

COMMUNITY DEVELOPMENT BLOCK GRANT  
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

**SUBSTANTIAL AMENDMENT**  
To Community Development Block Grant 2009 Action Plan



**COMMUNITY DEVELOPMENT DEPARTMENT**  
NEIGHBORHOOD SERVICES DIVISION

**June 1, 2009**



**APPLICATION FOR  
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application		<b>2. DATE SUBMITTED</b> 06/3/2009	Applicant Identifier
<input type="checkbox"/> Construction	Pre-application	<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
<input checked="" type="checkbox"/> Non-Construction	<input checked="" type="checkbox"/> Construction	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier B-09-MC-12-0011
<input type="checkbox"/> Non-Construction			
<b>5. APPLICANT INFORMATION</b>			
Legal Name:		<b>Organizational Unit:</b>	
City of Lakeland		Department: Community Development	
Organizational DUNS: # 02-099-7912		Division: Neighborhood Services Division - Housing Section	
<b>Address:</b>		<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b>	
Street: 1104 Martin Luther King Jr. Avenue		Prefix: Mr.	First Name: R.
City: Lakeland		Middle Name Brian	
County: Polk		Last Name Rewis	
State: FL	Zip Code 33805	Suffix:	
Country: U.S.A.		Email: Brian.Rewis@Lakelandgov.net	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b>		Phone Number (give area code)	Fax Number (give area code)
59-6000354		(863) 834-3360	(863) 834-3369
<b>8. TYPE OF APPLICATION:</b>		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types)	
<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		-- C -- (Municipal)	
If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.)		Other (specify)	
Other (specify)		<b>9. NAME OF FEDERAL AGENCY:</b> U.S. Dept. of Housing & Urban Development (HUD)	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b>		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b>	
14-253		Community Development Block Grant (CDBG) Entitlement / Recovery Act Funded (CDBG-R)	
TITLE (Name of Program): Labor Management Cooperation Program			
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b>			
N/A			
<b>13. PROPOSED PROJECT</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date: 07/01/2009	Ending Date: 09/30/2012	a. Applicant 12th District	b. Project 5th and 12th Districts
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$ 207,943 <sup>00</sup>	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$ <sup>00</sup>	DATE:	
c. State	\$ <sup>00</sup>	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$ 67,851 <sup>00</sup>	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$ <sup>00</sup>	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
f. Program Income	\$ <sup>00</sup>	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ 275,794 <sup>00</sup>		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
<b>a. Authorized Representative</b>			
Prefix Mr.	First Name Douglas	Middle Name B.	
Last Name Thomas		Suffix	
b. Title City Manager		c. Telephone Number (give area code) (863) 834-6260	
d. Signature of Authorized Representative		e. Date Signed	

# **CDBG-R SUBMISSION TEMPLATE** **& CHECKLIST**

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see <http://www.hud.gov/recovery>)
- (3) Signed and Dated Certifications (see <http://www.hud.gov/recovery>)
- (4) Signed and Dated [SF-424](#).

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).

# THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): <b>City of Lakeland, Florida</b>	CDBG-R Contact Person: <b>R. Brian Rewis</b>
Jurisdiction Web Address: <b>www.lakelandgov.net</b>	Address: <b>1104 Martin L. King, Jr. Avenue Lakeland, Florida 33805</b>
• <i>(URL where CDBG-R Substantial Amendment materials are posted)</i>	Telephone: <b>863/834-3360</b>
	Fax: <b>863/834-3369</b>
	Email: <b>brian.rewis@lakelandgov.net</b>

## ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

### *A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES*

**Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.**

### *B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)*

**Activity Name: (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.)**

American Recovery and Reinvestment Act of 2009 (Recovery Act) appropriated \$1 billion in Community Development Block Grant (CDBG) funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG program. Funding available under the Recovery Act has clear purposes aimed at stimulating community development and job growth. The City of Lakeland was allocated \$207,943.

Following is a summary of the proposed use of CDBG-R funds:

Activity Name	Activity Description	CDBG-R funds budgeted	Eligibility Category	National Objective Citation	Other Federal or Local funds
Rehabilitation of Single Family Home	Construction and/or Rehab of Single Family Property	\$187,149	Rehab of Residential Property	Low – Moderate Housing Benefit	\$67,851
<b>Total Activity Budget</b>		<b>\$187,149</b>			<b>\$67,851</b>

Total Activity Budget	<b>\$255,000</b>
Administration (up to 10% of allocation)	20,794
<b>Total Amount Budgeted</b>	<b>\$275,794</b>

**(1) Activity Name: Rehabilitation and preservation activities for homes and other residential properties. (24 CFR 570.202 (a))**

**Response:**

The City of Lakeland Neighborhood Services Division (NSD) will rehabilitate or construct homes of low-moderate income households that are on NSD’s existing Applicant List. There are plans to utilize other funding sources including, but not limited to federal and local funding to maximize the impact of the CDBG-R program. Currently, there are sixty- one (61) applicants awaiting rehab projects; with twenty of those applicants in the income certification stage. With the current federal funding level (and no state funding available), the entire sixty-one households would not receive services for an extended period of time. With the additional CDBG-R funding, some of those homeowners on the Applicant’s List will be considered recipients to carry out this eligible activity.

