

**Office of Brownfield Remediation and Development
Targeted Brownfield Loan Program**

Notice of Funding Availability (NOFA)

February 15, 2023

Round 17RL (Remediation & Limited Assessment Loan)

Announcement: The [Office of Brownfield Remediation and Development](#) (OBRD) of the Dept. of Economic and Community Development (DECD) announces the availability of funding under the Targeted Brownfield Development Loan (Loan) Program and is inviting applications for the same. The purpose of the Loan Program as per [C.G.S Section 32-765](#) is to provide low-interest loans for the eligible costs of brownfield remediation projects to potential brownfield purchasers and current brownfield owners who (1) have no direct or related liability for the conditions of the brownfield, and (2) seek to develop brownfields for purposes of reducing blight or for industrial, commercial, residential or mixed use development.

OBRD has also simultaneously announced the availability of funding under the Municipal Grant and the Assessment-only Grant Program. The total funding pool available for all Round 17 notices is \$25 million. The review and decision process for all programs will be simultaneous.

“Brownfield” Definition: As per [C.G.S Section 32-760](#), “Brownfield” means any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the redevelopment, reuse or expansion of the property.

Maximum Request Per Application: Grants of up to \$4,000,000 per application. Minimum Requested Grant Amount - \$500,000. Applicants are welcome to submit multiple projects/sites.

Application Process: Applicants are required to fill out the Loan Round 17RL Application available on the [Loan Program Webpage](#). The Application has two separate sections – Part A: Threshold Eligibility Section and Part B: Project Details. Applications may be denied funding after review of Part A of the Application Form.

All application submittals (along with attachments) shall either be:

1. Uploaded to a DECD SharePoint folder [**PREFERRED METHOD**]
 - a. Applicants must request a SharePoint link by emailing brownfields@ct.gov
 - b. Include Applicant & Project Name and Program Code (17RL) in subject line.
 - c. Recommended to make folder request by noon on Wed, April 12, 2023;

OR

2. Emailed to Brownfields@ct.gov
 - a. Include Applicant & Project Name and Program Code (17RL) in subject line.

Application Due Date: The Application Form will be accepted until **noon** on Friday, April 14, 2023. An email will be sent to applicants to confirm receipt of the form and application package.

Questions related to the NOFA that are not included in the FAQ document should be emailed to Brownfields@ct.gov by Wednesday, March 15, 2023. Any FAQ addendum that includes responses to additional questions not covered in the current FAQ document will be posted on the OBRD website by Friday, March 17, 2023.

All Applicants for funding under this Round 17RL NOFA should tentatively expect to receive clarification questions via email or requests for meetings in May – June 2023. Awards are tentatively scheduled to be announced in the 3rd or 4th week of June 2023.

Eligible Applicants: Potential brownfield purchasers and current brownfield owners including, but not limited to, for-profit and non-profit entities, municipalities, Connecticut brownfield land banks, economic development agencies or regional councils of governments. Persons or entities responsible for the contamination are ineligible. All applicants must provide proof of access to the site, site control or path to site control.

Source of Funding: State Bond Commission allocation of \$25 million (July 20, 2022 / Item# 13)

Enabling Statutes: [C.G.S. Section 32-765](#)

Eligible Uses of Funds: Costs associated with the investigation, assessment, remediation and development of a brownfield, including but not limited to: soil, groundwater and infrastructure investigation; assessment; remediation; abatement; hazardous materials or waste disposal; long-term groundwater monitoring or monitoring for natural attenuation; other forms of institutional controls; attorneys' fees (non-DECD contract related), planning, engineering and environmental consulting; building and structural issues (including demolition, asbestos abatement, PCB removal, contaminated wood or paint removal and other infrastructure remedial activities).

Minimum Developer Equity: Participation in the program will require a minimum developer equity of at least 10% of the total project cost. Equity may include assessment costs, local bonding, cash, administrative expenses, predevelopment expenses, property acquisition costs, deferred developer fee and other investments by the applicant deemed acceptable by the Commissioner of the DECD.

Threshold Requirements: Applicants will need to demonstrate the following to be eligible to apply for the program:

- Proof that the site is a brownfield as per [C.G. S. Sec. 32-760](#).
- Proof that the Applicant has no direct or related liability for the conditions of the brownfield.
- Proof that the Applicant has access or will have access to the property, site control or path to site control.
- Proof that the Applicant is registered to do business in the State of CT and is in good standing – no pending lawsuits, liens filed and tax arrears.
- If the redevelopment project has a housing component, proof that it will comply with DECD's Affordable Housing policy (described below).

