

Chapter 7: Owner-Occupied Rehabilitation Application Forms and Instructions

IMPORTANT NOTE: the application deadline for Owner-Occupied rehabilitation application is July 31, 2010. Owner-Occupied Rehabilitation applications are not accepted in the first round of NAHP applications on May 7, 2010. A pre-application may be submitted by February 26, 2010.

I. Eligibility

A. Eligible Applicants

Eligible applicants are local units of government. Local units of government also currently participating in the Community Revitalization program are also eligible to apply and if selected these communities will receive NAHTF or HOME funds.

B. Eligible Activities

1. Rehabilitation (including rehabilitation which promotes energy efficiency) of residential owner-occupied homes.
2. Special projects directed to the removal of material and architectural barriers, which restrict the mobility and accessibility of elderly and handicapped persons.
3. Payment of reasonable administrative costs related to implementing the program.

Activities eligible for assistance under these guidelines are authorized in Section 105(a) of the amended 1974 HCD Act for the CDBG Program.

The Department may award NAHTF or HOME funds to specific projects if the project is selected for funding and either 1) CDBG funds are not sufficient to fund the owner-occupied rehabilitation projects selected, or 2) the applicant is a local government currently participating in the Community Revitalization program of the Department. The applicant, the activities, and the project, even if funded with NAHTF funds or HOME funds, must be CDBG eligible. In order to ensure a diversity of project types awarded in each Investment Zone, the Department reserves the right to limit the amount of funds awarded for owner-occupied rehabilitation programs. This amount will be no less than the amount of CDBG funds available in the 2010 Nebraska Affordable Housing Program.

C. Ineligible Activities

Any activity not specifically authorized under Eligible Activities is ineligible to be carried out with NAHP funds. This section further identifies ineligible activities.

1. Furnishings and personal property not an integral structural fixture including the purchase of equipment, fixtures, and motor vehicles.
2. Mobile homes, as defined by the Department.
3. The following activities, if not directly related to eligible housing activities including, but not limited to, housing education, acquisition of property and easements, public facilities development or improvements, relocation, clearance, and demolition.

D. Eligible Costs

1. **Rehabilitation:** This includes the alteration, improvement or modification of an existing structure. Rehabilitation may include adding rooms, which are not dwelling units, outside the existing walls of a structure. *Conversion*, a type of Rehabilitation, is changing the use of an existing structure to one of affordable residential housing. Units cannot be added beyond the building envelope
2. **Reconstruction:** This refers to rebuilding a structure on the same lot where housing is standing at the time of project commitment. NAHP funds may be used to build a new foundation or repair an existing foundation. Reconstruction also includes replacing a substandard manufactured house with a new manufactured house. During reconstruction, the number of rooms per unit may change, but the number of units may not.
3. **Demolition:** In a targeted revitalization, demolition of an existing structure may be funded as a support activity to rehabilitation only if construction will begin on the replacement unit within 12 months of demolition within the community.
4. **Relocation Costs:** Both permanent and temporary relocation assistance are eligible costs. Staff and overhead costs associated with relocation assistance are also eligible.
5. **Housing Management/Project-related Soft Costs:** Housing Management/Project Soft Costs must be reasonable. These costs include the following: finance-related costs; credit reports, title binders and insurance; surety fees; recordation fees, transaction taxes; legal and accounting fees, including cost certification; appraisals; environmental reviews; builders' or developers' fees; architectural, engineering and related professional services; homebuyer counseling; project audit costs; affirmative marketing and fair housing services to prospective tenants of an assisted project; and staff costs directly related to projects.

E. Eligible Properties

NAHP funds may be used for one-unit properties that are privately owned. All units must be owner-occupied.

F. Grant Amounts

The maximum grant amount is \$400,000. This amount is to be used as a guideline. Amount of award will be determined on a case-by-case basis with consideration given to the number of applications and scoring and ranking criteria.

II. Application Instructions and Forms

This section contains all forms and exhibits to be submitted so that your application can be scored and ranked effectively. Application narratives should be thorough and concise. The Department reserves the right to verify all information and to consult with other agencies on the proposed project.

