

City of Tuscaloosa

Tuscaloosa, Alabama



**CDBG-R Action Plan Substantial Amendment & Admendment #3
For
Community Planning & Development Programs**

2008

(Prepared July 31, 2012)

Office of Economic Development

**Walter Maddox
Mayor**

CITY COUNCIL OF TUSCALOOSA

**Harrison L. Taylor
President Pro- Tem
District 2**

**Bobby E. Howard
District 1**

**Cynthia Lee Almond
District 3**

**Lee Garrison
District 4**

**Kip Tyner
District 5**

**Bob Lundell
District 6**

**William Tinker III
District 7**

**LaParry T. Howell, MPA
Interim Director of Federal Programs**

**2008
(Amendment#3)**

THE CDBG-R SUBSTANTIAL AMENDMENT

<p>Jurisdiction(s): City of Tuscaloosa</p> <p>Jurisdiction Web Address: www.tuscaloosa.com</p> <ul style="list-style-type: none">• http://tuscalosa.com	<p>CDBG-R Contact Person: LaParry Howell Address: 2201 University Blvd. Tuscaloosa, AL 35401 Office of Economic Development</p> <p>Telephone: 205-248-5080 Fax: 205-349-0135 Email: lhowell@tuscaloosa.com</p>

ATTACHED:

**CDBG-R ACTIVITY DATA SPREADSHEET
SIGNED CERTIFICATIONS
SIGNED SF-424**

AMENDMENT CHECKLIST

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Tuscaloosa Jurisdiction Web Address: www.tuscaloosa.com • http://tuscaloosa.com	CDBG-R Contact Person: LaParry Howell Address: 2201 University Blvd. Tuscaloosa, AL 35401 Office of Economic Development Telephone: 205-248-5080 Fax: 205-349-0135 Email: lhowell@tuscaloosa.com
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting proposed CDBG-R Activities?

Yes No Verification found on page: **10**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: **Thursday August 9, 2012**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- Amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,

Yes No Verification found on page(s) **10**

- The Eligibility citation (eligibility regulatory cite of HCDA cite),

Yes No Verification on page(s) **10**

- The CDBG national objective citation,

Yes No Verification found on page(s) **10**

B. CDBG-R INFORMATION BY ACTIVITY

does the submission contain information by activity describing hoe the grantee will use the funds, including:

- A narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,

Yes No Verification found on page(s) **13**

- A projected number of jobs created for each activity,
Yes No Verification found on page(s) **13**
- Whether an activity will promote energy efficiency and conservation,
Yes No Verification found on page(s)
- The name, location and contact information for the entity that will carry out the activity,
Yes No Verification found on page(s)
- Evidence that no more than 15% of the grant amount will be spent on public services,
Yes No Verification found on page(s) **14**
- Evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes No Verification found on page(s) **14**

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes No Verification found on page(s) **18**

Is there a summary of citizen comments included in the final on amendment?

Yes No Verification found on page(s) **18**

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | |
|---|---|
| 1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 4) Anti-lobbying | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 6) Consistency with plan | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 7) Section 3 | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 8) Community development plan | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 9) Following a plan | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 10) Use of Funds | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 11) Excessive Force | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 12) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 13) Lead-based paint procedures | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 14) Compliance with laws | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 15) Compliance with ARRA | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 16) Project selection | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 17) Timeless of infrastructure investments | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 18) Buy American provision | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 19) Appropriate use of funds for infrastructure investments | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 20) 70% OF CDBG-R for LMI | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

Optional Certification

(21) Urgent Need Yes No

E. STATE CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|---|--------|-------|
| 1) Affirmatively furthering fair housing | Yes___ | No___ |
| 2) Anti-displacement and relocation plan | Yes___ | No___ |
| 3) Drug-free Workplace | Yes___ | No___ |
| 4) Anti-lobbying | Yes___ | No___ |
| 5) Authority of State | Yes___ | No___ |
| 6) Consistency with plan | Yes___ | No___ |
| 7) Section 3 | Yes___ | No___ |
| 8) Community development plan | Yes___ | No___ |
| 9) Consultation with Local Governments | Yes___ | No___ |
| 10) Use of Funds | Yes___ | No___ |
| 11) Excessive Force | Yes___ | No___ |
| 12) Compliance with anti-discrimination laws | Yes___ | No___ |
| 13) Compliance with laws | Yes___ | No___ |
| 14) Compliance with ARRA | Yes___ | No___ |
| 15) Project selection | Yes___ | No___ |
| 16) Timeless of infrastructure investments | Yes___ | No___ |
| 17) Buy American provision | Yes___ | No___ |
| 18) Appropriate use of funds for infrastructure investments | Yes___ | No___ |
| 19) 70% of CDBG-R for LMI | Yes___ | No___ |
| Optional Certification | | |
| 20) Urgent Need | Yes___ | No___ |

