

FAÇADE IMPROVEMENT PROGRAM AND POLICIES AND PROCEDURES

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Community Development Agency
Economic Development Division

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Cobb County, Georgia
Façade Improvement Program Policies and Procedures
January 2018

Purpose of Program

Cobb County through its Community Development Block Grant Program (CDBG) is providing an incentive program designed to enhance the overall appearance of buildings within priority redevelopment areas, sites and corridors. Funding made available through the CDBG program will be used to assist property owners and tenants with making improvements to the appearance of building frontages. By improving the appearance of building facades, the program serves to improve economic viability of these areas. Improving the aesthetics in these areas will increase property values, enhance the marketability of space within the buildings and draw new businesses and residents to the area. The program is consistent with the CDBG national program objectives which include:

- Benefiting low- and moderate income persons,
- Preventing or eliminating blight, or
- Meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to health or welfare of the community, and other financial resources are not available to meet such needs.

Priority Redevelopment Areas/Corridors within eligible Low Moderate Income Census Tracts

For purposes of this incentive program, only properties included in the County's most recent inventory of redevelopment sites, or located in a corridor study area prepared by county staff, and within a designated low moderate income census tract as determined periodically by the U.S. Department of Housing and Urban Development (HUD) are eligible to participate in this program. Those eligible areas are shown on Map 1 in the Appendix.

Funding and Match Requirements

Funding is based on the square footage of the eligible façade. Buildings (within program areas) can receive \$25.00_ per square foot, with a maximum \$20,000.00 per building, based on total project cost. These

funds can be used to cover the cost of any project permit fees, if applicable upon issuance of a certificate of occupancy or a letter of completion. Applicants must provide a match equal to or greater than 5% of the amount awarded through this program. The match must be spent on the façade improvement project. Program funding is provided in the form of a loan with zero interest that is forgiven at a rate of twenty percent (20%) each year over a five-year period with no payments required, provided the property continues to be maintained in accordance with the program requirements, such as retention of ownership, occupancy by tenant, maintenance of the façade, insurance, and payment of all property taxes due. In cases where the applicant is a tenant they must obtain approval from the property owner as a co-applicant. If the property becomes ineligible, the amount of the loan must be repaid at a prorated amount.

Ineligible Applicants and activities

Ineligible applicants include, but are not necessarily limited to, property owners of commercial buildings that house or will house check cashing agencies and some non-bank financial retail outlets, gun shops, pawn shops, liquor stores, sexually-oriented businesses, nail shops, and dollar stores.

Examples of activities that are not generally eligible:

- Landscaping and fencing
- Non-visible roofing repair, roofing repair unknown by Community Development staff , or roofing repair unrelated to the building's façade (e.g., structural improvements)
- Attached, hanging or projecting signs unrelated to the architecture of the building
- Mechanical equipment enclosures (non-visible)
- Parking lots
- Billboards
- Interior renovation
- Temporary, portable or non-permanent improvements
- New construction
- Property acquisition
- Conversion of use
- Working capital
- Refinance of existing debt
- Payment of delinquent taxes
- Improvements in progress or completed prior to loan/grant approval
- Interior rehabilitation including modernization of electrical, mechanical, or structural elements. However, façade improvement funds may be used for façade improvements in conjunction with a separately financed rehabilitation project.
- Do not follow the approved architectural plans and designs for the façade renovation.

- Cannot demonstrate the ability to bear the entire cost of relocation and related expenses of residential or nonresidential tenants displaced as a result of project activities.
- Activities specifically prohibited by the program's funding source.