According to the University of Florida’s Shimberg Center for Housing Studies, approximately 25 percent of Lakeland’s housing stock was built before 1960. The safety and marketability of much of the older housing become an issue as the physical structures age and as buyers’ expectations change. However, some of the older housing stock provides a source of affordable units. In the City of Lakeland, the older housing stock is primarily found in the “central city” neighborhoods. Since property values and upkeep have a great influence on neighborhood stability, the City has given priority to the conservation of neighborhoods through rehabilitating and preserving existing housing stock and through pursuit of neighborhood improvement programs to address wider neighborhood quality of life issues.

The NSD will administer the construction of three new homes to low income households. NSD has a list of qualified general contractors available at its request. The homes will be constructed on the clients' lots.

**(2) Activity Name: Planning and Administration**

CDBG-R funds will be used to pay reasonable program administration costs related to the planning and execution of the activity listed above. This includes costs related to staffing for overall program management, coordination, monitoring, reporting and direct & indirect costs.

**(1) Activity Narrative:**

**In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:**

- **Preserving and creating jobs and promoting economic recovery;**
- **Assisting those most impacted by the recession;**
- **Providing investment needed to increase economic efficiency;**
- **Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;**
- **Minimizing or avoiding reductions in essential services; or**
- **Fostering energy independence.**

**Response:**

The City of Lakeland Neighborhood Services Division utilizes its funding to target those neighborhoods in the City with the highest proportion of low-income households and sub-standard structures. The proposed projects are also located within the Mid-Town Community Redevelopment Area. Residents in this area are low-moderate income households. These census tracts have been most impacted by the recession and proposed projects will augment the CDBG projects that have been completed under the Rehabilitation Program. The homes will be modified to incorporate energy efficiency features therefore assisting the residents with savings on energy cost on a long-term basis.

**(2) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).**

**Response:**

General contractors will complete all three projects for the Activity 1. Those general contractors employ a list of tradesmen (plumbers, electricians, dry wall workers, roofers, carpet layers, and masons) who purchase building materials for their projects. Other professionals are also affected such as appraisers, title companies, and inspectors. This market has been hit hard by the economic recession and resulting decline in new construction and remodeling projects. An

estimated two full-time and five part-time jobs will be created or retained by the CDBG-R activities.

- (3) **Additional Activity Information:** (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

**Response:**

The NSD utilizes the Energy Code - The Florida Building Code 2004 Building, chapter 13, Florida Energy Code; General Bid Specifications (Property Standards) and the three Florida Codes listed above shall govern all construction jobs conducted by the Neighborhood Services Division. The Building Inspection Division shall appropriately inspect each construction site for compliance in order to issue the appropriate Certificates of Occupancy for NSD construction jobs.

The three proposed projects will promote energy conservation via the energy efficiency features. Energy efficient features that contribute to improve home quality, homeowner comfort and lower energy demand and reduce air pollution.

- (4) **Responsible Organization:** (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The City of Lakeland Neighborhood Services Division will administer the program. The contact person is R. Brian Rewis, Neighborhood Services Manager, 1104 Martin L. King, Jr. Avenue, Lakeland, Florida 33805.

***C. PUBLIC COMMENT***

**Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.**

The Neighborhood Services Division did not receive any comments regarding the CDBG-R Substantial Amendment.

***Note:*** A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

**Response:**

A notice was published in the Lakeland Ledger on May 22, 2009. A draft of the CDBG-R Program was posted on the city's website at [www.lakelandgov.net](http://www.lakelandgov.net) starting on May 22 with a public comment period through May 29, 2009. A copy of the draft was also displayed at the Main and Larry Jackson Branch Libraries for public review. A public hearing was held on June 1, 2009 at 9:00 a.m., at the regular scheduled City Commission Meeting.

# 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): <b>City of Lakeland</b>  Jurisdiction Web Address: <b>www.lakelandgov.net</b> <i>(URL where CDBG-R Substantial Amendment materials are posted)</i>	CDBG-R Contact Person: <b>R. Brian Rewis</b> Address: <b>1104 Martin L. King, Jr. Avenue Lakeland, Florida 33805</b> Telephone: <b>863/834-3360</b> Fax: <b>863/834-3369</b> Email: <b>brian.rewis@lakelandgov.net</b>
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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 **16**

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: **Yes**

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) **16**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),  
Yes  No  Verification found on page(s) **16**
- the CDBG national objective citation,  
Yes  No  Verification found on page(s) **16**

**B. CDBG-R INFORMATION BY ACTIVITY**

Does the submission contain information by activity describing how 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) 6
- projected number of jobs created for each activity,  
Yes  No  Verification found on page(s) 6
- whether an activity will promote energy efficiency and conservation,  
Yes  No  Verification found on page(s) 7
- the name, location, and contact information for the entity that will carry out the activity,  
Yes  No  Verification found on page(s) 7
- evidence that no more than 10% of the grant amount will be spent on administration and planning,  
Yes  No  Verification found on page (s) 5 & 16
- evidence that no more than 15% of the grant amount will be spent on public services,  
Yes  No  Verification found on page (s) N/A
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,  
Yes  No  Verification found on page (s) 16

**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) 7

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

Yes  No  Verification found on page(s) 7

**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) Timeliness 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 <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

# 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

\_\_\_\_\_  
Date

**Douglas B. Thomas, City Manager**  
Name & 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.

          N/A            
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

