

## RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the  
2 Chief Executive Officer and the City Council as the Legislative body of this City, with full  
3 citizen participation with reference thereto and in full compliance with the U.S. Department  
4 of Housing and Urban Development requirements, has prepared the Consolidated Plan for  
5 FY 2000 - FY 2003 for HUD Entitlement Programs under the provisions of 24 C.F.R., Part  
6 91, et al.; and

7           WHEREAS, such plan includes the proposed community development activities and  
8 community development objectives, all prepared in full compliance with the requirements,  
9 instructions, and recommendations contained in the Community Development Block Grant,  
10 Home Investment Partnership Act, and Emergency Shelter Grant Regulations; and

11           WHEREAS, pursuant to Article IV-B Section 6 of the Lincoln City Charter the  
12 Lincoln City-Lancaster County Planning Commission has reviewed the Consolidated Plan  
13 for FY 2000 - FY 2003 for conformity or nonconformity to the Comprehensive Plan; and

14           WHEREAS, the Planning Commission recommends that the Consolidated Plan for  
15 FY 2000 - FY 2003 be found to be in conformity to the Comprehensive Plan; and

16           WHEREAS, such plan and the items contained therein and each of them appear  
17 to be in the best interest of the City of Lincoln, Nebraska; and

18           WHEREAS, certain assurances must be incorporated into the City of Lincoln's  
19 Consolidated Plan for FY 2000 - FY 2003, as prescribed in the Community Development  
20 Block Grant, Home Investment Partnership Act, and Emergency Shelter Grant Regulations  
21 and 24 C.F.R., Part 91.

1           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
2 Nebraska:

3           That the aforesaid Consolidated Plan will be submitted to the Department of  
4 Housing and Urban Development in accordance with 24 C.F.R., Part 91 and in accordance  
5 with the instructions prescribed by HUD, and each and every item included therein is  
6 hereby approved. The Mayor and other City officials charged with responsibilities pertinent  
7 to the proposed certifications are hereby authorized to execute said certifications for and  
8 on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed  
9 to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit  
10 same to the Secretary of Housing and Urban Development, or his designate, in the form  
11 and substance as required by the Community Development Block Grant, Home Investment  
12 Partnership Act, and Emergency Shelter Grant Regulations, and to supplement such  
13 Consolidated Plan in any way reasonably required by the Department of Housing and  
14 Urban Development to expedite approval of the same.

15           BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures  
16 and certifies that it will comply with the regulations, policies, guidelines, and requirements  
17 of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of  
18 Federal Regulations, Part 85, as they relate to the Consolidated Plan, acceptance and use  
19 of federal funds for these federally-assisted programs.

20           BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures  
21 and certifies with respect to the Consolidated Plan that:

- 22           1.     It possesses legal authority to make a grant submission and to execute the  
23 proposed community development and housing program.
- 24           2.     The City will affirmatively further fair house.

1           3.     The City has in effect and is following a residential anti-displacement and  
2 relocation assistance plan.

3           4.     The City will continue to provide a drug-free workplace required by 24 CFR  
4 Part 24, Subpart F by:

5           a.     Publishing a statement notifying employees that the unlawful  
6 manufacture, distribution, dispensing, possession, or use of a controlled substance is  
7 prohibited in the grantee's workplace and specifying the actions that will be taken against  
8 employees for violation of such prohibition;

9           b.     Establishing an ongoing drug-free awareness program to inform  
10 employees about -

11           i.     The dangers of drug abuse in the workplace;

12           ii.    The grantee's policy of maintaining a drug-free work-place;

13           iii.   Any available drug counseling, rehabilitation, and employee  
14 assistance programs; and

15           iv.   The penalties that may be imposed upon employees for drug  
16 abuse violations occurring in the workplace;

17           c.     Making it a requirement that each employee to be engaged in the  
18 performance of the grant be given a copy of the statement required by subparagraph (1);

19           d.     Notifying the employee in the statement required by sub-paragraph (a)  
20 that, as a condition of employment under the grant, the employee will:

21           i.     Abide by the terms of the statement; and

22           ii.    Notify the employer in writing of his or her conviction for a  
23 violation of a criminal drug statute occurring in the workplace  
24 no later than five calendar days after such conviction;

1 e. Notifying the agency in writing, within ten calendar days after receiving  
2 notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of  
3 such conviction. Employers of convicted employees must provide notice, including position  
4 title, to every grant officer or other designed on whose grant activity the convicted  
5 employee was working, unless the Federal agency has designated a central point for the  
6 receipt of such notices. Notice shall include the identification number(s) of each affected  
7 grant;

8 f. Taking one of the following actions, within 30 calendar days of  
9 receiving notice under subparagraph d.ii., with respect to any employee who is so  
10 convicted -

11 i. Taking appropriate personnel action against such an  
12 employee, up to and including termination, consistent with the  
13 requirements of the Rehabilitation Act of 1973, as amended;

14 or

15 ii. Requiring such employee to participate satisfactorily in a drug  
16 abuse assistance or rehabilitation program approved for such  
17 purposes by a federal, state, or local health, law enforcement,  
18 or other appropriate agency;

19 g. Making a good faith effort to continue to maintain a drug-free  
20 workplace through implementation of subparagraphs a, b, c, d, e, and f.

