Business Improvement Grant Program Guidelines and Criteria

SECTION 1: PURPOSE

The purpose of this program is to promote the development and expansion of new and existing business enterprises within the city limits of Freeport, Texas and enhance the economic welfare of the citizens of the city by securing and retaining business enterprises and maintaining a higher level of employment, economic activity, and stability.

SECTION 2: TYPE AND AMOUNT OF GRANTS

A. Facade Improvement Grants

Exterior front façade enhancements. Improvements may be considered if located on a corner or paralleling an internal public space such as a park, parking lot, pedestrian way, or visible from the public right-of-way.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $15,000.

Examples of improvements to the facade including, but not limited to:

- Significant masonry cleaning and/or restoration.
- Addition of awnings
- Enhanced exterior building lighting
- Store front entry systems, windows and door replacement or modification
- New or restored façade elements, such as cornices, soffits, canopies, and other detailed elements.

B. Sign Improvement:

This grant is available to both new and existing businesses. New signs and/or major renovations or removal of existing signs. Typically LED Signs are not approved, in Downtown Historic Districts, but may be reviewed on a case-by-case basis if integrated into an overall sign.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $7,000.

Examples of improvements to the facade including, but not limited to:

- Permanent exterior business signs
- Replacement of outdated or damaged signs
- Wall-mounted signs, blade signs, projecting signs
- Dimensional lettering or logo installations

C. Property Improvement:

This covers exterior and site improvements not already addressed in the façade, signage, landscaping, fire suppression, or other specific grant categories. Improvements that fall within the scope of façade, signage, landscaping, accessibility, fire suppression, or other defined grant categories shall be reviewed under the

applicable category and not as a property improvement. Eligible improvements under this category must result in a measurable enhancement to the functionality, safety, or marketability of the commercial property.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $20,000.

Examples of improvements to the facade including, but not limited to:

- Parking lot resurfacing, repairing, or striping
- Driveway, curb cut, and vehicular access improvements
- Exterior site lighting not associated with building façade or signage
- Pedestrian infrastructure, including sidewalks, walkways, and ramps
- Streetscape or site amenities such as benches, trash receptacles, bike racks, or similar improvements
- Decorative fencing or boundary features (excluding security fencing or gates)
- Demolition and removal of dilapidated or unsafe structures
- Site preparation, grading, or drainage work directly related to an eligible exterior improvement

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D. Landscaping Improvement:

Improvements to exterior landscaped areas that enhance the aesthetic appearance, environmental quality, or functional performance of the property. Paving, hardscape, or structural site work shall not be considered landscaping improvements and shall be evaluated under the applicable grant category. Landscaping improvements should result in a lasting enhancement to the visual quality and maintainability of the property.

Living plant materials are eligible for reimbursement as part of a landscaping improvement project. The inclusion of an irrigation system is encouraged to support long-term viability of landscaping improvements.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $10,000.

Examples of improvements to the facade including, but not limited to:

- Grass, sod, ground cover, shrubs, vines, hedges, trees, or palms.
- Landscape lighting
- Irrigation systems and related components
- Non-living durable landscaping materials such as rocks, pebbles, sand, mulch, or decorative stone, but excluding paving
- Soil preparation, grading, or drainage work directly related to landscaping improvements.
- Subsurface work necessary to install, repair, or replace irrigation or landscape-related infrastructure

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E. Fire & Safety Improvements:

The purpose of this grant is to assist with the purchase and installation of permanent improvements intended to increase accessibility or address conditions affecting health, safety, or emergency protection of occupants and visitors to eligible commercial property.

Eligible improvements may include, but are not limited to, accessible entrances and routes, ramps, handrails, door modifications, restroom modifications, accessible parking areas, fire-suppression systems, fire alarms, emergency lighting, exit signage, means-of-egress improvements, guardrails, ventilation improvements, and other permanent accessibility or life-safety improvements approved by the Freeport Economic Development Corporation.

The grant application must contain a detailed description of the proposed improvements, a floor plan or site plan when applicable, contractor estimates, and any additional documentation required by the Freeport Economic Development Corporation. Depending on the nature of the proposed improvements, the applicant may be required to provide documentation from the City of Freeport - the Freeport Fire Marshal and the Freeport Building Official, demonstrating the purpose, scope, or applicable requirements of the proposed improvements.