Generally, there are more applicants requesting funds than there are funds available. Applicants must carefully read and review the 2010 Housing and Community Development Annual Action Plan and NAHP Application Guidelines Chapters 1, 2, 3, and 7 to develop a competitive application.

A. Verified Information

The Department may contact the applicant for further information on any thresholds. The Department may non-select an application if any or all of the following thresholds cannot be verified. **You are not required to submit this form with your application, but it should be used as a checklist to help ensure you have included all required information.**

Application Parts I, II, & III

	Yes	No	NA
Is the applicant identification complete?			
Is the application preparer's section complete?			
Is the activity indicated?			
Is the service area indicated?			
Are there appropriate signatures?			
Is the appropriate region indicated?			
Is the household and or unit information complete?			
Is the Funding Summary complete, clear, and correct?			
Is the one page project summary included and clear?			

Required Exhibits

Local Governments				
Exhibit	Description	Yes	No	NA
A	Public Hearing/Meeting			
B	Authorizing Resolution			
C	Statement of Assurances			
F	Certification of Federal Assistance (rental only)			
G	Determination of Level of Review Form			

Thresholds All Activities

	Yes	No	NA
1. Applicant is eligible (non-profit: proof of non-profit status and Cert. of Good Standing).			
2. Activities are eligible and comply with Nat. Obj. and NAHP priorities.			
3. Applicant has addressed compliance problems.			
4. Applicant is current with all reporting requirements.			
5. Applicant has achieved the required percentages by the application due date, of State CDBG funds drawn down for prior State CDBG. All CDBG awards will be reviewed including those within the housing program, except Economic Development awards. CDBG 2008 Award Drawn Down 80% CDBG 2007 & Prior Award Drawn Down 100% <i>The percentage for funds drawn down shall be figured by NDED based on the final application acceptance date, except for applicants awarded funds after the initial award date in which funds drawn down shall be based on the proportionate number of months that have lapsed since the initial grant award.</i>			
6. Activities will be completed within 24 months of award .			
7. Program guidelines meet all requirements.			

B. Application Submittal Instructions

In submitting your application, these instructions must be followed:

- Submit original (unbound and 2-hole punched) and 4 complete copies of the application.
- Two-Hole punch the original application in the center top.
- Do not staple.
- Table of Contents **must** be included.
- All pages **must** be numbered in sequence at the bottom right-hand corner of the page.
- All Exhibits **must** be labeled at the bottom right-hand corner of the page.

Below is an outline of what your Homebuyer Program Application should look like:

- Part I. General Information (use required form)
- Table of Contents (include page numbers)
- Part II. Funding Summary (use required form)
- One Page Project Summary (follow instructions)
- Part III. Project Budget and Financing (follow instructions)
- Part IV. Implementation Schedule (follow instructions)
- Part V. Project Design and Impact (Include narrative)
- Part VI. Homeowner Rehabilitation Program Guidelines (follow instructions)
- Part VII. Required Exhibits

Local Government applicants:

EXHIBIT A - Notice of Required Public Hearing (sample format provided) - Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.

EXHIBIT B - Authorizing Resolution (sample format provided) – must be completed after the citizens' comment period regarding Exhibit A Notice of Required Public Hearing or Public Meeting Notice.

EXHIBIT C – Statement of Assurances and Certifications (required form).

EXHIBIT G – Determination of Level of Environmental Review (required form).

- Part VIII. Threshold Exhibits- Provide additional supplemental documentation identified in the instructions or referred to in Part V. narrative information.

Part I. General Information Instructions

Type or print all information except where signatures are required.

Pre-application Number: Enter the Pre-application number assigned by the Department (if applicable).

Box 1: Provide the requested information.

Box 2: Enter the name, mailing address, email address and telephone number of the person who prepared the application. If prepared by a firm, identify the staff contact person. Check the appropriate application preparer status box.

Box 3: Enter the number of households to be served by the proposed project at the maximum income allowed program-wide.

Box 4: Indicate which NAHTF Region your project will be located in. The application activities must be confined to one Investment Zone. Refer to the map in Chapter 1 of the 2010 Annual Action Plan for identification of NAHTF region and NAHP Investment Zone boundaries.

Box 5: Check the appropriate box(es) for the type of activity(ies) for which the application is made including proposed activities to be funded with both NAHP funds and non-NAHP Other funds.

Box 6: Check the appropriate applicant type box under which funds are being requested. If this is a joint application, check the appropriate type of applicant for the lead applicant.

Box 7: Indicate the area where the program will take place. Enter the appropriate Congressional and Legislative District(s) information.

Box 8: Type the name and title of the Certifying Official and date. The certifying official for a local government applicant is the chief elected official.

Part II. Funding Summary Instructions

- Round all dollar amounts to the nearest dollar.
- Enter the dollar amounts into the appropriate boxes in the funding summary table.
- Describe ALL other funds, including funds provided by the homebuyer, lenders, builders, etc.
- If you have any questions about Activity Codes direct them to NDED.
- Support activities are activities that are only allowed to be funded with NAHP in conjunction with primary activities. Support activities include, but are not limited to: infrastructure costs, relocation, demolition, and homeowner rehabilitation.
- The Part II. Funding Summary should correlate with the Part III. Project Budget & Financing.

The Department reserves the right to non-select an application at any point during the review process if the applicant does not have the full funding commitment of all other key investors prior to application due date.

HOMEBUYER PROGRAM
PART II. FUNDING SUMMARY (Round amounts to the nearest dollar)

Activity Code	Activity	CDBG Funds	Other Funds	Total Funds	Sources of Other Funds
0530	Housing Rehabilitation				
0523	Relocation ¹				
0580	Housing Management ²				
0580a	Paint Testing / Risk Assessments / Clearance Testing ³				
0180	Total Non-Administration				
	Subtotal				
0181	General Administration ⁴				
1000	TOTAL PROGRAM COSTS				

Clarification for the above activities should be directed to NDED.

Note: Table does not calculate totals.

¹ Relocation is a support activity and must be done in conjunction with a targeted revitalization program.

² Housing Management/Project-related Soft Costs (excluding paint testing, risk assessments, and clearance testing) recommended maximum is 10% of the total CDBG funds.

³ Paint testing, risk assessments, and clearance testing are not subject to the *recommended* maximums but are limited to \$1,500 per unit and supporting documentation must accompany the application.

⁴ General Administration recommended maximum is 8% of the total CDBG funds.

One Page Project Summary Instructions

Include a one-page summary of the proposed project.

Part III. Project Budget and Financing

Provide a detailed budget for the proposed program, including program costs, housing management (also referred to as housing administration or project soft costs) and general administration. The budget should include 1) costs for each item, and 2) the proposed or likely funding source for each item.

Program Costs

List for each activity the major costs by line item. Major line item costs for Housing Management include "soft" costs such as providing homeowner education; architectural, engineering, legal fees; appraisal costs; housing inspection fees and other expenses to carry out the housing program. Program costs are the "hard" costs of acquisition, rehabilitation or construction costs. The total line item costs for each activity must equal the totals by activity shown on Part II.

Administration Costs

Housing Management (activity number 0580)

The project related soft costs, or housing management, budget should include all costs of administrative and support activities for the housing proposal **except** construction costs and the actual costs of real property acquisition, demolition, clearance, *etc.* Paint testing, risk assessments and clearance testing are project –related cost but are subject to the \$1,500 NAHP funds per unit maximum.

Major line item costs under the housing management activity may include but not limited to program design (i.e. finalizing housing program guidelines), program promotion, application review, office rent, supplies, homebuyer education counseling.

General Administration (activity number 0181)

The general administration budget includes those costs that are administrative in nature and are attributable to the receipt of the award. Common line item costs in this activity are environmental review, audits, labor standards enforcement, preparation of required grant progress reports and draws, *etc.* If many of the general administration duties are to be performed by local government personnel, it is acceptable to use salaries and benefits as line item costs. However, it should be noted what specific duties are to be performed under the salaries and benefits line item.

Proposed Funding Source

All budget items should also indicate the proposed source of funds for that item. NDED understands that the application budget and financing is a proposal only and may vary somewhat during project implementation. Nonetheless, a budget indicating both sources and uses must be submitted.

Part IV. Implementation Schedule

Implementation Schedules forms are available at <http://www.neded.org/content/view/109/241/>.

You must use this form and attach to your application.

1. List the target(s) for your project. The target **must** contain 1) the number of proposed units, 2) the income of those affected, 3) the type of program, 4) where the target will be achieved, and 5) date the project or program will be fully completed and verifiable.
2. List all proposed due dates for sections required by program type.

The more details that can be provided about the actual project, the methods used to achieve the project, and information about the persons responsible for project implementation and development will benefit the applicant in the NDED application review process.

Part V. Project Design and Impact

Answer the following questions by checking the appropriate boxes and answering the following narrative questions (in italics), if provided, on separate pieces of paper. Please include the questions along with all applicable answers. For sections that ask for more information in the form of an exhibit, please include the exhibit in Part VIII of the application.

1)	How does the market indicate a need for the product or services? <i>What is the estimated per capita income in the community or region? Approximately how many homes have been constructed in the past 20 years in the community or region? Please provide detail by year. What steps are being taken to attract and retain residents? What is the community/region's unemployment rate? Include a summary of results from the most recent housing market study if one has been conducted.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2)	Has a Site-Specific Market Study been conducted for proposed project? <i>(EXHIBIT 101: please attach a copy of the study, if applicable.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3)	Are local housing and building codes adopted and enforced? <i>If yes, please explain the process used to enforce housing and building codes, as well as property standards.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4)	Is the funding highly leveraged? <i>(EXHIBIT 102: include letters of firm commitments, if applicable.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5)	Will the project be developed in collaboration with local and regional plans being implemented by other agencies or development organizations? <i>(EXHIBIT 103: include letters of support from partners, if applicable.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6)	Does the project include exterior façade improvements or construction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7)	There is a firm commitment to make at least 1 unit visitable.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8)	There is a firm commitment to make at least 1 unit accessible.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9)	Interest sheets or waiting lists have been collected. <i>(EXHIBIT 104: include interest sheets or waiting lists, if applicable.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

10)	Was an overall Community Needs Assessment conducted within last 3 years? (Assessment must have included all communities and/regions included in application.) <i>(EXHIBIT 105: include copy of Community Needs Assessment results, if applicable.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11)	Did the Community Needs Assessment show the project was a priority? <i>Please list the top 5 priorities listed in the Community Needs Assessment.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12)	Does this project take place entirely within an Economic Development Certified Community?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13)	There is evidence of aggressive strategies in the community or region to demolish dilapidated buildings. <i>Number of dilapidated buildings demolished in past 5 years?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14)	The project is located in a community or region that is working on other community development goals (including housing, citizen participating, public works, leadership development, etc.). <i>If yes, please list the other projects taking place within the community, including both housing related and non-related projects.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15)	Low-income households provided input on housing needs. <i>If yes, please provide detail on how specific outreach was made to low-income persons to provide input on this project and how the input gathered was considered.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16)	There is evidence of aggressive strategies in the community or region to rehabilitate substandard properties. <i>Number of buildings rehabilitated in past 5 years?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
17)	Resources and Commitments are in place to proceed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
18)	Program Guidelines that meet all DED requirements have been board approved. <i>(Board approved program guidelines that meet DED requirements must be included Part VI of the application.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
19)	Are all required zoning, infrastructure and utilities in place? <i>If no, please explain.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20)	Has the project administrator been identified? <i>If yes, who will serve as project administrator?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21)	Does the grantee have an established line of credit for project costs? Includes bank line of credit or funds available through other sources, such as City funds. <i>(EXHIBIT 106: please include letter of credit.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
22)	Has the grantee correctly completed the Environmental Determination of Level of Review form? <i>Describe the main environmental concerns that should be evaluated and what steps will be taken to ensure environmental compliance?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