21 5. The City will comply with restrictions on lobbying required by 24 CFR part 87,  
22 together with disclosure forms if required by that part. The City further certifies that to the  
23 best of the City's knowledge and belief:

1           a.       No federal appropriated funds have been paid or will be paid, by or on  
2 behalf of the City, to any person for influencing or attempting to influence any officer or  
3 employee of an agency, a member of Congress, an officer or employee of Congress, or  
4 an employee of a member of Congress in connection with the awarding of any federal  
5 contract, the making of any federal grant, the making of any federal loan, the entering into  
6 of any cooperative agreement, and the extension, continuation, renewal, amendment, or  
7 modification of any federal contract, grant, loan, or cooperative agreement;

8           b.       If any funds other than federal appropriated funds have been paid or  
9 will be paid to any person for influencing or attempting to influence an officer or employee  
10 of any agency, a member of congress, an officer or employee of Congress, or an employee  
11 of a member of Congress in connection with this federal contract, grant, loan, or  
12 cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form  
13 to Report Lobbying," in accordance with its instructions; and

14           c.       The City will require that the language of paragraph 4 of this  
15 certification be included in the award documents for all subawards at all tiers (including  
16 subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements)  
17 and that all subrecipients shall certify and disclose accordingly.

18           6.       The City possesses legal authority under state and local law to make a grant  
19 submission and to carry out the proposed community development and housing program  
20 for which it is seeking funding in accordance with applicable HUD regulations. By passage  
21 of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby  
22 authorized to submit the Consolidated Plan, including all the understandings and  
23 assurances contained therein. Further the Mayor is hereby directed and authorized to act

1 in connection with the submission of the Consolidated Plan and to provide such additional  
2 information as may be required.

3 7. The housing activities to be undertaken with CDBG, HOME, and ESG funds  
4 are consistent with the City's strategic plan.

5 8. The City will comply with the acquisition and relocation requirements of the  
6 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as  
7 amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations;  
8 and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement  
9 and relocation assistance plan under Section 104(d) of the Act (including a certification that  
10 the grantee is following such a plan); and the relocation requirements of 24 C.F.R. §  
11 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

12 9. The City will comply with Section 3 of the Housing and Urban Development  
13 Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

14 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies  
15 with respect to the Community Development Block Grant program portion of the  
16 Consolidated Plan:

17 1. The City is in full compliance and following a detailed citizen participation plan  
18 that satisfies the requirement of 24 CFR § 91.105 and which:

19 a. Provides for and encourages citizen participation, with particular  
20 emphasis on participation by persons of low and moderate income who are residents of  
21 slum and blighted areas and of areas in which funds are proposed to be used, and  
22 provides for participation of residents in low and moderate income neighborhoods as  
23 defined by the City;

1           b.       Provides citizens with reasonable and timely access to local meetings,  
2 information, and records relating to the City's proposed use of funds, as required by the  
3 regulations of the Secretary, and relating to the actual use of funds under the Act;

4           c.       Provides for technical assistance to groups representative of persons  
5 of low and moderate income that request such assistance in developing proposals with the  
6 level and type of assistance to be determined by the grantee;

7           d.       Provides for public hearings to obtain citizen views and to respond to  
8 proposals and questions at all stages of the community development program, including  
9 at least the development of needs, the review of proposed activities, and review of program  
10 performance, which hearings shall be held after adequate notice, at times and locations  
11 convenient to potential or actual beneficiaries, and with accommodation for the  
12 handicapped;

13          e.       Provides for a timely written answer to written complaints and  
14 grievances, within 15 working days where practicable; and

15          f.       Identifies how the needs of non-English speaking residents will be met  
16 in the case of public hearings where a significant number of non-English speaking  
17 residents can be reasonably expected to participate;

18           2.       The City's consolidated housing and community development plan identifies  
19 community development and housing needs and specifies both short-term and long-term  
20 community development objectives that have been in accordance with the primary  
21 objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and  
22 the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

23           3.       The City is following a current HUD approved consolidated plan.

