City of Carroll

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MEMO TO: Mike Pogge-Weaver, City Manager MJP-W

FROM: Laura A. Schaefer, Finance Director/City Clerk LAS

DATE: April 17, 2019

SUBJECT: 2019 Community Development Block Grant (CDBG) Owner Occupied Housing Rehabilitation Grant

- Public Hearing
- Resolution Providing Match Funds
- Motion to approve Technical Services Provider
- Motion to approve Administrative Plan
- Resolution Amending Policies No. 0106 & 0107
- Resolution Approving New Police Policy – Crowd Management
- Resolution to approve Residential Anti-Displacement and Relocation Assistance Plan
- Motion to authorize Mayor to sign the Applicant/Recipient Disclosure/Update Report and Federal Assurances Signature Page

In Fall 2016, the City began working with Region XII to gather information to apply for a CDBG owner occupied housing rehabilitation grant. Council took a number of steps at the January 14, 2019 Council meeting including approving the target area, allocating $100 per applicant for income verification and approving the process to procure technical services contingent upon grant award.

At the March 25, 2019 Council meeting, Council approved the allocation of $2,000 as a city match for each project with the intent of applying for five (5) housing projects.

Council needs to hold a public hearing for applying for this grant. The public hearing should discuss the nature of this project, funding sources and the requested amount, timeline of the application process, location of the proposed activities; plans to minimalize the displacement of citizens and plans to help those who may become displaced. The notice for the public hearing was published on Tuesday, April 16.

There are a number of items that require Council action and are discussed in detail below:

- As mentioned above, Council took action to allocate city funds to this project. Included with this memo is a resolution stating that the City would like to apply for five (5) projects and contribute $10,000 local match share.

- On March 5, 2019, City staff received two proposals for technical services: Region XII Council of Governments and Apex Companies, LLC. Based upon the scoring criteria listed in the request for proposals, City staff recommends entering into a contract with Region XII for technical services. Council motion to select Region XII to work with the City for technical services for this grant. Upon grant award, a contract would be executed at that time.

- Also, included is an Administrative Plan that outlines the primary goal of this grant/project is to preserve the housing stock, provide safe, decent and sanitary housing, improve the general aesthetics and attractiveness of the community's housing stock and work to make the housing stock "Lead Safe". This document states the rules to follow upon grant award. The City recommends working the Region XII to implement the requirements listed in the Administrative Plan. Funding for this is part of the grant. Upon grant award, a contract would be executed at that time.

- There are a number of policies that require Council action to comply with the grant requirements and include:

    - An updated Policy 0106 - Code of Conduct
    - An updated Policy 0107 - Equal Opportunity Policy Statement
    - New Police Policy for Crowd Management. Section 519 of the Department of Veteran Affairs and the U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations. It is also required of CDBG grant recipients to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a non-violent protest demonstration. Police Chief Brad Burke drafted and recommends the adoption of this policy.
    - Implement a Residential Anti-Displacement and Relocation Assistance Plan
    - Authorize the Mayor to sign the Applicant/Recipient Disclosure/Update Report and the Federal Assurances Signature Page

Grant applications are due April 26, 2019 with award notification August 2019.

RECOMMENDATION: After public hearing Council action on the following items for the 2019 Community Development Block Grant (CDBG) Owner Occupied Housing Rehabilitation Grant:

- Resolution Providing Match Funds
- Motion to approve Technical Services Provider
- Motion to approve Administrative Plan
- Resolution Amending Policy No. 0106
- Resolution Amending Policy No. 0107
- Resolution adopting a Crowd Management Policy for the Police Department
- Resolution to approve Residential Anti-Displacement and Relocation Assistance Plan
- Motion to authorize the Mayor to sign the Applicant/Recipient Disclosure/Update Report
- Motion to authorize the Mayor to sign the Federal Assurances Signature Page

RESOLUTION NO._____

City of Carroll
RESOLUTION PROVIDING MATCH FUNDS
FOR THE 2019 CDBG OWNER-OCCUPIED REHABILITATION PROGRAM

WHEREAS, the City of Carroll has recognized the need for owner-occupied rehabilitation as stated in the Community Development and Housing Needs Assessment to provide safe and decent living conditions and to stabilize the older housing stock;

WHEREAS, the City intends to submit an application to the Iowa Economic Development Authority (IEDA), Housing Fund to initiate an owner-occupied rehabilitation program; AND

WHEREAS, the program will assist at least __5____ low-income families to bring their homes up to the IEDA Housing Quality Standards and to be lead safe through the use of forgivable and low interest loans.

BE IT THEREFORE RESOLVED that the City Council of the City of Carroll, Iowa pledges to contribute $10,000 local match share. Local matching funds would be provided by the City of Carroll, which will be applied towards rehabilitation costs.

MOTION _____

SECOND _____

AYE _____

NAY _____

ABSENT _____

PASSED AND APPROVED this 22nd day of April, 2019.

_____
Eric P. Jensen, Mayor

ATTEST:

_____
Laura A. Schaefer, City Clerk

City of Carroll

Community Development Block Grant

Owner Occupied Rehabilitation Program

ADMINISTRATIVE PLAN

Program Year 2019

REVISED 03.25.2019

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Program Overview

The primary goals and objectives of the community's owner-occupied rehabilitation program are:

- To preserve and/or stabilize the community's housing stock that is affordable to low and moderate income persons;
- To provide safe, decent and sanitary housing to the community's residents who do meet income eligibility requirements have the financial means to make repairs to their own dwellings;
- To improve the general aesthetics and attractiveness of the community's housing stock, to maintain or increase the community's residential structure tax base, and to assist in the promotion and attraction of economic and community development opportunities; and
- To make the community's housing stock, those constructed prior to January 1,1978, at least temporarily "Lead Safe".

Program will assist a minimum of 5 low to moderate income families. The target area is located within the incorporate city limits of Carroll.

CDBG Contract Number: TBD

Fair Housing & Non-Discrimination

The community will ensure that CDBG assistance is made available on a non-discriminatory basis without regard to race, color, religion, sex, disability, familial status, age, or national origin.

The community will follow the Affirmative Fair Housing Marketing Plan (AFHMP) to ensure those least likely to apply are informed of the CDBG program. This AFHMP will assist the communities to further reach all demographics of eligible individuals.

Program Eligibility

Owner-Occupied: In order for an applicant to be eligible for program assistance, the applicant must occupy the property to be assisted as their principal place of residence and must own the property (i.e., be the owner of record). Ownership means:

- Holding fee simple title to the property; or
- Maintaining a 99-year leasehold interest in the property.

Income Eligible: In order for an applicant to be eligible for program assistance, the applicant must also be income eligible. Specifically, applicants must have a household income that does not exceed 80% of the median household income as established by the U.S. Department

of Housing and Urban Development (HUD). The procedure for determining that an applicant meets the income eligibility requirement is detailed in Application Verification Process.

Property Requirements

Location of Property: In order to be eligible for program assistance, the assisted property must be included in the target/project area defined in the application approved by IEDA.

Properties located within a 100-year floodplain are not eligible for the program.

Verification of Ownership: Verification of ownership of the household will be determined by the recorded deed by accessing the County Assessor's website.

Mortgage Payments: In order to be eligible for program assistance, the assisted property owner must be current with regard to their mortgage payments.

Property Taxes: In order to be eligible for program assistance, the assisted property owner must be current with regard to payment of their real estate property tax liability.

Utilities: In order to be eligible for program assistance, the assisted property owner must be current with regard to their utility payments associated with that property. Utilities covered under this requirement are limited to water, sanitary sewer, gas (natural gas, liquid petroleum gas, or fuel oil) and electric. Utilities not included under this requirement are telephone, cable television (including satellite television), or internet service providers.

Property Insurance: In order to be eligible for program assistance, the assisted property must be covered by property insurance (homeowner's hazard and liability insurance) in an amount equal to, or greater than, the current assessed value of the property (land and buildings). The community should be named (included) on the assisted property owner's insurance policy as an additional party insured.

Use of the Property: Residential properties containing businesses may only be included in the program when it can be clearly shown that CDBG funds will not benefit the business on the property. CDBG funds will only be used to rehabilitate residential portion of the unit and any funds used on shared/common areas must be prorated. Program files will document how the costs were allocated between the residential portion and business portion of the unit.

Property owner funds must be used to rehabilitate the non-residential (business) portion of the dwelling or property.

The entire property must meet IEDA Housing Quality Standards before the acceptance of work is signed and final payment to the contractor.

Condition of the Property: In order to be eligible for program assistance, the property must be free of garbage; debris; refuse; building materials (those not used for the

rehabilitation project); abandoned, non- operational or junk vehicles; etc. Additionally, the property must not be in violation of any local nuisance ordinances.

The dwelling itself must be reasonably clean and sanitary; free of garbage, debris and refuse; uncluttered; and in such a state that permits reasonable access by the community's rehabilitation technician to conduct the initial inspection and, as applicable, conduct paint testing and a risk assessment of the property, and to the contractor(s) working on the property owner's project.

Ability to Conform to Standards: In order to be eligible for program assistance, the dwelling (and the property as a whole) must be capable of withstanding rehabilitation. In other words, program funds may not be used unless the dwelling (and the property) can be brought into conformance with IEDA Housing Quality Standards (v.06.01.2016), as applicable.

Manufactured Homes: Manufactured homes may be assisted with CDBG funds only if all of the following criteria are met:

- The age of the manufactured home is constructed after 1976
- The manufactured home is permanently affixed to a site-built, permanent foundation and has had its towing hitch and running gear removed
- The homeowner owns the land on which the manufactured home is installed
- The manufactured home is taxed as real estate (real property) by the community.

Marketing Plan

Marketing the Program: The community will market its owner-occupied rehabilitation program to potential applicants and to contractors.

Marketing to Applicants: Marketing to potential applicants can be accomplished in a variety of ways. The community will market its program in order to provide sufficient information about its owner-occupied rehabilitation program and to generate further interest from potential applicants. Marketing may be conducted using any and all of the following methods:

- Newspapers of general circulation and other local publications;
- Radio and/or television (such as local cable television channels);
- Public informational meetings held in the community;
- Mailings;
- Social Media (when applicable)
- Postings at strategic locations accessible to the general public (e.g., the Post Office, City Hall or County Courthouse, grocery stores, schools, churches, libraries, etc.); and by
- Personal contact to potential applicants by community leaders, civic groups, etc.

If marketing to potential applicants occurred prior to a funding commitment from the IEDA and the community has on file the names and addresses of a number of potential applicants, re-contacting such persons is appropriate to regenerate their interest.

Marketing to potential applicants should convey basic requirements for participation in the community's program (i.e., eligibility criteria, the form of assistance available, information about how, where and when to apply for the assistance as well as what information will be needed, and restrictions they need to be aware of). Marketing efforts should also address the requirement of making any target housing temporarily lead safe as well as the potential for temporary relocation during such work.

The community's marketing efforts will not discriminate in any way and will provide for equal opportunity and fair housing to all potential applicants.

Additional marketing efforts may be necessary at some point during the administration of the community's program. One of the most effective means of marketing the program during the course of its operation is to cover a "success story" about a completed project that went well and produced a finished product with a satisfied beneficiary. Information about a successful project already completed can be disseminated using the same media sources identified above. A success story marketing strategy would be used only when the affected property owner has given their permission to the community to do so.

Program Assistance

Level of Benefit / Financial Commitment: The level of benefit available to eligible applicants can best be described as the community's preliminary projection of program funds to be applied toward a rehabilitation project (i.e., the hard costs of rehabilitation portion of the overall project only, and not including the direct administrative costs, lead hazard reduction costs, lead hazard reduction carrying costs, or temporary relocation costs that may be applied toward the total project).

Based on the community's cost estimate, the after-rehabilitation value of the property will be determined and the determination will be made as to whether the applicant's dwelling and property are feasible to rehabilitate. Using the community's cost estimate, the community will first subtract the amount of all other sources of funds to be applied toward the rehabilitation costs of that project to arrive at the total amount of funds needed from the community's program funds for the rehabilitation of that project.

In effect, the community can make a tentative financial commitment to the applicant for the rehabilitation work (the hard costs of rehabilitation) necessary to bring that dwelling into conformance with the applicable rehabilitation standards. The actual costs of rehabilitation, and from what sources of funds rehabilitation costs will be covered, may need to be reevaluated following the procurement of a contractor(s) when the actual rehabilitation cost of the project is known. The community's focus at this point is only on the rehabilitation costs (i.e., those that will be secured against the assisted property owner's property).

Maximum Amount of Program Assistance: The maximum amount of assistance to an individual rehabilitation project from the community's program funds is $24,999. The maximum assistance level is on the hard costs of rehabilitation (materials, labor and the contractor's overhead and profit) only, not the administrative costs, lead hazard reduction costs, lead hazard reduction carrying costs, or temporary relocation costs necessary to complete the project.

Eligible Expenditures: Program funds are intended to be used to cover the hard costs of rehabilitation (materials, labor, and the contractor's overhead and profit) and the administrative (program implementation) costs associated with the rehabilitation of residential dwellings within the community that meet the eligibility requirements detailed in Property and Program Eligibility Requirements.

Program funds are also intended to be used to make assisted target housing temporarily "lead safe" (or portions of the dwelling temporarily "lead safe" if $5,000 or less in Housing Fund assistance is invested in the hard costs of rehabilitation) following clearance testing and final visual assessment that meets IDPH standards. Eligible expenditures of the community's program funds for this purpose include the cost of any lead hazard reduction activities (either through normal rehabilitation or separate from normal rehabilitation), lead hazard reduction carrying costs and temporary relocation costs.

Rehabilitation costs are considered eligible expenditures where the net result of such expenditures is the provision of safe, decent and sanitary housing that conforms to the rehabilitation standards and, as applicable, results in housing (or portions of the housing if $5,000 or less in assistance) that is temporarily lead safe. All construction work is expected to be of good quality and be reasonably priced.

Project costs (the hard costs of rehabilitation) in excess of the maximum amount of program assistance available must come from sources other than the community's program funds.

Five-Year Receding Forgivable Loan: CDBG Assistance will be provided as a five year receding forgivable loan. The property must remain the applicant's principal residence for five years following the project acceptance date for the loan to be forgiven. The community will file a lien/security interest against the property in the amount of CDBG assistance.

In order for the assisted property owner to receive a five-year receding forgivable loan, he or she must sign a promissory note and mortgage lien to secure the full amount of the five-year receding forgivable loan. The mortgage lien will be recorded at the County Courthouse at the time of project acceptance. The five-year receding forgivable loan bears no interest.

The term of the promissory note and mortgage lien is five years, remaining at one- hundred percent of the loan amount for the first full year and decreasing twenty percent each year thereafter. The anniversary date of the promissory note and mortgage lien is the date of project acceptance. Collection of the note and mortgage lien (as may be necessary) will be accomplished according to the following schedule:

If the rehabilitated property is sold, rented, transferred, vacated or abandoned prior to the first anniversary of the project completion and acceptance date, one-hundred percent (100%) of the note and mortgage lien becomes due.

- If the rehabilitated property is sold, rented, transferred, vacated or abandoned between the first and second anniversary dates of the project completion and acceptance date, eighty percent (80%) of the note and mortgage lien becomes due.

- If the rehabilitated property is sold, rented, transferred, vacated or abandoned between the second and third anniversary dates of the project completion and acceptance date, sixty percent (60%) of the note and mortgage lien becomes due.

- If the rehabilitated property is sold, rented, transferred, vacated or abandoned between the third and fourth anniversary dates of the project completion and acceptance date, forty percent (40%) of the note and mortgage lien becomes due.

- If the rehabilitated property is sold, rented, transferred vacated or abandoned between the fourth and fifth anniversary dates of the project completion and acceptance date, twenty percent (20%) of the note and mortgage lien becomes due.

- At the fifth anniversary date, one-hundred percent (100%) of the note and mortgage lien is forgiven. The community will release the assisted property owner's note and mortgage lien, upon written request, following completion of the five-year term.

If the assisted property becomes other than the assisted property owner's principal place of residence at any time during the five-year term (through sale, transfer, rental, or vacating or abandonment of the property), repayment of the principal amount, based on the above schedule, is immediately repayable to the community.

The community may, at its option, release the mortgage lien (and subsequent conditions of the assistance) against the assisted property when there are extenuating circumstances that would warrant or justify the community's decision to do so, regardless of the age of the forgivable loan.

The community's release of a mortgage lien would be handled on a case-by-case basis with consideration given to the individual circumstances of that assisted property owner, or their representative, seeking the release. The community will gather sufficient information necessary to support and to document the assisted property owner's inability to pay the amount owed to the community and the reason(s) for such a request. Consideration will be given to such issues as:

- The value of the property at the time of the request to release the mortgage lien and its impact on the settlement of any primary mortgage debt that may exist;
- Who will inherit the property (should the request to release the mortgage lien be related to the death of an assisted property owner), including other estate settlement issues; and Any insurance settlements.

Applicants must be given the opportunity to rescind the assistance offered due to the fact that a lien, mortgage or other security interest will be filed against their property as a result of the assistance, if accepted and executed.

A five-year receding forgivable loan from the community to applicants will result in a lien, mortgage or other security interest filed against their properties. Where there are existing liens, mortgages or other security interests already on file against assisted properties (e.g., the applicant's primary mortgage), the community's program assistance security interest may be filed (recorded) in a junior position to existing liens, mortgages or security interests.

In the event of future liens, mortgages or security interests filed on an assisted property owner's property (e.g., a refinancing), the community may, at its discretion, subordinate its mortgage lien to any future liens, mortgages or other security interests.

Unsecured Program Funds Assistance: The community's five-year receding forgivable loan discussed in the above section is a direct form of assistance financially secured through a mortgage lien filed on / against the assisted property.

The community may apply additional program funds toward individual rehabilitation projects undertaken that will not be secured against the assisted property owner's properties.

The community may incur costs for the administration of its owner-occupied rehabilitation program (general administrative costs and direct, project specific administrative costs). The community may also incur costs for lead hazard reduction activity on target housing projects (as applicable) as well as lead hazard reduction carrying costs involved in doing such activity on those projects. Program funds may also be used for costs incurred in the temporary relocation of the occupants of assisted target housing, including their belongings, if interior rehabilitation that disturbs painted surfaces, known or presumed to be lead-based paint, and/or interior lead hazard reduction takes place.

Application and Verification Process

Applicant Selection Process: The community, through its marketing efforts to attract potential applicants, will indicate how to access the program (i.e., forms they need to fill out, where to get them, etc.), any time constraints for application submission, and where completed forms need to be submitted and who will be responsible for receiving them.

Ranking System: Applicants for program assistance will be selected according to a ranking system. The community's ranking system is based on applicant need. Need, in this instance, is defined in terms of the applicant's income and financial status (assets). Therefore, the neediest applicant's application (i.e., the highest ranked application) will be processed first; the second neediest applicant's application (i.e., second ranked application) will be processed second, and so on.)

The community will hold an initial application intake period for the receipt of all applications to be ranked. This application intake period will begin on February 15, 2019, and end on March 8, 2019. Applications received during this time frame will be assigned a "priority status" for funding. These priority status applications will then be evaluated and rank ordered according to the application selection criteria formula described below.

Processing of applications will begin with the highest ranked application and continue until all program funds are depleted or until all eligible priority status applicants have been funded, whichever comes first.

Should program funds remain after all eligible priority status applicants are served, the processing of applications will proceed based on the date and time of receipt of the application for those applications submitted after the initial application intake period cut-off date. The community will continue processing additional applications received according to this first-come, first- verified basis until program funds are depleted.

Application Selection Criteria Formula: The application selection criteria formula is a system of assigning numerical values to the individual criterion listed below to permit the rank ordering of the applications received during the initial application intake period. The application selection criteria formula is as follows:

- INCOME

For every $1,000 below HUD's income limits (for the appropriate household size), points will be assigned according to the following table:

Up to $1,000 below the income limit	2 Points
$1,001 - $2,000 below the income limit	3 Points
$2,001 - $3,000 below the income limit	4 Points
$3,001 - $4,000 below the income limit	5 Points
$4,001 - $5,000 below the income limit	6 Points
$5,001 - $6,000 below the income limit	7 Points
$6,001 - $7,000 below the income limit	8 Points
$7,001 - $8,000 below the income limit	9 Points
$8,001 - $9,000 below the income limit	10 Points
$9,001 - $10,000 below the income limit	11 Points
$10,001 - $11,000 below the income limit	12 Points
$11,001 - $12,000 below the income limit	13 Points
$12,001 - $13,000 below the income limit	14 Points
Over $13,001 below the income limit	15 Points

- LIQUID ASSETS

The following points will be deducted from the total household points assigned for income where the household's liquid assets exceeds the limits described below (liquid assets are defined as the total cash available to the applicant including, but not limited to, cash, checking accounts, savings accounts, stocks, bonds, certificates of deposit, mutual funds, etc., minus a$1,000 allowance for working capital). Liquid assets point deductions are as follows:

Over $20,000 & up to $25,000	Deduct 2 Points
Over $25,001 up to $30,000	Deduct 4 Points
Over $30,001 & up to $40,000	Deduct 6 Points
Over $40,001 & up to $50,000	Deduct 8 Points
Over $50,001	Deduct 12 Points

Rank ordering of applications received during the initial application intake period (according to the above criteria) can follow the individual assignment and deduction of points to those individual applications received. The community will prepare a written summary of the rank order in which applications will be processed. (Ranking sheet is attached as "Exhibit B")

Applicant Eligibility Determination and Verification Process: As stated in the Program Eligibility section, applicants must be owner-occupants, be able to show proof of ownership, they must have resided in their dwellings at the time of application for program assistance and, most importantly, they must be income eligible.

