



# **Community Development Block Grant Program CARES Act Substantial Amendment**

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**Annual Action Plan**

**FY 2020-2021**

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# NEWPORT BEACH CITY COUNCIL

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Mayor

Brad Avery  
Mayor Pro Tem

Joy Brenner  
Council Member

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# EXECUTIVE SUMMARY

## Background

Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the President signed it on March 27, 2020 authorizing \$2.2 trillion in a variety of stimulus measures to prevent, prepare for, and respond to the COVID-19 pandemic. The law included \$2 billion for Community Development Block Grant (CDBG) entitlement communities. The City of Newport Beach receives regular formula-based entitlement grants of CDBG funds through the United States Department of Housing and Urban Development (HUD) each year.

## Sources

The City of Newport Beach will receive the following grant under the CARES Act:

CDBG-CV	\$219,324
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These funds are separate and distinct from the City's regular CDBG funds. As of June 15, 2020, HUD continues to release guidance for these programs containing modified program requirements. Subject to the CARES Act and emerging policy from HUD, the City Council is responsible for determining how CDBG-CV funds will be used to prevent, prepare and respond to the COVID-19 virus. This draft Action Plan Amendment describes the approved investment of CDBG-CV funds.

## Uses of Community Development Block Grant (CDBG-CV)

Small Business Relief Grants	\$175,460
CDBG-CV Program Administration	\$43,864

## Updated Uses of Regular Community Development Block Grant (CDBG)

The original 2020-2021 Action Plan adopted on May 12, 2020 included a generalized activity for Economic Development Assistance using \$250,371 of CDBG funds. Those funds will now be used for the Small Business Relief Grants project described in this Action Plan Amendment with specific numerical goals for the combined use of the regular CDBG resource and the CDBG-CV resource.

## AP-15 EXPECTED RESOURCES

The CARES Act allocations from HUD include \$219,324 of CDBG-CV funds. The period of performance for these grants under the law is from March 27, 2020 to September 30, 2022. Additionally, \$250,371 of funding allocated to Economic Development Assistance in the original 2020-2021 Action Plan will be used in conjunction with CARES Act CDBG-CV funds.

Table 1 – Expected Resources

Program	Uses of Funds	Expected Amount Available				Narrative Description
		Allocation:	Program Income:	Prior Year Resources:	Total:	
CDBG-CV	Economic Development Administration	\$219,324	\$0	\$0	\$219,324	CARES Act allocation of CDBG to address COVID-19

### Matching Requirements

The Cares Act allocation of CDBG-CV funds does not require a local matching funds contribution.

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Note: Information on this page will also be used to update the 2020-2024 Consolidated Plan “SP-35 Anticipated Resources” section, adding the CDBG-CV allocation shown in Table 1.

## AP-20 GOALS AND OBJECTIVES

Table 2 – Goals and Objectives

Goal Name	Time Period	Category	Needs Addressed	Funding	Goal Outcome Indicator
<b>Goal 1 Economic Development Assistance</b>	2020-2022	Non-Housing Community Development	Economic Development	CDBG-CV: \$175,460 Regular CDBG: \$250,371	Businesses Assisted: 20 Businesses  Jobs Created/Retained: 16 Jobs
<b>Description:</b> Provide technical assistance and additional support to small and micro businesses in the City of Newport Beach to provide job support and fulfill economic needs of low- and moderate-income residents. Provide one-time funding to small businesses located within the city that need financial assistance to aid in their recovery from the temporary loss of revenue due to the COVID-19 public health emergency.					
<b>Goal 3 CDBG-CV Program Administration</b>	2020-2022	Program Administration	All	CDBG-CV: \$43,864	N/A
Subject to the CARES Act and emerging policy from HUD, including program regulations and waivers, CDBG-CV funds will be used to pay the City's costs to plan for the use of CDBG-CV funds, process all required grant administration documents, forms, agreements, and payments, and to monitor and report to HUD concerning implementation of activities in compliance with federal regulations.					

Note: Information from this page will also be used to update the 2020-2024 Consolidated Plan “SP-45 Strategic Plan Goals” section, adding CDBG-CV funds to the Economic Development Assistance and Program Administration goals.



## AP-35 PROJECTS AND ACTIVITIES

To address the goals and objectives identified in Section AP-20, the City of Newport Beach will invest these funds for the project activities shown in the table below.

