



CITY OF AMES

**SUBSTANTIAL AMENDMENT TO THE
2008-2009 ANNUAL ACTION PLAN**

**COMMUNITY DEVELOPMENT BLOCK
GRANT RECOVERY PROGRAM (CDBG-R)**

May 26, 2009 thru June 2, 2009

CDBG-R SUBMISSION TEMPLATE **& CHECKLIST**

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see <http://www.hud.gov/recovery>)
- (3) Signed and Dated Certifications (see <http://www.hud.gov/recovery>)
- (4) Signed and Dated SF-424.

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).

THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Ames, Iowa	CDBG-R Contact Person: Vanessa Baker-Latimer
Jurisdiction Web Address:	Address: 515 Clark Avenue; P. O. Box 811 Ames, Iowa 50010-0811
<ul style="list-style-type: none">• www.cityofames.gov	Telephone: 515-239-5400
	Fax: 515-239-5404
	Email: vbakerlatimer@city.ames.ia.us

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

1. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

A. General Information

Grantee Name	City of Ames, Iowa
CDBG-R Contact Person	Vanessa Baker-Latimer
Title	Housing Coordinator
Address Line 1	515 Clark Avenue
Address Line 2	P. O. Box 811
City, State, Zip Code	Ames, Iowa 50010-0811
Telephone	515.239.5400
Fax	515.239.5404
Email Address	vbakerlatimer@city.ames.ia.us
Authorized Official (if different from Contact Person)	Ann H. Campbell
Title	Mayor
Address Line 1	515 Clark Avenue
Address Line 2	P. O. Box 811
City, State, Zip Code	Ames, Iowa 50010-0811
Telephone	515.239.5101
Fax	515.239.5142
Web Address where this Form is Posted	www.cityofames.org
CDBG-R Amount	\$130,258

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name:

b. **Neighborhood Infrastructure Improvement Program(NIIP).** The Neighborhood Infrastructure Improvement Program will target improvements to the infrastructure in HUD designated low and moderate income census tracts (where at least 51% of the households have incomes at 80% or less of AMI). The objective will be to replace and/or repair curbs, drivesways, sidewalks, and/or street resurfacing areas that have deteriorated and are causing premature pavement failure. The overall goal of the program is to preserve and enhance the viability and aesthetics of our core existing neighborhoods.

c. **EcoSmart Housing Retro-fit Program (ESHRFP).** The EcoSmart Housing Retro-Fit Program will utilize an existing single-family home by incorporating “go-green” features as part of the rehabilitation of the property. The green affordable home would then be sold to an eligible, low and moderate income, first-time homebuyer, in conjunction with the City’s CDBG Homebuyer Assistance Program. The overall goal of the program is to increase the availability of affordable housing to low income families and to maintain decent, safe, and sanitary housing stock in existing neighborhoods. A home purchased through the City CDBG Neighborhood Sustainability-Acquisition/Reuse Program will be utilized to create the first environmentally friendly, healthy, affordable home.

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee’s CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee’s narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

a. Implementation of the Neighborhood Infrastructure Improvement Program will meet the requirements of Title XII of Division A and Section 1602 of ARRA as follows:

- The program will seek to preserve and/or create jobs and to promote economic recovery by requiring the contractor(s) to indicate the number of jobs that are being preserved and/or created in conjunction with the bid award for this infrastructure project.
- The program will be investing in the City’s infrastructure system in a HUD designated, low-income census tract which will provide long-term economic benefits by preserving and maintaining the viability of older core residential neighborhoods.
- The program may assist citizens/employees who may be hired as a result of this project being implemented that may have been previously unemployed.

b. Implementation of the Eco-Smart Housing Retro-fit Program will meet the requirements of Title XII of Division A and Section 1602 of ARRA as follows:

- The program will be retro-fitting a single-family residential home by introducing green enhancements, where feasible, that foster energy independence by reducing energy costs, cutting water consumption, and/or improving indoor air quality.
- The program will seek to preserve and/or create jobs and to promote economic recovery by requiring the contractor(s) to indicate the numbers of jobs that are being preserved and/or created in conjunction with the bid award for this “go green” retro-fitting project.

(3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

a. It is anticipated that implementation of both activities will create and/or retain full and part-time jobs that will include construction and possible temporary jobs. As stated under question 2a and b above, the actual number will be collected at the time of bid and/or bid award.

(4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

a. Under the Neighborhood Infrastructure Improvements Program, preference will be given to contractors who can meet or exceed the following criteria:

- utilization of materials manufactured in the United States;
- utilization of environmentally sensitive work practices and techniques;
- utilization of recyclable materials.

b. Under the EcoSmart Housing Retro-fit Program, the implementations of this activity will promote “go green” features, and utilize green materials that will reduce pollution emissions and other environmental friendly construction techniques. The City will seek to partner with companies that design, produce, or sell green building products and materials. Preference will be given to contractors who have education, interest, and/or experience utilizing green rehabilitation techniques and materials.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The Planning & Housing Department (Housing Division) of the City of Ames will be responsible for the overall implementation of the CDBG-R funds. The contact will be as follows:

Name of Contact Person: Vanessa Baker-Latimer, Housing Coordinator
Address: 515 Clark Avenue
P. O. Box 811
Ames, Iowa 50010-0811
Contact Numbers: (515) 239-5400 (office)
(515) 239-5404 (fax)
E-mail address: vbakerlatimer@city.ames.ia.us

C. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee's preliminary estimated amounts for various CDBG-R activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

Following is a summary of the proposed use of CDBG-R funds:

Jurisdiction/Grantee Name: City of Ames, Iowa		CDBG-R Formula Grant Amount: 130,258				Date: June 2, 2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Neighborhood Infrastructure Improvement Program	This activity will be to replace/repair deteriorated infrastructure (curbs, driveways, sidewalks, etc.) that has caused pre-mature pavement failure in HUD designated low and moderate-income census tracts. The overall goal of the program is to preserve and enhance the viability and aesthetics of our core existing neighborhoods.	Low/Mod Area Benefit	570.201(c)	\$100,000	\$0.00	TBA	\$100,000
EcoSmart Housing Retro-fit Program	This activity will retro-fit an existing single-family home by incorporating "go-green" features as part of the rehabilitation of the property that would be sold to an eligible, low and moderate income, first-time homebuyer. The overall goal of the program is to increase the availability of affordable housing to low income families and to maintain decent, safe, and sanitary housing stock in existing neighborhoods.	Low/Mod Housing Benefit	570.202	\$30,258	\$0.00	TBA	\$30,258

D. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment:

Response: The City will publish a notice that the substantial amendment is available for public comment for a period of seven (7) days. The seven (7) days will run from May 26, 2009 through June 1, 2009. The substantial amendment will be published as a legal notice in the Ames Tribune, on Tuesday, May 26, and a public notice ad in the Ames Advertiser on Wednesday, May 27, 2009, both are newspapers of general circulation for the City of Ames. The notice will include a description of the contents and purpose of the substantial amendment. The City of Ames will also have a press release to the area media outlets on Wednesday, May 27, 2009. Copies of the proposed amendment are being made available at the City of Ames Planning & Housing Department, Ames Public Library and will be available on the City's website at www.cityofames.org.

The public will also be notified that the approval of the substantial amendment will be placed on the Ames City Council agenda for discussion on Tuesday, June 2, 2009 at 7:00 p.m. at the Ames City Hall Council Chambers, 515 Clark Avenue, Ames. Persons needing special accommodations will be notified to make any request within three (3) days prior to the meeting. Any public comments and the City's response will be added to the substantial amendment template prior to its submittal to HUD.

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:
 - Grantee did not receive public comments.
 - Grantee received and accepted all public comments.
 - Grantee received public comments and did not accept one or more of the comments.

This section is scheduled to be completed after the close of the public comment period.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

CDBG-R Substantial Amendment

Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Ames, Iowa Lead Agency: City of Ames-Planning & Housing Dept. Jurisdiction Web Address: www.cityofames.org (URL where CDBG-R Substantial Amendment materials are posted)	CDBG-R Contact Person: Vanessa Baker-Latimer Address: 515 Clark Avenue; P.O. Box 811 Telephone: 515-239-5271 Fax: 515-239-5404 Email: vbakerlatimer@city.ames.ia.us
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes No Verification found on page 7

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: **To be sent at end of comment period.**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
Yes No Verification found on page(s) 7
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
Yes No Verification found on page(s) 7
- the CDBG national objective citation,
Yes No Verification found on page(s) 7

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
Yes No Verification found on page(s) 5-6
- projected number of jobs created for each activity,
Yes No Verification found on page(s) 5-6
- whether an activity will promote energy efficiency and conservation,
Yes No Verification found on page(s) 5-6
- the name, location, and contact information for the entity that will carry out the activity,
Yes No Verification found on page(s) 4
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes No Verification found on page (s) 6
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes No Verification found on page (s) 7
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes No Verification found on page (s) 7

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction’s usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes No . Verification found on page(s) _____

Is there a summary of citizen comments included in the final amendment?

Yes No Verification found on page(s)

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (9) Following a plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

- | | | |
|--|---|-----------------------------|
| (11) Excessive Force | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (13) Lead-based paint procedures | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (15) Compliance with ARRA | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (16) Project selection | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (17) Timeliness of infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (18) Buy American provision | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (19) Appropriate use of funds for infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (20) 70% of CDBG-R for LMI | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Optional Certification

- | | | |
|------------------|------------------------------|--|
| (21) Urgent Need | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
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D. STATE CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|------------------------------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of State | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (9) Consultation with Local Governments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (13) Compliance with laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with ARRA | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (15) Project selection | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (16) Timeliness of infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (17) Buy American provision | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (18) Appropriate use of funds for infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (19) 70% of CDBG-R for LMI | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Optional Certification

- | | | |
|------------------|------------------------------|-----------------------------|
| (20) Urgent Need | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
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CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction 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), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **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.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction 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.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that 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 where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that 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 activities which the grantee certifies are designed to meet other community development needs having a 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);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R 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-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R 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-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that 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 that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official

Date

Mayor

Title

**OPTIONAL CERTIFICATION
CDBG-R**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

Signature/Authorized Official

Date

Title