

## **Community Development Block Grant (CDBG) program Eligible and Ineligible Activities/Costs:**

### **Housing:**

#### **Eligible costs:**

1. Labor and materials,
2. Replacement of principal fixtures and components of existing structures;
3. Water and sewer connections;
4. Installation of security devices, including smoke detectors; and
5. Initial homeowner warranty premium;
6. Hazard insurance premium (except when a grant is provided);
7. Flood insurance premium;
8. Conservation costs for water and energy efficiency;
9. Landscaping, sidewalks, garages, and driveways when accompanied with other rehabilitation needed on the property; and
10. Evaluating and treating lead-based paint.
11. Loans for refinancing existing debt are eligible under CDBG if the grantee determines that this type of assistance is necessary to achieve local community development objectives. This refinance must be part of a rehabilitation project -- CDBG does not permit refinance only projects.

### **Eligible Activities:**

#### **Home purchasing activities:**

- a. Provide up to 50 percent of required down payment;
  - b. Pay reasonable closing costs;
  - c. Provide principal write-down assistance;
  - d. Subsidize interest rates;
  - e. Finance acquisition; and
  - f. Acquire guarantees for mortgage financing from private lenders (i.e., assist homebuyers with private mortgage insurance).
1. Activities that support development of housing for LMI persons such as acquisition, clearance, and site improvements (when the land is in public ownership) are eligible for CDBG assistance.
  2. Acquisition costs, providing assistance to private individuals and entities to acquire for the purpose of rehabilitation and to rehabilitate properties for use or resale for residential purposes is also eligible.
  3. Individual Development Accounts (IDAs), dedicated savings accounts providing start up funds to assist low-income persons purchase a home can be supported with CDBG funds.
    - a. CDBG funds may be deposited in an IDA to capitalize the account or as matching deposits over the course of the household's participation in the program.
    - b. If the individual does not complete the requirements of the IDA program, the CDBG funds must be returned to the grantee and any interest earned returned to the U.S. Treasury.
  4. Homebuyer counseling programs for LMI income persons may be funded by CDBG. A grantee may use CDBG to pay for housing counseling related to a HOME or CDBG homebuyer program.

5. Community-Based Development Organizations (CBDOs) may use CDBG funds to construct housing for sale to LMI homebuyers in conjunction with a neighborhood revitalization or community economic development project.

**Rental Housing Activities:**

1. CDBG funds may be used for acquisition of property for an eligible rental housing project. CDBG may also be used to rehabilitate rental housing.
2. In-Rem housing--CDBG funds may also be used to make essential repairs and payment of operating expenses needed to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily LMI neighborhoods.  
Note the LMI benefit national objective is met through the Area Benefit subcategory.
3. Conversion of a closed building from one use to residential use (such as a closed school building to residential use) is also eligible.
4. Grantees may provide assistance in the form of loans, grants, loan guarantees, interest subsidies and other forms of assistance for rental housing rehabilitation and acquisition/rehabilitation projects.

5. Eligible properties may be:

- a. Publicly- or privately-owned; and
- b. Residential or mixed use.

Eligible expenditures include:

- a. Labor, materials and other rehabilitation costs;
- b. Refinancing, if necessary and appropriate;
- c. Energy efficiency improvements;
- d. Utility connections;
- e. Evaluating and treating lead-based paint; (NOTE: This is also eligible as a separate activity);
- f. Conservation costs for water and energy efficiency;
- g. Landscaping, sidewalks, and driveways when accompanied with other rehabilitation needed on the property;
- h. Rehabilitation services (loan processing, work write-ups, inspections, etc.); and
- i. Handicap accessibility improvements.

**New Construction Activities: (in very limited circumstances)**

1. As a public service activity (e.g., a housing counseling program) if the activity meets the public service eligibility criteria. (Note, however, the amount of CDBG funds used for public service activities may not exceed the 15 percent cap.);
2. As part of a CDBG-funded housing activity (e.g., preparing work specifications for CDBG-funded rehabilitation projects), generally referred to as a program delivery cost; and
3. CDBG funds may be used to pay for program administration of the HOME program (under 570.206).
4. As a separate eligible category (under 570.201(k)) when the housing activities are linked to providing services to owners, tenants, contractors or other entities participating in or seeking to participate in the grantee's HOME Program. Eligible services under this category include:
  - a. Housing counseling;
  - b. Energy auditing;
  - c. Preparation of work specifications;
  - d. Loan processing;
  - e. Inspections;

- f. Tenant selection; and
- g. Management of Tenant-Based Rental Assistance (TBRA) programs.

