

Subpart A—General

§ 305.1 Purpose and scope.

The purpose of the Public Works Program is to assist communities with the funding of public works and development facilities that contribute to the creation or retention of primarily private sector jobs and alleviation of unemployment and underemployment. Such assistance is designed to help communities achieve lasting improvement by stabilizing and diversifying local economies and by improving local living conditions and the economic development of the area. Alleviation of unemployment and underemployment among residents of the project area is a primary focus of this program.

§ 305.2 Applicants.

Eligible applicants under this program include:

- (a) States, or political subdivisions thereof;
- (b) American Indian tribes;
- (c) The Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands; and
- (d) A private or public non-profit organization or association representing any redevelopment area or part thereof, provided the EDA project is located within an eligible EDA area represented by such non-profit organization or association.
- (e) When the applicant is not a State, American Indian tribe or other general-purpose governmental authority, the applicant must afford the appropriate local governmental authority of the area a minimum of 15 days in which to review and comment on the proposed project. The applicant shall furnish with the application a copy of such comments, or a statement of the efforts made to obtain them together with an explanation of the actions taken to address any comments received.

§ 305.3 Eligibility requirements.

- (a) Other than those areas designated under PWIP, applicant areas, including Special Impact Areas (SIAs) must have

a current EDA approved Overall Economic Development Program (OEDP).

- (b) Political entities claiming eligibility under OEDPs developed by multicounty economic development organizations are expected to continue to participate actively in the organization.

(c) Non-profit organizations or associations must meet the following requirements:

- (1) Such non-profit organizations or associations must represent a redevelopment area or part thereof, if EDA determines that such applicant is potentially capable of furthering the objectives of the economic development program of the area in which it is located;
- (2) To the extent possible, non-profit applicants are urged to seek the cooperation and support of units of local government; and
- (3) When deemed appropriate by EDA, have the local government as co-applicant for EDA assistance. This ensures the financial stability and continuity of the project in the event that the non-profit entity finds itself in a position of not having the financial resources to administer, operate, and maintain the EDA assisted facility in a proper and efficient manner consistent with the provisions of part 314 of this chapter.

§ 305.4 Project requirements.

(a) Public works projects other than PWIP projects must meet the following requirements:

- (1) Be consistent with the EDA approved OEDP for the area in which it is or will be located, and have broad community support;
- (2) Improve opportunities for the successful establishment or expansion of industrial or commercial facilities in the area where such project will be located;
- (3) The project will not result in the increase of goods or services beyond the demand for such goods or services existing or to be created in the market area;
- (4) The project fulfills a pressing need of the area or part thereof, in which it is located;
- (5) There is adequate local matching share; and