



CLEARWATER
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**CDBG/HOME PROGRAMS
PROCEDURES MANUAL
UPDATED
June 9, 2017**

Economic Development & Housing Department

Office Location:

Clearwater City Hall, 1st Floor
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CITY OF CLEARWATER CDBG/HOME PROGRAMS PROCEDURES MANUAL

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CITY OF CLEARWATER CDBG/HOME PROGRAMS ANNUAL ACTION PLAN PROCEDURES

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CITY OF CLEARWATER CDBG/HOME PROGRAMS ANNUAL ACTION PLAN PROCEDURES

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. The Annual Action Plans should describe specific projects to be funded with Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds.

The following are step-by-step procedures that should be followed on an annual basis in order to complete the Annual Action Plan.

1. Create an Annual Action Plan Calendar

- a. Determine specific dates for publication of notices, public meetings and workshops, board work sessions and public hearings, completed work products, internal staff review periods, public comment periods, and submission deadlines. See example Action Plan Calendar **(AP-1)**.

2. Application Process

- a. Initiate an application process whereby nonprofits, community organizations, other City departments, and for-profit businesses are given the opportunity to submit proposals to fund eligible projects during the Action Plan program year.
 - i. Make CDBG funding application available to potential sub-recipients: See example Sub-Recipient Application **(AP-2)**.
 - ii. Publish a Notice of Funding Availability (NOFA) consistent with the City's Citizen Participation Plan, including a start and end date for the period during which applications will be received by the City and the date and time of the Technical Assistance Meeting. Allow for at least 30 days between the NOFA publication date and the application deadline. See example NOFA **(AP-3)**.
 - iii. Hold a Technical Assistance Meeting/Application Workshop during the NOFA period to answer questions and provide guidance regarding the application form and funding eligibility. The meeting should be held two (2) weeks prior to the application submission deadline.

3. Selection of Activities/Projects for the Program Year

- a. After the application deadline, hold a staff meeting to determine the completeness of applications and the eligibility of proposed activities for funding. Incomplete applications and ineligible activities are not accepted.

While there are many aspects that must be considered in selecting activities to assist under the CDBG program, there are key steps that should be taken in the early stages of the process of determining if CDBG funds may be used to assist a proposed activity.

- i. Determine if the activity is included within the listing of eligible activities in the CDBG statute (24 CFR 570.201). This statute describes all categories of basic eligibility that are authorized.
- ii. Determine if the proposed activity falls within a category of explicitly ineligible activities, despite its apparent inclusion within an authorized category. For example, while public facilities are generically eligible for assistance with CDBG funds, there is an explicit statutory bar assisting “buildings for the general conduct of government” under the category of Public Facilities and Improvements. The explicitly ineligible activities are identified in 24 CFR 570.207.
- iii. Determine if the proposed activity can meet one of the national objectives of the program. CDBG National Objectives can be found in 24 CFR 570.483.
- iv. Ensure that carrying out the activity with CDBG funds will not result in the City violating its certification that at least 70% of CDBG expenditures will be for activities that are considered to benefit L/M income persons over the one, two, or three consecutive program years specified by the City.
- v. Review proposed costs of the activity to determine if they appear to be necessary and reasonable and will otherwise conform with the requirements of OMB Circulars A-87, “Cost Principles for State, Local, and Indian Tribal Governments,” A-122, “Cost Principles for Non-Profit Organizations,” A-21, “Cost Principles for Educational Institutions,” 24 CFR Part 84, “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations;” or 24 CFR Part 85, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” as applicable.
- vi. Determine whether the proposed activity aims to accomplish goals outlined in section SP-05 (Strategic Plan Overview) of the City of Clearwater Consolidated Plan.

- b. Hold a NAHAB meeting to hear presentations by applicants.
- c. Hold a Technical Review Committee Meeting to discuss applications.
- d. Publish a Notice of Public Hearing by the *Neighborhood and Affordable Housing Advisory Board (NAHAB)* consistent with the City's Citizen Participation Plan, including the date, time, location, and purpose of the hearing. Allow for at least 10 days between the notice publication date and the hearing date. See example public hearing notice (**AP-4**).
- e. Prepare staff recommendations for eligible activities and funding allocations to present to the *NAHAB*.
- f. Hold a Public Hearing of the City's *NAHAB* to hear staff recommendations for eligible activities and funding allocations and to recommend activities to be funded. Selection criteria include the following:
 - i. Application completeness;
 - ii. Defined activity need and benefit to the community;
 - iii. Defined positive impact on community;
 - iv. Consistency with Consolidated Plan Goals and Priorities;
 - v. Ability to spend funds in a timely manner;
 - vi. Applicant management capacity and fiscal controls;
 - vii. Applicant previous experience with federal funds;
 - viii. Applicant leveraging of dollars and collaborative efforts;
 - ix. Ratio of activity cost compared to request for Federal funding;
 - x. Ratio of current funding/staffing to request for funding/staffing; and
 - xi. Number of past years that the activity has received Federal funding.
- g. Prepare the Annual Action Plan document inclusive of NAHAB-recommended activities and budgets for the program year. See below for Annual Action Plan procedures.

4. Citizen Participation

- a. Citizen participation is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6). The City must provide citizens with reasonable advance-notice of, and opportunity to comment on, proposed activities.

The primary goal is to provide citizens--especially low and moderate income citizens of the City where CDBG-funded activities will take place-- an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. The regulations also require that the City consult with public and private service providers and other stakeholders.

To guide citizen participation, City staff shall follow the guidelines outlined in the City's Citizen Participation plan, but minimum requirements for citizen participation are:

- Two public hearings are required by law
- Both must be held prior to the submission of the Annual Action Plan
- Must be held at two separate phases of the project
- Reasonable notice must be provided

5. Prepare the Annual Action Plan as required by 24 CFR 91.220 along with Environmental Review Record (if necessary, see *ERR Procedures*)

- a. Produce a Draft Annual Action Plan. Using the NAHAB-recommended activities and budgets for the program year, prepare a draft Annual Action Plan. Begin by downloading the Annual Action Plan template from the HUD IDIS Online system that includes the following sections:
 - i. Setup
 - AD-26 Administration
 - AD-50 Grantee Information
 - AD-55 Grantee Program Contacts
 - ii. Process
 - AP-05 Executive Summary
 - PR-05 Lead and Responsible Agencies
 - AP-10 Consultation
 - AP-12 Participation
 - iii. Strategic Plan
 - SP-10 Geographic Priorities
 - SP-25 Priority Needs
 - SP-45 Goals
 - iv. Annual Action Plan
 - AP-15 Expected Resources
 - AP-20 Annual Goals and Objectives
 - AP-35 Projects
 - AP-50 Geographic Distribution

- AP-55 Affordable Housing
- AP-60 Public Housing
- AP-65 Homeless and Other Special Needs Activities
- AP-75 Barriers to Affordable Housing
- AP-85 Other Actions
- AP-90 Program Specific Requirements

See Consolidated Plan in IDIS Desk Guide

<https://www.hudexchange.info/resources/documents/eCon-Planning-Suite-Desk-Guide-IDIS-Conplan-Action-Plan-Caper-Per.pdf>

Using the Annual Action Plan template, complete all required sections based on the NAHAB-recommended activities and budgets for the program year, information from the Consolidated Plan and prior-year Action Plans, and other available sources.

To access IDIS Online, an individual must have an active IDIS Online User ID. To add new users, grantees should follow the instructions below. New Grantee/Participating Jurisdiction user requests or profile changes must be made by the City's Chief Executive Officer (or their designee).

- The City must fill out IDIS Access Form (**AP-5**)
 - Have the IDIS Access Form notarized as directed on the form
 - Submit it to your local HUD field office
 - If the field office recognizes the person who signed, they will forward the request to HUD headquarters
- b. Publish a Notice of 30-Day Public Comment Period. Publish a Notice of 30-Day Public Comment Period consistent with the City's Citizen Participation Plan, including a summary of the NAHAB-recommended activities and budgets for the program year, start and end dates for the period during which the draft Annual Action Plan will be available for review, and the locations where the document may be reviewed. Allow for at least 30 days between the notice publication date and the related Public Hearing for City Council adoption. See example public comment period notice (**AP-6**).
- c. Publish a Notice of Public Hearing for City Council Adoption. Publish a Notice of Public Hearing for City Council adoption consistent with the City's Citizen Participation Plan, including the date, time, location, and purpose of the hearing. Allow for at least 10 days between the notice publication date and the hearing

date. This notice may either be separate from or combined with the Notice of 30-Day Public Comment Period. See example public hearing notice (**AP-4**).

- d. Adopt the Annual Action Plan. Hold a Public Hearing by the City Council to adopt the Annual Action Plan, including the selected activities and budgets for the program year, taking into consideration any public comments received during the 30-Day Public Comment Period or during the Public Hearing.
- e. Submit the Annual Action Plan to HUD.
 - i. Standard Form (SF) 424 (**AP-7**) forms for each program completed and signed by the City's highest elected official
 - ii. Certifications (**AP-8**) signed by the City Manager
 - iii. Enter the adopted Annual Action Plan in the HUD IDIS Online system, including any comments received during the 30-Day Public Comment Period and Public Hearing by City Council. Attach supporting documentation of related public notices, citizen participation, board meetings, and scanned copies of signed SF-424 and Certifications (**AP-8**)
 - iv. Also, mail hard copies with original signatures of SF-424 and Certifications to HUD.

Submit the Annual Action Plan to HUD via the HUD IDIS Online system by changing the plan's status from "Open in Progress" to "Submitted for Review".

- f. HUD 45-Day Review Period. HUD has 45-days to review the submitted Annual Action Plan once submitted and to request modifications from the City if necessary. HUD will review the plan upon receipt. The plan will be deemed approved 45 days after HUD receives the plan, unless before that date HUD has notified the jurisdiction that the plan is disapproved (24 CFR 91.500(a)).
- 6. Publish the Request for Release of Funds (RROF).**
- a. All federally funded projects require some level of environmental review. Funds cannot be committed, obligated, or expended for any project prior to the completion of the environmental review. Once the plan is accepted by HUD and all applicable environmental reviews are completed, publish a notice of RROF and 15-Day Public Comment Period consistent with the City's Citizen Participation Plan, including any information pertaining to the Environmental Review Record (ERR). (The City can choose whether to conduct the ERR and Annual Action Plan separately or concurrently). See example RROF notice (**AP-9**). See also **ERR Procedures** for more information.

Reference Materials:

- Guide to National Objectives and Eligible Activities for State CDBG Programs
(<https://www.hudexchange.info/resource/2179/guide-national-objectives-eligible-activities-state-cdbg-programs/>)
- Consolidated Plan in IDIS Desk Guide
(<https://www.hudexchange.info/resources/documents/eCon-Planning-Suite-Desk-Guide-IDIS-Conplan-Action-Plan-Caper-Per.pdf>)
- City of Clearwater 5-Year Consolidated Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- City of Clearwater Citizen Participation Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>

February

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Prepare Action Plan Schedule and Update Citizen Participation Plan (if necessary)	2	3 Deadline to Submit Notice of Funding Availability (NOFA) to Newspaper	4
5	6	7	8	9	10 Notice of Funding Availability (NOFA) Runs in Newspaper; Project Application Period Begins; Make Community Needs Survey Available to Public (Website Link)	11
12	13	14	15	16	17	18
19	20	21 Needs Assessment Community Meeting #1 (Lake Bellevue/ East Gateway Neighborhoods)	22 Needs Assessment Community Meeting #2 (Non-Profits/Sub- Recipients)	23 Needs Assessment Community Meeting #3 (North Greenwood Neighborhood)	24 Technical Assistance Meeting for Applicants (Recorded and Posted to Dept. Website)	25
26	27	28	FEBRUARY-MARCH: COLLECT BACKGROUND DATA FOR ANNUAL ACTION PLAN; CONDUCT REQUIRED ANALYSES			

March						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10 Project Application Period Ends (Applications Due); Community Needs Survey Ends (Tally Results)	11
12	13	14	15 Internal Dept. Strategic Goal-Setting Meeting for Consolidated Plan/Annual Action Plan (Based on Community Needs)	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30 Application Review for Accuracy Due; Application Packets Distributed to TRC Members	31	

April						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18 NAHAB Meeting Applicant Presentations	19	20 TRC Meeting Final Application Review & Ranking Due	21 Deadline to Submit Notice for NAHAB Public Hearing to Newspaper	22
23	24	25	26	27 Staff Budget Review Due; Finalize Action Plan Budget Allocations for NAHAB Public Hearing	28 Notice for NAHAB Public Hearing Runs in Newspaper	29
30	APRIL-MAY: DEVELOP DRAFT ANNUAL ACTION PLAN DOCUMENT					

May						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9 NAHAB Public Hearing TRC Recommendations/ NAHAB Approves Budget Allocations	10	11	12	13
14	15	16	17	18	19 Complete Draft of Annual Action Plan Document Due (Internal Dept. Deadline)	20
21	22	23	24	25	26 Deadline to Submit Notice for 30-Day Comment Period to Newspaper	27
28	29	30	31			

Review Draft Action Plan Document Prior to 30-Day Comment Period

Prepare Electronic (PDF) and Hard Copies of Draft Annual Action Plan Document for Web Posting and Delivery

June						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Post Draft Annual Action Plan (PDF) to City Website and Deliver Hard Copies to Locations as Advertised	2 Notice for 30-Day Comment Period Runs in Newspaper 30-Day Comment Period Begins	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23 Deadline to Submit Notice for NAHAB & City Council Public Hearings to Newspaper	24
25	26	27	28	29 Deadline for City Council Agenda Packet	30 Notice for NAHAB & City Council Public Hearings Runs in Newspaper	

July						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 30-Day Comment Period Ends
2	3 Compile All Public Comments Received; Document Steps Taken to Address Public Comments in the Annual Action Plan Document	4	5	6	7	8
9	10	11 NAHAB Public Hearing NAHAB Recommendation to City Council	12	13	14	15
16	17	18	19	20 City Council Public Hearing Approval to Submit	21 Mail Original, Signed Forms & Certification to HUD	22
23	24	25	26	27	28	29
30	31					

August

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Submit Annual Action Plan to HUD in IDIS HUD 45-Day Review Period Begins	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Official HUD Deadline for Annual Action Plan Submittal in IDIS	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15 HUD 45-Day Review Period Begins	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30 OCTOBER 1 – PROGRAM YEAR BEGINS



**CITY OF CLEARWATER
FISCAL YEAR 2015-2016
CONSOLIDATED ACTION PLAN
APPLICATION FORM**

****Due: Friday April 3, 2015 by 4:30 p.m.****

Please phone (727) 562-4032 for assistance in preparing this application.
**(Housing Pool applications are accepted on a year-round basis while funds remain available.)*

- Please submit **one original and one copy** of this application (one-sided only). Do not staple, bind, use dividers, folders, or insert pages larger than 8 ½ x 11 inches in your packet. All application documents are located at: www.myclearwater.com/housing. All items below must be present for the application to be considered substantially complete.

SECTION A: APPLICANT INFORMATION

Agency Name: _____

Executive Director: _____

Telephone Number: _____

E-Mail Address: _____

Agency Address: _____

City/State/Zip: _____

Federal Tax ID#: _____

DUNS #: _____

Organization Type: Public Private
 Non-Profit Other (Specify) _____

Amount Requested: _____

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

*** Maximum request amount for public service projects are \$30,000 and the maximum amount for public facilities projects are \$50,000. A maximum of only 4 public facilities projects may be selected. An amount of \$7,000 will be set-aside for housing counseling activities from the public services category. The funds will be available to eligible housing counseling agencies on a first-come, first-eligible basis. Housing Pool applicants are not subject to the ranking criteria. Housing pool projects will be selected by the City on a first-come, first-eligible basis.**

Project Name: _____

Project Type: Public Service Public Facility Housing Pool

Service Area: Citywide Neighborhood Revitalization Strategy Area
 Other _____

Activity Type: New Construction Rehabilitation Down Payment Assistance

Housing Counseling Property Acquisition

Demolition Other _____

Project Address: _____

Contact Person: _____

Title: _____

Email: _____

Telephone/Fax: _____

Amount Requested: _____

The signature below certifies that he/she is the authorized representative, approved by the Agency's Board of Directors, to enter into this agreement and that the applicant will conduct the proposed activity in the location, time, and manner within the budget presented. It certifies that the proposed activity addresses one of the priorities as contained in the current City of Clearwater 5-Year 2011-2016- Consolidated Planning Document and/or current SHIP Local Housing Assistance Plan.

The applicant certifies that the CDBG, HOME and/or SHIP funds will be used in the manner described and will be used only to reimburse those eligible costs described in the approved budget and any other type of funds presented in the budget, will be obtained and used for the proposed project.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

**Signature of Authorized Official:
(MUST BE SIGNED IN BLUE INK)**

Name (signature)

Name (print)

Title (print)

Date

SECTION A: APPLICANT ATTACHMENTS

Please mark attachments with applicable section/number

- A1. Please attach a current List of the Board of Directors/Advisory Council, including each member’s name, title, contact information, and area of expertise or contribution to the organization. Specify which board members are involved in securing project funding.
- A2. Please attach the Board of Directors’ resolution authorizing submission of application and pay request.

SECTION B: MINIMUM PROGRAM REQUIREMENTS

Community Development Block Grant Projects

B1. If Agency’s office or facility is not in the City of Clearwater, please attach an explanation regarding how Agency services benefit Clearwater low- to moderate-income residents and how those services will be documented.

B2. Will proposed project serve at least 70% persons under 80% Area Median Income (AMI)?

Yes No

B3. Is the project located in an area which has 70% persons under 80% AMI?

Yes No

B4. Will the project address slum and blighted conditions in a targeted area?

Yes No

SECTION C: PROJECT OR ACTIVITY DESCRIPTION

C1. Project Title: _____

C2. Project Location: _____

C3. Program Narrative for general public understanding

C4. Define Agency service area. (If project is limited to a specific area, see instructions)

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

C5. Is the project in the Neighborhood Revitalization Strategy Area(s)?

If yes, please provide street address. _____

Yes No

C6. Does the project facilitate community and economic development in the neighborhood revitalization strategy areas? If “YES,” see instructions.

Yes No

C7. Mark which City Neighborhood Revitalization Strategy Area objectives the project addresses and submit an explanation on each.

- Create new investment opportunities
- Eliminate poor conditions of structures in strategy areas
- Empower neighborhood residents to eliminate crime
- Expand business opportunities
- Facilitate community and economic development
- Increase new job training and placement opportunities
- Reduce unemployment rate
- Remediate low-level contaminated sites
- Reverse declining property values
- Strengthen coordination of community organizations in redevelopment effort

C8. Mark which activities, considered “highest” priority in the City’s 2011-2016 Consolidated Plan, will the project achieve and submit an explanation on each.

- Promote better livable opportunities in Neighborhood Revitalization Strategy Area
- Promote affordable housing for renters, homebuyers, and homeowners
- Promote efforts to end chronic homelessness
- Provide outreach and housing opportunities for homeless individuals and families
- Provide assistance to victims of domestic violence
- Promote economic opportunities for low- to moderate-income individuals
- Provide assistance/benefits to any special population i.e. physically and/or mentally challenged, elderly or frail elderly, persons with HIV/AIDS
- Develop needed community centers and other public facility projects in the neighborhood revitalization strategy areas
- Promote opportunities to end poverty (job training, employability skills, educational attainment, and other related activities)
- Promote efforts to reduce lead poisoning in children
- Promote opportunities to assist public housing residents to become self-sufficient
- Promote opportunities for individuals to reduce their dependency on alcohol/drugs
- Promote fair housing opportunities

SECTION D: PERFORMANCE MEASURES

D1. Please submit a narrative on Performance Measures. (Application Instructions – Pages 4 & 7)

D2. Please submit an outline of Performance Measures. (Application Instructions – Pages 4 & 8)

D3. What is the proposed number of program beneficiaries or Outcome Measures? (Be specific)

_____ (Application Instructions – Page 4)

D4. Are there any special population beneficiaries? Yes No

How many? _____ (Application Instructions – Page 4)

D5. Do other agency(s) participate in the program? Yes No

(If yes, see Application Instructions – Page 4)

SECTION E: PROGRAM IMPLEMENTATION

E1. Please attach the Agency's Organizational Chart.

E2. Please attach resumes and job descriptions for Management/Supervisory staff for which funding is requested.

E3. Please attach resumes and job descriptions for other personnel who will participate in program implementation.

E4. Please attach a list of Volunteers who will be involved in the program. Indicate number of volunteers and description of roles they will perform.

E5. Please submit a detailed Program Narrative. (Application Instructions – Page 4)

E6. Please complete the attached Program Implementation Schedule on Page 8.

(Application Instructions – Pages 4 & 9)

SECTION F: BUDGET AND DETAILED BUDGET NARRATIVE

F1. Attach a Budget Narrative identifying how project/service/activity will be accomplished. Include in narrative, details on what would be the impact on the project if you receive less funds than requested.

F2. Please submit resume for person assigned to maintain organization's financial records.

F3. Please attach a copy of the agency's most recent detailed agency and project budget.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

- F4. Please attach the most **Recent Financial Audit** of prior year expenditures or a current year-end financial statement of the agency.
- F5. For funds committed and/or secured at time of application, **please attach a copy of the executed agreement showing funding and/or copy of the award letter.**
- F6. Please submit copy of Internal Revenue Service letter establishing sponsor's tax-exempt status AND a copy of the most recent IRS 990 report.
- F7. Please submit copy of the State Franchise Tax Board letter establishing sponsor's tax-exempt status AND a copy of the most recent Franchise Tax Board 1099 report.
- F8. Please complete the attached Project Budget Form on Page 9
(See Application Instructions – Page 5 & 10)

SECTION G: OTHER PROGRAM REQUIREMENTS

G2. PUBLIC FACILITY (ONLY)

See Application Instructions Page 2 for additional information.

G2A. Does the project involve construction/renovation of a facility or purchase of land?

Yes No If "Yes," see Application Instructions – Page 5.

G2B. Is the Agency proposing to rehabilitate or construct a public facility?

Yes No If "Yes," see Application Instructions – Page 5.

G2C. Is the Agency proposing to purchase real property?

Yes No If "Yes," see Application Instructions – Page 5.

G2D. Is the property involved in the Agency proposal leased?

Yes No If "Yes," see Application Instructions – Page 5.

G2E. Does the project require publicly supported maintenance costs?

Yes No If "Yes," see Application Instructions – Page 5.

G2F. Is the project consistent with Local Development Plans?

Yes No If "Yes," see Application Instructions – Page 6.

G3. HOUSING POOL (ONLY)

See Application Instructions - Page 2 for additional information.

Also see Application Instructions – Page 6 for information on Housing Pool Activities, Housing Counseling and Education type activities, and Post-Purchase and Foreclosure Prevention Counseling.

G3A. **Community Housing Development Organization (CHDO) applicants** must submit documentation regarding Agency’s ability to be certified as a Federal HOME Program CHDO **OR** documentation recertifying organization as a CHDO.

Questions listed below determine project consistency with Affordable Housing Objectives

See Application Instructions – Page 6 for submission requirements.

G3B. Does the project provide decent, adequate and affordable housing in safe desirable communities for homeowners by rehabilitating homes in need of repair?

Yes No

G3C. Does the project provide decent, adequate and affordable housing in safe desirable communities for homebuyers by providing down payment and closing cost assistance and counseling programs?

Yes No

G3D. Does the project provide decent, adequate and affordable housing in safe desirable communities for renters by constructing or renovating rental units for low to moderate-income families?

Yes No

G3E. Does the project provide housing and/or supportive services for the homeless?

Yes No

G3F. Does the project provide assistance to the special needs population? If “Yes”, please submit information on how the project will address the needs of the special needs population.

Yes No

G3G. Does the project provide residential initiatives for public housing residents?

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

Yes No

E6

PROGRAM IMPLEMENTATION SCHEDULE

Planned Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1)												
2)												
3)												
4)												
5)												
6)												

F8
PROJECT BUDGET

Category	Amount Requested	Other Funds		Other Funding Sources	Total
		Proposed	Committed		
Total					

NOTICE OF FUNDING AVAILABILITY

CITY OF CLEARWATER, FLORIDA

FY 2016-2017 - CONSOLIDATED ACTION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP PROGRAM

The City of Clearwater is estimated to receive \$667,634 in grant allocation funds under the Community Development Block Grant (CDBG) Program and \$283,808 in grant allocation funds under the HOME Investment Partnership Program for the FY 2016-2017 Program Year beginning October 1, 2016. Funds can only be used in the incorporated limits of the City of Clearwater. However, an agency that is located outside the city may receive funding if they provide documented services for city residents. The amounts listed above are only a projection of the grants and/or loan funds to be received and the actual amounts may vary depending on final appropriations and program income revenue.

Federal funding authorization for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership (HOME) Program is through the U. S. Department of Housing and Urban Development. In addition to the grant allocations, the City anticipates that it will receive program income from federal CDBG, HOME, and Neighborhood Stabilization Program 3 (NSP3) programs. Additional grant funds and program income may be received from the State of Florida State Housing Initiatives Partnership (SHIP) Program and through the Pinellas County Housing Trust Fund (PCHTF) Program.

These funds will primarily be used for housing, community and economic development activities. A portion of the funds listed above may be used for City conducted and/or sponsored projects and may not be available for allocation to applicants. Federal regulations applicable to these programs dictate funding availability for certain projects. Proposals for new projects will be accepted beginning on March 4, 2016, but no later than April 4, 2016. Suggestions for new projects/activities for FY 2016-2017 may be presented and should address the following strategies:

- Promote better livable opportunities in the Neighborhood Revitalization Strategy Areas
- Promote affordable housing for renters and/or homebuyers
- Promote efforts/activities to end chronic homelessness
- Provide outreach and housing opportunities for homeless individuals and families
- Provide assistance to victims of domestic violence
- Promote economic opportunities for very low to moderate-income individuals
- Provide assistance to the elderly, persons with disabilities, and persons with HIV/AIDS
- Develop public facility projects in the neighborhood strategy areas
- Promote efforts to reduce lead poisoning in children
- Promote opportunities to end poverty (job training, employability skills, educational attainment, and other related activities)

- Promote opportunities to assist public housing residents to become self-sufficient
- Promote opportunities for individuals to reduce their dependency on alcohol and drugs
- Promote fair housing opportunities

Eligible activities may include and not be limited to the rehabilitation and preservation of buildings and improvements; acquisition and disposition of real property; acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements; economic activities; and activities by subrecipients to carry out neighborhood revitalization, energy conservation projects and related projects.

Applications for organizations desiring to participate in the City of Clearwater Housing Pool for activities involving downpayment assistance/gap financing, new construction and rehabilitation of single and multifamily housing will be accepted from eligible participants on a year-round basis while funds remain available.

Applications can be obtained beginning March 4, 2016 through April 1, 2016, at the City of Clearwater – Economic Development and Housing Department - Housing Division located at 112 South Osceola Avenue, Clearwater, between the hours of 8:00 a.m. through 5:00 p.m. Applications may also be obtained via the City's website at https://www.myclearwater.com/gov/depts/econ_devel/documents.asp

A mandatory application workshop will be held on March 18, 2016 at the City of Clearwater Fire Station #48 – Training Room located at 1700 North Belcher Road, Clearwater, between the hours of 10:00 a.m. and 12:00 p.m. for all potential applicants. All organizations that are applying for funding must attend.

Applications are to be sent to Diane Durr, Housing Manager, City of Clearwater – Economic Development and Housing Department - Housing Division, 112 South Osceola Avenue, Clearwater, FL 33756 and must be received in the Housing Division Office no later than **4:30 p.m. on Monday, April 4, 2016.** Any questions or concerns should be directed to Diane Durr at 727-562-4032 or diane.durr@myclearwater.com.

NOTICE OF PUBLIC HEARING

CITY OF CLEARWATER, FLORIDA

Consolidated Annual Action Plan for

Fiscal Year 2016-2017

Five Year Consolidated Plan Years 2016-2021

The City of Clearwater, in compliance with the Citizens Participation Plan and as required by the United States Department of Housing and Urban Development (HUD), will be holding a total of three public hearings as we develop both the Consolidated Annual Action Plan for Fiscal Year 2016-2017 and the Five-Year Consolidated Plan for Fiscal Years 2016-2021, that incorporates Fiscal Year 2016-2017. The first public hearing will be held during the regularly scheduled Neighborhood and Housing Advisory Board (NAHAB) meeting on Tuesday, May 10, 2016 at 9:00a.m. The NAHAB will make recommendations for funding for the Fiscal Year 2016-2017 budget.

The second public hearing will include a 30-day Public Comment Period (June 15, 2016 thru July 15, 2016) by which citizens, representatives of the public, private agencies, and other interested parties will be able to review, provide comments, and make recommendations on the Fiscal Year 2016-2017 Consolidated Annual Action Plan as well as the Five-Year Consolidated Plan for Fiscal Years 2016-2021. This public hearing will be held during the regularly scheduled NAHAB meeting on Tuesday, July 12, 2016 at 9:00 a.m.

The third and final public hearing will be held during the regularly scheduled City Council Meeting on Thursday, July 21, 2016 at 6:00 p.m.

All public hearings will be held in the City of Clearwater's Council Chamber located at City Hall, 112 S. Osceola Ave., Clearwater, FL 33756.

The City receives entitlement funding from HUD through the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME) to produce and preserve affordable housing, to provide public service activities, and conduct public facility improvements to benefit low to moderate-income families. For Fiscal Year 2016-2017, the City anticipates receiving \$667,634 in Community Development Block Grant (CDBG) funds and \$283,808 in HOME Investment Partnership Programs (HOME) funds.

Should you have any questions in reference to this advertisement, please contact:

Diane Durr, Housing Manger
City of Clearwater, Economic Development and Housing
Department
P.O. Box 4748, Clearwater, FL 33758-4748
Or via email at: diane.durr@myclearwater.com

NOTICE OF PUBLIC HEARING

CITY OF CLEARWATER, FLORIDA

PRIOR YEARS' REPROGRAMMED AMENDMENT

2016-2017 ANNUAL ACTION PLAN

2016-2019 FOUR-YEAR CONSOLIDATED PLAN

The City of Clearwater is holding two public hearings for citizens, representatives of the public, private agencies and organizations, and other interested parties to review, provide comments and make recommendations on the Prior Years' Reprogrammed Amendment, the 2016-2017 Annual Action Plan, and the 2016-2019 Four-Year Consolidated Plan.

Both public hearings will be held in the Council Chamber in City Hall located at 112 S. Osceola Ave., Clearwater, with the meeting before the Neighborhood and Affordable Housing Advisory Board on July 12, 2016 at 9:00 a.m. and before the City Council on July 21, 2016 at 6:00 p.m.

The City receives entitlement funding from the United States Department of Housing and Urban Development through the Community Development Block Grant and HOME Investment Partnership Programs to produce and preserve affordable housing and provide public services and facility improvements for low to moderate-income families.

A copy of the FY 2016-2017 Annual Action Plan, which includes the Prior Year Reprogrammed Amendment and the 2016-2019 Consolidated Plan are available for viewing by the public at the Economic Development and Housing Department and the City Clerks' Office, both located at City Hall, 112 S. Osceola Avenue, Clearwater, Florida 33756, also at the City of Clearwater East Branch Library, located at 2251 Drew Street, or on the City's website at www.myclearwater.com/housing (Economic Development & Housing Department). Public comments are welcomed. All interested parties shall forward written comments on the plan by 4:00 p.m., July 21, 2016 to Diane Durr, Housing Manager, City of Clearwater, Economic Development and Housing Department, P.O. Box 4748, Clearwater, FL 33758-4748 or via email at Diane.Durr@myclearwater.com.

7/1/16

NOTICE OF PUBLIC HEARING
CITY OF CLEARWATER, FLORIDA
PRIOR YEARS' REPROGRAMMED AMENDMENT
2016-2017 ANNUAL ACTION PLAN
2016-2019 FOUR-YEAR CONSOLIDATED PLAN
SPECIAL MEETING

******This is a republication of a previously scheduled Neighborhood and Affordable Housing Advisory Board Meeting originally scheduled for July 12, 2016 at 9:00 a.m., however due to the lack of a quorum, the meeting is now scheduled for Tuesday, July 19, 2016 at 9:00 a.m. in Council Chamber at City Hall.******

The City of Clearwater is holding two public hearings for citizens, representatives of the public, private agencies and organizations, and other interested parties to review, provide comments and make recommendations on the Prior Years' Reprogrammed Amendment, the 2016-2017 Annual Action Plan, and the 2016-2019 Four-Year Consolidated Plan.

Both public hearings will be held in the Council Chamber in City Hall located at 112 S. Osceola Ave., Clearwater, with the meeting before the Neighborhood and Affordable Housing Advisory Board on July 12, 2016 at 9:00 a.m. and before the City Council on July 21, 2016 at 6:00 p.m.

The City receives entitlement funding from the United States Department of Housing and Urban Development through the Community Development Block Grant and HOME Investment Partnership Programs to produce and preserve affordable housing and provide public services and facility improvements for low to moderate-income families.

A copy of the FY 2016-2017 Annual Action Plan, which includes the Prior Year Reprogrammed Amendment and the 2016-2019 Consolidated Plan are available for viewing by the public at the Economic Development and Housing Department and the City Clerks' Office, both located at City Hall, 112 S. Osceola Avenue, Clearwater, Florida 33756, also at the City of Clearwater East Branch Library, located at 2251 Drew Street, or on the City's website at www.myclearwater.com/housing (Economic Development & Housing Department). Public comments are welcomed. All interested parties shall forward written comments on the plan by 4:00 p.m., July 21, 2016 to Diane Durr, Housing Manager, City of Clearwater, Economic Development and Housing Department, P.O. Box 4748, Clearwater, FL 33758-4748 or via email at Diane.Durr@myclearwater.com.

IDIS OnLine Access Request

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Privacy Act Statement: Public Law 97-255, Financial Integrity Act, 31 U.S.C. 3512, authorizes the Department of Housing and Urban Development (HUD) to collect all the information which will be used by HUD to protect disbursement data from fraudulent actions. The purpose of the data is to safeguard the Integrated Disbursement and Information System (IDIS) from unauthorized access. The data are used to ensure that individuals who no longer require access to IDIS have their access capability promptly deleted. This information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide the information requested on the form may delay the processing of your approval for access to IDIS.

Public Reporting burden for this information collection is estimated to average 30 minutes including time for collecting, reviewing, and reporting data. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

GRANTEE & REQUESTOR INFORMATION

REQUEST TYPE	Role to be Performed by Headquarters	Role to be Performed by Field or Local IDIS Administrator
	New Request <input type="checkbox"/>	Drop from IDIS <input type="checkbox"/>
	Renew Lapsed ID <input type="checkbox"/>	Change Function or Program Area <input type="checkbox"/>
	Change Name <input type="checkbox"/>	
	Add Access for Another Grantee <input type="checkbox"/>	

Please create a five digit pin that will be used for password resets. [][][][][]

Requestor's Name (Last, First, MI): _____ Office E-mail Address: _____

Office Address: _____ Office Phone: _____ ext.: _____

Grantee Name in IDIS: _____ **GRANTEE TYPE**
City County State Non-Profit Sub Grantee*

Please Mark All Necessary Functions & Programs

Authorized Functions	Program Areas
Set Up Activity <input type="checkbox"/>	CDBG <input type="checkbox"/> HOME <input type="checkbox"/> ESG <input type="checkbox"/> HOPWA <input type="checkbox"/>
Approve Drawdown <input type="checkbox"/>	HESG <input type="checkbox"/> HOPWA-C <input type="checkbox"/> HTF <input type="checkbox"/>
Request Drawdown <input type="checkbox"/>	Other: _____
Local IDIS Administrator <input type="checkbox"/>	<small>If other, please specify name of program</small>

*Approval of State Sub Grantee Request – CPD State Coordinator or State Official name, signature and date:
Name: _____ Signature: _____ Date: _____

Modules	Con Plan:	Capex:
	Create/Edit/Submit <input type="checkbox"/>	Create/Edit/Submit <input type="checkbox"/>
	Edit <input type="checkbox"/>	Edit <input type="checkbox"/>
	View <input type="checkbox"/>	View <input type="checkbox"/>

IDIS Online Rules of Behavior September 14, 2015

Introduction

This Rules of Behavior (RoB) procedure was developed as a guide to ensure that all users of IDIS Online are made aware of their security responsibilities before accessing IDIS Online. The RoB defines responsibilities and procedures for secure use of IDIS Online. By reading and acknowledging these rules, users accept the responsibility to protect IDIS Online and data. Users are accountable for their actions and the requirements to protect IDIS Online data and equipment from both malicious and accidental loss and damage. These rules clearly delineate the responsibilities of and expectations for all individuals with access to IDIS Online. Non-compliance with these rules will be enforced through sanctions commensurate with the level of infraction.

