

## Attachment B: Draft 2019-2020 Annual Action Plan Public Comments and Agency Responses

The draft of the 2019-2020 Annual Action Plan was made available on July 10, 2019 for a 30-day public comment period ending August 9, 2019. The State of Montana held a public hearing on the Draft 2019-2020 Annual Action Plan on August 2, 2019 and recorded a transcript of all comments received at the hearing. All comments received in writing and at the hearing were considered, and the State of Montana's responses to each comment are provided below.

### ***Comments Received and Responses Thereto***

**North Central Independent Living Services, Inc.  
Shyla Patera, IL Specialist**

#### ***Comment #1:***

My name is Shyla Patera. I am an IL Specialist with North Central Independent Living Services Inc. in Black Eagle, Montana. North Central Independent Living Services, Inc. serves north central Montanans with disabilities. I wish to comment on Montana's Statewide Annual Action Plan to HUD for 2019-2020.

We, at NCILS, wish to commend the Montana Housing for much of its housing work regarding Montanans with disabilities and others in housing crisis to find more stability in their individual housing situations. However, we feel that more needs to be done regarding physical accessibility, visit-ability, and universal design both in our rental and homebuyer housing stock. The Montana Board of Housing and the City of Great Falls should undertake an assessment of not only its physical housing stock, but also the programs, policies, and partnerships it is forming to ensure that all are accessible and being utilized by those with disabilities that may need the programs most. Community shelters should be accessible to all including those with mobility, sensory, and chemical disabilities. One of North Central Independent Living Services Inc. requests is to apply for the Mainstream Housing and Continuum of Care NOFAs out for application now. Securing funding will through these NOFA's may help increase accessible stock, increase discussion on accessibility and housing policies throughout all areas.

NCILS encourages innovative practices and policies to ensure that low income Montanans have access to rental housing. We also would ask that the Board of Housing and the State of Montana as well as our cities, towns and rural areas advocate for those who wish to reintegrate into Montana communities that have lived in institutional settings i.e. the Montana Developmental Center, Warm Springs, correctional, and other nursing home settings. We believe that the State of Montana should explore 811 Housing, TBRA and other appropriate DPHHS and housing supports available in order to facilitate successful community transitions and meet Montana's Olmstead priorities. To meet this goal, we are advocating for both statewide and local housing navigators to be hired on staff when possible. Given potential funding constraints, we encourage public private partnerships and training to meet this goal. The State of Montana needs to study its community policies and ordinances so that people with disabilities can live in our homes and apartments not

be placed in nursing homes or assisted living settings. We need to focus on visit ability and universal design in new construction, but we also need to focus on financing home modifications in older homes.

On the public infrastructure projects and subdivisions that are funded and planned, NCILS hopes that communities particularly those who are able to utilize the Housing Trust Fund will prioritize accessible curb cuts, contiguous sidewalks, alleyways as well community accessible streets policies will be studied, implemented, and financed.

NCILS would encourage MDT, the Community Development Division, and Montana Housing to build partnerships in order to highlight accessible community planning in community transportation and housing planning processes. Montana must consider strategies that assist Montana communities in adopting ADA transition plans. MDT and the Community Development Division should pursue planning funding in order to accomplish this. I know that there was some discussion on which standard for accessibility in Montana communities should be enforced. NCILS would recommend using PROWAG. NCILS would also hope that pedestrian and accessibility needs could be considered in the Statewide Transit Management Plan. NCILS hopes that traffic signals and timing studies are undertaken as future community roadways are repaired. Roadways need wider shoulders on our interstates, urban roads and community connector roads where possible.

North Central recommends that partnerships be strengthened between Montana Housing, MDT and the Office of Public Instruction as well as our Montana communities so that Montana students who need to walk, bike or wheelchair ride to school may do so safely through a Safe Routes to Schools or similarly funded programs. NCILS hopes that subdivision designers and community advocates can support programs which will assist public transportation and accessible parking including enforcement of accessible aisle ways.

NCILS hopes that all transportation systems and communities work to implement disaster and emergency preparedness principles as well, including ways to incorporate disability planning in disaster planning. Thank you for allowing North Central Independent Living Services, Inc. to comment.

***Response to Comment #1:***

The Montana Department of Commerce's Community Development Division administers the HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), and Housing Trust Fund (HTF) programs. The Department of Public Health and Human Services administers the Emergency Solutions Grant (ESG) and Housing Opportunities for Persons With AIDS (HOPWA) programs and establishes guidelines for how these programs can assist all eligible households with improved access. Comments made regarding programs and funds that are not covered under this Consolidated Annual Performance Evaluation Report will be shared with the Commerce's Housing Division and the Montana Board of Housing staff.

Commerce and DPHHS continue to support the inclusion of accessibility and visit-ability in proposed projects to the greatest extent possible, particularly when funds are used for newly constructed facilities or projects that involve ADA improvements. Commerce and DPHHS ensure ADA requirements are carried out, which includes documenting the completion of ADA self-assessment and transition plan when utilizing CDBG and HOME funds. Facilities including shelters funded

through CDBG and HOME are required to be ADA accessible. ESG sub-grantees can choose to use a portion of their ESG allocation to help shelters meet ADA requirements if this is an identified need in their local assessment, however there is a statutory cap on how much can be spent on emergency shelters. Further, shelters are required to meet HUD reporting requirements. Additionally, case managers for both ESG and HOPWA help clients submit requests for reasonable accommodation to private landlords as well as advocate on behalf of their client's needs and help educate private landlords.

Commerce and DPHHS will continue collaborating to increase the public and private partnerships through the Consolidated Plan processes. This includes ensuring opportunities for improved program delivery that can address any potential funding or regulatory changes. While Commerce does not use HOME funds to support Tenant Based Rental Assistance, due to the level of complexity and program requirements; Commerce does support rental construction activities to provide affordable housing options across the state. Commerce and DPHHS continue this coordination through the collaborative work on the Analysis of Impediments to Fair Housing Choice and Coordinated Entry to the greatest extent possible; including working to support training that is offered to landlords across Montana.

**Habitat for Humanity of Gallatin Valley**  
**David Magistrelli, Executive Director**

***Comment #2:***

Thanks for giving me a chance to review the HOME Investment Partnership Resale and Recapture Policy.

With many of the Habitat affiliates looking at land trusts as we stated in our application for HOME funds, we were placing the lots into a land trust I was wondering if some kind of wording about certified land trust is a viable option to ensure long-term affordability?

Another thought, and probably more of a question is as follows: We will be selling the first mortgage to MBOH at a level that will not exceed 30% of the partner family's gross monthly income. With the payment back to us from MBOH, we are setting aside those funds to be used to purchase land and or construct new houses. The new houses would be for those earning at or below the 80% AMI... More likely those at 60% of the AMI. Would the wording in this policy allow for these funds to be used that way? The lots are being placed in a land trust and therefore preserving the affordability for new families.

Also, in our case, we are limiting the maximum equity built to 1.5% per year, thereby, again providing an opportunity for building equity while preserving housing stock for low to very low wage earners.

From your understanding of this policy, would our actions be covered under it? Or, would there need to be a change in the policy that would reflect this approach?

***Response to Comment #2:***

To qualify as affordable housing for homeownership, the HOME Program requires the following: the housing must be single family, modest, acquired by a homebuyer whose family qualifies as low-income, be the principal residence of the family throughout the period of affordability, and meet resale or recapture requirements.

When HOME funds are invested in the construction or development of single-family homes to be sold to and occupied by low-income households, resale requirements are necessary to ensure affordability in the event the homeowners no longer use the home as their principal residence. To meet the definition of affordable housing, subsequent homeowners must qualify as low-income households having a household income at or below 80% of the area median income (AMI). This requirement does not conflict with that of a land trust but does necessitate that subsequent homeowners' incomes fall at or below 80% of the AMI.

Resale provisions allow for equity sharing. The resale provision does not restrict a grantee from using mortgage payments that it receives from homeowners to purchase and construct more affordable housing. Note that if HOME funds are used for homebuyer assistance directly to homeowners (rather than construction/development subsidy), HOME recapture provisions would apply.

The proposed actions do not conflict with the state's Annual Action Plan.

**Triple Divide Consulting  
Richard King**

***Comment #3:***

Are you aware of the problem that is threatening the preservation of affordable rental housing in rural communities?

***Response to Comment #3:***

Preserving affordable housing is a priority for the Montana Department of Commerce. For the Goal *Preserve and Construct Affordable Housing*, planned funding allocations for HUD programs are as follows: Community Development Block Grant (CDBG) 15.14%, HOME Investment Partnerships Program (HOME) 73.37%, and Housing Trust Fund (HTF) 66.67%. In an effort to preserve and construct affordable housing, in the most recent program period, April 1, 2018 to March 31, 2019, \$4,477,919.51 were expended in CDBG and HOME funds combined. This assistance resulted in completion of 16 HOME rental units and rehabilitation of 1 CDBG funded single family home.

It is Commerce's intent to continue to support both rural and urban communities in identifying and addressing their housing needs. To assist communities with assessing needs, Commerce will continue to provide planning grants, which are anticipated to be approximately 7.97% of CDBG funding for the 2019-2020 program year. To help communities address needs such as aging rental housing, Commerce anticipates the rehabilitation of 20 rental units throughout the state (again, for the 2019-2020 program year).

Commerce encourages concerned citizens to engage rental housing stakeholders in their communities to both identify and proactively address housing needs. Specific problems facing rural communities should be considered in the planning and development phases of housing development. Commerce welcomes further discussion of prevalent or persistent problems facing rural communities in its public participation processes for the Consolidated Plan.

***Comment #4***

Rural Affordable Housing. As I'm sure you know, USDA Rural Development has funded many rental facilities across Montana. With my partner, I am the co-owner of Hillcrest Apartments in Chinook (which is my hometown). We opened this 12-unit structure in 1985, and the average occupancy rate is above 90%. Tenants pay 30% of their income for rent. The challenge that we face is a problem for owners of similar facilities across the state. We would like to transfer ownership of our facility which has been well maintained, but a tax reform act adopted by Congress two years after we opened Hillcrest has created a difficult problem. If we were to transfer ownership to a non-profit without any purchase price, for example, my partner and I would each owe the IRS over \$17,000 in taxes. One solution is for the non-profit to establish a charitable gift annuity, but that would require the new owner to create an annuity fund of at least \$40,000. This dilemma has caused several similar properties across the state to shut down, resulting in a loss of affordable housing in rural communities.

***Response to Comment #4***

Utilizing CDBG funds to create an annuity fund is not an eligible use of CDBG funds according to CDBG regulations. CDBG funds can be utilized for other eligible expenses with regards to affordable housing development and rehabilitation. However, CDBG, HOME, and HTF programs have worked with projects that were funded in part by Rural Development to acquire and rehabilitate to maintain existing affordable housing rental units. These programs can work, directly and indirectly, with non-profits to be part of the overall funding package.

**Island Mountain Development Group  
Terry Brockie, General Manager**

***Comment #5***

Please find below our comments to the State of Montana's "2019-2020 Annual Action Plan" for the U.S. Department of Housing and Urban Development (HUD). The plan outlines how the State of Montana intends to carry out its housing, economic, and community development goals and activities during plan year April 1, 2019 – March 31, 2020.

Despite comprising nearly 10% of the population and being disproportionately un- and under-housed and disproportionately underserved by Montana's housing and mortgage industries, Native Americans and tribal nations are largely ignored in the Montana plan.

[Native American & Tribes Missing from Montana HUD Plan](#)

Montana's Native Americans Have Most Significant Housing Crisis

A 2013 report sponsored by the National American Indian Housing Council found that 40 percent of on-reservation housing in the United States is considered substandard, compared with 6 percent of all U.S. housing outside Indian County. Nearly one-third of reservation homes are overcrowded. A 2017 report by the YMCA Missoula titled “Montana Racial Equity Report” elaborated specifically on the housing crisis for Native Americans in Montana:

A. Housing Discrimination

In 2003, the U.S. Department of Housing and Urban Development (HUD) conducted a study in Montana, Minnesota, and New Mexico on housing discrimination. HUD found that Native Americans are discriminated against more often than any other ethnic minority in rental housing.

In Montana, Native American renter experienced consistent adverse treatment comparable to White renters 28.6% of the time.

While the HUD investigation was conducted in 2003, this issue of rental discrimination has not gone away. In 2014, Montana Human Rights Commission received fifty complaints of housing discrimination against Native Americans on the basis of race. Other complains of racial discrimination included 37 from African Americans and none from White Americans.

B. Lack of Access to Credit/Mortgages

In Montana, American Indians are 8-10% more likely to have a mortgage application denied than non-American Indians with the same or similar credit, and in general, minority applicants are more likely to have loan applications denied than White applicants.

C. The Fort Belknap Indian Community (FBIC)

The Fort Belknap Indian Reservation is homeland to the Gros Ventre (Aaniiih) and the Assiniboine (Nakoda) Tribes. The Fort Belknap Indian Reservation is geographically isolated in Montana, located forty miles south of the Canadian border and twenty miles north of the Missouri River.

The Fort Belknap Indian Reservation encompasses an area consisting of 675,147 acres. The main industry is agriculture, consisting of small cattle ranches, raising alfalfa hay for feed and larger dry land farms. Fort Belknap has a tribal membership of 7,000 enrolled members, with a median income of less than \$12,000 each.

D. Economic & Housing Development on Isolated Ft. Belknap

Like many isolate rural reservations, it is difficult to grow local businesses enough to support the needs of our 7,000 tribal members. As such, the FBIC created an economic development holding company, the Island Mountain Development Group (IMDG) in 2009.

The IMDG is dedicated to serving the Gros Ventre and Assiniboine Nations by creating a self-sustaining, local economy through the creation of business opportunities, jobs, workplace training, positive role models, and resource development. Approximately 20% of Ft. Belknap’s revenue is now generated through our government owned companies.

We have taken our profits from our internet-based businesses and invested them in growing our human resources and diversifying our economy locally. One of the industries in which we have invested heavily is in housing. We now own Snake Butte Construction, a custom home builder, a property development company (for on and off reservation development) and are currently working to acquire part of a realty brokerage.

E. IMDG's Employee Lack of Housing

Our Tribal nation has historically struggled with 80% unemployment. IMDG now employs almost *180 full time employees*, and we are growing. We recently had 2 job openings and regularly 40-80 job applicants. In the southern part of the reservation where our headquarters are located, we have reduced public assistance by 48%.

However, as our employees thrive and grow, they enter the middle class and are ready for home ownership. Yet we have no housing inventory to offer them. In order to buy a home, most have to live 60 or more miles away. In addition, for the handful on employees we would like to recruit from other locations, the lack of housing is a significant deterrent to working for us.

F. The HUD 184 Indian Home Loan Guarantee Program – 88 Times Slower Than Private Marketplace

Nearly all new or existing housing on the Ft. Belknap Indian Reservation would be on trust lands. The HUD 184 program provides a loan guarantee to private lenders to encourage mortgage lending on tribal lands.

The HUD 184 program was created in 1992 to increase the number of Native American homeowners in Montana and its surrounding states. The Indian Home Loan Guarantee presented equal opportunity for mortgage lending and has begun to shrink the existing gap between White and Native American homeowners. Montana and five surrounding states have collectively risen the homeownership 36 by 220% between 2005 and 2014. Over three thousand loans totaling more than 595 million dollars has been guaranteed to Native American homeowners on tribal land since 1995.

However, there are not enough private lenders participating in Montana and for the ones that do, HUD takes an offensively long time to complete the paperwork.

One of the individuals to successfully utilize the HUD-184 program is our own General Manager, the equivalent of our CEO, Terry Brockie. Of perhaps anyone in our community, Mr. Brockie is one of the poster children for eligibility for the HUD 184 program. Despite qualifying, having all his paperwork completely correctly, and his housing all lined up, it took 22 months to complete his mortgage through the HUD 184 process.

Officials from Quicken Loans, the largest private mortgage lender in the United States, shared with us that on average they generally close their mortgages with 1 week.

