

RESOLUTION NO. 17-17  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Surr ON  
THE 17<sup>th</sup> DAY OF April, 2017.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
SUBMIT AN APPLICATION TO THE MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS FOR A COMMUNITY  
DEVELOPMENT BLOCK GRANT.

WHEREAS, The Montgomery County Board of Commissioners is accepting  
applications for Fiscal Year 2017 Community Development Block Grant (CDBG)  
projects, and

WHEREAS, it was the intent of the City of Centerville to apply for CDBG grants  
to provide for the following project: the Bethel Road Street Improvements Project –  
Phase 2.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to submit this application  
to the Montgomery County Board of Commissioners for Community Development Block  
Grant (CDBG) to provide funding for the Bethel Road Street Improvements Project –  
Phase 2. A copy of the application is attached hereto and marked as Exhibit "A".

Section 2. That the City Manager is hereby directed to enter into subsequent  
contracts, all understandings and assurances contained therein, to act in connection with  
the submission of the application and subsequent contract and to provide such additional  
information as may be required.

Section 3. That this resolution shall become effective immediately upon passage.

PASSED this 17<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
Mayor, City of Centerville

ATTEST:



Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies that the foregoing is a true and correct copy of Resolution Number 17-17 passed by the Council of the City of Centerville, Ohio on the 17<sup>th</sup> day of April, 2017.



Clerk of Council

Approved as to form, consistency  
with existing Ordinances, the  
Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney



**FY 2017 MONTGOMERY COUNTY  
COMMUNITY DEVELOPMENT PROGRAMS**

*Please complete all questions on application. You may include up to five (5) pages of attachments, including maps, pictures, support letters, etc.*

**APPLICANT INFORMATION**

**Organization Name** City of Centerville  
**Address (include city & zip)** 100 West Spring Valley Road, Centerville OH 45458  
**Contact Person** Greg Horn  
**Phone and/Email** (937) 433-7151 ghorn@centervilleohio.gov  
**Current CDBG-funded Projects and Project Status** Bethel Road Improvements (Phase 1) and City Hall Elevator are scheduled to be completed by September 2017.

**PROPOSED PROJECT INFORMATION**

**Project Title** Bethel Road Street Improvements - Phase 2  
**Project Address** Bethel Road, Centerville OH  
**Census Tract** CT 403.02 **Block Group** \_\_\_\_\_  
**Target Area Name (If applicable)** City of Centerville  
**National Objective** *Benefit Low/Moderate Income*  *Eliminate Slum/Blight*   
**Completion Date** August 1, 2018  
**Priority Ranking** 1 **New Project**  **Continuation Project**   
**Total Project Cost** \$ \$265,050.00  
**Total CDBG dollars requested** \$ \$100,000.00  
**Total dollar value of other resources** \$ \$165,050.00

**PROJECT SUMMARY**

**Signature:** \_\_\_\_\_ **Title:** City Manager

## **II. PROJECT DESCRIPTION (1 page maximum)**

Briefly describe your project. Clearly define how this project benefits low and moderate income persons or eliminates a slum/blight situation. Attach map of project location.

The City of Centerville requests funding for the following project: Bethel Road Street Improvements - Phase 2. The City works to provide well maintained streets and Bethel Road is one street in town with a high (poor) distress pavement rating. Bethel Road, a 2190 LF local street that provides significant access in and out of the neighborhood west of Centerville High School. Project limits are from the southern intersection of Bethel Road and Boyce Road to the northern intersection of Bethel Road and Boyce Road. A location map is included herein.

Work planned includes replacement of deteriorated concrete curb, select sidewalk repair, handicap reconstruction to meet United States Access Board requirements, catch basin repair, installation of underdrain to improve drainage along the roadway together with the subsequent drive approach reconstruction, full depth pavement repair as needed, milling and asphalt resurfacing of the street. Future maintenance will be the City's on-going responsibility.