Table 3 – CDBG-CV Project and Activities

1	Project Name	Small Business Relief Grants
	Target Area	Citywide
	Goals Supported	Economic Development Assistance
	Needs Addressed	Economic Development
	Funding	CDBG-CV: \$175,460 Regular CDBG: \$250,371
	Description	<p>Subject to the CARES Act and emerging policy from HUD, including program regulations and waivers, CDBG-CV funds will be used for the Small Business Relief Grant Program that provides one-time funding to small businesses located within the city that need financial assistance to aid in their recovery from the temporary loss of revenue due to the COVID-19 public health emergency. To be eligible to apply for the Small Business Relief Grant Program, a business must demonstrate the need for financial support due to the temporary loss of revenue resulting from the impact of the COVID-19 pandemic and the Stay at Home order in one of the following ways:</p> <ul style="list-style-type: none"> <li>• The business was deemed non-essential and was forced to shut down by the state or local government; Sales from the business are down more than 25 percent compared to the previous three months (Prior to February 15, 2020) or a comparable 3-month period in 2019;</li> <li>• The business has had to lay off at least one of its employees (full- or part-time employee); or</li> <li>• One or more of the employees in the business have contracted COVID-19, while at work.</li> </ul> <p>For more information, please visit:  <a href="https://www.newportbeachca.gov/government/departments/city-manager/small-business-program-grant">https://www.newportbeachca.gov/government/departments/city-manager/small-business-program-grant</a> </p>
	Target Date	9/30/2022
	Accomplishments	Approximately 20 businesses will be assisted, 16 Jobs Created/Retained
	Location	Citywide
	Planned Activities	Small Business Relief Grants (20 Businesses Assisted, 16 Jobs Created/Retained)

2	<b>Project Name</b>	<b>CDBG-CV Program Administration</b>
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Program Administration, Economic Development Assistance
	<b>Needs Addressed</b>	Economic Development
	<b>Funding</b>	CDBG-CV: \$43,864
	<b>Description</b>	Subject to the CARES Act and emerging policy from HUD, including program regulations and waivers, CDBG-CV funds will be used to pay the City's costs to plan for the use of CDBG-CV funds, process all required grant administration documents, forms, agreements, and payments, and to monitor and report to HUD concerning implementation of activities in compliance with federal regulations.
	<b>Target Date</b>	9/30/2022
	<b>Estimate the number and type of families that will benefit</b>	N/A – Program Administration
	<b>Location</b>	Citywide
	<b>Planned Activities</b>	CDBG-CV Program Administration \$43,864

## AP-90 PROGRAM SPECIFIC REQUIREMENTS

In the implementation of program activities under the CDBG-CV Action Plan will follow all HUD regulations and some or all of the waivers made available by HUD concerning compliance matters such as program income, forms of investment, and overall low- and moderate-income benefit (if applicable).

### Community Development Block Grant-CV Program (CDBG-CV)

The following tables address HUD regulatory requirements at 24 CFR 92.220(l)(1) concerning program income and CDBG-CV low- and moderate-income benefit.

**Table 4 – Program Income**

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>0</b>

**Table 5 – Low- and Moderate-Income Benefit**

1. The amount of urgent need activities*	0%
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low- and moderate-income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low- and moderate-income. Specify the years covered that include this Annual Action Plan.	100%

\*Note: The amount for Urgent Need activities may change depending on waivers issued by HUD subsequent to this Action Plan amendment.



## Appendix A

### Citizen Participation

## Summary of Public Comments

No written comments were received during the public review and comment period for this Substantial Amendment. Pursuant to waiver authority granted by the U.S. Department of Housing and Urban Development in connection with the CARES Act, the public review and comment period was July 9, 2020 through July 14, 2020.

No comments were received during the public hearing conducted on July 14, 2020 for this Substantial Amendment.

**From:** City of Newport Beach <NoReply@newportbeachca.gov>

**Sent:** Thursday, July 9, 2020 5:00 PM

**Subject:** City of Newport Beach: Notice of Public Hearing and Review for CDBG Substantial Amendment to the 2020-21 Annual Action Plan

## **Notice of Public Hearing and Review for CDBG Substantial Amendment to the 2020-21 Annual Action Plan**

**Post Date:** 07/09/2020

### **NOTICE OF PUBLIC HEARING AND 5-DAY PUBLIC REVIEW FOR THE CITY OF NEWPORT BEACH DRAFT SUBSTANTIAL AMENDMENT TO THE 2020-21 ANNUAL ACTION PLAN**

**NOTICE IS HEREBY GIVEN** that on **Tuesday, July 14, 2020, at 7:00 p.m.**, a public hearing will be conducted in the City Council Chambers at 100 Civic Center Drive, Newport Beach, and the City Council of the City of Newport Beach will receive public comments related to this matter.