For a sprinkler or fire-suppression system required by the Freeport Fire Marshal, the grant application must include a floor plan, a diagram of the proposed system, and documentation identifying the specific occupancy and use submitted to and reviewed by the Freeport Fire Marshal.

If this grant is provided for a leased space, the landlord and tenant shall be jointly responsible for repayment of the grant if the applicant fails to complete the performance requirements. This grant will only be made for an active commercial business or a business that has signed a lease to begin operation of a commercial business.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $25,000.

Examples of improvements to the facade including, but not limited to:

- Fire-sprinkler, fire-suppression, and fire-alarm systems, including required modifications to existing systems.
- Emergency lighting, exit signage, and improvements to required exits or means of egress.
- Accessible entrances and routes, including ramps, curb ramps, doorways, and accessible door hardware.
- Accessibility-related restroom, parking, and customer service area improvements.
- Other permanent accessibility or life-safety improvements approved by the Freeport Economic Development Corporation.

Professional design, engineering, accessibility review, permitting, inspections, testing, and other directly related project components may be considered eligible when necessary to complete an approved improvement and specifically included in the grant application and approved project budget.

F. MEGA Grant:

The MEGA Grant may consist of a combination of eligible improvements under Grant Types A, C, D, and E or may be awarded as a stand-alone grant for improvements eligible under any one of those grant types. Priority will be given to businesses located within the defined Downtown Historic District boundaries established by the UTSA study, *Comprehensive Downtown Plans and Historic Guidelines*. Businesses located outside these boundaries may also be considered at the discretion and with the approval of the Freeport Economic Development Corporation Board of Directors.

One (1) MEGA Grant may be awarded per fiscal year, beginning October 1 and ending September 30. Applications may be submitted at any time during the fiscal year and will be reviewed upon receipt of a complete application. A determination will be made following completion of the review process and consideration by the Freeport Economic Development Corporation Board of Directors. Applications may no longer be considered once the MEGA Grant has been awarded for that fiscal year.

The grant amount may be up to 50% of eligible improvement costs, up to a maximum of $40,000.

All improvements must comply with applicable federal, state, and local laws, codes, permitting requirements, and inspection requirements. Approval or funding of an improvement does not constitute a determination or certification by the Freeport Economic Development Corporation that the property is safe, fully code compliant, or compliant with the Americans with Disabilities Act, the Texas Accessibility Standards, or any other legal requirement.

SECTION 3: ELIGIBILITY

A. All business buildings and facilities located within the City at the time of adoption of these guidelines shall be eligible for this program.

B. Any new business planning to locate within the City, or any business currently located within the city limits, shall be eligible for this program.

C. A *business* is defined as an occupation, profession, or trade in the purchase or sale of goods or services in an attempt to make a profit.

D. The proposed project must comply with applicable regulations, city- approved planning studies, comprehensive plan designations, City Ordinances, Building Codes, and Americans with Disabilities Act Guidelines.

E. All applicants must be current and provide FEDC with documentation providing they are current with all Ad Valorem Taxes.

F. Grants may not be used for refinancing existing loans, working capital, inventory, permits, inspections, or home occupations, and routine maintenance of landscaping and signage (with the exception of letters/logos on new awnings).

SECTION 4: GUIDELINES

A. Proof of the applicant's ownership of the subject facility or facilities, or proof that the owner of such facility 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 facility, 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 may apply for one (1) or more of the five (5) types of grants per physical location (address) set forth herein within any fiscal year (October 1 to September 30). A business that receives grant funding during a fiscal year shall not be precluded from making subsequent applications for funding in following years.

D. The maximum amount of funding available to any one applicant, business establishment or property owner at one physical location (address) shall be $50,000.00 per fiscal year unless applying for the mega grant.

E. All grants are reviewed on a case by case basis and will only be funded after completion of the project in accordance with drawings and specifications approved by the Freeport Economic Development Board of Directors and after the applicant submits to the FEDC proof of paid receipts for all applicable labor, materials, and permits. Digital photographs of the completed work shall also be required.

F. Reimbursement grants are a cash payment of up to the approved percentage of funds expended by the applicant on the improvements and are not to exceed the limits set forth in Section 2(A), (B), (C), (D), and (E) hereof. In-kind contributions to the improvements by the applicant will not be considered as an expenditure by the applicant. Only cash expenditures by the applicant may be used in calculating the cost of improvements.

