16 USC 469 et seq.]; and
- (d) the procedures prescribed by the Advisory Council on Historic Preservation found at 36 CFR 800.

(12) It will comply with:

- (a) the National Environmental Policy Act of 1969 [42 USC 4321 et seq. and 24 CFR 58];

- (b) the Endangered Species Act of 1973, as amended [16 USC 153 et seq. and 10 VSA 4046 and Chapter 123];
- (c) Executive Order 11990, Protection of Wetlands;
- (d) the Fish and Wildlife Coordination Act of 1958, as amended [16 USC 661 et seq.];
- (e) the Fragile Areas Registry Act of 1977 [10 VSA 6551];
- (f) the Safe Drinking Water Act of 1974, as amended by the Safe Drinking Water Act of 1977 [21 USC 349 and 42 USC 210 and 300f et seq.] pertaining to sole-source aquifers;
- (g) the Clean Air Act of 1970, as amended [42 USC 7401 et seq.] and Vermont law [10 VSA 551 et seq.] as amended;
- (h) Executive Order 12088 relating to the prevention, control, and abatement of water pollution and the Federal Water Pollution Control Act of 1972, as amended, [33 USC 1251 et seq.] and Vermont law [10 VSA 1251 et seq. and 18 VSA § 101 et seq.];
- (i) the provisions of Executive Order 11988 as amended, relating to evaluation of flood hazards and with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973 [42 USC 4001 et seq.] and Vermont law [10 VSA 751 et seq. and Executive Order No. 17 of 1978];
- (j) the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 [42 USC 6901 et seq.] and Vermont law [24 VSA 2202a]; and
- (k) noise abatement and control regulations [24 CFR 51]
- (l) The Wild and Scenic River Act of 1968, as amended [16 U.S.C. 1271 et seq.];

Relocation and Acquisition

- (13) It will comply with:
 - (a) the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended [42 USC 4601 et seq.], referred to as the "Uniform Act;"
 - (b) the implementing regulations of the Uniform Act issued by the Department of Housing and Urban Development (CFR Title 49, Part 24) contained in HUD Acquisition and Relocation Handbook 1378; and
 - (c) the requirements of the Vermont Community Development Acquisition and Relocation Policy.

Architecture and Construction

- (14) It will comply with:
 - (a) the Lead-Based Paint Requirements [24 CFR Part 35, Subpart B];
 - (b) the Architectural Barriers Act of 1968 [42 USC 4151] and the rules applicable thereto;
 - (c) Section 504 of the Rehabilitation Act of 1973 [29 USC 794]; and

- (d) the provisions of Section 104(b)(5) of the Federal Act which restricts recovery of capital costs by assessing any amount against properties owned and/or occupied by persons with lower incomes.

Equal Opportunity and Fair Housing

- (15) It will affirmatively further fair housing and will comply with Pub. Law 90-284 [Title VIII of the Civil Rights Act of 1968; 42 USC 3601 known as the "Fair Housing Act"], as amended and the regulations issued pursuant thereto [24 CFR 100 to 115].
- (16) It will comply with and will immediately take any measures necessary to effectuate compliance with Pub. L. 88-352 [Title VI of the Civil Rights Act of 1964; 42 USC 2000d] and the regulations at 24 CFR 1.
- (17) It will comply with:
 - (a) Executive Order 11063 as amended by Executive Order 12259 (Leadership and Coordination of Fair Housing in Federal Programs) and the regulations at 24 CFR 100 and 107;
 - (b) Section 109 of the Federal Act [42 USC 5309] and the regulations issued pursuant thereto [24 CFR 5-70.496(b)];
 - (c) the Age Discrimination Act of 1975 [42 USC 6101 et seq.]; and
 - (d) the Americans with Disabilities Act of 1990 [42 USC 12010-12213; 42 USC 225-611] and the regulations issued pursuant thereto.

