



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

MOVING OHIO FORWARD GRANT PROGRAM

Frequently Asked Questions

LEAD ENTITY

Q. Are several counties allowed to collaborate on one Application?

A. Collaboration is encouraged. This would be allowed if the County Treasurers of all involved counties sign off on the collaboration, we do not receive competing applications, and each county provides their own match, if applicable.

Q. Does a Metropolitan Housing Authority qualify as an agency that could be named the Lead Entity?

A. The Lead Entity may be any local governmental agency. The Lead Entity should be designated by the local governments involved. We encourage governmental entities that have ongoing demolition programs to serve as Lead Entity.

Q. Are all contracts to be run through the Lead Entity?

A. The Attorney General's Office will be contracting and disbursing funds directly with the Lead Entity. Local governments can conduct their own bid process or rely on a collaborative bid process through the County. Local governments/subrecipients can run their own demolition program under a subrecipient agreement with the Lead Entity.

ACQUISITION OF PROPERTY/IDENTIFICATION OF PROPERTY

Q. Is the Lead Entity required to have ownership of the property before it is demolished?

A. The Lead Entity is not required to own the property being demolished, but the Lead Entity must have consent to demolish property it does not own. The authority to demolish a specific property must be identified at the time of submitting a request for reimbursement.

Q. If the owner of a property grants permission to demolish a property, is that sufficient to establish authority for demolition or must the Lead Entity or sub-recipient actually take ownership?

A. The Lead Entity is not required to own the property being demolished, but the Lead Entity must have consent to demolish property it does not own. If there are

mortgages or liens on the property, consent should be obtained from all parties with an interest in the property.

Q. Do properties need to be identified on the Application?

A. No, properties do not need to be identified at the time the Application is submitted.

Q. Can the Lead Entity rely on subrecipients to identify the blighted, abandoned, or vacant structures?

A. Yes.

PROGRAM PERIOD

Q. If a Lead Entity is unable to apply for the funds by the first application deadline of June 30, 2012, will the entire amount remain available for a county to apply for at a later date?

A. The allocation will remain in place until December 31, 2013, so applicants can apply for some or all of the money during later rounds. The program will be re-evaluated after December 31, 2013.

Q. If a county cannot complete all demolitions by December 31, 2013, will they lose their allocation?

A. We will be evaluating use of funds during the initial program period. A county proceeding with demolitions in a timely manner will be at risk of losing their allocation.

MATCH REQUIREMENT

Q. What activities are considered in-kind matches?

A. In-house preparation of environmental assessments, in-house labor, equipment and materials.

Q. Is revenue generated from federal grant money available for use as a match?

A. Yes, as long as there are no restrictions on the use of the revenue under those grant programs. While this program does not mandate the use of prevailing wage or historic clearance for each demolition, some federal programs may.

Q. The application requests identification of the source of match dollars. Must the money be in-hand, or are pledges sufficient?

A. Documented pledges are sufficient.

Q. What types of activities and money are not allowed to be used for a match?

A. No federal funds may be allowed as a match for this demolition program (NSP, CDBG, HUD, etc.) unless the local government is in fiscal emergency. The first \$500,000 allocation may not be comingled with federal funds. No demolitions performed with federal funds are allowed to be used as a match.

ADMINISTRATIVE COSTS/SOFT COSTS/USES OF GRANT FUNDS

Q. What activities are considered administrative?

A. Preparation of reimbursement and performance reports, hiring of project personnel, preparation of technical specifications, internal historical assessments.

Q. May grant funds be used to pay delinquent taxes owed on a property?

A. No. The funds may be used only for expenses surrounding the demolition of a property.

Q. The guidelines indicate the funds can only be used for residential structures. How can we determine whether a building fits into the definition of residential?

A. For purposes of this program, “residential” is defined as a structure that is: (1) on land zoned for residential use; (2) being used as a residential dwelling; (3) had been used as a residential dwelling; or (4) connected to any structure that is currently used or has previously been properly used as a residential dwelling as a mixed use. This definition makes mixed use residential structures eligible for demolition under this program.

Q. Does the preparation of bid packages and demolition contracts fall under demolition expenses or under operations?

A. Unlike some federal programs, this program is not designed to pay salaries of administrative personnel. We have focused on local governments as a lead entity because of their existing capacity and history of preparing bid packages and generating demolition contracts with existing staff and legal counsel. We will pay legal invoices for local governments that do not have legal counsel available to them.