23)	Does the applicant have the capacity and commitment to implement the project in a timely manner? <i>Identify the number of staff that are employed within your organization that are involved in housing projects. Please include the names of these individuals and describe their duties. Also provide the names of project administrators, other professional staff, and other staff that will be performing the construction work, etc. on your project.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
24)	The Implementation Schedule is feasible and realistic.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
25)	Was a Pre-Application submitted to DED for this proposed project by the required deadline?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
26)	Has the applicant been successful in a similar project in the past? <i>Please explain, in detail, past similar projects in the community or region.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
27)	Does the administrator have the capacity and commitment to implement the project in a timely manner? <i>Have the applicant and administrator worked together on past projects? If yes, please explain. Does the administrator have experience in working with these types of projects?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
28)	Homebuyer/tenant education is required. <i>(Must be included in board approved program guidelines included in Part VI of the application.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
29)	Does the project duplicate another service in the region? <i>If yes, how will your project or service differentiate itself from the other or work together to compliment the existing program or service?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
30)	The amount of administration and project soft costs are appropriate to achieve the proposed results. <i>How were administration and project soft cost amounts determined?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
31)	The project is appropriate for the size and scope of the funds requested. <i>How were project costs determined? How was the application funding request amount determined?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
32)	There is firm commitment to serve at least one household below 60% AMI.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
33)	Recycled products will be used in the project. <i>If yes, please provide detail on how recycled materials will be collected/purchased and used in the project.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Part V. Proposed Homeowner Rehabilitation Program Guidelines & Program Income Reuse Plan

Please include board approved proposed homebuyer program guidelines for the proposed project. On a separate sheet, attach the proposed Program Income Reuse Plan.

Please list the page number and paragraph location to identify where all sections below are located within the guidelines.

Proposed Homeowner Rehabilitation Program Guidelines must contain the following information:

1. Clearly defined Application Process that includes
 - a. Applicant eligibility, including income eligibility. Persons assisted with CDBG Homeowner Rehabilitation funds must have incomes at or below 80% of the area

median income. The Annual (Gross) Income definition found at 24 CFR 5.609 must be included in the guidelines.

- b. Formal notification of selection and non-selection.
- c. Application review process.
2. Priority Ranking System for selection, if applicable, must not contain discriminatory criteria such as preference for minorities or large families.
3. Conflict of Interest Clause.
4. Grievance Procedures.
5. Process for Amending Program Guidelines, including language that the NDED Program Representatives must approve amendments.
6. Types of assistance provided, including CDBG funds and other sources such as employer contributions in an employer assisted housing program.
7. Amounts of assistance allowed, including CDBG funds and other sources such as employer contributions in an employer-assisted program.
8. Eligible Properties, including the geographic boundaries where the properties must be located.
9. Determination of homeownership, including the acceptable forms of proof of homeownership by the occupant.
10. Determination of infeasibility, including the criteria used to determine that a home is infeasible to rehabilitate and the plan, if any, to provide alternative assistance to the homeowner, such as replacement housing.
11. Affordability Period, if the program requires the home is occupied as principle residence for a minimum time period.
12. Methods for ensuring the affordability period and principle residence requirement, if applicable, that include 1) program-wide recapture provisions, and 2) legal instruments to be used.
13. Relocation policy, if applicable.
14. Rehabilitation process, who will conduct work write-ups, how contractors will be procured, and the process for compliance with LBP requirements. All programs must comply with HUD's lead-based paint regulation requirements.
15. Return beneficiaries, including policies on whether homeowners that have received rehabilitation assistance in previous years can receive additional assistance and any parameters related to this policy.
16. The maximum after-rehab value cannot exceed the Section 203 (b) limit Single Family Mortgage Limit. The 203 (b) limit for the counties you are serving. Also, state what the after-rehab value maximum will be for your program.
17. The Nebraska Affordable Housing Program financial assistance to the unit provided to the homeowner cannot exceed the Maximum per unit NAHP Subsidy. A listing of subsidy limits by county can be found at <http://www.neded.org/content/view/109/241/>.
18. All programs must be in compliance with the Fair Housing Act.
19. All units assisted with CDBG funds must meet NDED Rehabilitation Standards.
20. If the rehabilitation program includes replacement housing for homes that are infeasible to rehabilitate, newly constructed housing must meet or exceed the 2003 International Energy Conservation Code and the Nebraska Energy Office must approve building specifications.