Other Requirements

- (18) It will comply with the provisions of the Hatch Act [5 USC 1501 et seq.] which limits the political activities of employees.
- (19) It will provide a drug-free workplace according to the requirements set forth in the Drug Free Workplace Act [Public Law 100-690 Title V, Subtitle D, 41 USC 701 et seq.].
- (20) It will comply with the provisions of 24 CFR Part 570.489(h) which govern Conflict of Interest.
- (21) It will comply with the other provisions of The Federal Act [Title I of the Housing and Community Development Act of 1974, as amended; 42 USC 5301 et seq.]; the State Act [10 VSA 29], the Agency Procedures and all other applicable requirements.
- (22) It will comply with Single Audit Act of 1984, as amended, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (Uniform Guidance, the Compliance Supplement for the Code of Federal Domestic Assistance (CFDA) 14.228.
- (23) It will comply with 43 CFR part 18, New Restrictions on Lobbying. Submission of an application also represents the applicant's certification of the statements in 43 CFR part 18, appendix A, Certification Regarding Lobbying
- (24) It will comply with Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that

ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Executive Order.

(25) It will comply with the Violence Against Women Act 2022 (VAWA) which provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.

(26) It will comply with the Build America, Buy America Act (“BABA”), which requires any “infrastructure project” funded by any “Federal Financial Assistance” (FFA) apply a domestic content procurement preference, meaning that all iron, steel, manufactured products, and construction materials used in the infrastructure project have been produced in the United States. This is called the “Buy American Preference” (BAP).

EXHIBIT Q

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Apple Hill Solar LLC pursuant to 30)
V.S.A. § 248, for a certificate of public good)
Authorizing the installation and operation of) Case No. 24-3517-PET
the “Apple Hill Solar Project,” a 2.0 MW solar)
Electric generation facility located off Willow)
Road in Bennington, Vermont)

**TOWN OF BENNINGTON’S REPLY MEMORANDUM IN SUPPORT OF
MOTION TO STRIKE**

Petitioner’s opposition misstates the law and is without support. It should be disregarded and the motion to strike should be granted.

I. Petitioner’s allegations are not relevant to this matter.

The Town’s motion did not need to be lengthy, as the content of Petitioner’s filings speaks for itself. The Town specifically identified the offending components of the pleading as “ad hominem attacks on members of the public who are not involved in this docket, town officials and elected officials . . . which were neither responsive nor relevant to the matters raised before the PUC.” This description was sufficient to put Petitioner on notice of the offending aspects of its pleadings without repeating them, and Petitioner did, in fact, identify the Town’s concern and responded.¹ This

Commission’s rules require that:

All factual contentions have evidentiary support, or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) The petition, motion, or other filing is not being done for delay or any other inappropriate purpose.

¹ Petitioner’s opposition also contains a multitude of arguments that were not responsive to the motion, and which the Commission need not address to adjudicate it.

Rule 2.203(C). Petitioner’s submissions fail this test.

A. Petitioner’s impermissible attempts at intimidation are not germane.

The core of Petitioner’s argument is that the public process the Town undertook in 2018 with regard to its Town Plan was not effective to extend its expiration date to January 22, 2026. Petitioner engages in mere surmise and conjecture to suggest that Town officials have falsely claimed that the Bennington Town Plan was readopted in 2018 in order to prevent Petitioner from participating in the readoption process. Petitioner does not explain what benefit the Town would achieve from avoiding Petitioner’s participation in that process, and indeed there is none. Petitioners would have this Commission accept that the Town chose to risk the validity of its Town Plan by knowingly allowing it to expire. They provide no grounds for this suggestion. The reality is that the Town is presently undergoing the public process of reviewing its Town Plan in anticipation of the Plan’s expiration on January 22, 2026—a process which began in 2023 (when Petitioner asserts the Town engaged in a criminal conspiracy to avoid the very process it commenced).²

Relative to the present motion to strike, speculation about the mental state of

² The Town already has a written agreement with the Petitioner and its affiliates providing that Petitioners

will not develop any solar facilities above 150kw on any site within the Town unless such site is (i) on a mapped Preferred Area under the Energy Amendment and as approve[d] under the Solar Screening Ordinance or (ii) specifically approved by the Town and as to which the Town approves under the Solar Screening Ordinance.