G. The applicant shall be obliged to make the improvements in accordance with the application submitted to and approved by the FEDC Board of Directors. Thereafter, any modifications must first receive written approval by either the FEDC Board or the FEDC Executive Director. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive grant funding.

H. 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. A grace period may apply at the discretion of the Board of Directors.

I. The improvements, as presented in the application, must be completed in their entirety. Failure to complete all the stated improvements shall render the applicant ineligible to receive grant funding.

J. Upon approval of a grant application, and during the construction of the improvements, a representative(s) of the FEDC shall have the right, at all reasonable times, to have access to and inspect the work in progress.

K. The applicant shall not begin any improvements prior to receiving written approval of grant funding from the FEDC. Improvements initiated within thirty (30) days prior to approval may be considered at the discretion of the FEDC.

L. The applicant must complete the improvement project within six (6) months of receiving approval from the FEDC. Failure to complete the improvements within the required time period shall result in the loss of the grant funds allocated for the project. Time extensions may be granted at the discretion of the FEDC Board of Directors.

M. 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 and subsequently closes, 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 FEDC the grant money received.

N. The applicant must agree that, in the event of default of its obligations, the applicant shall repay to the FEDC the amount of grant funds it has received, with interest, at the rate of 10% per annum, within thirty (30) days after the FEDC notifies the applicant of the default. The form of such payment shall be a cashier's check or money order, made payable to the Freeport Economic Development Corporation.

O. 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), the applicant shall repay the amount of the grant funds received by the applicant, with interest, at the rate of 10% per annum, within thirty (30) days after the FEDC notifies the applicant of the violation.

P. The FEDC shall have the authority to bring a civil action to recover any amount that the applicant must repay to the FEDC under paragraphs M, N, and O of this Section, and in such action may recover court costs and reasonable attorney's fees.

SECTION 5: APPLICATION AND APPROVAL

A. Applications must be made on a form provided by the FEDC. The form shall be made available at the FEDC offices located at 1201 North Ave. H, Freeport, TX 77541 and on the FEDC website at https://www.freeportedc.com/ or emailed from staff at EDCAdmin@Freeporttx.gov

B. The grant application must include:

- Request Letter describing proposed project and the need for grant funds
- Establishment of business entity name (Copy of Article of Incorporation, dba, etc.)
- Copy of business plan
- Copy of Lease Agreement (if facility is leased)
- Legal description of subject property

- Vicinity map of subject property
- Estimates of proposed improvements. This quote shall be utilized only for the purpose of determining the amount of grant needed for the project and any costs incurred in obtaining the quote shall be the responsibility of the applicant, not the FEDC.
- Itemized work estimates which include details and information such as color samples of paint, fabric, and sign material
- Digital Picture of Property and the area to be improved
- Written statement from Code Enforcement stating approval of the work to be performed.
- Notarized Seal on Application
- Acknowledge that a sign will be placed at your property stating FEDC – Business Improvement Grant Recipient

C. All applications must be approved by the FEDC Board of Directors

D. An applicant shall be notified of the FEDC Board's decision to approve or disapprove of its application.

E. The FEDC may award grant funds to an applicant, with certain provisions, conditions, or other requirements that the FEDC deems necessary or appropriate.

F. The FEDC Board of Directors shall have sole discretion to accept or reject an application. Applications are submitted on a competitive basis and will be graded on but not limited to:

1. Those applicants that best match our Community Comprehensive Plans
2. Needs of the City of Freeport and FEDC
3. Best match for our Downtown Specific Plan
4. Those that will be beneficial for the growth of our Freeport's Economic Development

SECTION 6: FUNDING

A. Upon notification to the FEDC by the applicant that a project has been completed, an inspection by an FEDC representative or representative 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 be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the project improvements have been paid and any and all liens and claims regarding such work have been released, or any other item that the FEDC may reasonably deem necessary for determining the project's completion.

B. The FEDC agrees to distribute such funds to the applicant within sixty (60) 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.

C. Within ten (10) business 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 FEDC'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 any and all areas of non- compliance. The applicant shall then have sixty (60) days, from the date of such letter, to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said sixty-day period shall be deemed a default of applicant's obligations under the grant, and the applicant shall be ineligible to receive grant funding.