**Ineligible Activities**

- 5. CDBG funds cannot be used to subsidize or assist the new construction of housing, unless carried out by a CBDO, as part of certain kinds of projects. Note that activities, which support the development of housing for LMI persons (e.g., clearance, site improvements, and public facilities), are eligible for CDBG assistance under other eligibility categories.
- 6. CDBG may not be used to guarantee mortgage financing directly, and grantees may not provide such guarantees directly.
- 7. CDBG funds may not be used to provide on-going income payments such as paying for a tenant's rent or a household's mortgage. The only exceptions to this are:
  - 8. Income payments that are provided as a loan; or
  - 9. Income payments that are emergency in nature and do not exceed three consecutive months.
- 10. The purchase of construction equipment is generally ineligible. However, the purchase of tools to be part of a "tool-lending" rehabilitation program is eligible. Compensation for the use of construction equipment through leasing, depreciation or other use allowances (described in the OMB circulars) is allowable provided the activity is otherwise eligible.

## **Other Housing Related Activities:**

### **Acquisition:**

#### **Eligible Activities:**

1. CDBG funds may be used to acquire real property either in whole, or in part by purchase, long-term lease, donation, or otherwise for any public purpose. CDBG funds may be used under this category by the grantee; a public agency; a public nonprofit entity, or a private nonprofit entity. Real property to be acquired may include, but is not limited to:
  - a. Land;
  - b. Air rights;
  - c. Easements;
  - d. Water rights;
  - e. Rights-of-way; and
  - f. Buildings and other real property improvements.
2. CDBG funds may be used to pay for the cost of surveys to identify the property to be acquired, appraisals, the preparation of legal documents, recordation fees, and other costs that are necessary to the acquisition process.

#### **Ineligible Activities:**

1. The costs of moveable equipment, furnishings, or machinery if this is the principal purpose of the activity because these items not real property;
2. Acquisition of property which is then expected to be donated or sold at less than the purchase price to the same entity that purchased the property because this is not considered a legitimate change of ownership;
3. Acquisition of newly constructed housing or an interest in the construction of new housing.

## **Disposition**

### **Eligible Activities**

1. CDBG funds may be used to pay the costs associated with the disposition of real property acquired with CDBG funds through sale, lease, donation, or other means, including its disposition at less than fair market value if the property will be used to meet a national objective of the CDBG program. Disposition costs may include:
  - a. Preparation of legal documents;
  - b. Surveys;
  - c. Marketing;
  - d. Financial services;
  - e. The transfer of taxes;
  - f. Other costs involved in the transfer of ownership; and
  - g. Reasonable costs of temporarily managing property acquired under urban renewal until final disposition is made. Costs of long-term management of properties for which there are no plans for disposition in the near future are not CDBG-eligible.

## **Clearance**

### **Eligible Activities**

1. The following clearance activities are eligible under the CDBG Program:
  - a. Demolition of buildings and improvements;
  - b. Removal of demolition products, rubble, and other debris;

- c. Physical removal of environmental contaminants or treatment of such contaminants to render them harmless; and
- d. Movement of structures to other sites.

## **Tax Foreclosed Housing (In-Rem)**

### **Eligible Activities**

1. CDBG funds may be used to assist housing units acquired through tax foreclosure proceedings.
2. To prevent abandonment and deterioration of such housing in primarily LMI neighborhoods CDBG funds may be used in the following ways:
  - a. To make essential repairs; and
  - b. To cover operating expenses needed to maintain habitability.

## **Code Enforcement**

### **Eligible Activities**

1. The costs incurred for code enforcement efforts are an eligible expense under CDBG provided that:
  - a. The enforcement takes place in deteriorated or deteriorating area(s); and
  - b. The enforcement effort is accompanied by public or private improvements or services (e.g., a homeowner rehab program) and can be expected to arrest the decline of the area(s).
2. Eligible costs under code enforcement include:
  - a. Costs incurred for inspections for code violations (including salaries and overhead); and
  - b. The enforcement of code requirements (including salaries, overhead and legal proceedings).
3. Both residential and commercial structures may be included in the code enforcement effort.