If the preferred site designations have expired as Petitioner claims, then the only path forward under the agreement is entirely subject to the Town’s discretion.

Town officials and inflammatory, unsupported accusations that Town officials have engaged in various crimes such as forgery, counterfeiting, submission of false documents, etc., are not germane to the legal argument about the effect of the process that the Town undertook in 2018, nor do they comport with the respect and dignity of proceedings before this Commission. Because Petitioner’s inflammatory accusations are irrelevant to assessing the parties’ respective legal positions concerning the validity of the Town Plan, and will not be adjudicated by the PUC, they are presented to the Commission for an improper purpose of intimidation in violation of Rule 2.203(C).

B. Petitioner misapprehends the *ad hominem* nature of its unsupported attempts at intimidation.

Petitioner also asserts that its inflammatory assertions are not *ad hominem* attacks. Opposition, at 6–7. Merriam-Webster defines *ad hominem* as “appealing to feelings or prejudices rather than intellect” and “marked by or being an attack on an opponent’s character rather than by an answer to the contentions made.” In its filings, Petitioner levels allegations that town employees and volunteer elected officials conspired to commit numerous crimes. These allegations are bare, personal insults, with no support or legitimate purpose in this proceeding. There can be no question that accusations of a criminal conspiracy are scandalous³ and *ad hominem*.⁴ Given the

³ “Scandalous’ matter is that which improperly casts a derogatory light on someone, most typically on a party to the action.” Wright & Miller, Federal Practice and Procedure, 5C Fed. Prac. & Proc. Civ. § 1382 (Motion to Strike—Redundant, Immaterial, Impertinent, or Scandalous Matter).

⁴ The inclusion of a private citizen’s petition in bankruptcy and accusations of scandalous allegedly fraudulent conduct concerning Town residents who have not even participated in this proceeding, and which are in no way relevant to anything the Commission must adjudicate, plainly meets the definition of an *ad hominem* attack.

context in which they were made—in response to the Town’s initial comment requesting elucidation of threshold issues in this case about solar siting—they are also immaterial and impertinent. Because the offending statements are woven throughout the offending filings, the filings should be stricken.

Petitioner can, in an appropriate manner and setting, present its legal argument relating to alleged deficiencies in the readoption of the Town Plan in 2018, if it can do so without inserting conjectural assertions of criminal machinations.

II. Petitioner’s arguments relative to the town’s legal representation are nonresponsive and incorrect.

This Commission’s rules require that:

The signature of [the filer] constitutes a certification by that person that, based on a reasonable inquiry and a good-faith basis, to the best of their knowledge, information, and belief . . . All legal contentions are supported by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

Rule 2.203(C). Petitioner’s submissions misstate the law and fail this test.

A. Town Counsel has been engaged to represent the Town

Petitioner asserts that undersigned counsel lacks authority to represent the Town in this proceeding absent a public meeting specifically authorizing such representation. Petitioner also suggests that undersigned counsel’s appearance in this matter violates the Open Meeting Law. The argument ignores Vermont case law and statute.

First, the PUC does not have jurisdiction to adjudicate an alleged Open Meeting Law violation and, as such, this argument is improper. *In re Acorn Energy Solar 2, LLC*, 2021 VT 3, ¶ 104, 214 Vt. 73 (the PUC lacks jurisdiction to adjudicate alleged Open

Meeting Law violations).

Second, the Vermont Supreme Court has considered and rejected Petitioner’s argument as legally unfounded. In *Herron v. Town of Guilford*, the Court held that a Town may engage its legal counsel without first holding a public meeting. *Herron v. Town of Guilford*, No. 23-AP-402, 2024 WL 3461206, *2 (Vt. July 12, 2024) (mem.).⁵ The *Herron* Court relied on powers implicit from those set forth in 24 V.S.A. § 872 (enumerating the general powers of the Selectboard).

