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Chapter Comm 154

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FOR HOUSING

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Note: Chapter Adm 19 was created as an emergency rule effective 11-9-91; Chapter Adm 19 was renumbered chapter Comm 154 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register January 2004 No. 577.

Comm 154.01 Purpose and authority. This chapter is promulgated under the authority of ss. 560.02 (4), 227.11, and 560.9809 (2), Stats., to implement s. 560.9809, Stats.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; am., Register, April, 1995, No. 472, eff. 5-1-95.

Comm 154.02 Definitions. (1) "CDBG" means community development block grant.

(2) "Department" means the department of commerce.

(3) "Eligible applicant" means any unit of general local government in Wisconsin which is a non-entitlement area as defined by 24 CFR part 570.3.

(4) "LMI household" means a household with an annual income that is at or below 80% of county median income or 80% of state median income, whichever is greater.

(5) "Program" means the small cities community development block grants for housing program.

(6) "Special housing project" means an activity that results in the creation of new low- to moderate-income dwelling units.

(7) "Unfunded application" means a CDBG application which receives an insufficient point score in the evaluation process to be eligible for funding.

Note: Income tables are published annually by the U.S. department of housing and urban development.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; renum. (1) to (5) to be (2) to (6) and am. (6) and cr. (1), Register, April, 1995, No. 472, eff. 5-1-95; am. (6), cr. (7), Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. (6) and (7) Register July 2003 No. 571, eff. 8-1-03.

Comm 154.03 Consistency with federal regulations. The department shall administer the program, including recaptured funds, in accordance with 24 CFR part 570, the federal regulations governing the program.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Comm 154.04 Housing rehabilitation and homeownership assistance. Applicants shall be compared and rated by the department based upon the department's evaluation of the proposal's consistency with s. 560.9802, Stats., and 24 CFR part 570, and the scoring criteria in the CDBG application package. Applicants shall be eligible to receive funding for housing rehabilitation, homeownership assistance, and housing-related public facilities based on established and documented need and the applicant's ability to complete the proposed activities. The department shall ensure that awarded grant funds are reasonably balanced among geographic areas of the state.

History: Renum. from Adm 19.05 and am. (1) to (4), r. (6), renum. (5), (7) to (9) to be (5) to (8). Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. Register July 2003 No. 571, eff. 8-1-03.

Comm 154.05 Application process. The department shall make funds available annually as those funds are made available by the federal department of housing and urban development. To receive funds under the program, an eligible applicant shall

submit an application which is complete and in the format required by the department. The department shall make housing rehabilitation and homeownership assistance awards to fundable applicants on an annual basis. The department shall make special housing project awards under s. Comm 154.09 to eligible applicants as projects are ready for funding under the criteria established by the department and as funding becomes available.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. Register July 2003 No. 571, eff. 8-1-03.

Comm 154.06 Emergency grants. The department may use program funds for emergency housing needs arising from a natural disaster or catastrophic event. A local government interested in applying for an emergency grant under this section shall provide the department with written notice of intent to apply within 90 days after the natural disaster or catastrophic event. The department shall develop emergency fund application requirements as necessary. Applications will be evaluated based on:

(1) The nature of the emergency.

(2) The amount of emergency-related housing need.

(3) The availability of program funds.

(4) Other mitigating circumstances the department deems significant.

(5) The inability of the applicant to finance the activity on its own.

(6) The unavailability of other funding sources to address the need.

Note: The application requirements can be obtained by writing to: Department of Commerce, Bureau of Housing, P.O. Box 7970, Madison, WI 53707-7970.

History: Cr. Register, April, 1995, No. 472, eff. 5-1-95; renum. from Adm 19.07, Register, April, 1999, No. 520, eff. 5-1-99; **EmR0823: emerg. am. (intro.), eff. 7-16-08; CR 08-096: am. (intro.) Register May 2009 No. 641, eff. 6-1-09.**

Comm 154.07 Recaptured funds and program income. The department may use CDBG funds received as recaptured program funds or program income as defined in 24 CFR 570, to fund specific hazard reduction activities in homes with low and moderate income occupants.

History: Cr. Register, April, 1995, No. 472, eff. 5-1-95; renum. from Adm 19.08, Register, April, 1999, No. 520, eff. 5-1-99.

Comm 154.08 Resubmitted applications. (1) An applicant for funds shall be eligible to receive funds in the CDBG program year following the year for which the applicant submits an unfunded application, without having to submit another application for that following year if all of the following apply:

(a) The applicant is an eligible applicant under the terms of the program.

(b) The applicant submits a request to resubmit in a format as required by the department.

(2) The resubmitted application will retain the score received in the original application submittal.

(3) An unfunded application may be resubmitted under sub. (1) only once.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-002: r. and recr. (2) Register July 2003 No. 571, eff. 8-1-03.

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Comm 154.09 Special housing projects. The department may use at least \$750,000 annually from the program for special housing projects. Funds not awarded within 12 months may be included in the funding available for housing rehabilitation and homeownership activities under s. Comm 154.04. The department shall make special project awards to eligible applicants as projects are ready for funding under the criteria established by the department and as funding becomes available.

History: CR 03-002: cr. Register July 2003 No. 571, eff. 8-1-03.