### **Ineligible Activities**

1. The costs associated with inspections for the purpose of processing applications for rehabilitation assistance and overseeing such rehabilitation are not eligible under Code Enforcement. Costs associated with these activities may be eligible under other CDBG eligibility categories.
2. The costs associated with correcting the code violations identified during inspections are not eligible under this activity; however, these costs may be eligible under other CDBG eligible activity categories such as rehabilitation activities.

## **Lead-Based Paint Hazard Evaluation and Reduction**

### **Eligible Activities**

1. The costs associated with the evaluation and reduction of lead-based paint hazards are eligible expenses under CDBG whether undertaken alone or in conjunction with other rehabilitation. Lead-based paint evaluation and abatement either can be completed as its own activity, or may be CDBG-eligible as part of a rehabilitation activity. Typically these expenses might include:
  - a. Inspecting buildings for possible lead-based paint hazards;
  - b. Testing surfaces to see if they contain-lead based paint;
  - c. The abatement of lead hazards; and

- d. Payment of temporary relocation costs to protect residents from hazards while abatement work is taking place.

## **Historic Preservation**

### **Eligible Activities**

1. CDBG funds may be used for the preservation, rehabilitation or restoration of historic properties.
2. Both publicly and privately owned properties are eligible, as are both commercial and residential properties.
3. Historic properties are those sites or structures which are:
4. Listed or eligible to be listed in the National Register of Historic Places;
5. Listed in a State or local inventory of historic places; or
6. Designated as a State or local landmark or historic district by appropriate law or ordinance.
7. Typical eligible costs include:
8. Historic preservation studies and plans;
9. Acquisition assistance to private individuals and entities, if the acquired property is to be used for residential purposes after rehabilitation;
10. The actual costs of rehabilitating, restoring or preserving the property; and
11. The cost of temporarily relocating residents while preservation work is performed.
12. Additional eligible costs may include costs required by a State Historic Preservation Officer to permit the use of a historic structure for the public or private purposes intended.
13. The National Historic Preservation Act of 1996 established a detailed list of procedures for actions involving historic structures. Prior to conducting any type of historic preservation activities, grantees should contact their State Historic Preservations Officer (SHPO) to ensure compliance with the 1996 Act and other relevant statutes.

### **Ineligible Activities**

1. Historic preservation of buildings used for the general conduct of government is not eligible under CDBG.

## **Handicapped Accessibility**

### **Eligible Activities**

1. CDBG funds may be used for the removal of material and architectural barriers that restrict the accessibility or mobility of elderly or handicapped persons.
  - a. When carried out on residential, commercial or industrial properties, this type of work is considered rehabilitation under that eligibility category (570.202).
  - b. When carried out on some other type of property, the accessibility improvements are part of whatever type of activity is being carried out (e.g., accessibility improvements to a public facility would be eligible as a public facility project).

## **Energy Efficiency**

### **Eligible Activities**

1. CDBG funds can be used for a wide range of eligible energy activities. The list is long and flexible. For example, you can
  - a. Weatherize a home or apartment building;
  - b. Install solar and wind equipment;
  - c. Finance energy-efficient rehabilitation;

- d. Establish energy standards, including recognition of the use of energy star for appliances and buildings;
- e. Provide free audits and home energy ratings, free materials for insulation and other services;
- f. Pay the cost of getting an energy star rating;
- g. Produce energy from many sources, including hydroelectric, geothermal, biomass for gasohol, burning municipal waste, tapping methane gas from landfills;
- h. Distribute energy through district heating and cooling systems and cogeneration (combined heat and power);
- i. Prepare comprehensive community energy use strategies. These strategies may describe energy use, project demand and analyze options for conserving scarce fuels. They may outline how neighborhood revitalization and economic development strategies will support energy conservation, and how energy conservation will be integrated into local government operations, conduct, and other activities the community determines will help meet its energy goals.

However, please note that that weatherization and/ or installation of Energy Star light bulbs or appliances does not make a unit Energy Star certified.

