

**DCA-10**  
**ASSURANCES**

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**One**

The Applicant hereby certifies and assures that,

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- a. It possesses legal authority to apply for assistance, and to execute the proposed program.
- b. Its governing body has duly adopted or passed as an official act, a resolution, motion, or similar action, authorizing the filing of an application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application, and to provide such additional information as may be required. Evidence of this action by its governing body must be included in this application.

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**Two**

The Chief Executive Officer, or appointed designee,

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- a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA), and other provisions of Federal law, as specified in 24 CFR Part 58 and 40 CFR Part 1500-1508, which further the purposes of NEPA insofar as the provisions of such Federal law apply to this Part:
- b. Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

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**Three**

The Chief Executive Officer, or appointed designee

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- a. The CDBG-MIT Infrastructure Program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income persons
- OR
- b. The CDBG-MIT Infrastructure Program has been developed to meet the alternative criteria for the Urgent Need Mitigation (UNM) national objective, each applicant must document that the activity: (i) addresses the current and future risks as identified in the Needs Assessment Section of DCA's Mitigation Action Plan; and (ii) will result in a measurable and verifiable reduction in the risk of loss of life and property.

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**Four**

The applicant further certifies and assures that

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- a. If the proposed application is funded, it will comply with all applicable laws and regulations as prescribed in Program Manual and Subrecipient Agreement.
- b. It understands that certain laws may be applicable, though not specifically listed in the Program Manual, by virtue of being applicable under their own terms, such as the Hatch Act (U.S.C. Section 1501, et. seg.) which limits the political activities of the employees funded through receipt of Federal assistance.
- c. If the proposed application is funded, it assures and will comply with Section 504 of the Rehabilitation Act of 1973 and the HUD implementing regulations (24 CFR Part 8), Title I of the Housing and Community Development Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Fair Housing Act (42 USC 3601-20), Executive Orders 11246 and 11063, and Section 3 of the Housing and Urban Development Act of 1968 and will administer and conduct its program in conformance with them. Also, that it will Affirmatively Further Fair Housing (AFFH).
- d. The applicant has prepared a plan to minimize displacement as a result of activities assisted with CDBG-MIT funds and to assist persons actually displaced as a result of such activities.

- e. It will not attempt to recover any capital costs of public improvement assisted in whole or part with CDBG-MIT funds by assessing any amount against properties owned or occupied by persons of low/mod income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - i. CDBG-MIT funds 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 CDBG-MIT; or
  - ii. For purposes of assessing any amount against properties owned and occupied by persons of low/mod income who are not persons of very low income, unless the Recipient certifies that it lacks sufficient CDBG-MIT funds to comply with the requirements of paragraph i.
- f. At least 50% of CDBG-MIT Program activities will benefit low/mod income persons. Low/mod income persons are defined as persons whose family income does not exceed 80% of the median family income for the county or metropolitan area in which they reside, adjusted for family size, as established by HUD.
- g. It will provide reasonable benefits to those persons involuntarily displaced as a result of CDBG-MIT assistance to acquire or rehabilitate property.

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**Five**

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- a. Except for approved eligible administrative or personnel costs, no person who is an elected or appointed official, employee, agent, consultant, officer or any person serving in a similar capacity with any participating public agency or subrecipient, who exercise or have exercised any functions or responsibilities with respect to the CDBG-MIT activities proposed herein, or who are in a position to participate in a decision making process or gain inside information regarding CDBG-MIT proposed activities or related activities, may obtain a personal or financial interest or benefit from the project, or have any interest in any contract, sub contract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- b. (The Applicant is instructed to follow State law and review Federal requirements contained in the CDBG-MIT Program Manual, and to consult with its local attorney and/or DCA, as appropriate to guard against prohibited conflicts of interest.)
- c. For any situation that is or may appear to be a conflict of interest under the assurance, a complete description and explanation must be attached.

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**Six**

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To the best of the Chief Executive Officer, or appointed designee's knowledge,

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- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal loan or grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction.
- c. The undersigned shall require that the language of this certification is included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements, and that all subrecipients shall certify and disclose accordingly.

- d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a penalty of not less than \$10,000 and not more than \$100,000 for each failure.

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## Seven

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It will comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended, and HUD implementing regulations (24 CFR Part 570.496a), including the following Residential Anti-displacement and Relocation Assistance Plan. If an award of funds is made, the subrecipient will make public its plan providing for one-for-one replacement units and relocation assistance, and the steps it will take to minimize displacement of persons as a result of assisted activities.

### **Residential Anti-displacement and Relocation Assistance Plan:**

- a. The local government subrecipient of CDBG-MIT funds will replace all occupied and vacant occupiable low and moderate income dwelling units demolished or converted to use other than as low and moderate income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described at 24 CFR Part 570.496a(c).
- b. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the subrecipient local government to provide funds for an activity that will directly result in such demolition or conversion, the subrecipient local government will make public and submit to the Department of Community Affairs the following information in writing:
  - i. A description of the proposed assisted activity;
  - ii. The location on a map and the number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwellings units as a direct result of the assisted activity;
  - iii. A time schedule for the commencement and completion of the demolition or conversion;
  - iv. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
  - v. The source of funding and a time schedule for the provision of replacement dwelling units;
  - vi. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.
  - vii. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower income households in the jurisdiction.
- c. The subrecipient local government is responsible for tracking the replacement of housing and ensuring that it is provided within the required period.
- d. The subrecipient local government is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in 24 CFR Part 570.496a(c)(2), to any lower income person displaced by the demolition of any dwelling unit or the conversion of a low and moderate income dwelling unit to another use in connection with an assisted activity.
- e. Consistent with goals and objectives of activities assisted under the Act, subrecipient will take the additional steps, if any, listed on an attachment to these Assurances, to minimize the displacement of persons from their homes.

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**Eight**

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If a grant is awarded, the applicant will adopt and enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

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**CERTIFICATION:**

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The undersigned certifies on behalf of the Applicant that he/she has been authorized to sign this certification, the information presented in this application is correct, and that the applicant will comply with the assurances listed above.

Submitted on behalf of the Applicant by:

By \_\_\_\_\_

(Signature of chief elected official)

\_\_\_\_\_

(Date)

\_\_\_\_\_  
(Typed or printed name and title of chief elected official)

Attest:

By \_\_\_\_\_

(Signature of clerk or other authorized official)

\_\_\_\_\_

(Date)

\_\_\_\_\_  
(Typed or printed name and title)