Responsibilities

All authorized users who have access to IDIS Online are required to read, acknowledge understanding, and sign the RoB before accessing IDIS Online and associated data. This acknowledgement must be completed annually thereafter.

By agreeing to and signing these rules, the user signifies:

1. Understanding that access is given only to IDIS Online to which the user requires access in the performance of their official duties and the user will not attempt to access systems they are not authorized to access.

2. Understanding of the IDIS Online Rules of Behavior (IDIS RoB) security requirements.
3. Acknowledgement that disciplinary action may be taken based on violation of the IDIS RoB.

The IDIS Online System Security Administrator (SSA) verifies that the users who require access to IDIS Online have read and accepted (via signature on the acceptance form) this IDIS RoB.

Other Policies and Procedures

This IDIS RoB is intended to enhance and further define the specific rules each user must follow while accessing IDIS Online. The rules are consistent with the policy and procedures described in the following directives:

Revision of OMB Circular No. A-130, Transmittal No. 3, Appendix III, "Security of Federal Automated Information Resources."	https://www.whitehouse.gov/omb/circulars_a130_a130pre
Privacy Act of 1974, as amended, 5 U.S.C. § 552a	http://www.justice.gov/opcl/privacy-act-1974
18 USC 1030(a)4, "Accessing to Defraud and Obtain Value"	http://www.gpo.gov/fdsys/granule/USCODE-2010-title18/USCODE-2010-title18-partI-chap47-sec1030/content-detail.html
NIST Special Publication 800-18 - Revision 1, Guide for Developing Security Plans for Information Technology Systems, February 2006	http://csrc.nist.gov/publications/nistpubs/800-18-Rev1/sp800-18-Rev1-final.pdf
HUD Information Technology Security Policy Handbook	http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cio/2400.25

Application Rules

Because written guidance cannot cover every contingency, you are asked to go beyond the stated rules, using your best judgment and highest ethical standards to guide your actions. These rules are based on Federal laws and regulations and HUD policies. As such there are consequences for non-compliance. The following IDIS RoB is the minimum rules for users who are requesting an IDIS Online user account:

1. You are aware of the existence of and penalty for violating 18 USC 1030 and abide by:
 - a. The elements of 18 USC 1030(a)4, "Accessing to Defraud and Obtain Value" are:
 - i. Knowingly accessing a protected computer without or in excess of authorization;
 - ii. With intent to defraud;
 - iii. Access furthered the intended fraud; and
 - iv. Obtain anything of value
 - b. The penalty for violating this statute includes a fine and imprisonment of not more than ten years, or both.
2. You must adhere to HUD's policy requiring a separation of duties between the requestor and approver for financial transactions:
 - a. Effective December 14, 2001, the same person can no longer both request and approve a given draw down in IDIS Online.
 - b. While individual persons may have the power to both request and approve draws, this rule prevents an individual from approving a draw that he or she created. IDIS Online requires two people to be involved in every draw down of funds.
3. Currently, the IDIS Online Local Administrator initially defines what a person can do in IDIS Online, carrying out the wishes of each grantee's authorizing official — mayor, grant holder, CEO, CFO, etc. Some users have full rights, while others have limited rights of various kinds. You understand that you are given access only to IDIS Online to which you require access in the performance of your official duties and that you will not attempt to access systems that you are not authorized to access.
4. You are prohibited from misusing IDIS Online, i.e., exceeding your authority. Your level of access to IDIS Online is limited to ensure your access is not more than necessary to perform your legitimate tasks or assigned duties. If you believe you are being granted access that you should not have, you must immediately notify the IDIS Online SSA via email at IdisUseridRequests@hud.gov.
5. You must immediately notify your Supervisor, CPD Field Office Administrator, and/or your Local Grantee Administrator if your access/privilege are no longer required, termination, promotion, and transferred.
6. You must maintain the confidentiality of your authentication credentials such as your password. Do not reveal your authentication credentials to anyone and do not record passwords on paper or in electronic form.
7. You must report all security incidents or suspected incidents (e.g., lost passwords, improper or suspicious acts) related to IDIS Online to the HUD Computer Incident Response Team at CIRT@hud.gov.
8. Your IDIS Online password expires every 90 days, so ensure you access IDIS at least once a month. Users who do not use IDIS within a 90 day period will find their accounts are de-activated.

9. You must follow proper logon/logoff procedures. You must manually logon to your session; do not store your password locally on your system or utilize any automated logon capabilities. You must promptly logoff when session access is no longer needed. If a logoff function is unavailable, you must close your browser. Never leave your computer unattended while logged into IDIS Online.
10. You must not establish any unauthorized interfaces between IDIS Online and other non-HUD systems.
11. Your access to IDIS Online constitutes your consent to the retrieval and disclosure of the information within the scope of your authorized access, subject to the Privacy Act, and applicable Federal laws.
12. You must safeguard IDIS Online resources against waste, loss, abuse, unauthorized use of disclosure, and misappropriation.
13. You must not process classified national security information on IDIS Online.
14. You must not browse, search or reveal IDIS Online data except in accordance with that which is required to perform your legitimate tasks or assigned duties. You must not retrieve data, or in any other way disclose data, for someone who does not have authority to access that information.
15. By your signature or electronic acceptance (such as by clicking an acceptance button on the screen), you must agree to these rules

User Acknowledgement and Certification— I acknowledge and certify that:

1. I understand the IDIS RoB and Federal Government policies as set forth above regarding security awareness and practices when accessing and utilizing IDIS Online.
2. I have read and understand the IDIS RoB governing my use of IDIS Online and agree to abide by them.
3. I understand my responsibilities and the penalties for NOT ADHERING to the IDIS RoB.
4. I understand that failure to comply will result in disciplinary action against me which may include, but are not limited to, a verbal or written warning, removal of system access, reassignment to other duties, demotion, suspension, reassignment, termination, and possible criminal and/or civil prosecution.

Requestor Name: _____	Signature: _____	Date: _____
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GRANTEE APPROVING OFFICIAL

Approving Official's Name:

Title:

Office Phone: _____ ext.: _____

Office Address: (Street, City, State, Zip)

Signature: _____ Date: _____

I authorize the person above to have access to IDIS functions checked.

NOTARY

The Approving Official's signature must be notarized to verify the identity of the individual who signed this document using the appropriate notary certificate of the state, territory or insular area. Once completed, attach the completed notary certificate to this form and send to your local HUD CPD Field Office. If your state, territory or insular area does not require a notary certificate, use the space below.

Date: _____

Signature: _____

HUD FIELD OFFICES

Field Office Approval (CPD Director or Designee) Name: _____	Signature: _____	Date: _____
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**CITY OF CLEARWATER
PROPOSED
PRIOR YEARS' REPROGRAMMED AMENDMENT
2016-2017 ANNUAL ACTION PLAN
2016-2019 FOUR-YEAR CONSOLIDATED PLAN**

The City of Clearwater is hereby publishing the proposed 2016-17 Annual Action Plan (AAP), the Program Year (PY) 2016-2019 Four-Year Consolidated Plan, and prior years' Amendment for the purpose of reallocating funds to various eligible activities for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnership Program (HOME). The AAP identifies proposed projects and activities the City plans to implement in the next Program Year beginning October 1, 2016 and ending September 30, 2017. The Reprogrammed Funds are an accumulation of funds from program income generated through the Revolving Loan Fund Program as well as carry-over funds from projects that were either cancelled or completed under budget and are now available to apply toward a new activity. The 2016-2019 Four-Year Consolidated Plan has been changed from the former Five-Year Consolidated Plan for consistency with the United States Department of Housing and Urban Development's (HUD) new rules pertaining to Affirmatively Furthering Fair Housing (AFFH), a crucial element of the Consolidated Plan. The primary uses of CDBG funds are to promote viable communities by providing decent housing, suitable living environments and expanding economic opportunities principally to low and moderate-income persons. HOME funds are used to extend and strengthen community partnerships in the private sector and with both for-profit and not-for profit organizations for the purpose of developing affordable housing.

The City of Clearwater anticipates receiving \$667,634 for the CDBG Program; \$283,808 for the HOME Program; the Reprogramming of \$516,021 in CDBG funds and \$438,020 in HOME funds to fund new activities. In addition, \$523,579 in Rollover Funds from the Revolving Loan Program will be returned to the Program with the remaining \$229,621 being reprogrammed to eligible activities. The list below captures all proposed activities to be funded with CDBG and HOME Programs. Please note that funding for these and other projects not listed may increase or decrease based upon program income, prior period adjustments and/or final federal or state allocations. Due to these and other factors, the City of Clearwater reserves the right to add or delete projects.

PROPOSED FUNDING RESOURCES

Community Development Block Grant Program - Entitlement	\$ 667,634
HOME Investment Partnership Program - Entitlement	283,808
Reprogrammed CDBG Funds	516,021
Reprogrammed HOME Funds	438,020
Revolving Loan Fund	523,579
Reprogrammed Revolving Loan Funds	229,621
TOTAL	\$ 2,658,683

LIST OF PROPOSED ACTIVITIES

Program Administration

Community Development Block Grant Program	\$ 133,527
HOME Investment Partnership Program	283,380

Housing

Tampa Bay Community Development Corp. (Down Payment Assistance)	25,000
Habitat for Humanity of Pinellas County, Inc. (Acquisition)	50,000
Tampa Bay Community Development Corp. (Homebuyer Education)	5,700
Community Service Foundation, Inc. (Fair Housing)	4,900
Community Service Foundation, Inc. (Housing Counseling)	9,432
CDBG Rehabilitation	60,000
Homeowner Activities	212,857
Community Housing Development Organization Set-a-side	42,571
HOME Rehabilitation/Purchase Assistance	438,020
Revolving Loan Program/Housing Pool/Program Income	523,579

Homelessness

Religious Community Services, Inc. (Grace House)	15,669
Homeless Emergency Project, Inc. (Emergency Shelter)	9,345
The Kimberly Home, Inc. (Women's Shelter Program)	15,670
Westcare Gulfcoast Florida, Inc. (Substance Abuse)	9,345

Non-Homeless Special Needs

Pinellas Opportunity Council, Inc. (Chore Services)	9,345
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Community Development & Public Services

Religious Community Services, Inc. (Facility Improvement)	49,025
The Arc of Tampa Bay, Inc. (Facility Improvement)	95,335
The Kimberly Home, Inc. (Acquisition/Demolition)	99,200
Clearwater Free Clinic (Facility Improvement)	100,000
InterCultural Advocacy Institute, Inc. (Family Enrichment)	15,669
Safety Harbor Neighborhood Family Center (Mentoring)	15,670
Stormwater Improvements/Resurfacing	625,642

Economic Development

Technical Assistance	4,802
Business Development (Façade Improvement)	60,000

TOTAL FUNDING

\$ 2,658,683

The public comment period begins on June 15, 2016 and runs through July 15, 2016. Please send any comments to Diane Durr, Housing Manager, City of Clearwater Economic Development and Housing Department, P.O. Box 4748, Clearwater, FL 33758-4748 or via telephone at (727) 562-4032.

A draft copy of the proposed City of Clearwater PY 2016-2017 Annual Action Plan and City of Clearwater PY 2016-2019 Consolidated Action Plan will be available on June 15, 2016 online at <https://www.myclearwater.com/econdev> with hard copies available for viewing at the following locations:

City of Clearwater
City Clerk's Office
112 S. Osceola Avenue
Clearwater, FL 33756

City of Clearwater
East Branch Library
2251 Drew Street
Clearwater, FL 33756

City of Clearwater
Economic Development & Housing Department
112 S. Osceola Avenue
Clearwater, FL 33756

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- Preapplication
- Application
- Changed/Corrected Application

*** 2. Type of Application:**

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. Organizational DUNS:

d. Address:

* Street1:

Street2:

* City:

County/Parish:

* State:

Province:

* Country:

* Zip / Postal Code:

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Middle Name:

* Last Name:

Suffix:

Title:

Organizational Affiliation:

* Telephone Number:

Fax Number:

* Email:

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on .
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

**** I AGREE**

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of 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 that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, 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 grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. 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, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be 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.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) _____ , _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It 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 CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG 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.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

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

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Title

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

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 imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

COMBINED NOTICE
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT
AND INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS

October 28, 2016

City of Clearwater
Economic Development and Housing Department
112 S. Osceola Avenue
Clearwater, FL 33756
(727) 562-4023

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about November 14, 2016, the City of Clearwater (City) will submit a request to the United States Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Neighborhood Stabilization Program (NSP 3) federal funds under title I of the Housing and Community Development Act of 1974 (P.L. 93-383), the Stewart B. McKinney Homeless Act of 1987 (P.L. 100-77) and the National Affordable Housing Act of 1990 (P.L. 101-625), all as subsequently amended. The funds will be used for the following activities/projects which have been determined to be categorically excluded subject to the related federal laws and authorities cited in 58.5 per 58.35 (b) (CEST):

- Religious Community Services – rehabilitation of kitchen and bathroom at confidential address per Fl Statute 39.908 \$49,025
- The Arc of Tampa Bay - rehabilitation of facility at 1501 N. Belcher Road \$95,335
- Clearwater Free Clinic – replacement of windows, roof and HVAC at 314 S. Missouri Ave \$100,000
- Stormwater Improvements/Resurfacing – various strategy areas throughout the City \$974,213

The funds listed in the chart below will also be used for the following activities/projects which have been determined to be categorically excluded subject to the federal laws and authorities cited in Section 58.5 (CEST) and will be reviewed using a Tiered Strategy:

- Rehabilitation of single family homes throughout Clearwater where specific sites have yet to be determined
- Rehabilitation of housing units throughout Clearwater where specific sites have yet to be determined
- Acquisition, and redevelopment of vacant properties or demolition and new construction of single family units throughout Clearwater where specific sites have yet to be determined
- Façade improvements of businesses throughout Clearwater where specific sites have yet to be determined

The funds listed in the chart below will also be used for the following activities/project which have been determined to be categorically excluded not subject to Section 58.5 and will be reviewed using a Tiered Strategy:

- Purchase Assistance, including closing costs and down payment assistance to assist homebuyers where specific sites have yet to be determined

DETERMINATIONS AND BROAD LEVEL (TIER 1) REVIEWS

To comply with the environmental review requirements of the U.S. Department of Housing and Urban Development (HUD) and other laws and authorities as cited in 24 CFR Part 58, The City has performed a determination of Exemption, Categorical Exclusion not subject to 58.5, or Categorical Exclusion subject to 58.5 for each of the above listed activities/projects and has determined that they will have no significant impact on the human environment. These activities/programs are eligible under CDBG, HOME, and NSP funds.

Additionally, the City has completed a Broad Level (Tier 1) review of the above listed activities/projects and has developed a set of criteria in the form of a Site Specific (Tier 2) review checklist to verify compliance with the laws and authorities of the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) and other provisions of law that further the purpose of NEPA. Clearwater will make certain that the environmental factors as established for the above projects are addressed in the Site Specific (Tier 2) and that any adverse environmental impact will be reduced, eliminated, or mitigated. Any activity that does not comply with the criteria established in the Site Specific (Tier 2) checklist will be excluded from this determination. If the activity is pursued, a separate site-specific assessment and publication will be completed in accordance with 24 CFR Part 58 to determine potential environmental impacts.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The City has determined that the above activities/projects will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) which may be examined or copied during normal business hours weekdays between 8:00 a.m. and 5:00 p.m. by visiting the City of Clearwater, Economic Development and Housing Department, 112 S. Osceola Avenue, 1st Floor.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Charles Lane, Assistant Director, City of Clearwater, Economic Development and Housing Department, P.O. Box 4748, Clearwater, Florida 33758 or e-mailed to charles.lane@myclearwater.com. Written or e-mailed comments should be received at the address specified on or before November 14, 2016. The City will consider all comments received prior to authorizing submission of a request for release of funds. Commentators should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City certifies to HUD that William B. Horne, II, in his capacity as the City Manager of the City consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City to use Program funds.

OBJECTION TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the certifications for the City for a period of fifteen days following the anticipated submission date or its actual receipt of the requests (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer; (b) the ERR omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD at the Jacksonville Office, Region IV, 400 West Bay Street, Suite 1015, Jacksonville, Florida 32202. Potential objectors should contact HUD to verify the actual last day of the objection period.

CITY OF CLEARWATER CDBG/HOME PROGRAMS ENVIRONMENTAL REVIEW RECORD (ERR) PROCEDURES

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Environmental Review Record (ERR) Procedures

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Attachment ER-6 – Finding of “Categorical Exclusion Not Subject To” Form

Attachment ER-7 – Statutory Checklist

Attachment ER-8 – Example NOI/RROF Publication

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Attachment ER-16 – Example 58.5 Letter

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CITY OF CLEARWATER CDBG/HOME PROGRAMS ENVIRONMENTAL REVIEW RECORD (ERR) PROCEDURES

Environmental Review (ER) is the examination of a project relative to the National Environmental Policy Act of 1969 (NEPA) and its related laws. NEPA was established to ensure environmental protection for federally funded projects. Community Development Block Grant (CDBG) and HOME funded projects are subject to the provisions of NEPA [24 USC 432-14347] and the HUD regulations implementing NEPA [24 CFR Part 58]. Recipients of CDBG and HOME funds are required to complete an environmental review prior to receiving environmental clearance from the U.S. Department of Housing and Urban Development (HUD). The type of project(s) the City is completing will determine the level of environmental review and the necessary documentation that will be required.

The following are step-by-step procedures that should be followed on an annual basis in order to complete the environmental review process. Follow the steps and refer to the Environmental Review Process Flow Chart (**Attachment ER-1**) for further information.

1. Project Aggregation: The City should evaluate the entire scope of each project and include all funding sources that may be used in conjunction with the project. The entire area in which the project will be located must be reviewed, regardless of what resources (CDBG or non-CDBG) are funding individual project activities.
2. Determination of Level of Review: The City must determine which level of environmental review is appropriate for each project in order to correctly complete the necessary documentation for the project. City staff must review the HUD regulations (**24 CFR PART 58, ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES**) to determine which category of review the project should be classified under in order to determine which level of review must be completed. The different levels are as follows:
 - a. Exempt [Those projects classified under 24 CFR 58.34]
 - b. Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 (CENST) [Those projects classified under 24 CFR 58.35(b)]
 - c. Categorical Exclusion Subject to the requirements of 24 CFR 58.5 (CEST) [Those projects classified under 24 CFR 58.35(a)]
 - d. Environmental Assessment (EA) [All other projects that are not classified under 24 CFR 58.34, 58.35(b)]

- e. 58.35(a) and that do not require an Environmental Impact Statement (EIS)]
3. Documentation/Prepare the Environmental Review Record (ERR): The City must complete the appropriate Environmental Checklists and provide any other necessary information that is required to fully document the environmental review and findings. This information is referred to as the Environmental Review Record (ERR). The project aggregation and the determination of level of review will help determine the appropriate ERR documentation. Additional source documentation must be provided, particularly for projects that require a CEST or EA review.
 4. Publication/Posting: Only those projects that require a CEST or EA review will be required to provide a NOI/RROF public notice which needs to be completed through either publication or posting. Projects that are Exempt, CENST, or those CEST projects that convert to Exempt do not require any publication or posting. Projects that require a CEST review will have a 7- or 10-day public comment period. Projects that require an EA review will have a 15- or 18-day public comment period.
 5. Completion of RROF (Form 7015.15) and Affidavit of Publication: Only those projects that require a CEST or EA review will be required to complete a RROF Form. The RROF must be completed, an original affidavit of publication, and a copy of the publication must be sent to HUD after the ERR is completed and sent no earlier than the day after the publication period has ended.
 6. HUD 15 Day Objection Period: Once the RROF Form, the affidavit of publication, and the copy of publication notice are received by HUD (no earlier than the day after the publication period has ended), the HUD 15-day objection period begins.
 7. Obtaining Environmental Clearance: After the end of the HUD 15-day comment period, the project will have environmental clearance. HUD provides an “Authority to Use Grant Funds” (Form 7015.16) to the City which will provide environmental clearance and clearance to use grant funds.

Step 1 - Project Aggregation

The City should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. Defining the project should include determining all integrally related activities designed to accomplish a specific objective. This includes evaluating the entire project area, regardless of the funding source for any project activities.

ER Task:

Prepare a spreadsheet and list all federally funded projects within a given program year. The spreadsheet should include field headings showing the following details:

Project Name	Detailed Project Description	Project Location	Project Budget

Step 2 – Determination of Level of Review

The City must determine which level of environmental review is appropriate for each project in order to correctly complete the necessary documentation for the project. City staff must review the HUD regulations (**24 CFR PART 58, ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES**) to determine which category of review the project should be classified under in order to determine which level of review must be completed. The different levels are as follows:

Exempt [Those projects classified under 24 CFR 58.34]

A project that has been classified under 24 CFR 58.34 is considered Exempt and requires a limited environmental review.

An Exempt project is a project that can be classified under one of the following categories:

- 1) Environmental and other studies, resource identification and the development of plans and strategies;
- 2) Information and financial services;
- 3) Administrative and management activities;
- 4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- 5) Inspections and testing of properties for hazards or defects;
- 6) Purchase of insurance;
- 7) Purchase of tools;
- 8) Engineering or design costs;
- 9) Technical assistance and training;
- 10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
- 11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- 12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5. [CEST Projects that converts to Exempt]. If a project cannot be classified under any of the above-mentioned categories, then the project is not Exempt and a higher level of environmental review will need to be completed.

Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 (CENST) [Those projects classified under 24 CFR 58.35(b)]

A project that has been classified under 24 CFR 58.35(b) is considered a Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 and requires a limited environmental review.

A CENST project is a project that can be classified under one of the following categories:

- 1) Tenant-based rental assistance;
- 2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
- 3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
- 4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
- 5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.
- 6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
- 7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

If a project cannot be classified under any of the above-mentioned categories, then the project is not CENST and a higher level of environmental review will need to be completed.

Categorical Exclusion Subject to the requirements of 24 CFR 58.5 (CEST) [Those projects classified under 24 CFR 58.35(a)]

A project that has been classified under 24 CFR 58.35(a) is considered a Categorical Exclusion Subject To the requirements of 24 CFR 58.5 (CEST) and requires the completion of a Statutory Checklist which evaluates 14 separate environmental laws.

A CEST project is a project that can be classified under one of the following categories:

- 1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
- 2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- 3) Rehabilitation of buildings and improvements when the following conditions are met:
 - i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
 - ii. In the case of multifamily residential buildings:
 - (A) Unit density is not changed more than 20 percent;
 - (B) The project does not involve changes in land use from residential to non-residential; and
 - (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - iii. In the case of non-residential structures, including commercial, industrial, and public buildings:
 - (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - (B) The activity does not involve a change in land use, such as from non- residential to residential, commercial to industrial, or from one industrial use to another.
- 4)
 - i. An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four- unit building or any combination in between; or

- ii. An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
 - iii. Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).
- 5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
- 6) Combinations of the above activities.

Environmental Assessment (EA) [All other projects that are not classified under 24 CFR 58.34, 58.35(b)]

A project that cannot be classified as Exempt, CENST, CEST, but is classified under 24 CFR 58.36 requires the completion of an Environmental Assessment (EA). An EA includes a Finding of No Significant Impact (FONSI) Determination, a Statutory Checklist, an Environmental Assessment Checklist, a 58.6 Checklist, and all other required information as noted below.

Environmental Impact Statement (EIS) [Those projects classified under 24 CFR 58.37]

An environmental impact statement (EIS) is a detailed written statement required by section 102(2)(C) of NEPA for a proposed major Federal action significantly affecting the quality of the human environment. Projects requiring an EIS are not typically carried out by the City of Clearwater utilizing federal funds.

ER Tasks:

Edit spreadsheet previously prepared in Step 1 to list the level of review required for each federally funded project being carried within a given program year. The spreadsheet should include field headings showing the following details:

Project Name	Detailed Project Description	Project Location	Project Budget	Level of Review

Create an ER Calendar: Determine specific dates for internal staff review periods, external agency review periods, publication of notices, public comment periods, and submission deadlines. Utilize **ER-1**, Environmental Review Process Flow Chart in creating the ER Calendar (**Attachment ER-1**).

Step 3 – Documentation/Prepare the Environmental Review Record (ERR)

The City must complete the appropriate Environmental Checklists and provide any other necessary information that is required to fully document the environmental review and findings. This information is referred to as the Environmental Review Record (ERR). The project aggregation and the determination of level of review will help determine the appropriate ERR documentation. Additional source documentation must be provided, particularly for projects that require a CEST or EA review.

Exempt [Those projects classified under 24 CFR 58.34]

As previously mentioned, certain activities are defined in 24 CFR Part 50 and 58 as exempt from environmental review or not subject to NEPA and other laws and authorities. Even though some activities are categorically excluded, they may still require compliance actions to document their exclusion.

ER Tasks:

The ERR for an Exempt project must include the completion of the following items:

- Cover Sheet (**Attachment ER-2**)
- Determination of Level of Review (**Attachment ER-3**)
- Finding of Exempt Activity Form (**Attachment ER-4**)
- 58.6 Checklist (**Attachment ER-5**)

Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 (CENST) [Those projects classified under 24 CFR 58.35(b)]

ER Tasks:

The ERR for a CENST project must include the completion of the following items:

- Cover Sheet (**Attachment ER-2**)
- Determination of Level of Review (**Attachment ER-3**)
- Finding of “Categorical Exclusion Not Subject To” Form (**Attachment ER-6**)
- 58.6 Checklist (**Attachment ER-5**)

Categorical Exclusion Subject to the requirements of 24 CFR 58.5 (CEST) [Those projects classified under 24 CFR 58.35(a)]

The ERR for a CEST project must include the completion of the following items:

- Cover Sheet (**Attachment ER-2**)
- Determination of Level of Review (**Attachment ER-3**)
- Statutory Checklist (**Attachment ER-7**)
- 58.6 Checklist (**Attachment ER-5**)
- Source Documentation [including, but not limited to, a FIRM Map, an aerial map, letters sent to any agencies, agency websites consulted, agency responses, and any other relevant information that provides support for your findings within the Statutory Checklist] (**Attachment ER-7**)
- NOI/RROF Publication (**Attachment ER-8**)
- Affidavit of Publication or Proof of Posting (**Attachment ER-9**)
- RROF/Certification Form (**Attachment ER-10**)

The City does have to publish a NOI/RROF, does have to submit an RROF/Certification Form, and does have to require a 15 day HUD Comment Period for CEST Projects unless the project converts to Exempt.

Environmental Assessment (EA) [All other projects that are not classified under 24 CFR 58.34, 58.35(b)]

The ERR for an EA project must include the completion of the following items:

- Cover Sheet (**Attachment ER-2**)
- Determination of Level of Review (**Attachment ER-3**)
- Environmental Assessment (EA) Form (**Attachment ER-11**)
- Source Documentation [including, but not limited to, a FIRM Map, an aerial map, letters sent to any agencies, agency websites consulted, agency responses, and any other relevant information that provides support for your findings within the Statutory Checklist] (**Attachment ER-7**)
- NOI/RROF Publication (**Attachment ER-8**)
- FONSI Publication (**Attachment ER-12**)
- Affidavit of Publication or Proof of Posting (**Attachment ER-9**)
- RROF/Certification Form (**Attachment ER-10**)

The City does have to publish a Combined Notice (FONSI/NOI-RROF), does have to submit an RROF/Certification Form, and does have to require a 15 day HUD Objection Period for EA Projects.

Notes:

- a. While completing the Statutory Checklist, if it is determined that the project is within a floodplain, the City will need to conduct the 8 Step Process for Compliance with Floodplain Management (**Attachment ER-13**).

Floodplain Review.

- i. For all federally funded projects located in a 100-year floodplain or wetland, prepare a floodplain review and report consisting of the following steps:
 1. Determine if the proposed activity/project is in a 100-year floodplain/wetland;
 2. Publish an Early Public Notice to involve the public in the decision-making process;
 3. Evaluate alternatives to locating the proposed action in a floodplain/wetland;
 4. Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland;
 5. Identify mitigation measures to minimize impacts to and preserve benefits of the floodplain/wetland;
 6. Reevaluate the alternatives identified in Step 3;
 7. Publish a Notice of Explanation, if reevaluation results in no practicable alternative to relocate the project out of the floodplain/wetland;
 8. Implement the project
 - ii. Complete "Floodplain Issuance of Findings".
- b. While completing the Statutory Checklist, if it is determined that the State Historic Preservation Office is to be consulted on the impact of potentially historic properties then a Section 106 Review will need to be conducted:

Section 106 Review aka State Historic Preservation Office (SHPO) Review

- i. For all federally funded projects that include alterations to property (e.g. rehabilitation, construction, or demolition of structures, conversion of uses, or acquisition of undeveloped land), determine if the property has historic significance. Documentation of this review must be submitted to the SHPO (i.e., Florida Department of State Division of Historical Resources) for a 30-day review period. See example Minimum Review Documentation Requirements (**Attachment ER-14**), which include the following:
 1. Indicate the program requiring the review (e.g. HUD, CDBG or HOME).
 2. Provide the project address and a project location map.
 3. Provide photographs of the property (structures, land, etc.) that could or will be affected by the project.
 4. Determine if the property has historic significance by searching the Florida Master Site File, National Register of Historic Places, local government departments or offices, and historical societies or organizations.
 5. Indicate if the project is located within a designated historic district or neighborhood.
 6. Provide a detailed description of the subject property, the project to be undertaken, and the research methods for evaluating historical significance (see Sufficiency Checklist, **Attachment ER-15**).
 7. Provide a Finding of Effect (see below and 36 CFR Part 800).
 8. Provide City department contact information.
 9. Submit documentation to the Compliance and Review Section of the Florida Department of State Division of Historical Resources c/o the State Historic Preservation Officer for a 30-day review period.

- ii. There are four (4) possible Findings of Effect resulting from the Section 106 review process:
 1. There are no historic properties present (“Not applicable”);
 2. There are historic properties present, but none will be affected (“No historic properties affected”);
 3. There are historic properties present, but there will be no adverse effects (“No adverse effect”); or

4. There are historic properties present and there will be adverse effects (“Adverse effect”).

If, during or after the 30-day review period, SHPO does not concur with the Finding of Effect assigned by the grantee, then consultation will continue until a Finding of Effect is agreed upon. If the Finding of Effect is “Adverse Effect” then additional steps must be taken to either modify the project to create “No Adverse Effect” or establish measures to mitigate the “Adverse Effect” through a Memorandum of Agreement (MOA) or Programmatic Agreement (PA), or a termination of consultations (36 CFR Part 800.7).

c. Additional Outside Review.

- i. Notify other outside agencies consistent with 24 CFR 58.5. Such outside agencies include any local, county, state or federal agency that has jurisdiction over environmental review and protection of any kind.
 1. Prepare and send Section 58.5 letters to agencies and civic organizations requesting their input on the proposed project list. See example 58.5 letter (**Attachment ER-16**).

- ii. Notify other outside agencies consistent with Executive Order 12372 regarding Intergovernmental Coordination. In the State of Florida, letters should be mailed to the designated Single Point of Contact (SPOC) at the Florida State Clearinghouse, Florida Department of Environmental Protection.
 1. Prepare and send EO 12372 letter to the Florida SPOC. See example EO 12372 letter (**see Attachment ER-17**).

d. Maintain the ERR

- i. Compile all the environmental review documents, including worksheets, checklists and forms completed, notices sent and comments received, and all written determinations or environmental findings as evidence of review, decision-making, and actions pertaining to each project. The evidence should be stored in one location (i.e., file folder/drawer or binder) and updated as needed.

Step 4 – Publication/Posting

Only those projects that require a CEST or EA review will be required to provide a Notice of Intent (NOI)-Request Release of Funds (RROF) public notice which needs to be completed through either publication or posting. Projects that are Exempt, CENST, or those CEST projects that convert to Exempt do not require any publication or posting.

The HUD regulations at 24 CFR 58 define the publication requirements for CDBG projects and the process for receiving environmental clearance after the recipient's environmental review packet has been completed for CEST or EA Projects and has been signed by the RE Certifying Officer.

This process includes a public comment period publication (Notice of Intent to Request Release of Funds, NOI-RROF), a FONSI publication for EA Projects only, the completion of a RROF Form with documentation, and a HUD 15-Day Objection period. This process must be completed in the correct order or republishing may be necessary.

Categorical Exclusion Subject to the requirements of 24 CFR 58.5 (CEST) [Those projects classified under 24 CFR 58.35(a)]

The City should publish or post a NOI/RROF for projects that require a CEST review. The notice should allow for a 7- or 10-day public comment period (7 days for a publication or 10 days for a posting).

Environmental Assessment (EA) [All other projects that are not classified under 24 CFR 58.34, 58.35(b)]

The City should publish or post a combined FONSI/NOI/RROF for projects that require an EA. A combined FONSI/NOI-RROF is a public notice used for an EA review that combines the Finding of No Significant Impact notice and the Notice of Intent to Request Release of Funds (NOI-RROF) notice. Both notices are generally combined into a single publication for EA projects. The notice should allow for a 15- or 18-day public comment period (15 days for a publication or 18 days for a posting).

Step 5 - Completion of RROF (Form 7015.15) and Affidavit of Publication

Once the public comment period has ended, the Certifying Officer can sign the HUD Form 7015.15 - Request for Release of Funds and Certification (RROF Form – **Attachment ER-10**). The Certifying Officer cannot sign the RROF Form until after the end of the public comment period. The Form basically tells the public that the City has completed the environmental review public comment period; that they are preparing to begin the HUD 15 Day Objection Period; and are ultimately requesting environmental clearance for the project(s).

The most current RROF Form must be used and is available through the HUD Forms website.

Once signed and completed the City should submit a signed copy of the RROF Form to the HUD Field Office.

Note: The Certifying Officer means the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of 24 CFR Part 58.13.

Step 6 – HUD 15- Day Objection Period

The Director of HUD's Community Planning and Development (CPD) local field office is the HUD Authorizing Officer who approves the City's Form 7015.15 - Request for Release of Funds and Certification that certifies compliance with Federal environmental laws and authorities.

The form used to convey approval is the "Authority to Use Grant Funds" form HUD-7015.16, or equivalent letter. The CPD Director may disapprove the RROF Form if one or more of the permissible bases for objection apply in accordance with 24 CFR Part 58.75, or if HUD has knowledge that the City has not complied with the items in 24 CFR Part 58.75 or that the RROF and certification are inaccurate, in accordance with 24 CFR Part 58.72.

Upon expiration of the 15-calendar day comment period, the CPD Director shall approve the RROF Form with an "Authority to Use Grant Funds" form (HUD-7015.16), unless there is a basis for disapproval.