Program Income Reuse Plan must contain the following:

- 1) CDBG eligible activities (excluding general administration expenses unrelated to the project).
- 2) Reference to (grant number) Program Guidelines that recaptured funds will follow.
- 3) Statement that all Program Income will be returned to NDED for reuse unless the Department offers the option to the grantee to retain program income or the Department approves the grantee's Program Income Reuse Plan prior to receiving Release of Funds.

PART VII: Required Exhibits

The following EXHIBITS **must** be submitted with the application.

Local Government applicants:

EXHIBIT A - Notice of Required Public Hearing or Public Meeting Notice (sample format provided) - Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.

EXHIBIT B - Authorizing Resolution (sample format provided) - must be completed after the citizens' comment period regarding Exhibit A Notice of Required Public Hearing or Public Meeting Notice.

EXHIBIT C - Statement of Assurances and Certifications (required form).

EXHIBIT G - Determination of Level of Environmental Review.

NOTICE OF PUBLIC HEARING or PUBLIC MEETING ON APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

NOTICE IS HEREBY GIVEN that on (Date) in the (Place) the (Name of the Local Government Unit, Non-Profit, or Public Housing Authority) will hold a public hearing or meeting as applicable concerning an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant. This grant is available for local affordable housing activities.

The (Name of the Local Government Unit, Non-Profit, Public Housing Authority) is requesting (exact amount of funds) for (Detailed project description which must include: all project activities to be undertaken; the project location, including address(es) and legal description. If no addresses are available, a location description must be used (for example, between Maple and Oak Streets and 23rd and 24th Streets). Also include the requested amount of funds for each activity; the estimate of the total amount of requested NAHP funds which will benefit low and moderate income people; the amount and source of other funds, if any; and the plans for minimizing displacement of people as a result of NAHP and/or activities and for assisting person actually displaced.).

The grant application will be available for public inspection at (place). All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written testimony will also be accepted at the public hearing scheduled for (time), (date), (address, room number). Written comments can be addressed to (contact person) at (address) and will be accepted if received on or before (date).

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact (contact person) at (address, phone number) no later than (date).

This language must be used for the official public hearings and must be submitted with either 1) Proof of Publication or Certificate of Posting, and 2) a summary of citizens' comments.

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

--Sample Format--

Whereas, the (Name of the Local Government Unit), Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

Whereas, the (Name of the Local Government Unit), Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of (Amount of NAHP Money) for (Description of the project); and,

NOW, THEREFORE, BE IT RESOLVED BY

(Controlling Governmental Body) of (Name of the Local Government Unit), that the (Title of Chief Elected Official) be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between (Name of the Local Government Unit) and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed

Title

Date

Use the language in this sample resolution and provide an original signature or a certified copy of the authorizing resolution.

APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS

The _____ (Name of the Local Government Unit) (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG), HOME and Trust funds, the following:

LOCAL GOVERNMENT CERTIFICATIONS - Please contact a Department representative if items 1-6 have not been previously adopted.

1. It has previously adopted, on _____, _____, an **Excessive Force Policy** that remains in effect.
2. It has previously adopted, on _____, _____, a **Code of Conduct** that remains in effect.
3. It has previously adopted, on _____, _____, **Procurement Procedures** that remain in effect. The procurement procedures were submitted to NDED on _____, _____.
4. It has previously adopted, on _____, _____, a **Residential Antidisplacement and Relocation Assistance Plan, which** remains in effect.
5. It has previously adopted, on _____, _____, a **Citizen Participation Plan** that remains in effect. The adopted Citizen Participation Plan contains substantially similar language as the sample plan in these guidelines.
6. It has previously furnished to the department a **Financial Management Certification** dated _____, _____, which remains accurate.
7. It has previously adopted, in _____, _____, a **Section 504 Plan**, which remains in effect.
8. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government, which would adversely affect the administration of this grant.
9. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG, HOME and NAHTF program; and
10. No project costs have been incurred which the Department has not approved in writing.

FEDERAL COMPLIANCE CERTIFICATIONS

11. It will adopt and follow a residential anti-displacement and relocation assistance plan which will minimize displacement as a result of activities assisted with CDBG, HOME and NAHTF funds.
12. It will conduct and administer its programs in conformance with:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
 - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.
 - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
13. It will not attempt to recover any capital costs of public improvements assisted in whole or part 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 (1) grant 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 grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the State that it lacks sufficient grant funds to comply with the requirements of clause (1).