The County reserves the right to reject any application that is incomplete or does not meet the Program Requirements in the sole opinion of the Economic Development Division. In addition, the County may decide on a case-by-case basis to reject any application that does not benefit the health, safety and welfare of the targeted redevelopment area, site or corridor. In such instances, the Economic Development Division Manager shall provide written notice of the reasons for the rejection to the applicant. In the event it becomes necessary the applicant may appeal staff's decision in writing within 10 business days to the County Manager. The County Manager will in turn provide a response to the applicants appeal. The County Manager's decision will be final with no additional recourse available. An applicant may be ruled ineligible for the Façade Improvement Program if:

- The proposed project is not an eligible activity or does not meet a national objective of the Community Development Block Grant Program, for commercial façade improvement.
- Even if the needed repairs were made, the building would still be substandard due to the owner's inability to complete repairs that render the building safe, secure and stable.
- The applicant furnishes a false or fraudulent statement.
- The building owner, principal officer of an ownership corporation or members of their households have an ownership interest, direct or indirect, in tax delinquent real property.

Eligible Activities

Façade renovation activities must involve the general upgrading of a building's external appearance in compliance with the most recently adopted and applicable Design Guidelines and Development Standards.

Examples of eligible activities are:

- Masonry repairs and tuck-pointing
- Repair/replace/preserve historically significant architectural details
- Storefront reconstruction
- Cornice repair
- Exterior painting and stucco
- Awnings and canopies
- Window and door repair or replacement
- Permanent exterior signage integrated into the storefront design
- Expansion of building area
- Permanent exterior lighting
- Repair/replacement of gutters and down spouts

- Façade building code items
- Visible roof repairs relating to the building's façade and known by Economic Development and Community Development staff before an application is submitted to the appropriate design review committee.
- Utility/trash enclosures
- Decking and stairs
- Side and rear building façades where improvements will serve to cause the removal of a blight designation

Application Process

Applications for the Façade Improvement Program will be available as funding allows. To obtain an application or additional information about the program, call the Cobb County Economic Development Division at 770-528-1510 or visit www.cobbcounty.org/comdev. Applicants will be required to complete a program application, provide a project timeline, architectural drawings, specifications, and cost estimates of the proposed façade improvement work to the Economic Development Division and the Community Development Agency for approval. Proposals must pass a threshold review for eligibility, and will then be reviewed for quality and impact of the proposed improvements and any applicable design guidelines adopted by the Cobb County Board of Commissioners. Below are the steps in the process:

- Obtain application, either from the County's web site or the Economic Development Division.
- Forward completed application to the Economic Development Division
- Economic Development and Community Development staff will conduct a site visit to determine if the proposed project meets eligibility.
- Commercial Façade Application Committee comprised of county staff will meet to evaluate and score applications. Applications will be primarily scored according to the economic development criteria in the application.
- Applications will then be processed. This will include credit history, mortgage verification, etc.
- Applicant will be notified of status of application
- Economic Development staff will contact the Community Development Agency to provide concept drawings. This service is provided at no cost to the owner. These drawings will also be provided to the architect who will produce a build set of drawings.
- The design will be evaluated to determine if it meets established design guidelines.

- Once the Committee completes design recommendations, the owner will be notified and can then proceed to obtain an architect with the assistance of Economic Development and Community Development staff. The architect, Economic Development, and Community Development staff and the owner will work to develop drawings, the scope of work and a line-item budget, based on the committee's recommendations. **Work will not proceed from this point until proof of financing is in place.**
- County staff will assist the owner with securing a licensed contractor using a competitive bid process, following federal regulations and the County's procurement process.

Eligibility

All property owners willing to improve the exterior of properties located within the designated program areas may be eligible to receive assistance. A recipient may utilize the Façade Improvement Program in conjunction with other public and private financial resources. Owners may receive assistance for more than one building based on funding availability.

Eligible buildings are commercial and mixed commercial/residential with façades visible from the street. New construction will not be considered for this program. For the purposes of this program, blighted means designated for acquisition or otherwise identified as blighted under a redevelopment plan or as part of the redevelopment planning process.

Applicants should be aware that buildings containing or that will contain residential units may require lead hazard abatement. The cost of lead hazard abatement is not an eligible expense under the facade program and will be the total responsibility of the owner.

