

270

**City of Carson City  
Agenda Report**

**Date Submitted:** May 12, 2009

**Agenda Date Requested:** May 21, 2009  
**Time Requested:** 10 minutes

**To:** Mayor and Board of Supervisors

**From:** Public Works - Planning Division

**Subject Title:** Action to approve and authorize the Mayor to sign an amendment to the Carson City 2008-09 CDBG Annual Action Plan to add projects to be funded by the Community Development Block Grant-Recovery Act (CDBG-R) program, and forward a recommendation of approval of the plan to the Department of Housing and Urban Development (HUD).

**Summary:** A total of \$118,516 is allocated to Carson City for the CDBG program through the American Recovery and Reinvestment Act of 2009 (ARRA). An amendment to the 2008-09 CDBG Annual Action Plan is required to receive these funds. The use of the funds must comply with specific requirements of the ARRA in addition to regular CDBG program requirements.

**Type of Action Requested:**

- Resolution
- Formal Action/Motion
- Ordinance-First Reading
- Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to approve and authorize the Mayor to sign an amendment to the Carson City 2008-09 CDBG Annual Action Plan and forward a recommendation of approval of the plan to the Department of Housing and Urban Development.

**Explanation for Recommended Board Action:** (Refer to the attached memo for additional information and justification.)

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC 17.09.055 (Planned Unit Developments, Time Limits for Filing Applications for Final Approval); NRS 278A.510 (Planned Development, Specification of time for filing application for final approval)

**Fiscal Impact:** \$118,516 in grant funds will be used in Carson City; CDBG-R grant funds will be administered by existing staff managing the CDBG program. No matching City funds are required.

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** 1) The Board of Supervisors may amend the proposed Action Plan to include distribution of funds to qualifying projects in accordance with CDBG-R requirements.

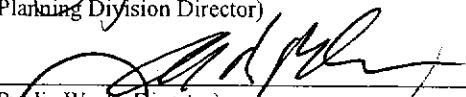
**Supporting Material:**

- 1) Staff Memo
- 2) CDBG 2008-09 Annual Action Plan Amendment
- 3) E-mail notice of CDBG-R requirements from HUD
- 4) Memo from HUD Secretary on CDBG-R spending
- 5) Memo from President Obama on responsible spending of Recovery Act funds
- 6) HUD Notice of CDBG-R Program Requirements


**Prepared By:** Janice Brod, Management Assistant V

**Reviewed By:**   
 (Planning Division Director)

Date: 5-11-09

  
 (Public Works Director)

Date: 5-12-09

  
 (City Manager)

Date: 5/12/09

  
 (District Attorney's Office)

Date: 5-12-09

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



## Carson City Planning Division

2621 Northgate Lane, Suite 62

Carson City, Nevada 89706

(775) 887-2180

[Plandiv@ci.carson-city.nv.us](mailto:Plandiv@ci.carson-city.nv.us)

[www.carson-city.nv.us](http://www.carson-city.nv.us)

### MEMORANDUM

Board of Supervisors Meeting of May 21, 2009

**TO:** Mayor and Supervisors

**FROM:** Lee Plemel, Planning Director

**DATE:** May 13, 2009

**SUBJECT:** CDBG-R (Recovery Act) 2008-09 Action Plan Amendment

A total of **\$118,516** is allocated to Carson City for the Community Development Block Grant (CDBG) program by the American Recovery and Reinvestment Act of 2009 (ARRA). An amendment to the 2008-09 CDBG Annual Action Plan is required to receive these funds. The use of the funds must comply with specific requirements of the ARRA in addition to regular CDBG program requirements. This \$118,516 is known as CDBG-R (Recovery Act) funding.

#### Proposed CDBG-R Funding

Activity	Sub-grantee	Amount
Empire School Area Sidewalk-ADA Project	Public Works, Transportation Div.	\$100,739
Family Enrichment Program Case Coordinator*	Health and Human Services Dept.	\$17,777

\* "Public service" activities are limited to a maximum of 15% of the total CDBG-R funds.

This memo is intended to give a brief overview of the requirements and rationale for the recommended Action Plan amendment. More detailed requirements of the Action Plan amendment and the use of the CDBG-R funds are attached in the form of a memo from the HUD Secretary, a memo from President Obama regarding responsible spending of Recovery Act funds, and a notice from HUD on the detailed requirements of the program.