D. Available funding: The FEDC will budget up to $300,000 per the current fiscal year (October 1 to September 30) to fund improvement grants. Grant applications received after the available funding has

been exhausted may be accepted and held until the following fiscal year. The FEDC retains sole discretion to accept or reject applications received after the available funding has been exhausted.

SECTION 7: MISCELLANEOUS

A. THE FREEPORT 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 THIS 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 THERE.

ACKNOWLEDGMENT OF RECEIPT OF AND AGREE TO COMPLY WITH THE GUIDELINES AND CRITERIA FOR BUSINESS IMPROVEMENT GRANT PROGRAM BY THE FREEPORT ECONOMIC DEVELOPMENTCORPORATION

Applicant: _____

Business Address: _____

Phone No.: _____

Signature: _____

Property Owner/Landlord: _____
(If different from above)

Business Address: _____

Phone No.: _____

Signature: _____

This acknowledgement page must be signed and returned to the Executive Director of the Freeport Economic Development Corporation. Please retain the Guidelines and Criteria for your records.

Applicants are strongly encouraged to shop local Brazoria County businesses for products and services.

FREEPORT
ECONOMIC DEVELOPMENT CORPORATION

Business Improvement Grant Application Check List

Please provide the following items below before presentation to the Board of Directors. Failure to complete all items below can result in a delayed or canceled presentation.

As a part of this application, the following documentation is being provided by the applicant:

- ☐ 1. Request Letter describing proposed project and the need for grant funds
- ☐ 2. Establishment of business entity name
  (Copy of Articles of Incorporation, dba, etc.)
- ☐ 3. Copy of lease agreement (if facility is leased)
- ☐ 4. Copy of business plan
- ☐ 5. Legal description of subject property (Exhibit A)
- ☐ 6. Vicinity map of subject property (Exhibit B)
- ☐ 7. Estimates of proposed improvements (Exhibit C)
  Itemized work estimates which include details and information such as color samples of paint, fabric, and sign material
- ☐ 8. Digital Pictures of Property and area to be improved (Exhibit D)
- ☐ 9. Acknowledge that a sign will be placed at your property stating.
- ☐ 10. Signed statement from Code Enforcement stating project is in compliance with City Ordinances.

It is not required but strongly encouraged that applicants participate in the Board Meeting in which they are applying for the grant.

I (We), referred to as "APPLICANT", on behalf of the identified entity, submit to the Freeport Economic Development Corporation, referred to as "FEDC", this application for consideration of a Business Improvement Grant under the provisions of the FEDC's Business Improvement Grant Program.

As part of this application, APPLICANT represents to FEDC the following:

1. APPLICANT has received a copy of the FEDC's Guidelines and Criteria for the Business Improvement Grant Program. APPLICANT acknowledges to FEDC that in making this application, APPLICANT understands the terms and provisions, and all questions relating to any needed interpretation have been answered by authorized representatives of FEDC prior to the submission of this application.

2. APPLICANT has secured such legal, accounting, and/or other advice that may be necessary for APPLICANT to determine the desirability of making this application and/or accurately and correctly answering any questions as set out. APPLICANT acknowledges that it has completely relied on the advice and counsel of experts and/or appropriate persons retained, employed, or compensated by APPLICANT, and that it has not relied upon, nor is APPLICANT now attempting to rely upon, the advice and counsel of FEDC, its servants, agents, employees and/or elected or appointed officers.

3. By signing this document, "Application for Business Improvement Grant" either in an individual capacity, jointly, or in a representative capacity. APPLICANT acknowledges and verifies that all of the facts, information, and allegations as set out are true, correct and accurate, and that FEDC may rely on as if the same had been signed by APPLICANT or APPLICANT'S agent before a Notary Public or other authorized officer permitted by law to administer oaths and to take acknowledgements. APPLICANT further acknowledges and understands that any materially false or misleading statements of fact may be considered a violation of the criminal laws of the State of Texas.

4. The APPLICANT, whether a corporate entity, partnership, or other legal type business entity, or an individual, acknowledges and verifies that it is current on all current tax obligations, assessments, or other governmental levies and assessments, and that the same have been paid when due and payable, and that no delinquencies exist at this time. The APPLICANT swears and affirms that the APPLICANT is fully authorized to transact business in the State of Texas and in the state of incorporation if different from the State of Texas.

