

RESOLUTION NO. 2011-29-1422

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING A SUBSTANTIAL AMENDMENT TO THE 2010-2011 ACTION PLAN FOR THE ALLOCATION OF ONE MILLION, NINE HUNDRED FORTY THOUSAND, THREE HUNDRED THIRTY-SEVEN DOLLARS (\$1,940,337.00) AS DESCRIBED IN THE NSP3 APPLICATION, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO SUBMIT THE NSP3 APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 30, 2008, President Bush signed the Housing and Economic Recovery Act of 2008 which authorized a one-time appropriation of Three Billion Nine Hundred and Twenty Million Dollars (\$3,920,000,000.00) to the Neighborhood Stabilization Program ("NSP"), now referred to as NSP1, and

WHEREAS, the City of Miami Gardens received an allocation of Six Million Eight Hundred Sixty-Six Thousand One Hundred Nineteen Dollars and 02/100 (\$6,866,119.02), and

WHEREAS, those funds were used to acquire abandoned and foreclosed properties for demolition rehab and to resale persons who are income eligible, and

WHEREAS, on July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 was adopted, and

WHEREAS, this Bill provided for a third one time appropriation of \$970,000,000.00 in additional Neighborhood Stabilization Program funds ("NSP3"), and

WHEREAS, the City of Miami Gardens has been allocated One Million, Nine Hundred Forty-Three Thousand, Three Hundred Thirty-Seven Dollars (\$1,940,337.00) in NSP3 funds, and

WHEREAS, in order for the City to receive the NSP3 funds, the City is required to submit a Substantial Amendment to the City's 2010-2011 Annual Action Plan, and

WHEREAS, City staff made the draft NSP3 plan available for public comments on the City's website and copies were also available at City Hall in the Community Development office, and

WHEREAS, City staff conducted a public meeting/workshop on February 10, 2011 wherein the NSP3 application was discussed in greater detail, and

WHEREAS, City staff is requesting that the City Council approve the Substantial Amendment and authorized the City Manager to submit the same to HUD for approval,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

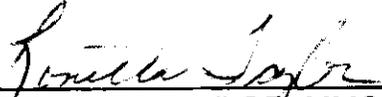
Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby approves a substantial amendment to the 2010-2011 Action Plan for the allocation of One Million, Nine Hundred Forty Thousand, Three Hundred Thirty-Seven Dollars (\$1,940,337.00) as described in the NSP3 application, attached hereto as Exhibit A, and authorizing the City Manager to submit the NSP3 application to the Department of Housing and Urban Development.

Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 23, 2011.


SHIRLEY GIBSON, MAYOR

ATTEST:



RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Vice Mayor Campbell
Second by: Councilman Gilbert

VOTE: 5-1

Mayor Shirley Gibson	<u> X </u> (Yes)	_____ (No)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	_____ (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No) (not present)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	<u> X </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	February 23, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
	X			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:	Neighborhood Stabilization Program (NSP)		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No
				X			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	<i>N/A</i>			
		X					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>			
	X			Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communication <input type="checkbox"/>	Obj. - Enhance overall quality of life for residents and businesses of CMG.		
Sponsor Name	Danny Crew. City Manager		Department:	Community Development			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING A SUBSTANTIAL AMENDMENT TO THE 2010-2011 ACTION PLAN FOR THE ALLOCATION OF ONE MILLION, NINE HUNDRED FORTY THOUSAND, THREE HUNDRED THIRTY-SEVEN DOLLARS (\$1,940,337.00) AS DESCRIBED IN THE NSP3 APPLICATION, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO SUBMIT THE NSP3 APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

On July 30, 2008, President Bush signed the Housing and Economic Recovery Act of 2008 which authorized a one time appropriation of \$3.92 Billion to the Neighborhood Stabilization Program (NSP)

**ITEM J-1) PUBLIC HEARING
RESOLUTION
NSP 3 Application**

now referred to as NSP1. The City of Miami Gardens received an allocation of \$6,866,119.02. These funds were to be used by local governments to acquire abandoned and foreclosed upon properties for demolition, rehabilitation, and resell to income eligible households. Thus revitalizing and stabilizing neighborhoods impacted by the housing crisis.

On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 was passed. This bill provided for a third, one-time appropriation of \$970 million in additional Neighborhood Stabilization Program (NSP3) funds.