Ownership, occupancy, and tenure will all be verified and documented by the community through County and/or other public records.

The income verification process is more detailed and entails a specific procedure to be followed. Basic income eligibility is based on the applicant's annual gross household income. The community will refer to HUD's "Technical Guide for Determining Income and Allowances for the HOME Program" for direction and guidance on certain income inclusions and exclusions. Income verifications are valid for twelve months.

Note: The above referenced manual can be found here:
http://portal.hud.gov/hudportal/documents/huddoc?id=19754_1780.pdf

The most current HUD income limitations, by county and by household size, must be used for determining and verifying income eligibility.

Additional documentation may also be obtained by the community to further substantiate an applicant's annual (gross) household income (e.g., obtain a copy of the applicant's federal and/or state income tax forms from the previous tax year).

In addition to documenting that an applicant meets the ownership, occupancy, tenure and income eligibility requirements, sufficient documentation must be obtained to clearly indicate that the applicant's property also meets all applicable property eligibility requirements.

File Documentation

The community will keep the following items on file:

- Income verification documents
- Ownership verification documents

- Property inspection documents (initial and final)
- Construction documents (specifications, contracts, and related items)
- Final acceptance of work (signed by homeowner)
- CDBG environmental review documents
- Lead based paint related documents

Procurement

Marketing to Contractors: Marketing to contractors is essential to the success of any owner-occupied rehabilitation program. The community must conduct a sufficient amount of marketing specifically to contractors to generate and to secure their interest in participating in the community's owner-occupied rehabilitation program.

Where there is an adequate number of contractors participating in the community's program, fair and open competition for projects is maximized and overall costs are generally more reasonable because of the competition inherent with a larger pool of participating contractors.

Marketing to contractors can be accomplished using the same media resources used for marketing to potential applicants. In addition to using those resources, the community might also:

- Contact local homebuilders associations, construction trades organizations, unions, etc.;
- Contact the Better Business Bureau;
- Contact the Iowa Department of Public Health to obtain information on contractors that have been trained in safe work practices;
- Scan local telephone books (business directories, yellow pages, etc.);
- Contact the IEDA's recommended plan review rooms and clearinghouses;
- Obtain information on contractors based on the community's building permit issuance data;
- Contact local construction materials and equipment suppliers;
- Contact local lenders active in construction financing; and
- Contact other communities nearby that have, or have had, similar programs.

With the community's efforts to solicit and attract contractors for participation in the program, nondiscrimination, equal opportunity and fair housing issues cannot be overlooked. The community will also make a good faith effort to solicit and attract the interest of minority and female owned businesses that might participate in the community's owner-occupied rehabilitation program. Invitations to bid on the community's projects need to be sent to the IEDA's recommended clearinghouses and plan review rooms.

When marketing to contractors, the community will be aware of certain issues specifically of interest or concern to contractors and tailor its marketing efforts to address these issues to the extent practical. This may include, but not be limited to:

- The contractor's ability to make a profit;
- The contractor's location and/or proximity to the community;

- Federal, state or local requirements and/or restrictions that will affect them (e.g., licensing; training, including safe work practices as applicable; insurance coverage; OSHA requirements; contract conditions; warranties; etc.); and
- Their ability to be paid in a timely fashion.

From the community's contractor marketing efforts, a list of potential contractors can be compiled and referenced as individual projects are undertaken.

Contractor Requirements: In order to participate as a contractor in the community's owner-occupied rehabilitation program, the following minimum requirements must be met. All contractors must:

- Be registered with the State of Iowa, Department of Labor;
- Meet any and all local or state licensing requirements;
- Be able to provide evidence (i.e., certificate of successful completion and satisfactory test results) that all workers under his / her employ (i.e., employees and/or subcontractors and their employees) who will be involved in any rehabilitation that disturbs painted surfaces (known or presumed to be lead based paint) or any lead hazard reduction activity, have been trained in safe work practices as required by HUD's Lead Safe Housing regulations and the IDPH's 641-Chapter 70 IAC;
- Provide current and active insurance certificates that document sufficient insurance coverage; and
- Be approved by the IEDA as not being on the U.S. Department of Housing and Urban Development (HUD's) or the U.S. Department of Labor's (DOL's) lists of debarred or suspended contractors.

Contractor Procurement: The procurement of contractors for individual rehabilitation projects (including any lead hazard reduction activity), or various components of rehabilitation projects, where projects are broken down into components, will be undertaken by the community. Contractors will be procured through a competitive sealed bids procurement process.

Upon completion of the final work write-up and bid documents, the community will publicly advertise for bids in at least one local newspaper of general circulation. In addition to publicly advertising, all known area contractors will be notified, in writing, inviting them to bid on the community's projects as they are undertaken. Invitations to bid should also be sent to the IEDA recommended plan review rooms and area clearinghouses as well.

The community's publicly advertised bidding process will allow sufficient time for contractors to compile and submit their bids. Bids will be opened publicly at a specified date, time and place. The lowest, responsible bidder will be awarded the contract subject to bid verification and acceptability. A responsible bidder is a contractor that has met all the Contractor Requirements and all other material terms and conditions of the bid documents. Contractor's bids need to be typewritten or completed in ink. Contractor's bids submitted in pencil <u>will not</u> be accepted.

Following the opening of all bids, the community will perform a verification of the bids received (i.e., to ensure true itemized bids submittal, to verify and to recalculate the contractor's figures, to consider any alternate bids sought after and received, etc.). A bid tabulation (summary) sheet will then be prepared by the community reflecting all bids received. All contractors submitting bids must also include a non-collusion affidavit with their submissions.

The successful bidder(s) will be notified, in writing, of the community's intent to award them a contract. All unsuccessful bidders will also be notified, in writing, by the community.

Financial Management

Contractor Payment Procedures: All payments to contractors are to be based on work completed at the time of the payment request. With all payment requests/contractor invoices received by the community, the community's rehabilitation technician will make an inspection to verify that work (work for which payment is sought) has been completed. No payment requests will be honored prior to the community conducting an inspection.

All materials, supplies and equipment purchased by the contractor(s) (including subcontractors) for a particular rehabilitation project must be satisfactorily installed prior to the community making payment for those items on that project. Payment requests for materials, supplies and equipment stockpiled on a job site and not yet installed will not be honored until the contractor (or subcontractor) has satisfactorily installed them.

Contractors may be paid lump sum at the completion of projects, or may seek partial payments throughout construction with a final payment request at the completion of the project. The community will withhold a minimum of ten percent (10%) from all partial payment requests received from contractors. This ten percent (10%) withholding may be reduced to a lesser amount if the community requires participating contractors to be bonded. All withholding from partial payment requests will be paid to the contractor with the final payment request.

In addition to a required inspection prior to making payment to contractors, the community must receive fully executed lien waivers from contractors for all materials and supplies, equipment, and labor costs for which payment is being sought. Where partial payment requests are made by contractors, fully executed partial lien waivers are also necessary prior to the community honoring the contractor's partial payment request.

Specifically, all fully executed lien waivers applicable to the <u>first</u> partial payment request must be received by the community before payment will be made on the contractor's <u>second</u> partial payment request. Subsequent partial payment requests will follow this procedure, whereby lien waivers for the previous partial payment request are required <u>prior to</u> the community honoring subsequent partial payment requests. For final payment, fully executed lien waivers

are required prior to the community honoring the final payment, including the payment of funds previously withheld (retainage) from partial payments.

All lien waivers received from contractors (partial and final lien waivers) need to be reviewed and checked against the "Project Subcontractors / Suppliers" list that submitted by the contractor prior to the start of construction.

Any target housing assisted with the community's program funds (and/or other HUD funds) that involves rehabilitation that disturbs painted surfaces, known or presumed to be lead based paint, and/or lead hazard reduction activity will require thorough, specialized cleaning and clearance testing and final visual assessment following the completion of such work. Final payment(s) to the contractor(s) will not occur prior to successful clearance testing and final visual risk assessment results meeting IDPH standards.

The property owner's concurrence and acceptance of all work for which payment is being sought must be obtained prior to the community making any partial or final payments to contractors.

Change orders are an extension of the original project specifications (work write-up). Change orders need to detail all changes, be clear, concise and accurate, and be prepared individually listing all items if more than one item is included in the change order. The contractor's costs associated with all items listed within change orders must also be itemized.

After the initial draw request, the community must request CDBG funds at least every six months, for both rehabilitation cost and grant administration.

Program Implementation

Initial Property Inspection: Following eligibility determination and verification, the community's housing rehabilitation technician will arrange with the property owner a date and time in which to conduct an initial inspection of the property to be assisted.

The purpose of the initial inspection is to determine the scope of work to be accomplished with the rehabilitation of that property (i.e., the hard costs of rehabilitation). The initial inspection will be conducted in order to verify the presence and condition of all components, systems and equipment of the property owner's dwelling and property, and to identify any and all items that do not conform to IEDA Housing Quality Standards (as applicable) for inclusion in the work write-up for that dwelling.

Typically, the initial inspection is the first opportunity to meet face-to-face with the property owner(s). If the property to be assisted is target housing, meeting with the property owner(s) at their property for the purpose of conducting the initial inspection is an ideal time to discuss lead-based paint issues likely to impact their own project. Prior to conducting the initial inspection, the community's program administrator or rehabilitation technician needs to convey the first of several required lead-based paint related notices (if this has not transpired prior to the initial inspection).

The first notification requirement for target housing is to convey general information to the property owner about the dangers of lead-based paint. The community may use either the Environmental Protection Agency's (EPA's) standard pamphlet entitled "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools" or the Iowa Department of Public Health's (IDPH's) standard pamphlet entitled "Lead Poisoning - How to Protect Iowa's Families" for this purpose.

Project files must be documented indicating that the property owner(s) has received this required notice. The community will use either the EPA Pamphlet - "Acknowledgement of Receipt" form or the IDPH Pamphlet - "Acknowledgement of Receipt" form for this purpose. Both acknowledgement of receipt forms require the property owner's signature and date of their receipt.

Project files must be documented with a copy of the initial inspection report, signed (or initialed) and dated by the community's staff who performed the initial inspection.

Work Write-Up (Project Specifications): From the data and information gathered by the rehabilitation technician during the initial inspection, a work write-up (or project specifications as they are often referred to) will be generated. The work write-up is first used by the community in the formulation of a cost estimate. The work write-up eventually becomes a part of the bid documents needed for the procurement of a contractor(s).

All work write-ups will be written so that participating contractors that bid on the community's projects will submit itemized bids (i.e., an individual line- item cost for each individual line-item of the work write-up).

Cost Estimate: The community will prepare a written cost estimate of the hard costs of rehabilitation for each project following the initial inspection and formulation of a work write-up. The community's cost estimate will also be depicted in itemized form. The community's cost estimate will be identified as such, be signed (or initialed) by the rehabilitation technician that prepared it, and dated. The community's cost estimates must be included in individual project files.

The community's written cost estimate is formulated to initially determine if that project is financially feasible to undertake, and secondarily to ensure the cost reasonableness of contractor's bids that will be received for that project. The primary purpose for the community's written cost estimate is to establish the probable cost of rehabilitation (i.e., the hard costs of rehabilitation) as well as determine the basis for what needs to be accomplished to that dwelling (if target housing) from a lead hazard reduction standpoint. Lead hazard reduction requirements are based on the community's estimated cost of rehabilitation.

Historical (Section 106) Clearance: Assisted properties may be of historical significance. Historic preservation requirements may have an impact on the community's work write-up (the original work write-up and/or the final, revised work write-up following any lead hazard

reduction need determination if target housing). Each house as it is identified will be submitted to the IEDA Section 106 Coordinator for Section 106 consultation.

Contract Execution: Following contractor(s) procurement, but prior to the award of a construction contract(s), the community will reevaluate the amount of assistance to be applied toward that project, secure all non-program funds and finalize its financial commitment of program funds to that property owner. The community's loan documents (the five-year receding forgivable loan) will be prepared for signing.

Following notification(s) of award to the successful contractor(s), arrangements will be made with all parties to formally execute the rehabilitation construction contract(s). Prior to contract(s) execution, the successful contractor(s) must submit a complete list of the materials and equipment suppliers and a complete list of subcontractors intended to be used. Concurrent with the signing of a contract(s), the property owner will execute the promissory note and mortgage lien and/or repayable loan documents.

Following contract(s) execution, the community will issue a notice(s) to proceed to the contractor(s), all contracts entered into. Where projects are accomplished with several individual contracts in lieu of one general contract, the timing and coordination of issuing notices to proceed will need to be considered and handled accordingly.

Frequently, contract execution and loan documents signing, as well as obtaining the contractor(s) lists of suppliers and subcontractors and the actual issuance of the notice(s) to proceed, will actually take place during the scheduled pre- construction conference required to be held.

Pre-Construction Conference: Prior to the start of construction, the community will hold a pre-construction conference with the property owner and the contractor(s) awarded the contract(s). At the pre-construction conference, the final work write-up(s) (project specifications) will be reviewed by all parties, line item by line item, to ensure a thorough understanding of the work to be accomplished. Additional topics to be discussed at the pre-construction contract include, but are not limited to:

- Timing and coordination of the sequence of the work (especially when and where lead hazard reduction activity or rehabilitation work that disturbs painted surfaces, known or presumed to be lead based paint, are to be accomplished, and/or if the project entails multiple contracts covering various components of the entire project);
- Temporary relocation, limited access to living areas, and coordination of household schedule with lead-based paint work activity issues, as applicable (i.e., conveyance of the details of the community's temporary relocation offering and options, responsibilities, timing and coordination, packing and moving, storage, secured property owner non-access to work area(s) during interior lead hazard reduction work, specialized cleaning, clearance testing and final visual assessment, and the community's authorization of re-occupancy following completion and successful clearance testing); and
- Safe work practices and OSHA requirements, as applicable.

Additionally, the responsibilities of all parties to the contract(s) need to be thoroughly discussed. The various processes and procedures involved in completing the project also needs to be covered (e.g., change order procedures, contractor payment processes, various lead hazard reduction requirements, grievance / dispute resolution procedures, etc.).

The required pre-construction conference, where all parties to the contract(s) are together, provides the contractor(s) an opportunity to issue the required Iowa Department of Public Health's Pre-Renovation Notification (all target housing) if this has not transpired before this meeting. The community should ensure that this takes place and obtain a copy of the executed pre-renovation notification form for its project files.

Construction Supervision: Throughout the term of construction and/or lead hazard reduction activity, all individual rehabilitation projects, the community will oversee the work of the contractor(s) and any subcontractors doing the work.

Construction supervision will be accomplished primarily through periodic and frequent work-in-progress inspections by the community's rehabilitation technician. Inspections relating to contractor payment requests, any community required (e.g., building or housing code required) inspections, and any inspections relating to change order requests will all occur as necessary.

Periodic inspections / construction supervision may also be necessary during rehabilitation that disturbs painted surfaces, known or presumed to contain lead- based paint, and/or during lead hazard reduction activity as well as during cleaning done for the purpose of clearance testing and final visual assessment. The primary purposes of these inspections are to ensure that contractors are following required safe work practices and applicable OSHA requirements. The community's rehabilitation technician should wear appropriate protective clothing and equipment during such inspections.

All inspections must be documented in individual project files.

The main purpose of construction supervision is to ensure that all work specified in individual project work write-ups is completed, completed in a satisfactory workmanship-like manner, and completed in a timely manner.

Change Orders: During the course of construction, the community may find it necessary to change the work write-up on any given project. Changes occur with any addition to or with any deletion of items to be accomplished, or with any other change that may occur to the original, as-bid, work write-up that alters the scope of work in any way. Change orders are needed for any and all substitutions that are made to the project as well, even if the dollar value of that work item remains unaffected. Change orders are also needed for time extensions to a rehabilitation construction contract.

Any and all changes to the contract work write-up require a fully executed change order signed by all parties to the contract. Change orders need to be contained in individual project files.

Project Completion / Acceptance: Upon completion of the project (all work except the interior rehabilitation that will disturb painted surfaces, known or presumed to contain lead based paint, and/or interior lead hazard reduction activity accomplished in target housing), the community will conduct a final inspection of the rehabilitation work accomplished on that project (including exterior lead hazard reduction activity work if applicable). The final inspection will be conducted by the program administrator and/or rehabilitation technician in the presence of at least one representative of the community's Rehabilitation Committee and in the presence of the property owner.

It is desired that the contractor(s) attend the final inspection to make note of and to clarify any unfinished and/or questioned work.

The final inspection is made to ensure that all work was completed and was accomplished in accordance with the work write-up and any change orders that were issued, and to ensure that work was accomplished in a satisfactory manner.

Should any rehabilitation work items remain unfinished or in need of rework, a punch-list will be formulated by the community (or its representative) and presented to the contractor(s) for finalization prior to final acceptance and final payment authorization. If work or rework remains, a time frame for completion of such items will also be specified in the punch-list.

For assisted target housing projects involving any interior lead hazard reduction activity, the final inspection is conducted for all rehabilitation work items and/or exterior lead hazard reduction items <u>except</u> the interior rehabilitation work that will disturb painted surfaces (known or presumed to be lead based paint) and/or interior lead hazard reduction activity to be accomplished. In effect, this is an intermediate final inspection. Therefore, all other (non-interior lead-based paint related) work needs to be completed, inspected and accepted prior to the contractor(s) commencing with the interior rehabilitation that will disturb painted surfaces (known or presumed to be lead based paint) and/or interior lead hazard reduction activity.

Temporary relocation will not occur until all other (non-interior lead-based paint related) work has been completed, inspected and accepted. Once the intermediate final inspection has occurred and the occupants and their belongings relocated the interior rehabilitation that disturbs known or presumed lead-based paint and/or lead hazard reduction activity can commence.

As an alternative, <u>reverse work sequencing</u> will be allowed if it better fits the work schedule of the contractor and/or the occupant. If reverse work sequencing is implemented, all interior rehabilitation work that <u>does not</u> disturb painted surfaces and/or <u>does not</u> involve interior lead hazard reduction activity needs to be completed and accepted initially. Temporary relocation will then occur, at which time the interior rehabilitation that disturbs known or presumed lead-based paint and/or interior lead hazard reduction activity can then commence. Upon completion of this work, clearance testing – including a final visual risk assessment– will be conducted on the interior of the dwelling. In effect, this is a partial final visual risk assessment (interior of the dwelling only). After successful clearance testing, the community will authorize re-occupancy of the assisted property. Subsequent to re-occupancy, all exterior

rehabilitation work items and all exterior lead hazard reduction items will then commence. Upon completion of this work the community will conduct a final inspection of all rehabilitation work and lead hazard reduction activity accomplished on the project. At or prior to the final inspection clearance testing and a visual risk assessment will be completed, if applicable, on all of the exterior work accomplished.

Upon completion of the interior lead-based paint related work, specialized cleaning procedures of the affected interior work areas must occur (in accordance with HUD guidelines) and prior to the community conducting the required clearance testing and final visual assessment.

Clearance testing and a final visual assessment must follow the completion of all lead-based paint related work. Clearance testing must be accomplished in accordance with the Iowa Department of Public Health's requirements found at 641-Chapter 70 of the Iowa Administrative Code. Clearance testing results must meet the applicable IDPH standards. If clearance testing fails to meet the applicable IDPH standards, the affected work areas must be re-cleaned by the contractor(s) responsible for this and clearance testing must be re-conducted. This process continues until the project meets IDPH clearance testing standards, including the final visual assessment.

Program funds are to be used only for the initial cost of cleaning for clearance testing. If clearance testing fails to meet the applicable IDPH standards, any and all costs associated with subsequent re-cleaning needs to be borne by the contractor(s) responsible for this. It is extremely important for contractors to follow safe work practices and to thoroughly clean affected work surfaces with the initial cleaning so that successful clearance testing results and successful final visual assessment results are achieved with the initial clearance testing and final visual assessment.

The community will use the "Notification of Lead Based Paint Hazard Reduction Completion and Final Visual Risk Assessment and Clearance Testing Results" form to document its clearance testing results as well as to notify the property owner as required. This form serves as the required notification as well as the IDPH (641-Chapter 70 IAC) required report.

The clearance test and final visual assessment will serve as the "final" final inspection for assisted target housing that includes any interior lead-based paint related work. Assisted target housing involving any interior rehabilitation that disturbs painted surfaces (known or presumed to be lead-based paint) and/or any interior lead hazard reduction activity will effectively entail two final inspections.

When all work is determined to have been satisfactorily completed, the community will execute a Final Completion and Acceptance form. This form requires the actual date of completion and acceptance as well as the signatures of all parties to the contract(s).

Following the execution of the Final Completion and Acceptance form, the community can issue the final payment and the payment of all withholding (retainage) from previous partial payment requests paid, once all lien waivers have been executed by the contractor and are in the community's possession. Prior to making final payment and the payment of withheld funds to the contractor, all manufacturer's and supplier's warranties must have been conveyed to the

property owner by the contractor. An "Anti-Kickback Statement" should also be executed prior to the community making final payment to the contractor.

Written Relocation Policy Guide: The community's written relocation policy must be submitted to IEDA as Exhibit A to the Administrative Plan as a condition of the contract with IEDA. The policy at a minimum must include the following information:

- When relocation is required under the program and how long temporary relocation will typically last
- How much notice will be provided to move and return
- What constitutes an appropriate relocation unit (must be post-1978 or documented as lead-safe by a clearance examination)
- Whose responsibility it is to identify a temporary unit
- What costs may be covered such as a unit provided, units at selected lodging paid directly, meal allowance if there are no cooking facilities, etc.
- How payments will be made

Infeasible Structures: Depending on the extent of the rehabilitation work (the hard costs of rehabilitation) necessary to bring a dwelling and the property as a whole into conformance with IEDA Housing Quality Standards (as applicable), the community may find a dwelling that is structurally and/or financially infeasible to rehabilitate. The community will apply the following formula to all projects in order to determine if that project is feasible for rehabilitation.

