

A: Division: Community Development

B: Title of Budget Issue: Re-establish Community Technical Assistance Program

| C: Amount Needed \$\$\$: Budget: | <u>2008</u> | <u>2009</u> |
|---|--------------------|--------------------|
| Personal Services | \$110,000 | \$113,300 |
| Operating | \$61,058 | \$55,076 |
| TOTAL | \$171,058 | \$168,376 |

D: Proposed Source of Funding (GF, Federal, Proprietary, Private): General Fund

E: Short Discussion of Need for Adjustment (This should include the expected benefit that will be realized from the adjustment):

1. According to the enabling statute for the Department “90-1-103. *Functions of department of commerce -- community development. (1) The department of commerce shall: cooperate with and provide technical assistance to county, municipal, state, and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, community action agencies, and similar agencies created for the purposes of aiding and encouraging orderly, productive, and coordinated development of the communities of the state; (90-1-103, MCA).*”
2. For 36 years, from when it was first established by the 1967 Planning and Economic Development Act, the Department provided technical assistance to local governments and their planning boards and zoning commissions, community development corporations, and private sector developers, engineers, and consultants to encourage the development of well planned and attractive communities to support the State’s economic development efforts.
3. In 2003, the Legislature, faced with a \$300 million deficit, made a number of cuts in state programs to balance the budget, including eliminating the Department’s Community Technical Assistance Program (CTAP).
4. SJR 11, passed in the 2005 Legislature, requested an interim study of the subdivision review process. This was assigned to the Education and Local Government Interim Committee (ELG), Local Government subcommittee. According to the subcommittee’s work plan, “*A consistent problem that has been articulated is the lack of centralized technical assistance and funding to help local governments effectively plan and to handle the exploding workload that some jurisdictions are experiencing.*”

5. The demand and need for training and technical assistance is on-going due to the continual turnover in local government elected officials, citizen planning board members and staff, changes in planning and land use statutes, and state and federal court decisions. Both the Community Development Block Grant (CDBG) program and the Coal Board are providing grants for the preparation of local growth policies and capital improvements plans, but have no capacity to provide the technical assistance these communities need to prepare them.
6. In order to receive CDBG funding, the Federal Housing and Community Development Act requires that the State certify that it *“provides or will provide technical assistance to units of general local government in connection with community development programs”*. From 1982 to 2003, when CTAP was terminated, the Department of Commerce used CTAP to document compliance with this requirement.
7. If a community planning assistance program were re-established, training and technical assistance would be provided primarily by telephone and internet communication, periodic regional workshops, maintaining a library of sample growth policies and land use regulations available for loan, and by preparing handbooks, model regulations, and reference materials that could be downloaded from the Department’s website.
8. Staff would consist of two FTE’s: an attorney and a senior planner. A staff attorney is critical if the program is to provide legal advice that municipal, county, and private sector attorneys will accept. The senior planner would be a well-qualified individual with recent local government experience in the preparation of growth policies, subdivision review, and zoning administration, to advise local planners and planning boards.
9. Costs would be reduced by making maximum use of telephone, e-mail, and the Commerce website to provide information. Printing costs would be minimized by making technical assistance publications available for downloading from the department website. Administrative support would be provided through existing CDD staff.