The City of Newport Beach has prepared a Draft Substantial Amendment to the 2020-21 Annual Action Plan in accordance with U.S. Department of Housing and Urban Development (HUD) requirements, as a condition of receiving an annual allocation of Community Development Block Grant (CDBG) funds. The Action Plan is a grant application to HUD for the first fiscal year covered by the City's current Consolidated Plan. The purpose of this amendment is to 1) to update anticipated resources to recognize \$219,324 of additional grant funds the City will receive pursuant to the 2020 federal stimulus plan – Coronavirus Aid, Relief, and Economic Security Act (CARES Act) during the 2020-21 program year that will be allocated as part of the 2020-21 Annual Action Plan; and to program \$250,371 of funds already included in the 2020-21 Annual Action Plan to a specific economic development activity.

The Draft Substantial Amendment to the 2020-21 Annual Action Plan may be reviewed online at: <http://www.newportbeachca.gov/CDBGreports> until July 14, 2020.

See attached complete public notice.

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**Appendix B**  
**SF-424, SF-424D, and Action Plan**  
**Certifications**

### Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

CA62454

5b. Federal Award Identifier:

B-20-MW-06-0546

#### State Use Only:

6. Date Received by State:

7. State Application Identifier:

#### 8. APPLICANT INFORMATION:

\* a. Legal Name: City of Newport Beach

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

95-6000751

\* c. Organizational DUNS:

0607524820000

#### d. Address:

\* Street1: 100 Civic Center Drive

Street2:

\* City: Newport Beach

County/Parish:

\* State:

CA: California

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code: 92660-3267

#### e. Organizational Unit:

Department Name:

Community Development

Division Name:

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

Prefix: Ms.

\* First Name: Lauren

Middle Name:

\* Last Name: Wooding-Whitlinger

Suffix:

Title: Real Property Administrator

Organizational Affiliation:

\* Telephone Number: (949) 644-3236

Fax Number:

\* Email: lwooding@newportbeachca.gov



## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

### 11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant/Entitlement Grants

### \* 12. Funding Opportunity Number:

N/A

\* Title:

N/A

### 13. Competition Identification Number:

N/A

Title:

N/A

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

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

The 2020-2021 Action Plan amendment projects for the CARES Act allocation of CDBG funds pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and the CARES Act.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

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

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="219,324.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="219,324.00"/>

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

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

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

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

☒ \*\* I AGREE

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

**Authorized Representative:**

Prefix:  \* First Name:

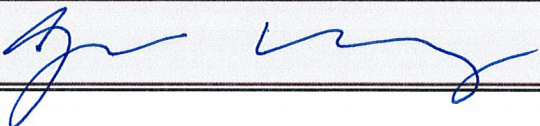
Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: 

\* Signature of Authorized Representative:

\* Date Signed:

## ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009  
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

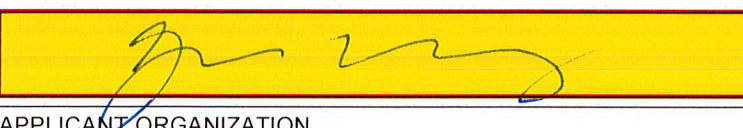
**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.



11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE City Manager
APPLICANT ORGANIZATION City of Newport Beach	DATE SUBMITTED 8/6/2020

## 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.

**Uniform Relocation Act and 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, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**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.

**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 Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It 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.

  
Signature of Authorized Official

8/6/2020  
Date

City Manager

Title



## Specific Community Development Block Grant 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 plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

**Following a Plan** -- It is following a current consolidated plan that has been approved by HUD.

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

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, 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 CDBG-assisted activities which the grantee certifies 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, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) N/A [a period specified by the grantee 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.

3. 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.

In addition, 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:

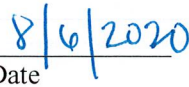
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**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 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

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

  
\_\_\_\_\_  
Signature of Authorized Official

  
\_\_\_\_\_  
Date

City Manager

\_\_\_\_\_  
Title

## **APPENDIX TO CERTIFICATIONS**

### **INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:**

#### **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.