Exhibit C (cont.)

14. It will comply with all provisions of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

SPECIAL REQUIREMENTS AND ASSURANCES.

15. The Applicant will comply with the Administrative Requirements of the program, those applicable items in the current Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 including parts not specifically cited below and the laws, regulations and requirements, both federal and state, as they pertain to the design, implementation and administration of the local project, including but not limited to the following:

CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS.

- Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- Section 109 of the Housing and Community Development Act of 1974, As Amended
- Age-Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et. seq.)
- Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- Executive Order 11246, As Amended
- Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

ENVIRONMENTAL STANDARDS AND PROVISIONS.

- Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- The Endangered Species Act of 1973, As Amended (16 U.S.C. 1531, et. seq.)
- The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1), As Amended by the Archaeological and Historic Preservation Act of 1974
- The Safe Drinking Water Act of 1974 [42 U.S.C. Section 201, 300(f), et. seq., and U.S.C. Section 349 as Amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e))]
- The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- The Solid Waste Disposal Act, As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- EPA List of Violating Facilities
- HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C. 1271, et. seq.)
- Flood Insurance
- Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- Environmental Protection Act, NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- Historic Preservation

LABOR STANDARDS AND PROVISIONS.

- Section 110 of the Housing and Community Development Act of 1974, As Amended
- Fair Labor Standards Act of 1938, As Amended, (29 U.S.C. 102, et. seq.)
- Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section 2; of the June 13, 1934 Act. As Amended (48 Stat. 948.40 U.S.C. 276(c), Popularly Known as The Copeland Act
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

FAIR HOUSING STANDARDS AND PROVISIONS.

- Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended
- Public Law 90-284, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et. seq.). As Amended by the Fair Housing Amendments Act of 1988
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24

• **Exhibit C (cont.)**

- Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116
- Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

ADMINISTRATIVE AND FINANCIAL PROVISIONS.

- U.S. Office of Management and Budget Circular A-87 "Cost Principles for State and Local Governments"
- U.S. Office of Management and Budget Circular A-102 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"
- 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- Community Development Law, NEB. REV. STAT. 18-2101 to 18-2144 (R.S. Supp. 1982)
- Public Meetings Law, NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)

MISCELLANEOUS.

- Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed _____
Chief Elected Official's Signature

Title _____

Date _____

DETERMINATION OF LEVEL OF REVIEW

Grant/Contract Number: _____

Project Location(s): _____

Description of project (include all contemplated activities which are logically part of the project, regardless of funding source):

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities”, and the following determination with respect to the project is made (please check mark proper level of review and enter appropriate citation):

- ___ **Exempt** from NEPA requirements per 24 CFR 58.34(a)(___)
- ___ **Categorically Excluded NOT Subject to 58.5** authorities per 24 CFR 8.35(b)(___) (A Statutory Checklist for the 58.6 authorities has been completed and is on file)
- ___ **Categorically Excluded SUBJECT to 58.5** authorities per 24 CFR 58.35(a)(___) (A Statutory Checklist for the 58.5 and 58.6 authorities has been completed and is on file)
- ___ An **Environmental Assessment** is required to be performed. (An environmental assessment performed in accordance with subpart E of 24 CFR Part 58 has been completed and is on file)
- ___ An **Environmental Impact Statement** is required to be performed.

The Environmental Review Record contains all environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to the project. Included are checklists, studies, analysis and documentation as appropriate.

(Preparer--Signature)

(Date)

(Environmental Certifying Officer--Signature)

(Date)

PART VIII. Threshold Exhibits

If applicable to Part V., please include the following exhibits:

- EXHIBIT 101: please attach a copy of the market study, if applicable.
- EXHIBIT 102: include letters of firm commitments, if applicable.
- EXHIBIT 103: include letters of support from partners, if applicable.
- EXHIBIT 104: include interest sheets or waiting lists, if applicable.
- EXHIBIT 105: include copy of Community Needs Assessment, if applicable.
- EXHIBIT 106: please include letter of credit from bank, city or other credit provider.