As with the first appropriation, NSP3 funds were allocated to entitlement States and Cities by a formula based on (a) The number and percentage of home foreclosures in each State or unit of general local government; (b) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and (c) the number and percentage of homes in default or delinquency in each State or unit of general local government.

The City of Miami Gardens has been allocated \$1,940,337 in NSP3 funds.

Current Situation

In order to qualify to receive the funds allocated, grantees are required to submit a Substantial Amendment (NSP 3 Application) to their 2010-2011 Annual Action Plan. The Draft of the NSP3 Plan was made available for public comment on the City's website and copies were made available at City Hall and at the Department of Community Development. City staff conducted a public meeting/workshop on February 10, 2011 where the City's NSP3 Application and the method of determining the Areas of Greatest Need were explained in greater detail. The workshop was open to the general public and was advertised on the City's website as well as in the Miami Herald Neighbors Section for Miami Gardens. Comments received at the workshop have been considered for incorporation into the NSP3 Application.

The attached NSP3 Application reflects the proposed activities to be carried out with NSP3 funds. The activities are in line with the parameters set by HUD in their notice of allocation. Staff utilized the HUD provided NSP3 Mapping tool and data files, USPS vacancy data, and local research, as well as analyzing the areas where the City's NSP1 activities have already commenced the stabilization process, to determine the areas of greatest need within the City.

The NSP3 Application must be submitted to the local HUD office no later than March 1, 2011 in order to be considered for approval. A resolution is needed to approve the NSP3 Application and to authorize the City Manager to submit the application to HUD.

Proposed Action:

It is recommended that the City Council approve the proposed Substantial Amendment to the 2010-11 Action Plan (NSP3 Application) for the allocation of \$1,940,337 as described in the attached NSP3 Application, and further authorize the City Manager to submit the NSP3 Application to HUD.

Attachment:

- Substantial Amendment (NSP3 Application) to the 2010-11 Annual Action Plan



“DRAFT”
2010
Community Development
Consolidated
Annual Action Plan

Substantial Amendment

Neighborhood Stabilization Program

Round 3

NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Valera, Elizabeth
Email Address	evalera@miamigardens-fl.gov
Phone Number	305-622-8041
Mailing Address	1515 NW 167 St., Bldg 5 Suite 200, Miami Gardens, FL 33169

1. Areas of Greatest Need

Map Submission

The map generated at the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment.

Data Sources Used to Determine Areas of Greatest Need

Describe the data sources used to determine the areas of greatest need.

Response:

Miami Gardens primarily utilized the NSP3 Mapping Tool and HUD provided Downloadable Data Files to determine the areas of greatest need within the City. The data provided included the NSP3 Index Score per census block. All the blocks in Miami Gardens had an Index Score of 20, determining that all blocks meet the criteria of greatest need as the State's minimum index score is 17.

The data also provided the total number of housing units per block, the percentage of persons earning less than 120% of Area Median Income, the percentage of persons earning less than 80% of area median income, the number of high cost/subprime loans, the number of foreclosure starts, the number of mortgages past due 90 days or more and the number of REO's. HUD also provided data from the USPS which detailed the number of vacant residential units and the number of units of unknown vacancy status.

To assess the current situation, we obtained data from Foreclosures.com, Zillow.com, Trulia.com and Realty Trac.com. They reported an average of 360 bank owned properties and over 1,110 pre-foreclosures currently available within the City.

The City also analyzed areas where NSP1 activities already commenced the stabilization process. The NSP1 projects were mapped out to show the clusters of concentration. We found that there was a concentration of acquisitions in two specific areas within the City.

Determination of Areas of Greatest Need and Applicable Tiers

Describe how the areas of greatest need were established and whether a tiered approach is being utilized to determine the distribution of funding.

Response:

A combination of local research, HUD provided data and the NSP3 guidelines and limitations were used to determine the City's Area of Greatest Need (AGN). Two areas comprise the AGN and these were

chosen because they met the NSP3 criteria and our analysis of the data and local research indicates that the program's impact will have a good potential for success.

The data demonstrated a concentration of foreclosures and vacant/abandoned properties in both areas. More than half of the housing units in those two areas received a mortgage between 2004 and 2007, when market values were at their peak. The delinquency rate is over 26% and the total number of households that are either vacant properties, in foreclosure or are REO's is 22%.

Our assessment of both areas demonstrated a foreclosure rate significant enough to provide for the acquisition of the minimum number properties required by HUD to make an impact on the neighborhood. It was also determined that the prices of the available qualifying properties will be low enough and the potential of program income will assist in purchasing the number of units recommended by HUD.

