



## **PILOT PROGRAM**

### **Façade Improvement Program**

### **Rules and Regulations**

**City of Pawtucket  
Donald R. Grebien, Mayor**

## Purpose

These rules and regulations (“Rules”) are promulgated to set forth the principles, policies and practices of the City of Pawtucket’s Department of Planning and Redevelopment (“DPR”) in implementing and administering its Façade Improvement Program (“Program”). The purpose of the program is to create a more welcome and vibrant streetscape. Projects funded under this project include:

- a. Replacement or installation of new awnings, doors, landscaping, lighting, paving, siding and/or windows.
- b. Decorative material.
- c. Code compliance.
- d. Public-facing street/sidewalk improvements, including improvements on the sidewalk or the shoulder of the road (bicycle hitches, interactive elements, interpretive signage, parklets, planters, seating, street lighting, etc.) The City offers a 50/50 sidewalk program that could assist the Applicant with sidewalk improvements.

This is the first year the City of Pawtucket will offer this program. The program will be structured as follows:

### Small Grants

For basic work the applicant may request a grant of up to \$2,000 for materials only (no labor) for small improvements to a building’s façade (windows, door and awnings).

### Larger Projects – Grant and Loan Combination\*

For more comprehensive projects the City will offer a loan for half of the total project amount up to \$15,000 and half grant CDBG funds to applicants for a maximum of \$30,000 per project. The loan would be structured to be paid back in 5 years.

- Applications for total project cost below \$10,000 would be reviewed by Department of Planning and Redevelopment staff.
- Applications with total project cost equal to \$10,000 or above (\$10,001) would be reviewed by the Pawtucket Business Development Corporation (PBDC).

### Required Match

The match requirement will come in the form of architectural services and construction management services. The applicant must obtain architectural and construction management services, that cost would be on the applicant and would serve as the match. The cost of architectural services and construction management services would not be part of the grant/loan amount.

\*CDBG funds require that construction contracts in excess of \$2,000 will be subject to Federal Davis-Bacon Wage Rates and Labor Standards provisions. The Davis-Bacon Act requires the payment of prevailing wage rates to all labor and mechanics on federal or federally assisted construction contracts.

## **Authority**

The City of Pawtucket Fiscal Year 2016-2017 Budget Ordinance created the Revolving Loan Program and seeded its startup with \$30,000. CDBG grant funds have been designated by the City of Pawtucket.

## **Scope**

These Rules shall apply to any application received by the City of Pawtucket for funding under the Program. Notwithstanding anything contained in these Rules to the contrary, DPR shall have and may exercise all general powers set forth in the Program that are necessary or convenient to affect its purposes. These Rules shall be liberally construed so as to permit DPR to effectuate the purposes of the Program, the public interest and other applicable federal, state and municipal laws and regulations. DPR may identify pilot projects for implementation by DPR staff or in consultation with a design professional or waive eligibility requirements, based upon the written recommendation of DPR staff delineating the reasoning for such projects.

## **Eligibility**

The following conditions must be met to be eligible for a grant and/or loan:

1. The Applicant must be a Business or Property Owner in the City of Pawtucket. Business owner needs signature of property owner.
2. The Project must be located in a CDBG-eligible neighborhood.
3. The City of Pawtucket Department of Planning and Redevelopment reserves the right to reject any application for any reason.
4. Historically significant buildings will be required to work with the appropriate City and/or State Historical Commissions.

## **Application**

The Application shall require submission of the following information from each Applicant:

1. The name of the Applicant and contact information for the individual(s) primarily responsible for oversight and management of the Project. If the applicant is not the building owner, then documentation that the owner agrees to the work to be performed.
2. A detailed description of the Project, which shall include its specific location, conceptual drawings and an anticipated construction schedule.
3. Identification of the Design Professional, Contractor and other relevant Consultants.

4. Identification of ways in which the Project will benefit the local economy including, but not limited to, the hiring of local labor, the using of minority or women contractors and/or the using of local suppliers.
5. A budget for the Project supported by cost estimates for the work to be performed on the project.
6. Evidence of a match.
7. A plan for maintenance or upkeep of the Project after completion, including identification of sources of funds.
8. A description of the economic benefits of the Project.
9. Any other necessary and relevant information as determined by DPR.

### **Application Review**

The City will announce an open application period on its website until such time as all available funds under the Program have been committed, at which point DPR will cease reviewing Applications until such time as additional City funding is available.

1. Each application shall be reviewed to confirm compliance with these Rules, and DPR may reject any incomplete or deficient Application.
2. DPR may require the submission of additional information in connection with any Application or the revision of an Application and may permit the resubmission of an Application rejected as being incomplete or deficient.
3. After submission of a complete Application and review by DPR in accordance with federal, state and local requirements and these Rules, DPR will determine whether to make the grant and/or loan to the Applicant. If the request is greater than \$10,000, the application will be referred to the Pawtucket Business Development Corporation (PBDC) for review at their next schedule meeting. Factors considered in formulation of the grant and/or loan may include the following:
  - a. The economic benefits of the Project.
  - b. Technical and financial feasibility of the Project.
  - c. Meets the match requirements.
  - d. Project readiness.
  - e. Benefits to the general public beyond visitors to the property.
  - f. Energy efficiency of the Project.
  - g. The qualifications of the proposed Design Professional(s), Contractor(s) and Consultant(s), as outlined under "Completion of the Work."
4. If DPR determines it will not award the grant and/or loan to the Applicant, it shall notify the Applicant in writing of such decision.