**CDBG-R ACTION PLAN
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RESOLUTION

RESOLUTION AUTHORIZING THE OFFICE OF ECONOMIC DEVELOPMENT TO
ADVERTISE AMENDMENT NUMBER THREE TO THE 2008 ACTION PLAN OF THE
CITY'S FIVE-YEAR CONSOLIDATED PLAN FOR COMMUNITY PLANNING &
DEVELOPMENT PROGRAMS FOR PROGRAM YEARS 2005-2009

WHEREAS, the City of Tuscaloosa wishes to amend the 2008 One-Year Action Plan of its Five-Year Consolidated Plan for Community Planning & Development for Program Years 2005-2009, as follows:

Amendment Number Three to the 2008 Action Plan

Funding in the amount of \$248,444 was awarded directly to the City of Tuscaloosa; made available through the American Recovery and Reinvestment Act of 2009 (Recovery Act) signed into law by the Honorable President Barack Obama on February 17, 2009. Under this amendment, the funding in the amount of \$29,716.61 will be utilized for infrastructure improvements to Elm Street surrounding Kaulton Park in West Tuscaloosa. Site infrastructure includes installing pipes from the intersection of 23rd Street and Jemison Avenue to the existing inlet/pipe at the intersection of 24th Street and Jemison Avenue and replacing pipe along 24th Street to the terminus of the existing pipe at the railroad.

and;

WHEREAS, it is necessary for the City to advertise said amendment in order to give the citizens of Tuscaloosa an opportunity to comment about the proposed changes to the 2008 Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA:

- 1) That the City's Office of Economic Development is hereby authorized to advertise said amendment for public comment; and
- 2) That, after the expiration of the required 7-day time period for public comment, if no changes are made to said amendment due to citizen comments, the Mayor be, and he is, hereby authorized, for and as an act of the City, to execute all certifications and other documents required in relation to the submission of said amendment to the U. S. Department of Housing & Urban Development.

Resolution Prepared by LaParry Howell

*Adopted 7.17.12
Nobby K. Clements
Asst. City Clerk*

B



The Tuscaloosa News

P.O. Box 20587, Tuscaloosa, Alabama 35402-0587 205/345-0505

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NORTH CAROLINA
Hendersonville Times-News
Lexington Dispatch
Wilmington Star-News

SOUTH CAROLINA
Spartanburg Herald-Journal

LEGAL NOTICE
 The City of Tuscaloosa proposes to amend the 2008 One-Year Action Plan of its Five-Year Consolidated Plan for Community Planning & Development for Program Years 2005-2009, as follows:
Amendment Number Three to the 2008 Action Plan
 Funding in the amount of \$248,444 was awarded directly to the City of Tuscaloosa, made available through the American Recovery and Reinvestment Act of 2009 (Recovery Act) signed into law by the Honorable President Barack Obama on February 17, 2009. Under this amendment, the funding in the amount of \$29,716.61 will be utilized for infrastructure improvements to Elm Street surrounding Kaulon Park in West Tuscaloosa. Site infrastructure includes installing pipes from the intersection of 23rd Street and Jernison Avenue to the existing inlet/pipe at the intersection of 24th Street and Jernison Avenue and replacing pipe along 24th Street to the terminus of the existing pipe at the railroad.
 For additional information concerning the above referenced amendment or to submit comments concerning the same, please contact the City's Office of Economic Development at 205-248-5080. Comments may also be mailed to the Department at P. O. Box 2089, Tuscaloosa, AL 35403. All comments will be considered before the City of Tuscaloosa forwards the amendments to the Birmingham Area office of the U. S. Department of Housing and Urban Development. Comments must be received by 5 P.M. on July 27, 2012.
 THE TUSCALOOSA NEWS
 July 19, 2012

STATE OF ALABAMA
Tuscaloosa County

I hereby certify that the above notice was published in The Tuscaloosa News once a week for 1 consecutive weeks, viz 1 day July 19, 2012

