



Business Improvement Grant Program

Guidelines and Criteria

**GUIDELINES AND CRITERIA
FOR
BUSINESS IMPROVEMENT GRANT PROGRAM
BY
THE SEALY ECONOMIC DEVELOPMENT CORPORATION**

Section 1. Purpose.

The purpose of this program is to encourage businesses within the City of Sealy, Texas, (the“City”), to make improvements as defined below which would result in additional business activity.

This grant program is sponsored by the Sealy Economic Development Corporation Board of Directors who may amend, adjust, or eliminate the program or parts thereof at any time.

Section 2. Type and amount of grants.

- (A) **FACADE IMPROVEMENT:** Improvements to building exterior front façade enhancements including, but not limited to, exterior painting that incorporates a major visual change, new or restored façade elements, such as trim, doors, addition of awnings or other detail elements and enhanced exterior building lighting that creates a noticeably enhanced appearance and assist with safety of the building.

The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$3,000.

Not eligible: Routine maintenance activities that are part of normal property ownership, which includes maintenance painting, landscaping (including, statues, fountains or planters) interior remodeling, roof repair or replacement, permit fees, parking lots/paving, carports, fencing and construction of new buildings. The replacement of current lighting that is simply repair and does not enhance the appearance of the building, such as replacement of inoperable fixtures is not eligible.

- (B) **SIGN IMPROVEMENT:** New signs and/or major renovations or removal of existing signs.

The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$1,000.

Not eligible: Routine maintenance of signs.

Downtown Main Street District | Renovation Projects

- (C) **ELECTRICAL & PLUMBING IMPROVEMENTS:**

: Improvements to repair and/or upgrade permanent electrical and plumbing components, including sprinkler systems, to comply with the current City of Sealy building codes and standards. Property may only receive a one-time grant under this Section 2. (C).

The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$10,000.00

Section 3. Eligibility.

- (A) Any new business planning to locate within the City, or any business currently located within the city limits, shall be eligible for grants listed under Section 2. (A) and (B).
- (B) Any new business planning to locate within the Downtown Main Street District, or any business currently located within the Downtown Main Street District area shall be eligible for grants listed in Section 2. (A), (B), and (C). The Downtown Main Street District area map is available on-line at www.sealyedc.com or you may visit the Sealy EDC office located at 113 Main Street.
- (C) A *business* is defined as an occupation, profession or trade in the purchase or sale of goods in an attempt to make a profit.
- (D) No grants will be awarded for work that has been started, in progress, or completed.
- (E) New construction of buildings is not eligible for this program.

Section 4. Guidelines.

- (A) Proof of applicant's ownership of the subject property, or proof that the owner of the property has approved the application for such grant funds, shall be required.
- (B) The owner of a business to be operated within a leased facility and the owner of such lease property must apply jointly for the program. Copies of a lease agreement and proof of ownership of the leased facility shall be required.
- (C) A business or property owner located in the City may apply for one (1) or more of the two (2) grant types under Section 2 (A) and (B), if applicable, per physical location/building (address) set forth herein within any fiscal year (October 1 to September 30). **A business or property owner (per address) that receives grant funding is not eligible to re-apply for this program until twenty-four (24) months from receipt of final payment of grant funds for the completed project.**
- (D) A business or property owner located in the Downtown Main Street District may apply for one (1) or more of the three (3) grant types under Section 2, (A), (B) and (C), if applicable, per physical location/building (address) set forth herein within any fiscal year (October 1 to September 30). A business or property owner (per address) located in the Downtown District that receives grant funding is not eligible to re-apply for Section 2 (A) and (B) of this program until twenty-four (24) months from receipt of final payment of grant funds for the completed project. **However, any business or property owner (per address) located in the Downtown Main Street District may only apply one-time for grant funding under the category of electrical and plumbing improvements as described in Section 2. (C).**
- (E) The maximum amount of funding available to any one applicant, business establishment or property owner at one physical location/building (address) located in the city shall be \$4,000. Such \$4,000 maximum shall only apply if both grant types, as set forth in Section 2(A) and (B) hereof, are requested and approved. In addition, if located within the Downtown Main Street District, the applicant, business establishment or property owner at one physical location/building (address) may be eligible for a one-time (in perpetuity) grant of up to \$10,000.00 as set forth in Section 2 (C).
- (F) **All grants are reimbursement grants**, and will only be funded after completion of the project in accordance with drawings and specifications approved by the Sealy Economic Development Corporation (the "SEDC"), and after the applicant submits to the SEDC proof of paid receipts (cancelled checks, credit card receipts, etc.) for all applicable labor, materials and related expenses to the project. **The applicant has ninety (90) days from completion of work to submit required documentation for reimbursement.**
- (G) Reimbursement grants are a cash match for funds disbursed by the applicant and will not exceed the limits set forth in Section 2 (A), (B) and (C), hereof. In-kind contributions (work performed by the business and/or property owner) may not be used as any part of the applicant's match. Only cash expenditures by the applicant may be used in calculating the cost of improvements.