1           4.       The City has developed its final statement of projected use of funds so as to  
2 give maximum feasible priority to activities which benefit low and moderate income families  
3 or aid in the prevention or elimination of slums or blight; (the final statement of projected  
4 use of funds may also include activities which the grantee certifies are designed to meet  
5 other community development needs having a particular urgency because existing  
6 conditions pose a serious and immediate threat to the health or welfare of the community,  
7 and other financial resources are not available); except that the aggregate use of CDBG  
8 funds received under Section 106 of the Act and, if applicable, under Section 108 of the  
9 Act, during program years 2000, 2001, 2002, and 2003 shall principally benefit persons of  
10 low and moderate income in a manner that ensures that not less than 70 percent of such  
11 funds are used for activities that benefit such persons during such period.

12           The City will not attempt to recover any capital costs of public improvements  
13 assisted in whole or in part with funds provided under Section 106 of the Act or with  
14 amounts resulting from a guarantee under Section 108 of the Act by assessing any amount  
15 against properties owned and occupied by persons of low and moderate income, including  
16 any fee charged or assessment made as a condition of obtaining access to such public  
17 improvements, unless:

18           a.       Funds received under Section 106 of the Act are used to pay the  
19 proportion of such fee or assessment that relates to the capital costs of such public  
20 improvements that are financed from revenue sources other than under Title I of the Act;  
21 or

22           b.       For purposes of assessing any amount against properties owned and  
23 occupied by persons of moderate income, the City certifies to the Secretary that it lacks

1 sufficient funds received under Section 106 of the Act to comply with the requirements of  
2 subparagraph (1) above.

3 5. The City has adopted and is enforcing:

4 a. A policy prohibiting the use of excessive force by law enforcement  
5 agencies within its jurisdiction against any individuals engaged in non-violent civil rights  
6 demonstrations; and

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

10 6. The City will conduct and administer the grant in compliance with Title VI of  
11 the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing  
12 Act (42 U.S.C. 3601-19), and implementing regulations.

13 7. The City's notification, inspection, testing and abatement procedures  
14 concerning lead-based paint will comply with 24 C.F.R. § 570.608.

15 8. The City will comply with all applicable law.

16 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies  
17 with respect to the Emergency Shelter Grant Program portion of the Consolidated Plan  
18 that:

19 1. In the case of assistance involving major rehabilitation or conversion, the City  
20 will maintain any building for which assistance is used under the ESG program as a shelter  
21 for homeless individuals and families for not less than a 10-year period;

22 2. In the case of assistance involving rehabilitation less than that covered under  
23 paragraph (1), the City will maintain any building for which assistance is used under the

1 ESG program as a shelter for homeless individuals and families for not less than a three-  
2 year period;

3 3. In the case of assistance involving essential services (including but not limited  
4 to employment, health, drug abuse, or education) or maintenance, operation, insurance,  
5 utilities and furnishings, the City will provide services or shelter to homeless individuals and  
6 families for the period during which the ESG assistance is provided, without regard to a  
7 particular site or structure as long as the same general population is served;

8 4. Any renovation carried out with ESG assistance shall be sufficient to ensure  
9 that the building involved is safe and sanitary;

10 5. The City will assist homeless individuals in obtaining appropriate supportive  
11 services, including permanent housing, medical and mental health treatment, counseling,  
12 supervision, and other services essential for achieving independent living, and other  
13 Federal, State, local, and private assistance available for such individuals;

14 6. The City will obtain matching amounts required under 24 C.F.R. §576.71  
15 (redesignated to § 576.51);

16 7. The City will develop and implement procedures to ensure the confidentiality  
17 of records pertaining to any individual provided family violence prevention or treatment  
18 services under any project assisted under the ESG program, including protection against  
19 the release of the address or location of any family violence shelter project except with the  
20 written authorization of the person responsible for the operation of that shelter;

21 8. To the maximum extent practicable, the City will involve, through  
22 employment, volunteer services, or otherwise, homeless individuals and families in  
23 constructing, renovating, maintaining, and operating facilities assisted under this program,

1 in providing services assisted under the program, and in providing services for occupants  
2 of facilities assisted under the program; and

3 9. The City is following a current HUD-approved consolidated plan.

4 BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies  
5 with respect to the HOME program portion of the Consolidated Plan that:

6 1. The tenant-based assistance is an essential element of its consolidated plan;

7 2. The City is using and will use HOME funds for eligible activities and costs,  
8 as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using  
9 and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R.  
10 Subtitle A;

11 3. The before committing funds to a project, the City will evaluate the project in  
12 accordance with guidelines that it adopts for this purpose and will not invest any more  
13 HOME funds in combination with other federal assistance than is necessary to provide  
14 affordable housing.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant