



LEGAL UPDATES

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RESIDENTIAL INFRASTRUCTURE PROJECTS

ARC will award a grant for a basic residential infrastructure project only if it is located in an ARC-designated distressed county. Under certain circumstances, however, an applicant in an at-risk or transitional county may be eligible. This newsletter discusses the circumstances that may allow ARC to fund a residential infrastructure project in an at-risk or transitional county.

Where can I find ARC's policy regarding residential infrastructure projects?

Appendix A to ARC Project Guidelines (Revised 2020).

What is ARC's policy?

ARC will award grants for basic residential infrastructure projects only for communities in ARC-designated distressed counties, with some exceptions allowed for at-risk and transitional counties.

When can a residential infrastructure project be funded in an at-risk or transitional county?

A residential infrastructure grant may be awarded to an applicant in an at-risk or transitional county in only four circumstances:

- (1) upon a special showing of compelling need such as the location of the project in a distressed area of the county;
- (2) as disaster relief;
- (3) to address a mandate of the federal EPA or a state health or environmental agency; or
- (4) as a self-help project.

What kinds of compelling needs may qualify an at-risk or transitional county applicant?

The example given in ARC's policy is that the project is located in a distressed area. However, this is just one example of a "special showing of compelling need." Each applicant will need to make a special showing depending on the circumstances.

How does ARC define "mandate" from the federal or state government?

ARC relies on the common definition of "mandate," meaning an authoritative order or command from the government.

Will a letter or email from a state or federal agency relating to an infrastructure weakness or problem suffice as a “mandate”?

No. Occasionally an applicant will submit a letter that contains a suggestion, observation, or advisement relating to an infrastructure weakness. This type of communication is not a “mandate” and therefore will not be considered.

What is a “self-help project”?

This is when a community uses volunteer community labor in place of paid labor to reduce costs of a project.

SUGGESTIONS?



For suggestions for future topics or any questions about this newsletter, please contact Deputy General Counsel Nancy Eyl at neyl@arc.gov.