## **Brownfields**

### **Eligible Activities**

1. In the 1999 HUD Appropriations Act, Congress explicitly stated the eligibility of environmental clean-up and economic development activities for Brownfields.
2. In a 2006 Final Rule, HUD added project-specific assessment and remediation of known or suspected environmentally contaminated sites to the list of eligible activities under §§ 570.201(d) and 570.703(e), which addresses Brownfields activities.

# **Public Facilities, Special Assessments and Privately-Owned Utilities**

## **Public Facilities and Improvements**

### **Eligible Activities**

1. The acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements are eligible activities under CDBG and can be carried out by a grantee, subrecipient, or other nonprofit. Public facilities may only be owned by these types of entities. Eligible types of facilities and improvements include:
  - a. Infrastructure improvements (construction or installation) including, but not limited to streets, curbs, and water and sewer lines;
  - b. Neighborhood facilities including, but not limited to public schools, libraries, recreational facilities, parks, playgrounds; and
  - c.
  - d. Facilities for persons with special needs such as facilities for the homeless or domestic violence shelters, nursing homes, or group homes for the disabled.

Eligible costs associated with eligible activities may include:

- e. Energy efficiency improvements;
- f. Handicapped accessibility improvements (including improvements to buildings used for general conduct of government); and
- g. Architectural design features and other treatments aimed at improving aesthetic quality (e.g., sculptures, fountains).

If the assisted facility is owned by a nonprofit, the CDBG regulations stipulate that the facility must be open to the public during normal working hours.

### **Ineligible Activities**

1. The maintenance and repair of public facilities and improvements is generally ineligible (e.g., filling potholes, repairing cracks in sidewalks, mowing grass at public recreational areas or replacing street light bulbs).
2. Operating costs associated with public facilities or improvements are ineligible unless part of a CDBG-assisted public service activity or eligible as an interim assistance activity.
3. A public facility otherwise eligible for assistance under the CDBG program may be assisted with CDBG funds even if it is part of a multiple use building containing ineligible uses, if:
  - a. The public portion of the facility that is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and
  - b. The grantee can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility. Allowable costs are limited to those attributable to the eligible portion of the building or facility.

## **Special Assessments**

### **Eligible Activities**

1. Special assessment activities under CDBG can be used to:
  - a. Recover capital costs of a public improvement; and/or

- b. Pay for special assessments for public improvements not initially assisted with CDBG funds.
2. In order to recover CDBG funds used to pay for all or part of the cost of a public improvement, special assessments may be imposed:
  - a. To recover CDBG funds only against properties owned and occupied by non LMI persons (and such assessments are program income); or
  - b. To recover non-CDBG monies, provided that CDBG funds are used to pay the special assessment on behalf of all properties owned and occupied by LMI persons. (CDBG funds do not have to be used to pay special assessments on behalf of properties owned/occupied by moderate- income residents if the grantee does not have sufficient CDBG funds to pay the assessments on behalf of all the LMI owner/occupants).
3. CDBG funds may be used to pay for special assessments for public improvements not initially assisted with CDBG funds, provided:
  - a. The installation of the public improvements was carried out in compliance with all applicable requirements (e.g., environmental, citizen participation and Davis-Bacon); and
  - b. The CDBG funds are used to pay the special assessment on behalf of all LMI owner occupants (or for low-income owner/occupants only if there are not sufficient funds to pay for all low- and moderate-income owner occupants).

### **Ineligible Activities**

1. Special assessments are not taxes and the establishment of the value of real estate for the purpose of any type of taxes is ineligible.
2. Periodic charges based on the use of a public improvement, such as water or sewer user charges, even if the charges include the recovery of all or some portion of the capital costs of the public improvement, are ineligible.

## **Privately-Owned Utilities**

### **Eligible Activities**

1. CDBG funds may be used by a grantee, subrecipient, and other for-profit and public entities to acquire; construct; reconstruct; rehabilitate; and install the distribution lines and related facilities for privately-owned utilities.
2. A privately-owned utility refers to service that is publicly regulated and is provided through the use of physical distribution lines to private properties.
3. Utilities include, but are not limited to, electricity, telephone, water, sewer, natural gas, and cable television.