The same applies in a Town Manager system. Bennington’s Town Manager, has “general supervision of the affairs of the town, [is] the administrative head of all departments of the town governments, and [is] responsible for the efficient administration thereof.” 24 V.S.A. § 1235. The Manager has the authority to perform all of the duties of the Selectboard with certain exceptions not relevant here. 24 V.S.A. § 1236(2). Under Vermont Law a Town Manager, directly or by delegation, has the authority to direct municipal counsel to enter an appearance in a matter in which the Town has an interest without selectboard authorization at a public meeting. The Town Manager has due authority to exercise his or her authority for the day to day management of the Town independently of the selectboard and may follow his or her own judgment, subject to the provisions of 24 V.S.A. § 1233 which permit the Selectboard to remove the Town Manager for cause.

⁵ Even assuming Petitioner was correct that action at an open meeting was required to direct municipal counsel to enter an appearance on behalf of the Town, the Town could easily cure such an infirmity through ratification. *In re Acorn Energy Solar 2, LLC*, 2021 VT 3, ¶ 107, 214 Vt. 73.

Contrary to Petitioner’s assertions the Town has yet to take a position on the project or make a recommendation pursuant to § 248. Like the Department of Public Service, the Town has thus far merely raised threshold evidentiary deficiencies and inconsistencies for further examination. Indeed, in its initial comments the Town expressly indicated that it had yet to make a recommendation pursuant to § 248, and that it may do so “following further consideration by [the Selectboard and Planning Commission] at future meetings.” Town’s Initial Comments, at 2.

B. Town Counsel’s Appearance Does Not Violate the Vermont Rules of Professional Conduct⁶

Petitioner asserts that the Town’s counsel cannot appear in this proceeding without violating the Rules of Professional Conduct. Given that Petitioner’s opposition is not a motion to disqualify the Town’s counsel, the PUC need not address these arguments to decide the pending motion to strike. The Town nonetheless offers relevant authority in order to assist the Commission and in the absence of any supplied by Petitioner.

1. Rule 3.7 does not prohibit Town Counsel’s representation.

Petitioner argues that “unless the Town stipulates that the Town Plan expired on October 6, 2023, [its counsel] is a key witness and as such is disqualified from

⁶ Petitioner presents arguments under both Vermont and New York Rules of Professional Conduct. The Town addresses only the Vermont rules as the choice of law provision in both states’ Rules of Professional Conduct provides that “[f]or conduct in connection with a proceeding in a [tribunal/court] before which a lawyer has been admitted to practice . . . the rules to be applied shall be the rules of the jurisdiction in which the [tribunal/court] sits” Vermont Rules of Professional Conduct 8.5; New York Rules of Professional Conduct 8.5.

representing the Town under Vermont Rules of Professional Conduct 3.7.” Opposition, at 2. Petitioner’s sole basis for this assertion is a reference to a legal opinion relating to the Town Plan in an email between Bennington Town Manager Stuart Hurt and a third party. Petitioner speculates that this must mean that the undersigned counsel has provided a legal opinion to the Town relating to the validity of the Town Plan. Town Counsel’s communications with its client are protected by attorney-client privilege, and therefore will not be the subject of witness testimony in this proceeding. *See* Vermont Rule of Evidence 502 (“A client has the privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client (1) between the client or the client’s representative and the client’s lawyer or the lawyer’s representative . . .”). Testimony from the Town’s counsel is also unnecessary to determine the legal issue Petitioner’s seek to raise concerning the renewal of the Town Plan. As such, counsel is not a necessary witness.