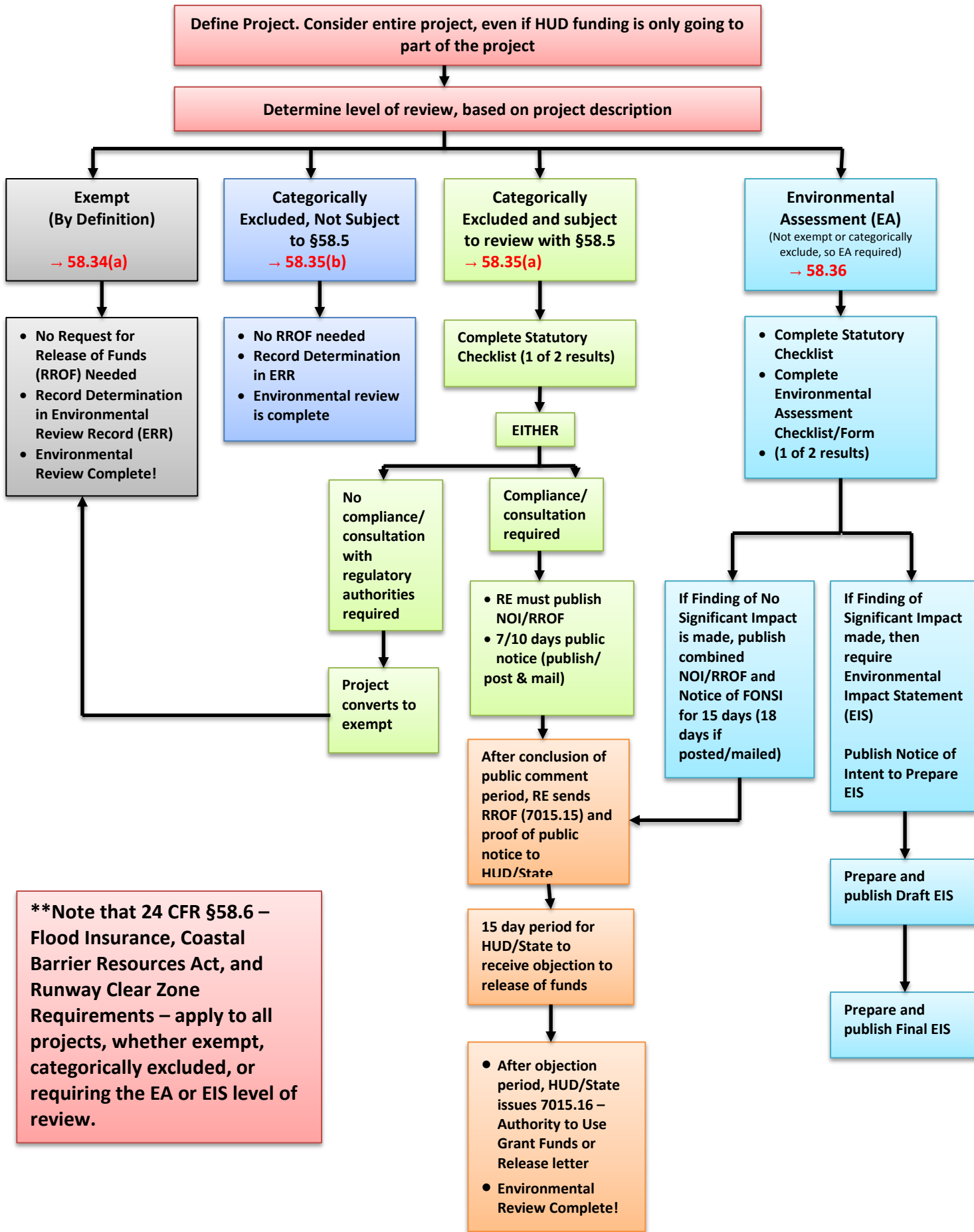
Step 7 - Obtaining Environmental Clearance

After the end of the HUD 15-day comment period, the project(s) will have environmental clearance. HUD provide an authorization to use grant funds which will provide environmental clearance and clearance to use grant funds. The City can commence with project implementation.

Reference Materials:

- HUD Forms Resource
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms
- 24 CFR PART 58 Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities
- City of Clearwater 5-Year Consolidated Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- City of Clearwater Citizen Participation Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>

Environmental Review Process (To Be Conducted by Responsible Entity)



****Note that 24 CFR §58.6 – Flood Insurance, Coastal Barrier Resources Act, and Runway Clear Zone Requirements – apply to all projects, whether exempt, categorically excluded, or requiring the EA or EIS level of review.**

**Determination of Level of Review
For
PROJECT NAME**

[HUD recommended format per 24 CFR 58.40]

Project Name:	INSERT PROJECT NAME
Responsible Entity (RE):	City of Clearwater, Pinellas County, FL
Certifying Officer Name & Title:	Insert Name of Certifying Officer
Project Description:	Insert Project Description
Project Location:	Insert Project Location
Estimated Total Project Cost (all sources):	\$0.00
Amount of HUD Assistance:	\$0.00
HUD Grant Program:	CDBG/HOME
Grant Recipient: 24 CFR 58.2(a)(5)	City of Clearwater, Pinellas County, FL
Grant Sub-recipient:	Insert Name of Subrecipient
Recipient Address & Phone:	Insert Address
RE Project Contact Name & Phone:	Insert Name and Phone Number

FINDING: [24 CFR 58.40(g)]

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:

- Exempt** from NEPA review requirements per 24 CFR 58.34(a)(4)

- Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)(____)

- Categorically Excluded SUBJECT** to §58.5 authorities per 24 CFR 58.35(a)(____)
(A Statutory Checklist for the §58.5 authorities is attached.)

- An **Environmental Assessment** (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)

- An **Environmental Impact Statement** (EIS) is required to be performed.

_____	_____
Preparer Name	Signature
_____	_____
Title	Date

_____	_____
RE Certifying Officer	Signature
_____	_____
Title	Date

FINDING OF EXEMPT ACTIVITY [24 CFR 58.34(a)]

GRANTEE: _____

GRANT # _____

DIRECTIONS: Certain CDBG and HOME funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5. This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD's environmental regulation (24 CFR Part 58) as necessary. **Check a single box** that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

- Environmental and other studies, resource identification and the development of plans and strategies [58.34(a)(1)].
- Information and financial services [58.34(a)(2)].
- Administrative and management activities [58.34(a)(3)].
- Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- Purchase of insurance [58.34(a)(6)].
- Purchase of tools [58.34(a)(7)].
- Engineering or design costs [58.34(a)(8)].
- Technical assistance and training [58.34(a)(9)].
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration [58.34(a)(10)].
- Payment of principal or interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- Any of the categorical exclusions listed in §58.35(a) provided there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5 [58.34(a)(12)].

PROJECT DESCRIPTION: Provide a description of all project activities including those activities funded by sources other than CDBG or HOME: (Attach additional pages as necessary.)

In accordance with the provisions of 24 CFR 58.34(a), the grantee has determined that the subject CDBG, HOME, or NAHTF-assisted activity (or program) explained above is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended.

DETERMINATION BY (PREPARER)

PRINT NAME	SIGNATURE	DATE
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RESPONSIBLE ENTITY CERTIFYING OFFICER

PRINT NAME	SIGNATURE	DATE
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24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

- No.** Cite or attach Source Documentation: _____ [Project complies with 24 CFR 51.303(a)(3).]
- Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

- No.** Cite or attach Source Documentation: _____ [Proceed with project.]
- Yes.** Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

- No.** Cite or attach Source Documentation: _____ [Proceed with project.]
- Yes.** Cite or attach Source Documentation: _____

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

- Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR. Community Panel Number: Insert Number
- No. Federal assistance may not be used in the Special Flood Hazard Area.**

FINDING OF CATEGORICAL EXCLUSION, NOT SUBJECT TO RELATED Federal Statutes and AUTHORITIES [24 CFR 58.35(B)]

GRANTEE: _____

GRANT # _____

DIRECTIONS: Certain CDBG and HOME funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5.

This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD's environmental regulation (24 CFR Part 58) as necessary.

Check a single box that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

- Tenant-based rental assistance [58.35(b)(1)].
- Supportive services [58.35(b)(2)], including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, and short-term payments for rent/mortgage/utility costs.
- Operating costs [58.35(b)(3)], including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs.
- Economic development activities [58.35(b)(4)], including, but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs not associated with construction or expansion of existing operations.
- Activities to assist homeownership of existing or new dwelling units not assisted with Federal funds [58.35(b)(5)], including closing costs and down payment assistance to home buyers, interest buy-downs, and similar activities that result in the transfer of title to a property.
- Affordable housing predevelopment costs [58.35(b)(6)], including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
- Approval of supplemental assistance [58.35(b)(7)], (including insurance or guarantee) to a project previously approved by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

PROJECT DESCRIPTION: Provide a description of all project activities including those activities funded by sources other than CDBG or HOME: (Attach additional pages as necessary.)

In accordance with the provisions of 24 CFR 58.35(b), the grantee has determined that the subject CDBG or HOME assisted activity (or program) explained above is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and Not Subject to the Related Part 58.5 Statutory Authorities.

DETERMINATION BY (PREPARER)

PRINT NAME	SIGNATURE	DATE
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RESPONSIBLE ENTITY CERTIFYING OFFICER

PRINT NAME	SIGNATURE	DATE
------------	-----------	------

PART I: STATUTORY CHECKLIST
[24 CFR 58.5]

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input type="checkbox"/>	<input type="checkbox"/>	
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
5. Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	
6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Farmland Protection [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>	
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
14. Wild and Scenic Rivers [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>	

DETERMINATION:

Box "A" has been checked for all authorities. The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

Box "B" has been checked for one or more authorities. The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR

The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

_____	_____
Preparer Name	Signature
_____	_____
Title	Date

_____	_____
RE Certifying Officer	Signature
_____	_____
Title	Date

Sample Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, Section 58.35(a)) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: [date published]

City of Clearwater, Florida (RE)

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number

On or after at least one day after the end of the comment period **the** name of RE **will** if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to" **submit a request to the** HUD/State administering agency **for the release of** name of grant program **funds under** Title/Section [xx] **of the** name of the appropriation Act of [year], as amended, **to undertake the following project:**

Project Title: project name

Purpose: nature/scope of project

Location: project location

Estimated Cost: both estimated HUD funding & total project cost, as applicable

The activities proposed alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]. **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at** name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review **and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. **All comments received by** if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days **will be considered by the** name of RE **prior to authorizing submission of a request for release of funds.**

RELEASE OF FUNDS

The name of RE **certifies to** HUD/State **that** name of Certifying Officer **in** his/her **capacity as** Official Title **consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied.** HUD's/State's **approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the** name of grant recipient **to use HUD program funds.**

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me, the undersigned authority, personally appeared _____, to me well known, who says:

1. I am employed by the City of Clearwater, Florida, in the office of the City Clerk, and in that capacity, my duties include the posting of certain notices as required by Florida law or the ordinances of the City of Clearwater.

2. I personally posted a copy of Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the _____ (a copy of which is attached hereto as Exhibit A) for 15 days beginning on _____, _____ and ending on _____, _____ at City Hall under Public Notices, thereby giving any individual, group, or agency notice of the advertisement.

Affiant Signature

Subscribed to and sworn before me this _____ day of _____, _____.

Notary Public

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 10/31/2014)

ER-10

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes 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 of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
11. Program Activity/Project Description	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Date signed

X

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**ENVIRONMENTAL ASSESSMENT
For
Project Name**

[HUD recommended format per 24 CFR 58.40]

Project Name:	INSERT PROJECT NAME
Responsible Entity (RE):	City of Clearwater, Pinellas County, FL
Certifying Officer Name & Title:	Insert Name of Certifying Officer
Project Description:	Insert Project Description
Project Location:	Insert Project Location
Estimated Total Project Cost (all sources):	\$0.00
Amount of HUD Assistance:	\$0.00
HUD Grant Program:	CDBG/HOME
Grant Recipient: 24 CFR 58.2(a)(5)	City of Clearwater, Pinellas County, FL
Grant Sub-recipient:	Insert Name of Subrecipient
Recipient Address & Phone:	Insert Address
RE Project Contact Name & Phone:	Insert Name and Phone Number

FINDING: [24 CFR 58.40(g)]

- Finding of No Significant Impact (FONSI)**
(The project will not result in a significant impact on the quality of the human environment.)

- Finding of Significant impact**
(The project may significantly affect the quality of the human environment.)

PREPARER SIGNATURE: _____ DATE: _____
Name, Title

PREPARER'S AGENCY: Insert Name

RESPONSIBLE ENTITY
CERTIFYING OFFICER: _____ DATE: _____
Name, Title

Purpose of the Project: ["Statement of Purpose and Need for the Proposal" -40 CFR 1508.9(b)]

The purpose of this project.....

Description of the Project: [24 CFR 58.32, 40 CFR 1508.25]

Provide funding for.....

Existing Conditions and Trends: [24 CFR 58.40(a)]

Insert

PART I: STATUTORY CHECKLIST
[24 CFR 58.5]

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input type="checkbox"/>	<input type="checkbox"/>	
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
5. Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	
6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Farmland Protection [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>	
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
14. Wild and Scenic Rivers [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>	

DETERMINATION:

Box "A" has been checked for all authorities. The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

Box "B" has been checked for one or more authorities. The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR

The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Preparer Name	Signature

Title	Date

RE Certifying Officer	Signature

Title	Date

PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST

[Environmental Review Guide HUD CPD-782, 24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Then enter the appropriate determination of impact: None Anticipated, Potentially Adverse, or Potentially Beneficial. Attach additional material as appropriate. Note conditions or mitigation measures required.

Impact Categories	Anticipated or Potential Impact <ul style="list-style-type: none"> • Potentially Adverse • Potentially Beneficial • No Impact 	Source Documentation and Mitigation or Modification Required
--------------------------	---	---

Land Development

Conformance with Comprehensive and Neighborhood Plans		
Land Use Compatibility and Conformance with Zoning		
Urban Design-Visual Quality and Scale		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances, Including Site Safety		
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels		

Air Quality-Effects of Ambient Air Quality on Project & Contribution to Community Pollution Levels		
Energy Conservation		

Socioeconomic Factors

Demographic Character Changes		
Displacement		
Employment and Income Patterns		

Community Facilities and Services

Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		

Public Safety • Police		
• Fire		
• Emergency Medical		
Open Space & Recreation • Open Space		
• Recreation		
• Cultural Facilities		
Transportation		

Natural Features

Water Resources		
Surface Water		
Unique Natural Features & Agricultural Lands		
Vegetation and Wildlife		

PART III: 58.6 CHECKLIST

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

- No.** Cite or attach Source Documentation: _____[Project complies with 24 CFR 51.303(a)(3).]
- Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

- No.** Cite or attach Source Documentation: _____[Proceed with project.]
- Yes.** Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

- No.** Cite or attach Source Documentation: _____[Proceed with project.]
- Yes.** Cite or attach Source Documentation: _____

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

- Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR. Community Panel Number: Insert
- No. Federal assistance may not be used in the Special Flood Hazard Area.**

**Sample Notice of Finding of No Significant Impact and
Notice of Intent to Request a Release of Funds**

The language below is HUD’s recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 58.36). Words in **bold type** are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Publication: [date published]

City of Clearwater, Florida (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the name of RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or after at least one day after the end of the comment period **the** name of RE **will** if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to” **submit a request to the** HUD/State administering agency **for the release of** name of grant program **funds under** Title/Section [xx] **of the** name of the appropriation Act of [year], as amended, **to undertake the following project:**

Project Title: project name

Purpose: nature/scope of project

Location: project location

Estimated Cost: both estimated HUD funding & total project cost, as applicable

FINDING OF NO SIGNIFICANT IMPACT

The name of RE **has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at** name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review **and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. **All comments received by** if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days **will be considered by the** name of RE **prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.**

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

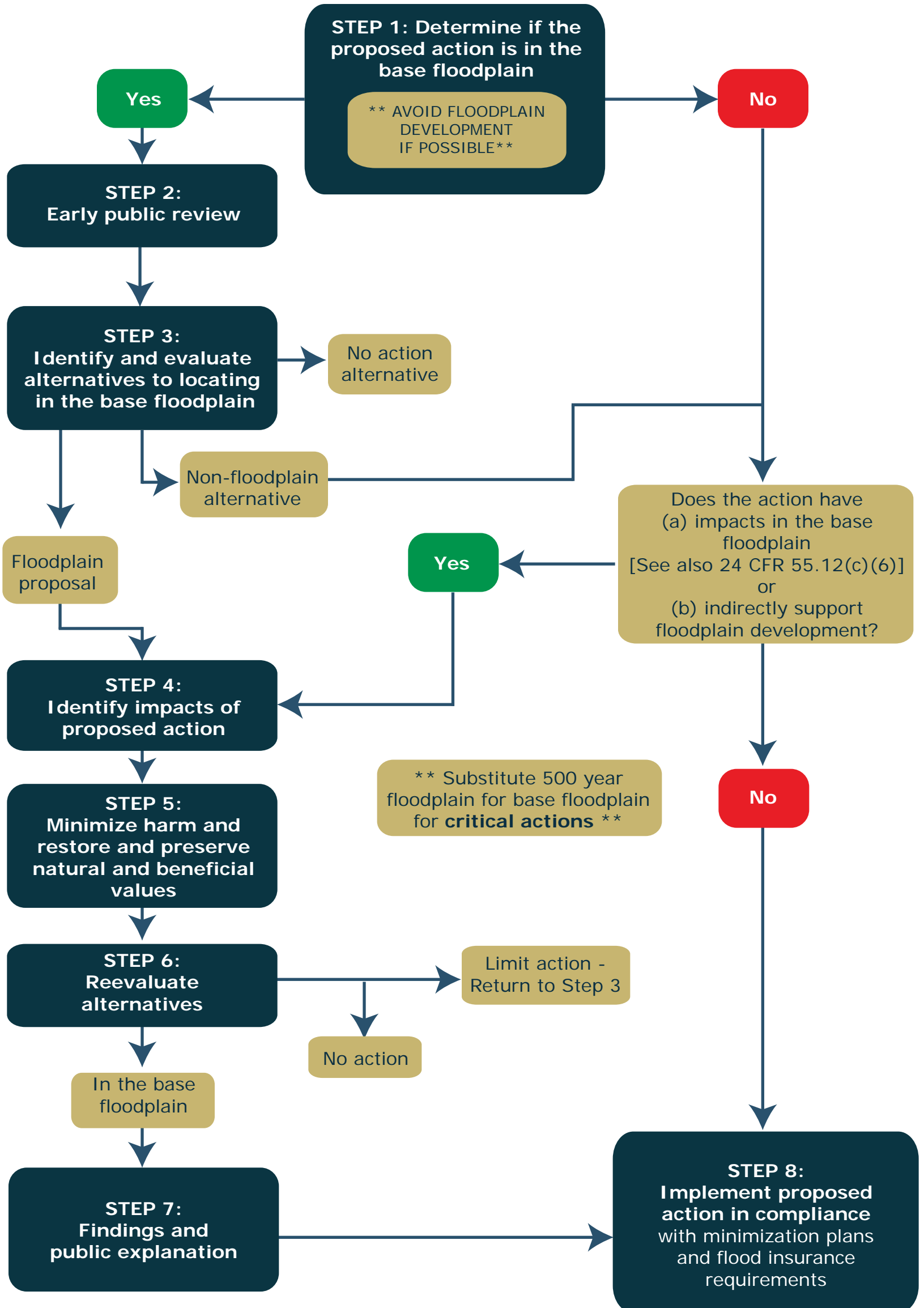
OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 58.46, "Time delays for exceptional circumstances," a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an Environmental Impact Statement. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

8- Step Decision-Making Process for Executive Order 11988





FLORIDA DEPARTMENT OF STATE
DIVISION OF HISTORICAL RESOURCES

MINIMUM REVIEW DOCUMENTATION REQUIREMENTS

■ **Division Involvement** - Provide the name of the federal, state or local authority and the applicable law, ordinance, license or permit requiring the Division of Historical Resources (DHR) and/ or the State Historic Preservation (SHPO) review. Please be as specific as possible, examples: *US Department of Housing and Urban Development - Community Development Block Grant.*

■ **Project Address/Location** – Provide the street address, city, zip code, section-township-range (coordinates from legal description) and the Tax Parcel identification number

■ **Location Map(s)** - Provide a general property location map. Also provide a USGS Quadrangle location map and/or a parcel location map from the County Property Appraisers web site.

■ **Photographs** - Provide photographs of the building(s) to be acquired under this program (photographs all four sides of the building(s) preferred). In addition, photographs of specific elements of the building(s) that could be or will be affected by the project if applicable (rehabilitation work, e.g., window replacements, new siding).

■ **Record Search** – Provide correspondence from the sources:

- Florida Master Site File at 850.245.6440 to determine if the building(s) are listed in the National Register of Historic Places.
- County or City planning offices, Certified Local Government offices, and historical societies or organizations – to determine if the building(s) are locally designated or determined to be historically significant and/or if building(s) are contributing to an identified/recognized historic district or neighborhood.

■ **Historic Districts** –Please indicate if the project is located within a designated historic district or a historic neighborhood of house all of the same time period (majority 50 years of age or older).

■ **Building Description** – Provide a description of the subject property, including year of construction, previous alteration or additions.

■ **Project Description** – Provide a detailed written description of the proposed project, including related activities, which will be carried out in conjunction with the project. Indicated whether the project will include rehabilitation, demolition and/or new construction

- **Rehabilitation Description** – Provide a detailed written description of the rehabilitation project including interior and exterior descriptions
- **Demolition Description** – Provide a statement of justification (be specific) for the demolition and detailed written description of the condition of the subject property (accompany with photographs). Provide a date for the proposed demolition
- **New Construction Description** – Provide information of the new construction. If within a historic district drawings may be required

■ **Finding of Effect** – Describe what effect the undertaking will have on historic properties. Provide a finding of effect ("No historic properties affected" or "No adverse effect" or "Adverse Effect") as described in 36 CFR Part 800.

■ **Contact Information** – Name of contact, return address, and phone number.

Please note that the review time for projects is approximately thirty days. If you have any questions, please contact the Review and Compliance Section at 850.245.6333 or visit our web site at <http://www.flheritage.com/preservation/compliance/review>.

Please submit documentation to:

State Historic Preservation Officer
Compliance & Review Section
Division of Historical Resources
Florida Department of State
500 South Bronough Street – 4th Floor
Tallahassee, Florida 32399-0250

SUFFICIENCY CHECKLIST

ARCHAEOLOGICAL AND HISTORICAL REPORT REVIEW

Chapter 1A-46, Florida Administrative Code

Project File No.: _____

Project Name: _____

Date Received: _____

Reviewer(s): _____

Consulted: _____

Topics Reviewed for Sufficiency:

(a) The general description of the project shall address

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | project location (including boundary map) |
| <input type="checkbox"/> | <input type="checkbox"/> | project description |
| <input type="checkbox"/> | <input type="checkbox"/> | purpose of project |
| <input type="checkbox"/> | <input type="checkbox"/> | area of potential effect |
| <input type="checkbox"/> | <input type="checkbox"/> | pertinent federal, state, or local laws and regulations |

(b) Archival research shall address

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | past field surveys in the project area and the relevance of the major findings to the area currently under study |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | pertinent data in the Florida Master Site File |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | pertinent environmental and paleoenvironmental data |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | pertinent data in other studies appropriate for the research problem |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area |

(c) The description of the research design shall address

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | objectives |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | methods |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | expected results |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | procedures to deal with unexpected discoveries including the discovery of human remains in accordance with chapter 872.05, Florida Statutes |

(d) The description of archaeological fieldwork activities shall address

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | types of sites encountered and evaluated |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | boundaries of the area investigated |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | fieldwork methodology and the rationale for its selection |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | location of all tests and excavations, including maps depicting testing locations and results, site components, integrity of sites and subareas within the sites |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components |

Sufficiency Checklist

1A-46, FAC

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | photographs of each site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | photographs and illustrations representative of site subareas or features, or formal excavation units |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | identification of portions of the project area that were examined but that did not contain archaeological remains |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | description of special survey techniques including equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources identified by examination to determine their nature |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | information on changes in research design or methodology |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | underwater archaeological survey conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys" |

(e) The description of historical fieldwork activities shall address

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | boundaries of the area investigated |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | fieldwork methodology and the rationale for its selection |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | types of resources identified and evaluated |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | descriptions for all identified resources |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | photographs or illustrations representative of resources located in the project area |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering, or cultural resources |

(f) The description of the results and conclusions of the archaeological resource investigations shall address

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | laboratory methods used to analyze artifacts and other site materials recovered during the archaeological investigations in the project area |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | curation location of artifacts and project records |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | findings in relation to the stated objectives of the investigations |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | assessment of site integrity |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | methods used to apply National Register criteria for a determination of eligibility and historic context as contained in 36 C.F.R 60 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | discussion of the completeness of project efforts and the need for any additional identification, evaluation, or documentation efforts |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | bibliography of those sources used |

**Sufficiency Checklist
1A-46, FAC**

(g) The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	findings in relation to the stated objectives
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	assessment of the integrity of evaluated sites
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	methods used to apply National Register criteria for a determination of eligibility and historic context as contained in 36 C.F.R 60
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	description of the constituent elements that constitute the complete property (e.g. outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National Register property boundaries depicted on a scaled site plan sketch
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	conclusions and analysis of the findings
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance, minimization or mitigation of potential impacts, or no action
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	bibliography of those sources used

(h) All archaeological fieldwork and historical fieldwork reports shall include the following, either as part of the report or as accompanying documents:

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 FMSF Survey Log Sheets, completed in accordance with the "Guide to the Survey Log Sheet" with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 FMSF archaeological site forms, completed in accordance with the "Guide to the Archaeological Site Form, Version 2.2"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 FMSF historical structure forms, completed in accordance with the "Guide to the Historical Structure Form, Version 3.0"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 FMSF historical bridge forms, completed in accordance with the "Guide to the Historical Bridge Form"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5 FMSF historical cemetery forms, completed in accordance with the "Guide to the Historical Cemetery Form"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 Completed FMSF shipwreck forms
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7 Completed FMSF archaeological short forms
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8 Completed FMSF resource group forms
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9 Original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle maps for all identified sites showing site locations

*N/A Not applicable

Contact: Division of Historical Resources / Compliance Review Section
850-245-6333, SunCom 205-6333 or 800/847-7278

January 20, 2017

AGENCY NAME
ADDRESS

Attention: CONTACT NAME

Re: Environmental Review Record and Floodplain Investigation for the City of Clearwater
INSERT PROGRAM AND PROGRAM YEAR
24 CFR 58.5 Record/ Executive Orders 11988 and 11990

To Whom It May Concern:

Before committing any monies for projects and activities funded by the U.S. Department of Housing and Urban Development assistance under Title I CDBG programs (other than for exempt activities), a grant recipient must take into account, where applicable, other laws and comments from authorities cited in 24 CFR Part 58.5 and as well, the City of Clearwater, Florida is required by Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetland regulations, to complete an assessment of the affects of proposed CDBG projects on the environment within the 100-year floodplain.

The grant recipient must document its compliance with this obligation in its Environmental Review Record. Thus, we are seeking your input as to any environmental impact the City's projects may have.

It is projected that INSERT PROJECT NAME, IF NECESSARY may take place within the 100-year floodplain.

The list of projects is contained in the attached Annual Plan Summary for INSERT PROGRAM YEAR. We have also enclosed a map showing the location(s) of each project within the City. We ask that you review the project descriptions and provide any information on the criteria, standards, policies, or regulations of your agency that may apply to these projects. Your assistance is appreciated.

Please forward your comments directly to the City of Clearwater, Economic Development and Housing Department, P.O. Box 4748 Clearwater, FL 33758. If you do not have comments related to these projects, then there is no need to respond. We ask that your response be made prior to INSERT DATE.

Very truly yours,

January 20, 2017

AGENCY NAME
ADDRESS

Attention: CONTACT NAME

Re: Executive Order No. 12372
Intergovernmental Review of Federal
Programs as Set Forth in 24 CFR Part 52

To Whom It May Concern:

Pursuant to the requirements of Executive Order No. 12372, Intergovernmental Review of Federal Programs, we have enclosed, on behalf of the City of Clearwater, a copy of the Annual Plan Summary for the INSERT PROGRAM AND PROGRAM YEAR and a map showing the location of all proposed projects.

Executive Order No. 12372 applies to activities programs where funds will be used for the planning or construction of water and sewer facilities. THE FOLLOWING PROJECTS ARE ANTICIPATED TO INVOLVE WATER OR SEWER ACTIVITIES:

- INSERT PROJECT(S) NAME

Please forward your comments directly to the City of Clearwater, Economic Development and Housing Department, P.O. Box 4748 Clearwater, FL 33758. If you do not have comments related to these projects, then there is no need to respond. We ask that your response be made prior to INSERT DATE.

Very truly yours,

CITY OF CLEARWATER CDBG/HOME PROGRAMS PROCUREMENT PROCEDURES

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Procurement Procedures

Attachment PR-1 – Property Management Records

Attachment PR-2 – Sample Small Purchase Form

Attachment PR-3 – Sample Rating Sheets (Management Consultants)

Attachment PR-4 – Sample Rating Sheets (Architects/Engineers)

Attachment PR-5 – Sample RFP Cover Letter

Attachment PR-6 – Sample RFP (Management Consultants)

Attachment PR-7 – Sample RFP (Architects/Engineers)

Attachment PR-8 – Sample RFP Advertisement

Attachment PR-9 – Report on Real Property Acquisition Activities

Attachment PR-10 – Voluntary Acquisitions (No Eminent Domain)

Attachment PR-11 – Voluntary Acquisitions (Eminent Domain)

Attachment PR-12 – Sample Fair Market Value/Purchase Offer

Attachment PR-13 – Donated Property

Attachment PR-14 – Donation of Easements

CITY OF CLEARWATER CDBG/HOME PROGRAMS

PROCUREMENT PROCEDURES

Procurement is the process through which an agency obtains goods and services. The federal government has established a set of procurement rules that apply to CDBG and HOME-funded projects. These rules are in place to ensure that federal dollars are spent fairly and encourage competition for the best level of service and price.

Section I: Applicable Laws and Regulations

The laws and regulations described in this section apply to the procurement of services, supplies or non-real property in the City of Clearwater CDBG and HOME-funded projects. Please note that procedures for procurement of land or property rights are covered in **Section III: Acquisition and Relocation**.

Federal:

The following rules apply to procurement of non-construction related goods and services. They are listed below and their application described in the following sections.

- HUD Conflict of Interest regulations at 24 CFR 570.489(h) and 24 CFR 92.356. These regulations set forth prohibitions against the use of CDBG/HOME funds by employees and officials for private gain.
- OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments). A- 102 governs the use of grants, contracts and cooperative agreements. Implementation regulations can be found at 24 CFR Part 85.
- OMB Circular A-110 (Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations). Nonprofits that receive CDBG/HOME funds must comply with A-110. Implementation regulations can be found at 24 CFR Part 84.
- HUD Procurement Standards 24 CFR 85, Grantees and Sub-Recipients will use their own procurement procedures which reflect applicable State and local laws and regulations, if the procurements conform to applicable Federal laws and the standards identified in this section.

Local:

- Procurement Procedures Manual, May 2017

- Administrative Policy and Procedure Manual, Policy Number 4302.2, Procurement of Commodities and Services

General Provisions:

Federal agencies are permitted to require changes, remedies, changed conditions, access and record retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy. For an outline of these clauses see 24 CFR 85.36 (i). Therefore, the City and sub-recipients will maintain accurate records of all procurements- see **Section IV, Procurement Record Keeping Requirements.**

These procurement procedures are in place to ensure that: purchase orders and contracts are signed by an authorized program official; items delivered and paid for are consistent with the items contained in the corresponding purchase order and/or contract; timely payment of vendors occurs once requested orders have been delivered, inspected, and accepted and payment of the vendor has been approved; a cost or price analysis is performed in connection with every procurement action, including contract modifications; and, profit is negotiated as a separate element of price where price competition is lacking or a cost analysis is performed.

The contract provisions listed at the above CFR are appropriately included in the contract.

Bonding and Insurance

For each construction or facility improvement contracts or subcontracts exceeding \$10,000, the City may require bonding if the bonding of the sub-recipient or contractor is not determined adequate to protect the interest of the City or the federal government. If such a determination is made, the minimum requirements shall be as follows:

- 1) A bid guarantee from each bidder equivalent to five (5) percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- 2) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.
- 3) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Recipients of federal funding shall, at a minimum whether it is the City or one of its recipients, provide the equivalent insurance coverage for real property and equipment acquired with the Federal funds as would normally be provided to property owned by the recipient.

The contract file will be documented accordingly with respect to bonding and insurance.

Contracting with Small and Minority Firms, Women Owned Firms, and Labor Surplus Area Firms

The City and its sub-recipients will take all necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible.

These steps shall include:

- 1) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- 2) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women’s business enterprises;
- 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women’s business enterprises;
- 5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- 6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in this section.

The City will document all affirmative steps taken in the contract file with respect to small and minority business, and women’s business.

Allowable Expenditures

Only actual expenditures incurred as a result of the CDBG/HOME project are considered allowable costs. This standard applies whether costs are being reimbursed with CDBG/HOME funds or used to document all or part of the City of Clearwater or sub-recipient required match. Costs are allowable if:

- Expenditure is necessary, reasonable, and directly related to the grant.
- The expenditure has been authorized by the City.
- Expenditure is not prohibited under Federal, state, or local laws.
- Expenditure is consistently treated.

- Cost is allocable to the CDBG/HOME program.

Material Costs

All materials used in the construction of a project are eligible expenses. However, where procurement of materials will exceed \$50,000, the City of Clearwater or its sub-recipient must purchase these items through competitive sealed bids.

Equipment Costs

Equipment is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Funds can be used to purchase equipment in the following situations if written permission is obtained from the Economic Development and Housing Department in advance.

- The equipment is necessary to administer the CDBG/HOME program. This may include rental or purchase of office equipment, but excludes construction equipment and any equipment that will be used for general local government operations or operations not directly related to the CDBG/HOME project.
- The equipment is necessary and an integral part of a public service activity, which is funded under the CDBG/HOME project. The public service activity must represent either a new service or a quantifiable increase in the level of an existing service.

If the Economic Development and Housing Department authorizes the purchase of equipment, the cost of the equipment can only be charged for time the equipment was used on CDBG/HOME-related project activities. In addition, property management records, included as **Attachment PR-1**, must be maintained for all equipment used on CDBG/HOME projects whether these costs are reimbursed with CDBG/HOME funds or used to document all or part of the City of Clearwater or sub-recipient required match.

Methods for Charging Equipment Use

1. *Lease/Rental*

If equipment is leased, it must be used solely for the CDBG/HOME project or an hourly rate must be calculated for the time the equipment is used on the CDBG/HOME project.

2. *Lease/Purchase Agreement*

If the City of Clearwater or sub-recipient enter into a lease/purchase agreement for equipment that will be used on a CDBG/HOME contract, only the time the equipment is actually used on the project can be used as the basis for reimbursement. The Economic Development and Housing Department will only pay up to 50 percent of the lease/purchase total cost or the actual cost for the time the property was used on the

CDBG/HOME project, whichever amount is less. Under no circumstances will an interest payment on a lease/purchase agreement be paid with CDBG/HOME funds. It is strongly recommended that any City department or outside sub-recipient contact the Economic Development and Housing Department before entering into a lease/purchase agreement.

3. *Depreciation*

The City of Clearwater or sub-recipients may be compensated for the use of their equipment by using any generally accepted method of computing depreciation. The City of Clearwater or sub-recipient will maintain adequate property records and consistently apply the method of computing depreciation throughout its jurisdiction. The resulting depreciation rate can only be applied to the actual time the equipment is used on the CDBG/HOME project. Depreciation is not allowed on equipment that is considered fully depreciated or in conjunction with use allowances for the same piece of equipment. This method is also not allowed on equipment that is obtained under a lease/rental or lease/purchase with CDBG/HOME funds.