A few highlights from the requirements for ARRA spending and specific CDBG-R requirements should be noted for the Board of Supervisors' consideration in selecting activities to be funded with CDBG-R funds:

- Per HUD representatives, the primary purpose of the CDBG-R funds is to create jobs to promote economic recovery. The ARRA states, "Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit."
- The HUD Program Requirements Notice states: "HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents... While the full range of CDBG activities is available to grantees, [HUD] strongly suggests that grantees incorporate consideration of the public

perception of the intent of the Recovery Act in identifying and selecting project for CDBG-R funding.”

- HUD recommends that CDBG-R funds be used for discrete, “stand alone” activities, not activities that rely on commingling of other funds or contracts, for reporting purposes.
- If a city fails to submit an amended Action Plan to HUD by June 5, 2009, HUD may cancel and reallocate all or part the city's allocation. (Note: City staff first received notice of the requirements and deadline from HUD for accessing the CDBG-R funds via email on May 7, 2009.)

The two proposed CDBG-R activities are the only two qualifying activities that submitted applications but did not receive full funding for the 2009-10 regular CDBG program year. It was the recommendation of staff and the CDBG advisory panel for these two activities to receive any additional CDBG funding that was made available. Additionally, there is a very short time period in which to prepare the amended Action Plan for HUD approval, essentially prohibiting the City from being able to solicit new applications. Therefore, staff recommends that these activities receive the CDBG-R funds.

More detailed descriptions of the activities and compliance with the CDBG-R requirements are included within the attached CDBG-R Amendment to the 2008-09 Action Plan. Please contact Janice Brod, CDBG Coordinator, or Lee Plemel, Planning Director, with additional questions.

Attachments:

- 1) CDBG 2008-09 Annual Action Plan Amendment and Certifications
- 2) E-mail notice of CDBG-R requirements from HUD
- 3) Memo from HUD Secretary on CDBG-R spending
- 4) Memo from President Obama on responsible spending of Recovery Act funds
- 5) HUD Notice of CDBG-R Program Requirements



# CDBG-R Amendment to 2008-09 Action Plan

The CPMP CDBG-R 2008-09 Action Plan Amendment includes the SF 424 and Narrative Responses to meet the requirements of the HUD Notice of Program Requirements for Community Development Block Grant Program Funding under the American Recovery and Reinvestment Act of 2009.

## GENERAL

### Executive Summary

The purpose of this amendment to the 2008-09 CDBG Annual Action Plan is to identify projects for the allocation of \$118,516 in Community Development Block Grant funds to Carson City authorized under the American Recovery and Reinvestment Act of 2009 (ARRA). These funds are also known as CDBG-R program funds.

While the use of CDBG-R funds must meet the basic requirements of the regular CDBG program, there are also specific ARRA requirements to facilitate the expeditious use of the funds and to meet the ARRA objectives.

### Proposed Activities

This Action Plan amendment is to add two activities to be funded with the city's CDBG-R allocation. Project descriptions as required by HUD are below.

Activity	Total activity budget
Empire Elementary School Area ADA-Sidewalk Project	\$100,739
Family Enrichment Program Case Coordinator	\$17,777
Total Available CDBG-R funding:	\$118,516

#### 1. Activity name: Empire Elementary School Area ADA-Sidewalk Improvement Project.

CDBG-R funds budgeted	Other funds budgeted	Total activity budget
\$100,739	\$0	\$100,739

**Activity description:** There are streets in the neighborhood surrounding the Empire Elementary School without adequate sidewalks or sidewalks that do not comply with Americans with Disabilities Act (ADA) standards. This presents a safety issue since the neighborhood children do not have school bus service and walk to school. This also presents an accessibility issue for those in the neighborhood with disabilities who are unable to navigate existing streets and sidewalks to services within and around the neighborhood.

The project will construct new sidewalks as well as ADA-compliant corner curb ramps. Disabled persons and school children will benefit from increased accessibility in the neighborhood. The city will contribute by designing the improvements, managing the construction project, and inspecting the improvements, leaving the full amount of CDBG-R funding to be used towards the actual construction of improvements.