Under NSP1, the City has already started its stabilization efforts in both areas. In the first area, Census Block 010001-1, "Riverdale", located between from N.W. 207 and 215 Street and 27 thru 37 Avenue. The City has purchased a total of 6 properties in this area, 3 of which have been sold to LMMI households, generating over \$200K in Program Income. The second area, adjoining Census Blocks 00403-1, 00403-5 and 00403-6, "Rainbow Park", located between N.W. 151 and 155 Street and 17 thru 27 Avenue. The City purchased has 6 properties in this area where rehabilitation is underway. In addition to the acquisitions, the City has also demolished 1 blighted property in Riverdale and 2 in Rainbow Park.

When combined into a single "Area of Greatest Need", we estimate that the cost of acquiring and rehabilitating the number of properties needed to make an impact will exceed the amount of available funding. However, we are anticipating receiving program income from the sales and are seeking partnerships with organizations and agencies that can provide funding to leverage the overall costs.

2. Definitions and Descriptions

Definitions

Term	Definition
Blighted Structure	Blighted structure is a building that is not being maintained to the City's minimum housing standards and exhibits common housing violations such as broken windows, missing doors, severely damaged electrical and plumbing systems, roof in disrepair, and other violations that are typically indicative of poor maintenance or neglect, unsanitary or unsafe conditions.
Affordable Rents	Affordable rents will be based on the maximum rent levels as published by HUD annually and will ensure that any housing provided through this initiative is affordable. Affordable is defined as monthly mortgage payments including taxes and insurance to not exceed thirty five percent (35%) of the maximum monthly income allowed for the applicant's income category.

Descriptions

Term	Definition
Long-Term Affordability	<p>To ensure long-term affordability as it relates to homeownership, buyers will receive subsidy assistance of up to \$55,000. Buyers will execute a Promissory Note in the amount of subsidy assistance which will be secured by a recorded Mortgage and Security Agreement. The terms of the subsidy assistance will stipulate that they buyer must continue to occupy the property throughout the 15 year affordability period. If they buyer ceases to own or occupy the property, repayment will be required and the amount of repayment will depend on when this occurs and will be based on a scale which could include some shared appreciation.</p> <p>In the case of rental housing, the City will assure long-term affordability by executing a sub-recipient agreement with the entities managing the properties and recording a restricted covenant on the property that will uphold the affordability requirements.</p>
Housing Rehabilitation Standards	<p>The housing rehabilitation standards for the NSP3 activities will be consistent with the City’s existing Housing Policy which includes Housing Quality Standards and compliance with current building codes. In addition, the gut rehabilitations or new construction will be designed to meet or exceed the standards for Energy Star Qualified New Homes while other rehabilitation projects will include replacement of older obsolete products and appliances with Energy Star qualified products.</p>

3. Low-Income Targeting

Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

<p>Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50 percent of area median income.</p>
<p>Response: Total low-income set-aside percentage (must be no less than 25 percent): 25.00% Total funds set aside for low-income individuals = \$485,084.25</p>

Meeting Low-Income Target

<p>Provide a summary that describes the manner in which the low-income targeting goals will be met.</p>
<p>Response: The City of Miami Gardens intends to rehabilitate vacant abandoned, foreclosed or demolished residential properties to provide housing for households with incomes at or below 50 percent of the area median income. The City intends to identify income eligible households who are able to secure a mortgage to purchase a home. The City will provide subsidy assistance to assure affordability. The City also intends to convey approximately 4 to 5 homes to one or more local non-profit organizations to manage the rental of said units. The organizations will be selected by way of a formal Request for</p>

Qualifications process. The City will monitor the organizations to assure compliance with program requirements, most importantly income eligibility and affordable rents.

4. Acquisition and Relocation

Demolition or Conversion of LMI Units

Does the grantee intend to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of area median income)?	Yes
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If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of area median income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.	5
The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., ≤ 120% of area median income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).	5
The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50 percent of area median income.	0

5. Public Comment

Citizen Participation Plan

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

Response:

The City of Miami Gardens posted this NSP3 Draft Action Plan Substantial Amendment on the City's website on February 7, 2011. In addition to posting it on the website, the Draft was made available for public review and comment at City Hall and the Department. Notice of the public review period was published in the newspaper of most circulation. The City also hosted a public meeting/workshop on February 10, 2011 to share the approach utilized to finalize the proposed activities and areas. The public meeting/workshop was also advertised on the City's website and in the newspaper of most circulation.

Summary of Public Comments Received.

The summary of public comments received is included as an attachment.

6. NSP Information by Activity

Activity Number 1		
Activity Name	Single Family Acquisition, Rehabilitation and Resale	
Uses	Select all that apply:	
	<input type="checkbox"/>	Eligible Use A: Financing Mechanisms
	<input checked="" type="checkbox"/>	Eligible Use B: Acquisition and Rehabilitation
	<input type="checkbox"/>	Eligible Use C: Land Banking
	<input type="checkbox"/>	Eligible Use D: Demolition
<input type="checkbox"/>	Eligible Use E: Redevelopment	
CDBG Activity or Activities	24 CFR 570.201(a) Acquisition and (b) Disposition	
National Objective	Low Moderate Middle Income Housing (LMMH)	
Activity Description	This activity entails the City or a Developer solicited through an RFQ process to acquire abandoned and or foreclosed single family properties, rehabilitate the homes to meet all codes, be energy efficient and hardened against storms. The properties will be sold to eligible buyers for which the City will provide assistance in an amount of up to \$55,000. Program income derived from the sales of these properties will be used to acquire, rehabilitate and resell additional housing units.	
Location Description	Riverdale and Rainbow Park (Census Blocks 10001.1, 00403.1, 00403.5, 00403.6)	
Budget	Source of Funding	Dollar Amount
	NSP3	\$1,211,220.00
	(Other funding source)	\$0.00
	(Other funding source)	\$0.00
Total Budget for Activity	\$1,211,220.00	
Performance Measures	23 Projected Housing Units	
Projected Start Date	5/2/2011	
Projected End Date	5/1/14	
Responsible Organization	Name	City Of Miami Gardens
	Location	1515 N.W. 167 St., Bldg. 5, Suite 200, Miami Gardens, FL 33169
	Administrator Contact Info	Elizabeth Valera (305) 622-8041, evalera@miamigardens-fl.gov

Activity Number 2		
Activity Name	Single Family Acquisition, Rehabilitation and Resale-LH25	
Use	Select all that apply:	
	<input type="checkbox"/> Eligible Use A: Financing Mechanisms	
	<input checked="" type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation	
	<input type="checkbox"/> Eligible Use C: Land Banking	
	<input type="checkbox"/> Eligible Use D: Demolition	
<input type="checkbox"/> Eligible Use E: Redevelopment		
CDBG Activity or Activities	24 CFR 570.201(a) Acquisition and (b) Disposition	
National Objective	Low-Income Housing to Meet 25% Set-Aside (LH25)	
Activity Description	This activity entails the City or a Developer solicited through an RFQ process to acquire abandoned and or foreclosed single family properties, rehabilitate the homes to meet all codes, be energy efficient and hardened against storms. The properties will either be sold to eligible buyers or conveyed to non-profit organizations to be managed as a rental property.	
Location Description	Riverdale and Rainbow Park (Census Blocks 10001.1, 00403.1, 00403.5, 00403.6)	
Budget	Source of Funding	Dollar Amount
	NSP3	\$485,084.00
	(Other funding source)	\$0.00
	(Other funding source)	\$0.00
Total Budget for Activity	\$485,084.00	
Performance Measures	10 Projected Housing Units	
Projected Start Date	5/2/2011	
Projected End Date	5/1/2014	
Responsible Organization	Name	City Of Miami Gardens
	Location	1515 N.W. 167 St., Bldg. 5, Suite 190, Miami Gardens, FL 33169
	Administrator Contact Info	Elizabeth Valera (305) 622-8041, evalera@miamigardens-fl.gov

Activity Number 3		
Activity Name	Demolition of Blighted Properties	
Use	Select all that apply:	
	<input type="checkbox"/> Eligible Use A: Financing Mechanisms	
	<input type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation	
	<input type="checkbox"/> Eligible Use C: Land Banking	
	<input checked="" type="checkbox"/> Eligible Use D: Demolition	
<input type="checkbox"/> Eligible Use E: Redevelopment		
CDBG Activity or Activities	Demolition of vacant/blighted structures- 24 CFR 570.201(d)	
National Objective	Low Moderate Middle Income Housing (LMMH)	
Activity Description	This activity involves the elimination of approximately 5 blighted structures that are beyond repair, and pose a health and/or safety hazard in eligible neighborhoods	
Location Description	The City will only demolish properties in the identified Areas of Greatest Need	
Budget	Source of Funding	Dollar Amount
	NSP3	\$50,000.00
	(Other funding source)	\$0.00
	(Other funding source)	\$0.00
Total Budget for Activity	\$50,000.00	
Performance Measures	Demolition of Five (5) Blighted Structures	
Projected Start Date	5/1/2011	
Projected End Date	5/1/2014	
Responsible Organization	Name	City Of Miami Gardens
	Location	1515 N.W. 167 St. Bldg. 5, Suite 190, Miami Gardens, FL 33169
	Administrator Contact Info	Elizabeth Valera (305) 622-8041, evalera@miamigardens-fl.gov

Activity Number 4		
Activity Name	Program Administration	
Use	Select all that apply:	
	<input type="checkbox"/> Eligible Use A: Financing Mechanisms	
	<input type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation	
	<input type="checkbox"/> Eligible Use C: Land Banking	
	<input type="checkbox"/> Eligible Use D: Demolition	
<input type="checkbox"/> Eligible Use E: Redevelopment		
CDBG Activity or Activities	Program Administration: Administrative duties relative to the overall grant program and fair housing activities. This activity is assumed to benefit low and moderate income persons and is eligible under 24 CFR section 570.206.	
National Objective	(Select One)	
Activity Description	NSP3 regulations allows grantees a maximum of 10% of their NSP allocation to be utilized for planning and administrative costs overseeing the program, reporting and other general administrative activities.	
Location Description	N/A	
Budget	Source of Funding	Dollar Amount
	NSP3	\$194,033.00
	(Other funding source)	\$0.00
	(Other funding source)	\$0.00
Total Budget for Activity	\$194,033.00	
Performance Measures	(Enter all performance measures here)	
Projected Start Date	5/2/2011	
Projected End Date	5/1/2014	
Responsible Organization	Name	City Of Miami Gardens
	Location	1515 N.W. 167 St., Bldg. 5 Suite 200, Miami Gardens, FL 33169
	Administrator Contact Info	Elizabeth Valera (305) 622-8041, evalera@miamigardens-fl.gov

7. Certifications

Certifications for State and Entitlement Communities

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

(2) **Anti-displacement and relocation plan.** The applicant certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan.

(3) **Anti-lobbying.** The jurisdiction must submit a certification with regard to compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.

(4) **Authority of jurisdiction.** The jurisdiction certifies that the consolidated plan or abbreviated plan, as applicable, is authorized under state and local law (as applicable) and that the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(5) **Consistency with plan.** The jurisdiction certifies that the housing activities to be undertaken with NSP funds are consistent with its consolidated plan or abbreviated plan, as applicable.

(6) **Acquisition and relocation.** The jurisdiction certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24, except as those provisions are modified by the notice for the NSP program published by HUD.

(7) **Section 3.** The jurisdiction certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Citizen participation.** The jurisdiction certifies that it is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.

(9) **Following a plan.** The jurisdiction certifies it is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD. [Only States and entitlement jurisdictions use this certification.]

(10) **Use of funds.** The jurisdiction certifies that it will comply with the Dodd-Frank Wall Street Reform and Consumer Protection Act and Title XII of Division A of the American Recovery and Reinvestment Act of 2009 by spending 50 percent of its grant funds within 2 years, and spending 100 percent within 3 years, of receipt of the grant.

(11) **The jurisdiction certifies:**

- a. that all of the NSP funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120 percent of area median income; and

- b. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if NSP funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

(12) **Excessive force.** The jurisdiction certifies that it has adopted and is enforcing:

- a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
- b. A policy of enforcing applicable state and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

(13) **Compliance with anti-discrimination laws.** The jurisdiction certifies that the NSP grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

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

(15) **Compliance with laws.** The jurisdiction certifies that it will comply with applicable laws.

(16) **Vicinity hiring.** The jurisdiction certifies that it will, to the maximum extent feasible, provide for hiring of employees that reside in the vicinity of NSP3 funded projects or contract with small businesses that are owned and operated by persons residing in the vicinity of NSP3 projects.

(17) **Development of affordable rental housing.** The jurisdiction certifies that it will abide by the procedures described in its NSP3 Abbreviated Plan to create preferences for the development of affordable rental housing for properties assisted with NSP3 funds.

Signature/Authorized Official

Date

Title