4. *FEMA (Use allowance)*

The Economic Development and Housing Department will generally allow the City of Clearwater or sub-recipients to use current FEMA rates, as a means of providing compensation for the use of the City of Clearwater or sub-recipients' equipment in lieu of depreciation. Each rate covers all costs for ownership and operation of equipment including depreciation, maintenance, repairs, fuel, lubricants, tires, OSHA equipment, and other costs incidental to operation. Truck rental used to transport people must be based on mileage using a rate per mile. Use allowances charged against a CDBG/HOME contract must be based on the extent to which the equipment is employed on the project. This method is not allowed on equipment that is obtained under a lease/rental or lease/purchase with CDBG/HOME funds.

5. *Expendable Personal Property Costs*

Expendable personal property is defined as property that has a useful life expectancy of less than one year and an acquisition cost of less than \$5,000 per unit. This can include a wide variety of items such as office supplies, drill bits, safety equipment, and hand tools. The purchase of expendable personal property is eligible provided all the following conditions have been met:

- The rental of the equipment is shown to be more expensive than its purchase;
- The use must be entirely dedicated to the CDBG/HOME project or its cost must be shared on a pro rata basis; and,

- The City of Clearwater or sub-recipient must notify the Economic Development and Housing Department and receive verbal approval before purchasing any personal property. Documentation of the verbal approval will be placed in the CDBG/HOME contract file. Written justification must also be submitted by the City of Clearwater or sub-recipient with the invoice at the time of reimbursement. Small office supplies are exempt; however, back-up documentation is still required.

Section II: Procedures

Elements of Good Procurement:

The City of Clearwater will utilize the following elements to ensure equality and open competitiveness when procuring goods and services:

- Clearly identify the goods or services the City of Clearwater or a sub-recipient wishes to obtain.
- Do an independent cost estimate for the goods or services.
- Write requests for bids or requests for proposals with detailed specifications of the goods and/or services required.
- Seek competitive offers to obtain the best possible quality at the best possible price.
- Promote the maximum use of minority and female-owned businesses.
- Use a written agreement that clearly states the responsibilities of each party.
- Maintain records that are detailed to provide a history of each procurement. At a minimum, records must demonstrate how the City of Clearwater or sub-recipient:
 - Information detailing the preferred method of procurement and the type of contract to be used;
 - Executed price sampling for small purchases, or established [published] RFP solicitation;
 - Determined the bids or proposals to accept and the ones to reject; and
 - Details outlining the basis for the contract cost or price.

The Federal Statutes recommends that the City of Clearwater have a written set of procedures that detail how procurements will be made and by whom. This purchasing function should be assigned to one individual whose responsibility it will be to make all procurements and issue all contracts. The compliance coordinator should also be responsible for ensuring that purchases are made in accordance with all local, state, and federal regulations and that proper documentation is maintained to support the purchase. The City of Clearwater will follow the City of Clearwater, Purchasing Policy and Procedures Manual when procuring goods and services. In addition, all applicable state and federal regulations that relate to CDBG/HOME

funds will be followed. The City has assigned the Manager of Purchasing as the responsible party to make all procurements and issue all contracts. Regarding the CDBG/HOME program, the Economic Development and Housing Director or his/her designee will also ensure compliance with local, state and federal regulations as they relate to the CDBG/HOME program.

Methods of Procurement:

There are four types of procurement methods permitted under the City of Clearwater CDBG/HOME programs. All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards. The methods are described below.

- **Small Purchase.** This method uses relatively simple and informal procurement methods for securing services, supplies or other property that do not cost, in the aggregate, less than \$50,000 as established in the City of Clearwater Ordinance. Price or rate quotations must be obtained from an adequate number of qualified sources. It is highly recommended, but not required, that the City of Clearwater receive at least three price/rate quotes. A sample form for conducting the small purchase method can be found in **Attachment PR-2.**
- **Competitive Sealed Bids.** This method uses a formal advertising procedure for securing services, supplies or other property that are expected to cost, in the aggregate, more than \$50,000 which exceeds the threshold set by the City of Clearwater Ordinance. Sealed bids are publicly solicited and a firm, fixed-price contract (lump sum or unit price) is awarded to the lowest responsible respondent whose bid, conforming to all the material terms/conditions of the invitation for bids, is lowest and best in price. This method is used most often when procuring the services of a contractor. See Steps for Procuring Construction Services for a more in-depth discussion of using this procurement method on construction contracts.
- **Competitive Negotiation (i.e., Competitive Proposals).** Competitive negotiation procurement is used when factors other than cost are an important part of selecting the vendor. Once proposals are received and rated/ranked, the City of Clearwater or sub-recipient is free to negotiate with one or more respondents to arrive at the most advantageous terms and price. This is the main difference between this method and the Competitive Sealed Bids Method. This method of procurement is required for purchasing professional services (i.e., engineer, architect) when using CDBG/HOME funds to pay for these services.

For the three types of competitive procurement listed above, the City of Clearwater also has the option of rejecting any quotes/proposals received and redoing the procurement if the initial offers were not satisfactory.

- **Noncompetitive Negotiation.** State and federal law limits this type of procurement to specific types of purchases and/or special circumstances. The City of Clearwater and any sub-recipient must formally request and obtain approval from the City of Clearwater Economic Development and Housing Director before attempting to use this method. This may be approved under the following circumstances:
 1. The item or service is only available from a single source: This method allows procurement through solicitation of a proposal from only one source, or after solicitation from several sources, competition is deemed inadequate. City of Clearwater or sub-recipient must first submit evidence of all public advertisement(s) and/or solicitations to the Office before noncompetitive negotiation will be approved in such cases.
 2. Public urgency/emergency situations: State and federal laws generally allow noncompetitive negotiations in such cases where the urgency for carrying out the project will not permit delays caused by competitive advertising and/or solicitation. City of Clearwater or sub-recipients requesting such exemptions must document the urgency and threat to the public health and welfare and submit this documentation to the Economic Development and Housing Director.
- **Noncompetitive Proposals:** This will only be allowed after the Economic Development and Housing Director authorizes noncompetitive proposals and only after solicitation from a number of sources determines competition is inadequate.

It is very important to note that costs incurred before the completion of the procurement process and depending on the project, execution of a contract are not reimbursable through the CDBG/HOME program.

Steps for Procuring Professional Services:

Professional service vendors including, architects, engineers, accountants, planners, surveyors, etc., must be selected based on open competition. While a competitive process must be used, the City of Clearwater and any of its sub-recipients must not select professional service contractors based on price.

As a result, the competitive negotiation procurement must be used for professional services. The City of Clearwater will follow the step-by-step selection procedures described below, and negotiate either a fixed-price or not to exceed cost-reimbursable type contract.

1. Determine the Scope of Services.
2. Establish Selection Review Committee.

3. Establish Written Selection Criteria.
4. Develop Request for Qualifications (RFQ) Package.
5. Advertise and Distribute RFQ.
6. Promote Participation of Minority and Women-Owned Businesses.
7. Evaluate and Rate Responses.
8. Select the Professional Service Provider
9. Award Contract.

Step 1. Determine the Scope of Services

The scope of work for a professional services contract consists of all the desired tasks that the City of Clearwater or sub-recipient expects a professional service provider to perform under the contract. The scope of work should itemize tasks needed, with timeframes and achievable goals as appropriate. The scope of work is the basis for the Request for Proposals (RFP) and contract for the professional services.

Step 2. Establish Selection Review Committee

The primary role of this Committee will be to establish the criteria or evaluation factors to be used for selection and rating of competing respondents and then to apply these criteria when selecting the best respondent. This Committee may consist of the entire City Council, a subset of this body, or a Committee including Council, staff, and other stakeholders. The Review Committee will, after its review, submit their recommendation to City Council. Ultimately, City Council has final authority to approve all such contracts but justification must be provided if the Review Committee's recommendation using the established selection criteria is not followed.

The reviewers in the Committee should have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from the City of Clearwater CDBG/HOME activities may not participate in the decision-making process.

Step 3. Establish Written Selection Criteria

The Committee's written selection criteria should include, at a minimum, a clear and accurate description of the technical requirements of the services to be procured. Such descriptions shall not contain features that unduly restrict competition.

The written selection criteria will include a method for reviewing and scoring professional service proposals.

For example:

Experience	40 points
Work Performance	25 points
Capacity to Perform Work	10 points
References	20 points
Affirmative Action	<u>5 points</u>
Total	100 points

The specific criteria to be used by the Selection Review Committee should fit the needs of the desired professional services and the specifics of the proposed project. Sample rating sheets for management consultants and architects/engineers are included as **Attachments PR-3 and PR-4** respectively. The importance of each of these factors should be determined before the review process begins by assigning weighted values to each factor.

Step 4. Develop the Request for Proposals (RFP) Package

The City of Clearwater or sub-recipient must develop an RFP package to issue to potential respondents. The RFP package must contain three parts:

1. Cover Letter. The purpose of this letter is to solicit proposals from interested parties. For an example, see **Attachment PR-5**. This can be tailored to the City of Clearwater or sub-recipient's specific project.
2. RFP. A sample Request for Proposals (RFP) is provided in **Attachments PR-6 and PR-7**, respectively, for management consultants and engineers. This format should include the following:
 - A statement of qualifications;
 - Proposed cost of services/fee structure (non-engineering/architectural services only);
 - Experience with federal programs;
 - Capacity to perform the specific proposed task;
 - Affirmative action efforts; and
 - References.

The RFP should provide detailed instructions to respondents and the criteria to be used in evaluating proposals. Respondents should be required to submit a list of past/current clients so that the proposals can be ranked based on past performance. These past/current clients should be contacted so that the selection committee may evaluate the individual's/firm's experience, work performance, and capacity to perform.

- **Sample Contract.** A sample professional services contract containing the terms and conditions of the contract between the City of Clearwater or sub-recipient and the professional service provider should be provided as part of the RFP package. This contract should contain four parts:
 - Part I – Agreement
 - Part II - Scope of Work
 - Part III - Payment Schedule
 - Part IV - Terms and Conditions

Step 5. Advertise and Distribute RFP

In order to create competition for the work, the City of Clearwater or sub-recipient must advertise the RFP in a locally distributed newspaper and fax/mail the RFP to at least three individuals/firms for their response. The advertisement should also be posted at City Hall or Public Library. **Attachment PR-8** contains a sample advertisement that can be altered for the appropriate professional service. The deadline for receipt of proposals should be no earlier than ten days from the date of public advertisement and/or mailing dates of the RFP.

Step 6. Promote participation of minority (MBE's) and women-owned businesses (WBE's)

City of Clearwater or sub-recipients should actively take steps to encourage proposals from MBE's and WBE's. Examples of some of these steps include:

- Mail/Faxing RFP to MBE's and WBE's, and follow-up with telephone calls to encourage them to submit a proposal;
- When economically feasible, divide total requirements into smaller tasks or quantities so that it makes it more possible for smaller WBE's and MBE's to bid on the project; and,
- Require prime contractors to take the same affirmative steps listed above in the procurement of their subcontractors.

Step 7. Rate Proposals

Once the deadline for submitting proposals has passed, the Selection Committee must rate the proposals by using only the specific selection criteria identified in the RFP. This selection process must be thorough, uniform, and well documented. Sample rating and tabulation sheets for management consultant and engineering proposals are included as **Attachments PR-3 and PR-4**, respectively.

Step 8. Select the Professional Service Provider

The Committee will make a recommendation and the City Council will award the contract to the respondent that has achieved the highest total score or that has the most qualifications in the

proposal evaluation, subject to meeting the reasonable, responsive, and responsible tests per federal procurement procedures. These tests include:

- Reasonable - Refers to the most suitable, fit and appropriate respondent to accomplish the job in question.
- Responsible - Refers to the respondent that can fully perform the requirements of the contract and has the integrity and reliability that will assure good faith performance.
- Responsive - Refers to the respondent that has submitted a bid/proposal that fully conforms to the information requested in the RFP. Additionally, consideration can be given to such matters as:
 - The respondent's ability and willingness to comply with all applicable laws and regulations;
 - The respondent's past performance records; and
 - The respondent's financial and technical resources.

There may be cases when contract negotiations are necessary with the responsible, reasonable, and responsive selected respondent during the process. Negotiations should focus on the specific scope of services to be provided, terms and conditions of the contract, and the amount of compensation for each activity. The City of Clearwater or its sub-recipients will give professional service providers specific time frames for accomplishment of activities, as terms of the contract, to ensure prompt completion of the project.

Step 9. Award Contract

After finalizing and/or negotiating the contract, the City of Clearwater will authorize the approval to proceed with contract execution. Also, unsuccessful respondents will be notified in writing that their proposals were not selected for the contract.

Both the City of Clearwater and the successful respondent will execute the contract. If it is a project with a sub-recipient, all three will execute the contract. At minimum, the contract will include the following provisions:

- Names of All Parties - City of Clearwater or sub-recipients and firm.
- Effective Dates - Starting and ending dates.
- Scope of Services - Either directly written into the contract or provided as an attachment that is incorporated into the contract. All administrative activities to be performed by the professional services contract must also be listed in this section.
- Compensation - Including both the maximum amount of the contract and the method of payment. A firm, fixed-price contract must be executed.
- Terms and Conditions - Either written into the contract or incorporated by reference to an attachment.
- Local Program Liaison - Identification of a local City Project Manager as the consultant's

primary contact.

- Amendments - Procedures for amending the scope of work and/or compensation section.
- Termination - Circumstances under which the City of Clearwater or sub-recipients or other party can cancel the contract (e.g., unsatisfactory performance).

The City Attorney will review all contracts prior to execution, to ensure that all local laws and requirements specific to the City of Clearwater, Wayne County, State of Michigan, or the Federal Government are also incorporated.

Steps for Procuring Construction Services:

24 CFR, Part 85 establishes standards for local governments to procure materials, equipment, and construction for CDBG or HOME assisted projects. 24 CFR, Part 84 establishes procurement standards for nonprofit sub-recipients.

The City of Clearwater and its sub-recipients can utilize the following three methods of procurement for construction projects: Small Purchase; Competitive Sealed Bids; and, Noncompetitive Negotiation. However, Competitive Sealed Bids is the preferred method for contracts exceeding \$50,000. All procurement, regardless of dollar amount, must be conducted to provide maximum open and free competition.

Small Purchase Procurement Method

This method uses relatively simple and informal procurement methods for securing services, supplies or other property that do not cost, in the aggregate, more than \$50,000 as outlined in the City of Clearwater Ordinances. Price or rate quotations must be obtained from an adequate number of qualified sources. The City will receive at least three price/rate quotes. A sample form for conducting the small purchase method can be found in **Attachment PR-2**.

Additionally, the Local Government Ordinance, Sec. 2-237 specifically prohibit the use of the small purchase procurement method to make separate purchases of items or services, with the intent of avoiding the competitive bidding non-competitive proposal requirements. *For example*, a water line project should be one purchase, without breaking it down into separate purchases of pipe, fire hydrants, valves, and fittings.

Records will be maintained by the City of Clearwater or sub-recipient that documents the prices or rate quotations obtained for each small purchase. This information must be available for future monitoring. By utilizing **Attachment PR-2**, documenting procurements in regards to small purchase procedures is made easy.

Competitive Sealed Bids Method (formal advertising)

This method uses a formal procedure for securing services, supplies or other property that are expected to cost, in the aggregate, more than \$50,000. Sealed bids are publicly solicited and a firm, fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms/conditions of the invitation for bids, is lowest and best in price. The sealed bid method is the preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively and for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

- The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers;
- Sufficient time shall be provided to prepare bids prior to the date set for opening the bids;
- The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services for the bidder to properly respond;
- All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder; and
- Any or all bids may be rejected if there is a sound documented reason.

As part of the bid documents, all information and required forms pertaining to a project being constructed with federal funds should be included. These forms consist of the following:

- Federal Labor Standards Provisions
- Contractors Certification Concerning Labor Standards and Prevailing Wage Requirements
- Subcontractors Certification Concerning Labor Standards and Prevailing Wage Requirements
- Payroll Reports
- Instructions for Completing Payroll Reports
- Employee Interview Forms

- Contractors Certification Concerning Equal Employment Opportunity Requirements
- Section 3 Affirmative Action Plan
- Goals and Timetables
- Table I – Project Workforce Breakdown
- Table II – Project Workforce, Positions Filled
- General Wage Decision (for the type of work to be performed)

Prior to bids being released, the City will hold a Pre-Bid Conference to outline the specifics of the project, the federal requirements for working on the project, and the details of the bidding process. A public notice will be placed in a local paper of general circulation and in any trade papers, if applicable and deemed necessary, at least 15 days prior to the Pre-Bid Conference.

Once the City has made its decision regarding the lowest and most responsive and responsible bidder, a Pre-Construction Conference will take place. The intent of this Conference is to provide the City and the contractor an opportunity to ensure all contract documents have been executed, all federal forms have been properly signed, and to finalize a construction schedule (which will include opportunities for on-site interviews as required by HUD).

Noncompetitive Negotiation Method

This method is not recommended for construction projects as it is only allowed under specific conditions (noted under Methods of Procurement above), which typically are not found when doing a construction project.

Section III: Acquisition and Relocation

Any CDBG or HOME project that fund acquisition of property are subject to the Federal acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA).

URA provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federally assisted programs and establishes equitable land acquisition policies.

The regulations that implement the URA can be found at 49 CFR Part 24. In addition, the U.S Department of Housing and Urban Development's Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition provide a detailed description of URA policies for HUD-funded programs.

The City of Clearwater and its sub-recipients will utilize this handbook as a guide to meet URA policies.

In addition, the City of Clearwater or its sub-recipient working with residential properties may also be subject to the requirements of Section 104(d), HUD's regulation that govern displacement and relocation assistance of low/mod income residents. Section 104(d) may be triggered by "demolition" or "conversion" of residential units. Acquisition-only activities do not trigger the Section 104(d) requirements. **These regulations are managed through the City of Clearwater's Displacement and Relocation Plan.**

Applying the Rule:

City of Clearwater or sub-recipient must either establish that they own the real property necessary for their projects, or will need to acquire property by following the Federal acquisition rules. The City of Clearwater or sub-recipient must document their acquisition activities, if any, by submitting the Report on Real Property Acquisition Activities, included as **Attachment PR-9** to the Economic Development and Housing Department.

There are two types of acquisition: voluntary and involuntary. The URA Acquisition rules and Handbook 1378 cover all involuntary purchases by the City or its sub-recipient. The City will follow these rules for this type of purchase.

Voluntary acquisitions are not subject to URA acquisition rules, but there are still steps the City and its sub-recipients must take to ensure that Voluntary Acquisition is recorded properly and is truly voluntary.

The term property in the context of acquisition refers to any kind of permanent interest in real property. Acquisition rules apply to projects with CDBG or HOME assistance whenever:

- Fee simple title to the property is purchased;
- Permanent easements - not temporary easements - are purchased;
- Properties subject to a life estate are acquired; and
- Property that is leased for a term that allows an extension of 50 years or more.

Acquisition rules must be followed for all federally-funded projects. City of Clearwater and its sub-recipient must also understand that the acquisition rules apply whenever:

- They undertake the purchase of property directly;
- They provide a nonprofit or for-profit entity with funds to purchase the property;
- They hire an agent or consultant to act on their behalf;

- They undertake an acquisition on or after the date of submission of an application to fund a CDBG/HOME activity, unless the City or sub-recipient can demonstrate that the acquisition was unrelated to the proposed activity; or
- They undertake an acquisition before the date of submission of the application, if that acquisition was intended to support a subsequent CDBG/HOME activity.

Types of Voluntary Acquisition:

Although URA is not triggered by voluntary acquisition, certain notification provisions are necessary to record all sales and ensure fairness. Voluntary sales are negotiated between the owner and the City of Clearwater or sub-recipient without the threat of eminent domain or condemnation. An appraisal is not required in voluntary sales; a market estimate can be used to determine value. However, the seller must be informed of certain facts about the acquisition.

The URA recognizes three general types of purchases as potentially voluntary:

Type 1: Purchases where the City of Clearwater has the power of eminent domain but agrees in writing not to use this power and offers the fair market value of the property. For example, a city has identified a parcel, but (for any reason) they are not using their powers to obtain the property through condemnation. They must inform the seller of this fact, in writing, and—if the offer is not accepted—be prepared to look for another property.

For this type of purchase to be considered voluntary, the City of Clearwater or sub-recipient must not have a specific site it requires for the program or activity it is planning to undertake. The search for alternative sites may be limited to one general geographic area, but all owners within the same geographic area must be treated similarly.

For example, a city determines that a specific water tower is needed. If negotiations fail with the owner, the city will use its power of eminent domain to obtain that water tower. This transaction cannot be considered “voluntary;” it is an involuntary acquisition from the beginning.

In addition, for the purchase to be considered voluntary, the property may not be part of a planned or designated project area where substantially all property within the area is to be purchased within a specific timeframe.

For example, a city determines that all the easements within a certain portion of the city must be bought to carry out the project. If negotiations fail with any one of the owners, the city will use its power of eminent domain to take the easements. For every transaction in obtaining the easements, whether or not the owner is a voluntary seller, the sale cannot be considered

“voluntary” each transaction is an involuntary acquisition and, thus, subject to URA requirements.

Type 2: Purchases where the City of Clearwater or its sub-recipient does not have the power of eminent domain. The City of Clearwater or sub-recipient must inform the owner that they do not have the power of eminent domain and must disclose the fair market value of the property before making the offer.

For example, a non-profit developer without the power of eminent domain is looking for properties suitable for purchase, rehabilitation, and resale. All their negotiations must be conducted in accordance with the rules for voluntary acquisition.

If an authorized agent, such as a private developer or realtor, is authorized to act on the behalf of the City or its sub-recipient in negotiating a purchase, and the City of Clearwater or sub-recipient is prepared to intervene and use condemnation if the negotiations are unsuccessful, the acquisition is not considered voluntary and is subject to URA.

Type 3: Purchases of property owned by federal, state, or local government where the City of Clearwater or its sub-recipient does not have the power of eminent domain. For example, a water supply corporation selects a vacant lot that is owned by the Corps of Engineers. The water supply corporation might not ever be able to purchase it if the Corps is not agreeable to their offer.

Procedures for Voluntary Acquisitions:

Step 1: The City of Clearwater or its sub-recipient tells the owner in writing, that either a) it does not have the power of eminent domain (**Attachment PR-10**); or, b) it has the power of eminent domain but will not use it to acquire the property (**Attachment PR-11**). The letter must state that federal funds are involved in the purchase, and that the seller will not be eligible for URA relocation benefits. In addition, the letter must be sent by certified mail, registered first class mail, return receipt requested, or hand delivered.

Step 2: The City of Clearwater or its sub-recipient completes an estimate of the market value of the property. No formal appraisal is required. However, the estimate of market value must be done by a person with knowledge of the local market. The City of Clearwater or its sub-recipient must maintain a file that includes an explanation for the estimate, along with evidence that the owner received this estimate.

Step 3: The City of Clearwater or its sub-recipient informs the owner, in writing, of the fair market value of the property in question based on the estimate. When feasible, this notification must be provided prior to the purchase offer. When it is not feasible to deliver the

notice before the purchase offer, owners must be allowed to withdraw from the purchase agreement after receipt of this information. However, under any circumstance, the notice must be provided before the sales contract is signed.

Step 4: The City of Clearwater or its sub-recipient makes the purchase offer. See **Attachment PR-12** for a combined notice of fair market value/purchase offer.

Step 5: The owner accepts the offer and a sales contract is signed or the owner rejects the purchase offer.

Donations:

Donations are treated similarly to voluntary acquisitions but require slightly different procedures. A transaction is considered a donation when owners donate their property, as long as:

- The City of Clearwater or sub-recipient does not have the power of eminent domain, or
- The City of Clearwater or sub-recipient does have the power of eminent domain, but agrees in writing not to use this power.

Note: If the owner accepts less than the fair market value of their property, it is not considered a donation—rather it is regarded as a voluntary sale and procedures for voluntary sales should be followed accordingly.

For example, a widow offers to donate her property to the City of Clearwater or a sub-recipient to use for the development of a community center. The procedures for donations are as follows:

Step 1: The City of Clearwater or its sub-recipient informs the owner of their rights under Uniform Relocation Act.

Step 2: The City of Clearwater or its sub-recipient receives a written consent form from the owner waiving these rights. See **Attachment PR-13** for Donated Property or **Attachment PR-14** Donation of Easements.

Step 3: The property is then transferred from the owner to the City or sub-recipient.

Involuntary Acquisition:

In cases where the City of Clearwater or sub-recipient exercises its power of eminent domain, it will (and must) follow the set of URA requirements that govern involuntary acquisitions. The procedures are in place to protect the rights of private citizens whose property is being acquired by the government, and to ensure that they are treated equitably and uniformly.

Under these requirements for involuntary acquisition, the City of Clearwater or its sub-recipient must undertake the following four steps:

Step 1: Notify the owner of the agency's intentions to acquire their property, and notify the owner and the tenants of their URA protections;

Step 2: Conduct an appraisal of the property;

Step 3: Notify the owner of the "Just Compensation" for the property being acquired; and

Step 4: Complete the purchase as expeditiously as possible.

Section IV: Procurement Record Keeping Requirements

City of Clearwater and any sub-recipients will maintain records sufficient to detail and verify the procurement process undertaken. Failure to maintain proper documentation may result in disallowed costs, particularly to sub-recipients. These records shall include, but are not necessarily limited to, the following pertinent information:

- Rationale for the method of procurement,
- Solicitation/response,
- Evaluation,
- Selection criteria,
- Contractor selection or rejection, and the
- Basis for the cost or price.

These requirements will also apply to any equipment that is purchased and/or leased utilizing CDBG/HOME funds.

For professional services procurement records, the City of Clearwater or sub-recipients will establish and maintain separate files for records relating to the procurement of a management consultant, engineer or other professional service provider to detail the procurement process undertaken. The files will contain the following information:

- A copy of the Request for Proposals (RFP);
- A copy of the RFP public notice and documentation relating to the mailing of the RFPs;
- A copy of the RFP cover letter sent to each interested party;
- A copy of each respondent's reply to the City of Clearwater or sub-recipient's RFP;
- A copy of each respondent's rating worksheet (if applicable);
- A copy of the procurement summary sheet (if applicable);
- A copy of Council action for awarding the contract; and

- A copy of the executed professional services contract.

For construction projects, the City of Clearwater or its sub-recipients will establish and maintain separate files for records relating to the procurement of a contractor and detail of the procurement process undertaken. The files will contain the following information:

- A copy of the bid documents, including specifications
- A copy of the bid advertisement
- Number of bids returned and their prices
- Documentation of the lowest, most responsible bidder
- A copy of the Department of Labor Wage Decision
- Copies of the following:
 - Contractors Certification Concerning Labor Standards and Prevailing Wage Requirements
 - Subcontractors Certification Concerning Labor Standards and Prevailing Wage Requirements
 - Contractors Certification Concerning Equal Employment Opportunity Requirements
 - Section 3 Affirmative Action Plan
- A copy of Council action for awarding the contract; and
- A copy of the executed contract.

For projects that require acquisition, the City of Clearwater or its sub-recipients will establish and maintain records as required by HUD through Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition, under Chapter 6: Record Keeping and Reports.

Reference Materials:

- Procurement Procedures Manual, May 2017
- Administrative Policy and Procedure Manual, Policy Number 4302.2, Procurement of Commodities and Services
- HUD Conflict of Interest regulations at 24 CFR 570.489(h) and 24 CFR 92.356
- OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments)
- OMB Circular A-110 (Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations)
- HUD Procurement Standards 24 CFR 85
- HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
PROPERTY INVENTORY LOG**

1. Is the following documentation on file:

A. Personal Property Inventory Log?

B. Has the community purchased personal property?

C. If yes: Does the inventory log contain the following:

i. Description of the property?

ii. Identification number?

iii. Date of Acquisition?

iv. Purchase Price?

v. Location (or disposition of Property)?

1. If disposed of, was it reported on the Community Performance Report?

vi. Is the Log signed and dated for the current year?

D. Could specific items from the log be identified and verified on location?

If yes: Describe below under explanations.

2. Explanations _____

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
SMALL PURCHASE PROCUREMENT RECORD**

Scope of Service/Item Description: _____

Contacts Made:

- | | | |
|----|-------------------------------|----------------|
| 1. | _____ | _____ |
| | Name of Firm/Supplier (No. 1) | Date Contacted |
| | _____ | _____ |
| | Name of Person Contacted | Quoted Price |
| 2. | _____ | _____ |
| | Name of Firm/Supplier (No. 2) | Date Contacted |
| | _____ | _____ |
| | Name of Person Contacted | Quoted Price |
| 3. | _____ | _____ |
| | Name of Firm/Supplier (No. 3) | Date Contacted |
| | _____ | _____ |
| | Name of Person Contacted | Quoted Price |

Based on the contacts made concerning the above-referenced scope of services/item description, I authorize

_____ on _____, 20____ to begin work or to supply the item(s) for the quoted price.

Signature of Authorized Person

Date

Typed Name and Title of Authorized Person

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
SAMPLE MANAGEMENT CONSULTANT RATING SHEET**

The City of Clearwater CDBG/HOME Contract No. _____

Name of Respondent _____

Date of Rating _____

Evaluator's Name _____

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Federal Procurement Procedures	5	_____
2. Environmental Reviews	5	_____
3. Fair Housing/EEO	5	_____
4. Financial Management	5	_____
5. Uniform Act Acquisition/Relocation	5	_____
6. Project Construction Management	5	_____
7. Labor Standards Requirements	5	_____
8. Audit/Contract Close-out	5	_____
Subtotal, Experience	40	_____

COMMENTS: _____

Work Performance

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Submits requests to Clearwater in a timely manner	5	
2. Past the City of Clearwater CDBG/HOME projects completed on schedule	5	
3. Work product is consistently of high quality with low level of errors	5	
4. Past the City of Clearwater CDBG/HOME projects have low level of monitoring findings/concerns and offer or responds to monitoring reports in a timely manner	5	
5. Manages projects within budgetary constraints	5	
Subtotal, Performance	25	

NOTE: Information necessary to assess the respondent on these criteria should be gathered by contacting past/current clients.

COMMENTS: _____

Capacity to Perform

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Staffing Level / Experience of Staff	5	_____
2. Adequacy of Resources	5	_____
Subtotal, Capacity to Perform	10	_____

COMMENTS: _____

Proposed Cost

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
A = Lowest Proposal \$ _____		
B = Bidder's Proposal \$ _____		
 A ÷ B X 20 equals Respondent's Score	20	_____

COMMENTS: _____

Affirmative Action

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
Is the proposing firm a small, minority, or female owned business?	5	_____

COMMENTS: _____

TOTAL SCORE

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
<input type="checkbox"/> Experience	40	_____
<input type="checkbox"/> Work Performance	25	_____
<input type="checkbox"/> Capacity to Perform	10	_____
<input type="checkbox"/> Proposed Cost	20	_____
<input type="checkbox"/> Affirmative Action	5	_____

Total Score	<u>100</u>	<u>_____</u>

**CITY OF CLEARWATER
 COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
 SAMPLE ENGINEER/ARCHITECT RATING SHEET**

The City of Clearwater CDBG/HOME Contract No. _____

Name of Respondent _____

Date of Rating _____

Evaluator's Name _____

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Has previously designed _____ type of projects	20	_____
2. Has worked on federally funded construction projects	10	_____
3. Has worked on projects that were located in this general region	10	_____
4. Extent of experience in project construction management	15	_____
Subtotal, Experience	<u>55</u>	<u>_____</u>

COMMENTS: _____

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
RFP COVER LETTER**

Date

Addressee

Re: The City of Clearwater CDBG/HOME Contract No.

Dear :

Attached is a copy of the City's Request for Proposals for _____ (name type of work e.g. management services or engineering services) under its grant contract with the City of Clearwater CDBG/HOME to carry out _____ improvements in the City of Clearwater. The submission requirements for this proposal are also included on the attached format.

The deadline for submission of proposals is (DATE - at least ten days from mailing). The City of Clearwater reserves the right to negotiate with any and all persons or firms submitting proposals, per the Florida Professional Services Procurement Act and the Uniform Grant and Contract Management Standards.

The City of Clearwater is an Affirmative Action/Equal Opportunity Employer.

Sincerely,

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
SAML E RFP FOR MANAGEMENT CONSULTANT**

The City of Clearwater is seeking to enter into a professional services contract with a competent management/consulting firm to assist the city in the overall management of its recent contract received from the City of Clearwater CDBG/HOME for a _____ (TYPE OF PROJECT) _____ project. The following outlines the request for proposals.

- I. Scope of Work - The management consultant or firm to be hired is to provide contract-related management services to the City of Clearwater, including but not limited to the following areas:
- Financial management
 - Record keeping requirements
 - Environmental clearance procedures
 - Real property acquisition procedures under Uniform Act
 - Equal employment opportunity/Section 504 requirements
 - Labor standards monitoring
 - Housing rehabilitation/affordable housing (if applicable)
 - Contract close-out assistance

Please specify actual tasks to be performed under each of these categories. A copy of the project description for (TYPE OF PROJECT) is attached.

- II. Statement of Qualifications - The City is seeking to contract with a competent management/consulting firm that has had experience in grants/contracts administration. Specifically, it is seeking those persons or firms with the following qualifications:

- LIST QUALIFICATIONS

As such, please provide within your proposal a list of past client local governments, as well as resumes of all employees who will or may be assigned to provide technical assistance to the city on this project if your firm is awarded this management services contract.

- III. Proposed Cost of Services - These include a proposed cost by Scope of Work category of what you or your firm feels is appropriate for each area of the Scope of Work. Please note that the City of Clearwater will not use lowest/best bid as the sole basis for entering into this contract.

IV. Evaluation Criteria - The proposals received will be evaluated and ranked according to the following criteria:

	<u>Criteria</u>	<u>Maximum Points</u>
1.	Experience	40
2.	Work Performance	25
3.	Capacity to Perform	10
4.	Proposed Cost	20
5.	Affirmative Action	5
	Total	100

V. Deadline for Submission - The proposals received will be received no later than (Date) at the following address: _____.

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT
SAMPLE RFP FOR ENGINEERING/ARCHITECTURAL SERVICES**

The City of Clearwater is seeking to enter into an engineering services contract with a state-registered engineer. The following outlines this request for proposals.

I. Scope of Work - The engineering contract will encompass all project-related engineering services to the City of Clearwater, including but not limited to the following:

- Preliminary and final design plans and specifications
- Preparation of the bid packet
- Conduct of all field testing and inspections (interim and final)
- Other special services

Please specify actual tasks to be performed under each of these categories. A copy of the project description for these water system improvements is attached.

II. Statement of Qualifications - The City is seeking to contract with a competent engineering firm, registered to practice in the State of Florida, that has had experience in the following areas:

- LIST EXPERIENCE

As such, please provide within your proposal a list of past client local governments, as well as resumes of all engineers who will or may be assigned to this project if you receive the engineering services contract award. Also, please provide a copy of your current certificate of insurance for professional liability.

III. Evaluation Criteria - The proposals received will be evaluated and ranked according to the following criteria:

	<u>Criteria</u>	<u>Maximum Points</u>
1.	Experience	40
2.	Work Performance	25
3.	Capacity to Perform	10
4.	Affirmative Action	5
Total		100

IV. Deadline for Submission - The proposals received will be received no later than (Date) at the following address: _____.

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
SAMPLE NEWSPAPER ADVERTISEMENT**

(DATE)
GRANT (MANAGEMENT and/or ENGINEERING/ARCHITECTURAL SERVICES)
PUBLIC NOTICE

Request for Qualifications
Clearwater, Florida

The Purchasing Officer of Clearwater, Florida, will receive sealed responses for the following solicitation until the date/time specified:

RFQ No.: XX-17
Title: _____
Due date: _____, 2017
Time: 10:00 A.M.

The City of Clearwater has recently received a Funding Award from the U.S. Department of Housing and Urban Development Office of Community Planning and Development for _____ improvements. Proposals must be received by the City no later than 10:00 A.M. on the ____ day of _____, _____ to be considered. Solicitation documents with instructions may be obtained at www.myclearwater.com or contact the Purchasing Officer at (727) 562-4630, 100 S. Myrtle Ave., or PO Box 4748, Clearwater, FL 33758.

The City reserves the right to negotiate with any and all individuals, engineers or firms that submit proposals, as per the Florida Consultants Competitive Negotiation Act (CCNA, F.S. 287.055) and the Uniform Grant and Contract Management Standards.

The City of Clearwater is an Affirmative Action/Equal Opportunity Employer.

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
REPORT ON REAL PROPERTY ACQUISITION ACTIVITIES**

*NOTE: This report is due prior to start of construction.
Please attach a checklist for each parcel acquired*

Name of Contractor: _____ Contract No. _____

Describe Acquisition Activity: _____
(e.g. sewer line easements, water well site, street right-of-way, etc.)

OR

Check if No Acquisition Activity _____ (fill out bottom section of this page only, sign, and submit to the City of Clearwater Economic Development and Housing Department)

Date of Final Acquisition Activity:

METHOD OF ACQUISITION:	NUMBER OF PARCELS	TOTAL DOLLAR AMOUNT PAID
Involuntary -- Check one: <input type="checkbox"/> Seller Accepted "Just Compensation" Amount <input type="checkbox"/> Acquired by Negotiation <input type="checkbox"/> Acquired by Condemnation		
Voluntary -- (exempt from Uniform Act) Check one: <input type="checkbox"/> Acquired Voluntarily (grantee can exercise the power of eminent domain but agrees in writing not to do so <i>and</i> project is non site-specific) <input type="checkbox"/> Acquired by Donation (seller waived right to just compensation) <input type="checkbox"/> Acquired from Another Public Agency (grantee has no power of eminent domain)		

Prepared by: Name _____ Title _____ Date _____	Approved by: Signature _____ <div style="text-align: center;">Chief Local Elected Official</div> Title _____ Date _____
---	--

REAL PROPERTY ACQUISITION CHECKLIST

Contractor: _____	Contract No.: _____
Address of Acquired Property: _____	
Owner(s) Name: _____	Tele #: _____
Property Acquired For: _____ (e.g., easement, well site, etc.)	

METHOD USED TO ACQUIRE THIS PROPERTY: (check one box below)

Involuntary --

- Seller Accepted "Just Compensation" Amount
- Acquired by Negotiation
- Acquired by Condemnation

Voluntary -- (exempt from Uniform Act)

- Acquired Voluntarily (grantee can exercise the power of eminent domain but agrees in writing not to do so *and* project is non-site-specific)
- Acquired by Donation (seller waived right to just compensation)
- Acquired from Another Public Agency (grantee has no power of eminent domain)

ACTIVITY:	DATE
Official Determination to Acquire Property Made	_____
Notice of Interest in Acquiring Property and General Information Sent, including HUD brochure when a public agency acquires your property	_____
Survey Obtained	_____
Title Evidence Obtained	_____
Invitation to Accompany Appraiser Provided	_____
Statement of the Basis for the Offer of Just Compensation Completed	_____
Appraisal Completed (Name of Appraiser: _____)	_____
Review Appraiser's Recommendation Made	_____
Just Compensation Determined (Amount: \$ _____)	_____
Written Purchase Offer and Summary Statement Delivered	_____
Purchase Agreement Executed	_____
Deed Executed	_____
Purchase Price Paid (Amount: \$ _____)	_____
Settlement Costs Paid	_____
Deed Recorded	_____
IF ACQUIRED BY CONDEMNATION:	DATE
Condemnation Proceeding Instituted	_____
Estimated Fair Market Value Deposited with Court	_____
Court Award Made (Amount: \$ _____)	_____
Deficiency Judgment Deposited with Court	_____
Appeal Filed, if any	_____

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
VOLUNTARY ACQUISITION
SAMPLE NOTIFICATION LETTER #1**

FOR LOCALITIES *WITHOUT* POWER OF EMINENT DOMAIN

NOTE: This is the only notification needed for this type of acquisition (usually acquired property from another governmental/public entity). The City of Clearwater or Subrecipient acquisition files must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. This is a suggested letter format; the letter may be revised to reflect other circumstances.

Date

Dear Mr. /Ms. (owner's name) _____:

This is to inform you that the City of Clearwater has received a grant from the HUD Community Development Block Grant Program to provide you and your neighbors with improved water quality and pressure. We are interested in purchasing the property you own located at *1111 First Street, lot 2, block 11 of the Jones Survey*, and further described as:

“a strip 10 feet wide along the south side of the property from the front to the rear property lines; that is, a strip 10 feet wide by 150 feet along the west side of the property, or 1,500 square feet, for the burial of an 8-inch water line.”

Because Federal funds may be used in the purchase, we are required to provide you with the following information prior to any negotiations to purchase the property:

1. The sale is voluntary. The City of Clearwater does not have the power to acquire your property by condemnation (eminent domain); therefore, the property will be purchased only if a mutually acceptable agreement can be negotiated by the parties.
2. We estimate the current fair market value of the property to be \$ _____.

Since the purchase would be a voluntary, arm's length transaction, you would not be eligible for relocation assistance or payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act), or any other law or regulation. Also, as indicated in the contract of sale, the purchase would be negotiated on the condition that no tenant who is not now an occupant of the property will be permitted to occupy the property pending its sale unless you terminate your negotiations with the City for the sale of the property.

Please understand that if you do not wish to sell your property, we will take no further action to acquire it. If this offer meets with your approval, or if you wish to donate, please contact (Authorized Staff Person), immediately at (Address and Phone Number). City staff has prepared (Contract Agreement) for you to sign and record to assist in finalizing the acquisition of this easement.

Thank you very much for your cooperation and favorable consideration of this offer.

Sincerely,

Name/Title

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
VOLUNTARY ACQUISITION SAMPLE NOTIFICATION LETTER #2**

FOR LOCALITIES *WITH* POWER OF EMINENT DOMAIN

NOTE: *The City of Clearwater or Subrecipient acquisition files must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery.*

INITIAL NOTICE OF INTENT LETTER—

Dear _____:

The City of Clearwater has received a grant from the HUD Community Development Block Grant Program. This grant will enable us to provide you and your neighbors with improved water quality and pressure.

In order to provide you with these improvements, we are informing you and other property owners in this area of the need for a water well site. This site must be within the northwestern sector of town. All sales or donations will be on a voluntary basis. If mutually acceptable terms and conditions of such acquisition cannot be reached, the City will not exercise its power of eminent domain and will not take further action to acquire such property. As this is a public improvement project that will benefit the health and safety of local residents, donation of a site would be appreciated.

Interested parties should contact (Authorized Staff Person, Address, Phone Number), by (Date), for additional information.

Sincerely,

Name/Title

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
COMBINED NOTICE OF FAIR MARKET VALUE/PURCHASE OFFER**

NOTE: *The City of Clearwater or Subrecipient acquisition files must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery.*

Dear _____:

On (Date), the City of Clearwater notified you of the City's proposed plan to (Project) in your area and the need to acquire (Whatever is Needed for the project). You have indicated an interest in locating the (Project Need) on a portion of your property. The City has established just compensation for this property as (\$?). The City hereby offers the just compensation amount of (\$?) for the purchase of your property. By this action, the City initiates negotiations to acquire this property. Attached to this offer is a *Summary Statement of the Basis for the Determination of Just Compensation*.

We believe this offer is fair and equitable, and we urge your favorable consideration and acceptance. If this offer meets with your approval, or if you have any questions, please contact (Authorized Person), immediately at (Address and Phone Number). City staff has prepared a sales contract and act of sale to assist in finalizing the acquisition.

Thank you very much for your cooperation and favorable consideration of this offer.

Sincerely,

Enclosure: *Statement of the Basis for the Determination of Just Compensation*

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
OWNER RELEASE FORM FOR DONATED PROPERTY**

CDBG Contractor: _____ CDBG Contract No.: _____

**AGREEMENT TO DONATE REAL PROPERTY, OR TO ACCEPT A PAYMENT OF LESS THAN
FAIR MARKET VALUE, FOR PROPERTY SOLD TO A PUBLIC AGENCY**

I understand that the City of Clearwater, Pinellas County, Florida, as a part of its Community Development Block Grant Program, requires the following interest (specify: fee simple; partial fee; permanent easement) in property I own, described as follows:

_____ [insert legal description] _____

for _____ [describe project activity for which property is needed] _____

and that, Federal law (the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646) provides that no owner shall be required to surrender possession of real property or any interest therein before the acquiring agency offers to buy such property or interest for an amount not less than the agency's approved fair market appraisal of the value of the property.

INSERT OPTIONS #1 OR #2 (specify which) --

#1- Having been informed of my right to just compensation for any interest in my real property which is acquired by the City of Clearwater, Pinellas County, Florida, I freely agree to give and convey to the City, the interest described above in my property and to decline any right to compensation or payment of the fair market value for aforementioned property or interest therein, and **do hereby release the City from said obligations.**

- OR -

#2- Having been informed of my right to just compensation for any interest in my real property which is acquired by the City of Clearwater, Pinellas County, Florida, I freely agree to give and convey to the City, the interest described above in my property and to decline any right to compensation or payment of the fair market value for aforementioned property or interest therein, and **do hereby release the City from an appraisal of my real property.**

(Signature of Owner)

(Date)

(Signature of Witness)

(Date)

(Signature of City Official)

(Date)

**CITY OF CLEARWATER
COMMUNITY DEVELOPMENT BLOCK GRANT/HOME
SAMPLE NOTICE TO OWNER FOR DONATIONS OF EASEMENTS AND RIGHT OF WAY**

(Date)

(Address)

CDBG/HOME Contract No. _____

Dear:

The City of Clearwater has received a grant from the HUD Community Development Block Grant Program. This grant will enable us to provide you and your neighbors with (describe general improvements to be provided).

We are glad to provide you with these improved services. However, we need your cooperation to complete this project. In order to provide you with (describe specific benefit to this owner), the City of Clearwater will need a (permanent easement/right-of-way) on your property.

The granting of this (permanent easement/right-of-way) will help us to provide you with better services sooner and at a lower cost. And this service may also increase the value of your property.

We are asking you to donate to the City that portion of your property needed to bring you this service. (Please note that you are not required to make this donation unless you wish to do so.) The portion of your property needed for the improvement is described on the enclosed Notice of Agreement to Donate form.

The City of Clearwater has estimated the value of that portion of your property to be donated, and the dollar amount is also stated on the enclosed form. This amount may be claimed as a deduction for federal income tax purposes. You also have the right, by law, to an appraisal of the Fair Market Value, if any, of the property described, and to receive just compensation.

Please examine the enclosed form carefully. Write your initials in the box beside the statement which represents your response to this invitation to donate your property. Sign the form in the space provided. Return the copy of the form you have initialed and signed in the enclosed stamped self-addressed envelope within 10 days. Keep one copy of the form for your reference.

We appreciate your cooperation in helping us bring you and other residents of Clearwater this needed service.

Sincerely,

Local Official

Attachment

Note: Two Copies of this form should be sent to the owner along with the City of Clearwater or Subrecipient Locality's Notice; the owner should return one signed copy to the City of Clearwater or Subrecipient Locality

CDBG Contractor: _____

CDBG Contract No. _____

Name of Owner: _____

Date Notified: _____

Address: _____

City/State/Zip: _____

I understand that the City of Clearwater needs to acquire a portion of my property for a (permanent easement/right-of-way) in connection with the HUD Community Development Block Grant Program. The needed portion of my property is described as follows:

[Insert legal description of the owner's entire land, with dimensions, and include a drawing of the portion needed, with dimensions, relative to the entire lot.]

I understand this portion of my property will be used to (describe the project activity for which the property is needed).

The City has estimated the value of this (permanent easement/right-of-way) at (spell out dollars) \$

PLEASE INITIAL THE BOX BESIDE THE STATEMENT THAT REPRESENTS YOUR RESPONSE TO THIS INVITATION TO DONATE PROPERTY:

I wish to donate the property described above to the City and I wish to waive my right to an appraisal.

I wish to donate the property described above but I wish to have this property appraised at Fair Market Value before donating. I understand that I may claim a deduction on the estimated value of that easement for federal income tax purposes.

I understand the City of Clearwater will contact me to arrange for the transfer of this property and will pay any and all ordinary costs associated with this transaction.

I **do not** wish to donate. [The City will contact you soon concerning a written offer to purchase based on either an appraisal or a statement of justification.]

Owner _____

Owner _____

Date _____

Date _____

CITY OF CLEARWATER CDBG/HOME PROGRAMS SUB-RECIPIENT APPLICATION PROCEDURES

Table of Contents

Sub-Recipient Application Procedures

Attachment SAP-1 – Sample Notice of Availability

Attachment SAP-2 – Application Form

Attachment SAP-3 – Application Instructions

Attachment SAP-4 – Action Plan Application Checklist

Attachment SAP-5 – General Specifications

Attachment SAP-6 – Applicant Ranking Criteria

CITY OF CLEARWATER CDBG/HOME PROGRAMS

SUB-RECIPIENT APPLICATION PROCEDURES

The specific projects to be funded by the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program in the Annual Action Plan are selected by sub-recipient application to the City of Clearwater. This sub-recipient application process occurs annually during the development of the Annual Action Plan and approximately seven (7) months prior to the start of the program year (October 1).

The following are step-by-step procedures that should be followed on an annual basis in order to select projects for inclusion in the Annual Action Plan.

1. Notice of Availability

- a. The City will notify sub-recipient applicants that funding is available, specify the start and end dates of a 30-day application period, and the dates and times of public pre-application meeting(s), by publishing a notice in the local newspaper known as the “Notice of Availability” (**SAP-1**). The notice shall specify the following:
 - i. Summary of the funding available;
 - ii. The 30-day application period, including start and end (deadline) dates;
 - iii. Date(s) and time(s) of pre-application meeting(s);
 - iv. The locations where the application forms can be obtained; and
 - v. The location where the completed application forms must be submitted.
- b. The Notice of Availability will be published 30-days prior to the application period end date (i.e., application deadline).
- c. The publication of the Notice of Availability in the local newspaper may be supplemented with other forms of outreach, such as postings, flyers, and email announcements, as well as direct outreach to internal City departments and external service provider networks such as the Continuum of Care.
- d. The application form and instructions will be updated annually. See example “**Application Form**” (attachment **SAP-2**) and “**Application Instructions**” (attachment **SAP-3**). The application form will be made available at the following locations:
 - i. Economic Development and Housing Department offices; and
 - ii. Housing Division website (www.myclearwater.com/housing).

2. Public Pre-Application Meeting

- a. At least one public pre-application meeting will be held during the 30-day application period, approximately two (2) weeks after the Notice of Availability is published. The purpose of the pre-application meeting is to answer applicant questions about the available funding, eligible activities, and the City's application process. Blank application forms and other program information will be made available at the pre-application meeting.
- b. The public pre-application meeting will be video-recorded or transcribed and, upon request, made available to applicants unable to attend the meeting.

3. Application Deadline

- a. All applications are due to the City of Clearwater Economic Development and Housing Department 30-days after the Notice of Availability is published.

4. Application Intake and Review for Accuracy

- a. Applicants must submit all required application forms and supporting documentation. Once the application period has ended, City staff will review the applications against the "**Action Plan Application Checklist**" (see attachment **SAP-4**) to determine their completeness. Incomplete applications will not be accepted.
- b. City staff will sort all applications (as determined to be complete) into categories to ensure that, upon selection, federal funding caps are met. The City will categorize applications in accordance with 24 CFR Part 570.201, *Basic Eligible Activities*, to verify the eligibility of the proposed activities.
- c. After the applications are categorized and verified as eligible activities, City staff will evaluate how the proposed activities address the National Objectives of the federal grant programs. For each activity, there must be a logical, documented connection to a National Objective:
 - i. CDBG: Providing benefit to low- and moderate-income persons, preventing or eliminating slums or blight, or meeting other urgent community development needs.
 - ii. HOME: Providing decent and affordable housing for low-income persons.

- d. After a connection to a National Objective has been made, City staff will evaluate whether the proposed activity is consistent with the City's Consolidated Plan goals and with other CDBG and HOME program priorities. For example:
 - i. Does the proposed activity meet one or more of the goals identified in the current Consolidated Plan?
 - ii. Was the proposed activity identified as a priority need in the current Consolidated Plan?
 - iii. Does the proposed activity benefit persons of low- and moderate-income, areas of low- and moderate-income, or the City's Neighborhood Revitalization Strategy Areas (NRSAs)?

- e. If the proposed activity is eligible, meets a national objective, and is consistent with the Consolidated Plan, the application will move forward to the Technical Review Committee (TRC) and Neighborhood and Affordable Housing Advisory Board (NAHAB) for review, ranking, and selection. At this point:
 - i. City staff will assemble a TRC to review the applications; and
 - ii. City staff will invite each applicant to present at a meeting of the NAHAB.

5. Application Ranking

- a. The "**General Specifications**" and "**Applicant Ranking Criteria**" (see example attachments **SAP-5** and **SAP-6**) will be updated annually, as needed. These documents will outline the grant program requirements and specific criteria against which the TRC will review and rank the sub-recipient applications.

- b. General Specifications. The following general specifications apply to the City's CDBG and HOME programs:
 - i. Funds can only be used within the incorporated limits of the City of Clearwater; however, agencies located outside of the City may receive funding if they can document that the services will benefit City residents.
 - ii. Funds will primarily be used for housing, community, and economic development activities. A portion of the available grant funds may be used for City-conducted and/or sponsored projects and may not be available to sub-recipient applicants.
 - iii. Eligible activities may include, but are not limited to, the rehabilitation and preservation of buildings and improvements; acquisition and disposition of real property; acquisition, construction, reconstruction, rehabilitation, or installation of public facilities; improvements to senior centers; neighborhood facilities, roads; public community services;

special economic activities; and special activities by sub-recipients to carry-out neighborhood revitalization, code enforcement, or energy conservation projects and related projects.

- iv. Ineligible activities include funds spent on buildings for the general conduct of government (except to remove architectural barriers); general government expenses; political activities; the purchase of equipment; furnishings and personal property; maintenance and operating expenses without providing a service; and funding impact fees (except for HOME and SHIP program funds).
- v. Applications for housing activities involving down-payment assistance/gap financing or new construction or rehabilitation of single and multifamily housing will be accepted from eligible applicants on a year-round basis while funds remain available. Priority will be given to those applications that provide housing for homeless persons.

c. Ranking Criteria. Given the general specifications of the grant programs and the City's strategic planning goals, the following are the specific criteria against which the TRC will rank applications:

i. Minimum Threshold (must be answerable to continue)

- 1. Does the proposed project meet the basic eligibility requirements of the grant program (CDBG or HOME)?
- 2. Are the proposed activities consistent with the goals and priorities of the City's Consolidated Plan?
- 3. Is the request for funding considered necessary and appropriate?
- 4. What is the applicant's capacity to carry out the functions of the proposed project? (e.g. staffing and resources)
- 5. Was the application submitted complete? Did the applicant provide all the information requested?
- 6. Did the applicant fail to meet program goals under a previous funding request?
- 7. Is the agency or facility licensed to provide the proposed activity to the proposed target population?

ii. Impact on Low-Income Households or Individuals (max. 4 points)

- 1. What is the percentage of low- to moderate-income households or individuals (i.e., less than 80% AMI) of the total number households or individuals to be assisted by the proposed activity?

<70%	0 point
70-79%	1 point

80-89%	2 points
90-95%	3 points
96 to 100%	4 points

iii. Collaboration/Partnership Agreements (max. 2 points)

1. Does the applicant have a contractual agreement, collaboration, or partnership with another organization that may reduce duplication of services?

iv. Leverage of Other Funds (max. 5 points)

1. Does the applicant include a copy of executed agreements and award letters? Evaluate based on committed/awarded funds only.
2. What is the proportion of CDBG or HOME funds requested to the applicant's total project budget?

1-10%	5 points
11-30%	4 points
31-50%	3 points
51-70%	2 points
71-90%	1 point
91-100%	0 points

v. Funding Request vs. Budget Narrative (max. 4 points w/2 points per question)

1. Does the applicant identify how the activity will be accomplished?
2. Does the applicant's most recent budget reflect the actual activity costs in accordance with the funding request?

vi. Fair Housing (max. 4 points)

1. Does the proposed project aid in efforts to affirmatively further fair housing?

vii. Rating of Agency as Service Provider (max. 24 points w/2 points per question)

1. Does the information presented in the application demonstrate a clear and documented need for the proposed activity/project?
2. Does the application describe the services and/or resources presently in place for addressing the problem?
3. Does the applicant clearly articulate the identified needs and significant target population?

4. Does the applicant explain the relationship between the proposed activities, the population to be served, and the linkage to the projects identified as essential for community development?
 5. Are the proposed activities to be provided measurable? Does the applicant describe its measurement tools and timeframes?
 6. Are the objectives specific, time-related, realistic and measurable? Does the applicant articulate the intended result of the proposed project?
 7. Is there a direct and identifiable relationship between project activities and outcome measures?
 8. Is professional expertise and experience documented through certification, educational attainment and/or past performance?
 9. Is there a satisfactory record of the agency providing the proposed type of service to the intended target population?
 10. Does the agency have the documented financial and administrative capability, internal controls and resources to successfully support the proposed project and maintain necessary records?
 11. Are there additional documented committed/awarded resources available for this proposed program?
- viii. Neighborhood Revitalization Strategy Areas (max. 4 bonus points)
1. Is the project located in one of the City's NRSAs (i.e., Lake Bellevue, East Gateway, or North Greenwood)?
- ix. Consolidated Plan Goals and Priority Needs (max. 8 bonus points)
1. Does the proposed project address activities that are considered the "highest" priorities in the Consolidated Plan (2016/2017-2019/2020) strategies and goals?
 - a. *Housing*. Provide availability of and accessibility to, decent affordable housing for the residents of the City of Clearwater. (max. 2 bonus points)
 - i. Preserve the existing housing stock.
 - ii. Increase the availability of affordable housing units.
 - iii. Assist qualified low- and moderate-income households to become homeowners through supporting agencies that provide housing counseling.
 - iv. Provide mortgage assistance for low- and moderate-income homebuyers.

- b. *Homelessness*. Help to prevent and reduce homelessness within the City of Clearwater. (max. 2 bonus points)
 - i. Support programs that offer shelter facilities and beds for the homeless.
 - ii. Assist agencies that engage in homeless prevention and service programs.
- c. *Non-Homeless Special Needs*. Expand the accessibility and coordination of social services to the City of Clearwater special needs populations. (max. 1 bonus point)
 - i. Support programs to assist the elderly, frail elderly, disabled, veterans, and other populations with special needs.
- d. *Community Development and Public Services*. Enhance the living environment for persons in low- and moderate-income areas through community development activities, public service programs, and elimination of blight. (max. 2 bonus points)
 - i. Support the expansion and improvement of affordable youth/children centers, senior centers, health and mental health facilities, and other types of public facilities in low- and moderate-income areas.
 - ii. Encourage and support programs that promote neighborhood safety and security, youth accountability and mentoring, and community outreach to underserved populations in low- and moderate-income areas.
 - iii. Support agencies that offer meal and/or food bank services for persons and families of low- and moderate-income.
 - iv. Support the expansion and improvement of public parks, infrastructure, and utilities in low- and moderate-income areas.
 - v. Eliminate blighted conditions through code enforcement and demolition in low- and moderate-income areas.
- e. *Economic Development*. Support programs that create economic opportunities in the City of Clearwater

particularly for persons low- and moderate-income and in Neighborhood Revitalization Strategy Areas. (max. 1 bonus point)

- i. Support building façade programs in Neighborhood Revitalization Strategy Areas.
- ii. Support programs that create economic opportunity for low- to moderate-income persons, such as job training and entrepreneurship, small-business start-ups and incubators, and other economic development activities.

6. Project Selection / Board Approvals

- a. TRC Review and Ranking. Applications will be reviewed by a TRC comprised of the following:
 - i. City of Clearwater staff member (not internal to the Economic Development and Housing Department)
 - ii. Non-profit agency representative
 - iii. For-profit business representative

The TRC will review the applications against the “**General Specifications**” (see attachment SA-5) and “**Applicant Ranking Criteria**” (see attachment SA-6) and rank the applications accordingly. See **Application Ranking** section above for more information.

- b. NAHAB Presentations. Concurrent with the TRC’s review and ranking period, the NAHAB will hear presentations from the applicants on the scope and impact of their proposed activities.
- c. TRC Recommendation to the NAHAB. Based on its review and ranking, the TRC will make a recommendation to the NAHAB regarding the specific projects to be included in the next Annual Action Plan. The TRC’s recommendation will be made at a **PUBLIC HEARING** of the NAHAB to obtain NAHAB approval. This meets the requirement for at least one public hearing prior to the 30-day public comment period for the Annual Action Plan.

As a courtesy to the applicants, upon NAHAB approval, the NAHAB will notify the applicants about their projects’ inclusion in the draft Annual Action Plan, the

forthcoming 30-day public comment period, and the pending recommendation to City Council.

- d. Draft Annual Action Plan for Public Comment. The recommended projects and respective budgets will be identified in the draft Annual Action Plan to be published for a 30-day public comment period prior to City Council approval. See **Annual Action Plan Procedures** for more information.
- e. NAHAB Recommendation to the City Council. The NAHAB will, after hearing the applicant presentations, receiving the selection recommendation from the TRC, and considering any comments made during the Annual Action Plan's 30-day public comment period, make a formal recommendation to the City Council regarding the specific projects to be included in the Annual Action Plan. The recommendation will be made at a **PUBLIC HEARING** of the City Council to obtain City Council approval.

7. Relationship to the Annual Action Plan

- a. The sub-recipient application process occurs annually during the development of the Annual Action Plan and prior to the start of the program year (October 1). In order to ensure the timely selection of projects for inclusion in the Annual Action Plan, and to meet all other mandatory deadlines associated with the Annual Action Plan and its submittal, the sub-recipient application process should begin early in the calendar year. For example, if the program year starts October 1, the sub-recipient application process should commence with the publication of a Notice of Availability in February. A sample calendar for the sub-recipient application process is as follows:

February	Publish Notice of Availability for 30-Day Application Period
March	Application Deadline; Application Intake and Review for Accuracy
April	TRC Review and Ranking; Applicant Presentations to NAHAB
May	TRC Recommendation to the NAHAB; NAHAB Approval
June	Publish Annual Action Plan for 30-Day Public Comment Period
July	NAHAB Recommendation to City Council; City Council Approval
August	Submittal to HUD (Prior to August 15)

- September** HUD 45-Day Review Period (August-September)
- October** Start of Program Year (October 1)

Reference Materials:

- U.S. Department of Housing and Urban Development, “Guide to National Objectives and Eligible Activities for Entitlement Communities”
https://www.hudexchange.info/resources/documents/CDBG_Guide_National_Objectives_Eligible_Activities.pdf
- City of Clearwater, Florida, “2016/2017-2019/2020 Four-Year Consolidated Plan” (as originally adopted July 21, 2016, and substantially amended November 17, 2016)
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- U.S. Department of Housing and Urban Development, “Managing CDBG: A Guidebook for Grantees on Sub-Recipient Oversight” (March 2005)
https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_17086.pdf

NOTICE OF FUNDING AVAILABILITY

CITY OF CLEARWATER, FLORIDA

FY 2015-2016 - CONSOLIDATED ACTION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP PROGRAM

The City of Clearwater is estimated to receive \$681,257 in grant allocation funds under the Community Development Block Grant (CDBG) Program and \$265,110 in grant allocation funds under the HOME Investment Partnership Program for the FY 2015-2016 Program Year beginning October 1, 2015. Funds can only be used in the incorporated limits of the City of Clearwater. However, an agency that is located outside the city may receive funding if they provide documented services for city residents. The amounts listed above are only a projection of the grants funds to be received and the actual amounts may vary depending on final appropriations and program income revenue.

Federal funding authorization for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership (HOME) Program is through the U. S. Department of Housing and Urban Development. In addition to the grant allocations, the City anticipates that it will receive program income from the federal CDBG, HOME, and Neighborhood Stabilization Program 3 (NSP3). Additional grant funds and program income may be received from the State of Florida State Housing Initiatives Partnership Program. Other program income may be received through the Pinellas County Housing Trust Fund Program.

These funds will primarily be used for housing, community and economic development activities. A portion of the funds listed above may be used for City conducted and/or sponsored projects and may not be available for allocation to applicants. Federal regulations applicable to these programs dictate funding availability for certain projects. Proposals for new projects will be accepted beginning on March 4, 2015 but no later than April 3, 2015. Suggestions for new projects/activities for FY 2015-2016 may be presented and should address the following strategies:

- Promote better livable opportunities in the Neighborhood Revitalization Strategy Areas
- Promote affordable housing for renters and/or, homebuyers
- Promote efforts/activities to end chronic homelessness
- Provide outreach and housing opportunities for homeless individuals and families
- Provide assistance to victims of domestic violence
- Promote economic opportunities for very-low to moderate income individuals
- Provide assistance to the elderly, persons with disabilities, and persons with HIV/AIDS.
- Develop public facility projects in the neighborhood strategy areas
- Promote efforts to reduce lead poisoning in children
- Promote opportunities to end poverty (job training, employability skills, educational attainment, and other related activities)

- Promote opportunities to assist public housing residents to become self-sufficient
- Promote opportunities for individuals to reduce their dependency on alcohol and drugs
- Promote fair housing opportunities

Eligible activities may include and not be limited to the rehabilitation and preservation of buildings and improvements; acquisition and disposition of real property; acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements; economic activities and activities by subrecipients to carry out neighborhood revitalization, energy conservation projects and related projects.

Applications for organizations desiring to participate in the City of Clearwater Housing Pool for activities involving downpayment assistance/gap financing, new construction and rehabilitation of single and multifamily housing will be accepted from eligible participants on a year-round basis while funds remain available.

Applications can be obtained beginning March 4, 2015 through April 3, 2015, at the City of Clearwater – Economic Development and Housing Department - Housing Division located at 112 South Osceola Avenue, Clearwater, between the hours of 8:00 a.m. through 5:00 p.m. Applications may also be obtained via the City’s website (www.myclearwater.com/housing).

A mandatory application workshop will be held on March 20, 2015 at the City of Clearwater Fire Station #48 – Training Room located at 1700 North Belcher Road, Clearwater between the hours of 10:00 a.m. and 12:00 p.m. for all potential applicants. All organizations that are applying for funding must attend.

Applications are to be sent to Michael Holmes, Housing Manager, City of Clearwater – Economic Development and Housing Department - Housing Division, 112 South Osceola Avenue, Clearwater, FL 33756. Applications must be received in the Housing Division Office no later than **4:30 p.m. on Friday, April 3, 2015**. Any questions can be directed to Michael Holmes at 727-562-4032 or michael.holmes@myclearwater.com.



**CITY OF CLEARWATER
FISCAL YEAR 2015-2016
CONSOLIDATED ACTION PLAN
APPLICATION FORM**

****Due: Friday April 3, 2015 by 4:30 p.m.****

Please phone (727) 562-4032 for assistance in preparing this application.

**(Housing Pool applications are accepted on a year-round basis while funds remain available.)*

- Please submit **one original and one copy** of this application (one-sided only). Do not staple, bind, use dividers, folders, or insert pages larger than 8 ½ x 11 inches in your packet. All application documents are located at: www.myclearwater.com/housing. All items below must be present for the application to be considered substantially complete.

SECTION A: APPLICANT INFORMATION

Agency Name: _____

Executive Director: _____

Telephone Number: _____

E-Mail Address: _____

Agency Address: _____

City/State/Zip: _____

Federal Tax ID#: _____

DUNS #: _____

Organization Type: Public Private
 Non-Profit Other (Specify) _____

Amount Requested: _____

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

*** Maximum request amount for public service projects are \$30,000 and the maximum amount for public facilities projects are \$50,000. A maximum of only 4 public facilities projects may be selected. An amount of \$7,000 will be set-aside for housing counseling activities from the public services category. The funds will be available to eligible housing counseling agencies on a first-come, first-eligible basis. Housing Pool applicants are not subject to the ranking criteria. Housing pool projects will be selected by the City on a first-come, first-eligible basis.**

Project Name: _____

Project Type: Public Service Public Facility Housing Pool

Service Area: Citywide Neighborhood Revitalization Strategy Area
 Other _____

Activity Type: New Construction Rehabilitation Down Payment Assistance

Housing Counseling Property Acquisition

Demolition Other _____

Project Address: _____

Contact Person: _____

Title: _____

Email: _____

Telephone/Fax: _____

Amount Requested: _____

The signature below certifies that he/she is the authorized representative, approved by the Agency's Board of Directors, to enter into this agreement and that the applicant will conduct the proposed activity in the location, time, and manner within the budget presented. It certifies that the proposed activity addresses one of the priorities as contained in the current City of Clearwater 5-Year 2011-2016- Consolidated Planning Document and/or current SHIP Local Housing Assistance Plan.

The applicant certifies that the CDBG, HOME and/or SHIP funds will be used in the manner described and will be used only to reimburse those eligible costs described in the approved budget and any other type of funds presented in the budget, will be obtained and used for the proposed project.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

**Signature of Authorized Official:
(MUST BE SIGNED IN BLUE INK)**

Name (signature)

Name (print)

Title (print)

Date

SECTION A: APPLICANT ATTACHMENTS

Please mark attachments with applicable section/number

- A1. Please attach a current List of the Board of Directors/Advisory Council, including each member’s name, title, contact information, and area of expertise or contribution to the organization. Specify which board members are involved in securing project funding.
- A2. Please attach the Board of Directors’ resolution authorizing submission of application and pay request.

SECTION B: MINIMUM PROGRAM REQUIREMENTS

Community Development Block Grant Projects

B1. If Agency’s office or facility is not in the City of Clearwater, please attach an explanation regarding how Agency services benefit Clearwater low- to moderate-income residents and how those services will be documented.

B2. Will proposed project serve at least 70% persons under 80% Area Median Income (AMI)?

Yes No

B3. Is the project located in an area which has 70% persons under 80% AMI?

Yes No

B4. Will the project address slum and blighted conditions in a targeted area?

Yes No

SECTION C: PROJECT OR ACTIVITY DESCRIPTION

C1. Project Title: _____

C2. Project Location: _____

C3. Program Narrative for general public understanding

C4. Define Agency service area. (If project is limited to a specific area, see instructions)

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

C5. Is the project in the Neighborhood Revitalization Strategy Area(s)?

If yes, please provide street address. _____

Yes No

C6. Does the project facilitate community and economic development in the neighborhood revitalization strategy areas? If “YES,” see instructions.

Yes No

C7. Mark which City Neighborhood Revitalization Strategy Area objectives the project addresses and submit an explanation on each.

- Create new investment opportunities
- Eliminate poor conditions of structures in strategy areas
- Empower neighborhood residents to eliminate crime
- Expand business opportunities
- Facilitate community and economic development
- Increase new job training and placement opportunities
- Reduce unemployment rate
- Remediate low-level contaminated sites
- Reverse declining property values
- Strengthen coordination of community organizations in redevelopment effort

C8. Mark which activities, considered “highest” priority in the City’s 2011-2016 Consolidated Plan, will the project achieve and submit an explanation on each.