Applicants will be required to demonstrate financial capacity to meet the program matching requirements, and must be current on all property taxes, mortgages and insurance. Existing mortgage(s) on the property must be current and in good standing for a minimum of 12 consecutive months immediately prior to the submission of an application. County property taxes on all real property owned by the applicant must be up to date. The delinquent date for a tax year is December 31st of the following year.

Applicants are not required to have insurance on their building in order to apply for the program. However, they must have insurance in place by loan closing. If the building is uninsurable, coverage must be obtained

by final inspection. Coverage during construction can be obtained through the general contractor's builders risk policy.

Credit History

- While there is no minimum credit score, applicants are expected to have a credit history that shows a willingness to pay obligations. If an applicant's credit history demonstrates a disregard for meeting financial obligations, they will be referred to credit counseling. Upon verification of credit counseling completion, a written re-payment plan with creditors and 6 consecutive months of an established payment history, the application may be re-considered. An applicant who has had payment delinquencies in the past must have re-established credit with payments made as agreed for at least 6 consecutive months. Medical collections are not considered in the credit evaluation.
- Judgments and collections (*other than medical of any amount and service provider collections that are less than \$500.00*) that are reported on the applicant's credit report must be either paid in full or have written documentation of an ongoing re-payment plan. At least one payment must have been made.
- Judgments that have been recorded in the Superior Court Clerk's office are a lien against the property and not allowed for the program. Similarly, property subject to State tax liens are also not allowed for the program. These liens must be paid in full before the application may be considered.
- Any bankruptcy by the applicant must have been discharged a minimum of 12 months prior to application and the applicant must have re-established credit.
- Alternative credit references may be required if the applicant has little or no credit on the credit report.

Façade Improvement Program Priorities

Approval of applications will be considered based on strength of proposals and readiness to begin work, funding availability, and County priorities. Proposals will be scored and selected by the County based on the following priorities:

1. Projects supporting the overall goals of the County's most recently adopted Comprehensive Plan
2. Projects improving economically distressed areas by eliminating blight, improving property values, creating and retaining jobs, and enhancing commercial viability.
3. Severely deteriorated buildings with negative impact on the community
4. Properties identified as blighted as defined in applicable area redevelopment plan
5. Properties with significant Code Enforcement history
7. Prominent highly visible locations such as major intersections or locations on major arterials
8. Vacant buildings being returned to active use
9. Buildings located in areas where other public investment is taking place

- 10. Projects that leverage maximum private investment
- 11. Building without residential occupancy

Design Guidelines

Eligible proposals will be required to follow the applicable design guidelines provided for this program. These guidelines are provided to assure appropriateness of the proposed work, to provide for compatibility with the affected building's original appearance and with other area buildings. These guidelines may be viewed at www.cobbcounty.org under Plans and Studies.

Architectural Drawings and Specifications

Applicants will be required to include architectural drawings and specifications of the proposed façade improvements as part of their application. If assistance is needed with obtaining drawings, applicant may contact the Economic Development Division. The County may reimburse the owner for architectural fees related to the creation of a detailed scope of work and stamped plans for façade-related improvements in an amount not to exceed \$5,000.00. This reimbursement may only be requested by approved applicants that have closed on the legal agreements with the County. Any architectural expense in excess of \$5,000.00 will be the sole responsibility of the applicant with consultation by the County.

Procurement

Once the design is approved, the owner agrees to solicit a minimum of three competitive bids from general contractors licensed by the State of Georgia. Bids must be solicited separately for the Façade Improvement Program eligible work. In cases where non-façade work is to be completed simultaneously with façade funded work, the owner may include the façade work in the scope for the entire project providing that the façade portion is delineated separately. The County portion of façade funding will be based on the lowest bid for the façade portion. While the lowest and most responsive bid is the standard for defining the County's contribution to the façade financing, the owner does have the option of choosing one of the other contractors that submitted bids, provided that the contractor can and will perform the defined scope of work at the low bid price. All bids must be submitted to the County for review and final approval. Eligible bids must be within 10 % of the staff estimate. Contractors selected are required to take affirmative steps to encourage the use of minority and women-owned business enterprises when subcontracts are let. All contractors must be eligible to do work on federal contracts and must not be debarred or suspended.