Annette Gregory
Legal Clerk

Subscribed and sworn to before me on the 19th day of July, 2012.
Carla Gillespie



Notary Public My Commission Expires June 25, 2014



SUMMARY OF THE CITY OF TUSCALOOSA'S CDBG-R ACTION PLAN SUBSTANTIAL AMENDMENT

As an "entitlement city" under the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs, the City of Tuscaloosa prepares a Consolidated Plan for each five year period. The City of Tuscaloosa's Consolidated Plan for Community Planning & Development Programs for Program Years 2005-2009 is a comprehensive planning document that identifies housing and non-housing community development needs for low and moderate-income persons. The current plan prioritizes those needs and sets forth a strategy for addressing community development needs during the five-year period beginning on April 1, 2005 and ending on March 31, 2010. The Consolidated Plan is the City's guide for the provision of decent housing, a suitable living environment and economic opportunities for its citizens, principally those of low and moderate-income.

For each year of the Consolidated Plan period, an Action Plan must be developed to identify programs and projects that the City intends to undertake during each specific program year with funds received under the CDBG Program, the HOME Program and the Emergency Shelter Grant (ESG) Program. All of those programs are funded through, the U.S. Department of Housing & Urban Development (HUD). On February 17, 2009, The Honorable President Barack Obama signed into law the American Recovery and Reinvestment Act of 2-009 (Recovery Act), which allotted more funds to CDBG grantees that received funds in FY 2008.

In FY 2008, the City received \$914,927 in 2008 CDBG funds. The City also anticipated that, during the 2008 program year, \$55,000 in program income would be generated from CDBG funded programs. As a result of the American Recovery and Reinvestment Act, funding in the amount of \$248,444 was awarded directly to the City of Tuscaloosa.

A project narrative and map are included that depicts the area where CDBG-R funds was and will be utilized for this amendment. The funds will be utilized to improve drainage infrastructure along Elm Street in a low-income area located in west Tuscaloosa.

A. APPLICATION FOR GRANTS

Standard Form 424- CDBG-R Program

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input checked="" type="checkbox"/> Changed/Corrected Application	*2. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	*If Revision, select appropriate letter(s): AMENDMENT #1 * Other (Specify) AMENDMENT #1
---	---	---

*3. Date Received:	4. Application Identifier:
---------------------------	-----------------------------------

5a. Federal Entity Identifier:	*5b. Federal Award Identifier:
---------------------------------------	---------------------------------------

State Use Only:	6. Date Received by State:	7. State Application Identifier:
------------------------	-----------------------------------	---

8. APPLICANT INFORMATION:

* a. Legal Name: City of Tuscaloosa	
* b. Employer/Taxpayer Identification Number (EIN/TIN): 63-6001379	*c. Organizational DUNS: 11-264-9736

d. Address:	
*Street1: Post Office Box 2089 Street 2:	
*City: Tuscaloosa County: Tuscaloosa *State: AL Province:	
Country: United States	*Zip/ Postal Code: 35403

e. Organizational Unit:	
Department Name: Office of Economic Development	Division Name: Federal Programs

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. Middle Name:	First Name: LaParry
*Last Name: Howell Suffix:	

Title: Interim Director of Federal Programs

Organizational Affiliation:

*Telephone Number: 2052485089	Fax Number: 2053490135
*Email: howell@tuscaloosa.com	

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: C. City or Township Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

United States Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.255.000

CFDA Title:

Community Development Block Grant-Stimulus

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Tuscaloosa, AL

*15. Descriptive Title of Applicant's Project:

Elm Street Drainage Project Phase III

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of: 6th & 7th

*a. Applicant 6th & 7th

*b. Program/Project: 6th & 7th

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project: Elm Street Drainage Project Phase III

*a. Start Date: 4/1/2009

*b. End Date: 9/31/2012

18. Estimated Funding (\$):

*a. Federal \$248,444.00

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL \$248,444.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

- Yes
- No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Walter

Middle Name:

*Last Name: Maddox

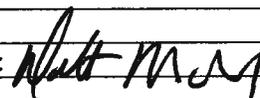
Suffix:

*Title: Mayor

*Telephone Number: 2052485012

Fax Number: 2053490135

*Email: tcroom@tuscaloosa.com

*Signature of Authorized Representative: 

Date Signed: 8/6/12

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

NOT APPLICABLE

B. CDBG-R ACTIVITY DATA SPREADSHEET

LaParry T. Howell

From: LaParry T. Howell
Sent: Thursday, August 09, 2012 2:09 PM
To: 'CDBG-R@hud.gov'
Subject: CDBG-R Activity Data Spreadsheet
Attachments: CDBG-R Amendment Activity Data Spreadsheet.pdf

Jurisdiction: City of Tuscaloosa
Tuscaloosa, AL

Contact Person: Mr. LaParry Howell, MPA
City of Tuscaloosa
Office of Economic Development
2201 University Blvd
Tuscaloosa, AL 35401

Respectfully Submitted,

D. LaParry T. Howell M.P.A.

Interim Director of Federal Programs
Office of Economic Development
P.O. Box 2089
Tuscaloosa, AL 35403
(205) 248-5080(o)
(205)349-0135(f)

Any opinions expressed herein are mine and do not necessarily represent those of the City of Tuscaloosa.

