

## CONTENTS

### I. EXECUTIVE ORDERS

DCT 83-9—Medical Malpractice Commission proposals deadline .....	387
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### II. EMERGENCY RULES

Agriculture Department:	
Advisory Commission on Pesticides—Pesticide application .....	387
Commerce Department: 387	
Racing Commission—Fingerprinting, photographing of licensees .....	387
Permitted medication .....	388
Education Department:	
Board of Elementary and Secondary Education—Salary schedules, change	
GED policy .....	389
Health and Human Resources Department:	
Office of Family Security—GA grant maximums .....	389
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Community Development	
Block Grant .....	390

### III RULES

Agriculture Department:	
Horticulture Commission—Rules and regulations .....	410
Livestock Sanitary Board—Pseudorabies .....	410
Market Commission—Grading and certification of poultry .....	411
Education Department:	
Board of Elementary and Secondary Education—Interim hiring, Special	
Education program, and other Rules .....	411
Governor's Office:	
Department of Veterans' Affairs—Fees at War Veterans' Home .....	411
Division of Administration—Property Control, surplus property disposition .....	412
Health and Human Resources Department:	
Office of Family Security—Cease payment for specimen collection .....	412
Condition of eligibility for GA program .....	412
Delete reasonable charge limits for DME .....	412
Discontinue use of PSROs .....	413
Elimination of podiatry program .....	413
Elimination of payment for hearing aids for Title XIX recipients	
over 21 .....	413
Flat grant amounts, GA program .....	413
Implementation of SSI Transfer of Resources policy .....	414
Increase CAP rate for Long Term Care .....	414
Increase monthly maintenance allowance for H and CBS recipients .....	414
Inpatient Hospital Services .....	414
Local decisions on incapacity in GA program .....	415
Prior authorization for dental crowns .....	415
Refugee Resettlement Program .....	415
Reimbursement rates for Home Health Services .....	415
Office of Human Development—Voluntary Registry, adoption program .....	415
Office of the Secretary—Social Services Block Grant Program .....	416
Natural Resources Department:	
Office of Environmental Affairs—Emission standards for hazardous	
air pollutants .....	416
Office of Forestry—Revise tree seedling prices .....	416
Public Safety Department:	
Office of State Fire Marshal—Plans and specifications for new buildings .....	417
References and standards .....	417

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Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—	
Expiration and renewal	417
Office of Aviation and Public Transportation—Ultralight aircraft Rules	417
Offshore Terminal Authority—Licensing offshore terminal facilities	423

**IV. NOTICES OF INTENT**

Commerce Department:	
Office of Commerce and Industry—Mississippi River Bridge relocation	428
Restoration Tax Abatement Program	428
Racing Commission—License applications, fingerprints and photographs	429
Culture, Recreation and Tourism Department:	
Office of State Museum—Admission fees	429
Education Department:	
Board of Elementary and Secondary Education—Graduated salary schedule, teacher certification documents, GED policy, ITV broadcasting approval, Home Economics certification, textbook adoption, Pupil Appraisal Handbook and Act 754 Regulations	430
Board of Trustees for State Colleges and Universities—Capital Outlay budget request procedure	432
Foreign student services fees	433
Educational Television Authority—Policy on compensation to non-commercial stations not licensed to LETA	433
Governor’s Special Commission on Education Services—Guaranteed Student Loan Program	434
Southern University Board of Supervisors—Graduate enrollment fees	434
Housing, food service fees	434
International students supplemental fees	435
Orientation fee	435
Health and Human Resources Department:	
Office of Family Security—AFDC policy changes on Work/WIN participation	435
Elimination of double support payments	436
Office of Management and Finance—Section 1122 capital expenditure reviews	437
Office of the Secretary—Foster care, rate setting manual	443
Other residential care, rate setting manual	443
Review to Rate Setting System	444
Rate setting for Residential Care Manual	445
Labor Department:	
Office of Labor—Job Training Partnership Act	446
Natural Resources Department:	
Office of Environmental Affairs—Revision to Air Quality Regulations	446
Revision to State Implementation Plan	447
State Implementation Plan for protection of Integral Vistas	447
Public Safety Department:	
Office of Management and Finance—Pricing Policy for Records	448
Office of State Fire Marshal—Proposed amendment to Standards for Mobile Homes	449