"If the community's estimated cost of rehabilitation (the hard cost of rehabilitation) is at, or greater than, fifty percent (50%) of the replacement value for that size of unit, the proposed project will be considered infeasible to rehabilitate".

NOTE 1: The estimated cost of rehabilitation would include all sources of funds, not just the community's program funds.

NOTE 2: Replacement value will be based on sixty-five dollars ($65) per square foot with no basement space figured in; not including porches, breezeways, or attached garages; and with no square footage cost differential in treating second (or more) floors in the computation of total square footage.

Where a dwelling is determined infeasible for rehabilitation using the above formula, the community reserves the right to withdraw its offer of financial assistance toward that project and to its property owner.

Roles and Responsibilities

Community: The overall authority for the implementation and administration of the community's owner-occupied rehabilitation program is with the community itself. This responsibility rests with the chief elected officials of the community (i.e., the mayor and city council or the board chair and supervisors).

The primary responsibility of the community is to ensure that the program is carried out in accordance with its contract with the Iowa Economic Development Authority (IEDA), and to ensure compliance with all applicable state and federal requirements governing the program funds associated with the community's owner-occupied rehabilitation program.

Rehabilitation Committee: The community will establish a local oversight committee. This Rehabilitation Committee will be appointed by the chief elected official and be charged with certain programmatic responsibilities. At least one community representative (a City Councilperson or County Board Supervisor) will serve on this committee. Responsibilities of the Rehabilitation Committee include, but are not limited to:

- Final approval authorization of all applications for assistance;
- Individual rehabilitation construction contracts approval authorization;
- Grievance and dispute resolution responsibilities;
- Representation during final inspection;
- Long-term monitoring responsibilities to ensure that assisted properties remain the principal places of residence to the assisted property owners for the prescribed period tied to the community's financial assistance (i.e., the five-year receding forgivable loan); and
- Oversight of any recaptured funds received from any five-year receding forgivable loans that go into default.

Program Administrator and/or Rehabilitation Technician: The community will designate certain staff for the day-to-day programmatic administrative responsibilities. This may be community staff or designated staff of a third party entity under contract with the community. Those responsible for the day-to-day programmatic administration may be one or more persons.

The primary responsibilities of the program administrator and/or rehabilitation technician include, but are not limited to:

- Marketing of the program to applicants and contractors;
- Application intake and processing;
- Ranking of applications received;
- Property and applicant eligibility determination processes;
- Verification of applicant information received documenting their eligibility to participate;
- Initial inspections;
- Work write-ups;
- Cost estimates;
- Historical clearances;
- Feasibility determinations;
- Level of benefit and determination of amount of assistance;
- The determination of lead hazard reduction need for all assisted target housing (recall that this can only be accomplished by Iowa-certified Sampling Technicians, Lead Inspectors / Risk Assessors, or Elevated Blood Lead (EBL) Inspectors / Risk Assessors);

- Revisions and finalization of individual project work write-ups, as applicable;
- Contractor procurement;
- Contracting;
- Temporary relocation (as applicable);
- Construction supervision (inspections, change orders, contractor payments, lead hazard reduction oversight, etc.);
- Project completion, final inspection(s), clearance testing and final visual assessment (as applicable) and final acceptance;
- Grievance and dispute resolution responsibilities; and
- Progress reporting to the Rehabilitation Committee, the community and the IEDA.

Rehabilitation Standards

Housing rehabilitation project will follow IEDA's Housing Quality Standards. The full standards are listed in the CDBG Management Guide.

Lead Based Paint Requirements

The community will comply with HUD's lead hazard reduction requirements through the duration of the program.

Target Housing—Lead Hazard Reduction: All target housing properties assisted with the community's program funds must comply with HUD's Lead Safe Housing Regulations. All lead based paint hazards must be identified and subsequently addressed (reduced) in target housing assisted with the community's program funds. Lead hazard reduction activity will be conducted in conjunction and/or in combination with the rehabilitation work determined from the community's initial inspection and included in a final, revised work write-up prior to the procurement of a contractor(s). All assisted target housing (i.e., the entire dwelling and the property as a whole) with an assistance investment greater than $5,000 must be made at least temporarily "lead safe" at the conclusion of clearance testing and final visual assessment.

The determination of lead hazard reduction need is based on (and directly tied to) the community's estimated cost of rehabilitation for that project (the hard costs of rehabilitation). This determination is first based on the amount of program funds (and/or other HUD funds) to be used for rehabilitation, and secondly, based on the actual approach the community takes to physically determine the lead hazard reduction need (i.e., paint testing and risk assessment or the presumption of lead-based paint).

For target housing projects where the estimated cost of rehabilitation is $5,000 or less in program funds (and/or other HUD funds), lead hazard reduction need is determined by testing all painted surfaces that will be disturbed by the rehabilitation activity. Painted surfaces found to contain lead-based paint (those that will be disturbed during rehabilitation) must be repaired if deteriorated paint or lead-based paint hazards are present. The work items specified in the

community's final, revised work write-up (rehabilitation and lead hazard reduction activity combined) for the repair of such painted surfaces to be disturbed will include, or compensate for, the lead hazard reduction activity needed.

The community may presume that assisted target housing in this estimated rehabilitation cost range contains lead-based paint. Where lead-based paint is presumed to be present, testing of painted surfaces is not required. Where lead-based paint is presumed to be present, all painted surfaces disturbed during rehabilitation must be repaired and the lead hazard reduction need determined accordingly by the community's certified lead professional.

For target housing projects where the estimated cost of rehabilitation is between $5,001 and $24,999 in program funds (and/or other HUD funds), lead hazard reduction need is determined by testing of painted surfaces to be disturbed by the rehabilitation activity and conducting a risk assessment of the entire property. From the paint testing and risk assessment results, all painted surfaces containing lead-based paint that will be disturbed during rehabilitation will be identified and all lead-based paint hazards (including dust-lead hazards and soil-lead hazards) will be identified.

Work items specified to reduce the lead-based paint hazards identified from the required paint testing and the risk assessment will be considered as "interim controls". The interim controls specified in the community's final, revised work write-up, in addition to the rehabilitation work items, will include, or compensate for, the lead hazard reduction activity (interim controls) needed.

Communities may also presume that assisted target housing in this estimated rehabilitation cost range contains lead-based paint. Where lead- based paint is presumed to be present, testing of painted surfaces and conducting a risk assessment is not required. Work items specified to reduce lead-based paint hazards presumed to contain lead-based paint will be considered as "standard treatments". The standard treatments specified in the final, revised work write-up, in addition to the rehabilitation work items, will include, or compensate for, the lead hazard reduction activity (standard treatments) needed.

The determination of all lead hazard reduction activity needed to make a project lead safe following clearance testing results and final visual assessment that meet IDPH standards is first based on the amount of program funds (and/or other HUD funds) to be applied toward the hard cost of rehabilitation, and secondly, based on the approach the community takes for making this determination (i.e., paint testing and risk assessment or the presumption of lead-based paint).

Once all lead hazard reduction activity to be accomplished has been determined by the Community's certified lead professional, the community will compare these work items to its original initial inspection and work write-up that defines the rehabilitation work items to be accomplished. It is possible that one or more of the rehabilitation work items specified will effectively reduce or eliminate an identified (known or presumed) lead-based paint hazard(s). Where lead-based paint hazards will not be addressed with the specified rehabilitation work items, additional lead hazard reduction work items (i.e., interim controls or standard

treatments) will need to be added to the rehabilitation work items. A final, revised work write-up is then generated that incorporates all rehabilitation work items and all lead hazard reduction work items. This final, revised work write-up will then be used for the procurement of a contractor(s) to do the work.

The community must retain all original work write-ups and cost estimates and include them in the respective project files. Individual project cost estimates of the rehabilitation work items specified in the original work write- ups are the basis for determining what needs to be accomplished from a lead hazard reduction standpoint for each project.

The determination of lead-based paint hazards, regardless of the estimated cost of rehabilitation, can only be accomplished by certain Iowa-certified lead professionals. Paint testing and risk assessments can only be accomplished by lead professionals certified in Iowa as Lead Inspectors / Risk Assessors or Elevated Blood Lead (EBL) Inspectors / Risk Assessors. The determination of presuming that lead-based paint is present in target housing may be made by lead professionals certified in Iowa as Sampling Technicians or Lead Inspectors / Risk Assessors or Elevated Blood Lead (EBL) Inspectors / Risk Assessors. The required clearance testing and final visual assessment that follows completion of projects where lead hazard reduction activity occurred (regardless of the estimated cost of rehabilitation) may be conducted by any of the certified lead professionals referenced above. The community will employ all necessary Iowa-certified lead professionals.

There are notification requirements associated with the identification of lead-based paint hazards in target housing assisted with program funds (and/or other HUD funds).

Where the community conducts paint testing and risk assessments to determine the lead hazard reduction need, the community must convey to the assisted property owner the "Notification of Lead- Based Paint Inspection and Risk Assessment" form. This notification must be conveyed to the assisted property owner no later than fifteen days after the testing results have been received by the community (if applicable) and the evaluation (risk assessment) has been completed. A Lead Based Paint and Risk Assessment report must be prepared in accordance with the requirements found in the IDPH's 641-Chapter 70 IAC.

Where the community presumes that lead-based paint and/or lead- based paint hazards exist in assisted target housing, the community must convey to the assisted property owner the "Notification That Lead-Based Paint or Lead-Based Paint Hazards are Presumed to be Present" form. This notification must be conveyed to the assisted property owner no later than fifteen days after the presumption determination was made. A Visual Risk Assessment report must be prepared in accordance with the requirements found in the IDPH's 641-Chapter 70 IAC.

Any rehabilitation work that disturbs painted surfaces (i.e., paint that is known or presumed to be lead-based paint) and any other lead hazard reduction activity not accomplished with the rehabilitation work items (excluding the allowable de minimis

areas) can only be accomplished by contractors who have been trained in safe work practices.

Target Housing—Occupancy

Scheduling the Lead-Based Paint Work: The community will first coordinate with its contractors and property owners, the timing and sequence of all non-lead-based paint related interior and exterior rehabilitation work (i.e., those items that do not disturb painted surfaces; those items disturbing painted surfaces that are documented as not being lead-based paint; or those items that fall within the allowable de minimis areas), and any exterior lead-based paint related rehabilitation work and/or exterior lead hazard reduction activity, so that all of this work combined is accomplished prior to the start of any interior lead-based paint related rehabilitation work (i.e., interior work that disturbs painted surfaces, known or presumed to be lead-based paint, and/or any interior lead hazard reduction activity).

