

ALABAMA DEPARTMENT OF
ECONOMIC AND COMMUNITY AFFAIRS
OFFICE OF STATE PLANNING AND FEDERAL PROGRAMS DIVISION
ADMINISTRATIVE CODE

CHAPTER 305-5-1
GENERAL

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305-5-1-.01 Purpose.

The purpose of this Division is to provide for the efficient coordination of and cooperation in the various governmental

agencies, political subdivisions of the state, private groups and institutions in promoting the human, economic and physical resources of the state as in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by the state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; and to exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations and to perform such other functions and duties as may from time to time be assigned by the Director. Copies of all rules adopted by the Office of State Planning and Federal Programs (OSPFP) Divisions can be obtained at cost at this office located at 3465 Norman Bridge Road, Montgomery, Alabama 36105-2399.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** November 15, 1983.

305-5-1-.02

**State Of Alabama Small Cities Community
Development Block Grant Program Final Statement,
FY 1983.**

This document, developed by the OSPFP Division, describes the State of Alabama's Small Cities Community Development Block Grant Program which was established to aid in the development of viable communities which provide for their residents decent housing, a suitable living environment, and economic opportunities. Included in this document are the program's goals, objectives, methods of allocation, application requirements eligible/ineligible activities, and other provisions.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.03

**Single Purpose Program Application Guide And
Forms, Alabama Community Development Block Grant
Program, FY 1983.**

This document is a guide developed by the OSPFP Division to assist applicants for the Community Development Block Grant (CDBG) Program in properly filling out single purpose CDBG applications. The applicant must adhere to the guide in responding to all items on the forms. Any variation from this guide may result in the application receiving an unfavorable funding decision.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.04 Comprehensive Program Application Guide And Forms,
Alabama Community Development Block Grant Program,
FY 1983.**

This document is a guide developed by the OSPFP Division to assist applicants for the Community Development Block Grant (CDBG) Program in properly filling out comprehensive CDBG applications. The applicant must adhere to the guide in responding to all items on the forms. Any variations from this guide may result in the application receiving an unfavorable funding decision.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.05 Economic Development Fund Application Guide,
Alabama Community Development Block Grant Program,
FY 1983.**

This document is a guide developed OSPFP Division to assist applicants for the CDBG Economic Development Fund in properly filling out economic development applications. This fund is reserved for only industrial-related projects (which can include warehousing or distribution) and is intended only for projects with firm commitments and not speculative projects.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.06 State Of Alabama Small Cities Community
Development Block Grant Program Final Statement,
Additional State CDBG Funds Provided through The
Emergency Jobs Bill, FY 1983.**

This document, developed by the OSPFP Division, describes the State of Alabama's CDBG Emergency Jobs Fund Program. Included in this document are the program's goals, objectives, policies, grant ceilings, threshold requirements, eligible/ineligible activities, and rating considerations for funding.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-23-1 through 41-23-7.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.07 Emergency Jobs Fund Application Guide And Forms, Alabama Community Development Block Grant Program, FY 1983.**

This document is a guide developed by the OSPFP Division to assist applicants for the CDBG applications. Any information given by applicant about the jobs or timing will become conditions in the contract upon funding and the applicant shall be held responsible for meeting these conditions.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-23-1 through 41-23-7**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.08 Special Quarterly Status Report.**

The information requested by this document concerning the progress of CDBG Emergency Jobs Bill programs must be submitted to the state on specified dates by all CDBG Emergency Jobs Bill grantees. This Special Quarterly Status Report was adopted by reference by the OSPFP Division.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-23-1 through 41-23-7**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.09 Alabama Community Development Block Grant Program Percent And Absolute Number Of Low And Moderate Income Persons.**

This document developed by the OSPFP Division gives a compilation of both the absolute number and the percentage of low and moderate income persons within each incorporated community and the unincorporated balance of each county in Alabama. These figures are used by the state to determine if a community meets the low/moderate income threshold requirement of the CDBG program and as an element of the competitive rating criteria which determines funding.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.10 Alabama CDBG Intergovernmental Policy Letter No. 1
(Revision 1).

This policy letter developed by the OSPFP Division entitled "Policy on Selection of Engineers, Architects, Consultants, Other Professional Service Relating to Procurement of, and Expenditures Made, In Regard to State CDGB Funds" prescribes certain modifications made by this office to OMB Circular A-102 and A-87 concerning the methods of procuring professional services for CDBG program purposes.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.11 State CDBG Intergovernmental Policy Letter No. 2.