By a conservative calculation, 22 months is approximately 88 weeks. Which means it took the CEO of our economic development corporation 88 times longer to obtain HUD-184 home mortgage on

trust land on the Ft. Belknap reservation than it took an average consumer anywhere else in the United States. Eighty-eight (88) times longer.

### III. The State of Montana Should and Can Make a Difference

Native American are Montana citizens. The State of Montana has the same responsibilities to us as any other citizens. Yes, there are additional federal programs through the treaty obligations available on tribal lands. However, these programs are woefully inadequate and Native American and Tribal housing concerns negatively effects the entire Montana economy. In addition, there are concrete steps the State could be taking to leverage the federal dollars for Montanans and to better support and promote private participation in better serving the painfully inadequate housing in Indian Country.

1. Specifically Include Strategies for Native Americans & Tribal Communities in the Montana HUD Plan;
2. Advocate with HUD to Expedite the HUD 184 Indian Home Loan Guarantee Program Paperwork Process. A more robust HUD 184 Program could add dramatically to the Montana housing and construction economy;
3. Start a PSA Campaign with Lenders to Promote Participation in the HUD 184 Indian Home Loan Guarantee Program;
4. Incentivize Private Industry to Build Housing in Indian County. A major obstacle to the construction of new housing is a lack of access to credit and the reluctance of private investors to commit to housing projects in Indian country.
5. Set Aside State Funds to Address Urban Homelessness;
6. Promote a PSA Campaign Educating Landlords Against Rental Discrimination.

#### ***Response to Comment #5:***

The *2015-2020 Analysis of Impediments to Fair Housing* includes goals, action items, and measurable objectives for identified impediments. Two identified impediments in this plan include (1) Higher denial rates for American Indian loan applicants and (2) Higher incidence of predatory style loans for American Indian borrowers. The Action Items and Measurable Objects are, respectively, (1) Action Item: Support partnerships that enhance outreach and education for American Indian homebuyers through educational forums, credit counseling, and home purchase training; Measurable Objective: Maintain a record of the number of outreach and educational activities conducted, and the number of clients who have participated in those activities; (2) Action Item: Support partnerships that enhance outreach and education for American Indian homebuyers through educational forums, credit counseling, and home purchase training; Measurable Objective: Maintain a record of the number of outreach and educational activities conducted, and the number of clients who have participated in those activities. Commerce formed an Analysis of Impediments working group to facilitate discussions regarding the identified impediments and how we could support our housing partners (public and private) to reach these objectives. This working group has



presented at various conferences in Montana and considered feedback and recommendations from our housing partners, as well as continued to work towards addressing these impediments.

The Community Development Division's (CDD) various HUD-funded programs have statutory guidelines regarding eligible recipients of funds and eligible activities. Eligible applicants for the Community Development Block Grant (CDBG) include non-entitlement municipalities. Unfortunately, tribes are ineligible applicants for State CDBG funds, however, applications can be sponsored by a local municipality to occur within reservation boundaries. Eligible applicants for the Housing Trust Fund (HTF) are limited to entitlement communities (Billings, Great Falls, and Missoula) and non-profit organization. Non-entitlement local governments may not apply directly but may in partnership with an eligible entity. Partner organizations may include for-profit entities, other non-profit organizations, Community Housing Development Organizations (CHDOs), Human Resource Development Councils (HRDCs), and Public Housing Authorities (PHAs). Eligible applicants for the HOME Investment Partnerships Program (HOME) include local governments (including entitlements), PHAs, and private developers, including non-profit organizations, CHDOs, HRDCs, and for-profit entities. CDD encourages partnerships between eligible applicants and other stakeholders to provide good, clean, safe, sanitary, affordable housing.

CDBG's eligible housing activities include small-scale housing development and rehabilitation to create or preserve affordable housing with a specific focus on addressing health and safety issues and ADA improvements for single family units (Housing Stabilization) and new construction or rehabilitation of multi-family rental housing (Affordable Housing Development). All eligible projects must meet HUD's national objective to benefit persons of low- and moderate-income. CDBG also provides funding for planning grants, which can include housing needs assessments, capital needs assessment, preliminary architecture reports, and preliminary engineering reports (CDBG Planning). HOME and HTF's eligible activities include new construction and reconstruction for affordable housing and rehabilitation of affordable housing (Multi-Family Rental). Additionally, HOME provides down payment and closing cost assistance to households earning no more than 80% area median income (AMI) (Homebuyer Assistance). The HOME Program must benefit individuals/households at 80% AMI or less. The HTF Program must benefit individuals/households at 30% AMI or less. The HTF Program also specifically targets persons/households that are homeless or in danger of becoming homeless, seniors, and disabled adults.

All HOME- and HTF-assisted projects with five (5) or more assisted units must complete an Affirmative Fair Housing Marketing Plan (AFHMP) prior to accepting applications for lease. Additionally, the projects are required to review their AFHMP annually to determine whether it is being effective in marketing towards populations that are least likely to apply. All projects' AFHMPs must be updated every five (5) years to reexamine the population demographics, update outreach organizations, update outreach methods, and outline fair housing training of the staff which produce, review, and ensure consistency with the AFHMPs.

The CDD has assisted projects within the tribal and reservation boundaries across Montana in various ways. Past and present projects have included housing development, housing rehabilitation, homebuyer assistance, economic development, and infrastructure improvements. These projects have been sponsored by local municipalities, HRDCs, PHAs, private developers, and CHDOs. The Community Development Division encourages applications for projects that will improve the day-to-day living conditions of all Montanans. CDD does not geographically target areas in the state for specific allotments of the overall funding allocations. Additionally, CDD does not dictate which

eligible applicants will apply for funding as it is a community-driven public process to determine the highest needs.

We appreciate the detailed comment provided and will use this comment to assist the departments with the development of the upcoming *2020-2025 Consolidated Plan* and *2020-2025 Analysis of Impediments to Fair Housing Choice*. Additionally, we encourage Island Mountain Development Group to participate in the upcoming *2020-2025 Consolidated Plan* and *2020-2025 Analysis of Impediments to Fair Housing Choice* public processes by attending meetings, focus groups, and other public forums to provide feedback, suggestions, comments, and insight into the development of these essential documents, which drive the community development funding processes.

## Public Hearing HUD Mega Waiver Public Comments and Agency Responses

Location: Webinar  
Date: April 14, 2020  
Time: 11:00 a.m.

Sharon Haugen, City of Helena

- **I understand there's an initial \$1.6, some to be used for economic development other to support homelessness. When will the guidelines or will there be any guidelines in terms of how those funds can be used and what will be the application process?**
  - Jennifer Olson, Montana Department of Commerce – Explained the reduced public comment period for the Consolidated Plan is related to the recently released HUD directive that further impacts the availability of CARES funding. Further that guidelines will be announced soon after the federal register notice becomes available, but at this time HUD has not provided a specific timeframe when the federal register notice will be released. Commerce is waiting to release guidelines and funding after the federal register notice is announced to ensure the CARES funding is awarded in a manner consistent with federal guidance.
- **Is there something we can be doing to help you with those efforts?**
  - Jennifer Olson, Montana Department of Commerce – Explained what information/ comments local governments and other stakeholders could provide specific to funding and how those public comments would be utilized. Commerce welcomes local/community comments on CARES needs in their area. Provided the email address comments could be submitted to.
- **Thank you, Jennifer, and thank you guys for all your effort.**

Shyla Patera, North Central Independent Living Services (NCILS)

- **We are really happy to see a lot of the CARES stimulus funds moving forward for people with disabilities, particularly work with vouchers and other things that will help the disability community. We hope that applicants moving forward on those CARES funds will look at accessibility and more vouchers for, mainstream vouchers, for people with disabilities and we at NCILS believe that we sorely need administrative help with housing navigation, especially during this time of COVID-19. We hope that somehow normal times begin again, but working remotely for property managers and landlords, we hope to see people having access to PPE, masks and other materials as needed. We hope that housing is included in pandemic planning from now on. For the normal ConPlan, we really hope that you encourage visit-ability and universal design in all future housing developments and CDBG developments because a connected community works well. I will be submitting further comments by email. Thank you for your time.**

The Montana Department of Commerce gives preference to applications that benefit extremely low-income, homeless, disabled, elderly, and other disadvantaged individuals and families. Commerce strongly encourages applicants, to the maximum extent possible, to include the

three basic visitability features that increase access to friends and family for individuals with disabilities (a zero-step entrance, doors with 32 inches of clear passage space, and a wheelchair-accessible half bathroom on the main floor). Whether a project serves disabled persons and meets visitability and universal design requirements is considered during application ranking, which is Commerce's process for prioritizing and funding projects.