That conclusion does not change if Petitioner announces an intention to call the Town’s lawyer as a witness. “Disqualification of counsel is a ‘drastic measure’ and the moving party bears the burden of supporting a motion to disqualify.” *In re Watts*, 2024 VT 48, ¶ 26, 325 A.2d 108 (quoting *Cody v. Cody*, 2005 VT 116, ¶¶ 16, 23, 179 Vt. 90). “The party seeking disqualification must carry a heavy burden, and must meet a high standard of proof.” *Cody*, 2005 VT 16, ¶ 16. “Motions to disqualify counsel ‘should be resolved with extreme caution because they may be used abusively as a litigation tactic.’” *Id.* (quoting *Nelson v. Green Builders, Inc.*, 823 F.Supp 1439, 1444 (E.D. Wis. 1993)).

Courts in other jurisdictions have explained that:

Disqualification motions premised upon the advocate-witness rule are subjected to strict scrutiny because of the ‘strong potential for abuse’ when a lawyer invokes the need to call opposing counsel as a witness and then acts to disqualify him as counsel.

Paramount Comms., Inc. v. Donaghy, 858 F.Supp. 391, 394 (S.D.N.Y. 1994); *see also Forrest v. Par Pharmaceutical, Inc.*, 46 F. Supp. 2d 244, 248 (S.D.N.Y. 1999). Courts assessing such motions must determine whether the testimony to be given by the lawyer is necessary. *Weaver v. Weaver*, 2018 VT 56, ¶ 5, 207 Vt. 564; *see also Forrest*, 46 F.Supp 2d at 248 (“[t]estimony may be relevant and even highly useful but not strictly necessary.”). Petitioner’s desire to remove the undersigned counsel does not and cannot satisfy the heavy burden to disqualify counsel on the basis of Rule 3.7.

2. Rule 1.7 does not prohibit Town Counsel’s representation.

Petitioner also argues, without authority, that Town counsel’s representation in this matter violates Rule 1.7 of the Rules of Professional Conduct based on its speculation about the substance of a privileged discussion alleged to have occurred in an executive session. Opposition, at 4. This, too, is incorrect, and misapprehends the relationship between municipal counsel and individual members of a municipal legislative body.

First, the Town has not waived privilege, and will not respond to speculation about alleged attorney-client communications. Regardless, Petitioner’s legal contention is incorrect. Municipal counsel’s client is the Town, not its individual officers. Rule 1.13(a) of the Vermont Rules of Professional Conduct provides that a “lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.” The Vermont Supreme Court has explained that “[a]n

organization’s lawyer, such as a city attorney or corporate counsel, works only for its constituents, including its employees and officials, in order to serve the organization, *not to serve those individuals personally.*” *Handverger v. City of Winooski*, 2011 VT 123, ¶¶ 8–9, 191 Vt. 84, 88 (citing *Bovee v. Gravel*, 174 Vt. 486, 487, 811 A.2d 137, 140 (2002) (mem.) (affirming “the general rule that an attorney representing a corporation owes a duty of care solely to the corporation, not to its separate shareholders, officers or directors”)). “[A] municipal attorney is not in a personal attorney-client relationship with municipal staff.” *Id.* (citation omitted).

III. The balance of petitioner’s arguments are personal attacks that warrant no response.

Petitioner’s remaining contentions constitute personal attacks that are premised on rank speculation, unsupported by its own exhibits, and are also inflammatory. The Town declines to step into an endless loop of responding to improper filings by the Petitioner, other than to suggest that the Commission has the responsibility to insist on professionalism and decorum just as any court, and that a failure by the Commission to adequately address unprofessional behavior diminishes the integrity of proceedings before it. “An advocate’s function is to present evidence and argument so that the cause may be decided according to law. Refraining from abusive or obstreperous conduct is a corollary of the advocate’s right to speak on behalf of litigants An advocate can present [its] cause, protect the record for subsequent review and preserve professional integrity by patient firmness no less effectively than by belligerence or theatrics.” Rule of Professional Conduct, Comment 4 to Rule 3.5. If this Commission’s Rule 2.203 is to be heeded, either in this matter or others, Petitioner’s most recent of its many breaches

thereof demand to be addressed and striking the offending filings is the least of the responses that the Commission should consider.