Worksite Restricted Entry and Security

No Occupants at Worksite: Occupants shall not be permitted to enter the worksite during lead hazard reduction activities until after hazard reduction work has been completed and clearance has been achieved.

Protection of Occupants' Belongings: The dwelling and worksite shall be secured against unauthorized entry and occupants' belongings shall be protected from contamination during hazard reduction activities by relocating or covering and sealing all belongings.

Occupant Protection Measures

All households will be provided the option of temporary relocation. Households with children under six years of age and/or a pregnant woman (if known) must be temporarily relocated as described below in the Temporary Relocation section.

Households that will not have safe access to sleeping areas, bathroom, and kitchen facilities outside the sealed work area must be temporarily relocated as described below in the Temporary Relocation section.

Households that live in houses that will require more than five calendar days to complete the lead hazard reduction activity for the interior of the house must be temporarily relocated as described below in the Temporary Relocation section.

Households that are not required to temporarily relocate and do not choose temporary relocation will be required to vacate the house during the work hours and have no access to the worksite when in the house after work hours except for households where all occupants of the house are at least 62 years old. The requirements that apply to projects where the households do not temporarily relocate (except for households where all occupants are at least 62 years old) are described in the "Eight Daytime Hours or Five Calendar Days" section.

Households that that do not include any person under 62 years old and that have received complete disclosure of the nature of the work are not required to leave the house if there will be safe access to sleeping areas, bathroom, and kitchen facilities outside the sealed work area (worksite) and if each occupant of the house signs an "Elderly Waiver for Relocation."

Eight Daytime Hours or Five Calendar Days

Eight Daytime Hours: Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste).

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Five Calendar Days: Treatment of the interior will be completed within 5 calendar days, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health or environmental hazards; and, at the end of work on each day, the worksite and the area within at least 10 feet (3 meters) of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

Prior to the start of the lead hazard reduction work the worksite shall be sealed to prevent the release of leaded dust, and to contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted.

<u>For either Eight Daytime Hours or for Five Calendar Days, the work area will be sealed and no occupant will enter the work area until all such work has been completed AND successful clearance testing and final visual assessment results meeting IDPH standards has been achieved.</u>

Temporary Relocation: Temporary relocation is required for the following households during interior work in target housing that disturbs areas that have or are presumed to have lead-based paint:

- all households with children under six and/or a pregnant woman (if known)
- for projects where there will not be safe access to sleeping areas, bathroom, and kitchen facilities during the lead hazard reduction work
- for projects that will require more than five days to complete the lead hazard reduction work
- any household that requests temporary relocation

The relocated households and their personal belongings will be fully protected during any rehabilitation work that disturbs painted surfaces (known or presumed to contain lead-based paint) and during any lead hazard reduction activity. Any personal belongings not temporarily relocated (e.g., large pieces of furniture, etc.) will be protected (e.g., covered and sealed) so

that they will not become contaminated with lead-contaminated dust or construction debris during such interior work.

The household will be relocated to a suitable, safe / decent / sanitary living arrangement that is free of any lead-based paint hazards (post-1978 unit or clearance examination). Temporary relocation will continue to be provided until the interior lead- based paint related work has been completed, the work area(s) thoroughly cleaned (using HUD recommended specialized cleaning methods) and clearance testing and final visual assessment (interior or exterior) has been conducted with results achieved that meet IDPH standards. The community will not authorize entry or re-occupancy of the assisted property by the relocated household until all such work has been completed and successful clearance testing and final visual assessment results meeting IDPH standards has been achieved.

Some, if not all, of the relocated household's belongings must also be temporarily relocated (or adequately protected), prior to the start of such interior work. The occupant's belongings will be relocated to a safe and secure location (e.g., a lockable storage facility) accessible only to their owners. Any personal belongings not temporarily relocated (such as large pieces of furniture) must be covered and sealed to prevent possible contamination from lead-contaminated dust or construction debris during interior lead-based paint related rehabilitation and/or lead hazard reduction activity.

Appeal/Complaint Procedure

Step 1: Any grievances or disputes arising between a property owner and the contractor(s) will initially be mediated by the community's program administrator and/or rehabilitation technician. It is the grieving (or disputing) party's obligation to contact the community's program administrator and/or rehabilitation technician with a detailed account of the issue(s) comprising the grievance or dispute. The program administrator and/or rehabilitation technician will make a determination of resolution on the issue(s) brought to their attention and convey to both the property owner and the contractor a course of action to be taken, in what time frame, and by whom.

Step 2: Should either party contest the community's program administrator's and/or rehabilitation technician's initial decision, a request for an appeal hearing by the community's Rehabilitation Committee may be made. This request must be made in writing. The Community's Rehabilitation Committee will set a date, time, and place for this appeal hearing and notify the parties of same. The Rehabilitation Committee will make their determination at, or shortly after, their meeting and convey their determination of resolution to the issue(s) raised, in writing, to both parties. The Rehabilitation Committee's determination will convey to both parties a course of action to be taken, in what time frame, and by whom.

Step 3: Should either party contest the Rehabilitation Committee's decision, a request to appeal this decision may be made to the community's governing body (i.e., mayor and city council; chair and board of supervisors; etc.). The decision of the community's governing body will be conveyed, in writing, to both parties. The governing body's determination will

convey a course of action to be taken, in what time frame, and by whom. The decision of the community's governing body will be final and binding on all parties.

Step 4: In the event that the grievance or dispute remains unresolved to the satisfaction of either party, the right to file legal action remains the last and only recourse available to the grieving or disputing party.

Should a grievance or dispute arise between either the property owner or the contractor and the community's program administrator and/or rehabilitation technician, the procedure to follow is the same as described above, except that Step 1 would be omitted.

Written grievances or disputes that are received by the IEDA directly (or indirectly) from a property owner, the contractor or a representative of the property owner or contractor will be forwarded to the community for resolution. Resolution is to follow the above described process.

Program Amendments

Communities will provide a written proposal to amend policies and procedures established in the administration plan to Region XII Council of Governments, Inc. to submit to IEDA for approval.

Conflicts of Interest

The city will refer to 24. CFR.570.611 (CDBG regulations on conflicts of interest) should a potential conflict of interest arise and follow guidance provided in these regulations.

Definitions

Several of the definitions pertaining to lead hazard reduction activity have been added and/or modified to conform with, and to be consistent with, the Iowa Department of Public Health's (IDPH's) administrative rules found at 641-Chapter 70 of the Iowa Administrative Code (IAC).

For the purpose of owner-occupied rehabilitation activities performed under the Iowa Economic Development Authority's (IEDA's) Housing Fund, such definitions are verbatim with the IDPH's administrative rules except for the following definitions: "certified lead professional"; "dust-lead hazards"; "interim controls"; "hazardous lead-based paint"; "soil-lead hazard"; "standard treatments"; and "target housing". Modifications made to these definitions were made to delete any and all reference to child occupied facilities, housing specifically designated for the elderly or persons with disabilities, single room occupancy units, and multi-family activities, none of which have relevance to an owner-occupied rehabilitation activity performed under a Housing Fund award.

Adjusted (Gross) Household Income: The definition of adjusted (gross) household income, as used for the community's owner-occupied rehabilitation program, is the same as the definition used in the U.S. Department of Housing and Urban Development's (HUD's) Section 8 Housing Assistance Payments programs (24 CFR, Part 813). Adjusted income is annual (gross) household income reduced by certain deductions for dependents, elderly households, medical expenses, childcare, and expenses related to assistance for persons with disabilities. Adjusted (gross) household income is used only to determine the level of benefit available to the community's applicants.

Annual (Gross) Household Income: The definition of annual (gross) household income, as used for the community's owner-occupied rehabilitation program, is the same as the definition used in HUD's Section 8 Housing Assistance Payments programs (24 CFR, Part 813). Annual (gross) household income is used in the determination of income eligibility. (Refer to Section 7.3 for more detail on how an applicant's annual (gross) household income is used in the community's owner-occupied rehabilitation program).

Certified Lead Professional: Certified Lead Professional means a person who has been certified by the Iowa Department of Public Health as a Lead Inspector / Risk Assessor, Elevated Blood Level (EBL) Inspector / Risk Assessor, Lead Abatement Contractor, Lead Abatement Worker, Project Designer, Sampling Technician, or Lead-Safe Renovator.

Chewable Surfaces: Means interior or exterior surfaces painted with lead- based paint or presumed to be painted with lead-based paint that a young child could mouth or chew (previously known as accessible surfaces).

Community: Community, as used in this document, means the recipient of the IEDA's Housing Fund (i.e., funds awarded for the owner-occupied housing rehabilitation program).

De Minimis Levels: The application of safe work practices to rehabilitation projects by the participating contractors and subcontractors is not required when rehabilitation work and/or lead hazard reduction activities do not disturb painted surfaces that total more than:

- Twenty (20) square feet on exterior surfaces;
- Two (2) square feet in any one interior room or space, or
- Ten percent (10%) of the total surface area of an interior or exterior component with a small surface area (e.g., windowsills, baseboards, trim, etc.).

Dust-lead hazard means surface dust in residential dwellings that contains a mass-per-area concentration of lead equal to or exceeding 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on dust wipe samples. A dust-lead hazard is present in a residential dwelling when the weighted arithmetic mean lead loading for all single-surface or composite samples of floors and interior windowsills is equal to or greater than 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on dust wipe samples.

Friction Surfaces: Friction surfaces mean interior or exterior surfaces that are subject to abrasion or friction, including, but not limited to, certain window, floor and stair surfaces.

Hazardous Lead-Based Paint: Hazardous Lead-Based Paint means lead- based paint (known or presumed to be lead-based paint) that is present on a friction surface where there is evidence of abrasion or where the dust-lead level on the nearest horizontal surface underneath the friction surface (e.g., the windowsill or floor) is equal to or greater than the dust-lead level; lead-based paint that is present on an impact surface that is damaged or otherwise deteriorated from impact; lead-based paint that is present on a chewable surface; or any other deteriorated lead-based paint in the residential dwelling or on the exterior of the residential dwelling.

Impact Surfaces: Impact surfaces mean interior or exterior surfaces that are subject to damage by repeated sudden force, such as certain parts of doorframes.

Interim Controls: Interim controls means a set of measures designed to temporarily reduce human exposure to lead-based paint hazards, including repairing deteriorated lead-based paint, specialized cleaning, maintenance, painting, and temporary containment. For the purpose of this program, interim controls must address all lead-based paint hazards in the assisted housing. The lead-based paint hazards must be identified by an Iowa certified lead inspector / risk assessor or an Iowa certified elevated blood lead (EBL) inspector / risk assessor through paint testing and a risk assessment.

Iowa Economic Development Authority (IEDA): The IEDA is the primary funding source for the community's owner-occupied rehabilitation program through its federally (HUD) financed program known as the Housing Fund.

Iowa Department of Public Health (IDPH): In Iowa, the IDPH is the regulatory agency overseeing, in part, the Lead-Based Paint Activities Training and Certification program. The IDPH also establishes minimum work practice standards for lead professional activities.