This policy letter developed by the OSPFP Division entitled "Policy on Program Changes, Amendments and Cost Underruns" provides guidance to grantees on the type of program changes which necessitate formal amendments requiring state approval and local amendments which require that documentation be supplied to the state but which do not require formal state approval.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.12 Alabama CDBG Intergovernmental Policy Letter No 3.

This policy letter developed by the OSPFP Division entitled "Policy on the Use of Non-Cash Contributions in the Community Development Block Grant Program as related to In-Kind Services and use of Equipment" prescribes specific state requirements for any CDBG grantee utilizing "force account" for the purpose of either local contribution or in lieu of contracting labor or equipment.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.13 State CDBG Intergovernmental Policy Letter No. 4.

This policy letter developed by the OSPFP Division entitled "Liquidated Damages" provides a policy and procedure for the resolution of liquidated damages.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.14 Alabama State CDBG Program Local Record-Keeping System Guide.

This document was developed by the OSPFP Division to be utilized by grantees as a guide for setting up and maintaining local records required by the CDBG program regulations.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.15 Request For Payment On Letter Of Credit And Status Of Funds Report, Standard Form 183.

This form which is utilized by CDBG grantees for drawdown of CDBG funds was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.16 Request For Payment-Itemization Report.

This document developed by the OSPFP Division is to be filled out and submitted by CDBG grantees with each drawdown request (Standard Form 183).

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.17 Designation Of Persons To Receive CDBG Program
Correspondence And Designation Of Equal
Opportunity Official Form.**

This form developed by the OSPFP Division must be submitted to the state by the CDBG grantee, designating the person responsible for local management of the program and for equal opportunity compliance.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.18 Standard Bid Package.

This document was compiled by the OSPFP Division for use by CDBG grantees. All construction contracts in excess of \$2,000 (except residential rehabilitation contracts involving less than eight units) are subject to bid requirements.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.19 Alabama CDBG Close-out Procedures And Forms.

This document developed by the OSPFP Division includes a final inspection form, sample newspaper ad for notice of completion, final wage compliance report, performance assessment report, financial status report, and other information on requirements by the state for final close-out of a CDBG project.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.20 Alabama CDBG Intergovernmental Policies And
Guidelines For Housing Rehabilitation Programs.**

This document was developed by the OSPFP Division to provide policies and guidelines to grantees for the administration of housing rehabilitation programs funded from the state's CDBG program.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.21 Alabama CDBG Local Programs.

This document was developed by the OSPFP Division as a contract requirement which must be met by CDBG grantees before the state will issue a "Notice of Removal of Grant Conditions for the Release of Funds."

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.22 Title I Of The Housing And Community Development
Act Of 1974 As Amended Through 1981, December 28,
1981.**

This act which established the program of community development block grants, and amended and extended laws relating to housing and urban development was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.23 HUD 24 CFR 570, Thursday, April 8, 1982.

This final rule which established policies and procedures for the State Community Development Block Grant Program was adopted by reference by the OSPFP Division.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-214.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.24 HUD 24 CFR Part 58, Monday, April 12, 1982.**

This rule which sets forth the environmental regulations applicable to the Title I block grant programs was adopted by reference by the OSPFP Division.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-214.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.25 HUD Handbook 1376.1, Relocation And Real Property Acquisition, Dated September 1979 And Changes 1, 2 & 3.**

This handbook which consolidates in one document basic HUD rules governing real property acquisition and relocation under HUD-assisted programs was adopted by reference by the OSPFP Division. It includes HUD regulations (24 CFR 42) that implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and special program rules.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-214.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.26 Section 504 Of The Rehabilitation Act Of 1973, As Amended.**

This act which provides that no otherwise qualified handicapped individual shall solely by reason of his/her handicap be excluded from the participation in, be denied benefits of, or be discriminated against under any program or activity receiving federal financial assistance, was adopted by reference by the OSPFP Division.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-215.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.27 Age Discrimination Act Of 1975, As Amended.

This act which provides that no persons in the United states shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.28 Title VI Civil Rights Act Of 1964.