Q. Are costs reimbursable for identifying and selecting properties for demolition when the structure is not demolished (also known as “walk away” situations)?

A. No. Reimbursement requests may be submitted only for completed demolitions. Local governments must strategically target properties for demolition using existing methods to gain control of the property – nuisance abatement, condemnation and

consent. This program has not set a reimbursement limit on the per property cost of demolition. Liens may also be placed on properties to recover certain costs.

ENVIRONMENTAL REVIEW/HISTORICAL CLEARANCE

Q. What level of environmental review is required?

A. The Ohio EPA has a publication on asbestos requirements - <http://www.epa.state.oh.us/portals/41/sb/publications/AsbestosNotification.pdf>. An asbestos survey is required for each property. The extent of any additional environmental assessment will be dependent on the individual property.

Q. What level of historic clearance is required?

A. Historic clearance through the Ohio Historic Preservation Office is not a requirement of this program. Local governments are encouraged to consider the historic nature of any property they plan to demolish as part of their strategic planning and community improvement strategies.

Q. Is the Lead Entity required to perform environmental inspections on the properties demolished by subrecipients?

A. The Lead Entity must make sure an inspection is conducted as part of the reimbursement request. The lead entity can rely on the local government/subrecipient to perform the actual inspection.

Q. Who can I talk to about lead paint concerns?

A. Ohio Department of Health
Healthy Homes and Lead Poisoning Prevention Program
Pam Blais, RS – Environmental Supervisor
246 North High Street
Columbus, Ohio 43215
(614) 728-3105 or
Toll Free: 1-877-532-3723
Fax: (614) 728-6793
Pam.blais@odh.ohio.gov

Lead paint abatement is not required for residential demolitions.

CONTRACTS WITH VENDORS/SUB-RECIPIENT AGREEMENTS

Q. May contracts between Lead Entities and contractors/vendors include a right to terminate?

A. Yes. Any right of rescission must expire before work commences, but contracts may contain at will termination clauses.

Q. Are contractor invoices and vendor or consultant costs reasonable expenses eligible for reimbursement?

A. Reasonable contractor invoices for demolition are eligible for reimbursement.

Q. The guidelines require tax certifications of contractors. What does this entail?

A. Contractors must be able to show that they are current in payment of federal, state, and local taxes.

Q. Will the Attorney General's office provide contract templates?

A. The Attorney General will provide a subrecipient agreement template. We will not provide a contractor agreement template. Suggestions for provisions of contractor agreements are included within the Demolition Guidelines.

STRATEGIC PLAN

Q. Is a Community Housing Improvement Strategy (CHIS) required to be submitted with the Application?

A. Yes. Either a strategic plan OR a CHIS should accompany the Strategic Plan Summary as Attachment 3 to the Application along with a prepared summary of the plan.

Q. Who can I contact for assistance with the Strategic Plan?

A.
Greater Ohio Policy Center
399 E. Main St., Suite 140
Columbus, OH 43215
Samantha Spergel
sspergel@greaterohio.org
614-224-0187
Southern half of state

Thriving Communities Institute
12768 Chillicothe Rd.
Chesterland, OH 44026
Kate Hydock
khydock@wrlandconservancy.org
216-515
Northern half of state

MISCELLANEOUS

Q. Do Federal or State Prevailing Wages apply?

A. The funds provided under this grant program are the result of a court-approved consumer settlement agreement. Prevailing wage is not a requirement of this program. However, in certain situations, other factors might necessitate prevailing

wage. Each local government must evaluate their program to determine whether prevailing wage applies.

Q. Can liens be placed on the property once the demolition has occurred?

A. Yes. Liens may be placed on a property to recover litigation expenses, demolition costs, and any other expenses permitted by statute. Any program income that is generated from the lien shall remain with the local government. While local governments are encouraged to use any program income for future demolition activity, there are no restrictions on the use of program income.

Q. Once I have submitted an invoice for reimbursement, how long will it take to receive the money?

A. Invoices are submitted through the e-mail movingohioforward@ohioattorneygeneral.gov. Invoices are expected to be paid within 30 days after receipt.

Q. If a County is designated funds over \$500,000.00 but is initially unable to provide a match for the remainder of the funds, should the County just apply for the first \$500,000.00 now and apply for the rest later if matching funds become available?

A. All funds requested over \$500,000 require matching funds and documentation to support the match. If the documentation is not available by June 30, the Lead Entity can apply for the first \$500,000. Additional application periods are anticipated and planned.