The 2014 American Community Survey indicates that a total of 3,3033 individuals with a physical disability live in the City of Centerville (population = 23,986 per the 2014 census). Within the target neighborhood where Bethel Road is located, 1480 low to moderate income residents live. These residents are classified as having income of at or below 80% of the median income.

The estimated cost for the planned improvements is \$265,050.00. A detailed Engineer's Estimate is enclosed. The City's 2015 – 2019 Capital Improvement Program sheet details the annual funding set aside for the City's Street Program. The City of Centerville will provide all engineering services, project management, inspection, and future maintenance as further contributions to the project.

### **III. PROJECT GOALS (1 page maximum)**

What will your project achieve? How many persons or households will benefit? How did you determine this number?

The goal of this project is to provide major maintenance of a neighborhood collector roadway in a neighborhood classified as having a low to moderate income designation. The improvements will also provide enhanced pedestrian access for physically challenged residents, provide improved drainage that will, in turn, decrease deterioration of the roadway, and provide an improved overall appearance of the neighborhood. The value of the project may be difficult to quantitatively measure, however those with physical challenges will experience improved access along sidewalk on this street. Furthermore residents along the street and on surrounding streets will see that the City is continuing to invest in their neighborhood and may, in turn, further invest and update their properties.

**IV. IMPLEMENTATION SCHEDULE (1 page maximum)**

How will the work be completed? The implementation schedule should include estimated time tables for completing significant tasks leading to accomplishment of project goals, and it should present a reasonable scope of activities that can be accomplished within the time allotted for the project and within the resources of the applicant. The implementation schedule will be included in the Delegation of Activities Agreement as Appendix A.

<b>Task</b>	<b>Projected Completion Date</b>	<b>Notes</b>
Environmental Review	December 2017	All dates are dependent on Project Authorization Date.
Project Engineering (if necessary)	January 2018	
Bidding Process/Procurement	February 2018	
Construction/Demolition	July 2018	
Project Closeout	August 2018	

**V. PROJECT BUDGET**

This budget must include the applicant's financial commitment, including the total project cost, the portion charged to CDBG funding, and the portion committed by other funding sources. This includes in-kind contributions and volunteer labor. It should not include amounts for administration. *Indicate alternative plans if partial funding is awarded for this project:*

BUDGET CATEGORIES	TOTAL PROJECT COST	CDBG FUNDING	OTHER COMMITTED SOURCES OF FUNDS	
			AMOUNT	SOURCE(S)
a) Project Management	\$5,000.00	\$0.00	\$5,000.00	City funds
b) Professional Services (Engineering)	\$10,000.00	\$0.00	\$10,000.00	City funds
c) Construction	\$250,050.00	\$100,000.00	\$150,050.00	City funds
d) Property Acquisition				
e) Relocation Expenses				
f) Environmental				
g) Other (specify)				
<b>TOTAL PROJECT</b>	<b>\$265,050.00</b>	<b>\$100,000.00</b>	<b>\$165,050.00</b>	

Authorization: \_\_\_\_\_

Authorized Signature for Project

\_\_\_\_\_

Date

**City Manager**

\_\_\_\_\_

Title



**MONTGOMERY COUNTY COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM  
APPLICATION GUIDELINES & EVALUATION CRITERIA  
FY 2017- CDBG APPLICATION**

**I. APPLICATION GUIDELINES**

**A. Eligible Applicants**

Eligible applicants include:

1. Units of general purpose government for "balance of County" villages, municipalities, and townships
2. Departments and related agencies of County governments
3. Private, non-profit organizations, small business investment corporations, or community development corporations, with specific community development and/or housing programs
4. Institutions of higher education
5. Faith-based organizations. In any application involving (2), (3) or (4), the applicant should apply in conjunction with the local unit of government in which the proposed project is located.

**B. Eligible Activities**

**Each proposed project must be both an eligible activity and meet one of the National Objectives.**

Eligible activities will include any and all of the activities listed in the CDBG regulations published in the Federal Register, and subsequent amendments and additions.

Those activities include:

1. Basic eligible activities
2. Rehabilitation and preservation activities
3. Economic development activities
4. Activities by private non-profits, community development corporations and small business investment companies
5. Planning and environmental design activities.

All activities must also meet one of the three National Objectives, which are:

1. Principally benefiting low and moderate income persons (at least 51.0%)
2. Eliminating and/or preventing slums and blight
3. Correcting emergency situations.

Projects which can be funded from other sources should not be submitted for CDBG funding.

**C. Submission Dates**

Applications for all projects will be accepted until **5:00 p.m., May 19, 2017**, in the County's Community Development Office, 10th Floor, County Administration Building, 451 W.Third Street. Applications must meet the deadline and contain sufficient detail to be evaluated against established criteria.

Applications may be scanned and submitted as a pdf, in lieu of a hard copy, and should be sent to Tawana Jones at [jonest@mcoho.org](mailto:jonest@mcoho.org). Applicants may still submit a paper copy but an electronic version is preferred.

**D. Technical Assistance**

The County's Community Development staff will work with all eligible applicants submitting proposals before the established deadline to develop technically acceptable applications. Assistance can be obtained by calling the Community Development Office between the hours of 8:00 a.m. and 5:00 p.m. Please contact your community development liaison (Michael Norton-Smith 224-3848; Tawana Jones 225-5704).



If your project is selected for funding, a mandatory meeting will be held to discuss the expectations for subgrantees in the implementation of their CDBG-funded project. This meeting will discuss the items typically included in a Delegation of Activities Agreement, including standard boilerplate language, project specific information and other federal requirements.

**E. Application Content**

Applicants must use the attached application forms and provide the information requested. **Emphasis will be placed on quantifying project descriptions, project objectives, and work programs and on developing sufficient detail in time tables for accomplishments and project budgets.**

**F. Available Funds**

A total of **\$750,000-800,000** (subject to the federal appropriation) is available through this competitive project. Projects with the greatest need and the biggest impact on their community will have a higher priority. Projects may cover both single year and multi-year projects in various categories including: infrastructure improvements, non-residential building rehabilitation, demolition, handicapped access and senior citizen improvements, among others. A list of eligible activities is included in Attachment 1.

**II. EVALUATION CRITERIA**

**The criteria below will be used to evaluate and select Physical Improvement Projects for the FY 2017 Program Year.**

**A. Meeting the National Objective**

All applications must specifically indicate how the proposed project meets one of the National Objectives by clearly indicating:

1. How many total persons and how many low and moderate persons will be benefited
2. How the activity will prevent and/or eliminate slums or blight and the current extent and nature of the blighting condition
3. How the activity will correct an emergency situation recently created.

**B. Completeness of Application**

Each application will be evaluated for completeness. Specifically:

1. Project statements must be quantified and must contain detailed source documentation
2. Objectives must be measurable and time-oriented
3. Work programs must be developed in sufficient detail to indicate, at a minimum, anticipated dates for completing significant tasks related to accomplishing the project objectives
4. Budgets must be delivered in sufficient detail to indicate reasonableness and accuracy of projected costs, including sources of estimated figures and including estimates for engineering and environmental costs
5. Project alternatives regarding partial funding and/or phasing of project should be provided.

**C. Extent of Applicant's Support and Involvement**

Each application will be evaluated for the extent and nature of the applicant's own resources proposed to be involved in the project. **An applicant will be more favorably reviewed if the applicant commits its own resources to support the basic cost of the proposed project.** A commitment of private resources (identify whether cash, in-kind, volunteer, etc.) will also be reason for a more favorable review, as will a commitment to provide ongoing maintenance once the project is completed (see also Miscellaneous Information). Projects in this planning process and future rounds will be more stringently evaluated for applicant's financial support. Examples of other sources of funds include Ohio Public Works Commission, Wellfield Protection funds, Ohio Department of Natural Resources, bonds/levies, JobsOhio, Ohio Office of Redevelopment, local funds, etc.

**D. Consistency with Approved Plans**

Each application will be evaluated for consistency with established local, county, regional and state plans. Projects will be favorably reviewed that are clearly consistent with approved regulations and plans.

**E. Environmental Considerations**

Each application will be more favorably reviewed if the project reduces the waste of natural resources, such as energy, air, water, etc. The project should not adversely affect any other major facility or the environment of the neighborhood. Some examples are wetlands, floodplains, historic areas, underground storage tanks, sole source aquifer, traffic pattern shifts, etc. All projects receiving funding will require an environmental review which is performed by the Community Development staff. Projects may not proceed without an environmental review. The Community Development staff is available to assist applicants in identifying areas of environmental hazards in order to develop an accurate budget for testing and remediation of all potential environmental hazards (e.g. asbestos, underground storage tanks, lead paint, etc.)

**F. General Evaluation Criteria**

1. A clear indication of the successful completion of the Project within the time set forth in the Work Program.
2. Documented benefit to the community (number of low/mod persons, etc).
3. Reasonable investment per capita.
4. Responsibility for maintaining a project after completion (fiscal and physical maintenance).
5. Work program reflective of fiscal year (Oct 1-Sept 30). To meet HUD timeliness deadlines for expenditures, **priority will be given to projects that can be completed by August 1, 2018.**
6. Matching dollars and/or commitment from applying jurisdiction.

## **MISCELLANEOUS INFORMATION**

**The items listed below will be covered in the meeting, as these items are requirements that applicants selected for funding must be aware of.**

1. Once a project has been selected for funding, a Delegation of Activities (DOA) agreement will be entered into between the community and/or organization and the Community Development Office which will set out specific items to be completed or addressed. These items could include a delineation of maintenance responsibilities once the project is completed; a revised project scope (if different than originally submitted); a delineation of project job responsibilities; etc. A Memorandum of Understanding will be entered into with inter-county agencies.
2. All recipients of funds must follow the attached Certifications if they are accepting CDBG funds (see Attachment # 2). These include but are not limited to a jurisdiction's commitment to further Fair Housing and ADA compliance.
3. All recipients of funds will be monitored by Montgomery County according to specific guidelines during various stages of the project. Some of the areas of monitoring may include construction, records management, financial, statutory objectives, environmental review (may take up to 60 days), acquisition and relocation, rehabilitation and economic development. **Projects may not proceed until written notice is given by the Montgomery County Community Development Office.**
4. There are a number of paperwork and reporting requirements that are part of this program; i.e. Davis-Bacon prevailing wage reports, monthly utilization reports, monthly progress and financial reports, etc. Not all of the requirements apply to every project.
5. Applicants are encouraged to meet Section 3 requirements. The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall to the greatest extent feasible be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low-and very low-income persons.
6. Records are required to be retained for a period of four years from the date of closeout letter, regardless of the funding source (state or federal dollars).
7. Funding recipients are responsible for all local, state, and federal tax reporting requirements and are subject to audit.

## **ATTACHMENTS TO APPLICATION GUIDELINES AND EVALUATION CRITERIA**

- 1 Eligible Activities List**
- 2 CDBG Certifications**

**FY 2017 MONTGOMERY COUNTY  
COMMUNITY DEVELOPMENT PROGRAM**

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**ELIGIBLE ACTIVITIES:**

1. Acquisition of real property.
2. Acquisition, construction, reconstruction or installation of public works facilities such as storm or sanitary sewers, waterlines, street, curb, gutter, sidewalk improvements, etc.
3. Code enforcement.
4. Clearance, demolition, removal and rehabilitation of buildings (except for buildings for general conduct of government).
5. Removal of architectural barriers to the handicapped.
6. Payments for loss of rental income due to holding housing units vacant for use by households relocated under the program.
7. Disposition of real property acquired for public purpose.
8. Provision of public services, including but not limited to employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreational needs.
9. Payment of non-federal share required for a federal grant program.
10. Relocation payments for displaced families, individuals businesses, organizations, and farm operations.
11. Planning activities.
12. Activities carried out by public or private non-profit entities.
13. Grants to neighborhood-based non-profit organizations or local development corporations.
14. Activities necessary to the development of community-wide energy use strategy.
15. Assistance to private for-profit entities for economic development purposes.
16. Rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.
17. Historic preservation.



Appendix C (Revised 1.22.16)

The subrecipient/subgrantee hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the subrecipient/subgrantee gives assurances and certifies with respect to the grant that:

- A. It possesses legal authority to make a grant submission, and to execute a community development and housing program;
- B. Its governing body has duly adopted or passed as an official act, a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the application, and enter into subsequent contracts, all understandings, and assurances contained therein, directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the application and subsequent contracts and to provide such additional information as may be required;
- C. It is following a current Consolidated Plan which has been approved by HUD, and the County pursuant to 570.302 and Part 91, and that any activities to be assisted with CDBG, HOME, or ESG funds will be consistent with the Consolidated Plan;
- D. It has developed its request for funds and funded project 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 or is designed to meet other community development needs having a particular urgency because existing conditions pose a serious threat to the health and welfare of the community, and other financial resources are not available;
- E. It will Affirmatively Further Fair Housing and take appropriate actions to overcome the effects of any impediments identified through a Fair Housing Assessment;
- F. It will minimize the displacement of persons as a result of activities assisted with Federal funds and will assist persons actually displaced as a result of such activities;
- G. The grant will be conducted and administered in compliance with the following applicable programmatic requirements:

Section I: General Programmatic Requirements

- A. Equal Employment Opportunity (\$10,000)  
Executive Order 11246 prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin. Provisions to effectuate this prohibition must be included in all contracts for capital projects exceeding \$10,000. Implementing regulations may be found in 41 CFR Part 60;
- B. Equal Opportunity in Housing  
Executive Order 11063, as amended by Executive Order 12259, prohibits discrimination against provision, rehabilitation, or operation of housing and related facilities because of race,

color, religion, sex, or national origin. Implementing regulations may be found in 24 CFR Part 107;

C. Civil Rights

Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), prohibits discrimination against participants or beneficiaries of HUD assisted programs on the basis of race, color, religion, sex, or national origin. Implementing regulations may be found in 24 CFR Part 1;

D. Section 109 of the Housing and Community Development Act

Section 109 of the Housing and Community Development Act of 1974, as amended, provides that no person in the United States shall, on the basis of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal financial assistance;

E. Affirmatively Furthering Fair Housing

Title VIII of the Civil Rights Act of 1968 and The Fair Housing Act (42 U.S.C. 3601-20) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. The grantee will administer all activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act and in accordance with the Affirmatively Furthering Fair Housing Final Rule (80 FR 42271);

F. Section 3 Employment Opportunities

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires that grantees of HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with HUD-assisted projects. Implementing regulations may be found in 24 CFR 135;

G. Nondiscrimination Based Upon Disability

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against qualified individuals on the basis of a physical or mental impairment. Implementing regulations may be found in 24 CFR Part 8;

H. Nondiscrimination Based Upon Age

The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, prohibits discrimination on the basis of age;

I. Uniform Relocation Assistance

The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, require grantees to take all reasonable steps to minimize the displacement of persons as a result of HUD assisted projects. Implementing regulations may be found in 49 CFR Part 24 and 24 CFR 576.408 (ESG);

J. Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) requires that projects receiving federal assistance and located within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). This applies to federally assisted projects including acquisition, construction, reconstruction, repair,

or improvement of any publicly or privately owned building or mobile home located within a SFHA. Implementing regulations may be found in 44 CFR 54 through 79 and 24 CFR 55.1(b) (ESG).