- Promote better livable opportunities in Neighborhood Revitalization Strategy Area
- Promote affordable housing for renters, homebuyers, and homeowners
- Promote efforts to end chronic homelessness
- Provide outreach and housing opportunities for homeless individuals and families
- Provide assistance to victims of domestic violence
- Promote economic opportunities for low- to moderate-income individuals
- Provide assistance/benefits to any special population i.e. physically and/or mentally challenged, elderly or frail elderly, persons with HIV/AIDS
- Develop needed community centers and other public facility projects in the neighborhood revitalization strategy areas
- Promote opportunities to end poverty (job training, employability skills, educational attainment, and other related activities)
- Promote efforts to reduce lead poisoning in children
- Promote opportunities to assist public housing residents to become self-sufficient
- Promote opportunities for individuals to reduce their dependency on alcohol/drugs
- Promote fair housing opportunities

SECTION D: PERFORMANCE MEASURES

D1. Please submit a narrative on Performance Measures. (Application Instructions – Pages 4 & 7)

D2. Please submit an outline of Performance Measures. (Application Instructions – Pages 4 & 8)

D3. What is the proposed number of program beneficiaries or Outcome Measures? (Be specific)

_____ (Application Instructions – Page 4)

D4. Are there any special population beneficiaries? Yes No

How many? _____ (Application Instructions – Page 4)

D5. Do other agency(s) participate in the program? Yes No

(If yes, see Application Instructions – Page 4)

SECTION E: PROGRAM IMPLEMENTATION

E1. Please attach the Agency's Organizational Chart.

E2. Please attach resumes and job descriptions for Management/Supervisory staff for which funding is requested.

E3. Please attach resumes and job descriptions for other personnel who will participate in program implementation.

E4. Please attach a list of Volunteers who will be involved in the program. Indicate number of volunteers and description of roles they will perform.

E5. Please submit a detailed Program Narrative. (Application Instructions – Page 4)

E6. Please complete the attached Program Implementation Schedule on Page 8.

(Application Instructions – Pages 4 & 9)

SECTION F: BUDGET AND DETAILED BUDGET NARRATIVE

F1. Attach a Budget Narrative identifying how project/service/activity will be accomplished. Include in narrative, details on what would be the impact on the project if you receive less funds than requested.

F2. Please submit resume for person assigned to maintain organization's financial records.

F3. Please attach a copy of the agency's most recent detailed agency and project budget.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

- F4. Please attach the most **Recent Financial Audit** of prior year expenditures or a current year-end financial statement of the agency.
- F5. For funds committed and/or secured at time of application, **please attach a copy of the executed agreement showing funding and/or copy of the award letter.**
- F6. Please submit copy of Internal Revenue Service letter establishing sponsor's tax-exempt status AND a copy of the most recent IRS 990 report.
- F7. Please submit copy of the State Franchise Tax Board letter establishing sponsor's tax-exempt status AND a copy of the most recent Franchise Tax Board 1099 report.
- F8. Please complete the attached Project Budget Form on Page 9
(See Application Instructions – Page 5 & 10)

SECTION G: OTHER PROGRAM REQUIREMENTS

G2. PUBLIC FACILITY (ONLY)

See Application Instructions Page 2 for additional information.

G2A. Does the project involve construction/renovation of a facility or purchase of land?

Yes No If “Yes,” see Application Instructions – Page 5.

G2B. Is the Agency proposing to rehabilitate or construct a public facility?

Yes No If “Yes,” see Application Instructions – Page 5.

G2C. Is the Agency proposing to purchase real property?

Yes No If “Yes,” see Application Instructions – Page 5.

G2D. Is the property involved in the Agency proposal leased?

Yes No If “Yes,” see Application Instructions – Page 5.

G2E. Does the project require publicly supported maintenance costs?

Yes No If “Yes,” see Application Instructions – Page 5.

G2F. Is the project consistent with Local Development Plans?

Yes No If “Yes,” see Application Instructions – Page 6.

G3. HOUSING POOL (ONLY)

See Application Instructions - Page 2 for additional information.

Also see Application Instructions – Page 6 for information on Housing Pool Activities, Housing Counseling and Education type activities, and Post-Purchase and Foreclosure Prevention Counseling.

G3A. **Community Housing Development Organization (CHDO) applicants** must submit documentation regarding Agency’s ability to be certified as a Federal HOME Program CHDO **OR** documentation recertifying organization as a CHDO.

Questions listed below determine project consistency with Affordable Housing Objectives

See Application Instructions – Page 6 for submission requirements.

G3B. Does the project provide decent, adequate and affordable housing in safe desirable communities for homeowners by rehabilitating homes in need of repair?

Yes No

G3C. Does the project provide decent, adequate and affordable housing in safe desirable communities for homebuyers by providing down payment and closing cost assistance and counseling programs?

Yes No

G3D. Does the project provide decent, adequate and affordable housing in safe desirable communities for renters by constructing or renovating rental units for low to moderate-income families?

Yes No

G3E. Does the project provide housing and/or supportive services for the homeless?

Yes No

G3F. Does the project provide assistance to the special needs population? If “Yes”, please submit information on how the project will address the needs of the special needs population.

Yes No

G3G. Does the project provide residential initiatives for public housing residents?

City of Clearwater – FY 2015-2016 Consolidated Action Plan Application

Yes No

E6

PROGRAM IMPLEMENTATION SCHEDULE

Planned Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1)												
2)												
3)												
4)												
5)												
6)												

F8
PROJECT BUDGET

Category	Amount Requested	Other Funds		Other Funding Sources	Total
		Proposed	Committed		
Total					



**CITY OF CLEARWATER
FISCAL YEAR 2015-2016
CONSOLIDATED ACTION PLAN**

APPLICATION INSTRUCTIONS

****Due: Friday April 3, 2015 by 4:30 p.m.****

Please phone (727) 562-4032 for assistance in preparing the application.
(*Housing Pool applications are accepted year-round while funds are available*)

Carefully read these instructions completely before completing application form.

Please submit a separate set of application(s) for each of the activities that you are requesting funding. **Original Application MUST be signed in BLUE ink.**

Please submit an original and one copy, hand-delivered or received by mail no later than 4:30 p.m., on Friday, April 3, 2015 to the City of Clearwater, Economic Development and Housing Department - Housing Division, City Hall, First Floor, 112 South Osceola Avenue, Clearwater, Florida 33756.

Applications will be reviewed and ranked by City of Clearwater - Housing Division staff for initial "Threshold" items. A Review Committee will score the applications that pass the "Threshold." Scores will be averaged to determine ranking order in each category.

Be as descriptive as possible. Be familiar with "Ranking Criteria" (attached). Answer every question. Applications will be ranked based only on the information provided.

ATTACHMENTS REQUIRED FOR ALL ORGANIZATIONS

1. Charter

Copy of charter, as submitted to the Secretary of the State of Florida, certifying organization as a nonprofit organization or corporation and in "Good Standing."

2. Articles of Incorporation and/or By-Laws

Articles of Incorporation or by-laws of the community group and its activities to insure compliance with groups adopted rules. Minutes of meeting(s) reflecting adoption of the by-laws and subsequent amendments must be on file with the City's Housing Department. These documents establish a group as a legal entity under the laws of the State of Florida.

PUBLIC SERVICE - The maximum **PUBLIC SERVICE** award per application will be \$30,000.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Instructions

Previous request(s) will be compared to the current application. Any large increase to the amount requested must be justified. Eligible activities will be limited to salaries and benefits to implement the service or activity.

PUBLIC FACILITY - Assistance for public facilities and improvements will not cover costs for operating and maintenance, new construction of public housing, or the purchase of equipment, furnishings, and personal items. Projects must be in a position to expend City funds by October 30 of current year, and are encouraged to complete the project by September 30 of next year. Public Facility applications are accepted year-round while funds remain available.

HOUSING POOL - Applications for Housing Pool Activities – Down payment Closing Costs/Gap Financing Assistance, New Construction/Infill and Rehabilitation of single family and multifamily will be accepted on a year-round basis while funds remain available.

SECTION A: APPLICANT INFORMATION

The Agency's name must be identical to that in the Articles of Incorporation or in the official document identifying the applicant as a unit of state or local government.

Please provide the Agency's complete mailing address, city, state, zip code, telephone number, Federal Tax ID number, Dunns Number and Executive Director's name.

Please check appropriate boxes re organization, project, activity types, and service areas.

Please indicate the amount of funds requested. For Public Facility or Housing Pool programs, please submit an estimate.

Please provide the project's name and address.

Please list the name, title, and other requested information for the contact person who can answer questions and receive written communications about the application.

Please submit attachments as requested in application.

SECTION B: MINIMUM PROGRAM REQUIREMENTS

B1. Agency's located outside the City of Clearwater, please provide requested information.

B2. Please check appropriate box.

For Area Median Income (AMI) information: See www.MyClearwater.com/housing Economic Development & Housing, Housing Division.

B3. Please check appropriate box.

For CENSUS information: See www.MyClearwater.com/housing Economic Development & Housing, Housing Division.

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B4. Please check appropriate box.

For TARGET MAPS: See www.MyClearwater.com/housing Economic Development & Housing, Housing Division.

SECTION C: PROJECT OR ACTIVITY DESCRIPTION

C1-2. Please list as precisely as possible, the project title or activity & its actual location.

Please mark attachment with applicable section/number

C3. Please submit a concise narrative overview of the program.

C4. Please define the area the program/activity will serve. If limited to a specific area, please submit a map that highlights project area boundaries.

C5. Please check appropriate box. If “YES,” please list address.

To view maps:

Revitalization Strategy Area(s): See www.MyClearwater.com/housing Economic Development & Housing, Housing Division.

Downtown Redevelopment Plan Area (s): See www.MyClearwater.com/housing Economic Development & Housing Division.

C6. Please check appropriate box. If “YES,” attach an explanation on how the project or activity will facilitate community and economic development.

C7. Please check all that apply and attach an explanation on ways the project or activity will meet each objective, including impacts on public housing residents.

C8. Please check all that apply and attach an explanation on ways the project will achieve each priority.

SECTION D: PERFORMANCE MEASURES

Please mark attachments with applicable Section/number

- D1. Please attach a narrative re Performance Measures, including Program Objectives, and Outcome Measures, **using terms in Applicant Instructions - Page 7**, describing the project or activity's goals, inputs, activities, outputs and outcomes in terms of availability/ accessibility, sustainability, and affordability. Also indicate if the project provides benefits to any special population (physically/mentally challenged, elderly or frail elderly, persons with HIV/AIDS beneficiaries)
- D2. Examples of Performance Measures Outline in Applicant Instructions - Page 8.
- D3. Numbers should reflect unduplicated count, whereby each household is counted one time for the fiscal year, regardless of the number of times assisted.
- D4. Please check appropriate box. If "YES," number should reflect unduplicated count, whereby each household is counted one time for the fiscal year, regardless of the number of times assisted.
- D5. Please list participating agency(s). Please identify agency(s) linkage with any on-going development activity(s).

SECTION E: PROGRAM IMPLEMENTATION

Please mark attachments with applicable section/number

- E5. Please attach a detailed Program Narrative describing:
- How the organization will implement the program;
 - Design preparations, specifications, and bid documents (as appropriate);
 - All job classifications in the organization involved in this project or activity;
 - How the organization will manage this project;
 - The specific person responsible for managing the project, in-house staff involved, and estimated staff hours to be devoted to this project;
 - If providing a service, how agency plans to carry out that service;
 - If staff services are contracted, include the contractor selection process and if the contract will be a "flat fee" or "hourly"; and
 - Start and end date of each phase.
- E6. **Complete Program Implementation Schedule** – Examples - Page 9.
- If implementation steps are onetime events, such as preparing architectural design, check months that correspond with anticipated beginning/ending of that step;
 - If implementation steps are recurring events, such as processing loan applications, list the number of services the agency anticipates to provide each month; and
 - Specify start and end date for each phase of the project and estimated number of clients to be served each month.

SECTION F: BUDGET AND DETAILED BUDGET NARRATIVE

Please mark attachments with applicable section/number

- F8. Please complete the attached PROJECT BUDGET FORM that identifies all sources of funding and expenses for the proposed project. Please use appropriate line items from the agency budget as expense categories for the Project Budget.
(Application Instructions - Page 10 for Example of Project Budget)

SECTION G: OTHER PROGRAM REQUIREMENTS

G1. PUBLIC SERVICES APPLICANTS (ONLY)

See Application Instructions - Page 2 for information.

G2. PUBLIC FACILITY AND IMPROVEMENT APPLICANTS (ONLY)

See Application Instructions - Page 2 for information.

Please mark attachments with applicable section/number

- G2A. If YES:
a) Identify property owner and Parcel number and
b) Attach copy of deed.
- G2B. If YES:
a) Attach detailed construction cost estimate and project schedule prepared by general contractor, architect, or engineer and
b) Attach a minimum of three bids.
- G2C. If YES:
a) Attach MAI or SRA certified appraisal supporting purchase price.
- AND**
b) Valid contract of sale, specifying purchase price.
- OR**
c) Valid option to purchase, specifying purchase price.
- G2D. If YES, attach copy of lease.
- G2E. If YES:
a) Attach information on public agency responsible for maintenance and
b) Attach letter from agency verifying willingness and ability to provide maintenance.

City of Clearwater – FY 2015-2016 Consolidated Action Plan Instructions

G2F. If YES:

- a) Attach letter(s) of support/recommendation for proposed project and
- b) If applicable, attach a letter from City of Clearwater Planning Department indicating that the project has received preliminary approval for any phase(s) of the proposed development.

G3. HOUSING POOL (ONLY)

See Page 2 for information. Applicants need to submit an estimate of funds to be used.

Economic Development and Housing Department staff will review all applications for Housing Pool Activities, which include Down Payment Closing Costs/Gap Financing Assistance, New Construction/Infill and Rehabilitation of single family and multifamily housing. Based on past performance and compliance, **the City reserves the right to reject any application.**

Applications for Housing Counseling and Education type activities will be competitively ranked. The City will allocate a pool of funds. Successful applicants will be reimbursed on a per household basis.

G3A. **Community Housing Development Organization (CHDO) applicants** must submit documentation re agency's ability to be certified as a Federal HOME Program CHDO **OR** documentation recertifying organization as a CHDO. Please contact the City's Housing Manager for additional information.

Project's Consistency with AFFORDABLE HOUSING OBJECTIVES

Please mark attachments with applicable section/number

If YES to Objectives G3B – G3D:

Attach narrative re project's consistency with meeting affordable housing objectives for homeowners, homebuyers, renters, supportive housing for the homeless and/or special needs population.

If YES to any Objectives G3E – G3G:

Attach narrative re how project will address needs of the homeless and/or special needs population and/or provide residential initiatives for public housing residents.

D1 – Performance Measure Terms

Goals are the proposed solutions to problems or needs identified by the agency.

Inputs include resources dedicated to or consumed by the program such as money, staff, equipment, and supplies.

Activities are what the program does with inputs to fulfill its mission. Activities include the strategies, techniques, and types of treatment that comprise the program’s production process or service methodology.

Outputs are the direct products of a program’s activities. Outputs usually are measured in terms of the volume of work accomplished, such as number of low-income households served, number of loan applications processed, number of units constructed or rehabilitated, linear feet of gutters installed, or numbers of jobs created or retained.

Outcomes are benefits that result from a program. Outcomes typically relate to a change in conditions, status, attitudes, skills, knowledge, or behavior. Common outcomes could include improved quality of life for program participants, improved quality of local housing stock, or revitalization of a neighborhood.

**AVAILABILITY/
ACCESSIBILITY**

AFFORDABILITY

SUSTAINABILITY

Enhance Suitable Living Environment through New/Improved Accessibility

Enhance Suitable Living Environment through New/Improved Affordability

Enhance Suitable Living Environment through New/Improved Sustainability

Create Decent Housing with New/Improved Availability

Create Decent Housing with New/Improved Affordability

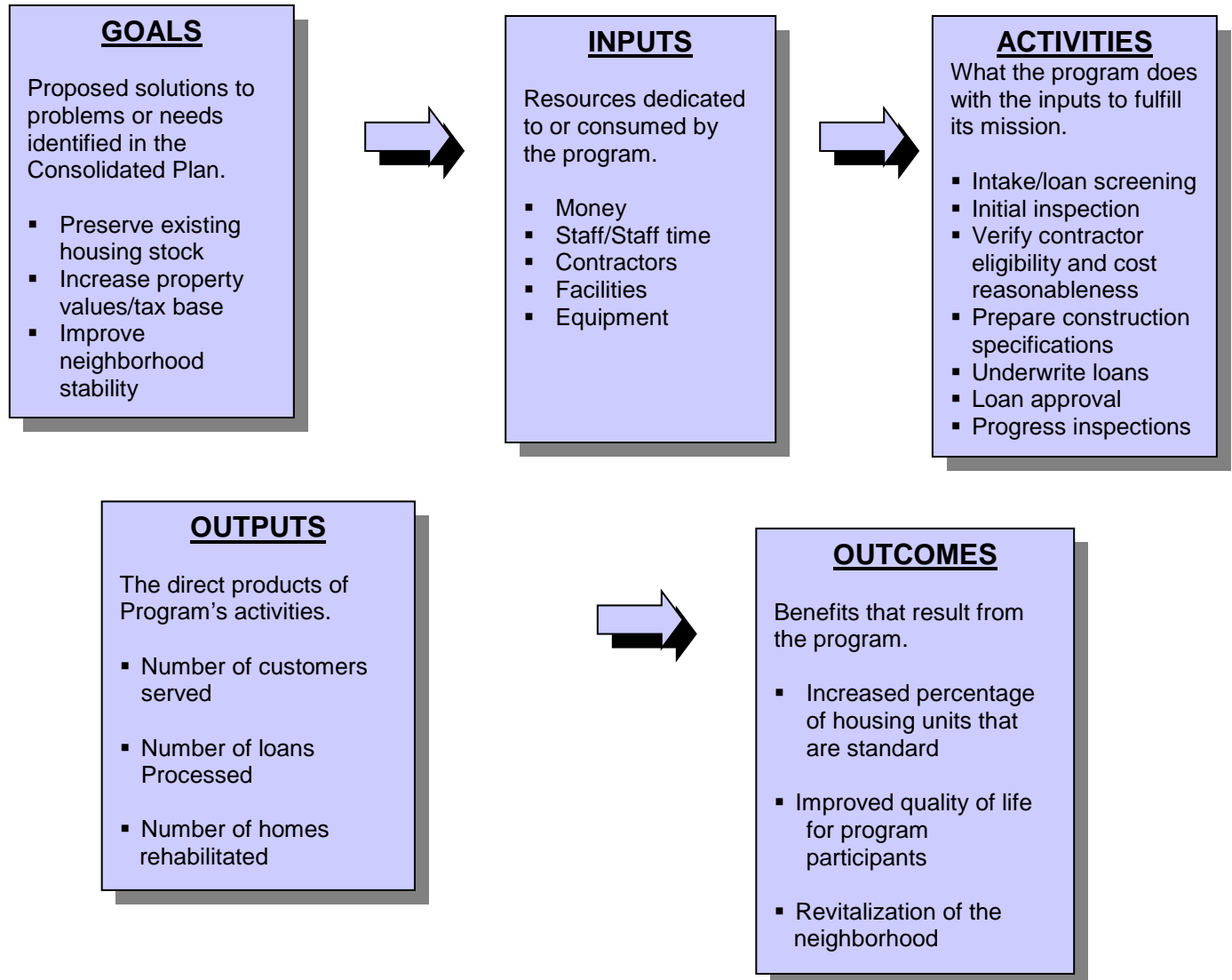
Create Decent Housing with New/Improved Sustainability

Promote Economic Opportunity through New/Improved Accessibility

Provide Economic Opportunity through New/Improved Affordability

Provide Economic Opportunity through New/Improved Sustainability

D2 - Example of Performance Measures:



E6 - EXAMPLES OF PROGRAM IMPLEMENTATION SCHEDULE

Planned Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1) Site Acquisition	X											
2) Architectural Drawings		X										
3) Rehabilitation				X	X	X						
4) Certificate of Occupancy							X					
5) Furnishing							X					
6) Occupancy								X				

Planned Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1) Client Outreach	10	15	20	25	30	30	30	30	30	30	30	30
2) Loan Processing	2	5	10	10	10	10	10	10	10	10	10	10
3) Loan Closing	0	1	3	4	5	5	5	5	5	5	5	5

F8 - EXAMPLE OF PROJECT BUDGET

Category	Amount Requested from City	Other Funds		Other Funding Sources	Total
		Proposed	Committed		
Salaries & Fringe Benefits	\$6,750.00	\$2,350.00	0.00	Fund Raising	\$9,100.00
Consulting Services	\$1,200.00	0.00	0.00		\$1,200.00
Space Rental	0.00	0.00	\$3,500.00	JWB Contract	\$3,500.00
Equipment Lease	0.00	0.00	\$500.00	JWB Contract	\$500.00
Travel	0.00	0.00	\$250.00	JWB Contract	\$250.00
Other Operating Expenses	0.00	0.00	\$10,725.00	DCA Contract	\$10,725.00
Real Property Acquisition	\$25,000.00	0.00	\$25,000.00	Mott Foundation	\$50,000.00
Facility Rehabilitation	\$10,000.00	0.00	0.00		\$10,000.00
Architectural	\$1,500.00	0.00	0.00		\$1,500.00
Furnishings	0.00	0.00	\$5,000.00	Mott Foundation	\$5,000.00
Total	\$44,450.00	\$2,350.00	\$44,975.00		\$91,775.00

FY 2015-2016 CONSOLIDATED ACTION PLAN APPLICATION CHECKLIST

ATTACHMENTS FOR ALL ORGANIZATIONS NOT FUNDED PREVIOUSLY

- Organization Charter
- Articles of Incorporation
- By-Laws with appropriate minutes

APPLICATION ATTACHMENTS FOR ALL ORGANIZATIONS

Section A: Applicant (Agency) Information – signed **blue** ink

- A1: Board of Directors information
- A2: Board of Directors' resolution authorizing submission of application/pay request

Section B: Minimum Program Requirements

- B1: Information RE: Agencies located outside the City of Clearwater (if applicable)

Section C: Project or Activity Description

- C3: Concise Program Narrative
- C4: Service area map (if applicable)
- C6: How project/activity will facilitate community and economic development
- C7: How program meets Neighborhood Revitalization Strategy Areas objectives
- C8: How program meets Consolidated Plan Objectives

Section D: Performance Measures

- D1: Narrative RE: Performance Measures
- D2: Performance Measures Outline
- D4: Participating agency information (if applicable)

Section E: Program Implementation

- E1: Agency Organizational Chart
- E2: Resumes/job descriptions for participating Management/Supervisory staff
- E3: Resumes/job descriptions for other participating personnel
- E4: List of Volunteers and applicable information
- E5: Program Narrative
- E6: Program Implementation Schedule Form

Section F: Budget and Detailed Budget Narrative

- F1: Budget Narrative
- F2: Resume for person assigned to maintain sponsor's financial records
- F3: Copy of agency's most recent budget – Dunns Number
- F4: Most recent Financial Audit, or current year-end financial statement
- F5: Copy of executed agreement or award letter re committed funds (if applicable)
- F6: IRS letter establishing sponsor's tax-exempt status & most recent IRS 990 report
- F7: Annual State of Florida Corporation filing as for tax-exempt status
- F8: Project Budget Form

Section G: Other Program Requirements

- G2A: Property owner, parcel number, and copy of deed (if applicable)
- G2B: Construction cost estimate, project schedule, three bids (if applicable)
- G2C: MAI or SRA appraisal, contract of sale or option to purchase (if applicable)
- G2D: Copy of lease (if applicable)
- G2E: Public agency information and agency letter verifying willingness (if applicable)
- G2F: Letters of support/recommendation and letter from City (if applicable)
- G3A: Documentation RE: CHDO (if applicable)
- G3B – G3D: Narrative RE: affordable housing objectives (if applicable)
- G3E – G3G: Narrative RE: meeting needs of special needs population (if applicable)

GENERAL SPECIFICATIONS

The U. S. Department of Housing and Urban Development has released its projected funding budget for FY 2015-2016. The City of Clearwater anticipates that it will receive \$681,257 from the Community Development Block Grant (CDBG) Program and \$265,110 from the HOME Investment Partnership (HOME) Program. Additional funds may be made available through program income and prior allocations from the Pinellas County Housing Trust Fund and State Housing Initiatives Partnership Program.

Funds can only be used in the incorporated limits of the City of Clearwater. However, an agency that is located outside the city may receive funding if documentation of services for city residents is submitted. ***These amounts are only a projection of grant funds to be received. Actual amounts may vary depending on final appropriations and program income revenue.***

Federal funding authorization for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership (HOME) Program is through the U. S. Department of Housing and Urban Development. State funding for the State Housing Initiatives Partnership (SHIP) Program is based upon the amount of revenue generated through the local Documentary Stamps and the State approved budget through the Florida Housing Finance Corporation.

These funds primarily will be used for housing, community and economic development activities. **(A portion of the funds listed above may be used for City conducted and/or sponsored projects and may not be available for allocation to applicants).** Federal regulations applicable to these programs dictate funding availability for certain projects. Proposals for new projects will be accepted beginning on Wednesday, March 4, 2015, but no later than Friday, April 3, 2015. Suggestions for new projects/activities for FY 2015-2016 may be presented and should address the following strategies which are outlined in more detail in the City's Five-Year Consolidated Plan Document:

- Promote better livable opportunities in the Neighborhood Revitalization Strategy Areas
- Promote affordable housing for renters and/or homebuyers
- Promote opportunities for affordable housing preservation by homeowners
- Promote efforts/activities to end chronic homelessness
- Provide outreach and housing opportunities for homeless individuals and families
- Provide assistance to victims of domestic violence
- Promote economic opportunities for very-low to moderate income individuals
- Provide assistance to the elderly, persons with disabilities, and persons with HIV/AIDS
- Develop needed community centers and other public facility projects in the neighborhood strategy areas
- Promote efforts to reduce lead poisoning in children
- Promote opportunities to end poverty (job training, employability skills, educational attainment, and other related activities)
- Promote opportunities to assist public housing residents to become self-sufficient
- Promote opportunities for individuals to reduce their dependency on alcohol and drugs
- Promote fair housing opportunities

- Promote efforts to reduce housing discrimination and unfair lending practices

Eligible activities may include, but are not limited to, the rehabilitation and preservation of buildings and improvements; acquisition and disposition of real property; acquisition, construction, reconstruction, rehabilitation or installation of public facilities; improvements to senior centers; neighborhood facilities, roads; public community services; special economic activities; and special activities by subrecipients to carry out neighborhood revitalization, code enforcement, or energy conservation projects and related projects.

Ineligible activities include funds spent on buildings for the general conduct of government, except to remove architectural barriers, general government expenses; political activities; the purchase of equipment; furnishings and personal property; maintenance and operating expenses without providing a service; and funding impact fees with the exception of HOME and SHIP program funds.

Applications for organizations desiring to participate in the City of Clearwater's Housing Pool for activities, involving downpayment assistance/gap financing, new construction and rehabilitation of single and multifamily housing, will be accepted from eligible participants on a year-round basis while funds remain available. Priority will be given to those applications that provide housing for homeless persons.

Applications may be obtained via the City of Clearwater's website at www.myclearwater.com/housing or at the City of Clearwater, Economic Development and Housing Department - Housing Division, 112 South Osceola Avenue between the hours of 8:00 a.m. and 5:00 p.m. beginning March 4, 2015 through April 3, 2015.

A mandatory application workshop will be held on Friday, **March 20, 2015** at the City of Clearwater Fire Station # 48 – Training Room located at 1700 North Belcher Road, Clearwater starting at 10:00 a.m. until 12:00 p.m. for all potential applicants.

Send applications to Michael Holmes, City of Clearwater, Economic Development and Housing Department - Housing Division, 112 South Osceola Avenue, Clearwater, FL 33756. Applications must be received, in the Housing Division Office, no later than **4:30 p.m. on Friday, April 3, 2015**. Please direct all questions to Michael Holmes, Housing Manager at (727) 562-4032.

Not To Be Submitted By Applicant

Applicant Name: _____

Project/Activity: _____

Address: _____

Amount of Funds Requested: _____

I. MANDATORY EVALUATION FACTORS (THRESHOLD)

A. Does the proposed project meet the basic eligibility requirements of the grant program (i.e., CDBG National Objectives and/or an allowable activity(s) under the HOME program)?

- YES - Proposal continues through processing.
- NO

- If NO, do not continue the evaluation, application is automatically rejected.

B. Are the proposed activities consistent with the goals and priorities of the City's most recent Consolidated Plan for CDBG and HOME?

- YES - Proposal continues through processing.
- NO

- If NO, do not continue the evaluation, application is automatically rejected.

C. Is the request for funding considered necessary and appropriate?

- YES - Proposal continues through processing.
- NO

- If NO, do not continue the evaluation, application is automatically rejected.

FY 2016-2017: Annual Action Plan – Applicant Ranking Criteria

D. What is the applicant's capacity to carry out the functions of the proposed project? Does the applicant have adequate staffing and resources to implement the proposed project?

YES - Proposal continues through processing.

NO

- If NO, do not continue the evaluation, application is automatically rejected.

E. Was the application submitted complete? Did the applicant provide all the information requested?

YES - Proposal continues through processing.

NO

- If NO, do not continue the evaluation, application is automatically rejected.

F. PRIOR PERFORMANCE (For Prior City - CPD Funded Agencies):

Did the applicant fail to meet program goals under a previous funding request?

YES

NO – Proposal continues through processing.

- If YES, do not continue the evaluation, application is automatically rejected.

G. Is the agency or facility licensed (if required by Local, State or Federal laws) to provide the proposed activity to the proposed target population?

YES – Proposal continues through processing.

NO

- If NO, do not continue the evaluation, application is automatically rejected.

The City reserves the right to reject any application.

II. IMPACT ON LOW INCOME PERSONS (All Applicants): (4 Points)

INCOME CERTIFICATION CHART
Date TBD

INCOME ELIGIBILITY LIMITS HUD Release Date - TBD				
Household Size	100% Median Income	50% Median (Very Low) Income	80% Median (Low) Income	120% Median Income
1 Person				
2 Persons				
3 Persons				
4 Persons				
5 Persons				
6 Persons				
7 Persons				
8 Persons				
GROSS (UNADJUSTED) MEDIAN HOUSEHOLD INCOME - \$TBD				

What is the percentage of low- to moderate-income households or individuals (i.e., with income less than 80% AMI) out of the total number households or individuals to be assisted by the proposed activity?

%	Points
70 to 79	1
80 to 89	2
90 to 95	3
96 to 100	4

Total Points:

III. COLLABORATIONS/PARTNERSHIP AGREEMENTS: (2 Points)

Does the applicant have a contractual agreement, collaboration, or partnership with another organization that may reduce duplication of services? **(2 points)**

IV. LEVERAGE OF OTHER FUNDS (All Applicants): (5 Points)

1. Does the applicant include a copy of executed agreement(s) and/or award letter(s)? Evaluate based on committed/awarded funds only.
2. What is the proportion of CDBG and/or HOME funds requested to the applicant's total project budget?

% City Funds Requested	Points
1 to 10	5
11 to 30	4
31 to 50	3
51 to 70	2
71 to 90	1
91 to 100	0

Total Points:

V. FUNDING REQUEST VERSUS BUDGET NARRATIVE (4 Points)

1. Does the applicant identify how the activity will be accomplished? **(2 points)**
2. Does the applicant's most recent budget reflect the actual activity costs in accordance with the funding request? **(2 points)**

VI. FAIR HOUSING: (4 points)

- Does the proposed project aid in efforts to Affirmatively Further Fair Housing? **(Maximum 4 points)**

*If applicant is an existing Fair Housing Education Provider, included an assurance on their letterhead to Affirmatively Further Fair Housing, and described past and proposed efforts to affirmative further fair housing, then assign **4 points**.*

VIII. RATING OF AGENCY AS SERVICE PROVIDER: (24 Points)

1. Does the information presented in the application demonstrate a clear and documented need for the proposed activity/project? **(2 Points)**
2. Does the application describe the services and/or resources presently in place for addressing the problem? **(2 Points)**

FY 2016-2017: Annual Action Plan – Applicant Ranking Criteria

3. Does the applicant clearly articulate the identified needs and significant target population? **(2 Points)**
4. Does the applicant explain the relationship between the proposed activities, the population to be served, and the linkage to the projects identified as essential for community development? **(2 Points)**
5. Are the proposed activities to be provided measurable? Does the applicant describe its measurements tools and timeframes? **(2 Points)**
6. Are the objectives specific, time-related, realistic and measurable? Does the applicant articulate the intended result of the proposed project? **(2 Points)**
7. Is there a direct and identifiable relationship between project activities and outcome measures? **(2 Points)**
8. Is professional expertise and experience documented through certification, educational attainment and/or past performance? **(2 Points)**
9. Is there a satisfactory record of the agency providing the proposed type of service to the intended target population? **(2 Points)**
10. Does the agency have the documented financial and administrative capability, internal controls and resources to successfully support the proposed project and maintain necessary records? **(2 points)**
11. Are there additional documented committed/awarded resources available for this proposed project? **(2 points)**

IX. NEIGHBORHOOD REVITALIZATION STRATEGY: (Maximum 4 Bonus Points)

Is the project located in one of the City's Neighborhood Revitalization Strategy Areas (Lake Bellevue, East Gateway District, or North Greenwood)?

**X. FIVE YEAR CONSOLIDATED PLANNING DOCUMENT STRATEGY/PRIORITIES
(Max. 8 Bonus Points)**

Does the proposed project address activities that are considered the "highest" priorities in the Consolidated Plan (2016/2017-2019/2020) strategies and goals?

- *Housing.* Provide availability of and accessibility to decent affordable housing for the residents of the City of Clearwater. **(Max. 2 Bonus Points)**
 - Preserve the existing housing stock.
 - Increase the availability of affordable housing units.
 - Assist qualified low- and moderate-income households to become homeowners through supporting agencies that provide housing counseling.

FY 2016-2017: Annual Action Plan – Applicant Ranking Criteria

- Provide mortgage assistance for low- and moderate-income homebuyers.
- *Homelessness.* Help to prevent and reduce homelessness within the City of Clearwater. **(Max. 2 Bonus Points)**
 - Support programs that offer shelter facilities and beds for the homeless.
 - Assist agencies that engage in homeless prevention and service programs.
- *Non-Homeless Special Needs.* Expand the accessibility and coordination of social services to the City of Clearwater special needs population. **(Max. 1 Bonus Point)**
 - Support programs to assist the elderly, frail elderly, disabled, veterans, and other populations with special needs.
- *Community Development and Public Services.* Enhance the living environment for persons in low- and moderate-income areas through community development activities, public service programs, and elimination of blight. **(Max. 2 Bonus Points)**
 - Support the expansion and improvement of affordable youth/children centers, senior centers, health and mental health facilities, and other types of public facilities in low- and moderate-income areas.
 - Encourage and support programs that promote neighborhood safety and security, youth accountability and mentoring, and community outreach to underserved populations in low-and moderate-income areas.
 - Support agencies that offer meal and/or food bank services for persons and families of low- and moderate-income.
 - Support the expansion and improvement of public parks, infrastructure, and utilities in low- and moderate-income areas.
 - Eliminate blighted conditions through code enforcement and demolition in low- and moderate-income areas.
- *Economic Development.* Support programs that create economic opportunities in the City of Clearwater particularly for persons of low- and moderate-income and in Neighborhood Revitalization Strategy Areas. **(Max. 1 Bonus Point)**
 - Support building façade programs in Neighborhood Revitalization Strategy Areas.
 - Support programs that create economic opportunity for low- and moderate-income persons such as job training and entrepreneurship, small business start-ups and incubators, and other economic development activities.