In the rare instance where the building owner(s) are also licensed commercial contractors and qualified to bid on projects through the Façade Improvement Program, upon request, County staff may consider the possibility of the building owner(s) acting as the contractor for their own façade work. If approved by County staff, such a façade project may not be subject to the bid process. The building owner(s)/contractor(s) will be responsible for submitting a budget for approval by County staff. Profit/overhead will not be accepted as a valid budgetary line item. The building owner(s) will need to produce certification of being a licensed commercial contractor in the State of Georgia, and will need to show proof of insurance for the work being proposed. For CDBG, Federal labor standards provisions apply to construction work financed in whole or in part with CDBG funds of more than \$2,000. (Section 110, Housing and Community Development Act of 1974, as amended.)

Pre-Qualified Architects and Contractors

The County's Department of Purchasing, Property Management, and CDBG Program Office maintain a list of pre-qualified independent contractors who may have some familiarity with Façade Improvement Programs. These contractors do not work for and are not employed by the Cobb County. The County does not recommend or suggest that these contractors are more capable than other contractors or architects, but merely maintains the pre-qualified list as a service to prospective applicants. Applicants may only select architects and contractors from the corresponding registry unless they complete and submit an Architect/Contractor Preference Statement, available from the Economic Development Division and the Purchasing Department. The Architect/Contractor Preference Statement allows the applicant to use an architect or contractor of his or her own choosing, provided all program eligibility requirements are met. The applicant should submit this Architect/Contractor Preference Statement and all required accompanying documentation with the Façade Improvement Program Application.

Financing Policies

- Reimbursements – Progress payments will typically be on a reimbursement basis. The total reimbursement for all forms of façade improvement assistance will not exceed \$20,000 per building. Projects must be completed within 6 months after the start of construction, unless the County approves a longer timeline, which is at the County's sole discretion.
- Security and Loan Forgiveness - The façade improvement project loan will be secured by deed of trust on the real estate for the requisite term, which amount will be forgiven proportionally each year providing the property continues to be maintained in accordance with the program requirements, such as retention of ownership, maintenance of the façade, payment of all property taxes due, and maintaining property insurance with the County listed as mortgagee. In addition,

full occupancy of the completed structure is a required condition for loan forgiveness. Upon receiving a certificate of occupancy for the building, the owner has 90 days to install tenants within the structure. Any vacancy beyond this 90-day period will cease all forgiveness of the loan until the building is fully occupied. However, at the County's discretion, the loan may continue to forgive for a second 90-day period if the owner shows proof of active and aggressive efforts to obtain tenants for the property. This second 90-day period will be calculated cumulatively over the entire term of the loan. Proof of efforts to obtain tenants includes invoices for advertising, copies of ads run and any other proof of active marketing of the property. After the second 90-day period has expired, all loan forgiveness will cease until the building is fully occupied, regardless of proof of active marketing. "Occupancy" refers to having an active business open to the public, or tenant in the case of mixed use properties. Use of the building for storage does not qualify as occupancy, with the exception of buildings marketed and licensed as retail storage facilities.

- Repayments - No repayments will be required if all terms are met.
- Default - A recipient will be considered in default and the balance of financial assistance immediately due and payable upon failure of the borrower to retain ownership of the property for the duration of the forgivable loan; failure to properly maintain the façade after improvements are completed; failure to maintain property insurance; delinquency in property taxes; or failure to operate in compliance with all applicable local, state, and federal codes, laws, and regulations.
- Remedies of Default - In the event of default, the County may exercise any combination of the remedies available to it with respect to the security agreement(s). The County may take whatever action at law, or in equity, as may appear necessary or desirable to collect any outstanding balance or to enforce the performance and observation of any other obligation or agreement of the recipient.