Ann McCauley, Lewis & Clark County

- **Can you talk a little bit more about the process for working with our local HRDCs for the ESG funds that were made available to them? Repeat of question: Curious about a best practice or best process to work with our local HRDCs with respect to the ESG funding and how to go about that.**
  - Juliana Crowley, Montana Department of Public Health and Human Services – Are you currently involved with a local coordinated entry and coordinated effort?
- **Yes**
  - Juliana Crowley, Montana Department of Public Health and Human Services – HRDCs should be currently working in coordination with the agencies that they typically work with, but I can get you more information if you would like me to.

Mariah Ramirez, Director of Community Impact / United Way Helena

- **I lead the coordinated entry system here in Helena as well, as well as the discussion of COVID response sheltering communications through the Elkhorn Co-ad the community organizations active in disaster. We work very closely with the RMDC. We are typically the hub for getting ESG funding out our RMDC through our RMDC as its own here for Rocky Mountain Development Council works with Good Samaritan Ministries as the executor of a lot of the ESG funding; this will change a little bit so I am curious about some of that conversation as well, the one that Ann just mentioned. I also wanted to offer for public comment that one of our goals in the creation of our shelter plan for the COVID response is that, as individuals and families are housed in COVID-specific shelter arrangements that when the crisis piece is starting to subside and folks are getting ready to transition out of shelter care, that these funds are likely going to be one of our major recourses in discharging people into homes instead of back into homelessness. So, I just want to say thank you for all of your work, we'll look for recourses as they come out and I will also be submitting commentary before tomorrow so that feedback and a little bit more detail around that is included. I would say as we move forward as a state that can be such an opportunity that we have in the midst of this crisis is to alleviate some of the experiences of our neighbors who are living in extreme poverty and in homelessness is to transition folks into housing instead of back into poverty and housing instability. I would love for that to be a part of the statewide approach and I know that that's something we are working diligently on creating a plan for here in Helena as well. Thank you so much.**

Janelle Egli, Montana Department of Commerce – Repeated the URL for the location the PowerPoint slides for the webinar could be found and the Consolidated Plan documents as well.

# Attachment B: 2019-2020 Annual Action Plan Amendment

## Public Comments and Agency Responses

The draft of the 2019-2020 Annual Action Plan Amendment was announced on December 9, 2020, and advertised on December 11, 2020, for a minimum 5-day public comment period ending December 18, 2020. All comments received in writing were considered, and the State of Montana's responses to each comment are provided below.

### ***Comments Received and Responses Thereto***

**North Central Independent Living Services, Inc.  
Shyla Patera, IL Specialist**

***Comment #1:***

My name is Shyla Patera. I am an Independent Living Specialist employed by North Central Independent Living Services, Inc. Our agency is an Independent Living Center and disability advocacy agency that serves north central Montanans with disabilities. I wish to submit written comment regarding the Consolidated Plan/Annual Action plan.

NCILS wishes to commend the State of Montana for its housing work regarding Montanans with disabilities and others in housing crisis to find more stability in their individual housing situations. However, we feel that more needs to be done regarding physical accessibility, visit ability, and universal design both in our rental and homebuyer housing stock. Montana Housing and the Community Development Division should undertake an assessment of not only its physical housing stock, but also the programs, policies, and partnerships it is forming to ensure that all are accessible and being utilized by those with disabilities that may need the programs most. Community shelters, public housing and LIHTC units should be accessible to all including those with mobility, sensory, and chemical disabilities.

The State of Montana and potential CDBG applicants for Home CDBG funds need to focus on visit ability and universal design in new construction, but we also need to focus on financing home modifications in older homes. The State of Montana needs to work with our FUSE grant communities, Continuums of Care and other landlords, contractors, and builders, as well as policy makers to implement policies which will allow for more disability accessible rental and universally designed new housing stock to be built in and throughout Montana.

NCILS hopes that subdivision designers, CDBG applicants, and community advocates can support programs which will assist accessible parking including enforcement and modification of Montana code to include language regarding van accessible aisle ways. Advocates are also asking some clarification in definition as to what constitutes Public Rights of Way versus commercially developed or private property development occurs when sidewalks are non continuous or in need of pavement preservation repair.

NCILS would encourage the Montana Department of Transportation and the Community Development Division to partner with cities, towns and prospective CDBG applicants to highlight

accessible community planning in community MPO planning processes. I know that there has been some discussion on which standard for accessibility in Montana communities should be enforced. NCILS would recommend using PROWAG. NCILS would also hope that pedestrian and accessibility needs could be considered in the Statewide Transit Management Plan. NCILS hopes that traffic signals and timing studies are undertaken as future community roadways are repaired. Roadways need wider shoulders on our interstates, urban roads and community connector roads where possible.

Because the public health emergency for Covid 19 is still in place, the State of Montana would benefit from increased housing and rental assistance. HUD managers and residents need access to PPE. Montana HUD managers should be aware of service deserts particularly in the areas regarding food and transportation insecurities,

***Response to Comment #1:***

The Montana Department of Commerce's Community Development Division administers the HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), and Housing Trust Fund (HTF) programs. The Department of Public Health and Human Services (DPHHS) administers the Emergency Solutions Grant (ESG) and Housing Opportunities for Persons With AIDS (HOPWA) programs. Comments made regarding these programs, which are covered under this Annual Action Plan, are addressed below.

Commerce, through its housing development programs (HOME, CDBG, and HTF) gives preference to applications that benefit extremely low-income, homeless, disabled, elderly, and other disadvantaged individuals and families. Under these programs, housing development can result in either single family or multifamily activities and may include new construction, redevelopment, or rehabilitation. Commerce strongly encourages all applicants (regardless of program or activity), to the maximum extent possible, to include the three basic visitability features that increase access to friends and family for individuals with disabilities (a zero-step entrance, doors with 32 inches of clear passage space, and a wheelchair-accessible half bathroom on the main floor). Whether a project serves disabled persons and meets visitability and universal design requirements is considered during application ranking, which is Commerce's process for prioritizing and funding projects.

Commerce and DPHHS will continue collaborating with stakeholders and partners through the Consolidated Plan processes to address identified needs. While Commerce does not currently use its program funds to support Tenant Based Rental Assistance, it does support rental construction activities to provide affordable housing options across the state. Additionally, DPHHS works with local HRDCs and the MT CoC to offer rental assistance through the ESG program and must adhere to MT CoC policies. Each HRDC works with their local coordinated entry system (CES) to operate the program. CES identifies the most appropriate housing resource to facilitate a rapid and permanent exit from homelessness, while prioritizing the most vulnerable households for housing. CES establishes a By-Name List (BNL) of people experiencing homelessness in each community. Programs/shelters/providers work together as a housing and service system, which reduces duplication. CES are community-organized groups of support agencies and community members serving persons experiencing homeless and at risk of homelessness. The goal of CES is to prioritize the most vulnerable and help them gain access to the available safe housing in the area. CES aligns with and facilitates goals for PATH and SOAR to address homelessness and increase access to

permanent housing for people with mental and/or substance use disorders or physical impairment. Individuals/households at risk of or experiencing crisis of homelessness are eligible, regardless of serious mental illness (SMI), substance use disorder (SUD), co-occurring SMI/SUD, or physical impairment. Sheltered and unsheltered individuals/households are eligible to be prioritized using the VI-SPDAT (vulnerability index measure) and placed on the BNL. Weekly case conferencing prioritizes those individuals/households at most in need of first available housing unit (usually subsidized) and assigns housing support provider/navigator to coordinate individuals/households into a unit.