**CITY OF CLEARWATER CDBG/HOME PROGRAMS
SUB-RECIPIENT AGREEMENT PROCEDURES**

Table of Contents

Sub-Recipient Agreement Procedures

Attachment SAG-1 – Sample Agreement

CITY OF CLEARWATER CDBG/HOME PROGRAMS

SUB-RECIPIENT AGREEMENT PROCEDURES

Upon completion of the Annual Action Plan's sub-recipient application process, and upon completion of all corresponding Environmental Review Record (ERR) requirements for selected projects, the City will execute sub-recipient agreements to ensure compliance with HUD regulations during the implementation of the Annual Action Plan.

The following are step-by-step procedures that should be followed on an annual basis to execute agreements with sub-recipients.

1. Notice of Selection

- a. Upon the approval of the Annual Action Plan by City Council, the City will send a written letter to each selected sub-recipient, notifying them that their project has been selected and that federal funding has been released. The letter will specify the following:
 - i. Although federal funding has been released, the sub-recipient cannot conduct activities under the auspices of such funds until a sub-recipient agreement with the City has been signed.

2. Mandatory Group Sub-Recipient Training

- a. Prior to signing any sub-recipient agreement with the City, the sub-recipient must attend a mandatory training session with City staff. This training session will be based on HUD directives. For example, information regarding CDBG training may be found in the HUD manual, "***Training CDBG Sub-Recipients in Administrative Systems***" (see references, below).
- b. The mandatory group sub-recipient training will be held during the HUD 45-day review period for the Annual Action Plan (circa August/September).
- c. At minimum, the training session will cover the following topics:
 - i. Details of the Sub-Recipient Agreement
 - ii. Responsibilities of the Sub-Recipient to meet all HUD regulations once the agreement is signed
 - iii. Recordkeeping, Documentation, and Reporting
 1. Requests for payment
 2. Requests for payment Accomplishments Report
 3. Quarterly Performance Report
 4. Any required documentation unique to the sub-recipient's activity

- iv. Procurement and Contracting
 - v. Property Management and Disposition
 - vi. Internal and External Monitoring/Audits (see Monitoring Procedures)
 - vii. Year-End Reporting for the Consolidated Annual Performance and Evaluation Report (CAPER)
- d. At the conclusion of the training session, City staff will distribute copies of the HUD manual, ***“Playing by the Rules: A Handbook for CDBG Sub-Recipients on Administrative Systems”*** (see references, below). The intent of distributing the manual is to provide the sub-recipient with information that will assist them in answering any questions regarding their compliance.
- e. At the conclusion of the training session, City staff will also schedule individual meetings with each sub-recipient to finalize their respective agreement.

3. Mandatory Individual Sub-Recipient Meeting

- a. Once the sub-recipients have attended the mandatory training session and within two weeks of the mandatory training session, the City will meet with each sub-recipient individually to discuss their specific project.
- b. At this meeting, the City will identify any unique recordkeeping, documentation, or reporting requirements for the sub-recipient’s activity and the City will discuss the monitoring process (see **Monitoring Procedures** for more information).
- c. At the conclusion of the meeting, the sub-recipient agreement will be signed, copies will be made for each signing party (i.e., one for the applicant and one for the Economic Development and Housing Department), and the original signed agreement will be forwarded to the City’s legal department consistent with City procedures.
- d. Upon approval by the City’s legal department, the City will notify the sub-recipient that he/she can commence with the approved project/activity.

4. Sub-Recipient Agreements

- a. Sub-recipient agreements must meet HUD’s minimum requirements for written agreements as specified in 24 CFR 570.503. See the HUD manual, ***“Managing CDBG: A Guidebook for CDBG Grantees on Sub-Recipient Oversight”*** for more information (see references, below).

- b. Sub-recipient agreements will at minimum contain the following components (see attachment **SAG-1** for a sample agreement):
- i. Statement of Work: A description of the scope of services to be provided by the sub-recipient and the proposed use of funds. [see sample **SAG-1**, “Scope of Services and Use of Funds” section]
 - ii. Records and Reports: A description of the specific records that the sub-recipient must maintain and the required reports that the sub-recipient must submit, including timelines for maintaining the records and deadlines for submitting the reports. [see sample **SAG-1**, “Administrative Requirements” section]
 - iii. Program Income: A description of the program’s income requirements, including the conditions under which program income should be retained or returned, including time constraints. [see sample **SAG-1**, “Administrative Requirements” section]
 - iv. Suspension and Termination: A statement that suspensions or termination may occur if the sub-recipient fails to comply with the terms of the agreement or at the grantee’s convenience. [see sample **SAG-1**, “Defaults and Remedies” section]
 - v. Reversion of Assets: A statement that, at the end of the agreement term, the sub-recipient must return to the grantee any funds and accounts receivable that are attributable to the use of grant monies, including but not limited to, the disposition of any real property in excess of \$25,000. [see sample **SAG-1**, “Administrative Requirements” section]
 - vi. Unique Administrative Requirements: A statement that sub-recipients will comply with the following additional requirements and standards:
 1. Governmental Sub-Recipients
 - a. OMB Circular A-87, “Cost Principles for State and Local Governments”
 - b. 24 CFR Part 85, “Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments,” as modified by 24 CFR 570.502(a)
 - c. OMB Circular A-133, “Audits of State and Local Governments and Non-Profit Organizations”
 - d. 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”

2. Non-Governmental Sub-Recipients
 - a. OMB Circular A-122, “Cost Principles for Non-Profit Organizations” or OMB Circular A-21, “Cost Principles for Educational Institutions” (as applicable)
 - b. 24 CFR Part 84, “Grants and Agreements with Institutions of High Education, Hospitals, and Other Non-Profit Organizations” as modified by 24 CFR 570.502(b)
 - c. OMB Circular A-133, “Audits of States, Local Governments and Non-Profit Organizations”
 - d. 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”
 - vii. Other Program Requirements: A statement that the sub-recipient will comply with the requirements of Subpart K of 24 CFR 570; but does not assume the grantee’s environmental responsibilities or the responsibility for initiating the environmental review process under 24 CFR Part 52. [see sample **SAG-1**, “Environmental” section]
 - viii. Conditions Prohibiting Inherently Religious Activities: A statement about HUD’s rules prohibiting the use of grant funds for inherently religious activities per 24 CFR 570.200(j). [see sample **SAG-1**, “Personnel and Participant Conditions” section]
- c. Additionally, sub-recipient agreements will also include the following components (see attachment **SAG-1** for a sample agreement):
- i. Cover Page and Table of Contents
 - ii. Agreement Preamble
 - iii. Displacement, Relocation, Acquisition, and Replacement of Housing
 - iv. Indemnification and Insurance
 - v. Miscellaneous Provisions
 - vi. Agreement Signatures
 - vii. Agreement Exhibits (as applicable)

Reference Materials:

- U.S. Department of Housing and Urban Development, “Training CDBG Sub-Recipients in Administrative Systems” (March 2005)
<https://www.hudexchange.info/resources/documents/Training-CDBG-Subrecipients-Administrative-Systems.pdf>
- U.S. Department of Housing and Urban Development, “Playing by the Rules: A Handbook for CDBG Sub-Recipients on Administrative Systems” (March 2005)
<https://www.hudexchange.info/resources/documents/Playing-By-the-Rules-a-Handbook-for-CDBG-Subrecipients-On-Administrative-Systems.pdf>
- U.S Department of Housing and Urban Development, “Managing CDBG: A Guidebook for CDBG Grantees on Sub-Recipient Oversight” (March 2005)
https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_17086.pdf

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AGREEMENT BETWEEN THE CITY OF CLEARWATER, FLORIDA AND _____

THIS CDBG AGREEMENT (hereinafter the "**Agreement**") is made and entered into by and between the **City of Clearwater**, a Florida municipal corporation, with a principal address of _____, (hereinafter referred to as the "City"), and _____, a Florida non-profit corporation, with a principal address of _____ (hereinafter referred to as "_____" or "Subrecipient").

WITNESSETH:

WHEREAS, the Community Development Block Grant Program ("CDBG") is administered by the United States Department of Housing and Urban Development ("HUD");

WHEREAS, the City is an entitlement community that receives CDBG funds awarded under the Housing and Community Development Act of 1974, in furtherance of its goal of promoting community development and improvement of public facilities, as further detailed in the Consolidated Plan for Housing and Community Development Programs _____;

WHEREAS, _____ *is a private non-profit corporation that operates a program called: "Vision-Specific Job Readiness, Training, Development & Placement Services for Persons with Visual Disabilities." Through this program, _____ provides job specific training and business technology activities. These services, along with supervised work experience, are designed to promote inclusion and diversity in the workforce through the employment of individuals with blindness and other visual disabilities and to break the barriers that result from a dependence on long-term public assistance; [INSERT DESCRIPTION OF PROJECT OR SERVICES ABOVE]*

WHEREAS, _____ submitted a proposal to utilize _____ (\$_____) in FY 2016-2017 CDBG funds to enable _____ to provide _____.

WHEREAS, these services are an eligible activity under the CDBG program in accordance with 24 CFR §570.201(e). It is a limited clientele activity and meets a national objective as required under 24 CFR §570.200(a)(2) and 24 CFR §570.208(a)(2);

WHEREAS, _____ has available the necessary qualified personnel, facilities, materials and supplies to perform such services and/or carry out such programs for these residents, who are eligible and qualified to receive said services and are within the income limits for low- and moderate-income persons as defined by HUD and adjusted annually, and which current income levels are attached hereto as **Exhibit "A"** and incorporated herein by reference.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the sufficiency and receipt whereof being hereby acknowledged, the City and _____ agree as follows:

SECTION 1: SCOPE OF SERVICES AND USE OF FUNDS

1. **Recitals.** The recitals set forth above are true and correct and are incorporated herein and made a part of this Agreement.
2. **National Objectives and Use.** Subrecipient certifies that the activities carried out with the funds provided under this Agreement will meet the CDBG program national objective of benefiting low- and moderate- income persons as required under 24 CFR §570.200(a)(2) and 24 CFR §570.208(a)(2).
3. **The Grant.** Under the terms and conditions of this Agreement, the City has **allocated** a subaward to Subrecipient in the amount of _____ **Dollars** (\$) in FY 2016-2017 CDBG funds towards the project, as defined below. Pursuant to 2 CFR §200.331, the required subaward information is attached as **Exhibit “B”**. Any funds remaining unexpended or not disbursed to _____ by the City as of the termination date of this Agreement may be deobligated from this Agreement and made available for other City projects as determined by the City.
4. **Statement of Work/Program and Project Description.** Subrecipient administers and operates a program called “_____” to provide _____ (hereinafter referred to as the “Program”). Under this Program, Subrecipient will use these funds to serve **[NUMBER] (#)** individuals with _____ who are City of Clearwater residents and also low- to moderate- income, according to HUD income guidelines attached hereto as **Exhibit “A”** (hereinafter referred to as the “Project”). Additional requirements for the Project are attached hereto as **Exhibit “C”** and made a part hereof by this reference. The Budget for this Project is attached as **Exhibit “D”** and made a part hereof by this reference.
5. **Goals and Performance Measures; Implementation Schedule.** Subrecipient will perform these **[PROJECTS OR SERVICES]** for approximately **[NUMBER OF PERSONS OF BENEFIT]**. Subrecipient agrees to work diligently towards the completion of the Project and complete the Project by **[DATE], [YEAR]**. By **[DATE], [YEAR]**, at least **[PERCENT]%** of the grant award shall have been requested and **[NUMBER] (#)** persons served. If less than **[PERCENT]%** of the funds have been expended, the City will review Subrecipient’s progress and its inability to meet this **[PERCENT]%** grant expenditure rate as a performance indicator and it will factor into the City’s determination of non-compliance. HUD requires the City to timely spend its CDBG funds. Therefore, it is critical that Subrecipient complies with these time deadlines. Time is of the essence. Subrecipient’s failure to work diligently toward timely completing the Project and incidents of non-performance may result in conditions being placed on the grant funds, suspension of grant funds, or the City may cease disbursing funds pursuant to this Agreement so that the City can reallocate the funds for other uses or projects.
6. **Performance Monitoring.** The City will monitor Subrecipient’s performance against goal and performance standards and compliance with the terms of this Agreement as required herein. Further monitoring requirements are set forth in Section 2 herein. Substandard performance as determined by the City will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by Subrecipient within thirty (30) days after being notified by the City, the City will terminate this Agreement and all funding will end. Subrecipient must return any CDBG funds within 5 days of the Economic Development and Housing Department Director’s or Assistant Director’s written request.

7. **Expenditure of Funds/Budget.** Subrecipient shall use the grant proceeds for eligible expenses permitted under the CDBG regulations as set forth in 24 CFR part 570 and in accordance with the Budget attached hereto as **Exhibit “D”** and made a part hereof by this reference. Any changes in budget line items, including additions, must be requested in writing and must be approved in writing by the Economic Development and Housing Department Director or Assistant Director before related expenditures can be undertaken. Subrecipient shall be responsible for any cost overruns above the grant amount of \$_____. Subrecipient shall not use any CDBG funds for prohibited activities as set forth in 24 CFR §570.207. Notwithstanding anything to the contrary in this Agreement, the City also reserves the right to request and approve documentation supporting any requests for reimbursement to verify the reasonableness and validity of such costs and said Budget may be modified by the City accordingly. Subrecipient acknowledges and agrees that any funds not used in accordance with permitted CDBG regulations and the Budget must be repaid to the City.

8. **Term.** This Agreement shall be in effect for the period commencing [DATE], [YEAR] and terminating on [DATE], [YEAR]. Costs may not be incurred after September 30, 2017. Notwithstanding anything herein to the contrary, Subrecipient’s obligations to the City shall not end until all close-out requirements are completed, including, but not limited to, such things as making final payments, disposing of program assets, and retention of records. Also, notwithstanding the foregoing, the term of this Agreement and the provisions herein shall be extended to cover any additional time period during which Subrecipient remains in control of CDBG funds or other assets, including Program Income or for any HUD audits requiring repayment of any funds unlawfully spent under this Agreement.

SECTION 2: ADMINISTRATIVE REQUIREMENTS

1. **Applicable Laws and Regulations.** Subrecipient shall comply with the requirements of the Housing and Community Development Act of 1974, as amended, all CDBG program requirements, 24 CFR Part 570, and other laws and regulations and regulatory guidance governing the use of these funds, whether set forth herein or not, and any amendments or policy revisions thereto which shall become effective during the term of this Agreement. It is Subrecipient’s responsibility to read, understand, and comply with these laws and regulations. In addition, Subrecipient shall abide by any and all other applicable federal or state laws, rules, regulations, HUD guidance, and policies governing the funds provided under this Agreement, whether presently existing or hereafter promulgated. Subrecipient shall also comply with all other applicable federal, state or local laws, statutes, ordinances, rules and regulations.

2. **Uniform Administrative Requirements and Cost Principles.** Subrecipient shall comply with the uniform administrative requirements specified at 24 CFR §570.502 and §570.610. Subrecipient also agrees to comply with the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth in 2 CFR part 200 and adopted by HUD at 2 CFR part 2400. Although 2 CFR part 200 addresses many requirements, some of the items it addresses includes, but is not limited to, standards for financial and program management, property and procurement standards, performance and financial monitoring and reporting, subrecipient monitoring and management, record retention and access, remedies for noncompliance, FFATA, and closeout. Subrecipient is aware and acknowledges that 2 CFR part 200 and 2 CFR part 2400 are recent regulatory changes to the administrative requirements and HUD is in the process of developing guidance on their specific requirements. Although this may change the administrative requirements set forth herein, Subrecipient will comply with whatever guidance HUD requires. Subrecipient also agrees to adhere to

the accounting principles and procedures required therein, utilize adequate internal controls, maintain necessary source documentation for all costs incurred, and submit an indirect cost allocation plan, if such plan is required. Subrecipient also agrees to comply with the Program Requirements set forth in **Exhibit “E”** which is attached hereto and incorporated herein by this reference.

3. **Procurement/Subcontracting/Third Party Contracts.** If Subrecipient hires contractors, Subrecipient shall procure all material, property, or services in accordance with state and local requirements and the requirements of 2 CFR §200.318-§200.326. Third parties may be procured for a variety of services. Subrecipient shall insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair, full, and open competition basis in accordance with applicable procurement requirements and secure at least three (3) price quotes or bids, as applicable. Subrecipient shall incorporate in any and all bid documents and contracts with third parties the provisions required in 2 CFR §200.326 including, but not limited to, provisions which will obligate each of its subcontractors to comply with all notices pertaining to HUD guidelines such as bidding procedures, Davis Bacon, Equal Employment Opportunity requirements, Section 3 requirements, all affirmative action laws, nondiscrimination requirements, anti-kickback requirements, federal labor standard provisions, and lobbying prohibitions issued by various federal agencies applicable to the CDBG program. Subrecipient shall not enter into any subcontract with any entity, agency or individual in the performance of this Agreement without the written consent and approval of the City’s Economic Development and Housing Department prior to execution of the agreement or contract. Subrecipient agrees to furnish to the Economic Development and Housing Department a copy of each third party contract it enters into an agreement with for the performance of work to be undertaken within the scope of this Agreement along with documentation concerning the selection process. The lowest and most responsive bidder shall be recommended by Subrecipient to the City’s Economic Development and Housing Department. Subrecipient shall require and monitor compliance by all contractors, subcontractors and other third parties. Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in the monthly report. The City shall not be obligated or liable hereunder to any party Subrecipient enters into agreements with for the Project.

4. **Records to be Maintained.** Subrecipient shall maintain all records required by 2 CFR part 200, 24 CFR §570.506, and 24 CFR §570.502 regarding records that must be maintained for the Project. Such records shall include but are not limited to:

- a.) Records providing a full description of each activity undertaken and its CDBG eligibility, including its location, and the amount of CDBG funds budgeted, obligated, and expended for the activity;
- b.) Records demonstrating that each activity undertaken meets one of the national objectives of the CDBG program (i.e. the criteria set forth in 24 CFR §570.208); to support activities by a limited clientele, Subrecipient must obtain data showing the family size and annual income of each person receiving the benefit and that at least 51% of those served are low- and moderate-income persons;
- c.) Records required to determine the eligibility of activities;
- d.) Records for each activity carried out for the purpose of providing or improving services and programs which is determined to benefit low- and moderate-income persons including the total cost of the activity, including both CDBG and non-CDBG funds and the size and income and eligibility of each person or household;
- e.) Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- f.) Records which demonstrate compliance with the requirements in 24 CFR §570.505 regarding any change of use of real property acquired or improved with CDBG assistance;
- g.) Records that demonstrate compliance with citizen participation requirements;
- h.) Records which demonstrate compliance with requirements in 24 CFR §570.606 regarding acquisition, displacement, relocation, and replacement housing;
- i.) Records documenting compliance with all Fair Housing and Equal Opportunity regulations;
- j.) Financial records that document all transactions and that can be properly documented and audited, as required by 24 CFR §570.502 and 2 CFR part 200;
- k.) Records and agreements related to lump sum disbursements to private financial institutions for financing rehabilitation as prescribed in 24 CFR §570.513;
- l.) Other records necessary to document compliance with Subpart K of 24 CFR part 570;
- m.) Copies of all bid documents, bids received, Requests for Proposals, Requests for Qualifications, and any other procurement documents;
- n.) Copies of all third party or subcontracts; and

- o.) Detailed records of Subrecipient's organization, financial and administrative systems, and the specific CDBG-funded project or activities.

Please note that the above descriptions are brief and provide only a summary of the records Subrecipient is required to maintain. Subrecipient agrees to consult 2 CFR part 200 and 24 CFR §570.506 for a detailed description of the required records.

5. **Retention of Records.** All records must be accurate, complete and orderly. Subrecipient shall retain all accounting records, financial records, statistical records, supporting documents, source documentation to support how CDBG funds were expended, and all other documents pertinent to the Project and this Agreement in accordance with the requirements of 2 CFR part 200 as modified by 24 CFR §570.502, plus a five (5) year retention period. This retention period begins on the date of the submission of the City's Annual Performance and Evaluation Report (CAPER) to HUD in which the activities assisted under the Agreement are reported on for the final time.

Notwithstanding the above, 2 CFR §200.333 states that Subrecipient may need to keep the records for longer if they fall into one of the following exceptions: if any records are the subject of any litigation, claim, or audit that started before the expiration of the five (5) year period, then such records must be kept until such litigation, claims, or audit findings have been resolved, completed and final action taken; records for any displaced person must be kept for five (5) years after he/she has received final payment; records for any real property and any equipment acquired with these funds shall be retained for five (5) years after final disposition; if Subrecipient is notified by the City, HUD, its cognizant agency for audit, its oversight agency for audit, its cognizant agency for indirect costs, or the City to extend the retention period; records for program income after the period of performance; and indirect cost rate proposals and cost allocation plans.

6. **Monitoring and Inspections/Access to Records.** Subrecipient shall monitor the progress of the Project covered by this Agreement and shall submit appropriate reports to the City. The City shall monitor Subrecipient's performance and financial and programmatic compliance. Subrecipient shall allow on-site monitoring of the Subrecipient's facility and this Project on as frequent a basis as the City deems necessary and at any other time that may be required by HUD to determine compliance with CDBG regulations and this Agreement. Subrecipient shall also furnish and cause each of its own subcontractors, if any, to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD, or any other authorized official or designee for purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.

All files, records, and documents, including financial statements and data, shall be made available for review to the City's Economic Development and Housing Department, any auditors, the City's Office of Internal Audit, Comptroller General, HUD, the Inspector General, and/or any of their authorized representatives, who shall have access to and the right to audit, examine, inspect, make transcripts or excerpts of any of the above records, documents, or papers related to the Project or to meet any HUD requirements during normal business hours and any other reasonable time requested. This right also includes timely and reasonable access to Subrecipient's personnel for the purpose of interviewing and discussion related to said documents. This same right to review and access will be imposed upon any third party or subcontractor and it is Subrecipient's responsibility to ensure that any contract entered into with third parties contain all necessary clauses and language required by the City and/or HUD to ensure compliance with this Agreement and with all federal, state, and local laws and

regulations. This section shall survive termination of this Agreement.

7. Audits and Financial Statements.

(a) Subrecipient shall comply with 2 CFR part 200 Subpart F – Audits. In accordance with 2 CFR §200.510, Subrecipient shall prepare financial statements and a schedule of expenditures of federal awards. Subrecipient shall provide the City with its annual financial statement within ninety (90) days of the end of its operating year. This financial statement shall be prepared by an actively licensed public accountant.

(b) In addition, if expending more than \$750,000 of Federal awards during an operating year, Subrecipient shall comply with the audit provisions contained in 2 CFR subpart F and the Single Audit Act Amendments of 1996 (31 U.S.C. §§7501-7507). Audits shall be conducted annually. Subrecipient shall submit its annual audit to the City and within one hundred twenty (120) days of the end of Subrecipient’s fiscal year. Subrecipient must clear any deficiencies noted in the audit reports within 30 days after receipt of any noted deficiencies. In the event the audit shows that the entire funds disbursed hereunder, or any portion thereof, were not expended in accordance with the conditions of this Agreement, Subrecipient shall be held liable for reimbursement to the City of all funds not expended in accordance with those regulations and Agreement provisions within thirty (30) days after City has notified Subrecipient of such non-compliance. Any reimbursement by Subrecipient shall not preclude the City from taking any other action or pursuing other remedies. Failure to comply with these audit requirements constitutes a violation of the Agreement and may result in the withholding of future payments. If Subrecipient expends less than \$750,000 in federal awards during its fiscal year, they are exempt from this requirement, except as noted in 2 CFR §200.503, but records must be available for review or audit by appropriate officials of HUD, the City, or GAO.

(c) Subrecipient also agrees to allow the City's Internal Audit Department, or any of the City’s other departments or representatives, to conduct any audits or financial monitoring the City feels necessary at any time during the term of this Agreement or pursuant to any HUD request.

8. Program Income. Subrecipient shall report all Program Income, as defined and required at 24 CFR §570.500 and 24 CFR §570.504, in a monthly report to the City’s Economic Development and Housing Department. Documentation of the receipt of Program Income, such as supporting schedules identifying the project and the source of income, must be submitted to the City within five (5) days of its receipt. At the end of the program year or upon expiration or earlier termination of this Agreement, Subrecipient shall transfer all CDBG Program Income to the City within five (5) days of the expiration or termination of this Agreement. If Subrecipient receives any Program Income after this Agreement expires or is terminated, Subrecipient shall immediately remit said Program Income balances to the City as required in 24 CFR §570.503(c) within five (5) days of receipt. If applicable, Subrecipient shall file reports of Program Income as set forth in the below section entitled “Reports”.

9. Reports. Subrecipient shall file reports in accordance with the Reporting Schedule attached as **Exhibit “F”**. Subrecipient shall provide the City’s Economic Development and Housing Department with monthly, quarterly, and annual reports concerning the progress made on the Project, in the form attached hereto as **Exhibit “G”**. The report shall include the following information: (1)

name and address of each client served; (2) narrative statement of the services provided to each client; selection of any contractors, utilization of MBE/WBE's, and (3) such other information as may be considered appropriate by the City, such as client data demonstrating client eligibility including, but not limited to, ethnicity, race, gender, age, head of household, income level, or other basis for determining eligibility. Subrecipient shall also submit the demographic information as to gender and race and income on the Report attached as **Exhibit "G"**. Subrecipient shall also file a Personnel Activity Report for personnel activities including but not limited to duties performed and time allocated in the form attached hereto as **Exhibit "G-1"**, or on such forms provided by the City. Subrecipient shall also file and report on such other information as may be considered appropriate by the City. The monthly report shall be due on the 10th of each month for activities conducted during the preceding month. The quarterly reports are due the 10th day of the month following the end of the quarter for March, July, September, and December. Annual reports are due by October 15, 2017 for activities conducted during the preceding year (Example: October 1, 2016 – September 30, 2017).

10. **Reversion of Assets.** The reversion of assets and use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 2 CFR §200.311 and §200.313, 24 CFR §570.502, §570.503, §570.504, and §570.505, as applicable, which include but is not limited to the following:

1. Subrecipient shall transfer to the City any CDBG funds or Program Income on hand at the time of expiration or termination of this Agreement and any accounts receivable attributable to the use of CDBG funds as required by 24 CFR §570.503 (b)(7); and

2. If this Agreement involves real property under Subrecipient's control that was acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000, then the real property:

a) shall continue for a period of five (5) years following the expiration of this Agreement to be used to meet one of the CDBG national objectives cited in 24 CFR §570.208; or

b) if Subrecipient fails to use the property in accordance with paragraph (a) above, Subrecipient shall pay the City an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition or improvement to the property. The payment shall be considered Program Income to the City.

11. **Indirect Costs.** If applicable and requested by the City, Subrecipient shall develop an indirect cost allocation plan in accordance with 2 CFR part 200 for determining the appropriate share of administrative costs and shall submit such plan to the City for approval in a form specified by the City. This indirect cost allocation plan must be submitted before any funds will be disbursed under this Agreement.

12. **Payment Procedures/Reimbursement of Funds.** This is a cost reimbursement agreement. Reimbursement of funds under this Agreement may be requested only for necessary, reasonable, and allowable costs described in the Budget, attached hereto as **Exhibit "D"** and for which Subrecipient has made payment. Upon compliance with the terms of this Agreement, the City will reimburse funds only after completion of the work and after receipt and approval by appropriate City personnel of the "Request for Payment" form (to be printed on Subrecipient's letterhead) attached hereto as **Exhibit "H"**. Requests for Payment shall be submitted no more frequently than once a month and shall be in accordance with the Budget specifying the services performed and expenses incurred.

Upon compliance with the terms of this Agreement, the City will reimburse funds to Subrecipient for the Project after the completion of the work has been verified and approved by the Economic Development and Housing Department and after receipt and approval by appropriate City personnel of a "Request for Payment" which shall be in accordance with the Budget specifying the expenses incurred. All Requests for Payment must be accompanied by adequate billing documentation of payment for eligible expenses (i.e. invoices, costs, receipts, bills from vendors, copies of checks, lien waivers, affidavits, applications, certifications, time sheets) and other supporting documentation the City may request. Requests for Payment shall include adequate documentation of expenditures and all other information described in **Exhibits "E - G"**, attached hereto and incorporated herein by reference. No interest shall be earned on grant proceeds. All Requests for Payment submitted to the City must be signed by an authorized signatory of Subrecipient and certified in accordance with 2 CFR §200.415. Notwithstanding anything to the contrary in this Agreement, the City also reserves the right to request and approve documentation supporting any Requests for Payment to verify the reasonableness and validity of such costs and such Budget may be modified by the City accordingly.

Notwithstanding anything herein to the contrary, Subrecipient shall not request payment from the City under this Agreement for any portion which has been paid from another source of revenue and further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

13. **Withholding Payments.** The City's obligation to reimburse Subrecipient is conditioned on Subrecipient's full compliance with this Agreement. A breach of this Agreement is grounds for non-payment by the City.

SECTION 3: DISPLACEMENT, RELOCATION, ACQUISITION, AND REPLACEMENT OF HOUSING

1. **Displacement, Relocation, Acquisition and Replacement of Housing.** In accordance with 24 CFR §570.606, Subrecipient shall take all reasonable steps to minimize the displacement of persons as a result of activities funded under this Agreement. Any persons displaced shall be provided with relocation assistance to the extent permitted and required under applicable regulations. Subrecipient shall comply with 1) the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (URA), and the implementing regulations at 49 CFR Part 24 and 24 CFR §570.606(b); 2) the requirements of 24 CFR §570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the Housing and Community Development Act; and 3) the requirements in 24 CFR §570.606(d) governing relocation policies established by the City. Subrecipient shall provide all notices, advisory assistance, relocation benefits, and replacement dwelling units as required by said regulations, rules, and documents. Subrecipient shall provide relocation assistance to persons (families, individuals, businesses nonprofit organizations and farms) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion of a CDBG assisted project. Subrecipient shall comply with 24 CFR §570.606 and shall keep all records demonstrating compliance with these requirements including, but not limited to, those records required in 24 CFR §570.506.

SECTION 4: PERSONNEL AND PARTICIPANT CONDITIONS

1. **Non-Discrimination.** Subrecipient shall at all times comply with sections 104(b), 107 and 109 of the Housing and Community Development Act of 1974, as amended, and 42 U.S.C. §5309, et. seq., 24 CFR §570.602 and 24 CFR Part 6. In accordance with Section 109 of the Housing and Community Development Act of 1974, no person in the United States shall on the ground of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with CDBG funds. Subrecipient shall also comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d, et seq.) (Non-discrimination in Federally-assisted Programs) and implementing regulations in 24 CFR Part 1. Title VI provides that no person in the United States shall on the grounds of race, color or national origin be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. HUD's Title VI regulations specify types of prohibited discrimination. Subrecipient must not, for example, based on race, color, or national origin deny a person housing or services; provide different housing or services than those provided others; subject a person to segregation or separate treatment in the receipt of housing or services; use different admission or eligibility requirements for housing or services; or select a housing site or location with the purpose or effect of excluding or denying benefits to persons in protected classes.

Subrecipient shall also not discriminate on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. §6101, et. seq.) and the implementing regulations contained in 24 CFR Part 146, or on the basis of disability as provided in Section 504 of the Rehabilitation Act of 1973, and the implementing regulations contained in 24 CFR Part 8. Any contracts entered into by Subrecipient shall include a provision for compliance with these regulations. Subrecipient shall keep records and documentation demonstrating compliance with these regulations.

2. **Equal Employment Opportunity.** Subrecipient shall comply with 24 CFR §570.607, Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (Equal Employment Opportunity Programs), and Executive Order 13279 (Equal Protection of the Laws for Faith Based Community Organizations) and the implementing regulations in 41 CFR Part 60, and the provisions of the Equal Employment Opportunity Clause attached hereto as **Exhibit "I"**, and made a part hereof by this reference. Any contracts or subcontracts entered into by Subrecipient or its contractors shall also require compliance with these regulations and will, in all solicitations or advertisements for employees state that Subrecipient is an Equal Opportunity/Affirmative Action employer and attach this clause. Subrecipient shall keep records and documentation demonstrating compliance with these regulations.

3. **Handicapped Accessibility Requirements.** Subrecipient shall comply with the Architectural Barriers Act of 1968 (42 U.S.C. §§ 4151-4157), the Uniform Federal Accessibility Standards, as set forth in 24 CFR §570.614, the Americans with Disabilities Act of 1990 (42 U.S.C. §12131) and its implementing regulations in 28 CFR Parts 35 and 36, Section 504 of the Rehabilitation Act of 1973 and the implementing regulations in 24 CFR Part 8, and all state and local laws requiring physical and program accessibility to people with disabilities. Any contracts entered into by Subrecipient shall include a provision for compliance with these regulations. Subrecipient shall keep records demonstrating compliance with these regulations.

4. **Utilization of Minority/Women's Business Enterprises.** Subrecipient must take all necessary steps to ensure that minority/women's business enterprises are used when possible, including for consideration for participation in all construction, supply or service contracts or in the performance of this Agreement. Affirmative steps include those items required in 2 CFR §200.321 which include 1) placing qualified small and minority businesses and women's business enterprises on solicitation lists; 2) assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources; 3) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; 4) establishing delivery schedules where the requirement permits which encourage participation by small and minority businesses, and women's business enterprises; 5) using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and 6) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in 1-5. Subrecipient shall also comply with Executive Order 11625, as amended by Executive Order 12007 (Minority Business Enterprises); Executive Order 12432 (Minority Business Enterprise Development); and Executive Order 12138, as amended by Executive Order 12608 (Women's Business Enterprise). Any contracts entered into by Subrecipient shall include a provision for compliance with these regulations. Subrecipient shall keep records demonstrating compliance with this provision.

5. **Political Activities.** Subrecipient shall comply with 24 CFR §570.207(a)(3) regarding political activities. CDBG funds shall not be used for lobbying or political patronage activities. Subrecipient further agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent be engaged in the conduct of political activities in violation of Chapter 15 of Title V, United States Code (Hatch Act) or 24 CFR §570.207(a)(3).

6. **Anti-Lobbying Provision.** Subrecipient shall comply with the requirements set forth in 31 U.S.C. §1352 and implementing regulations at 24 CFR Part 87. Subrecipient and any contractors who apply or bid for an award of \$100,000 or more shall execute and comply with the "Certification Regarding Lobbying" attached hereto as **Exhibit "J"** and made a part hereof by this reference. Subrecipient shall execute the "Certification Regarding Lobbying" and a copy shall be kept in the files of each of the parties of this Agreement.

7. **Conflict of Interest.** In the procurement of supplies, equipment, construction, and services, Subrecipient shall comply with the conflict of interest rules in 2 CFR part 200. Subrecipient agrees and warrants that it will establish and adopt written standards of conduct governing conflicts of interest and the performance of its officers, employees, or agents engaged in the selection, award and administration of contracts supported by these federal funds. At a minimum these safeguards must ensure that no employee, officer or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated in 2 CFR §200.318, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of Subrecipient must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. These standards of conduct must also provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of Subrecipient. If Subrecipient has a parent, affiliate, or subsidiary organization, Subrecipient must also maintain written standards of conduct

covering organizational conflicts of interest.

In all cases not governed by 2 CFR part 200, Subrecipient shall comply with the conflict of interest provisions contained in 24 CFR §570.611. Such cases include the acquisition and disposition of real property and the provision of assistance by Subrecipient to individuals, businesses, and other private entities under eligible activities that authorize such assistance. Although this summary does not intend to replace 24 CFR §570.611, essentially this rule states that no “person” described in §570.611(c) who exercise or have exercised any functions or responsibilities with respect to activities assisted with CDBG funds, or who is in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a CDBG assisted activity, or have an interest in any contract, subcontract 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 of for one year thereafter. The “persons” covered in 24 CFR §570.611(c) include employees, agents, consultants, officers, or elected officials or appointed officials of the recipient or of any designated public agencies or of Subrecipients that are receiving CDBG funds. Subrecipient shall also keep records supporting requests for waivers of conflicts.