Minimum Loan Terms: The following are some of the minimum terms:

Loan Duration	Up to 30 years – should match the private debt financing terms
Loan Rate	3%
Debt Service Coverage Ratio (Gross Rents minus certain expenses)	1.15
Loan Deferral	Can be negotiated to match with project cash flow and projected redevelopment project date. Balloon payment plans will not be approved. The loan will have to be amortized over the larger portion of the repayment period.
Prepayment penalty	None

Permanent Refinancing	The loan will have to be fully repaid on permanent refinancing (does not apply to initial conversion from construction to permanent debt).
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Loan Forgiveness: DECD is not offering loan forgiveness with this NOFA.

Application Review and Award Criteria: The following criteria will be used to score the applications.

Shovel-readiness/Project Merits	Remediation plan completeness
	Redevelopment plan completeness
Economic and Community Development Impact	Project is located in a distressed municipality, as defined in C.G.S. Section 32-9p
	Project is in Opportunity Zone
	Commitment to Environmental Justice goals
	Increase in property value/ Tax contribution to municipal tax base
	Job creation (permanent full-time equivalent FTE; direct and indirect)
	Supports the industrial sectors identified in the DECD/Advance CT economic development strategy - Advanced Manufacturing; Aerospace & Defense; Bioscience & Healthcare; Film, TV, Digital Media; Financial Services; Green Energy; Insurance; Technology & Innovation
	Supports production of renewable energy including wind, solar, hydro power, geothermal, biomass/biofuel; clean Hydrogen manufacturing; fuel cell installation and/or energy storage.
	Incorporation of green building design (geothermal, solar panels, green roofs, energy star windows and equipment etc.) and resiliency features to address climate change and reduction of carbon footprint.
Financing	Supports other DECD initiatives – affordable*/workforce/middle and/or mixed-income housing, transit-oriented development, proximity to transit, reuse of historic property/mill, tourism supportive, and/or urban food desert solutions (*see affordable housing policy below)
	Loan to Value ratio
	Private leverage of DECD funds
Applicant Experience	Developer equity
	Applicant experience with completing similar projects on-time and within budget

Prevailing Wage Rules Affecting DECD Projects: All projects will have to be consistent with the requirements of [C.G.S. Section 31-53c](#) and [C.G.S. Section 31-53](#). The applicability of prevailing wage as per the statutes is dependent on various factors including, but not limited to, the amount of cumulative DECD funding received for the proposed project/project site over the years, the entity entering into the grant contract with DECD, the funding sources for the overall project, the entity that will be holding the construction contract (primary recipient versus a private entity), the nature of the improvements (public versus private), and the nature of the end uses (public versus private).

For a formal DOL determination on the applicability of the prevailing wage rates for your project, please contact Mary Toner, Wage Enforcement Agent, Public Contract Compliance at the CT Dept. of Labor (mary.toner@ct.gov; 860.263.6606).

Collateral Requirements: The Applicant (or partner/ parent entity) will need to provide a Corporate Guarantee (or Personal Guarantee) so that the DECD/State can recoup the loan funding (loan amount released) in case the redevelopment project cannot be completed. The unlimited, unconditional guaranty shall be in support of the terms and conditions of the DECD contract. The applicant (or property owner) will also be required to provide a mortgage lien on the property which will have to be assumed by any new owners of the property and will need to remain in place until the redevelopment project is completed. DECD will be willing to subordinate its mortgage position to other lenders. The mortgage lien and the corporate/personal guarantee will be released once the proposed redevelopment project is completed.

Negative Pledge and Use Restriction Covenants: DECD will require the Applicant Team (Owner of the Property at the time of the DECD Contract execution), to execute a Negative Pledge that the project site shall not be sold, leased, transferred, assigned, or in any way encumbered or otherwise disposed of without first obtaining the written consent of the Commissioner for a period of ten years.

DECD will also be requiring the Applicant Team (Owner of the Property at the time of the DECD Contract execution), to covenant and agree that the project property shall be used for the purposes described in the Application for a period of ten years.

Both the Negative Pledge and Use Restriction Covenant will be recorded on the land records.

Special Note for Projects Seeking CHFA/DOH Funds: If the applicant is simultaneously seeking and waiting on CHFA/DOH financing, DECD will only provide a conditional award pending CHFA and DOH approvals. The conditional award will expire in a year or after the CHFA and/or DOH funding announcement, whichever occurs earlier.

DECD Affordable Housing Policy (as of July 20, 2022): If the project involves a net addition of 10 or more residential dwelling units for rent, a portion of those units must be deed-restricted for 30 years to be offered at below-market rent. If the project involves a net addition of 10 or more residential dwelling units for sale, some of those units must be deed-restricted in perpetuity to be offered for sale at below-market price. Applicants may choose whether to provide 10% of units affordable to households making 50% of the area median income (AMI), or 20% of units affordable to households making 80% of AMI. Affordable unit rent may not exceed 30% of the criteria AMI, and affordable unit sale price may not exceed an amount that would lead to expected monthly housing costs exceeding 30% of the criteria AMI. Expected monthly housing costs are the expected sum of monthly property taxes, 30-year mortgage payment assuming 3% down payment and prevailing interest rates, and any common charges.

Units must be on-site, the unit sizes and finishes must be comparable to market-rate units, the unit bedroom counts for affordable units must be in the same proportion as market-rate units, and the affordable units must be distributed evenly throughout the market-rate units. If construction is phased, affordable units must be constructed as proportionally as is feasible in each phase. Affordable units must use the same building access as market-rate units and have comparable access to building amenities.

The DECD Commissioner may approve projects not in compliance with the above policy following a written request with detailed justification from applicant.

Application Page limit (excluding attachments): DECD encourages all applicants to be succinct with their responses to the questions. DECD will only accept responses to the questions included in the space provided within the forms. Material presented outside of the forms may not be reviewed. Incomplete applications will be rejected. Please make sure to label attachments as per instructions on form.

Schedule Summary:

Presentations and Walk-in Teams Meeting¹ (see below for call-in info)	
<u>Wed, March 1, 2023 (1 – 2PM)</u>	Special Topic: What’s new in Round 17?
<u>Wed, March 15, 2023 (1 – 2PM)</u>	Special Topic: Application Form Budget Tables
<u>Wed, March 22, 2023 (1 – 2PM)</u>	Special Topic: Public-private Partnerships
Questions on the NOFA	
Wed, March 15, 2023	Deadline for questions to DECD on this NOFA
Friday, March 17, 2023	Posting of FAQ Addendum (if any) on OBRD’s Website
Application Deadline	
Wed, April 12, 2023 @ noon	Request for SharePoint folder (see <i>Application Process</i>)
Friday, April 14, 2023 @ noon	Deadline to submit or upload Application Package
Round 17 Award Announcement	
June 2023 3 rd or 4 th week	Award Announcements (tentative)

¹**Microsoft Teams Walk-in Meetings:** The session will begin with a brief topical presentation followed by time for questions and answers.

[Click here to join the Teams meeting](#) on your computer or mobile app.

Or call in (audio only) 1.860.840.2075; **Phone Conference ID:** 575 626 335#

For questions: Please send email to brownfields@ct.gov (preferred) or contact the dedicated OBRD hotline number at 1.860.500.2395.

OBRD Website: For info on all OBRD opportunities and programs, visit, www.ctbrownfields.gov.

Campaign Contribution Restriction Notice: This is a notice in case you are successful in receiving a grant award. For all State contracts, defined in section 9-612 of the Connecticut General Statutes as having a value in a calendar year of \$50,000 or more, or a combination or series of such agreements or contracts having a value of \$100,000 or more, the authorized signatory to any Agreement with DECD represents that they have received the State Elections Enforcement Commission’s notice advising state contractors of state campaign contribution and solicitation prohibitions, and will inform its principals of the contents of the notice.

Disclaimer: DECD reserves the right to amend or cancel this NOFA, to modify or waive any requirement, condition or other term set forth in this NOFA or the program application, to request additional information at any time from one or more applicants, to select any number of applications submitted in response to this NOFA, or to reject any or all such applications, in each case at DECD’s sole discretion. DECD may exercise the foregoing rights at any time without notice and without liability to any applicant or any other party. Applications to this NOFA shall be prepared at the sole expense of the applicant and shall not obligate DECD to procure any of the services described therein or herein from any applicant. DECD shall not be obligated to any applicant until a final written agreement has been executed by all necessary parties thereto and all applicable approvals have been obtained. As such, any funds expended by the applicant prior to these approvals will be done so entirely at the risk of the applicant.