## **Attachment B: 2019-2020 Annual Action Plan (AAP) CDBG CARES Amendment Public Comments and Agency Responses**

The 2019-2020 Annual Action Plan was amended June 2021 to include CDBG-CARES funds. The 30-day public comment period for the amendment was announced and advertised on June 7, 2021. The public comment period began June 8, 2021, and ended July 8, 2021. A public hearing was held on June 22, 2021. Every comment received in writing and provided verbally at the hearing was considered. All comments received and the State's responses are outlined below. An official transcript of the public hearing as well as documentation showing outreach completed (tear sheets and affidavits of publication for print advertisements and proof of electronic announcement) are also attached.

### ***Comments Received and Responses Thereto***

#### **Andrew Chanania, Principal, North Fork Development**

##### ***Comment #1:***

This is Andrew Chanania, and I represent North Fork Development. First, I just want to say thank you to all of the staff who have had quite a year in putting all of this together, and many other things. You do so much for the State, and I cannot thank you enough for all of that. I also just want to indicate that I certainly support especially the changes to the rehab standards that are proposed to be part of the 2021-2022 AAP. I think that those will definitely make it easier to administer the HTF funds as we look at all of the various requirements that we have for various funding sources, building officials and others. So definitely thank you for that. **With regard to the 2019-2020 Amendment, certainly there are lots of specific rules that aren't typical, that we don't typically see because of the nature of this. I would like to just put out there and encourage Commerce to think about housing as certainly a critical component of meeting needs in general in Montana, and I would say on par with public infrastructure and economic development and homelessness. So I would encourage the State to think about allocating funding equally to housing as it does public infrastructure. And then thinking about the homelessness. I think keeping that level of investment where it is appropriate, especially in light of the HOME ARP funds that we expect to come out here hopefully later this year. One more consideration for the 2019-2020 AAP is allowing a single local government to have more than one open CDBG CARES application at a time, seeing as local governments and everybody else is facing just a myriad of challenges. I think for CDBG CARES funds, lifting that limitation of one grant per local government would best help Montanans meet our needs.** With regard to the 2021-2022 AAP, a couple of comments, thinking about funding allocations; again, encouraging the State to think of housing on par as far as priority with public infrastructure, and balancing that investment a little bit more equally. One item also, thinking about upcoming grant applications and funding rounds, a lot of fantastic projects were funded last year, and due to circumstances beyond our control, practitioners are facing -- many are facing some significant budget shortfalls, given the costs of some materials and labor just going through the roof. I would encourage the State to consider prioritizing last, credits that were awarded last year, making sure that those projects are whole and able to move forward in a successful manner, perhaps with a truncated and expedited application and award process. A lot of projects would be ready to go this summer or this fall but for some of these budget shortfalls that



certainly were not predictable. And one more item I guess is to consider communication and collaboration with the Montana housing folks who are in charge of the significant rewrite of the Qualified Allocation Plan for low income housing tax credits. They're certainly undergoing a significant effort, and I would encourage folks who are in charge of the CDBG, HTF, and HOME funds, to openly and often communicate with the tax credit folks over there, just to help facilitate successful projects, and all of the various competing requirements. **One more item, thinking about the CDBG funds in particular for 2021-2022 AAP, I would encourage the State to lift the \$450,000 per project cap, like HOME did several years ago. We certainly, I think as part of that as a result of that, saw an increased use in HOME funds, and a more effective series of projects that were able to meet housing needs,** and I guess additionally more investment in housing with the regular CDBG funds. And so those are the comments that I have. I will also be submitting written comments. I appreciate everybody's time and all your efforts. Thank you so much.

***Response to Comment #1:***

The State of Montana strives to balance program flexibility with administrative considerations. Under CDBG, HOME, and HTF, the Director of Commerce is authorized to reallocate up to 15% of each program's planned total allocation among grant categories. If additional program flexibilities are needed and are not provided for in the State's Consolidated Plan and Annual Action Plans, Montana considers amendments as needed.

For maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

Commerce's draft application for CDBG CARES funds does not set a maximum award. As part of their submission to Commerce, applicants must justify and document the need for the amount requested. In addition, applicants must document what other sources of funds have been pursued and that CDBG CARES funds will not duplicate the benefits from other Federal programs.

Also, please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Heather McMilin, Project Development Director, Homeword**

***Comment #2:***

This is Heather McMilin with Homeword. I'm assuming you guys can hear me all right. Excellent. I just hit the unmute indication four times. I didn't know if I was turning things on and off. So thank you. Again, Heather McMilin with Homeword, and I want to echo a lot of what Andrew testified to. There's been nothing simple about the last 16 months, and all the work that you all have done and we have done on our end to implement projects, and so thank you for coming to the point we are today, and working with us, and taking testimony, and basically surviving the last year. **One of the**

things I'd also like to echo is considering housing infrastructure with any of these funds. The even distribution to housing across the board with infrastructure is important, but also considering, if you are allocating to jurisdictions for infrastructure expansion, that certainly helps promote housing development. And maybe there's a way to give priority points for infrastructure projects that are helping to promote the construction, and preservation, and rehabilitation of housing as infrastructure, because we certainly have always had an issue, and there's been a need, but I would say over the last year we've had more impacts and will have decades worth of impacts from the COVID, people moving here, and buying our housing stock, and driving up prices. And so any way we can support proper infrastructure development and housing development, whether it be market rate or affordably bound would be great. Specifically we thank -- We are working on projects that have been funded by some of the funds discussed today, and for funds moving forward. So an area of need, I think, and very specifically with the Housing Trust Fund, one thing may be not allowed currently but we should consider allowing, is the Housing Trust Funds to be used for operational support. And I say that because in a project in the nature of permanent supportive housing, we have one, a project we're constructing now, and hope to close the financing package here in Missoula. We are also working with NeighborWorks Montana in Great Falls in a permanent supportive housing project serve the chronically homeless with wrap around services. **The one that is critical on both those projects is setting up a service reserve within the project to ensure those wrap around services that are so critical for those types of projects, have a back stop with a loan and tax credit investor. We have to have all the risks taken care of. And these projects operate, they're just more expensive to operate because of those services, and having that reserve, being able to back stop operations will be critical. So if we could open up any and all funding sources, not just the Housing Trust Fund, but CDBG and HOME, and these COVID assistance dollars coming in, to allow the maximum. I don't have all of the rules on the federal funds, but as soon as they come out, we keep them as flexible as possible, and at the federal level of kind of the rules, so that we can get creative and fund projects like the NeighborWorks Great Falls project in Great Falls, and other needs around the communities in Montana, because I just don't know what we don't know yet. And so maximum flexibility within those funding sources would be good. I do support also multiple applications for different jurisdictions. There's definitely different needs in communities, and having multiple applications open would help us, especially with the amount of funds coming in that are above normal, and getting those allocated in the projects right away would be important.** I also echo the participating with Montana Housing in their very much needed rewrite of the QAP in the process we're going through this year on that, and pairing these funds with the loan for housing tax credits, in the variety of projects that could be funded by that program. If we're all in concert together, we can simply get more done, and meet more need. **The other piece would be around the cost. We've all, as we've developed and tried to put homes over people's heads, roofs over people's heads, we have survived cost impacts and timing impacts that are also cost impacts to projects at an unprecedented level. We're facing tax credit pricing that's worse than it was when the IRS basically bought the credits back and paid the states their credits to be sold for equity. They were just paid and used as funds during that 2008-2009. Really just talking to developers as a way to do a truncated kind of correction or addition to contracts, anything. Just consider having those conversations. We're all very creative, and we have survived the projects, at least we're trying to at this point, but any way we can be creative to help support these one time various impacts that we've seen due to the global pandemic would be helpful.** I think pretty much that's all I have for today. Thank you, Andrew, for setting the stage for at length testimony.

***Response to Comment #2:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

Currently, no state is utilizing HTF for operations support. States can use up to one-third of each annual allocation from HUD for operating cost assistance and operating cost assistance reserves. This use is only allowed in properties that do not have project-based rental assistance and only for the proportion of HTF-assisted units in the property, i.e., if there are 5 HTF-assisted units in a 20 unit property, HTF could only support 25% of the operating costs. Operating costs include costs for insurance, utilities, real property taxes, and maintenance and scheduled payments to replacement reserves for major systems. Operating cost assistance reserves may only be for a period not to exceed 5 years. Montana's small allocation of HTF, the limitations of operating cost assistance, and the demand to add to or retain the affordable housing stock has informed Commerce's decision to allocate its HTF to construction or rehabilitation of rental housing.