## Public Services

### Eligible activities

1. The CDBG regulations allow the use of grant funds for a wide range of public service activities, including, but not limited to:
  - a. Employment services (e.g., job training);
  - b. Crime prevention and public safety;
  - c. Child care;
  - d. Health services;
  - e. Substance abuse services (e.g., counseling and treatment);
  - f. Fair housing counseling;
  - g. Education programs;
  - h. Energy conservation;
  - i. Services for senior citizens;
  - j. Services for homeless persons;
  - k. Welfare services (excluding income payments);
  - l. Down payment assistance (also refer to Chapter 4); and
  - m. Recreational services.
2. CDBG funds may be used to pay for labor, supplies, and material as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service.
3. To utilize CDBG funds for a public service, the service must be either:
  - a. A new service; or
  - b. A quantifiable increase in the level of an existing service which has been provided by the grantee or another entity on its behalf through State or local government funds in the 12 months preceding the submission of the grantee's Consolidated Plan Annual Action Plan to HUD.

An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the local government. This provision was put into place to ensure that localities did not use CDBG funds to replace local or state monies to fund essential services typically offered by the local government entity.

4. Specifically, the public services provision applies in the following manner:
  - a. If a service is new, it may be funded.
  - b. If a service is existing, determine whether it was provided by or on behalf of the unit of local government with local or state funding.
  - c. If it was not provided by or on behalf of the local government with funding from the local government, it may be funded,
  - d. If it was provided by or on behalf of the local government with funding from the local government, grantees must determine whether the proposed service will be a quantifiable increase in the level of service. If it can be documented that the service is a quantifiable increase in the level of service, it may be funded.
  - e. The regulations do not prohibit a grantee from continuing to provide funding to a CDBG-funded public service at the same or decreased level in subsequent program years.

**Ineligible activities:**

1. The provision of “income payments” is an ineligible CDBG activity if these payments are provided as a grant. Income payments are payments to an individual or family, which are used to provide basic services such as food, shelter (including payment for rent, mortgage, and/or utilities) or clothing.  
However, such expenditures are eligible under the following conditions:
  - a. The income payments do not exceed three consecutive months; and
  - b. The payments are made directly to the provider of such services on behalf of an individual or family.
  - c. Income payments that are provided as a loan are permissible within the public services cap.
2. Political activities are ineligible.

**Note:**

The total amount of CDBG funds obligated for public services activities must not exceed 15 percent of the annual grant allocation plus 15 percent of program income received during the prior year.

The only exception to this rule is for grantees that obligated more than 15 percent of their fiscal year 1982 or 1983 funds for public services.

Public services carried out by subrecipients are subject to the 15 percent public services cap.

## **Economic Development & Section 108**

### **Eligible Activities**

The CDBG program recognizes several key ways that economic development may be undertaken.

### **Special Economic Development.**

1. CDBG funds may be used to undertake certain economic development activities. These activities include:
  - a. Acquiring, constructing, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. These are economic development projects undertaken by nonprofit entities and grantees (public entities).
  - b. Assisting a private, for-profit business. Assistance may include grants, loans, loan guarantees, and technical assistance; and
  - c. Providing economic development services in connection with otherwise eligible CDBG economic development activities. Chapter 8: Economic Development & Section 108

### **Economic development undertaken by Community Based Development Organizations (CBDOs).**

These are activities designed to assist in neighborhood revitalization or community economic development and are carried out by an organization that qualifies as a CBDO under the regulations at 24 CFR Part 570.204. See chapter 2 for more information about CBDOs.

In addition to meeting one of the organizational types listed above, the entity must be carrying out neighborhood revitalization, community economic development or energy conservation projects.

### **Technical assistance to businesses.**

1. This activity involves providing technical assistance and training directly to businesses on topics such as business planning or accounting. This activity may be undertaken under several different eligibility categories, assuming that the activity will meet a national objective:
  - a. As a part of a special economic development project;
  - b. To the owner of a microenterprise;
  - c. As a public service; and
  - d. By a CBDO as a part of an eligible project.

### **Microenterprise development.**

These are activities designed to foster the development, support, and expansion of microenterprise businesses. A microenterprise is defined as a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise. A “person developing a microenterprise” refers to a person who has expressed an interest and who is, or after an initial screening process is expected to be, actively working toward developing a business that will be a microenterprise at the time it is formed. Eligible microenterprise activities include the provision of:

1. Grants, loans, loan guarantees and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;
2. Technical assistance, advice, and business services to owners of microenterprises and persons developing microenterprises;

3. General support to owners of microenterprises and persons developing microenterprises including child care, transportation, counseling and peer support groups; and
4. Training and technical assistance or other support services to increase capacity of grantees or subrecipients to carry out microenterprise activities.