C. CDBG-R ACTIVITY INFORMATION BY ACTIVITY

D. NARRATIVE

On February 17, 2009, the Honorable President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA). Under the Act, the City of Tuscaloosa was appropriated funds in the amount of \$248,444.

In its continued effort to identify and rectify problems and issues of community development in low and moderate income areas, the City chose to utilize funds for the drainage infrastructure improvements to Elm Street located in west Tuscaloosa. West Tuscaloosa is an area that struggles economically and consists primarily of low income households. Of the \$248,444, \$218,727.39 was spent on Phase II of Elm Street Drainage Project that include the construction and reconstruction of portions of the street, sidewalks, public parks, green spaces, curbs and gutters as well as public water mains and public sanitary sewers. Consequently, the remaining balance of \$29,716.61 will be utilized in the completion of Elm Street Drainage Project, Phase III. The project specifically includes installing pipes from the intersection of 23rd Street and Jemison Avenue to the existing inlet/pipe at the intersection of 24th Street and Jemison Avenue and replacing pipe along 24th Street to the terminus of the existing pipe. Thus, the utilization of funds will help enhance the infrastructure that will provide long term economic benefit for the community, as well as the city as a whole.

The activity will be designed and the work will be supervised by the City of Tuscaloosa Office of City Engineering. The construction phase will be contracted out in order to create 10 to 15 new jobs for a majority of the population that was affected by the economic recession. With the creation of these new jobs, the City will once again continue to strive toward a viable economy. Upon the creation of those jobs, proposed project will meet the requirements set forth in Title XII of Division A and Section 1602 of the Recovery Act because the project has been proposed and planned. According to the Office of City Engineering, the plat for the area where the infrastructure improvements will take place shows the Elm Street Right of Way (ROW) as 100' wide for the distance involved with the planned project with the exception of the City owned property nearby. The work will take place within the Elm Street ROW or on City owned property. Thus, no ROW acquisition would be required. Based on the available information, the planned project as described can be accomplished without any acquisitions and

therefore within a 30 day time period. Thus, the proposed project will be completed by the September 30, 2012 deadline for expenditure of CDBG- R funds.

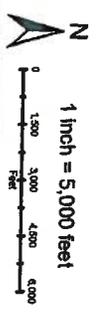
Of the \$248,444, no money will be spent on administration, nor will any be utilized on public services. The funds will benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the funds are expended for activities that benefit such persons over the life of the CDBG-R grant. The project will be located in and will benefit such persons over the life of the CDBG-R grant. The project will be located in and will benefit the residents of Census Tract 118, which is 77% low income according to the 2000 U.S. Census.

E. GEOGRAPHIC DISTRIBUTION

The project to be undertaken with the City's CDBG-R funds is listed and described in Part B & C of this Action Plan. The description of the project contains the street address where the project will be located and/or the area that it will benefit. In addition, the project will benefit low-income persons who may reside in the area of the project.