## **Agreement**

1. Upon an Award, the City and the Applicant will enter into a grant and/or loan Agreement. The loan Agreement will include a mortgage instrument with repayment terms.
2. In order to safeguard the expenditure of public funds and ensure that the disbursement of funds further the objectives of the Program, the Agreement shall include, among others, the following terms:
  - a. The maximum amount of the grant and/or loan with a repayment schedule.
  - b. The anticipated deadline for the completion of the Project.
  - c. A procedure for the certification and auditing of Project costs.
  - d. A provision that the failure to adhere to a certain timeline or to certain conditions may result in forfeiture of all or some portion of the loan Award.
  - e. Representation and warranties that the Applicant is in good standing with the Secretary of State, Division of Taxation and City of Pawtucket at the time of execution of the Agreement and will remain so through the duration of the Agreement; good standing with the Division of Taxation means the Applicant is current on all taxes or that the Applicant is current on a workout agreement with the Division of Taxation; good standing with the City of Pawtucket means the Applicant is current on all taxes or that the Applicant is current on a tax treaty with the City of Pawtucket, that the Applicant has received a Certificate of Occupancy and that the Applicant is registered with the City, as required.
  - f. Indemnification requirements.
  - g. Default and remedies, including events other than those set forth, if any, that would trigger forfeiture or revocation of the loan Award.
  - h. Reporting requirements to ensure compliance with these Rules.
  - i. Compliance with the Downtown Design Guidelines and, if applicable, the Secretary of the Interior's Standards for Rehabilitation.

## **Completion of the Work**

A Contractor must be used to complete the work. The City is committed to supporting the business efforts of its residents. Therefore, we strongly encourage the selection of Contractors, Design Professionals and Consultants that are based in Pawtucket and/or employ Pawtucket residents. The City also encourages the selection of these professionals in proportion to the makeup of City residents, which are majority Hispanic and equally female. A good resource is the state's Minority and Women-owned Businesses (MBE/WBE) registry. <http://odeo.ri.gov/> Assistance is available from the City in finding contractors.

The contractor is required to acquire and complete all necessary building permits.

## **Discretion and Judicial Review**

1. DPR shall not have any obligation to make any grant and/or loan award to the Applicant under the Program or these Rules and may decline to make any grant and/or loan awards with

respect to which DPR has reviewed a completed Application that meets the eligibility requirements.

2. A review of an Application shall not constitute a “contested case” under the Administrative Procedures Act, Section 42-35-9 of the Rhode Island General Laws, and no opportunity to object to an Application shall be afforded, nor shall judicial review be available from a decision rendered by DPR in connection with any Application unless the Application triggers a review by the Planning and/or Zoning Board in which case objections and judicial review shall be available pursuant to the rules and/or laws applicable to both.

## **Severability**

If any provision of these Rules, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules shall not be affected thereby.

## **Administration and Examination of Records**

DPR may examine any books, papers, records or memoranda bearing upon the approval of any grant awarded under the Act and may require the attendance of any person executing any Application, report or other statement, or the attendance of any other person, and may examine such person under oath respecting any matter DPR deems pertinent or material in determining eligibility for Awards claimed in this Program.

## **Definitions**

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise.

1. “Agreement” means the contract between the Applicant and the City of Pawtucket, which sets forth the terms and conditions under which the Applicant shall be eligible to receive a loan under the Program.
2. “Applicant” means a Business or Property Owner who applies for funding under the Program and these Rules.
3. “Application” means the application, promulgated by DPR, which must be completed and submitted by an Applicant pursuant to these Rules and all relevant federal, state and municipal laws and regulations.
4. “Award” means the approval of an application submitted by a Pawtucket-based company for a grant and/or loan in this Program.
5. “Business or Property Owner” means an officer permitted to contract for a corporate entity registered with the State of Rhode Island or the individual registered with the City of Pawtucket as the owner of the business and/or property applying for the Program.

6. “City” means the City of Pawtucket, a municipality in the State of Rhode Island.
7. “Contractor” means an entity registered with the State of Rhode Island for their respective trade to lawfully secure a Building Permit for the Project and technically capable of completing the work, based upon experience of the entity and the individuals who will be undertaking the construction portion of the Project.
8. “Design Professional” means a person qualified to provide design consultation to the Applicant based upon demonstrated professional expertise, which includes a professional degree in architecture, portfolio and/or registration with the State of Rhode Island Boards for Design Professionals: Architects.
9. “DPR” means the City of Pawtucket’s Department of Planning and Redevelopment.
10. “Loan” means a zero percent loan for a Façade Improvement Project with a value not to exceed \$15,000 (Fifteen Thousand Dollars).
11. “Program” means the Façade Improvement Program.
12. “Project” means an improvement to a property visible from the right-of-way.

### **Inspection Rights**

DPR shall have the right at reasonable times to make an inspection and to enter upon any property that is the subject of an Application during the Application process or term of an Agreement to verify compliance with these Rules and such other conditions imposed in the Agreement by DPR.

Rules and Regulations Published:

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Susan Mara  
Acting Director  
Department of Planning and Redevelopment