Household: Household means one or more persons occupying a dwelling.

Lead-Based Paint: Lead-based paint means paint or other surface coatings that contain lead greater than or equal to 1.0 milligram per square centimeter or greater than 0.5 percent by weight. Lead-based paint is present on any surface that is tested and found to contain lead greater than or equal to 1.0 milligram per square centimeter or greater than 0.5 percent by weight and on any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

Lead-Based Paint Hazard: Lead-based paint hazard means hazardous lead- based paint, a dust-lead hazard, or a soil-lead hazard.

Lead Hazard Reduction: Lead hazard reduction means the reduction of lead-based paint hazards through interim controls or standard treatments. For purposes of this program, lead hazard reduction activities temporarily reduce lead- based paint hazards.

Lead Hazard Reduction Carrying Costs: Lead hazard reduction carrying costs are basically administrative in nature. Lead hazard reduction carrying costs are the additional costs incurred by the community's lead professional staff to ensure that target housing is lead safe at the completion of the rehabilitation project following required clearance testing and final visual risk assessment. Lead hazard reduction carrying costs include, but are not limited to, required notifications and reports (preparation and/or conveyance), required paint testing and risk assessment (including laboratory analysis costs) or presumption of lead-based paint and/or lead-based paint hazards, visual risk assessment following the presumption of lead-based paint and/or lead-based paint hazards, revising project work write- ups to include lead hazard reduction activities and methodologies, construction oversight to ensure that safe work practices are used by participating contractors and subcontractors, and clearance testing and final visual assessment (including laboratory analysis costs).

Lead Professional: Lead professional means a person who conducts lead abatement, lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, visual risk assessments, clearance testing after lead abatement, or clearance testing after interim controls, paint stabilization, standard treatments, or rehabilitation pursuant to 24 CFR 35.1340.

Lead Safe: "Lead safe" is the temporary condition of assisted housing immediately following the application of interim controls, paint stabilization, or standard treatments to temporarily reduce lead-based paint hazards and upon passing clearance testing and final visual assessment that meets the Iowa Department of Public Health (IDPH) standards. Lead hazard reduction measures incorporated into the community's target housing rehabilitation projects (including paint stabilization, interim controls, and standard treatments) only <u>temporarily</u> reduces exposure by the occupants of the dwelling to lead-based paint hazards. Lead hazard reduction activity <u>does</u> <u>not</u> result in the assisted property being <u>permanently</u> free of lead-based paint and/or lead-based paint hazards. Additionally, rehabilitation projects receiving $5,000 or less in Housing Fund assistance (for the hard costs of rehabilitation) are not considered lead safe, only those areas (components) of the dwelling specifically addressed with, or affected by, the rehabilitation work and/or lead hazard reduction activity and has passed clearance testing and final visual assessment are considered "lead safe", not the entire dwelling.

Lead Safe Housing Regulations: The Lead Safe Housing Regulations are technically known as the "Requirements for Notification, Evaluation, and Reduction of Lead Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule" found at 24 CFR Part 35 et.al.

Median Household Income: Median household income means the area median household income established annually by HUD, by county, and based on household size.

Paint Stabilization: Paint Stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint from surfaces to be treated, and applying new paint or other protective coating pursuant to 24 CFR Part 35.

Paint Testing: Paint Testing means the process of determining, by a certified lead inspector / risk assessor or certified elevated blood lead (EBL) inspector / risk assessor, the presence or absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced pursuant to 24 CFR Part 35 et. al.

Prohibited Methods of Paint Removal: The following methods shall not be used to remove paint that is, or presumed to be, lead-based paint:

- Open flame burning or torching;
- Machine grinding or sanding without high efficiency particulate air (HEPA) local exhaust control;
- Abrasive blasting or sandblasting without HEPA local exhaust control;
- Heat guns operating above 1,100 degrees Fahrenheit;
- Dry sanding or dry scraping (except dry scraping in conjunction with heat guns or within one foot of electrical outlets, or in areas that fall within the de minimis levels); or
- Paint stripping in poorly ventilated space using volatile strippers.

Program Funds: Program funds, as used in this document, means HUD funds awarded to the community from the IEDA's Housing Fund, even though there may be other HUD funds or other federal funds used in the community's owner-occupied rehabilitation program

Rehabilitation Standards: Rehabilitation standards, for the purpose of the community's owner-occupied rehabilitation program, are IEDA Housing Quality Standards, v.06.01.2016 (applicable to all communities where no other local codes, standards or ordinances exist).

Safe Work Practices: Safe Work Practices include: a) prohibited methods of paint removal, b) occupant protection, c) work site preparation, d) worker protection, e) specialized cleaning, and f) the de minimis levels.

Standard Treatments: Standard treatments means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a residential dwelling without the benefit of a lead-based paint inspection and a risk assessment. Standard treatments consist of the stabilization of all deteriorated interior and exterior paint, the provision of smooth and cleanable horizontal interior hard surfaces, the correction of dust-generating conditions (i.e., conditions causing rubbing, binding, or crushing of surfaces presumed to be coated with lead-based paint), and the treatment of bare soil to control presumed soil-lead hazards.

Soil-Lead Hazard: Soil-Lead Hazard means bare soil on residential real property that contains total lead in excess of 400 parts per million for the dripline, mid-yard, and play areas. A soil-lead hazard is present in a dripline, mid-yard, or play area when the soil-lead concentration from a composite sample of bare soil is equal to or greater than 400 parts per million.

Target Housing: Target housing generally means any housing constructed prior to January 1, 1978. Refer to the Lead Safe Housing regulations found at 24 CFR Part 35 for exemptions.

U.S. Department of Housing and Urban Development (HUD) : HUD is the funding source for the IEDA's Housing Fund.

"Worksite" or "work area" means an interior or exterior area where lead- based paint hazard reduction activity or renovation takes place. There may be more than one worksite in a dwelling unit

TEMPORARY RELOCATION POLICY

The following relocation policies shall be followed:

1) Relocation shall be required under the following circumstances:
   a. When the residence is undergoing work that disturbs areas that have or are presumed to have lead based paint.
   b. When safe access to, and use of, sleeping areas, bathrooms and kitchen facilities is not available for period of at least eight (8) consecutive hours.
   c. When occupancy of the residence is not reasonable due to the presence of lead hazards, excessive noise, excessive airborne particles, electrical hazards, lack of heat, lack of running water, plumbing issues, lack of ingress/egress or any other reasons as verified by the program administrative entity and rehabilitation technician.
   d. NOTE: Households participating in the program in which all occupants are sixty-two (62) years of age or older are NOT required to leave the home if there will be safe access to sleeping areas, bathroom and kitchen facilities and if each occupant of the home signs an Elderly Waiver of Relocation form.
2) Contractors will be required to provide a minimum of five (5) working days notice prior to relocation being required.
3) Contractors shall notify residents within not more than one (1) working day of when the home has been certified for re-occupancy by the program administrative entity and rehabilitation technician.
4) All relocation units will be selected by the program administrator in consultation with the displaced persons and will be suitable, safe, decent and similarly accessible and must be constructed after January 1, 1978. All units will be inspected by the program administrative entity and rehabilitation technician prior to being approved for relocation. Units should be in as close a proximity to the permanent residence as feasible.
5) It is anticipated that temporary relocation will typically be for duration of five (5) to ten (10) working days. A provision will be placed in all rehabilitation contracts deducting temporary relocation costs from payments due the contractor beginning immediately after the fifteenth (15th) working day of relocation.
6) The City/County will, through the CDBG program, cover the following relocation related expenses:
   a. Cost of lodging, (rent, lease, hotel/motel).
   b. Cost of storage of essential household goods as needed.
   c. Per diem cost of food if no cooking facilities are available on site. d. Cost of utilities, (if applicable).
   e. Cost of moving, (if applicant is incapable of moving without assistance).
   f. Aggregate relocation costs shall be capped at $ **1,000.00** /household. g. Payments will be based upon actual costs incurred within not later than 20 days of the local government's receipt of proper expense documentation.

_____ _____

Homeowner Signature Date

RESOLUTION NO. _____

A RESOLUTION AMENDING POLICY NO. 0106 –
CODE OF CONDUCT

WHEREAS, the City of Carroll plans to submit an application for a Community Development Block Grant (CDBG) Owner Occupied Housing Rehabilitation Grant and;

WHEREAS, the City of Carroll's current Code of Conducts needs to be updated for the grant and;

WHEREAS, the City Council of the City of Carroll, Iowa, finds that the amended Policy No. 0106 – Code of Conduct is acceptable and should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll, Iowa, that the attached amended Policy No. 0106 – Code of Conduct is approved.

PASSED AND APPROVED this 22nd day of April, 2019.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

_____
Eric P. Jensen, Mayor

Attest:

_____
Laura A. Schaefer, City Clerk

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject	Policy No.
Code of Conduct	0106
Responsible Division(s), Office(s)	**Related Policies & Procedures**
All	
Effective/Revision Date	**Approval(s)**
5/24/99; 4/22/19	~~Gerald L. Clausen~~ Mike Pogge-Weaver

Purpose: The purpose of the Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with ~~27 CFR; Part 84 (85-36(b.)(3))~~ 2 CFR Part 200.318 and other applicable federal and state standards, regulations and laws.

Application: This ~~e~~Code of Conduct applies to all officers, employees, or agents of the City of Carroll engaged in the award or administration of contracts supported by federal grant funds.

Requirements: No officer, employee, or agent of the City of Carroll shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

a. The employee, officer, or agent;
b. Any member of his/her immediate family;
c. His/her partner; or
d. An organization which employs, or is about to employ any of the above; or, has a financial or other interest in the firm selected for award.

~~has a financial or other interest in the firm selected for award.~~

The City of Carroll officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

Fraud, Waste and Abuse: The City of Carroll has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify the City of Carroll of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to the City of Carroll.

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Remedies: To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Carroll officer, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

RESOLUTION NO. _____

A RESOLUTION AMENDING POLICY NO. 0107 –
EQUAL OPPORTUNITY POLICY STATEMENT

WHEREAS, the City of Carroll plans to submit an application for a Community Development Block Grant (CDBG) Owner Occupied Housing Rehabilitation Grant and;

WHEREAS, the City of Carroll's current Equal Opportunity Policy Statement needs to be updated for the grant and;

WHEREAS, the City Council of the City of Carroll, Iowa, finds that the amended Policy No. 0107 – Equal Opportunity Policy Statement is acceptable and should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll, Iowa, that the attached amended Policy No. 0107 – Equal Opportunity Policy Statement is approved.

PASSED AND APPROVED this 22nd day of April, 2019.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

_____
Eric P. Jensen, Mayor

Attest:

_____
Laura A. Schaefer, City Clerk

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject	Policy No.
Equal Opportunity Policy Statement	0107
Responsible Division(s), Office(s)	**Related Policies & Procedures**
All	
Effective/Revision Date	**Approval(s)**
May 24, 1999; April 22, 2019	~~Gerald L. Clausen~~ Mike Pogge-Weaver

It is the policy of the City of Carroll to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer is programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, ~~handicap~~disability, age, familial status, political affiliation, ~~or~~ citizenship or sexual orientation.

