

ATTACHMENT 3

DRAFT BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NO. 19 - ____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF THE GRANT AGREEMENT AND ANY AMENDMENTS THERETO FOR THE 2018 FUNDING YEAR OF THE STATE HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

WHEREAS the Board of Supervisors has reviewed the purposes of the grant application to the 2018 State Community Development Block Grant (CDBG) program for \$3,000,000 for the following activities:

General Administration:	\$ 100,000
Microenterprise, Technical Assistance:	\$ 433,900
Multi-Family Rehabilitation	\$ 2,369,315
Planning and Technical Assistance, Community Development:	\$ 96,785

WHEREAS, the Board of Supervisors acknowledges compliance with State and Federal participation requirements in the development of this application; and

WHEREAS, the State CDBG Regulations 25 CCR 7058(a)(5)(A) requires a cash match amount at five percent (5%) of the Planning and Technical Assistance (PTA) activity funding amount requested, and the match must be authorized by the jurisdiction's governing body; and

WHEREAS, the Multi-Family Rehabilitation activity at 1419-1457 Murray Road, McKinleyville will result in the temporary relocation of residents; and

WHEREAS, applicants to the State CDBG program are required to certify they will follow the State Relocation Plan and the Federal Uniform Relocation Act (URA) requirements when applying for funds, and certify in the CDBG application's Statement of Assurances that they will follow the State Relocation Plan and the URA Requirements; and

WHEREAS, the State of California Antidisplacement and Relocation Assistance Plan, attached hereto as Exhibit A and published by State Housing and Community Development, is to meet the requirements of the State Relocation Plan and the Federal URA and to satisfy the public disclosure requirements.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors as follows:

1. The Board of Supervisors has reviewed and hereby approves an application for in the amount of \$3,000,000 for the CDBG activities described herein and hereby incorporated by reference, pursuant to the October 2018 CDBG Notice Of Funding Availability; and
2. Direct the Chair of the Board of Supervisors to execute the Letter of Designation in Attachment 4 designating the Planning and Building Director as the County's designee for this application and to act on the County's behalf in all matters pertaining to this application; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on January 22, 2019

RESOLUTION NO. 19 -

3. The Board of Supervisors hereby authorizes the Redwood Community Action Agency Planning Division’s cash match in the amount of \$4,839 to be used as the required match for the PTA portion of the application; and,
4. The Board of Supervisors hereby certifies the County will follow the State Relocation Plan and the Federal Uniform Relocation Act (URA) requirements, and hereby certifies in the Statement of Assurances, Exhibit B, that the County will follow the State Relocation Plan and the URA Requirements; and
5. The Board of Supervisors hereby approves the State of California Antidisplacement and Relocation Assistance Plan, Exhibit A, “Relocation Plan”, for the Multi-Family Rehabilitation activity at 1419-1457 Murray Road, McKinleyville; and
6. The Board of Supervisors hereby authorizes and directs the Planning and Building Director, or designee, to sign this application and act on the County’s behalf in all matters pertaining to this application, except that the Humboldt County Administrative Officer is authorized and directed to sign the Statement of Assurances; and
7. The Board of Supervisors hereby authorizes and directs the Planning and Building Director to sign contracts or agreements to carry out grant activities upon the review and approval by County Counsel and Risk Management; and
8. The Planning and Building Director, is hereby authorized to enter into and sign a subrecipient agreement, contingent upon funding, with the Redwood Community Action Agency for inclusion in the grant application.
9. The Board of Supervisors hereby authorizes the Planning and Building Director to initiate the State Housing and Community Development (HCD) appeal process for CDBG activities if HCD determines and notifies the County that the application does not meet the criteria; and
10. If the application is approved, the Planning and Building Director, or designee, is hereby authorized enter into and sign the grant agreement and any subsequent amendments with the State of California for purposes of this grant; and
11. If the application is approved, the Planning and Building Director, or designee, is authorized to sign Funds Requests and other required reporting forms.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on _____, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Exhibit A
Relocation Plan

State of California
Antidisplacement and Relocation Assistance Plan

This Residential Antidisplacement and Relocation Assistance Plan (RARAP) is prepared by [Recipient of State CDBG or HOME funds] in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG, UDAG and/or HOME-assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the State Recipient or Community Housing Development Organization (CHDO) awarded federal funds by the State will take the following steps to minimize the direct and indirect displacement of persons from their homes:

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
6. Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
7. Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
8. Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
9. The State will require all Recipients to adopt specific relocation plans for programs and projects which could trigger relocation activities prior to release of funds for those funded activities.
10. The State will require documentation of relocation notices for proposed activities in funding applications which could trigger relocation of existing persons.
11. All persons subject to relocation will be informed of a formal appeal process. The State will require a formal appeal process to be included in all relocation plans for CDBG projects that

Exhibit A

Relocation Plan

displace persons. At a minimum, the appeals process will allow persons to submit written appeals of their relocation determinations or determinations of benefits within 60 days of relocation notification. The formal appeals process will also explain how to contact the State or HUD for administrative review. If the person continues to be dissatisfied with the formal appeals process then the person may pursue legal action to resolve the disagreement.

Relocation Assistance to Displaced Persons

The State of California will ensure that all Recipients will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The State of California will ensure that all recipients of federal grant funds, specifically Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) program funds, replace all occupied and vacant occupiable lower income housing units demolished or converted to a use other than lower income housing as a result of investment of these funds in accordance with 24 CFR 42.375.

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a State Contract committing the funds for a project that will directly result in demolition or conversion, the State will require the grant recipient to make public by publication in a newspaper of general circulation, local posting, and submitting to the State, the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower income housing that will be demolished or converted to a use other than as lower income housing as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing will remain lower income

Exhibit A
Relocation Plan

housing for at least 10 years from the date of initial occupancy; and

7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a two-bedroom unit with two one-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the approved local housing element and/or Comprehensive Housing Affordability Strategy (CHAS), and 24 CFR 42.375(b).

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission, the State Recipient will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

The Recipient awarded Federal funds by the State is responsible for tracking the replacement of lower income housing and ensuring that it is provided within the required period. The State will monitor the Recipient to ensure the proper number and types of units are replaced.

The Recipient awarded Federal funds by the State is responsible for providing relocation payments and other relocation assistance to any lower income person displaced by the demolition of any housing or the conversion of lower income housing to another use. The State will monitor the Recipient to ensure the proper relocation benefits are provided to displaced households. All relocation benefits will be at or above the required benefits per CFR Part 42 Subpart d pursuant to Section 104(d). If the project receives HOME funds, the requirements of 24 CFR 92.353 must be met.

Exhibit B

2018 CDBG Application Summary - Statement of Assurances		Rev. 11/29/18
The	hereby certifies that:	
Legal Authority: It possesses legal authority to apply for the grant and to execute the proposed program.		
Application Authorization: Its governing body has duly adopted or passed as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.		
Citizen Participation: It has or will comply with all citizen participation requirements, which include, at a minimum, the following components: A. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction – and B. Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title – and C. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee – and D. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal – and E. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable – and F. Identifies needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.		
National Objective: It has developed its CDBG Program so as to primarily benefit targeted income persons and households, and each activity in the program meets one of the three national objectives: benefit to low- and moderate-income persons, elimination of slums and blight, or meets an urgent community need certified by the grantee as such.		
NEPA Environmental Review: It consents to assume the responsibilities for environmental review and decision-making in order to ensure compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR, Part 58, titled "Environmental Review Procedures for Title I Community Development Block Grant Programs." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, and Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR 800.8).		
Audit Performance Findings: Per OMB Circ. A-133.315(a) - Applicant asserts the State Controller's Office was in receipt of the complete Single Audit Package by the app due date?		
Growth Control: There's no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it: A. Imposes a moratorium on residential construction, to protect health and safety, for a specified period of time which will end when health and safety is no longer jeopardized; or B. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; or C. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or D. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.5 of Chapter 3 of Division 1 of Title 7 of the Government Code; or		
Uniform Admin. Requirements: It will comply with the regulations, policies, guidelines and requirements of OMB Circ. A-87, A-133, A-122 and 24 CFR Part 85 and State CDBG Regs.		
Nondiscrimination: It shall comply with the following regarding nondiscrimination laws and practices: A. Title VI of the Civil Rights Act of 1964 (Public Law 88-352). B. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing. C. Section 109 of the Housing and Community Development Act of 1974, as amended. D. Section 3 of the Housing and Urban Development Act of 1968, as amended. E. Executive Order 11246, as amended by Executive Orders 11375 and 12086. F. Executive Order 11063, as amended by Executive Order 12259. G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations. H. The Age Discrimination Act of 1975 (Public Law 94-135).		
Anti-Displacement/Relocation: It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.) and certifies that it will follow the state's residential anti-displacement and relocation plan located in Appendix E of the State's Annual Plan. The plan can be found at: http://www.hcd.ca.gov/hpd/hro/hcp/led/		
Labor Standards: It will comply with the following regarding labor standards: A. Section 110 of the Housing and Community Development Act of 1974, as amended. B. Section 1720 et seq. of the California Labor Code regarding public works labor standards. C. Davis-Bacon Act as amended (40 USC. 276a) regarding prevailing wage rates. D. Contract Work Hours and Safety Standards Act (40 USC 3702) regarding overtime compensation. E. Anti-Kickback Act of 1934 (41 USC 51-58) prohibiting "kickbacks" of wages in federally assisted construction activities.		
Architectural Barriers: It will comply with the Architectural Barriers Act of 1968 (42 USC 4151-4157) and implementing regulations (24 CFR Part 40-41).		
Conflict of Interest: It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds (Section 7126 of the State regulations).		
Limitations on Political Activities: It will comply with the Hatch Act (5 USC 1501 et seq.) regarding political activity of employees.		
Lead-Based Paint: It will comply with the Lead-Based Paint Regulations (24 CFR Part 35) which prohibits the use of lead-based paint on projects funded by the program.		
Debarred Contractors: The applicant or its staff are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System (https://www.sam.gov). In addition, the applicant will not award contracts to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any proposal submitted in connection with the CDBG program under the provisions of 24 CFR part 24.		
Inspection of Grant Activities: It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.		
Cost Recovery: It will not attempt to recover any capital costs of PIs assisted in whole or in part with CDBG funds by assessing properties owned and occupied by Low/ Mod income persons unless: A. CDBG funds are used to pay the proportion of such assessment that relates to non-CDBG funding; or, B. For the purposes of assessing properties owned and occupied by Low/ Mod income persons who are not of the lowest targeted income group, it does not have sufficient CDBG funds to		
Procurement: It will follow the federal procurement policies per 24 CFR Sec. 85.36		
Excessive Force: It will adopt and enforce policies: A. Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and, B. Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.		
Compliance with Laws: The jurisdiction will comply with applicable laws.		
Authorized Representative (per the Resolution)		
I hereby certify under penalty of perjury that all the information contained in this Statement of Assurances (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution.		
Name	Title	Date Signed:
Signature		