

RESOLUTION NO. A-_____

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

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

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

14 WHEREAS, certain assurances must be incorporated into the City of
15 Lincoln's FY 2003 Action Plan, as prescribed in the Community Development Block Grant
16 Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter
17 Grant Regulations and 24 C.F.R., Part 91.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
19 Lincoln, Nebraska:

1 That the FY 2003 Action Plan, a copy of which is attached hereto, is
2 consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY
3 2003 Action Plan to the Department of Housing and Urban Development for total grants
4 for Fiscal Year 2003 in the amount of \$3,518,852 (\$2,179,000 CDBG; \$1,264,852 HOME;
5 and \$75,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and
6 Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez
7 National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart
8 B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item
9 included therein is hereby approved. The Mayor and other City officials charged with
10 responsibilities pertinent to the proposed certifications are hereby authorized to execute
11 said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is
12 hereby authorized and directed to execute said statement for and on behalf of the City of
13 Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development,
14 or his designate, in the form and substance as required by the Community Development
15 Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency
16 Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably
17 required by the Department of Housing and Urban Development to expedite approval of
18 the same.

19 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby
20 assures and certifies that it will comply with the regulations, policies, guidelines, and
21 requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and

1 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and
2 use of Federal funds for the City's federally-assisted programs.

3 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby
4 assures and certifies with respect to the FY 2003 Action Plan that:

5 1. The City will affirmatively further fair housing.

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

8 3. The City will continue to provide a drug-free workplace by:

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

13 b. Establishing an ongoing drug-free awareness program to inform
14 employees about -

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

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

17 iii. Any available drug counseling, rehabilitation, and employee
18 assistance programs; and

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

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

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

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

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

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

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

17 i. Taking appropriate personnel action against such an
18 employee, up to and including termination, consistent with the
19 requirements of the Rehabilitation Act of 1973, as amended;
20 or

21 ii. Requiring such employee to participate satisfactorily in a drug
22 abuse assistance or rehabilitation program approved for such

1 purposes by a federal, state, or local health, law enforcement,
2 or other appropriate agency;

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

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

8 a. No federal appropriated funds have been paid or will be paid, by or on
9 behalf of the City, to any person for influencing or attempting to influence any officer or
10 employee of an agency, a member of Congress, an officer or employee of Congress, or
11 an employee of a member of Congress in connection with the awarding of any federal
12 contract, the making of any federal grant, the making of any federal loan, the entering into
13 of any cooperative agreement, and the extension, continuation, renewal, amendment, or
14 modification of any federal contract, grant, loan, or cooperative agreement;

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

21 c. The City will require that the language of paragraph 4 of this
22 certification be included in the award documents for all subawards at all tiers (including

1 subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements)
2 and that all subrecipients shall certify and disclose accordingly.

3 5. The City possesses legal authority under state and local law to make a grant
4 submission and to carry out the proposed community development and housing program
5 for which it is seeking funding in accordance with applicable HUD regulations. By passage
6 of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby
7 authorized to submit the Action Plan, including all the understandings and assurances
8 contained therein. Further the Mayor is hereby directed and authorized to act in
9 connection with the submission of the Action Plan and to provide such additional
10 information as may be required.

11 6. The housing activities to be undertaken with CDBG, HOME, and ESG funds
12 are consistent with the City's strategic plan.

13 7. The City will comply with the acquisition and relocation requirements of the
14 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as
15 amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations;
16 and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement
17 and relocation assistance plan under Section 104(d) of the Act (including a certification that
18 the grantee is following such a plan); and the relocation requirements of 24 C.F.R. §
19 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

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

1 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies
2 with respect to the Community Development Block Grant program portion of the FY 2003
3 Action Plan that:

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

6 a. Provides for and encourages citizen participation, with particular
7 emphasis on participation by persons of low and moderate income who are residents of
8 slum and blighted areas and of areas in which funds are proposed to be used, and
9 provides for participation of residents in low and moderate income neighborhoods as
10 defined by the City;

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

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

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

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

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

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

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

12 4. The City has developed its final statement of projected use of funds so as to
13 give maximum feasible priority to activities which benefit low and moderate income families
14 or aid in the prevention or elimination of slums or blight; (the final statement of projected
15 use of funds may also include activities which the grantee certifies are designed to meet
16 other community development needs having a particular urgency because existing
17 conditions pose a serious and immediate threat to the health or welfare of the community,
18 and other financial resources are not available); except that the aggregate use of CDBG
19 funds received under Section 106 of the Act and, if applicable, under Section 108 of the
20 Act, during program year 2003 shall principally benefit persons of low and moderate
21 income in a manner that ensures that not less than 70 percent of such funds are used for
22 activities that benefit such persons during such period.

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

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

11 b. For purposes of assessing any amount against properties owned and
12 occupied by persons of moderate income, the City certifies to the Secretary that it lacks
13 sufficient funds received under Section 106 of the Act to comply with the requirements of
14 subparagraph (1) above.

15 5. The City has adopted and is enforcing:

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

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

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

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

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

7 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies
8 with respect to the Emergency Shelter Grant Program portion of the FY 2003 Action Plan
9 that:

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

13 2. In the case of assistance involving rehabilitation less than that covered under
14 paragraph (1), the City will maintain any building for which assistance is used under the
15 ESG program as a shelter for homeless individuals and families for not less than a three-
16 year period;

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

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

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

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

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

12 8. To the maximum extent practicable, the City will involve, through
13 employment, volunteer services, or otherwise, homeless individuals and families in
14 constructing, renovating, maintaining, and operating facilities assisted under this program,
15 in providing services assisted under the program, and in providing services for occupants
16 of facilities assisted under the program; and

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

18 BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies
19 with respect to the HOME program portion of the FY 2003 Action Plan that:

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003: _____ Mayor
