

GUIDELINES FOR URBAN RENEWAL AGENCY  
FAÇADE REPAIR AND RENOVATION PROGRAMS



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## **I. PURPOSE AND OVERVIEW**

The Montana Legislature declared the prevention and elimination of blighted areas to be a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities. Therefore, the Legislature empowered municipalities to create urban renewal districts whereby the municipalities could fight the spread or further deterioration of blighted areas.

The City of Livingston created an urban renewal district (the "District") in 2003 upon determining certain areas of Livingston were blighted. The District is administered by the Livingston Redevelopment Agency, commonly known as the Urban Renewal Agency (the "URA"), and is benefitted by tax increment financing. Having access to TIF funds, the URA sought to implement a program or programs through which it could remove, remediate and prevent blighted areas in the District. The programs set forth and detailed in this document are aimed at accomplishing the URA's goals of blight removal, remediation and prevention.

Namely, the programs provide financial assistance to property owners and/or tenants who desire to repair or rehabilitate the façades of buildings and properties within the District.

Those interested in acquiring funding for façade projects should become familiar with this document. Applicants will be required to comply with and follow the process set forth herein. Interested parties with questions or concerns should contact the City offices at (406) 222-2005.

## **II. PRELIMINARY ELIGIBILITY REQUIREMENTS**

The following criteria will apply to every proposed project, considered façade repair or rehabilitation.

- Projects must constitute façade repair or rehabilitation. The term "façade" is defined as the portion of a building that faces the public right-of-way and is fronted by a sidewalk or other pedestrian pathway, or that portion of a building that faces an alley and contains a public entryway. Examples of a façade improvement projects include, but are not limited to, painting, pressure-washing of walls, brick and mortar repair, gutter work, or removal of old signage. (Note: The purchase and installation of new signage is not contemplated under the program.)
- Every application for funding must be made in the name of the building owner or a building tenant. If the building tenant makes an application, the tenant's application must include the building owner's written consent allowing the tenant to participate in the specific program. Any application made by a tenant without the express written consent of the building owner will be summarily denied.
- The proposed project must be for an improvement to a building or buildings located in the District. Single-family properties are not being considered for the program at this time. Properties on which taxes are delinquent will not be considered for funding. Similarly, properties which are encumbered by construction or mechanic's liens will not be eligible. Applicants must obtain all necessary permits and inspections, and pay any associated fees.

- Each and every proposed project must first be approved by the Historical Preservation Committee if within the Historic District. Failure to obtain such approval will result in the application being summarily rejected.
- Applications will be considered based on work commenced within eighteen (18) months of the date of approval from the Historical Preservation Committee if within the Historic District.
- By making an application, an applicant acknowledges (1) it is bound by the terms and conditions of the respective program applied for, and (2) it fully and completely understands its duties and obligations under the program applied for.
- Every application for funding must be accompanied by (2) contractor's bids plus an itemized cost of materials. (Please note that applicants are permitted to perform work associated with the proposed project; however, funds will not be paid to reimburse the applicant for personal time or volunteer time spent on the project.)

Grant applications will be judged on the following specific criteria detailed questions:

#### **CRITERIA FOR URBAN RENEWAL AGENCY FAÇADE GRANT PROGRAMS**

1. Has the proposed project been approved by the Historic Preservation Board if within the Historic District?
2. Will the proposed project bring into repair, a property suffering from blight, dilapidation, or substandard conditions?
3. To what extent will the completed project address unsanitary conditions, unsafe conditions, or threats to the public health, safety, morals, or welfare?
4. To what extent will the completed project address issues of economic or social liability?
5. To what extent will the completed project positively benefit the general public?
6. To what extent will the completed project lead to an appreciation of property values within the Urban Renewal District and thus lead to increased tax revenue?
7. To what extent will the completed project enhance the local economy?

8. Is there a workable feasible plan to make available adequate housing for any persons displaced by the project?
9. To what extent will the completed project create housing opportunities?
10. To what extent will the completed project reduce, prevent, abate, or eliminate pollution?
11. When compared with grants previously awarded under the same or a similar program, is the amount requested or awarded proportionate, fair, equitable, and just?
12. Do the total project costs appear to be in line with local norms for a project of the type? In other words, do the project costs appear to be overly expensive considering the size, scope, and measure of the work to be done?
13. Does the proposed project appear to be extravagant, wasteful, or lavish?
14. Prior to project completion, what portion of the total taxable value of the Urban Renewal District does the proposed project site comprise?
15. Other than those benefits already discussed in connection with the above questions, what benefits or positives will the completed project bring to the City of Livingston and/or the Urban Renewal District?
16. What potential problems or negatives, if any, will the completed project bring to the City of Livingston and/or the Urban Renewal District?
17. If funds are granted, what amount of program funds will be available for future urban renewal projects in the Urban Renewal District?
18. Are other projects and/or entities requesting program funds from the Urban Renewal Agency at the time of the present request?
19. Does the Urban Renewal Agency anticipate that other projects and/or entities will request program funds in the foreseeable future?
20. If the Urban Renewal Agency awards some or all of the requested funds, do the project sponsors acknowledge that misuse of the funds may be actionable under the Montana False Claims Act?
21. If the Urban Renewal Agency awards some or all of the requested funds, are the project sponsors willing to sign the required program contract?

### **III. PROGRAM DETAILS**

1. **FUNDING OPTIONS.** The URA offers several funding options for applicants seeking URA Guidelines approved by City Commission 2/15/2022

to improve a property by way of façade repair or rehabilitation improvements. Façade repair or rehabilitation projects may be eligible for funding under the “Façade Program.”

- a. Façade Program. Applicants can request a one hundred percent (100%) payout (the “Façade Payout Option”), or **up to a 50%** grant (the “Façade Grant Option”). Each option is described in detail below.
  - i. Façade Payout Option. In the event a project is approved for funding, the URA will reimburse participants for 100% of the project costs; provided, however, the total reimbursed project costs do not exceed one thousand and no/100 dollars (\$1,000.00).
  - ii. Façade Grant Option. In the event a project is approved for funding, the URA will reimburse the participant **up to 50%** of the total project costs up to \$100,000. The URA will calculate the reimbursement amount (the amount that is **up to 50%** of the total project costs) by using the accepted bid for the project, after subtracting any other grants received by the participant.
    - Façade Grant Option Application Review. The following items (and others) will be considered in the grant application review process: (1) project scope; (2) previous grants or loans the applicant has received from the URA; (3) overall impact upon the District and other business owners in the District.

#### **IV. MISCELLANEOUS TERMS AND CONDITIONS**

1. TOTAL FUNDS AVAILABLE. Prior to the end of each fiscal year, the URA shall determine funding levels for the next fiscal year. The funding level for each fiscal year shall be approved by the Livingston City Commission. Fiscal years are determined by the City of Livingston's fiscal year calendar. Funds will be expended on approved projects on a first-come, first-served basis.
2. PROJECT COMMENCEMENT. Although projects can begin before URA approval, it is best to come to the URA first to see if your project would qualify since the grant is a payback after work is completed and cost verified.
3. PROJECT COMPLETION. All projects awarded funding hereunder shall be completed within eighteen (18) months after the date on which the applicant receives a notice to proceed from the URA. After eighteen months, additional approval is required.
4. PAYMENT. With respect to funds due under the Façade Payout Option or Façade Grant Option the URA will make the reimbursement payment to the participant only after: (1) the project is complete; (2) the participant has presented the URA with receipts and/or invoices evincing the total project costs, and the receipt and distribution of grant funds (if any); (3) the URA, in its sole and absolute discretion, is satisfied the project was completed in accordance with all terms and conditions of the program; (4) all inspections required by law are complete. *Note:* The participant is responsible for paying all contractors, material suppliers, and vendors.
5. URA'S ACCESS TO PROJECT SITE AND RECORDS. By participating in the Façade Program, participants grant the URA access to the project site, and to all

documents associated with the project or projects the URA is funding, including, but not limited to, communications, accounting records, plans, drawings, and invoices from contractors, subcontractors or material suppliers, and informed of any other grant applications and grants awarded for this project from sources outside the URA. Participants shall make the project site and/or such paperwork available to the URA within five (5) days of receiving a request for production or inspection from the URA. If a participant fails to provide access to the project site or the documents requested, the URA may, in its sole and absolute discretion, pull funding for the project or projects.

6. ADDITIONAL LIMITATIONS ON ELIGIBILITY.

- a. Façade Program. Applicants are eligible for only one (1) source of funding under the Façade Program in any given fiscal year. That is, if an application is approved for participation in the Façade Payout Option, the applicant is not eligible for participation in the Façade Grant Option, and vice versa. Further, applicants cannot receive more than one (1) Façade Payout or more than one (1) Façade Grant in the same fiscal year. A single project is eligible for only one (1) Façade Payout or one (1) Façade Grant, not both or more than one (1) of either.

7. SOURCES OF FUNDING. Projects will be funded through tax increment financing realized from within the District.
8. COMPLIANCE WITH LAW. All projects must be undertaken in compliance with local ordinances and state and federal law.
9. NON-DISCRIMINATION. Each participant must agree that all hiring in connection with approved project(s) will be on the basis of merit and qualifications and that the participant will not discriminate on the basis of race, color, religion, creed,

political ideas, sex, age, marital status, physical or mental disability, or national origin.

10. PREVAILING WAGES. Participants agree all laborers shall be paid the standard prevailing rate of wages, including fringe benefits, in effect and applicable to the district in which the work is being performed as determined by the Montana Department of Labor and Industry. Information about such wages and fringe benefits must be posted at the job site.
11. VOLUNTARY CONDITION. Participants are encouraged to display a sign (provided by the URA) for twelve (12) months after project completion that indicates funds from the City of Livingston and the URA were used on the project.
12. SEVERABILITY. Each provision of this document is intended to be severable. If any provision of this document is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this document.
13. INTERPRETATION. All captions, headings, or titles in the paragraphs or sections of this document are inserted for convenience or reference only and shall not constitute part of this document or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.
14. COMPUTING TIME. For the purpose of calculating time under this document, the following computation shall be used: If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including intermediate Saturdays, Sundays, and legal holidays, and include

the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

## V. APPLICATION PROCESS

1. Application Submission. After gathering the information required to be provided in connection with the application, interested parties shall submit an application to the URA which will review the application to make sure it complies with all requirements. Applications for the Livingston Redevelopment Agency Façade Program are available on the City of Livingston's website at [www.livingstonmontana.org](http://www.livingstonmontana.org). The completed application shall be accompanied by the following:
  - a. Five copies of the selected bid for each aspect of the proposed project;
  - b. Five copies of detailed drawings, plans or specifications for the proposed project;
  - c. If a tenant is the applicant, a letter from the building owner demonstrating approval of the tenant's participation in the program;
  - d. Any and all documents related to grant and/or funding programs the applicant has applied for or received for the project that are unrelated to the programs described herein;
  - e. Completion of Budget Information Sheet; and
  - f. Documentation demonstrating project approval from the Historical Preservation Committee.
2. URA Meeting Attendance. Upon approval of the application, applicants should attend the URA's next regularly-scheduled meeting to present the proposed project to the URA board. Interested parties should be prepared

for a detailed discussion and questions regarding the proposed project. The application will then be placed on the agenda for the URA's next regularly-scheduled meeting as a consent item to be approved or denied by vote of the URA board.

3. Program Agreement Execution. If the URA approves the project for funding, participants will be required to enter into and execute a written agreement with the City of Livingston establishing the terms and conditions for participation in the specific program.