**Eligibility category:** Low- to moderate-income area benefit.

**National objective:** Benefiting low- to moderate income persons; suitable living environment, accessibility.

**2. Activity name: Family Enrichment Program Case Coordinator.**

CDBG-R funds budgeted	Other funds budgeted	Total activity budget
\$17,777	\$0	\$17,777

**Activity description:** The Family Enrichment Program is designed to give housing assistance to low-income individuals and families in order to help them achieve self sufficiency. Currently, Human Services can only provide one-time emergency rental assistance and does not offer an opportunity for people to improve their current situation. Clients who meet eligibility criteria and agree to the guidelines of the program will receive case management, direct support services, and financial assistance with housing. The housing assistance will be designed to assist with rent up to six months, at a maximum of \$750 per month, or 30%, whichever is less. Clients will pay a percentage of the rent, which will gradually increase through their participation in the program, providing for a transition to total client pay within the six month program.

CDBG-R funds will be used to pay the salary and benefits of the Case Coordinator. The role of the Case Coordinator will be to mutually develop strategies for self-sufficiency while providing advocacy and referrals for the client. The ultimate outcome for the client is to leave the program with the skills they need to build a better life. The program will begin by assisting 10 families or individuals and increase to 20 by the end of the year. All of the participants of the program will be low-to-moderate income. The Health and Human Services Department will continue to seek grant and other funding opportunities to continue to fund the Case Coordinator position beyond the CDBG-R funding, as well as funding other aspects of the program.

**Eligibility category:** Low- to moderate-income clientele benefit.

**National objective:** Benefiting low- to moderate income persons; suitable living environment, availability.

**Meeting ARRA Requirements**

HUD requires the Action Plan to address ARRA Title XII of Division A and Section 1602 compliance as follows:

- Recipients shall give priority to projects that can award contracts based on bids within 120 calendar days from the date the funds are made available to the recipients.

Response: Design work for the Sidewalk-ADA Project has been completed by the City and it is anticipated that the contract can be awarded in mid-June. The City will use the pre-award cost reimbursement provisions of 24 CFR 570.200(h), allowing the project to go to bid before the grant funds are officially awarded and available, to ensure timely start of construction in compliance with the ARRA Title XII.

- For CDBG-R funds being used for infrastructure investments, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 calendar days after February 17, 2009.

Response: The city anticipates that the Sidewalk-ADA Project can be started and completed in the 2009 calendar year. The activity will be initiated within days after the Action Plan amendment is submitted to HUD in accordance with the pre-award cost reimbursement provisions of 24 CFR 570.200(h). It is further anticipated that funds for the Family Enrichment Program Case Coordinator will be fully expended by the end of the 2009 calendar year.

### **Maximizing Job Creation and Economic Benefit**

HUD requires the amended Action Plan to address how the use of CDBG-R funds will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the ARRA 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 and avoiding reductions in essential services; or
- Fostering energy independence.

The use of CDBG-R funds for the Empire Elementary School Area ADA Sidewalk Improvement Project and Family Enrichment Program Counselor will meet one of the primary objectives of the ARRA by **preserving and creating jobs and promoting economic recovery**. Eighty-five percent of the CDBG-R funds will be used to pay contractors for the proposed Sidewalk-ADA work, creating and preserving jobs. The remainder of the funds will be used directly to fund the creation of a counselor/case manager position for the Family Enrichment Program. The funds will be spent on activities that would otherwise not receive funding this year. Therefore, the jobs that will be created or retained would not have otherwise existed. This will have direct impacts on the economy by paying salaries and purchasing materials. Keeping contractors and others employed helps sustain the economy and will help promote economic recovery.

Furthermore, the Family Enrichment Program will **assist those most impacted by the recession**. With fewer jobs available, it becomes more difficult for families to

transition out of poverty and into sustainable living arrangements. The Family Enrichment Program helps families achieve self-sufficiency.

### **Estimated Job Creation**

The ARRA requires the reporting of the number of jobs created by all ARRA funds spent. HUD requires the amended Action Plan to estimate the number of full- and part-time jobs to be created and retained by the proposed activity (including permanent, construction and temporary jobs).

It is estimated that the Empire Elementary School Area ADA Sidewalk Improvement Project will create eight construction and temporary jobs. The funding of the Family Enrichment Program Case Coordinator will create one additional job, for an estimated total of **nine jobs created or retained as a result of CDBG-R funds**.

### **Implementing Smart Growth Principles**

The ARRA and HUD require the amended Action Plan to provide a description of the activities that will be carried out with CDBG-R funds that promote:

- Energy conservation;
- "Smart growth" principles;
- Green building technologies; or
- Reduced pollution emissions.