As mentioned above, Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

Again, the State of Montana strives to balance program flexibility with administrative considerations. If additional program flexibilities are needed and are not provided for in the State's Consolidated Plan and Annual Action Plans, Montana will consider amendments as needed.

Also, please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Jim Morton, Executive Director, District XI Human Resource Council**

***Comment #3:***

Good morning. So I want to echo what others have said in terms of appreciation for all the work that staff has put into the documents we have before us. **Just quickly, I wanted to support allowing applications, more than one application from a local government for CDBG. As it has been said, it's been a tough two years. Also, with support of allowing the services component of CDBG to include multiple applications from jurisdictions. I think the entitlement cities, and entitlement areas, and the code is reasonable. So by allowing multiple applications, both for services and for CDBG, should not disadvantage the non-entitlement areas. And I just echo what both Heather and Andrew have said in terms of the housing component being much in need of consideration, in terms of coordination with other services and expanded amounts allocated.** And we will provide from Human Resource Council written comments.

***Response to Comment #3:***

As mentioned above, Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

Also, please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Sindie Kennedy, Grants Administrator, Missoula County**

***Comment #4:***

Hi, this is Sindie Kennedy... with Missoula County. I, too, would like to echo what has already been said, and express my gratitude for all of the work that Commerce has done to make this all happen. It has been a challenging year for all of us. I also want to reinforce some of the things that have been said. Definitely would really appreciate an open CDBG application process, so it's similar to HOME, so that we're not tied down to a deadline. Projects just kind of land in our laps throughout the entire year, and we've had to say no to many that were really good eligible projects because, one, we already had an application or project underway; and two, the timing wasn't right. So that would be really beneficial. **Being able to increase the amount of award above \$450,000 would also be very beneficial; and balancing the housing with public infrastructure would be helpful.** And I will be providing some written comments as well. Thank you.

***Response to Comment #4:***

As mentioned above, Commerce's draft application for CDBG CARES funds does not set a maximum award. As part of their submission to Commerce, applicants must justify and document the need for the amount requested. In addition, applicants must document what other sources of funds have been pursued and that CDBG CARES funds will not duplicate the benefits from other Federal programs.

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

Also, please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Sherrie Arey, Executive Director, NeighborWorks Great Falls**

***Comment #5:***

This is Sherrie Arey from NeighborWorks, Great Falls. I'm going to just hit on a few topics that have already been hit on, just to double down on them. **The multiple applications allowed for the local governments is critical to the success for those.** The Housing Trust Fund dollars being allowed to use for operational support. In order to use all of the tools in our tool box to help with the homelessness issue, that could become a make or break for a project, and so strongly advocate for that. And as Heather McMilin said, housing is infrastructure. The more ability to tie those two things together and help with the infrastructure needs in our community is essential to being able to provide affordable housing. Thank you all for everything that you do, and all the information you provided, and best of luck. Thank you.

***Response to Comment #5:***

As mentioned above, Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

Please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Shyla Patera, IL Specialist, North Central Independent Living Services and Montana Community Living Task Force**

***Comment #6:***

Good morning, MBOH and Community Development Division staff. For the record, my name is Shyla Patera with North Central Independent Living Services in Black Eagle, and the Montana Community Living Task Force. I'm really happy to participate in this hearing today, and I am really supportive of Montana's QAP efforts are moving forward, and looking at the different funding sources, such as the Housing Trust Fund and different things being utilized for operation and different points, different points of work, as some of the developers and other housers have talked about. Some of the things that again, NCILS and the Independent Living Community for Montanans with Disabilities espouse is making sure that we have accessible access to both services in sidewalk and infrastructure, but also in Home and Housing Trust Fund. Some of the things that have impacted us through COVID are making sure that we also can house our homeless, and some of the things that I've thought of are looking at like accessible tiny homes -- one in particular is based out of Emmett, Idaho that I've been beginning to research -- and hopefully will look at our zoning opportunities, both for single family and multi-family, and different things as well. Just making sure that our people with disabilities have access to HOME, Mainstream, and 811 if needed, and working with HUD and others to make sure that people with disabilities aren't moving from one house to another, but making sure that they have stable opportunities that deal with their funding sources that they are using. I'd also like to encourage some funding for accessible rehabbing of housing. We encourage, of course, visible and accessible new construction, and the universal design options, but a lot of calls that we get are also, "How do I rehab my house to make it so that I can age in place?" "How do I, as a long term homeowner, get to stay in our community as well, and with my house that I already are owning, or paying on, or working with?" And that's a big thing. And infrastructure, we also

encourage communities to work on accessible pathways, pedestrian crosses, contiguous sidewalks, timing of things, development of accessible pathways for walking, rolling, parking, biking, anything a person with a disability needs. And I will be submitting written comments to follow my disjointed verbal ones. Everyone have a great day. Thank you for all your hard work.

***Response to Comment #6:***

Commerce, through its housing and community development programs, including CDBG CARES, gives preference to applications that benefit extremely low-income, homeless, disabled, elderly, and other disadvantaged individuals and families in accordance with its Consolidated Plan. Under these programs, housing development can result in either single family or multifamily activities and may include new construction, redevelopment, or rehabilitation. Commerce strongly encourages all applicants (regardless of program or activity), to the maximum extent possible, to incorporate both accessibility and visitability features into their projects. (The three basic visitability features that increase access to friends and family with disabilities include a zero-step entrance, doors with 32 inches of clear passage space, and a wheelchair-accessible half bathroom on the main floor). Whether a project serves disabled persons and meets accessibility, visitability, and universal design requirements is considered during application ranking, which is Commerce's process for prioritizing and funding projects.

HOME can be used to fund the development of newly constructed homes that are accessible and visitable while CDBG can be used to fund the rehabilitation of existing homes for accessibility and visitability. For information about how CDBG CARES can be used to provide accessible and visitable homes, please refer to draft application guidelines, available here: <https://commerce.mt.gov/Consolidated-Plan/Documents> (see the 2019-2020 Annual Action Plan).

Also, please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Heather McMilin, Project Development Director, Homeword**

***Comment #7:***

Thank you. I will amend my previous testimony. Again, Heather McMilin, Homeword, Missoula, Montana. I would be remiss if I did not comment, and appropriate or not. If there's any way this department and the individuals on this call can support the work that will go into the next round of the state housing credit work at the legislative level. It's something that made it off the floor and to the Governor's desk, and unfortunately was not signed. And that would help, probably double the production of homes, rehabilitations, preservation, within the state. And so I wanted to go on the record to say if there's a way to support or participate, let us know. That would be great. Thanks.

***Response to Comment #7:***

Please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Shyla Patera, IL Specialist, North Central Independent Living Services and Montana Community Living Task Force**

***Comment #8:***

My name is Shyla Patera. I am writing this comment in regards to the 2021-2022 State of Montana Annual Action Plan as well as Consolidated Plan that is to be submitted to HUD shortly. I'll submit these comments on behalf of North Central Independent Living Services Inc. I will submit both long-term goals and short term needs.

During the COVID-19 stay at home crisis or period, I heard from a lot of people that needed food delivered and equipment for wheelchairs and other types of durable medical equipment. I particularly found the farm the food box helpful in my own situation. I appreciate that EBT is taken by many farmers markets throughout Montana to purchase food. An idea as a short term solution for coronavirus ARPA funds is to maybe consider assistance to communities a restaurant collective similar to the little free pantries being considered now in Great Falls. This idea would involve local restaurants delivering meals in a food box if individuals or families needed and are or food boxes through local churches or nonprofits.

Another issue is housing Montana's homeless population. Many of us had talked about tiny homes and how to make them wheelchair or mobility accessible! Gateway, ZYL Vardos, and Med Cottage, (Pennsylvania) and TinyIdahomes (Emmett, Idaho) FabCab (Seattle) Zoning may be an issue in Great Falls and throughout Montana as it has been for other community issues but I thought I'd bring the short term issues and ideas to the local discussion!