The ~~Mayor~~ City of Carroll has ultimate responsibility for the overall administration of the affirmation action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the ~~Mayor's~~ City of Carroll's responsibility. The ~~Mayor~~ City of Carroll will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The City of Carroll guarantees the right of appeal and recourse. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the City of Carroll because of race, creed, color, religion, sex, national origin, ~~handicap~~ disability, age, political affiliation, sexual orientation or citizenship has the right to file an equal opportunity complaint. The City Manager, who can be contacted at 712/792-1000, shall provide information relative to equal opportunity complaints.

This Equal Opportunity Policy of the City of Carroll shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

RESOLUTION NO. _____

A RESOLUTION APPROVING NEW POLICE POLICY –
CROWD MANAGEMENT

WHEREAS, the Police Department has prepared the attached new Policy – Crowd Management, and

WHEREAS, the City Council of the City of Carroll, Iowa, finds that new Policy – Crowd Management is acceptable and should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll, Iowa, that the attached Policy – Crowd Management is approved.

PASSED AND APPROVED this 22nd day of April, 2019.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

_____
Eric P. Jensen, Mayor

Attest:

_____
Laura A. Schaefer, City Clerk

Effective Date	Number

Subject		
Crowd Management		
Reference	Special Instructions	
Distribution	Reevaluation Date	No. Pages 5

I. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

II. POLICY

It is the policy of this agency to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved. Personnel shall not interfere with any individual engaged in non-violent civil rights demonstrations. Personnel shall not block entrances or exits to a public facility where non-violent demonstration is occurring.

III. DEFINITIONS

Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

Crowd Control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.

Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

Demonstration: A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.

IV. PROCEDURES

A. Preparation and Planning

1. Every effort should be made to make advance contact with event organizers and to gather the following necessary information about the event to ensure accurate assignment of personnel and resources:
    a. What type of event is involved?
    b. When is it planned?

c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
d. Is opposition to the event expected?
e. How many participants are expected?
f. What are the assembly areas and movement routes?
g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
h. What critical infrastructures are in the proximity of the event?
i. Have permits been issued?
j. Have other agencies such as fire and EMS been notified?
k. Is there a need to request mutual aid?
l. Has the appropriate level of properly equipped personnel been allocated to ensure safety of bystanders, officers, and demonstrators?
m. Will off-duty personnel be required?
n. What is the history of conduct at such events?
o. Are event organizers cooperative?
p. Who are the potential counter-protest groups?
q. Is there a history of violence between the group demonstrating and potential counter-protest groups?

2. The incident commander (IC) or a designee, shall prepare a written plan subject to the approval of the chief executive officer or his or her designee.

B. Management and Organization Principles

1. Government may impose reasonable restrictions on the time, place, and manner in which persons assemble and engage in free speech activity. This agency shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, facilitate uninhibited speech, commerce, and freedom of movement.

2. Organization of responsibilities shall be as follows:
   a. The chief executive officer shall designate an incident commander (IC) responsible for overall control of a demonstration or civil disturbance.
   b. The IC shall implement the written plan.
   c. In the case of a widely dispersed demonstration or disturbance, or event with multiple locations, multiple ICs may be assigned at the discretion of the chief executive officer.
   d. The IC shall be responsible for preparing operations plans and management details associated with planned demonstrations.

3. The primary objectives of the IC at a civil disturbance are to accomplish the following:
   a. Protect persons, regardless of their participation in the disturbance.
   b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence.
   c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.

C. General Crowd Response

1. Officers shall be deployed to monitor crowd activity. Sufficient resources to handle multiple unruly persons should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
2. Uniformed personnel shall wear full uniform with clear identification.
3. Officers shall be positioned in such a manner as to minimize contact with the assembled crowds.
4. Officers should avoid engaging in conversations related to the demonstration with attendees, refrain from reacting in response to comments from demonstrators, and maintain a courteous and neutral demeanor.
5. Persons who reside, are employed, or have emergency business within the area marked off by a police line shall not be prevented from entering the area unless circumstances suggest that their safety would be in jeopardy or their entry would interfere with law enforcement operations.
6. Individuals designated by the IC should establish and maintain communication with event organizers and relay information on crowd mood to the IC.
7. Supervisors should maintain close contact with their assigned officers to ensure compliance with orders, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent.
8. Audio and video recording of agency crowd response should be considered for evidentiary purposes.
9. Mass arrests shall be avoided, unless necessary.
10. Officers shall ensure that a means of egress for all individuals is present at all times.

D. Response to Spontaneous Civil Disturbances

1. The first officer to arrive on the scene of a spontaneous civil disturbance should
    a. observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
    b. notify communications of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, the location and estimated number of participants, current activities (e.g., blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
    c. request the assistance of a supervisor and necessary backup;
    d. attempt to identify crowd leaders and agitators engaged in criminal acts; and
    e. at the first available opportunity, request the crowd to voluntarily disperse.

2. The first supervisor in charge at the scene should
    a. deploy officers at vantage points to report on crowd actions;
    b. establish a perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
    c. ensure that, to the degree possible, uninvolved individuals are evacuated from the immediate area of the disturbance;

d. establish a temporary command post;
e. provide ongoing assessment to communications;
f. move and reroute pedestrian and vehicular traffic around the disorder;
g. control unauthorized ingress and egress by participants
h. prevent outside attempts to assist or reinforce participants
i. ensure adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
j. support and relief for personnel are available;
k. ensure a secure staging area for emergency responders and equipment is designated;
l. designate liaison and staging points for media representatives are established and available information is provided as appropriate;
m. ensure photographic or video evidence is preserved, in accordance with applicable law and agency policy, of crowd actions and officer response;
n. determine the need for full mobilization of sworn officers and the recall of off-duty officers are determined.

E. Use of Force
1. Officers should follow deadly and non-deadly force policy.

2. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization.

F. Crowd Dispersal
1. Before ordering forced dispersal of a civil disturbance, the IC should determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
   a. Establish contact with event organizers or crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
   b. Communicate to the participants that their assembly is in violation of the law and that the agency wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
   c. Target specific violent or disruptive individuals for arrest.

2. Prior to issuing dispersal orders, the IC should ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical operations and that logistical needs for making mass arrests are in place.

3. When the IC has made a determination that crowd dispersal is required, he or she shall direct orders to issue warnings prior to taking action to disperse the crowd.
   a. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
   b. A second and third warning should be issued at reasonable time intervals before designated actions are taken to disperse the crowd.

c. Where possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

4. Specific crowd dispersal tactics should be ordered as necessary where the crowd does not heed warnings.

G. Mass Arrest

During a civil disturbance, it may be necessary to make arrests of numerous individuals over a relatively short period of time.

RESOLUTION NO. _____

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

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

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the City of Carroll will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305)
- Target only those properties deemed essential to the need or success of the project.

RELOCATION ASSISTANCE TO DISPLACED PERSONS

the City of Carroll will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

ONE-FOR-ONE REPLACEMENT OF LOWER-INCOME DWELLING UNITS

The City of Carroll will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG program in accordance with 24 CFR 42.375

Before entering into a contract committing the City of Carroll to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Carroll will make public by publication in a newspaper of general circulation and submit to HUD IEDA the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of low-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis of concluding that each replacement dwelling unit will remain a lower-income dwelling unit for a least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375 (b).

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

REPLACEMENT NOT REQUIRED BASE ON UNIT AVAILABILITY

Under 24 CFR 42.375 (d), the City of Carroll may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

CONTACTS

The City of Carroll is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City of Carroll is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Passed and adopted this 22nd day of April, 2019.

_____

Eric Jensen, Mayor

ATTEST

_____

Laura Schaefer, City Clerk

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 11/30/2018)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☑ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
City of Carroll 112 East Fifth Street, Carroll, IA 51401 (712)-792-1000	42-6004322
3. HUD Program Name	**4. Amount of HUD Assistance Requested/Received**
City of Carroll CDBG Owner-Occupied Rehabilitation	$210,500.00

5. State the name and location (street address, City and State) of the project or activity:
In the target area within Carroll city limits.

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☑ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☑ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form. ***However***, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature:	Date: (mm/dd/yyyy)
X	

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is voluntary. HUD is authorized to collect this information under the Housing and Community Development Act of 1987 42 U.S.C.3543 (a). The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General.** All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

   Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

   The following information must be provided:

   1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
   2. State the type of other government assistance (e.g., loan, grant, loan insurance).
   3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
   4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

FEDERAL ASSURANCES SIGNATURE PAGE

I, Eric Jensen, (applicant official) hereby certify that in carrying out the activities funded under the CDBG Program, the City of Carroll:

A. will minimize displacement of persons as a result of such activities;
B. will conduct and administer the program in conformity with Public Law 88-352 (Title VI of the Civil Rights Act of 1964), and Public Law 90-284 (Title VIII of the Civil Rights Act of 19687) and will affirmatively further fair housing);
C. will provide for opportunities for citizen participation, hearings, and access to information with respect to our community development program comparable to the requirements found under sections 104(a)(2) and 104(a)(3) of Title I of the Housing and Community Development Act of 1975 as amended through 1987; and
D. will not attempt to recover any capital costs of public improvements assisted in whole or part under the CDBG Program 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, unless (i) funds received under the CDBG Program are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Public Law 93-383, as amended, or (ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not of very low income, the city/county has certified to the State that it lacks sufficient funds received under the CDBG Program to comply with the requirements of clause (i) above.

I also certify that to the best of my knowledge and belief, data in the application is true and correct, including commitment of local resources; the document has been duly authorized by the governing body of the applicant; and the applicant will comply with all applicable federal and state requirements, including the following, if assistance is approved:

A. Civil Rights Acts;
B. Housing and Community Development Acts of 1974, as amended;
C. Age Discrimination Act of 1975;
D. Section 504 of the Rehabilitation Act of 1973;
E. Davis-Bacon Act, as amended, where applicable under Section 110 of the Housing and Community Development Act of 1974, as amended; Contract Work Hours and Safety Standards Act; the Copeland Anti-kickback Act; the Department of Defense Reauthorization Act of 1986 and the Fair Labor Standards Act.
F. National Environmental Policy Act of 1969 and 24 CFR 58 (Environmental Review).
G. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
H. State of Iowa Citizen Participation Plan;
I. Lead-based Paint Poisoning Prevention Act;
J. Residential Anti-displacement and Relocation Assistance Plan;
K. Government-wide Restriction on Lobbying and the Hatch Act; and
L. Prohibition on the Use of Excessive Force.

Eric P. Jensen, Mayor _____
Typed Name of Applicant Official Signature Date

Laura A. Schaefer, City Clerk _____
Typed Name of Person Attesting Signature Date