**K. Nonparticipation in National Flood Insurance Program**

Section 202(a) of the Flood Disaster Protection Act of 1973 prohibits Federal financial assistance to any SFHA building located within a community suspended from, withdrawn from, or otherwise not participating in the National Flood Insurance Program (NFIP).

**L. Uniform Administrative Requirements**

Recipients of Federal funds must follow guidance and principals related to costs. These include regulations, policies, guidelines, and requirements of 24 CFR Part 85- Administrative Requirements and 2 CFR, which relate to the acceptance and use of Federal funds under this federally-assisted program.

**M. Annual Audit**

Recipients of Federal funds must follow audit regulations, policies, guidelines and requirements of 2 CFR, Part 200. This activity will be part of the grantee's annual audit and that audit will be submitted to the County for review;

**N. Veterans of the Vietnam Era (\$100,000)**

Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 (Pub. L. 93-508), as amended, requires contractors and subcontractors to take affirmative action to employ and advance disabled veterans and veterans of the Vietnam Era.

**O. Americans with Disabilities Act (ADA)**

Title II of the ADA prohibits discrimination against persons with disabilities in all federally-assisted services, programs, and activities. Implementing regulations may be found in 42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225;

**P. Environmental Review**

Recipients of HUD funds shall comply with the National Environmental Policy Act of 1969; and the regulations issued pursuant thereto. Implementing regulations may be found in 24 CFR Part 50 and 24 CFR Part 58;

**Q. Certification of Compliance with Air and Water Acts (\$100,000)**

Recipients of HUD funds shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended;

**R. Historic Preservation**

Recipients of HUD funds shall comply with the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291), P.L. 89-665, Executive Order 11593, and the procedures described by the Advisory Council on Historical Preservation in 36 CFR Part 800;

**S. Nondiscrimination in Employment by Government Contractors**

24 CFR Parts 92, 570, and 576, as modified by Executive Order 11246, bars discrimination in federal employment because of race, color, religion, sex, or national origin.



**T. Congressional Interest**

No member of or delegate to the congress of the United States shall be admitted to any share or part of the Agreement or to any benefit to arise from same;

**U. Conflict of Interest**

No officer or employee of Montgomery County or its designees or agents, no member of the governing body, and no other public official of the subrecipient/subgrantee who his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the Contractor shall cause to be incorporated in all subcontracts the language set forth in this paragraph prohibiting conflict of interest. Implementing regulations may be found in 24 CFR 570.489, 24 CFR 570.611 (CDBG), 24 CFR 92.356 (HOME), 24 CFR 576.57 (ESG), 24 CFR 85.36, and 24 CFR 84.42.

**V. Political Activity**

Recipients of HUD funds must comply with the provisions of the Hatch Act (5 U.S.C. 1501 et seq.), which limits the political activity of employees.

**W. Anti-Lobbying**

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

**X. Access to Records**

Recipients of HUD funds shall allow Montgomery County, HUD, the Controller General or any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant, and that it will maintain such records, books, papers, or documents for three (3) years after the close of CDBG projects and for five (5) years after the close of ESG and HOME projects;

**Y. Lead-Based Paint**

Recipients of HUD funds shall comply with the Lead-Based Paint Poisoning Prevention Act of 1973 (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants; implementing regulations for the HOME program can be found at 24 CFR part and 24 CFR 982.401(j) and apply to all activities; implementing regulations for the CDBG program can be found at 24 CFR Part 35, subparts A, B, J, K, and R and 24 CFR 570.608;

**Z. Federal Debarred Contractors**

HUD funds may not be used to directly or indirectly employ, award contracts to, or otherwise engage the services of any subrecipient or contractor during any period of debarment, suspension, or placement of ineligibility status. Implementing regulations can be found in 24 CFR 24 and 24 CFR 85.35;