Now, for the longer-term ideas that NCILS and others have been discussing over a frequent period of time. The first is we need more visitable, affordable, universally designed housing in Montana. This may take many discussions with community developers and city staff as well as advocates from Montana's Disability and Senior Communities. NCILS hopes that Montana housing will work with DPHHS to effectively monitor and implement strategies for diverging disabled Montanans from homelessness. This can include and should include implementation of money falls the person as well as unique homeless strategies and interventions. It is hope that hood wellll increase national and federal funding for Housing that it vouchers that can be used to assist Montanans with disabilities afford, maintain, and sustain accessible universally designed housing. Montana needs To support and fund I amto support and fund I am disabled homeownership opportunities in Montana this can include working with community developers, project designers, and others to codify visitable universal design opportunities! It may and is potentially time for Montana to explore once again using HOME vouchers to promote homeownership opportunities for people with disabilities. Montana must also work with those who are not traditional funders or lenders to explore opportunities for those Montanans who are traditionally non banked and underfunded.

Montana needs also to ensure that those who are living with disabilities in homeless shelters are congregate settings have appropriate supports to do so. NCILS hopes that Montana will encourage those who assist our homeless populations and homeless citizens will have access to Medicaid services and supports if needed and wanted! Montana definitely needs to maintain and upgrade both our youth housing services as well as our homeless substance abuse utilization opportunities!

I am also advocating for ADA accessible funding for housing rehabilitation and community sidewalks as well as curb ramps at the same time! I believe that we need to study pedestrian and traffic safety and measure how beneficial the current traffic timing and crosswalk systems are to those who use mobility devices and our pedestrians in Montana! Does each community have in their repertoire of plans and ADA transition plan?

I would also hope that employment and accessibility for citizens of Montana include competitive integrated employment options I am hopeful that Montana Housing leaders will sit down with employers, Social Security benefits planners and advocates for hiring and accommodating people with disabilities. I am hopeful that with Montana Housing and Community Development Division assistance, our state can truly take a holistic approach to many of our housing, transportation, and employment needs

On policies and procedures, particularly as it involves potential eviction proceedings regarding the eligibility and keeping of HUD vouchers for our city residents who utilize them, I am advocating for Montana housing leaders as well as Montana Housing staff to meet through Zoom with landlords, tenants and advocates to discuss short term and long term state eviction protections if the federal eviction moratorium is lifted or modified. Why are Montana Housing and Montana communities not applying for ARPA vouchers, utilizing main stream vouchers for people with disabilities and other potential funding streams to construct visitable universal designed housing or rehabilitation modification or working to prevent Montana evictions?

Sometime ago, NCILS had submitted comments to regarding fair housing and custodial arrangements in rental units. Staff has also submitted comments regarding the loss of section 8 vouchers and eviction processes due to medical circumstances. NCILS would encourage and examination of the disparate impacts of HUD housing policy in many areas especially fair housing appeals!

Thank you for your time and consideration of these short term and long time Consolidated and Annual Action Plan amendment asks of myself and North Central Independent Living Services, Inc.

***Response to Comment #8:***

The CDBG CARES allocation can be used to support the following activities: public and community facilities, public services, and housing activities that prevent, prepare for, or respond to coronavirus. Commerce encourages grantees to consider ways to address food, housing, and other needs for Montanans in crisis with CDBG CARES funds and through these specific activities.

Commerce, Montana Housing, is partnering with the Montana Legal Services Association to form the Montana Eviction Intervention Project to provide civil legal assistance for Montanans facing evictions as a result of the COVID-19 pandemic. As noted in a recent Associated Press article (<https://www.usnews.com/news/best-states/montana/articles/2021-06-25/explainer-how-montana-will-use-funds-to-limit-evictions>) "Beginning last October, the state created the Montana Eviction Intervention Project, in partnership with the Montana Legal Services Association, to provide legal help to low-income renters facing eviction. Since then, attorneys have helped with 264 evictions statewide, helping 608 clients and their family members... No clients assisted under the Montana Eviction Intervention Project have moved to a shelter or became homeless, the Montana Legal Services Association said."



Please see the public comments and agency responses for the 2021-2022 Annual Action Plan.

**Andrew Chanania, Principal, North Fork Development**

***Comment #9:***

Annual Goals and Objectives, Page 32, et. seq., and Allocation Priorities, Page 35

Table 6, Table 7, and other places specify the amount of CDBG-CARES funds allocated to finance eligible activities. In practice, housing is of equal importance to the infrastructure improvements Montana needs in order to recover from the myriad impacts of COVID-19 and move forward once we have recovered. Without sufficient quantities of affordable housing, jobs will remain unfilled and would-be employees will be unable to enter or reenter the workforce. This is particularly true in the historically low-paying sectors of the labor market that have been hit the hardest: hospitality, tourism, and similar sectors of our economy. The CDBG-CARES program should consider housing on par with Montana’s basic infrastructure needs and recognize housing as one of the primary efforts we must undertake to recover and prosper. Allocating resources equally between the goal to Preserve and Construct Affordable Housing and Improve and Sustain Public Infrastructure is the most effective use of this resource. The funding allocation priorities percentages organized as follows would best meet Montana’s efforts to rebound from COVID-19, set the stage for future prosperity, and produce affordable quantities of affordable housing.

	Goal				
	Preserve and Construct Affordable Housing	Plan for Communities	Improve and Sustain Vital Public Infrastructure	Revitalize Local Economies	Reduce Homelessness
CDBG-CARES	45%	0%	45%	0%	10%

Other Comments

In the past, communities have been limited to a single open project from each of the funding categories. This is an effective way of ensuring regular CDBG funds are widely distributed across the state. Given the special nature of these funds and circumstances under which CDBG-CARES funding was appropriated by Congress, limiting each unit of general local government to a single open allocation would hamper its response to COVID-19. A local government should not be put in the position of assisting a food bank or funding services needed to respond to COVID-19 or remedy overcrowding in temporary housing for homeless households. Local governments are facing all these challenges and others simultaneously. Entitlement communities aside (because they have their own allocation from HUD), applicants who can demonstrate the need and sufficient capacity and experience to handle multiple open CDBG-CARES grants should be supported with the resources they need.

***Response to Comment #9:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if

CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

As mentioned above, Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

**Tracy Menezes, Associate Director, HRDC IX, Inc.**

***Comment #10:***

Please accept this comment on behalf of HRDC IX serving Gallatin, Park, and Meagher Counties in Southwest Montana.

With regard to CSBG-Cares funds (CDBG-CV 1,2 and 3) we ask that the department consider allocating funds in excess of the proposed 20% to housing affordability. Housing affordability and availability is a crisis throughout Montana, which has been exacerbated by the COVID-19 pandemic. We also encourage the department to adopt a plan that provides communities with the flexibility to meet needs in the manner that will most positively impact their citizens. Specifically, we would request that purchasing and developing non-congregate, affordable rental housing be a priority. While this may look different in every community, we would hope that eligible uses would include: purchasing properties to provide housing, expanding shelter capacity to meet social distancing needs, and creating more opportunities for supportive housing. In nearly every community in which we work, adding more homes for rent and purchase is a critical need.

Thank you for your efforts to meet the needs of Montana's residents.

***Response to Comment #10:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

Commerce anticipates supporting the purchase and development of non-congregate, affordable rental housing with CDBG CARES funding. Commerce encourages grantees to apply for CDBG CARES funds for activities such as purchasing properties to provide permanent and supportive housing and expanding capacity for temporary shelters. Commerce will follow its established ranking process for considering needs and awarding funds.

**Ruth Burke, HRC Cottages, Inc.**

***Comment #11:***

Annual Goals and Objectives, Pages 32 through 35:

Table 6, Table 7, and other places specify the amount of CDBG-CARES funds allocated to finance eligible activities. In practice, housing is of equal importance to the infrastructure improvements Montana needs in order to recover from the myriad impacts of COVID-19 and move forward once we have recovered. Without sufficient quantities of affordable housing, jobs will remain unfilled and would-be employees will be unable to enter or reenter the workforce. This is particularly true in the historically low-paying sectors of the labor market that have been hit the hardest: hospitality, tourism, and similar sectors of our economy.