5. The APPLICANT hereby certifies that the APPLICANT does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States. APPLICANT understands and agrees that if, after receiving a Business Improvement Grant, APPLICANT is convicted of a violation under 8 U.S.C. Section 1324a(f), the APPLICANT shall be required to reimburse to the FEDC the grant amount received. Payments must be paid in full within sixty (60) days after the date of notification by the FEDC. The form of such payment shall be cash or equivalent payment option, made payable to the Freeport Economic Development Corporation. The FEDC has the right to recover court costs and reasonable attorney fees as a result of any civil action required to recover such repayment.

Business Reimbursement Information.

Business Entity Contact Information _____ Contact Phone Number: _____

Business Entity Name: _____ Email Address: _____

Business Owner(s): _____

Mailing Address (Corporate Office): _____

Location in the City of Freeport for which the improvement is being requested

Street Address: City/State/Zip:

Other companies and locations owned and/or operated by the APPLICANT

Company Name(s)	**Street Address**	**City/State/Zip**

6. Please attach a separate document providing a legal description of the property upon which the contemplated improvements will be located, as *Exhibit A*.

7. Please attach a vicinity map locating the property within the City of Freeport as *Exhibit B*

8. Please furnish detailed drawings, plans, specifications, color schemes, or any other available supporting documents for the proposed improvements and cost estimates like *Exhibit C*.

9. Please attach a letter addressing the need for the project as well as need for the FEDC grant funds.

10. New or Existing Business: ☐New ☐Existing No. of Years:_____

Jobs New/ Existing

New FT _____ New PT _____

Existing FT _____ Existing PT _____

Anticipated additional Positions: _____

Grant Category	Description of Work	Project Cost	Reimbursement Amount	Start Date	Completion Date
1.Facade Improv.		$	$	__/__/____	__/__/____
2.Property Improv.		$	$	__/__/____	__/__/____
3.Landscaping Improv.		$	$	__/__/____	__/__/____
4. Sign Improv.		$	$	__/__/____	__/__/____
5. Fire & Saving		$	$	__/__/____	__/__/____
6. MEGA Grant		$	$	__/__/____	__/__/____

Office Notes:

Total Project Cost $ Total FEDC Reimbursements $

Project Notes:

1. If leased facility, provide the following information *(attach copy of current lease)*:

   Current Landlord _____

   Landlord's Address _____

   Landlord's Phone Number _____

2. Prior to APPLICANT'S execution of this application, APPLICANT has had this reviewed by an Attorney of the APPLICANT, or has had the opportunity to do so, and the parties agree that based on the foregoing, this application for the business improvement grant program shall not be construed in favor of one party over the other based on the drafting of this application.

3. APPLICANT and owner/landlord indemnify, defend, and hold FEDC harmless from any liability, injury, claim, expenses, and attorney's fees arising out of a contractor, builder, or contract for performance of improvements, or repair to buildings and facilities.

4. FEDC has delivered a copy of the guidelines and criteria for a business improvement grant program to applicants for review, and the delivery does not constitute an offer of an improvement grant.

5. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of the application for the business improvement grant program. The Business Improvement Grant Program shall be performable in the County of Brazoria. If any provision of this application for business improvement grant program should be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this application shall not be affected.

6. Before submitting an application to the FEDC, the APPLICANT must meet with the Planning/Building Department of the City of Freeport for any code requirements.

VERIFICATION

I (We), the undersigned APPLICANT(S), certify that all the information furnished to FEDC has been furnished freely by the APPLICANT(S), and further acknowledge that no rights or privileges may be relied on as a part of any application. In addition, it is acknowledged that the Freeport Economic Development Corporation may or may not grant a Business Improvement Grant based upon application or request purely as a matter of discretion, and that there is no legal right to rely on any previous actions taken in same or similar applications, or previous actions taken on other applications concerning the same or similar property.

Signed and submitted to Freeport Economic Development Corporation on this, the _____, 20 _____.

Applicant Information	**Co-Applicant Information**
Name _____	Name _____
Address _____	Address _____
Phone No. _____	Phone No. _____
Signature _____	Signature _____

Property Owner/Landlord Information

Name _____

Address _____

Phone No. _____

Signature _____

The State of Texas
County of Brazoria

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me and that they executed the same for the purposes therein expressed.

Notary Public in and for the State of Texas
My Commission Expires: _____

The State of Texas
County of Brazoria

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me and that they executed the same for the purposes therein expressed.

_____
Notary Public in and for the State of Texas
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The State of Texas
County of Brazoria

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