General Requirements

- All work must be done in accordance with the appropriate Design Guidelines and Development Standards; all applicable local, state and federal codes; and rules and regulations for the Community Development Block Grant program or any other applicable federal program. Any renovation work undertaken prior to the County's written authorization to begin construction is not eligible for assistance under the program. All renovation work undertaken in conjunction with the Façade Improvement Program that exceeds approved financial assistance will be borne by the applicant.
- All construction management will be the responsibility of the applicant. All work undertaken using CDBG are subject to the Davis-Bacon Act and Section 3 of the Fair Housing Act.
- Properties with residential components will be required to meet applicable lead-based paint abatement requirements.
- It is Cobb County's policy to make all reasonable efforts to insure activities undertaken through the use of Entitlement Grant Funds awarded by the United States Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program, will not cause unnecessary displacement or relocation.

- Each recipient will be responsible for all acquisition and relocation costs when displacement of residential or nonresidential tenants occurs as a result of the project, in accordance with the Federal Uniform Relocation Act. If temporary tenant relocation will be required for this project, contact the County for further guidance prior to submitting this application.
- All applicants will be required to demonstrate compliance with nondiscriminatory employment practices and Affirmative Action Programs under Title VI and Section 112 of the Civil Rights Act of 1964 and Public Law 92-65. Applicants are encouraged to utilize minority and women-owned business enterprises under this program by executing certifications
- The County, the Department of Housing and Urban Development, the Comptroller General of the United States, or any duly authorized representatives, will have access to any books, documents, papers and records that are directly related to the program assistance for the purposes of monitoring, making audits, examination, excerpts, and transcripts. All records supporting the costs and components of program-assisted improvements will be maintained for a period not less than 5 years following completion of the program agreement period, agreement termination, or default, whichever shall first occur. No person who is an employee, agent, consultant, officer, appointed official, or elected official of Cobb County who exercises or has exercised any functions or responsibilities with respect to CDBG activities, or is in a position to participate in a decision-making process, or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit, or have interest in any program assistance, either for themselves or those with whom they have family or business ties, during their tenure or for one (1) year thereafter.
- Please contact the Cobb County Economic Development Division at (770) 528-1510 with any questions or to obtain additional information about the Facade Improvement Program.

Other Complaint/Grievance

If a Property owner has a complaint or grievance other than one that is related to the contractor and the work of the contractor, he or she must first contact the Economic Development Division staff person with whom they have been working. If the staff person cannot or does not resolve the issue, the property owner should submit their complaint or grievance in writing to the Community Development Block Grant Program Project Manager. The Community Development Block Grant Program Project Manager will respond in writing to the complaint within 10 business days with specific answers. If the property owner remains dissatisfied, he or she may contact the Director of the Cobb County Community Development Block Grant Program.

Subordination

Property owners who have a loan with Cobb County Economic Development Division may apply for a subordination agreement. Applications will be reviewed carefully and, approved or disapproved, on a case-

by-case basis. Approval is not automatic. Generally, the County will subordinate only once over the life of the loan. The criteria listed below will be considered in arriving at a decision.

1. Subordination agreements will only be approved for the purpose of refinancing of an existing mortgage with better rates and/or terms. Cash out exceptions will be for loans needed to make improvements to the property.
2. Basic requirements for approval:
 - a. The property owner's loan(s) with _____ must be paid up-to-date or otherwise not in default.
 - b. Property taxes must be current and in compliance with the policy stated above.
 - c. Property owner must provide insurance coverage on the property with Cobb County listed as additional insured.
 - d. The new loan must not affect the client's ability to retain eligibility for their loan(s) to Cobb County.

I have read and understand the Façade Improvement Policies and Procedures, for Cobb County, dated January, 2018.

Signature of applicant and date

Printed name of applicant

Signature of witness and date

Printed name of witness