The CDBG-CARES program should consider housing on par with Montana’s basic infrastructure needs and recognize housing as one of the primary efforts we must undertake to recover and prosper. Allocating resources equally between the goal to Preserve and Construct Affordable Housing and Improve and Sustain Public Infrastructure is the most effective use of this resource. The funding allocation priorities percentages organized as follows would best meet Montana’s efforts to rebound from COVID-19, set the stage for future prosperity, and produce affordable quantities of affordable housing.

Goal					
	Preserve and Construct Affordable Housing	Plan for Communities	Improve and Sustain Vital Public Infrastructure	Revitalize Local Economies	Reduce Homelessness
CDBG-CARES	45%	0%	45%	%	10%

Other Comments

In the past, communities have been limited to a single open project from each of the funding categories. This is an effective way of ensuring regular CDBG funds are widely distributed, assisting many different communities. Given the special nature of these funds and circumstances under which CDBG-CARES was appropriated by Congress, limiting each unit of general local government to a single open allocation would hamper its response to COVID-19. A local government should not be put in the position of assisting a food bank or funding services needed to respond to COVID-19 or remedy overcrowding in temporary housing for homeless households. Local governments are facing all these challenges and others simultaneously. Entitlement communities aside (because they have their own allocation from HUD), applicants who can demonstrate the need and sufficient capacity and experience to handle multiple open CDBG-CARES grants should be supported with the resources they need. Local governments should be allowed to submit more than one application for public services.

The minimum set aside for entitlement and participating jurisdictions should be held to twenty-five percent (25%) of the total funds awarded to the Montana Department of Commerce.

***Response to Comment #11:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

As mentioned above, Commerce’s draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

Montana’s entitlement communities are the cities of Billings, Great Falls and Missoula. HUD regulations do not set a minimum amount of funds to be allocated to entitlement communities. Instead, HUD requires Commerce to disburse at least \$3,925,296, the amount of Montana’s CV1 allocation, to non-entitlement communities. To retain maximum flexibility, Commerce does not propose other requirements for distribution of CDBG CARES funds.

**Jim Morton, Executive Director, District XI Human Resource Council**

***Comment #12:***

Annual Goals and Objectives, Pages 32 through 35:

Table 6, Table 7, and other places specify the amount of CDBG-CARES funds allocated to finance eligible activities. In practice, housing is of equal importance to the infrastructure improvements Montana needs in order to recover from the myriad impacts of COVID-19 and move forward once we have recovered. Without sufficient quantities of affordable housing, jobs will remain unfilled and would-be employees will be unable to enter or reenter the workforce. This is particularly true in the historically low-paying sectors of the labor market that have been hit the hardest: hospitality, tourism, and similar sectors of our economy.

The CDBG-CARES program should consider housing on par with Montana’s basic infrastructure needs and recognize housing as one of the primary efforts we must undertake to recover and prosper. Allocating resources equally between the goal to Preserve and Construct Affordable Housing and Improve and Sustain Public Infrastructure is the most effective use of this resource. The funding allocation priorities percentages organized as follows would best meet Montana’s efforts to rebound from COVID-19, set the stage for future prosperity, and produce affordable quantities of affordable housing.

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In the past, communities have been limited to a single open project from each of the funding categories. This is an effective way of ensuring regular CDBG funds are widely distributed, assisting

many different communities. Given the special nature of these funds and circumstances under which CDBG-CARES was appropriated by Congress, limiting each unit of general local government to a single open allocation would hamper its response to COVID-19. A local government should not be put in the position of assisting a food bank or funding services needed to respond to COVID-19 or remedy overcrowding in temporary housing for homeless households. Local governments are facing all these challenges and others simultaneously. Entitlement communities aside (because they have their own allocation from HUD), applicants who can demonstrate the need and sufficient capacity and experience to handle multiple open CDBG-CARES grants should be supported with the resources they need. Local governments should be allowed to submit more than one application for public services.

***Response to Comment #12:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

As mentioned above, Commerce's draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

**Shane Walk, Acquisitions Manager, Mountain Plains Equity Group, Inc.**

***Comment #13:***

To whom it may concern,

Please see the comments listed out below to the State of Montana's Annual Action Plan Amendment dated April 1, 2019 through March 31, 2020.

[Annual Goals and Objectives, Page 32, et. seq., and Allocation Priorities, Page 35](#)

Table 6, Table 7, and other places specify the amount of CDBG-CARES funds allocated to finance eligible activities. In practice, housing is of equal importance to the infrastructure improvements Montana needs in order to recover from the myriad impacts of COVID-19 and move forward once we have recovered. Without sufficient quantities of affordable housing, jobs will remain unfilled and would-be employees will be unable to enter or reenter the workforce. This is particularly true in the historically low-paying sectors of the labor market that have been hit the hardest: hospitality, tourism, and similar sectors of our economy.

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**Other Comments**

In the past, communities have been limited to a single open project from each of the funding categories. This is an effective way of ensuring regular CDBG funds are widely distributed, assisting many different communities. Given the special nature of these funds and circumstances under which CDBG-CARES was appropriated by Congress, limiting each unit of general local government to a single open allocation would hamper its response to COVID-19. A local government should not be put in the position of assisting a food bank or funding services needed to respond to COVID-19 or remedy overcrowding in temporary housing for homeless households. Local governments are facing all these challenges and others simultaneously. Entitlement communities aside (because they have their own allocation from HUD), applicants who can demonstrate the need and sufficient capacity and experience to handle multiple open CDBG-CARES grants should be supported with the resources they need.

I appreciate the opportunity to give public comment on this very important topic and am looking forward to seeing the outcome and the final version of the Annual Allocation Plan Amendment. Please let me know if you have any comments or questions, you can reach me at 406-254-1677.

**Response to Comment #13:**

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

As mentioned above, Commerce’s draft application for CDBG CARES funds allows for cities, towns, and counties to apply more than once. Applicants that submit more than one application must prioritize their projects.

**Lori Ladas, Executive Director, Rocky Mountain Development Council, Inc.**

**Comment #14:**

Annual Goals and Objectives, Page 32, et. seq., and Allocation Priorities, Page 35

Table 6, Table 7, and other places specify the amount of CDBG-CARES funds allocated to finance eligible activities. Housing is of equal importance to the infrastructure improvements Montana needs in order to recover from the myriad impacts of COVID-19 and move forward once we have

recovered. Without sufficient quantities of affordable housing, jobs will remain unfilled and would-be employees will be unable to enter or reenter the workforce. This is particularly true in the historically low-paying sectors of the labor market that have been hit the hardest: hospitality, tourism, and similar sectors of our economy.

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#### Other Comments

In the past, communities have been limited to a single open project from each of the funding categories. This is an effective way of ensuring regular CDBG funds are widely distributed, assisting many different communities. Given the special nature of these funds and circumstances under which CDBG-CARES was appropriated by Congress, limiting each unit of general local government to a single open allocation would hamper its response to COVID-19. A local government should not be put in the position of assisting a food bank or funding services needed to respond to COVID-19 or remedy overcrowding in temporary housing for homeless households. Local governments are facing all these challenges and others simultaneously. Entitlement communities aside (because they have their own allocation from HUD), applicants who can demonstrate the need and sufficient capacity and experience to handle multiple open CDBG-CARES grants should be supported with the resources they need.

Thank you for the opportunity to provide comments on the 2021-2022 Annual Action Plan and the Amended 2019-2020 Annual Action Plan.

#### ***Response to Comment #14:***

As mentioned above, for maximum flexibility to meet statewide needs resulting from COVID-19 and CDBG CARES expenditure deadlines, Commerce has updated the 2019-2020 Annual Action Plan to allow Commerce to reallocate CDBG CARES funds among eligible grant categories in response to the demand for funding by category as demonstrated by applications received. Updates indicate that if CDBG CARES reallocations are needed, they will not require amendments to this 2019-2020 Annual Action Plan.

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