**V. COMMITTEE REPORTS**

Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Approval of netting ban in Nantachie Lake	450
Disapproval of hunting seasons	450

**VI. POTPOURRI**

Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims	450
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Examination policy	450

**VII. ERRATA**

Agriculture Department:	
Commissioner of Agriculture—Paragraph designation corrected	450

# Executive Orders

## EXECUTIVE ORDER DCT 83-9

WHEREAS, the Governor's Commission on Medical Malpractice was created by Executive Order 82-14 and amended by Executive Order 83-3 to study problems related to medical review panel procedures in order to assure the adequate protection of all medical patients; and

WHEREAS, it is vital to the mission of the commission that it have sufficient time to study relevant information regarding the critical problem of medical malpractice;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby amend Executive Order 82-14, as amended by Executive Order 83-3, to provide that said commission shall make proposals for legislation to the Governor prior to the first day of February of 1984.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of May, A.D., 1983.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

Department of Agriculture  
Commissioner of Agriculture

In accordance with the provisions of R.S. 49:964 B (2), and under the authority granted to the Commissioner of Agriculture under R.S. 3:3242, notice is hereby given that implementation of the Rules and Regulations recommended by the Advisory Commission on Pesticides and approved by the Commissioner of Agriculture has created an emergency affecting the health and welfare of the people of Louisiana, in that Rule 7.2 B (8) of the Rules and Regulations for Implementation of R.S. 3:3201-3280 presently does not permit commercial applicators of pesticides to perform certain pesticides applications affecting public health.

Therefore, the Commissioner of Agriculture has adopted the following amendments to existing Rules and Regulations for the Implementation of R.S. 3:3201-3280 on an emergency basis:

7.0 Certification of Commercial Applicators

7.1 The commissioner hereby establishes the following standards as qualifications required for certification:

\* \* \* \*

B. An individual applying for certification in Categories 7b,

7c and 8a must have two years of experience in the phase of work in which he is making application, which experience must have been acquired under the supervision of a certified applicator. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

C. An individual applying for certification in Category 8d must either have a bachelor's degree with at least 12 hours in entomology, or must have at least four years of experience in mosquito control, working under the supervision of a person certified in mosquito control. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

7.2 Categories are established on the basis of the location where application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

\* \* \* \*

B. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

\* \* \* \*

(8) Public Health Pest Control. This category is for commercial applicators and state, federal and other governmental employees using or supervising the use of pesticides with restricted uses in public health programs for the management and control of pests having medical and public health importance. This category has been subdivided into four subcategories, as follows:

(a) Mosquito Control - Applicator. This subcategory is for commercial applicators and government employees who are applicators in mosquito control programs.

(b) Rodent Control. This subcategory is for commercial applicators and government employees who are applicators in rodent control programs.

(c) Community Public Health. This subcategory is for commercial applicators and government employees who are applicators concerned with the control of all arthropods and rodents of public health importance.

(d) Mosquito Control - Supervisor. This subcategory is for commercial applicators and government employees who are supervisors in organized mosquito control programs.

At its next regularly scheduled meeting, the Advisory Commission on Pesticides will establish dates for the conduct of public hearings to consider adoption of the above amendments on a permanent basis. Notice of such hearings will be provided in the *Louisiana Register*.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

Department of Commerce  
Racing Commission

The Racing Commission, pursuant to the authority contained in R.S. 49:953B, amended as an Emergency Rule, LAC 11-6:14.4. The Commission at its meeting of May 11, 1983, by unanimous resolution, made a finding that the public welfare required the amendment of a Rule of racing to provide that all racing license applicants abide by the requirements and provisions of this Rule, which requires all licensees and permittees of the Commission be fingerprinted and photographed.

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent

upon the Louisiana State Racing Commission to amend a Rule of racing so as to place under its control and jurisdiction the requirements that all applicants for owners' licenses must also be photographed and fingerprinted.

**LAC 11-6:14.4 CURRENTLY READS:**

"All applications for licenses must be completely and correctly filled out, properly signed and, when required, notarized. All licensees and permittees of the Commission must be fingerprinted and photographed. Anyone failing to be fingerprinted or photographed shall be suspended or fined or both. This Rule shall not apply to owners."

AMEND AND READOPT LAC 11-6:14.4 by deleting the last sentence thereof: "This Rule shall not apply to owners."

Emergency Rule effective date: May 11, 1983.

S. M. Delaney  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Commerce**

**Racing Commission**

**Rule passed as an emergency May 27, 1983**

**Rule goes into effect June 1, 1983**

**PERMITTED MEDICATION**

LAC 11-6:54

54.1 Except a licensed veterinarian, permitted by law, in his or her general veterinary practice, the administration, use, application and/or possession of any narcotic, stimulant, depressant, or local anesthetic are prohibited within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary stable area (as defined in LAC 11-6:55.1) where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting.

54.2 Notwithstanding anything to the contrary in this Rule or any other Rule of Racing, there will be no "Permitted Medication" for two-year olds for racing. The presence of any drug in the blood or urine specimen of a two-year old horse, regardless of the level thereof, shall be prima facie evidence of the presence of a drug and a violation of this Rule.

54.3 No non-steroidal and/or anti-inflammatory medication may be administered to or used on a horse in training and eligible to be raced at a race meeting in this state except by a licensed veterinarian or a licensed trainer, or under his or her personal order; provided, however, that any such medication given hypodermically may only be administered by a licensed veterinarian. The non-steroidal, anti-inflammatory medications designated below may be used in training but may not be administered within 24 hours of a race in which a horse is entered. The maximum analytical test result levels of the urine and blood of such horse, regardless of time of administration, shall be as follows:

**POST-RACE URINE LEVELS - TOTAL OF DRUG AND/OR METABOLITE**

Phenylbutazone 165 micrograms per milliliter

Oxyphenbutazone 165 micrograms per milliliter

**POST-RACE BLOOD LEVELS - TOTAL OF DRUG AND/OR METABOLITE**

Phenylbutazone 5.0 micrograms per milliliter

Oxphenbutazone 5.0 micrograms per milliliter

In addition to any other urine or blood specimens required to be tested and analyzed, the stewards may order the taking of a

blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn and/or test barn as provided in LAC 11-6:23.35, which blood specimen shall be delivered to the state chemist for testing and analysis.

54.4 A. No bleeder medication may be administered to a horse in training for a race during any race meeting except upon compliance with the following:

1. Only a licensed veterinarian may prescribe, dispense and administer bleeder medication.

2. No horse entered to race may be administered bleeder medication within four hours of post-time of the race in which the horse is to run.

B. A horse shall be considered a known bleeder when:

1. It is observed bleeding by a Commission or Association veterinarian during and/or after a race or workout.

2. An endoscopic examination authorized by the Commission veterinarian or state steward, conducted within one hour of a race or workout, reveals blood in the trachea and/or upper respiratory tract of the horse examined.

3. A statement from a Commission or Association veterinarian of any other racing jurisdiction, confirming that a specific horse is a known bleeder is received by the Commission or stewards having jurisdiction of the race meeting where such horse may be eligible to race.

C. The stewards or Commission veterinarian may require an endoscopic examination before ordering that a horse be included on the Bleeder List. Such examination shall be performed by a licensed veterinarian, at the cost of and employed by the owner of the horse or his agent, and shall be conducted in the presence of or with the approval of the Commission veterinarian.

D. The Commission veterinarian at each race meeting shall maintain, on a current Bleeder List, a list of horses classified as known bleeders together with those on bleeder medication. The Commission veterinarian shall make the Bleeder List available to racing officials at other race tracks operating in Louisiana. The Commission veterinarian shall record and initial on the foal certificate of the horse the date of each bleeding of the horse.

E. When a horse is placed on the Bleeder List for the first time, it shall be kept on said list for 21 calendar days from the date of its first bleeding. Should a horse bleed a second time, it shall be placed on the bleeder List for 90 calendar days from the date of its second bleeding. When a horse bleeds for a third time, it shall be placed on the Bleeder List for 180 days from the date of its third bleeding. Should a horse bleed a fourth time, or anytime thereafter, it shall be placed on the Bleeder List for 365 days from the date of such bleeding.

F. The licensed veterinarian prescribing, dispensing, and administering bleeder medication must furnish a written report to the commission veterinarian at least one hour prior to post-time for the first race of the day on forms supplied by the Commission. Furnishing of such written report timely shall be the responsibility of the prescribing, dispensing, and/or administering veterinarian.

G. A medication card for horses which are known bleeders and/or on the Bleeder List must be on file with the commission veterinarian before entry of such a horse can be accepted. Filing of such medication card shall be the responsibility of the trainer of the horse.

H. In order to insure that the use of bleeder medication is reported accurately, the Commission shall have the right to perform or have performed pre-race testing of blood or urine of any horse eligible to race at a meeting, whenever it is deemed necessary by it or its stewards.

54.5 Definitions:

As used in this Rule: "Veterinarian" shall mean a person who is licensed to practice veterinary medicine in Louisiana, and

who is licensed by the Commission. "Permitted Medication" shall mean the use of Phenylbutazone and bleeder medication as provided in this Rule. "Bleeder Medication" shall mean any drug or medication which is recognized by the veterinary profession for the treatment of exercise-induced hemorrhage.

54.6 After notice and hearing, any person found to have violated the provisions of the Permitted Medication Rule may be punishable by fine, and/or suspension, and/or revocation or his/her license.

Gordon A. Burgess  
Chairman

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of May 26, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as Emergency Rules:

1. A graduated Salary Schedule for Paraprofessionals and Teacher aides. (This emergency adoption is necessary in order for the scale to become effective July 1, 1983. Delay would result in pro rata payments to paraprofessionals/teacher aides and/or them not receiving the deserved pay increase until final adoption.)

2. The Board adopted the following fee schedule for teacher certification documents:

- a. Initial certificate to applicant who completed certification requirements in Louisiana . . . \$15
- b. Initial certificate to applicant who completed certification requirements outside Louisiana . . . \$25
- c. Additional certification endorsement . . . \$10
- d. Transcript analysis or duplicate certificate . . . \$5
- e. Copy of materials in certification folder . . . \$1

The Board advised that money collected from certification fees will go to the State General Fund and is not available for expenditures of the Bureau of Higher Education and Teacher Certification. The Board also established July 1, 1983 as the effective date for charging fees. (To comply with the desire of the Legislature, it is necessary that this be adopted as an Emergency Rule in order for it to be in effect July 1, 1983.)

3. The Board deleted board Policy 3.07.02 stating: "A student with a GED diploma will not be allowed to return to school to receive a regular high school diploma" and adopted the following policy: "Students who have received the GED diploma and who return to a regular high school program will not be allowed to participate in athletic activities".

(This emergency adoption is necessary in order that students attending the P.M. School in Orleans Parish could graduate this May. This school was to accept students who were drop-outs and had not earned regular high school diploma. Several students were enrolled who had previously earned an equivalency diploma.)

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953 B to amend the General Assistance policy regarding grant maximums for a one person household.

## EMERGENCY RULE

Effective July 1, 1983, the flat grant amount to be included in every General Assistance budget for a one person household will be \$79 for Orleans, Jefferson, St. Bernard and East Baton Rouge Parishes and \$72 for all other parishes. The flat grant amount for a one person household will be increased to the above amounts contingent upon final execution of a General Appropriations Bill for Fiscal Year 1983-84 which includes at least \$3,656,872 for Public Assistance Payments under the General Assistance Program. If the referenced amount is not included in the General appropriation Bill for 1983-84, the flat grant amount to be included in every General Assistance Payment budget for a one person household shall be adjusted proportionate to the amount actually appropriated. Such flat grant amounts shall be published in the next issue of the *Louisiana Register*. The grant amounts shall be no less than the amounts specified in the rule regarding flat Grant Amounts to be included in every General Assistance Payment budget published in the June 20, 1983 *Louisiana Register*.

This Emergency Rule is necessary as the Rule regarding Flat Grant Amounts to be included in every General Assistance Payment Budget published in the June 20, 1983 *Louisiana Register* will result in the reduction or termination of General Assistance benefits for some one person households. The termination of benefits would be an imminent peril to the health and welfare of one person households whose General Assistance benefits are terminated because these individuals would be deprived of the medical benefits which would terminate with the termination of the General Assistance benefits.

Roger P. Guissing  
Secretary

**DECLARATION OF EMERGENCY**  
**Department of Urban and Community Affairs**  
**Office of Planning and Technical Assistance**

JOBS BILL PUBLIC LAW 98-9  
LOUISIANA COMMUNITY DEVELOPMENT BLOCK  
GRANT (LCDBG) PROGRAM  
FINAL STATEMENT

I. PROGRAM OBJECTIVES. The Jobs Bill Program provides grants to units of general local government in nonentitlement areas to undertake community development activities. The Jobs Bill Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, unemployment and taxing capacity, and whose applications most adequately address locally-determined needs of low- and moderate-income persons, consistent with one or more of the following objectives, and consistent with the primary objectives of the Housing and Community Development Act of 1974 as amended:

- (1) Elimination of slums and blight and the prevention of blighting influences.
- (2) Elimination of conditions which are detrimental to health, safety, and public welfare.
- (3) Benefit low to moderate income persons.

In addition, priority will be given to those projects which meet the major objective of Public Law 98-8, that is projects which are located in areas of high unemployment.

I. GENERAL.

A. DEFINITIONS. For the purpose of the Jobs Bill Program or as used in the regulations, the term:

- (a) "Unit of general local government" means any municipal or parish government of the State of Louisiana.
- (b) "Low-Moderate Income" is defined as either 1) 80% of the statewide median income or 2) a sliding scale based on household size as follows:

No. of persons in Household	Statewide % median income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100%

- (c) "General Distress" means a combination of indices which reflect the overall fiscal and physical status of a locality. Factors included are: per capita taxes divided by per capita income; percentage (%) and number of poverty persons. (Data compiled from state and federal sources.)
- (d) "Auxiliary Activities" means a minor activity which directly supports a major activity in one program area (Housing or Public Facilities).  
Note: The State will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.
- (e) "Slums and Blight" is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section P-8.
- (f) "Neighborhood Facility" is defined as a structure which will house two or more public services which will serve a specified geographic area.

The city/parish must have firm commitments from the proposed service providers that includes rent which will cover the ongoing maintenance cost of the facility.

(g) "Indicators of Unemployment" means a combination of indices which reflect short term and long term unemployment within a locality. Factors included are: percent of unemployment (short term and long term) and number of unemployed (short term and long term).

- B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport. Each unit of general local government, be it a municipality or a parish, must submit an application on its own behalf. Applications submitted on the behalf of one unit of local government, by another unit of local government, will not be considered for funding. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who the correct applicant would be. Although the applications involving joint projects can be submitted by only one applicant, all local governing bodies involved must be eligible according to the threshold criteria.
- C. ELIGIBLE ACTIVITIES. Eligible activities will be those as defined in Section 105 of Title I of the Housing and Community Development Act of 1974, as amended. Activities which are not specifically identified as eligible shall be ineligible. (See Appendix I and II.)
- D. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the the Jobs Bill Program has two types of grants -- Housing and Public Facilities. Only single purpose projects will be eligible.



- E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. The total amount allocated to the State under the Jobs Bill is \$6,142,000. (Of the total Jobs Bill funds allocated to the State of Louisiana up to two percent will be used to administer the program.)
- These monies will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.
- F. SIZE OF GRANTS.
- (1) Ceilings. The State has established a funding ceiling of \$500,000 for Single Purpose Grant.
  - (2) Individual grant amounts. Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program.
- G. RESTRICTIONS ON APPLYING FOR GRANTS.
- (1) Each eligible unit of general local government may apply for one Single Purpose Housing or Public Facilities Grant under this program.
  - (2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the

deadline date the application is due to the State, and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the State will examine the applicant's performance in the following areas:

- (a) The rate of progress achieved in moving activities into execution and the rate of expenditure and obligation of community development funds.
  - (i) All FY'81 grants must be 95-100% obligated and 75% expended. If the FY'81 grant was 100% drawdown as of October 15, 1982, all close-out documents including final audit must have been received by HUD as of the deadline for receipt of LCDBG applications by the State.
- (b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by HUD prior to 1981 have not been closed-out as of the deadline for receipt of LCDBG applications by the State.
- (c) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant Program, and resolution of findings made as a result of the State's and/or HUD's monitoring.
- (d) The State shall not accept an application from an applicant that has an outstanding audit and/or monitoring finding for any HUD program or has an outstanding monetary obligation to HUD or the State.

The State may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the State unless a satisfactory arrangement for repayment of the debt has been made.

III. METHOD OF SELECTING GRANTEEES. The State has established a rating system for Single Purpose Grants. Applications are required. An applicant must include sufficient information in its application to permit the State to rate the application against the various selection criteria and must document for the State the source of information and the method used to compile the information for the application. The State will provide the information necessary to rate applicants on the general indicators of distress and unemployment. Existing sources of information, such as areawide analyses, State plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Documentation of the State's selection process and copies of applicant ratings will be available upon request for public review.

The State shall establish deadlines for submission of applications, and notify all eligible units of local government through a direct mailing.

A. DATA. Data used in the general indicators of distress and unemployment is from the United States Bureau of the Census, the Department of Treasury, and the Louisiana Department of Labor. In order to determine the benefit to low/moderate income persons, the applicant must utilize either census data or conduct a local survey. If 1980 Census data is available on income by enumeration district, then the corresponding tables for 1980, as identified by the State, must be utilized. If the applicant chooses to conduct a local survey, the survey sheet in the application package must be used. The following percentages must be used as a guideline in meeting the required number of responses for a statistically balanced random sample:

<u>Number of Occupied Housing Units In Target Area</u>	<u>Sample Size Needed</u>	<u>Percent</u>
No.	No.	%
25,000	378	1.5
15,000	374	2.5
10,000	370	3.7
5,000	357	7.1
4,000	351	8.8
3,000	341	11.4
2,000	322	16.1
1,000	278	27.8
750	254	33.9
500	217	43.4
250	152	60.8
100	80	80.0
50	44	88.7
25	24	96.0

The annual income limits for low/moderate income persons will be provided by the State.

Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, providing the survey conforms to current program requirements.

B. PROGRAM DESIGN. The program as a whole must principally benefit low-and moderate-income persons and directly address and have an impact on the applicant's needs. Each activity contained within such programs must 1) benefit low-to-moderate income persons, or 2) aid in the prevention or elimination of slums or blight, or 3) meet other community development needs having a particular urgency.

C. SINGLE PURPOSE GRANTS.

(1) Definition. A Single Purpose Housing or Public Facilities Grant provides funds for one need, consisting of an activity which may be supported by auxiliary activities. Funds are available to address serious problems with housing or public facilities which affect both

the public health and safety, all of which principally affect persons of low and moderate-income or aid in the prevention or elimination of slums and blight.

(2) Selection System for Single Purpose Grants. All single purpose applications will be rated and scored in three major categories: General Indicators of Distress (maximum 50 possible points), Indicators of Unemployment (maximum 200 points) and the Specific Program Category (maximum of 150 possible points). The total possible points for a single purpose grant is 400 points.

(a) General Indicators of Distress. (50 Points) Each applicant will be rated against all other applicants in each of the following categories:

	<u>Maximum Possible Points</u>
1. Fiscal Distress Indicator <u>per capita taxes</u> per capita income	20
2. Percentage of Poverty Persons	15
3. Number of Poverty Persons	15
<u>TOTAL POSSIBLE POINTS</u>	<u>50</u>

(i) Fiscal Distress Indicator - per capita taxes/per capita income - 20 points. All applicants are compared in terms of ratio of per capita taxes to per capita income. Individual scores are obtained by dividing each applicant's ratio, by the highest ratio obtained by any applicant and multiplying by 20.

(ii) Percentage of Poverty Persons - 15 points. All applicants are

compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by highest percentage of persons in poverty of any applicant and multiplying by 15.

(iii) Number of Poverty Persons - 15 points. All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 15.

(b) Indicators of Unemployment (need for jobs) - 200 points

Each applicant will be rated against all other applicants in each of the following categories:

INDICATORS  
OF  
UNEMPLOYMENT

Indicators	Percent of Unemployed	Number of Unemployed
Short Term	March 1983 *	March 1983 *
Long Term	Average for 1982	Average for 1982

\* March, 1983, is the latest finalized month showing unemployment which is available from the Louisiana Department of Labor (DOL).

ASSIGNMENT  
OF  
POINTS

Indicators	Percent of Unemployed	Number of Unemployed	Total
Short Term	70	30	100
Long Term	70	30	100
Totals	140	60	200

\* NOTE ON METHODOLOGY

Since the Louisiana Department of Labor (DOL) does not record unemployment statistics at the municipal level, unemployment data for municipal applicants will therefore, have to be estimated.

This will be done by taking the number of employed and unemployed, as determined by 1980 U.S. Census, for each municipality and the Parish in which it is located. Then the assumption was made that the same percentage relationship existed in 1982 and March, 1983, between the municipality's and parish's share of the total figure.

It should be noted that this methodology is the same as that required by the Federal Government in allocating employment and unemployment figures to the parishes included within an SMSA or Labor Market Area.

(c) Specific Program Criteria. (150 Points) There will be two specific program categories: 1) Public Facilities and 2) Housing. Each applicant will be rated against all other applicants proposing projects in the same Specific Program Category. The criteria for rating each of the specific programs are as follows:

1) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact 100 points

The project would bring a community's substandard infrastructure into conformance with state or national standards and/or would completely remedy documented infrastructure deficiencies in a particular geographic area which threatens public health and safety, and is cost effective. All proposed improvements must be documented.

Moderate Impact 65 points

The project would result in substantial progress being made towards achieving local conformance to state or national standards and/or towards remedying infrastructure deficiencies that pose documented threats to public health and safety, and is cost effective.

Minimal Impact 30 points

The project would improve a community's infrastructure but would address only documented needs which are not a threat to public health and safety and is cost effective, or the threat to health and safety is inadequately documented.



Insignificant Impact

0 points

The project would improve a community's infrastructure but has insignificant documentation of community needs.

The State has rated most communities' water supply, sewer, and solid waste and utility systems. Each community has a fire insurance rating. Projects which would bring substandard systems into compliance with these standards would receive 100 points. Projects which would remedy documented threats to public health and safety would also receive 100 points. The applicant will have to document the threat by using independent and appropriate sources, when possible, (i.e., accidents occurring on a blind street corner or bottle neck, evidence of well contamination or seepage from septic tanks, letters from cognizant state or federal agencies, etc.). For example, a water project that proposes treatment and supply improvements must have documentation for both quality and supply.

Documentation letters from the independent and appropriate sources must have been prepared within the twelve (12) months prior to application submittal date. It is the applicant's responsibility to ascertain that the documentation letters address the criteria required to receive the maximum points.

Projects which would make substantial progress toward remedying deficiencies but which would not completely resolve them or bring systems into compliance would receive 65 points.

Projects which involve public improvements or facilities which do not pose threats to public health and safety would receive 30 points.

Inadequately documented projects will also receive 30 points. For example, a water project involving water quality and water distribution which only includes documentation on the quality will receive 30 points.

Projects which involve public improvements or facilities which do not include sufficient documentation will receive 0 points.

ii. BENEFIT TO LOW MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

This will be calculated by dividing the number of low moderate income persons benefiting (as defined by the State) by the total number of persons benefiting. The resulting raw scores will be arrayed and the top ranked applicant will receive 50 points.

All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

For improvements which involve different numbers of beneficiaries, the percentages must be identified separately.

2) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

This will be determined by dividing the total number of proposed units to be rehabilitated and replaced and vacant units to be demolished, by the total number of owner-occupied substandard units in need of rehab and replacement and vacant units in need of demolition in the total area in which rehabilitation and/or demolition will be permitted, that is:

# of units to be rehabed or replaced  
 inside the target area  
 + # of vacant units to be demolished = Raw Score  
# of owner-occupied substandard  
 units including those in need of demolition  
 and replacement + vacant  
 units in need of demolition  
 inside the target area

The raw scores of each housing application will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

If less than 25 percent of identified need will be met 0 points will be awarded.

This system also permits up to 10 percent of the rehabs to be located outside of target areas without affecting impact scores in any way. Ten percent (10%) of the total rehab monies may also be used for emergency repairs. All units, except the emergency rehabs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. Only owner-occupied units are fundable under the housing rehabilitation component.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

Cost effectiveness will be measured by dividing actual funds budgeted for rehab (i.e., loans, grants, acquisitions,

relocations, and demolitions) by the number of proposed rehabilitations. That is:

loan, grant, acquisition, relocation,

$$\frac{\text{demolition costs}}{\text{Number of units affected}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per unit}}{\text{applicant's cost per unit}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS  
(Maximum Possible Points - 50)

Benefit to low-moderate income persons will be calculated by dividing total number of households benefiting into the number of low-moderate income households (as defined by the State) benefiting, that is:

$$\frac{\text{Number of low-moderate households benefiting}}{\text{Total number of households benefiting}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

E. SUBMISSION REQUIREMENTS

Applications shall be submitted in a form prescribed by the State to the appropriate State Office and shall consist of the following:

(1) Program narrative statement. The program narrative statement shall consist of:

- i. A brief description of the applicant's community development problems/needs to be served by the proposed activity; an identification of which of the two possible problem areas (housing, or public facilities which affect the health and safety) that the project will address; and whether the program principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community development needs having a particular urgency.
- ii. A description of the activity to be carried out with LCDBG assistance and a financial statement estimating the cost of the project including information necessary for considering the cost-effectiveness factor. If the proposed activity is dependent on other funds for completion, the source of funds and the status of their commitment must also be indicated.
- iii. A statement describing the impact the activity will have on the problem area selected and the needs of low- and moderate-income persons, including information necessary for considering the program impact factor.
- iv. A statement on the percent of funds requested that will benefit low- and moderate-income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income, as defined by the State.

(2) Maps. A map of the local jurisdiction which identifies by project area:

- i. census tracts and/or enumeration districts;

- ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;
  - iii. location of areas with low- and moderate-income persons, showing number and percent by census tracts and/or enumeration districts;
  - iv. boundaries of areas in which the activities will be concentrated.
- (3) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the State. Unrequested material received after the deadline will not be considered as part of the application.
- (4) Program Schedule. Each applicant shall submit, in a format prescribed by the State, a listing of dates for major milestones for the activity to be funded.
- (5) Title VI Compliance. All applicants, shall submit in a form prescribed by the State, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the State to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.
- (6) Certifications of Assurances. The certification of assurances required by the State, relative to Federal and State Statutory requirements, shall be submitted by all applicants.
- (7) Certification of Citizen Participation. One public hearing must be held prior to application submittal. Applicants must submit a notarized proof of notification.

(8) Certification of Unemployment. Local governments must certify that at least 50% of the work force used for projects undertaken with Jobs Bill funds, be individuals that were unemployed 15 of the 26 weeks prior to March 24, 1983.

F. APPLICATION REVIEW PROCEDURE

- (1) The application must be mailed prior to the deadline that has been established by the State. Applicant must obtain a "Certificate of Mailing" from the post office, certifying the date mailed. The State may require the applicant to submit this Certificate of Mailing to document compliance with deadline for mailing, if deemed necessary.
- (2) The application requirements must be complete.
- (3) The funds requested must not exceed the amount of the invitation by the State.
- (4) Review and notification. Applications will be reviewed. Following the review, the State will promptly notify the applicant of the actions taken with regard to its application.
- (5) Criteria for conditional approval. The State may make a conditional approval; in which case, the grant will be approved but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:
  - i. Where local environmental reviews have not yet been completed;
  - ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
  - iii. To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;
  - iv. To ensure the project can be completed within estimated costs.

(6) Criteria for disapproval of an application. The State may disapprove an application if:

- i. Based on review of the application, it is determined that general administrative costs exceed 6% of total public facilities construction costs or housing rehabilitation administrative costs exceed 12% of total housing costs.
- ii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, and the application was improperly rated, and no longer rates sufficiently high to warrant approval when compared with other applications in the competition, given funds available.
- iii. On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, the State determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and State such as census data, or other data available to both the applicant and State, such as recent local, areawide, or State comprehensive planning data.
- iv. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.
- v. The activities cannot be completed within the estimated costs or resources available to the applicant.
- vi. Any of the items identified under "E", Submission Requirements, are not included in the application.



G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE

The State may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior State approval for all program amendments involving new activities or alteration of existing activities that will significantly change the scope, location, or objectives of the approved activities or beneficiaries.

- (1) New or significantly altered activities are rated in accordance with the criteria for selection applicable at the time the original application was rated. The rating of the new program or activity proposed by the amendment must be equal to or greater than the lowest rating received by a funded activity or program during that cycle of application ratings.
- (2) Consideration shall be given to whether any new activity proposed can be completed promptly.

VI. ADMINISTRATION

Rule for Policy Determination. In administering the program, while the State is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The State reserves the right to exercise this discretion in either interpreting or establishing new policies.

These regulations are to be effective on June 20, 1983, and are to remain in force until they are amended or rescinded. Anyone having questions should contact: Ms. Gayle Joseph, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Post Office Box 44455, Baton Rouge, Louisiana, 70804. Ms. Joseph is the person responsible for administering this program.

Linton Ardoin  
Secretary