

## 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 citizen  
3 participation with reference thereto and in full compliance with the U.S. Department of Housing and  
4 Urban Development requirements, has prepared the City of Lincoln FY 2014 Annual Action Plan:  
5 One Year Use of Funds outlining the activities and initiatives of Urban Development for Community  
6 Development Block Grant (CDBG), HOME and Emergency Solutions Grant (ESG) entitlement funds  
7 from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

8           WHEREAS, such plan includes the proposed community development activities and  
9 community development objectives, all prepared in full compliance with the requirements,  
10 instructions, and recommendations contained in the Community Development Block Grant  
11 Regulations, HOME Investment Partnerships Act Regulations, and the McKinney-Vento Homeless  
12 Assistance Act of 1987; and

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

15           WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY  
16 2014 Action Plan, as prescribed in the Community Development Block Grant Regulations, the  
17 HOME Investment Partnerships Act Regulations and 24 C.F.R., Part 91, and the McKinney-Vento  
18 Homeless Assistance Act, including Title 24 C.F.R., Part 576.

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

21           That the FY 2014 Action Plan, a copy of which is attached hereto, is hereby  
22 approved and the Mayor is authorized to submit the FY 2014 Action Plan to the Department of  
23 Housing and Urban Development for total grants for Fiscal Year 2014 in the amount of \$2,617,325

1 (\$1,670,944 CDBG; \$808,771 HOME; and \$137,610 ESG) under the provisions of Title I of the  
2 Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez  
3 National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B.  
4 McKinney Homeless Assistance Act of 1988, as amended, and each and every item included  
5 therein is hereby approved. The Mayor and other City officials charged with responsibilities  
6 pertinent to the proposed certifications are hereby authorized to execute said certifications for and  
7 on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to  
8 execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the  
9 Secretary of Housing and Urban Development, or his designate, in the form and substance as  
10 required by the Community Development Block Grant Regulations and HOME Investment  
11 Partnerships Act Regulations, and to supplement such Action Plan in any way reasonably required  
12 by the Department of Housing and Urban Development to expedite approval of the same.

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

18 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and  
19 certifies with respect to the FY 2014 Action Plan that:

- 20 1. The City will affirmatively further fair housing.
- 21 2. The City has in effect and is following a residential anti-displacement and relocation  
22 assistance plan.
- 23 3. The City will continue to provide a drug-free workplace by:
  - 24 a. Publishing a statement notifying employees that the unlawful manufacture,  
25 distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's

1 workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2 b. Establishing an ongoing drug-free awareness program to inform employees  
3 about -

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

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

6 iii. Any available drug counseling, rehabilitation, and employee  
7 assistance programs; and

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

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

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

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

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

18 e. Notifying the agency in writing, within ten calendar days after receiving notice  
19 under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction.

20 Employers of convicted employees must provide notice, including position title, to every grant officer  
21 or other designee on whose grant activity the convicted employee was working, unless the Federal  
22 agency has designated a central point for the receipt of such notices. Notice shall include the  
23 identification number(s) of each affected grant;

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

- 1                   i.       Taking appropriate personnel action against such an employee, up
- 2                               to and including termination, consistent with the requirements of the
- 3                               Rehabilitation Act of 1973, as amended; or
- 4                   ii.       Requiring such employee to participate satisfactorily in a drug abuse
- 5                               assistance or rehabilitation program approved for such purposes by
- 6                               a federal, state, or local health, law enforcement, or other
- 7                               appropriate agency;
- 8                   g.       Making a good faith effort to continue to maintain a drug-free workplace
- 9                               through implementation of subparagraphs a, b, c, d, e, and f.

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

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

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

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

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

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

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

21           8.       The City will comply with Section 3 of the Housing and Urban Development Act of  
22 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

23           BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with  
24 respect to the Community Development Block Grant program portion of the FY 2014 Action Plan  
25 that:

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

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

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

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

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

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

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

23           2.       The City's strategic housing and community development plan identifies community  
24 development and housing needs and specifies both short-term and long-term community  
25 development objectives that have been in accordance with the primary objective of the statute

1 authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR  
2 Part 91 Subpart C and 24 CFR Part 570.

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

4 4. The City has developed its final statement of projected use of funds so as to give  
5 maximum feasible priority to activities which benefit low and moderate income families or aid in the  
6 prevention or elimination of slums or blight; (the final statement of projected use of funds may also  
7 include activities which the grantee certifies are designed to meet other community development  
8 needs having a particular urgency because existing conditions pose a serious and immediate threat  
9 to the health or welfare of the community, and other financial resources are not available); except  
10 that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable,  
11 under Section 108 of the Act, during program year 2014 shall principally benefit persons of low and  
12 moderate income in a manner that ensures that not less than 70 percent of such funds are used  
13 for activities that benefit such persons during such period.

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

19 a. Funds received under Section 106 of the Act are used to pay the proportion  
20 of such fee or assessment that relates to the capital costs of such public improvements that are  
21 financed from revenue sources other than under Title I of the Act; 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 sufficient  
24 funds received under Section 106 of the Act to comply with the requirements of subparagraph (1)  
25 above.

26 5. The City has adopted and is enforcing:

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

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

6           6.       The City will conduct and administer the grant in compliance with Title VI of the Civil  
7 Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d *et seq.*), the Fair Housing Act (42 U.S.C.  
8 3601-19), and implementing regulations.

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

11          8.       The City will comply with all applicable laws.

12          BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with  
13 respect to the HOME program portion of the FY 2014 Action Plan that:

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

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

20          BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with  
21 respect to the Emergency Solutions Grant (ESG) program portion of the FY2014 Action Plan that:

22          1.       If either the cost of an emergency shelter's rehabilitation or the cost to convert a  
23 building into an emergency shelter exceed 75 percent of the value of the building before  
24 rehabilitation, the City will maintain the building as a shelter for homeless individuals and families  
25 for a minimum of ten (10) years after the date the building is first occupied by a homeless individual  
26 or family after the completed rehabilitation or conversion;



1           2.       In all other cases where ESG funds are used for renovation, the City will maintain  
2 the building as a shelter for homeless individuals and families for a minimum of three (3) years after  
3 the date the building is first occupied by a homeless individual or family after the completed  
4 renovation;

5           3.       In the case of assistance involving shelter operations or essential services related  
6 to street outreach or emergency shelter, the City will provide services or shelter to homeless  
7 individuals and families for the period during which the ESG assistance is provided, without regard  
8 to a particular site or structure, so long as the City serves the same type of persons or persons in  
9 the same geographic area;

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

12          5.       The City will assist homeless individuals in obtaining permanent housing, appropriate  
13 supportive services, and other Federal, State, local, and private assistance available for these  
14 individuals;

15          6.       The City will obtain matching amounts required under 24 CFR 576.201;

16          7.       The City has established and is implementing procedures to ensure the  
17 confidentiality of records pertaining to any individual provided family violence prevention or  
18 treatment 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 written  
20 authorization of the person responsible for the operation of that shelter;

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

25          9.       All activities the City undertakes with assistance under the ESG are consistent with  
26 the City's consolidated plan; and

1           10.    The City will establish and implement, to the maximum extent practicable and where  
2 appropriate, policies and protocols for the discharge of persons from publicly funded institutions of  
3 care in order to prevent this discharge from immediately resulting in homelessness for these  
4 persons.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2014:

\_\_\_\_\_  
Mayor