



CITY OF HUMBLE DOWNTOWN IMPROVEMENT PROGRAM GUIDELINES

General

The City Council of the City of Humble has determined that adopting a downtown improvement program benefits its citizens and the wellbeing of the general public by encouraging and securing businesses and residences within a defined area to improve and increase their stability, improvement and overall quality. The City of Humble (“City”) desires to enhance and promote its downtown area through this matching grant program designed to visually improve and beautify the exterior appearances of property and buildings within a defined geographical area.

The City intends to budget a certain amount annually to be disbursed in accordance with these guidelines. The City Manager or his designee (“City Manager”) shall administer this program in a manner consistent with the criteria set forth herein.

Eligibility

Eligibility requirements include the following:

1. Location. The applicant is a commercial business or residence, not including places of worship located within a geographic area further depicted on a map attached herto as Exhibit “A.” The City Manager reserves the right to review, accept and approve applications received from properties immediately adjacent to this area.
2. Type of Improvement. The nature of the proposed improvement should be viewable from a public right of way or otherwise enhance the overall outward appearance of the property, and may include the following or similar type improvements as determined by the City Manager to meet the general provisions of these guidelines:
 - a. Building improvements such as
 - i. façade improvements to a building on the property such as significant cleaning, restoration or new masonry or other form of building finish;

- ii. Awnings;
 - iii. Window and door replacement or modification;
 - iv. New or restored detail elements such as cornices, soffits, canopies or similar details;
 - b. Property improvements such as
 - i. Sidewalks, permanent outdoor seating, furniture or other streetscape appurtenances, railing and other appropriate pedestrian friendly amenities;
 - ii. Outdoor lighting;
 - iii. Parking lot or driveway development, improvement, resurfacing and striping;
 - iv. Fencing;
 - c. Removal of debris, dilapidated structure, demolition, etc.
3. Authorization. The applicant must be either the owner or the lessee of all the property towards which the grant relates. Applications by lessees must have the approval of the owner as well.
 4. Good Standing. The applicant and the property must be in good standing with the City, current on all monies due the City and not involved in a lawsuit or other legal actions against the City.
 5. Cash Expenditures. Only applicant's actual cash expenditures may be used as a grant match to receive City funds.

Not Eligible

The following are not eligible under this program:

1. Signs. Signs or improvements to signs unless falling under a category of approved improvements, such as an awning that has a company logo.
2. Landscaping. Such as shrubs, ground covers, palms, landscape lighting, rocks, pebbles, sand and irrigation systems.
3. Non-permanent. Annual flowers and other nonpermanent or nondurable improvements to the property.
4. False Information. Misleading or false information provided by the applicant to the City which formed the basis of approval.

5. Change. A change as to the status of the property, the project or the applicant such that the project no longer meets the guidelines.
6. Maintenance. Routine maintenance such as painting (unless part of a larger restoration, repair or replacement of the exterior finish/façade as determined by the City Manager), gutter cleaning, landscape maintenance, power washing, etc.
7. Legal action. Any project or property that is the subject of an interim action or other legal proceeding that unreasonably jeopardizes the purpose of the grant in the judgment of the City Manager.
8. Properties that have been previously awarded a grant.
9. Individuals or businesses that have been awarded a grant within three (3) years.

If approval of an application was made and subsequent to such approval one or more of the above occurs before the project is complete and application for reimbursement is made, such reimbursement may be denied.

Funding

1. Amount. Qualifying Residential applicants may be approved for a matching 2:1 grant to a maximum amount of \$10,000 plus reimbursement of some or all City permit fees relating to the project.

Qualifying Commercial applicants with a minimum investment of \$5,000 by the applicant may be approved for a matching 2:1 grant to a maximum amount of \$10,000 plus reimbursement of some or all City permit fees relating to the project.

2. Budget. Each year the City Council may allocate monies to this program, and the total amount of grants may be limited to this allocation. The City Council has authorized that up to 30% of the total year's allocation may be utilized towards commercial properties.
3. Disbursement. The funds will be disbursed by the City Manager in accordance with these guidelines who will approve projects on a case by case basis.

Criteria for Granting

1. General. Criteria for granting funding under this program will be based upon availability of funds, capability of applicant to perform, visual impact, economic impact and other relevant factors.
2. Visual Impact. Factors affecting visual impact include the amount of improvement in the attractiveness of the property, the level of blight or deterioration removed, tastefulness and/or compatibility with surrounding properties, level of impact on overall appearance of the property and the productive life of improvements.
3. Economic Impact. Factors affecting economic impact include the amount of additional funding expended by the applicant, appropriateness of the business improvement to the overall economic development in the area, mitigation of health and safety issues, and reuse of vacant or underutilized property.
4. City Manager. The City Manager has utmost discretion and makes all decisions with regard to the approval or disapproval of applications. By submitting an application, applicants accept that the decisions of the City Manager may involve subjective judgment and that all determinations by the City Manager are final.

Taxable Income

By accepting Downtown Improvement Grant funding, it is possible that received funds may result in federal income tax consequences; all or a portion of any incentive received may constitute taxable income. Approved recipients may receive an IRS Form 1099-MISC. You are encouraged to consult your personal or business tax advisor for further reference and assistance.

Procedure

A summary of the procedure is as follows:

1. Application. An application must be made on a form provided by the City, must conform to all requirements set forth in the application, and the completed application submitted to the City Manager.
2. Contract. If the application is approved by the City Manager under this program, the applicant will be asked to enter into a contract on a form prescribed by the City. The City reserves the right to award an applicant a grant with certain additional provisions, conditions, or other requirements and

may waive certain requirements as the City Manager determines appropriate and in keeping with these Guidelines.

3. **Permits.** The applicant must adhere to all applicable rules and regulations, including building codes, safety rules, and securing all required permits. Failure to pull all necessary permits is considered a material default by the grantee and will result in immediate termination of the grant agreement and eligibility for any and all reimbursable expenses.
4. **Project.** The project is undertaken by applicant. The City has the right to inspect the property throughout the duration of the project during reasonable times and conditions, and may require an inspection before reimbursement.
5. **Reimbursement.** The applicant will only receive reimbursement for eligible expenses that have been properly documented to the satisfaction of the City and upon satisfactory proof that the project has been successfully completed as determined by the City Manager. Whether the applicant acts as their own general contractor or hires a general contractor, the applicant must provide a final contract/invoice from all contractors, sub-contractors and/or suppliers showing the itemized labor and/or materials relative to work completed on the exterior of the property only. Additional proof of final payment that may be accepted includes receipts, cancelled checks. If in the event both interior and exterior work is completed, the applicant must show proof via an itemized final contract that clearly documents the work completed to the exterior of the property and its associated cost. Failure to provide this itemized accounting will result in those materials and/or labor expenses to be deemed ineligible for reimbursement.

Notice

1. **The provision or delivery of these guidelines to an interested party does not constitute nor create an offer of improvement grant, a property right, a contract, or other legal right requiring the City to provide funding.**
2. **The adoption of these guidelines does not limit the discretion of the City to decide whether to provide or not provide a grant to an applicant, which absolute right of discretion the City reserves unto itself, whether or not such discretion may be deemed arbitrary or without basis in fact.**
3. **The City, its employees, and its agents do not attest to the quality, safety, or construction of a project eligible for, or receiving grant funding and shall be**

held harmless by the applicant/applicants for any and all damages associated with the planning, construction, and subsequent existence of any project whose application has been approved, or has received actual grant funding.