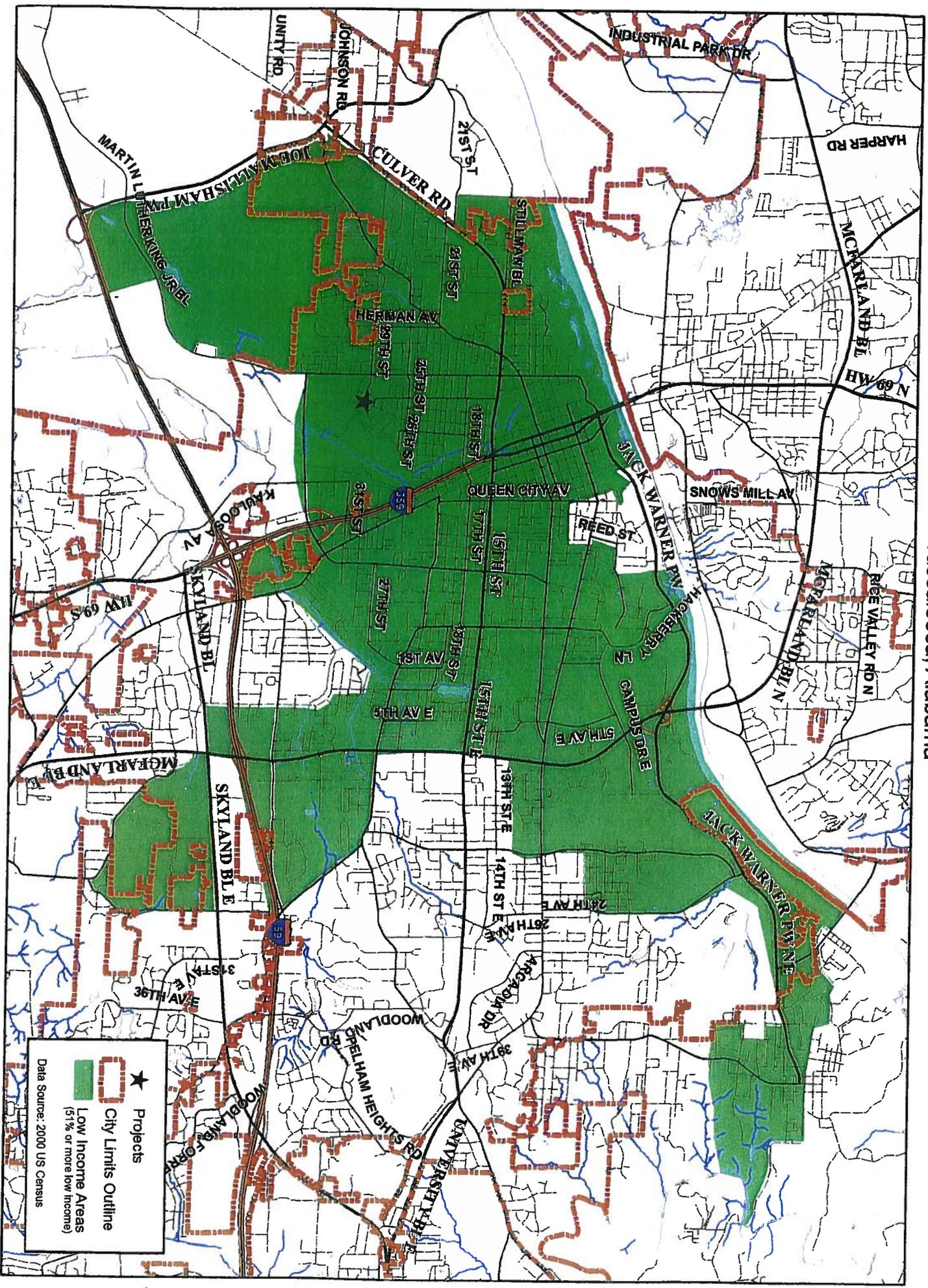
The location of CDBG-R project with its specific street addresses is show on Map No. 1. Map No. 1 also illustrated the CDBG-R project location in relationship to the lower income areas of the City and the surrounding urbanized area as determined from 2000 Census data. An area of low-income concentration is a census tract (or block group within a tract) in which 51 percent or more of the persons were low-income in 2000.

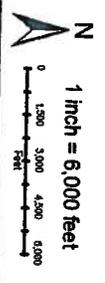
Because the emphasis of the actual CDBG program is to provide assistance to low-income persons, there is direct correlation between the project location and low-income areas. Because so many of the City's minority residents are also low-income, the project location also strongly correlated with areas of minority concentration. Map No. 2 illustrates the geographic distribution of the Tuscaloosa urbanized area's Black (African/American) population by Census Tract in 2000. The percent of the total population in each Census Tract that was Black has been shown in each Census Tract on this map.