The Empire Elementary School Area ADA Sidewalk Improvement Project helps implement one of the ten tenants of "smart growth," **to create walkable neighborhoods**. The Empire Elementary School area presently has piece-meal sidewalks, sidewalks that do not have ADA-compliant ramps, and no sidewalks in some areas. The project will help provided needed pedestrian connection to the Elementary School (a safety concern), bus stops and services surrounding and within the neighborhood.

### **Public Participation**

HUD waives the regular CDBG program requirement to provide a 30-day public review and comment period for this Action Plan amendment in order to quickly implement the expenditure of CDBG-R funds. HUD is instead requiring no fewer than seven calendar days for citizen comment on the CDBG-R Action Plan amendment.

Carson City made the Action Plan amendment available to the public from May 13 to at least May 21, 2009. Notice was placed in the local newspaper of the availability of the amended Action Plan, and the Plan was placed on the Carson City Board of Supervisors public agenda for May 21, 2009. Carson City CDBG administrators will forward written public comments submitted within the comment period to HUD. Additionally, public comments will be posted on the Carson City CDBG (Planning Division) website along with the Amended Action Plan in compliance with HUD CDBG-R requirements.



## **CDBG Contact Information**

For additional information on the regular CDBG or CDBG-R programs, or to make comments regarding the CDBG-R Action Plan amendment, contact:

Janice Brod, CDBG Administrator  
2621 Northgate Lane, Suite 62  
Carson City, NV 89706  
775-887-2180 ext. 30069  
Fax: 775-887-2278  
[jbrod@ci.carson-city.nv.us](mailto:jbrod@ci.carson-city.nv.us)



# SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

## SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

Date Submitted: 6/5/09		Applicant Identifier		Type of Submission	
Date Received by state		State Identifier		Application	
Date Received by HUD		Federal Identifier		Pre-application	
				<input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non Construction	
				<input type="checkbox"/> Construction <input type="checkbox"/> Non Construction	
<b>Applicant Information</b>					
Jurisdiction: Carson City Consolidated Municipality			NV320036 CARSON CITY		
Street Address Line 1: 201 N. Carson Street			Organizational DUNS 073787152		
Street Address Line 2: Suite 2			Organizational Unit: City Government		
City: Carson City		Nevada		Department: City Manager	
89701		Country U.S.A.		Division: Planning Division	
Employer Identification Number (EIN):			County: Carson City County		
88-6000189			Program Year Start Date (MM/DD): (		
Applicant Type:			Specify Other Type if necessary:		
Local Government: City			Specify Other Type		
			U.S. Department of Housing and Urban Development		
<b>Program Funding</b>					
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding					
Community Development Block Grant			14.218 Entitlement Grant		
CDBG Project Titles: CDBG Public Services and Public Facilities Improvement Projects			Description of Areas Affected by CDBG Project(s): LMI areas within City		
\$CDBG Grant Amount:		\$Additional HUD Grant(s) Leveraged		Describe:	
\$118,516				None	
\$Additional Federal Funds Leveraged			\$Additional State Funds Leveraged		
None			None		
\$Locally Leveraged Funds			\$Grantee Funds Leveraged		
Approximately \$10,000			None		
\$Anticipated Program Income			Other (Describe)		
None			None		
Total Funds Leveraged for CDBG-based Project(s) None					
<b>Home Investment Partnerships Program</b>			14.239 HOME		
HOME Project Titles			Description of Areas Affected by HOME Project(s)		
Not applicable					
\$HOME Grant Amount		\$Additional HUD Grant(s) Leveraged		Describe	
\$Additional Federal Funds Leveraged			\$Additional State Funds Leveraged		
\$Locally Leveraged Funds			\$Grantee Funds Leveraged		





# CPMP Non-State Grantee Certifications

**Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.**

<input type="checkbox"/>	This certification does not apply.
<input checked="" type="checkbox"/>	This certification is applicable.

## NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of 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 that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement 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 the CDBG or HOME programs.

**Drug Free Workplace** -- It 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.

Jurisdiction

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**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

8. 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;
9. 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
10. 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.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

5/21/2009

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Signature/Authorized Official

Date

Robert L. Crowell

Name

Mayor

Title

201 N. Carson Street

Address

Carson City, NV 89701

City/State/Zip

775-887-2100

Telephone Number

<input checked="" type="checkbox"/> This certification does not apply.
<input checked="" type="checkbox"/> This certification is applicable.