- (H) The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the SEDC. Thereafter, any modifications must first receive written approval of either the SEDC or its Executive Director. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive grant funding.
- (I) The applicant shall be responsible for obtaining all applicable permits related to the improvement project, and failure to do so will render the applicant ineligible to receive grant funding.
- (J) The improvements, as presented in the application, must be completed in their entirety. Failure to complete all of the stated improvements shall render the applicant ineligible to receive grant funding.
- (K) Upon approval of a grant application, and during the construction of the improvements, a representative or representatives of the SEDC shall have the right, at all reasonable times, to have access to and inspect the work in progress.
- (L) The applicant **shall not begin any improvements related to the application** prior to receiving written approval of grant funding from the SEDC.
- (M) The applicant must complete the improvement project and agree that a business establishment will be open for business and in operation within six (6) months from grant approval by the SEDC board. Failure to complete the improvements and open the business establishment within the required time period shall be considered in default and result in the loss of the grant funds.
- (N) The applicant must agree to remain in business and to not sell or assign such business to another person or entity for a period of twelve (12) months from the date of approval of his/her application.
- (O) Approval of all applications shall be with the understanding and agreement that, in the event the business (applicant) fails to remain open, or the business or property is sold or transferred, within twelve (12) months after the funding of the grant, the applicant shall be considered in default of its obligations under the grant, and shall be required to reimburse the SEDC the grant money received, in accordance with the requirements of Section 6 hereof.
- (P) The applicant must agree that, in the event of default of its obligations, the SEDC has the right to reimbursement for all attorney's fees and costs, which may be incurred as a result of any legal action required to seek reimbursement of all grant funding received by applicant.
- (Q) The applicant must certify that the applicant does not employ nor will it employ any undocumented workers an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or, authorized under law to be employed in that manner in the United States). The applicant must agree that if, after receiving grant funds, it is convicted of a violation under 8 U.S.C. Section 1324a(f), applicant shall repay the amount of the grant funds with interest, at the rate of 12% per annum, within 120 days after the SEDC notifies the applicant of the violation. The SEDC shall have the authority to bring a civil action to recover any amounts which the applicant must repay the SEDC under this provision, and in such action may recover court costs and reasonable attorneys fees.

Section 5. Application and Approval.

- (A) Applications filed with the Executive Director **on or before the first Tuesday of each month, (*late applications will not be accepted*)**, shall be considered at the next regular SEDC Board meeting or at such special Board meeting that may be called.
- (B) Applications must be made on a form provided by the SEDC, which form shall be made available at the SEDC offices located at 113 Main Street, Sealy, Texas 77474 or available on-line at www.sealyedc.com
- (C) All applications must be approved by the Board of Directors of the SEDC. The grant decision of the Sealy Economic Development Corporation Board of Directors are final.
- (D) An applicant shall be notified, in writing, of the SEDC's decision to approve or disapprove the application.

- (E) The SEDC may award grant funds to an applicant, with certain provisions, conditions, or other requirements the SEDC deems necessary or appropriate.

Section 6. Funding.

- (A) Upon notification to the Executive Director by the applicant that a project has been completed, an inspection shall be made to confirm that such project has been completed in accordance with the application, or any approved modifications thereto. Such notification shall include, but not limited to, documentation of cleared checks or credit card receipts or itemized paid receipts/invoices for eligible materials, labor, permits, final inspection reports, or any other item that the Executive Director may reasonably deem necessary for determining the project's completion. **All expenditure documentation must be submitted within ninety (90) days from project completion. Failure to submit this information within the required time period shall be considered in default and result in the loss of the grant funds.**
- (B) Within thirty (30) days following the inspection required in paragraph (A) hereof, and confirmation of completion of the project in accordance with the application, or any approved modifications thereto, the Executive Director may authorize to fund the grant. Upon authorization of the Executive Director, 50% of the total grant amount awarded shall be paid to the applicant. The remaining 50% of the total grant amount shall be paid to the applicant ninety (90) days after the date of the initial payment.
- (C) Within fourteen (14) days following an inspection and the presentation of the receipts as provided in Section 6(A) above, and after a determination is made by the SEDC's representative that the project has not been completed in accordance with the application, or any approved modifications thereof, the Executive Director shall issue a letter to the applicant indicating all areas of non-compliance. The applicant shall then have sixty (60) days, from the date of the Executive Director's letter, to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said 60-day period shall be deemed a default of applicant's obligations under the grant.
- (D) Available funding: The SEDC has budgeted funds available for this grant program. Grants will be reviewed on a first come, first serve basis. The SEDC retains sole discretion to accept or reject applications received after the available funding has been exhausted.
- (E) If the subject business is closed, sold, or transferred within a six-month period after funding approval is received, the applicant shall be required to reimburse the SEDC for 100% of the grant amount received. Thereafter, until the 12-month anniversary date of such approval, the applicant shall be required to reimburse the SEDC for 50% of the grant amount received.
- (F) Payments due pursuant to the paragraph (E) hereof must be paid in full within thirty (30) days after the date of written notification by the SEDC that the applicant/owner is in default of any of the funding requirements set forth herein. The form of such payment shall be a cashier's check or money order, made payable to the Sealy Economic Development Corporation.

Section 7. Notice.

- (A) The Sealy Economic Development Corporation shall deliver a copy of these guidelines to any applicant for his/her review and the delivery hereof does not constitute an offer of a Business Improvement Grant to the applicant.
- (B) The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of the Business Improvement Grant program. If any provision of this Business Improvement Grant program is held to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be affected thereby

**ACKNOWLEDGMENT OF RECEIPT OF
GUIDELINES AND CRITERIA
FOR THE
BUSINESS IMPROVEMENT GRANT PROGRAM**

Applicant: _____

Address: _____

Phone Number: _____

Signature: _____

COMPLETE IF LEASED PROPERTY:

Property Owner/Landlord: _____

Address: _____

Phone Number: _____

Signature: _____

The acknowledgement page must be signed and returned to the Sealy Economic Development Corporation. Please retain the guidelines and criteria for your records.