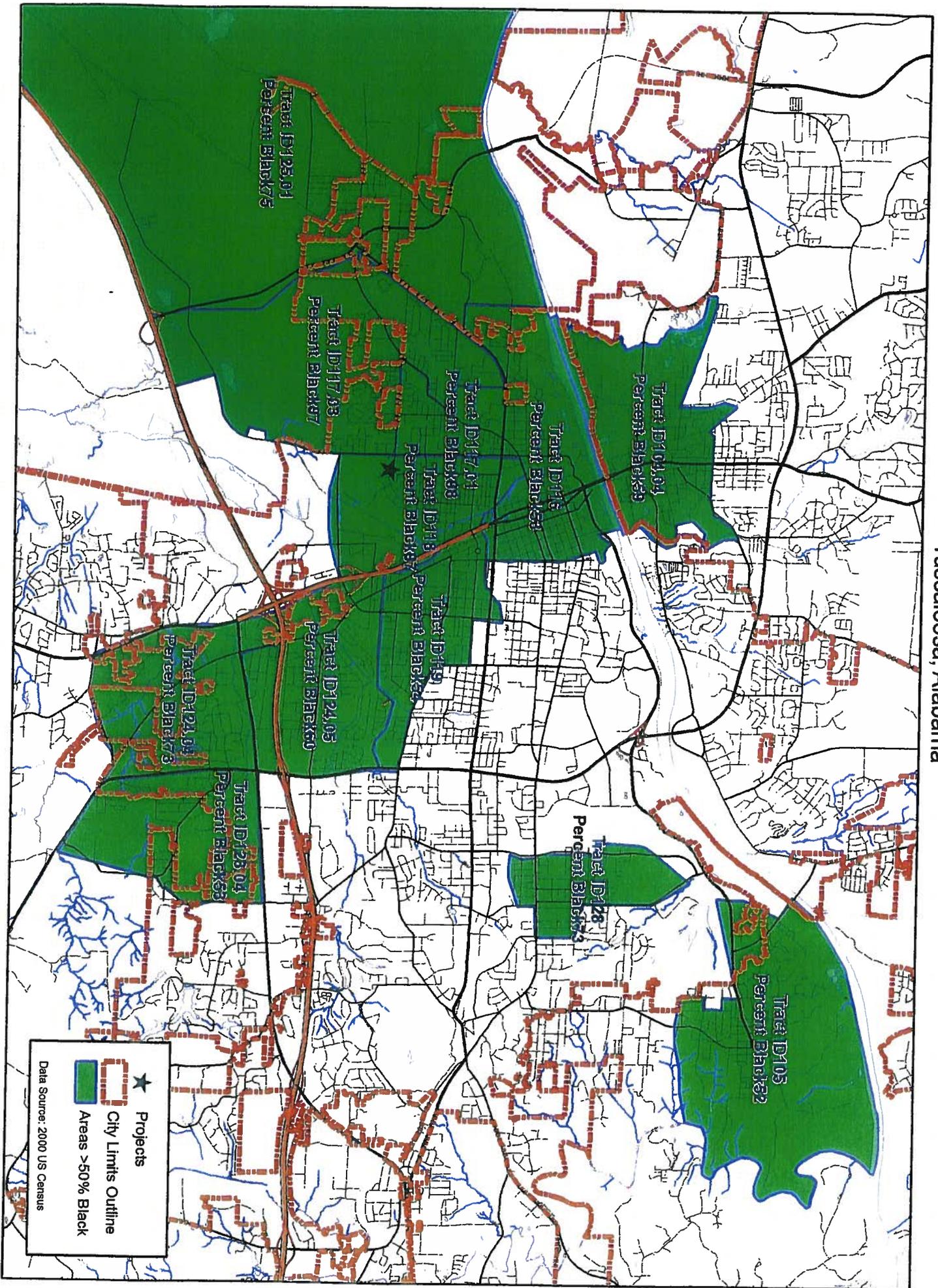
Project Locations in Relationship to Low Income Areas Tuscaloosa, Alabama

Map 1





Black Population by Census Tract Tuscaloosa, Alabama



Projects
 City Limits Outline
 Areas >50% Black

Data Source: 2000 US Census

F. CITIZEN PARTICIPATION

Originally, on May 30, 2009 and July 19, 2012, a summary of the proposed CDBG-R Substantial Amendment and Amendment #3 to the 2008 Action Plan was published in the Tuscaloosa News and citizens were given seven days to comment on the Amendment(s). Copies of the proposed Amendment(s) were made available for public review at the Tuscaloosa Office of Economic Development in City Hall. In addition, the proposed Amendment(s) were also posted on the City of Tuscaloosa's website at www.tuscaloosa.com. No comments were received on the proposed Substantial Amendment and Amendment #3.

G. SUMMARY OF CITIZEN COMMENTS

No comments were received from citizens concerning the City's Proposed CDBG-R Action Plan Substantial Amendment and Amendment #3.

H. CERTIFICATIONS

CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Special Assessments. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.



Signature/Authorized Official

8/6/12
Date

Mayor
Title

OPTIONAL CERTIFICATION

CDBG-R

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

Walt Meyer
Signature/Authorized Official

8/6/12
Date

Mayer
Title