

for the purpose of carrying out common objectives.

HEA means the Higher Education Act of 1965, as amended.

Individuals with disabilities means individuals who—

- (i) Have physical or mental impairments that substantially limits one or more of the major life activities;
- (ii) Have a record of physical or mental impairments; or
- (iii) Are regarded as having physical or mental impairments.

Institution of higher education means an institution of higher education as defined in section 1201(a) of the HEA.

Local government means a city, town, township, county, or other unit of general government organized under State laws and given delegated taxing or expenditure authority for providing governmental services to local communities.

Metropolitan area means a metropolitan area or a consolidated metropolitan area, as designated by the United States Office of Management and Budget.

Nonprofit municipal university means an institution of higher education that—

- (i) Is chartered or otherwise established as a not-for-profit institution by the governing body of the city in which it is located; and
- (ii) Is accredited by an agency or association recognized by the Secretary.

Planning consortium means the applicant institution and one or more of the following:

- (i) A community college.
- (ii) An urban school system.
- (iii) A local government.
- (iv) A business or other employer.
- (v) A nonprofit institution.

Substantial portion of its undergraduate students means 40 percent or more of the enrolled undergraduate student population.

Urban area means—

- (i) A metropolitan area having a population of not less than 350,000;
- (ii) Two contiguous metropolitan areas having a combined total population of not less than 350,000;
- (iii) In any State that does not have a metropolitan area having a population of not less than 350,000, the one urban area designated by the entity of

the State having an agreement under the HEA to make a designation; or

- (iv) If a State entity does not have an agreement under the HEA to make a designation, the one urban area designated by the Secretary.

Urban infrastructure means the underlying mechanical or technological networks for providing goods and services, such as transportation systems (including mass transit), water and sewage systems, and communication systems (including telecommunications).

(Authority: 20 U.S.C. 1136a-1136g)

Subpart B—How Does One Apply for an Award?

§ 636.10 What must an application include?

An application must include the following:

- (a) A description of the activities for which the grant is sought.
- (b) The plan agreed to by each of the members of the planning consortium.
- (c) An assurance that the applicant and the local governments associated with the application will contribute to the conduct of the project supported by the grant an amount, in cash or in-kind, from non-Federal funds equal to at least one-fourth of the amount of the grant.

(Authority: 20 U.S.C. 1136b)

§ 636.11 How does an applicant request a waiver of the planning consortium requirement?

(a) An applicant may request that the Secretary waive the requirement for a planning consortium by submitting as part of the application a request that includes the following:

- (1) The reasons why the applicant seeks the waiver.
- (2) Detailed information evidencing the applicant's integrated and coordinated plan to work with private and civic organizations to meet the pressing and severe problems of the urban community.

(b) The Secretary may grant the request for a waiver if the Secretary finds that—

- (1) The applicant has shown an integrated and coordinated plan to meet