This act which provides for nondiscrimination in programs or activities receiving federal financial assistance was adopted by reference by the OSPFP Division. It extends to all federal departments and agencies empowered to extend financial assistance to any program or activity by way of grant, loan or contract.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.29 Title VIII Civil Rights Act Of 1968 (Amended By Community Development Act Of 1974).

This act which broadens the Civil Rights Act of 1964 to include prohibition against discrimination based on sex was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.30 Handbook 6500.3, Labor Standards Administrations
And Enforcement, Community Development Block Grant
Program, Title I, Housing And Community
Development Act Of 1974, September 1975.**

This Handbook which prescribes policies and procedures to be used by recipients of Community Development Block Grants and HUD personnel in the administration and enforcement of labor standards statutes and regulations was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

**305-5-1-.31 Equal Employment Opportunity Affirmative Action
Plan.**

This plan was prepared and adopted by the OSPFP Division in its efforts to assure compliance with the Civil Rights Act of 1964 and to reaffirm its continual commitment to a program of equal employment opportunity through merit employment policies.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.33 Executive Order No. 11246.

This executive order which provides for the enforcement of nondiscrimination in government employment by contractors and subcontractors when federal funds are involved, was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.34 Executive Order No. 11114.

This executive order which prescribes the federal government's policy to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment on work involving federal financial assistance, was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.35 Executive Order No. 11375.

This executive order which amends Executive Order No. 11246 relating to equal employment opportunity, was adopted by reference by the OSPFP Division.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.36 OMB Circular No. A-87.

This regulation dated January 1981 (46-F.R. 9548) was adopted by reference by the OSPFP Division. Its purpose is to establish principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments and federally-recognized Indian tribal governments.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-9-205 through 41-9-214.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.37 OMB Circular No. A-102.

This regulation, revised September 1980 (45 F.R. 59668) was adopted by reference by the OSPFP Division. The purpose of A-102 is to establish uniform administrative requirements for programs that provide federal financial assistance through grant or contractual arrangements.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-214.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.38 Planning Fund Application Guide, Alabama Community Development Block Grant Program.**

This document is a guide developed by the OSPFP Division to assist applicants for the CDBG Planning Fund in properly filling out planning applications. The proposals for the CDBG Planning Fund shall be activities necessary to develop a comprehensive community development plan or major components of a comprehensive plan. Total activities expected to be funded are comprehensive plans, land development regulations, community facility plans, capital improvement programs and budgets, and downtown redevelopment plans.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-23-1 through 41-23-7.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.39 Executive Order No. 12372, July 14, 1982.**

This

order which establishes new federal policy for consultation with elected officials of state and local governments and the review and coordination by them of proposed federal financial assistance and direct federal development was adopted by reference by the OSPFP Division.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 41-9-205 through 41-9-214.**History:** **Emergency Adoption:** Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.**305-5-1-.40 A-95 Review, Alabama Project Notification And Review System Guide.**

This guide developed by the OSPFP Division contains instructions for the implementation of OMB Circular No. A-95. Circular A-95 provides for the establishment of a project notification and review system, coordination of direct federal development projects, coordination of state plans, coordination of planning in

multijurisdictional areas, and coordination of environmental impact statements.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.41 Executive Order No. 8.

This order designates the Alabama Department of Economic and Community Affairs (ADECA) as the State Clearinghouse for the State of Alabama. The clearinghouse shall be responsible for the review and coordination of programs for federal financial assistance and direct federal development. The executive order also contains the procedures for intergovernmental review of federal programs which has been established by the State Clearinghouse.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: Emergency Adoption: Filed September 26, 1983; effective October 1, 1983. **Permanent Adoption:** Filed November 15, 1983.

305-5-1-.42 (ER) Alabama Coastal Area Management Program
(Expired).

(1) This program established pursuant to the U.S. Coastal Zone Management Act of 1972 and Act No. 534 of the 1976 Legislature of the State of Alabama is a program developed by the state to manage the significant land and water activities between the limit of the state coastal waters at three miles and a land area up to the ten-foot contour.

(2) The Alabama Coastal Area Act of 1976 (Act No. 534) provides the statutory authority to develop and implement a management program for the Alabama coastal area.

(3) The basis for the review of uses for consistency or for a permit are the rules and regulations found in Chapter 4 of this document.

Author:

Statutory Authority: Code of Ala. 1975, §§ 41-23-1 through 41-23-7.

History: Emergency Adoption: Filed July 24, 1984. Expired (no permanent adoption).