### **Commercial rehabilitation.**

These are activities that are designed to bring commercial structures up to code or improve their facades. If the commercial structure is owned by a private, for-profit entity, the following limitations apply:

1. Rehabilitation is limited to the exterior of the building and the correction of code violations; and
2. Any other improvements are carried out under the special economic development activities category discussed above.

### **Public facilities and improvements.**

These are public works that support economic development endeavors. Public works facilities and improvements includes infrastructure projects such as off-site water, sewer, roads, drainage, railroad spurs and other types of public facilities or improvements.

### **Job training. J**

Job training involves providing skill building classes to employees or potential employees and can be an important part of an economic program. This activity can be undertaken:

1. As a part of a special economic development project;
2. As a public service;
3. By a CBDO as a part of an eligible project; or
4. As a part of microenterprise assistance package to the owner of a micro business for his or her employees.

### **Ineligible Activities**

Activities not described above are generally ineligible; however, Community Based Development Organizations (CBDOs) can undertake many otherwise ineligible activities when they retain direct and controlling involvement in a qualified project.

The following restrictions apply when a CBDO undertakes an activity:

1. CBDOs may not carry out otherwise ineligible activities (i.e., general government buildings or expenses, or political activities); and
2. CBDOs cannot carry out special economic development activities that do not meet the grantee's underwriting guidelines for such projects and HUD's mandatory public benefit standards.
3. CBDOs are authorized to carry out public services that exceed the 15 percent public services cap when the services are specifically designed to increase economic opportunities through job training/placement and other employment support services.
4. CBDOs may also provide public services of any type outside of the public services cap if the services are undertaken as part of a HUD-approved Neighborhood Revitalization Strategy Area (NRSA).
5. CBDOs may not carry out program administration or planning activities that would result in the grantee exceeding the 20 percent limit on such expenditures.

6. Job pirating is prohibited under Section 588 of the Quality Housing and Work Responsibility Act of 1998. Job pirating refers to the use of federal funds to lure or attract a business and its jobs from one labor market to another.
7. CDBG funds may not be used to assist for-profit businesses, including expansions, as well as infrastructure improvement projects or business incubator projects designed to facilitate business relocation IF:
  - a. The funding will be used to assist directly in the relocation of a plant, facility or operation; and
  - b. The relocation is likely to result in a significant loss of jobs in the labor market area from which the relocation occurs.
8. The following are definitions to assist in determining if a business location falls under these provisions:
  - a. Labor Market Area (LMA): An LMA is an economically integrated geographic area where individuals can live and work within a reasonable distance or can readily change employment without changing their place of residence.
  - b. Operation: A business operation includes, but is not limited to, any equipment, production capacity or product line of the business.
  - c. Significant Loss of Jobs:
    - i. A loss of jobs is significant if:
    - ii. The number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that LMA ;

OR in all cases

    - iii. A loss of 500 or more jobs.
    - iv. A job is considered to be lost due to the provision of CDBG assistance if the job is relocated within three years of the provision of assistance to the business.
    - v. Notwithstanding the above definition, a loss of 25 jobs or fewer does not constitute a significant loss of jobs.
9. Before directly assisting a business with CDBG funds the grantee shall include appropriate language in the written agreement with the assisted business to ensure that no pirating has occurred. In addition to other programmatic clauses, the written agreement shall include:
  - a. A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another, and, if so, the number of jobs that will be relocated from each LMA.
  - b. If the assistance will not result in a relocation covered by this section, a written certification from the assisted business that neither it, nor any of its subsidiaries, have plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and
  - c. The agreement shall provide for reimbursement of any assistance provided to, or expanded on behalf of, the business in the event that assistance results in a relocation prohibited under this section.

## **Other Eligible Activities:**

1. Interim Assistance
2. Relocation
3. Loss of Rental Income
4. Technical Assistance
5. Special Activities by CBDOs
6. Other Miscellaneous Activities
  - a. Assistance to Institutions of Higher Education 570.201(q)
  - b. Payment of Non-Federal Share 570.201(g)
  - c. Urban Renewal Completion 570.201(h)