### Specific CDBG Certifications

The Entitlement Community certifies that:

~~**Citizen Participation** — It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.~~

**Community Development Plan** -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

**Following a Plan** -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG 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);

~~12. Overall Benefit — The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008, 2009, 2010, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;~~

13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds ~~including Section 108 loan guaranteed 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 funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG 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 funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG 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 funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

14. 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

15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Jurisdiction

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**Compliance With Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

**Compliance with Laws** -- It will comply with applicable laws.

5/21/2009

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Signature/Authorized Official

Date

Robert L. Crowell

Name

Mayor

Title

201 N. Carson Street

Address

Carson City, NV 89701

City/State/Zip

775-887-2100

Telephone Number

<input checked="" type="checkbox"/> This certification does not apply.
<input type="checkbox"/> This certification is applicable.

**OPTIONAL CERTIFICATION  
CDBG**

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):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which 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 to meet such needs.

<hr/>	<input type="text"/>
Signature/Authorized Official	Date
<input type="text"/>	
Name	
<input type="text"/>	
Title	
<input type="text"/>	
Address	
<input type="text"/>	
City/State/Zip	
<input type="text"/>	
Telephone Number	



This certification does not apply.  
 This certification is applicable.

### Specific HOME Certifications

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

**Eligible Activities and Costs** -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

**Appropriate Financial Assistance** -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official	Date
<input style="width: 100%; height: 15px;" type="text"/>	
Name	
<input style="width: 100%; height: 15px;" type="text"/>	
Title	
<input style="width: 100%; height: 15px;" type="text"/>	
Address	
<input style="width: 100%; height: 15px;" type="text"/>	
City/State/Zip	
<input style="width: 100%; height: 15px;" type="text"/>	
Telephone Number	

<input checked="" type="checkbox"/> This certification does not apply.
<input type="checkbox"/> This certification is applicable.

### HOPWA Certifications

The HOPWA grantee certifies that:

**Activities** -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

**Building** -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

<hr/>	<input type="text"/>
Signature/Authorized Official	Date
<input type="text"/>	
Name	
<input type="text"/>	
Title	
<input type="text"/>	
Address	
<input type="text"/>	
City/State/Zip	
<input type="text"/>	
Telephone Number	

- This certification does not apply.  
 This certification is applicable.

### ESG Certifications

I, \_\_\_\_\_, Chief Executive Officer of **Error! Not a valid link.**, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
2. The building standards requirement of 24 *CFR* 576.55.
3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.
10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

authorities as specified in 24 *CFR* Part 58.

11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

Signature/Authorized Official	Date
Name	
Title	
Address	
City/State/Zip	
Telephone Number	

This certification does not apply.  
 This certification is applicable.

**APPENDIX TO CERTIFICATIONS**

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

**Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Drug-Free Workplace Certification**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
Planning Division Office	2621 Northgate Ln	Carson City	Carson City	NV	89706
City Hall	201 N. Carson St.	Carson City	Carson City	NV	89701

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

Jurisdiction

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controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must completed, in use, and on file for verification. These documents include:

- 1. Analysis of Impediments to Fair Housing
- 2. Citizen Participation Plan
- 3. Anti-displacement and Relocation Plan

5/21/2009

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Signature/Authorized Official

Date

Robert L. Crowell

Name

Mayor

Title

201 N. Carson Street

Address

Carson City, NV 89701

City/State/Zip

775-887-2100

Telephone Number

## **American Recovery and Reinvestment Act (ARRA) Certifications**

1. The jurisdiction will comply with Title XII (Transportation and Housing and Urban Development, and Related Agencies) of Division A of the American Recovery and Reinvestment Act of 2009.
2. In selecting projects to be funded, the grantee will give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients, and will ensure maximum job creation and economic benefit.
3. When CDBG-R funds are being used 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 Recover Act.
4. 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 Recover 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.
5. 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 taxpayers dollars.
6. The aggregate use of CDBG-R funds shall principally benefit low- and moderate-income families 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.