Dated at Manchester Center, Vermont on February 11, 2025.

/s/ Merrill E. Bent
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EXHIBIT R

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Filed via ePUC

January 30, 2024

Ms. Holly Anderson, Clerk
Public Utility Commission
112 State Street
Montpelier, VT 05620

Re: Recommendation of Town of Bennington:
Petition of Chelsea Solar, pursuant to 30
V.S.A. § 248, for a certificate of public good
authorizing the installation and operation of
the “Chelsea Solar Project,” a 2.0 MW solar
electric generation facility located off Willow
Road in Bennington, Vermont
Case No. 23-0249-PET

Dear Ms. Anderson:

I write again on behalf of the Town of Bennington Select Board (“Select Board”) and Planning Commission with respect to the above-referenced Petition for Certificate of Public Good (“CPG”), to update the Town of Bennington’s recommendation, initially filed on June 28, 2023, in response to the petitioner’s revised project plans.

The Town of Bennington has received an affirmative determination of energy compliance under 24 V.S.A. § 4352, and therefore the land conservation measures and specific policies contained in the Bennington Town Plan are entitled to substantial deference.

As stated in the Town of Bennington Town Plan Energy Element (“Energy Element”), only “sites identified as preferred sites on [the Solar Energy Resource Map’ or located in a preferred area as defined in the Solar Facility Siting Criteria . . . may be developed with solar generating facilities in excess of 150 KW of rated capacity.” Energy Amendment, p. 23. There is no question that the proposed site is not a preferred site identified on the Solar Energy Resources Map.

The petitioner has asserted that the proposed site should be considered to be within a Preferred Area, on the basis of the third listed Solar Facility Siting Criteria, which is “[p]roximity to existing hedgerows or other topographical features that naturally screen the entire proposed array.” Energy Amendment, p. 26.

EDGAR T. CAMPBELL MERRILL E. BENT JOHN D. STASNY
JESSICA GLASS POLLACK OF COUNSEL

Town of Bennington – Revised Recommendation

Page 2 of 2

The Town of Bennington remains of the view expressed in the June 28, 2023 recommendation that this criteria refers to pre-existing natural site conditions, and not to conditions created by an applicant as the result of site alteration. In its Petition, the petitioner proposed over 9 acres of clearing of a forested site in an effort to manufacture the conditions described in the preferred area criteria. That is not what is contemplated by the Energy Amendment.

Other aspects of the Project do not comport with the Town Plan. The Project is proposed to be sited in the Rural Conservation District. The Town Plan contains specific design standards applicable in the Rural Conservation District:

Specific design standards shall apply to new development in the Rural Conservation Districts in recognition of the existence of a concentration of agricultural and forest lands and to protect the extraordinary scenic resources such lands and uses provide. Any use in the Rural Conservation District, including single-family dwellings, shall require approval under those regulatory guidelines. Development in this area cannot be sited in prominently visible locations on hillsides or ridgelines, shall utilize earth tone colors and non-reflective materials on exterior surfaces of all structures, and must minimize clearing of natural vegetation.

Town Plan, at 28.

The array will be screened from many, but not all vantage points, and the project will be visible from several sensitive locations, and views from the residences north of the site will be negatively impacted as thick vegetation will be removed, revealing a view of developed areas which is not fully screened.

The Town Plan also requires consideration of the Town's Screening and Solar Facilities Ordinance, and the Solar Facility Siting Guidelines. The Screening and Solar Facilities Ordinance specifies that screening "shall occur on property owned or controlled by the owner and/or operator of the solar facility." Solar Screening Ordinance, at 1. In this instance, the Project relies in significant part on vegetative screening from adjacent property, rather than its own, and therefore does not conform to that requirement.

For these reasons, the Town of Bennington recommends that the Petition as revised be denied. The Town reserves the right to supplement this recommendation throughout this proceeding.

Respectfully submitted,

/s/ Merrill E. Bent

Merrill E. Bent

Cc Service List