#### AA. Energy Efficiency

Recipients of HUD funds shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163);

### Section 2: Community Development Block Grant (CDBG) and HOME Investment Partnership Program

#### A. Federal Labor Standards

##### 1. Federal Prevailing Wage (\$2,000)

The Davis-Bacon Act (40 U.S.C. 276a to 276a-7), as supplemented by the Department of Labor regulations (29 CFR Part 5) require the payment of prevailing wages for all construction contracts and subcontract in excess of \$2,000. HOME program applicability is limited to contracts for 12 or more HOME-assisted units. Implementing regulations can be found in 24 CFR 92.354 (HOME) and 24 CFR 570.603 and 24 CFR §570.200(c)(3) (CDBG).

##### 2. Copeland "Anti-Kickback Act" (\$2,000)

The Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by the Department of Labor regulations (29 CFR Part 3), prohibits any subrecipient or contractor from inducing employees into giving up a portion of their compensation they are entitled under the terms of his or her employment contract. This applies to contracts for construction or repair in excess of \$2,000;

##### 3. Contract Work Hours and Safety Standards Act (\$100,000)

Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327A 330), as supplemented by Department of Labor regulations (29 CFR part 5), requires subrecipients and contractors to pay laborers and mechanics employed in the performance of Federally-assisted contracts one and one-half times their basic rate of pay for all hours worked in excess of 40 in a workweek, and prohibits unsanitary, hazardous, or dangerous working conditions.

#### B. Labor Standards Exceptions:

Sections 286 and 955 of the National Affordable Housing Act (NAHA) provides exemptions from the requirement to pay prevailing wage rates determined under the Davis-Bacon Act. Implementing regulations may be found in 24 CFR 70, and 40 U.S.C. 327 et seq. and HUD regulations issued to implement such requirements;

#### C. Program Income

Real or personal property purchased in whole, or in part with CDBG or HOME funds, shall not be disposed of through sale, use or location without the written permission of Montgomery County and HUD. The proceeds from the disposition of real property shall be considered program income and subject to 24 CFR 570.504 (CDBG) and 24 CFR 92.503 (HOME);

### Section 3: Community Development Block Grant (CDBG)

#### A. Planning and Construction of Water and Sewer Lines

Grantees proposing to use CDBG funds for the planning or construction (reconstruction or installation) of water or sewer lines, including both storm sewer as well as sanitary sewer must comply with Executive Order 12372;

**B. Eligibility Restriction for Newly Legalized Aliens**

24 CFR Part 49 restricts the eligibility of newly legalized aliens for benefits under covered activities funded by certain CDBG programs;

**C. Architectural Barriers Act of 1968**

The Architectural Barriers Act of 1968 (ABA) (42 U.S.C. \*151-4157) requires that certain buildings financed with Federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. Covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards (UFAS) (24 CFR 570.614);

**D. Special Assessments**

24 CFR §570.200(c) bars recipients of CDBG funds from attempting to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Housing and Community Development Act by assessing any amount against properties owned and occupied by persons of low- and moderate-income (LMI), including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

1. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or
2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the County that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of Subparagraph 1 above.

**E. Non-Violent Civil Rights Demonstrations**

Section 104(1) to Title I of the Housing and Community Development Act bars CDBG obligations and expenditures by any unit of general local government that:

1. Fails to adopt and enforce a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
2. Or fails to adopt and enforce 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 nonviolent civil rights demonstrations within its jurisdiction;

**NOTE:** The above represents a non-exclusive list of applicable federal rules, regulations, and laws to the herein federally-assisted project, and in no way exempts the subrecipient/subgrantee from compliance with any other applicable federal rules, regulations, and laws; nor exempts them from compliance with any newer versions of the above-enumerated federal rules, regulations, and laws put into effect after the above list was compiled.