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Robert L. Crowell, Mayor  
201 N. Carson Stree  
Carson City, NV 89701  
775-887-2100

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Date

**From:** "Roman, Lorena C" <Lorena.C.Roman@hud.gov>  
**To:** "abusch@yubacity.net" <abusch@yubacity.net>, "adrienne.pon@sfgov.org" <adrienne.pon@sfgov.org>  
**CC:** "Cremer, Maria F" <maria.f.cremer@hud.gov>  
**Date:** 5/6/2009 11:39 AM  
**Subject:** Recovery Act CDBG Funds  
**Attachments:** CDBG-R Notice Issued 5-5-09.pdf; CDBG-R letter from Sec Donovan 5-5-09.pdf; Responsible Spending Memo FR version 3-25-09.pdf

To HUD's Community Development Block Grant Partners

I am pleased to forward to you the Notice that establishes operating procedures and guidance for the \$1 billion in Community Development Block Grant (CDBG) funds appropriated by the American Recovery and Reinvestment Act (Recovery Act). HUD is identifying these funds as CDBG-R. The Recovery Act directed HUD to distribute the funds to CDBG grantees that received funds in FY 2008 and announced the CDBG-R allocations on February 25, 2009. They can be found on the HUD's website at [www.hud.gov/recovery](http://www.hud.gov/recovery)<<http://www.hud.gov/recovery>>. The CDBG-R allocation to each grantee is approximately 27% of the FY 2008 CDBG allocation.

I am also forwarding an open letter from HUD Secretary Shaun Donovan to CDBG grantees that discusses responsible and prudent uses of Recovery Act CDBG funds. Further, I am including President Obama's March 20, 2009, memorandum on responsible spending (as reprinted in the Federal Register on March 25, 2009) as it is referenced in Secretary Donovan's letter. I urge you review and share Secretary Donovan's letter and President Obama's memorandum with your elected and appointed officials before developing or finalizing your jurisdiction's action plan amendment.

To obtain the funds, grantees will be required to submit a substantial action plan amendment to their approved FY 2008 action plan. For entitlement communities, amendments will be due not later than Friday, June 5, 2009. For states, amendments will be due not later than Monday, June 29, 2009. Amendments should be submitted in hard copy format to the appropriate HUD field office but the required spreadsheet identifying the proposed activities must be sent electronically to the email address identified in the Notice. The spreadsheet will be available for download from [www.hud.gov/recovery](http://www.hud.gov/recovery)<<http://www.hud.gov/recovery>>.

The Department realizes that the timeframe for response to this Notice is relatively brief but many grantees have been considering how these funds will be deployed since the Recovery Act was signed into law on February 18, 2009. HUD will be issuing further guidance in the next few weeks on a range of issues relating to implementation of the CDBG-R program.

Thank you for your patience as HUD has developed this Notice and we look forward to working with you to quickly put CDBG-R funds to work in our nation's communities.





**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
**THE SECRETARY**  
WASHINGTON, DC 20410-0001

May 5, 2009

Dear CDBG Grantee:

In these difficult economic times, the U.S. Department of Housing and Urban Development is pleased to announce additional funding for the Community Development Block Grant (CDBG) program under the American Recovery and Reinvestment Act of 2009 (Recovery Act). The attached CDBG Recovery Act (CDBG-R) Notice provides your community with a significant opportunity to address critical employment and economic development needs. In accepting these funds, it is imperative, however, that you be good stewards of these precious taxpayer dollars by focusing your efforts on the Recovery Act goals of investing in infrastructure that will create or sustain jobs in the near-term and generate maximum economic benefits in the long-term.

HUD is fully committed to implementation of the guidance provided by President Obama in his March 20, 2009, memorandum regarding the need for responsible spending of Recovery Act funds. The CDBG-R funding presents a unique set of challenges because of the wide range of activities allowable under the CDBG program, as compared to the more narrow range of activities allowable under the CDBG-R program. The goals of the Recovery Act are focused on stimulating job creation and long-term economic benefit. In an effort to ensure responsible spending of Recovery Act funds, a number of actions have been taken.

First, Section 1604 of the Recovery Act prohibits the use of funds for certain types of projects including aquariums, casinos, golf courses, swimming pools, and zoos. This prohibition is clear and direct, and HUD's guidance on the use of CDBG-R funds reflects these prohibitions. In addition, HUD is:

1. Conducting extensive outreach to housing and community development officials through such groups as the National League of Cities, the U.S. Conference of Mayors, the National Association of County Officials, and the National Governors Association to underscore the importance of focusing on the key elements of the Recovery Act as they examine projects proposed for CDBG-R funding.
2. Adding a "terms and conditions" to all grant agreements that clearly reflect the obligation of the grantee to comply with the Recovery Act in carrying out its responsibilities.