Subrecipient will disclose in writing any potential conflicts of interest to the City. By executing this Agreement, Subrecipient covenants and certifies that none of its employees, officers, or agents described in these regulations have any interest in this Agreement or the Property being rehabilitated or any other interest which would conflict in any manner with this Agreement or the performance of the this Agreement.

8. **Section 3 of the Housing and Urban Development Act of 1968/Equal Opportunity.**

Subrecipient shall comply with the provisions of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) and its implementing regulations contained in 24 CFR Part 135 regarding economic opportunities for low income persons and the use of local businesses, if applicable. Subrecipient shall comply with the provisions of the “Section 3 Clause”, attached hereto as **Exhibit “K”** and made a part hereof by this reference, and require all subcontracts to contain a copy of the Section 3 clause. Subrecipient shall also keep records demonstrating compliance with these regulations, including 24 CFR §570.506(g)(5).

9. **Faith-based Activities.** Subrecipient shall comply with Executive Order 13279, 24 CFR §5.109 (Equal Participation of Religious Organizations in HUD Programs and Activities), and 24 CFR §570.200(j). Essentially, these regulations provide for the following:

(a) Equal treatment of program participants and program beneficiaries.

(1) Program participants. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in the CDBG program. Neither the Federal Government or a State or local government receiving funds under the CDBG program shall discriminate against an organization on the basis of the organization’s religious character or affiliation.

(b) Separation of inherently religious activities. Organizations that are directly funded under the CDBG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the

programs or services funded under this part, and participation must be voluntary for the program beneficiaries of the HUD-funded programs or services provided.

(c) Religious Identity. A religious organization that is a recipient or subrecipient of CDBG program funds will retain its independence, autonomy, expression of religious beliefs, or religious character. Such organization will retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing or altering religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(d) Beneficiaries. An organization that participates in the CDBG program shall not in providing program assistance discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

(e) Structures. CDBG funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for explicitly religious activities. CDBG funds may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, new construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to CDBG funds. Sanctuaries, chapels, or other rooms that a CDBG-funded religious congregation uses as its principal place of worship, however, are ineligible for CDBG-funded improvements. Disposition of the real property after the term of the loan or grant, or any change in use of the property during the term of the grant or loan, is subject to government wide regulations governing real property disposition (2 CFR part 200).

10. Drug Free Workplace. Subrecipient will provide a drug-free workplace. Subrecipient shall comply with the Drug-Free Workplace Act of 1988 and implementing regulations in 2 CFR Part 2429 regarding maintenance of a drug-free workplace. Subrecipient shall complete and comply with the "Certification Regarding Drug-Free Workplace Requirements" attached hereto as **Exhibit "L"** and made a part hereof by this reference. Subrecipient shall ensure that the provisions of the clauses in **Exhibit "L"** are included in all third-party contracts, subcontracts, and purchase orders that exceed ten thousand dollars (\$10,000), so that the provisions will be binding upon each subcontractor or vendor. Subrecipient will complete this certification and a copy shall be kept in the files of each of the parties of this Agreement.

11. Program Requirements. Subrecipient agrees to comply and carry out all of its activities in accordance with the CDBG program requirements set forth in 24 CFR 570, subpart K.

12. **Fair Housing Act and Nondiscrimination and Equal Opportunity in Housing under E.O. 11063.** Subrecipient shall comply with the Fair Housing Act (42 U.S.C. §§3601-3620) and implementing regulations at 24 CFR Part 100; and Executive Order 11063, as amended by Executive Order 12259 (Equal Opportunity in Housing) and their implementing regulations in 24 CFR Part 107. Executive Order 11063 prohibits discrimination on the basis of race, color, religion, or national origin or to be denied equal opportunity in housing or related facilities (i.e. housing, rental, leasing, sale or other disposition of residential property). Subrecipient shall keep records demonstrating compliance with this provision.

13. **Resident Aliens.** Subrecipient shall comply with the requirements set forth in 24 CFR §570.613 regarding eligibility restrictions for certain resident aliens.

14. **Debarment and Suspension.** Subrecipient shall comply with the debarment and suspension requirements set forth in 24 CFR §570.609, which requires compliance with 24 CFR Part 5 and 2 CFR Part 2424. Subrecipient shall not enter into a contract with any person, agency or entity that is debarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 or 12689, “Debarment and Suspension,” which is made a part of this Agreement by reference. In the event that Subrecipient has entered into a contract or subcontract with a debarred or suspended party, no CDBG funds will be provided as reimbursement for the work done by that debarred or suspended contractor or subcontractor. Subrecipient shall keep copies of the debarment and suspension certifications required by 2 CFR part 2424 and a copy of the sheet documenting that the federal debarment list was checked.

15. **Florida Statutes, Clearwater City Code, and Permits.** Subrecipient agrees to comply with all laws of the State of Florida and the Clearwater City Code. In particular, Subrecipient shall comply with all licensing, registration, and other applicable laws and regulations governing their ability to administer the Program and the activities in the Project.

16. **Agreement between City and HUD.** Subrecipient agrees that it shall be bound by the standard terms and conditions used in the CDBG Agreement between the City and HUD, and such other rules, regulations or requirements as HUD may reasonably impose in addition to the conditions of this Agreement or subsequent to the execution of this Agreement by the parties hereto.

17. **Fees for Use of Facilities.** Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges such as excessive membership fees, which have the effect of precluding low- and moderate-income persons from using the facilities, are not permitted.

18. **Registration.** Subrecipient agrees to maintain a current registration in the federal System for Award Management (“SAM”) database (<http://www.sam.gov>) pursuant to the Federal Funding Accountability and Transparency Act (FFATA), P.L. 109-282, as amended by section 6202(a) of P.L. 110-252 and the regulations implementing the Act at 2 CFR part 25 and 2 CFR part 170. If Subrecipient is not currently registered, it must do so within ten (10) days of the date Subrecipient executes this Agreement. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is required for registration. Subrecipient shall also complete and sign the affidavit attached hereto as **Exhibit “M”** in conjunction with its execution of this Agreement and provide any supporting documentation, if required.

19. **Mandatory disclosures – Violations of Federal criminal law.** Subrecipient must disclose to the City all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in §200.338, includes suspension or debarment. (See also 2 CFR part 180 and 31 U.S.C. §3321). By executing this Agreement, Subrecipient warrants and certifies that no such violations of federal criminal law exist that could potentially affect this award.

SECTION 5: ENVIRONMENTAL

1. **Environmental Review Requirements.** In accordance with 24 CFR §570.604 and 24 CFR Part 58, the activities under this Agreement are subject to environmental review requirements. CDBG regulations require the preparation of an Environmental Review Record (ERR) and environmental clearance before funds are expended or costs incurred. City staff will prepare the ERR. Subrecipient is not required to assume responsibility for an environmental review or assessment of this program pursuant to 24 CFR Part 58, nor responsibility for initiation of an intergovernmental review of this program and its activities (24 CFR §570.604). However, Subrecipient is required to provide information about its activities in order for the City to comply with its responsibility under 24 CFR Part 58. Subrecipient shall submit to the City any changes to the proposed activity so that the City may evaluate this new information and conduct any further environmental review. This information must be submitted to the City for approval at least forty-five (45) days prior to any commencement of work. Subrecipient also agrees to assist the City in addressing environmental issues that may arise during the City's review process.

2. **Environmental Protection.** Subrecipient and its contractors shall comply with all applicable standards, orders or regulations of the Clean Air Act (42 U.S.C. §7401 et. seq.); Section 306 of the Clean Air Act (42 U.S.C. 7401 et. seq.); Section 508 of the Clean Water Act (33 U.S.C. Section 1368); Executive Order 11738; the Federal Water Pollution Control Act, as amended (33 U.S.C. §1251, et. seq.); EPA regulations pursuant to 40 CFR Part 50; National Environmental Policy Act of 1969; standards and policies relating to energy efficiency contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act; and HUD Environmental Review Procedures at 24 CFR Part 58. Violations shall be reported to the City, HUD and EPA.

3. **Flood Disaster Protection.** Subrecipient shall comply with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. §4106) and implementing regulations in 44 CFR Parts 59 through 79 in regard to the sale, lease or other transfer of land acquired, cleared or improved under the terms of this Agreement, as it may apply to the provisions of this Agreement.

4. **Flood Insurance Program.** Should any construction or rehabilitation of existing structures with assistance provided under this Agreement occur in an area identified as having special flood hazards by the Director of Federal Emergency Management, Subrecipient agrees to comply with all relevant and applicable provisions of 24 CFR §570.605 concerning the National Flood Insurance Program. Subrecipient agrees that if any portion of the any property improved in connection with this Project is located in a special flood hazard area that flood insurance will be required by the City and must be provided.

5. **Lead-Based Paint.** Lead-based paint is prohibited in the construction or rehabilitation of any properties assisted under this Agreement. Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to

HUD Lead-Based Paint Regulations at 24 CFR §570.608, which requires compliance with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. §§4851-4856), and implementing regulations at 24 CFR Part 35, of which subparts A, B, J, K, and R apply to the CDBG Program. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice shall also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and-or abatement may be conducted. Subrecipient shall maintain records documenting compliance with these requirements.

6. **Historic Preservation.** Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 3001 et. seq.) and the procedures set forth in 36 CFR §800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement. Subrecipient shall notify the City CDBG representative immediately upon determining that a property may fall into this category.

7. **Procurement of Recovered Materials (Resource Conservation and Recovery Act).** Subrecipient shall comply with 2 CFR part 200 regarding the use of specific products made or used with recovered materials.

SECTION 6: DEFAULTS AND REMEDIES

1. **Events of Default.** The following shall constitute an Event of Default under this Agreement:
 - a.) failure to comply with any of the rules, regulations or provisions referred to herein or governing CDBG awards, including, but not limited to, 24 CFR part 570 or such statutes, laws, regulations, executive orders, and HUD guidelines, HUD guidance, policies or directives as may become applicable at any time;
 - b.) fails to comply with any of the terms contained in this Agreement and such failure continues for a period of thirty (30) days following written notice thereof given by the City to Subrecipient;
 - c.) failure to fulfill in a timely and proper manner its obligations under this Agreement;
 - d.) ineffective or improper use of funds provided under this Agreement;
 - e.) submission by Subrecipient at any time of any material representation in any certification, report or communication the City that is determined by the City to be false, incomplete, misleading, or incorrect in any material manner;

- f.) failure to disclose to the City, upon demand, the name of all persons with who Subrecipient has contracted or intends to contract with for the construction or management of any portion of the Project, including contracts for services and/or labor; or
- g.) if any other default occurs under any of the grant documents executed by Subrecipient in connection with this grant by the City (herein the “Grant Documents”) which is not elsewhere specifically addressed herein and such default is not cured within the applicable cure period set forth in the grant documents, or if there is no cure period set forth, then within five (5) days following the date of notice to Subrecipient thereof.

Notwithstanding any of the forgoing provisions to the contrary, if Subrecipient has failed to cure any default within (5) days prior to the expiration of any applicable cure period, the City may, at its sole option, cure such default, provided, however, that the City shall be under no duty or obligation to do so.

2. **Remedies for Non-compliance.** If Subrecipient commits an Event of Default or fails in any way to comply with Federal or state statutes, local laws or regulations, or the terms and conditions of this Agreement, the City may impose additional conditions as described in 2 CFR §200.207. If the City determines that noncompliance cannot be remedied by imposing additional conditions, the City may take one or more of the following actions, including but not limited to:

- (a) Temporarily withhold cash payment pending correction of the deficiency or more severe enforcement action by the City;
- (b) Disallow both use of funds and any applicable matching credit for all or part of the cost of the activity or action not in compliance;
- (c) Wholly or partly suspend or terminate the award;
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and applicable regulations or recommend such proceedings be initiated by HUD;
- (e) Withhold further federal awards for the project or program; or
- (f) Take other remedies that may be legally available including, but not limited to litigation, declaratory judgment, specific performance, damages, injunctions, termination of the Agreement, or any other available remedies.

3. **Remedies/Suspension and Termination.** Subrecipient and the City will comply with the noncompliance and termination provisions in 2 CFR part 200. In addition to the remedies for non-compliance in 2 CFR §200.338, in accordance with 2 CFR §200.338 and .339, the City may suspend or terminate this Agreement in whole or in part if Subrecipient fails to comply with any terms and conditions of this Agreement or upon the occurrence of any Event of Default or any other breach of this Agreement. The City can withhold all funding and disbursements, demand repayment for amounts disbursed, terminate all payments, and/or exercise all rights and remedies available to it under the terms of this Agreement, the Grant Documents, under statutory law, equity or under

common law. If the City terminates this Agreement, Subrecipient shall also forfeit to the City all unexpended monies awarded under the Agreement. Subrecipient may also be required to refund all CDBG funds awarded by the City.

In accordance with 2 CFR §200.339, the City can terminate the Agreement with the consent of Subrecipient in which case Subrecipient and the City must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

In accordance with 2 CFR §200.339(a)(4), the Agreement may also be terminated by Subrecipient or the City with written notification setting forth the reason for such termination, the effective date and in the case of partial termination, the portion to be terminated. However, if the City determines in the case of partial termination that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, the City may terminate the award in its entirety.

If this award is terminated or partially terminated, Subrecipient remains responsible for compliance with the closeout requirements in 2 CFR §200.343 and post-closeout requirements set forth in 2 CFR §200.344.

All remedies shall be deemed cumulative and, to the extent permitted by law, the election of one or more remedies shall not be construed as a waiver of any other remedy the City may have available to it.

4. **No Waiver.** Failure of the City to declare a default shall not constitute a waiver of any rights by the City. Furthermore, the waiver of any default by the City shall in no event be construed as a waiver of rights with respect to any other default, past or present.

SECTION 7: INDEMNIFICATION AND INSURANCE

1. **Indemnification.** Subrecipient shall defend, indemnify and hold harmless the City from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and costs of actions, including attorney's fees, whether or not suit is filed and if suit is filed, attorney fees and costs at all trial and appellate levels, of any kind and nature arising or growing out of or in any way connected with Subrecipient's performance or non-performance of this Agreement or because of or due to the existence of the Agreement itself. Nothing contained herein shall be construed as consent by the City to be sued by third parties, or as a waiver or modification of the provisions or limits of Section 768.28, Florida Statutes or the Doctrine of Sovereign Immunity.

2. **Environmental Indemnification.** Subrecipient shall indemnify and hold the City harmless from any claim arising from, or in any way related to, the environmental condition of the property where the Project takes place, including, but not limited to, the cost of investigating, defending, and/or negotiating to a satisfactory conclusion claims made by environmental regulatory agencies, as well as all cleanup and property maintenance requirements imposed by any agency with lawful jurisdiction over the Project. This indemnification shall run from the time of initial discovery of any such

adverse environmental condition and shall not be construed to commence only upon realization by the City of an actual pecuniary loss as a result of such adverse environmental condition. The existence of this indemnification agreement shall not be construed as an indicia of ownership, management or control of the property by the City and Subrecipient hereby recognizes and acknowledges that the City is not an owner or manager of the property and does not exert any control thereupon. Notwithstanding anything herein to the contrary, this indemnification provision shall survive the termination of this Agreement.

3. **Insurance.** Without limiting Subrecipient's indemnification, Subrecipient shall maintain in force at all times during the performance of this Agreement all appropriate policies of insurance hereinafter described and as required by 2 CFR part 200, concerning its operations. Certificates with valid and authorized endorsements, evidencing the maintenance and renewal of such insurance coverage shall be delivered to the City prior to execution of this Agreement. The City shall be given notice in writing at least thirty (30) calendar days in advance of cancellation or modification of any policy of insurance. The City, its officers and employees shall be named as an additional named insured on all policies of liability insurance.

a.) All policies of insurance shall be in a company or companies authorized by law to transact insurance business in the State of Florida. In addition, such policy shall provide that the coverage shall be primary for losses arising out of Subrecipient's performance of the Agreement. Neither the City nor any of its insurers shall be required to contribute to any such loss. The required certificate shall be furnished prior to execution of this Agreement.

b.) At least thirty (30) calendar days prior to the expiration of any of the above referenced insurance policies, Subrecipient shall provide the City with evidence of the renewal of said insurance policies in a form satisfactory to the City.

c.) The policies and insurance required by the City include:

1. Commercial General Liability Insurance. Commercial general liability insurance to include, but not be limited to bodily injury and property damage coverage. The policy's limit liability amount shall not be less than Five Hundred Thousand Dollars (\$500,000) per person/per occurrence for bodily injury to, or death to one or more than one person and not less than One Hundred Thousand Dollars (\$100,000) per occurrence for property damage.

2. Workers' Compensation Coverage. Workers' Compensation insurance for all of its employees in an amount and with coverage to meet all requirements of the laws of the State of Florida.

3. Flood Insurance. Flood insurance as required under applicable HUD regulations.

4. Employee Fraud Insurance. Sufficient insurance to protect from loss due to fraud, theft, and physical damage and shall purchase a bond or insurance covering all employees for theft or fraud.

5. Bonding requirements. Bonding requirements in 2 CFR §200.325.

SECTION 8: MISCELLANEOUS PROVISIONS

1. **Assignment.** Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the City.
2. **No Grant of Vested Rights.** This Agreement shall not be construed as granting or assuring or vesting any land use, zoning, development approvals, permission or rights with respect to property owned by Subrecipient or anyone it assists.
3. **Independent Contractor.** Nothing in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of master/servant, principal/agent, employer/employee or joint venture partner between the City and Subrecipient. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Worker's Compensation Insurance as Subrecipient is an independent contractor. Subrecipient agrees and acknowledges that it shall be responsible for and shall pay any and all applicable compensation, insurance and taxes, including but not limited to federal income taxes and Social Security on the salary of any positions funded in whole or in part with CDBG funds.
4. **Severability.** This Agreement shall be construed in accordance with the laws of the State of Florida. It is agreed by and between the parties that if any covenant, condition, provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenants, conditions or provisions herein contained and all other parts shall nevertheless be in full force and effect.
5. **Entire Agreement/Modification.** This Agreement, together with all of the Exhibits, constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof. Any representations or statements heretofore made with respect to such subject matter, whether written or verbal, are merged herein. This Agreement may only be modified in writing, signed by both of the parties hereto.
6. **Notices.** Whenever by the terms of this Agreement, notice is to be given to either party, such notice shall be in writing and shall be hand delivered or sent by certified mail, return receipt requested, postage prepaid to:

Chuck Lane
Economic Development and Housing
112 S. Osceola Avenue
Clearwater, FL 33756
7. **Compliance with all Laws.** Notwithstanding anything herein to the contrary, the Project shall be operated consistent with all applicable federal, state and local laws and regulations.

IN WITNESS WHEREOF, the parties hereto have executed these presents and have set their hands and seals this _____ day of _____, _____.

ATTEST:

CITY OF CLEARWATER, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida

By: _____
Rosemarie Call, City Clerk

By: _____
William B. Horne II, City Manager

_____, a Florida
non-profit corporation

By: _____

Title: _____

Print Name: _____

Date: _____

**STATE OF FLORIDA
COUNTY OF
CLEARWATER**

THE FOREGOING CDBG AGREEMENT was acknowledged before me this _____ day of _____, _____, by _____, as _____. He/She is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC
Print Name: _____
My Commission Expires: _____

APPROVED AS TO FORM
for the use and reliance of the
City of Clearwater, Florida, only.

_____, _____

Laura Mahony, Assistant City Attorney II
Clearwater, Florida

Exhibit Index

Exhibit A – Standards of Eligibility

Exhibit B – Required Subrecipient Information

Exhibit C – Additional Program Requirements

Exhibit D – Budget

Exhibit E – CDBG Program Requirements

Exhibit F – Reporting Schedule

Exhibit G – Program Activity Report

Exhibit G-1 – Personnel Activity Report

Exhibit H – Request for Payment

Exhibit I – EEO Clause for Subrecipients/Contractors and Subcontractors – Standard Solicitation for Bid and Contract Language

Exhibit J – Certification Regarding Lobbying

Exhibit K – Section 3 Economic Opportunity Clause

Exhibit L – Certification Regarding Drug-Free Workplace Requirements

Exhibit M - Affidavit

EXHIBIT "A"

STANDARDS OF ELIGIBILITY

PERSONS ELIGIBLE AND QUALIFIED TO RECEIVE SAID SERVICES AS ESTABLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 2017

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
VERY LOW INCOME (31% - 50%)	20,950	23,950	26,950	29,900	32,300	34,700	37,100	39,500
CDBG CONSIDERS INCOMES BELOW 50% TO BE LOW INCOME								
LOW INCOME (51 - 80%)	33,500	38,300	43,100	47,850	51,700	55,550	59,350	63,200
CDBG CONSIDERS ANY INCOME BELOW 80% TO BE MODERATE INCOME								

EXHIBIT "B"

REQUIRED SUBRECIPIENT INFORMATION

1. Subrecipient name (which must match registered name in DUNS): _____
2. Subrecipient's DUNS number (see §200.32 Data Universal Numbering System (DUNS) number): _____
3. Federal Award Identification Number (FAIN): _____
4. Federal Award Date (see §200.39 Federal award date): _____
5. Subaward Period of Performance Start Date and End Date: _____ to _____
6. Amount of Federal Funds Obligated by this activity: \$ _____
7. Total Amount of Federal Funds obligated to subrecipient: \$ _____
8. Total Amount of the Federal Award: \$ _____
9. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA): **INSERT DESCRIPTION OF PROJECT OR SERVICES**
10. Name of Federal awarding agency, pass-through entity, and contact information for awarding official: U.S. Department of Housing and Urban Development; City of Clearwater, Economic Development and Housing Director; 112 S, Osceola Avenue, 33756; (727) 562-4023

11. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award the CFDA number at the time of disbursement: **14.218, Community Development Block Grants/Entitlement Grants**
12. Identification of whether the award is R&D: **N/A**
13. Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A costs)): **N/A**

EXHIBIT “C”

Additional Program Requirements

1. Subrecipient shall administer the “Vision-Specific Job Readiness, Training, Development & Placement Services for Persons with Visual Disabilities” program for individuals with visual disabilities who are low- and moderate- income residents of the City of Clearwater as described in this Agreement. Subrecipient shall provide services under this Agreement for approximately 35 eligible persons whose income may not exceed 80% of the Clearwater MSA median income according to the income limits set forth by HUD for the CDBG Program.
2. Subrecipient shall at all times maintain facilities in conformance with all applicable codes, licensing, and other requirements necessary for the operation of the Program.
3. Subrecipient will accept applications and perform income and other eligibility determinations. Fifty-one percent of those served must have incomes that do not exceed low- and moderate-income limits (under 80% MSA) of the CDBG Program.
4. Subrecipient shall ensure that the numbers, background, and qualifications of the Subrecipient staff are appropriate for the services provided and at least meet the minimum standards established by the pertinent licensing bodies.
5. All costs eligible for CDBG reimbursement offered by Subrecipient under the Program shall only include costs directly related to the provision of the service under this Project as described in this Agreement.
6. Subrecipient shall complete detailed work write-ups of the services to be performed, including estimated costs and material to be used, if applicable. Subrecipient will monitor the work to ascertain that services are proceeding properly and satisfactory. Subrecipient will ensure that the expenses are reasonable, and the services are completed properly. In addition, Subrecipient shall maintain case files, including applications and all documentation of eligibility, work write-ups, the assistance agreement between the client and Subrecipient, documentation on all necessary licenses and permits, site visits and final reports, invoices and checks. Subrecipient shall maintain these records in accordance with general record-keeping requirements set forth in this Agreement.

Exhibit "D"

BUDGET

[PROJECT NAME]

FY [YEAR]

Project Type = CDBG
Amount of Funding = \$ amount

Services Funded

Category	Cost	CDBG Portion
Personnel – Salaries:	<u>\$ amount</u>	<u>\$ amount</u>
Community Employment Coordinator – 45.33% of FTE		
Vocational and Training Specialist – 54.6% of FTE		
Total	<u>\$ amount</u>	<u>\$ amount</u>

TOTAL CDBG ALLOCATION**	\$ amount
--------------------------------	------------------

Exhibit “E”
CDBG PROGRAM REQUIREMENTS

Subrecipient, in addition to the terms set forth in the Agreement, shall operate the Project funded through the City’s Community Development Block Grant Program according to the following guidelines:

1. Any equipment, furnishings and any other usable item purchased with the City’s CDBG Program contribution to Subrecipient for use in the Project shall be kept on an inventory and shall be made available to the City’s Economic Development and Housing Department for disposition upon termination of the City’s CDBG assistance to Subrecipient.

2. Subrecipient hereby agrees to maintain accounting systems with internal controls to safeguard the U.S. Department of Housing and Urban Development (HUD) – Community Development Block Grant (CDBG) funds and assets, provide for accurate financial data, promote operational efficiency, and foster compliance with generally accepted accounting principles (GAAP) in accordance with 2 CFR part 200.

3. Subrecipient’s accounting records must adequately identify the receipt and expenditure of all CDBG funds for each budget line item. There must be a separate accounting for each budgetary allocation as approved by the City’s Economic Development and Housing Department. Cash receipts and expenditures from other sources must be accounted for separately from CDBG funds; therefore, if Subrecipient maintains a common account for both CDBG and other funds, the accounting system must provide for the clear and easy identification of CDBG funds.

4. Accounting and related records of Subrecipient shall comprise the following as a minimum:

- a. Voucher system – All supporting documentation, such as purchase orders, invoices, receiving reports, requisitions.
- b. Books of Original Entry – Cash receipts and disbursements journal, general ledger.
Chart of Accounts – Listing of accounts must be maintained in the accounting system.
- c. Personnel Records – A separate personnel file shall be maintained for each CDBG project employee paid with CDBG funds. As a minimum, the file shall contain a resume of the employee, a description of duties assigned, and a record of the date employed, rate of pay at time of employment, subsequent pay adjustments, and documentation supporting leave taken by the employee.
- d. Attendance Records – Attendance records (individual time sheets) shall be maintained for all personnel paid with CDBG funds that are involved in operating the Project. This applies to part-time as well as full-time personnel. In addition to the accounting for daily attendance, the type of leave taken (annual, sick or other), shall be disclosed. Daily attendance records must support budgetary charges for payroll purposes.
- e. Payroll Records – Formal payroll records supporting cash disbursements to employees shall be maintained. All time sheets or personnel activity reports

must be signed by the employee and the employee's supervisor. Such records shall disclose each employee's name, job, title, social security number, date hired, rate of pay, and all required deductions for tax purposes. Timely payments must be made of FICA taxes, including the required employer matching costs, and of income tax withheld from employees. All charges for payroll purposes shall be in accordance with the Budget submitted to the City's Economic Development and Housing Department. In addition, salaries and wages of employees chargeable with more than one (1) grant program and/or other funding sources will be supported by appropriate time distribution records. Actual time distribution records shall be available for review by the Economic Development and Housing Department at monitoring visits.

- f. Checking Accounts – A monthly bank reconciliation shall be conducted by Subrecipient. All checks, stubs, etc. shall be pre-numbered and accounted for, including all voided checks. Check stubs, canceled checks, and deposit slips must be readily available for audit purposes.
 - g. Purchasing Practices – Purchasing practices shall be at the very least in accordance with 2 CFR part 200. Subrecipient must provide documentation indicating how all vendors, contractors, minority and/or women owned businesses are given an opportunity to participate.
 - h. Inventories – Subrecipient, as are all CDBG program sub-grantees, is advised to maintain adequate safeguards against loss by theft or physical deterioration of any inventories of office supplies, equipment, or other items purchased with CDBG funds.
 - i. Property Records – Subrecipient is required to maintain formal subsidiary records to control all CDBG program project property and equipment. Such records shall disclose the acquisition and subsequent disposition of all property. An annual inventory should be conducted and the books should reflect the actual value of property on hand at the end of the year.
5. Subrecipient should maintain records in an orderly manner, with separate identification for different Federal fiscal periods. Records must be protected from fire or other perils, and if stored in a location other than the project site, shall be readily accessible to the City's Economic Development and Housing Department staff, the Inspector General, and HUD officials and others who may be authorized to examine such records. Failure to do so may constitute a default of this agreement resulting in suspension of reimbursement until said documentation is submitted.

EXHIBIT “F”
Reporting Schedule

A. Subrecipient shall submit all reports to the City’s Economic Development and Housing Department as described in this Agreement.

B. Subrecipient shall maintain data demonstrating client eligibility for services provided. Such data shall include client name, address, number of persons in the household and household income, and such other information requested by the City’s Economic Development and Housing Department. Such information shall be made available to City and/or HUD monitors or their designees for review upon request. Subrecipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the City’s or Subrecipient responsibilities under this Agreement is prohibited by the U.S. Privacy Act of 1974 unless written consent is obtained from such person receiving services, and in the case of a minor, that of a responsible parent/guardian.

C. Upon fifteen (15) days’ notice by the City’s Economic Development and Housing Department, Subrecipient shall provide the information requested by the City for submission of performance or other reports to HUD.

D. Between the required reporting dates, events may occur which have significant impact upon the project or program. In such cases, Subrecipient shall inform the City’s Economic Development and Housing Department as soon as the following types of conditions become known:

1. Problems, delays or adverse conditions, which may materially affect the ability to meet program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established term periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any assistance needed to resolve the situation.
2. Favorable development or events, which will enable meeting time schedules and goals sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Method of Payment:

Payments shall be made on the basis of completed services and submission of documentation as outlined in this Agreement between the City and Subrecipient. Subrecipient shall submit monthly Requests for Payment to the City’s Economic Development and Housing Department in accordance with the following:

1. The City’s Economic Development and Housing Department shall authorize the reimbursement of Subrecipient for actual expenditures outlined in the Budget as expressed in **Exhibit “D”** of this Agreement, except that the Economic Development and Housing Director, or designee, may approve a variance with regard to variable costs.

2. Expenses incurred by Subrecipient will not be authorized for payment by the City's Economic Development and Housing Department if such expenses cannot be documented by paid receipts, invoices or other appropriate documentation and information. Furthermore, all Requests for Payment submitted by Subrecipient to the City's Economic Development and Housing Department shall not be reimbursable by the City if such expenditures were not expended directly for the provision of services and activity delivery costs to benefit low- and moderate-income persons in accordance with this Agreement.
3. Provided that the Requests for Payment are complete and undisputed, the City's Economic Development and Housing Department shall authorize reimbursement of approved expenditure requests within thirty (30) days of receipt of such requests.
4. As applicable, the monthly Requests for Payment shall include:
 - a. Name and address of each client receiving services.
 - b. CDBG costs to be reimbursed, shown as labor, materials, other costs, including copies of invoices, and checks in payment.
 - c. Brief description of services or activities undertaken during the month for which reimbursements are being requested.
 - d. Total cost of services.
 - e. If requesting reimbursement for salaries, timesheets showing tenths of hours where work has been done by Subrecipient and staff detailing daily total hours worked.
 - f. If applicable, if outside contractors have done the work, submit the contractor's paid invoices for reimbursement. These should include an itemization of the work done, the total cost for labor and materials, the number of hours on the job, and the rate per hour agreed to on the project.

EXHIBIT "G"

EXHIBIT "G"

Form Revised: 9/16/85



**City of Clearwater
Economic Development & Housing Department
Consolidated Action Plan Fiscal Year 2016-2017
Program Activity Report**

Name: _____

Program: _____

Month	Client Incomes as a % of Median				Client Racial Statistics												Head of Household		
	Below 50%	Between 50% & 80%	Between 80% & 120%	Total Clients Served	White	Black/ African American	Asian	American Indian/ Alaskan Native	Native Hawaiian/ Other Pacific Islander	Am Indian/ Alaskan Native & White	Asian & White	Black/ African American & White	Am Indian/ Alaskan Native & Black/African American	Other Multi-Racial	Asian/ Pacific Islander	Hispanic	Total Clients Served	Female	Special Needs Elderly Handicapped
October				0													0		
November				0													0		
December				0													0		
January				0													0		
February				0													0		
March				0													0		
April				0													0		
May				0													0		
June				0													0		
July				0													0		
August				0													0		
September				0													0		
Totals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

% of Goals	#DIV/0!
GOALS	

Comments:

Footnotes: Client statistics should only include head of household data for first time visits of fiscal year.
 Columns C thru E (Client Incomes) = Column F (Total Clients), which is formatted to total
 Columns G thru R (Client Racial Stats) = Column S (Total Clients), which is formatted to total
 Columns F & S (Total Clients Served) should match
 Columns T & U (Head of Household) may or may not individually equal Total Clients Served
 For Columns T & U (Head of Household), show zero for months not applicable

Cell F31: (GOALS) Insert figure from your agency's application (proposed # of program beneficiaries).
 If figure differs from application, provide explanation in comments box.

EXHIBIT "G"

Form Revised: 09/15/16



**City of Clearwater
Economic Development & Housing Department
Consolidated Action Plan Fiscal Year 2016-17 Financial
Report & Implementation Schedule**

Name: _____

Program: _____

Month	Beginning Balance	Expended	Program Income	Encumbered	Ending Balance
October	\$ -				\$ -
November	\$ -				\$ -
December	\$ -				\$ -
January	\$ -				\$ -
February	\$ -				\$ -
March	\$ -				\$ -
April	\$ -				\$ -
May	\$ -				\$ -
June	\$ -				\$ -
July	\$ -				\$ -
August	\$ -				\$ -
September	\$ -				\$ -
Totals		\$ -	\$ -	\$ -	
Percentage Expended		#DIV/0!	Over or (Under) Target		#DIV/0!

Planned Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Totals
1)													0
2)													0
3)													0
4)													0
5)													0
6)													0
Totals	0	0	0	0	0	0	0	0	0	0	0	0	0
Actual Implementation Steps	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Totals
1)													0
2)													0
3)													0
4)													0
5)													0
6)													0
Totals	0	0	0	0	0	0	0	0	0	0	0	0	0

Comments:



Exhibit "G-1"
PERSONNEL ACTIVITY REPORT

Employee's Name:									
Employee's Title:									
Week of:		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Time allocation									
Description of Program Duties:									
Week of:		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Time allocation									
Description of Program Duties:									
Week of:		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Time allocation									
Description of Program Duties:									
Week of:		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Time allocation									
Description of Program Duties:									

For the month of: _____

Employee's Signature: _____

Supervisor's Signature: _____

Daily, enter total hours worked and the activity description and hours worked on the project for each day. Hours should match the employee's weekly or bi-weekly payroll for the period ending. This report should be prepared on a monthly basis for each employee working on the Project and submitted along with the other monthly reports.

SAMPLE

EXHIBIT “I”

**EQUAL EMPLOYMENT OPPORTUNITY CLAUSE FOR SUBRECIPIENTS AND THEIR
CONTRACTORS AND SUBCONTRACTORS
STANDARD SOLICITATION FOR BID AND CONTRACT LANGUAGE**

A. Equal Opportunity Clause:

Subrecipient agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulation of the Secretary of Labor 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee or undertaken pursuant to any Federal Program involving such grant, contract, loan insurance, or guarantee, the following equal opportunity clause:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by on or behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The contractor will send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers’ representatives of the contractor’s commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the contractor’s noncompliance with the discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rules, regulations, or orders of the Secretary of Labor, or as otherwise provided by law.

7. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 504 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
8. The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally assisted construction work; provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.
9. The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.
10. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and Federally assisted construction contracts, pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency of the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the appliance agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

EXHIBIT "J"

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) 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 grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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 instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grant, and contracts under grants, and cooperative agreements) and that Subrecipient shall certify and disclose accordingly.

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 imposed by 31 U.S.C. §1352. Any person who fails to file this required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ATTEST:

(CORPORATE SEAL)

[SUBRECIPIENT NAME] _____

By: _____

Date

Print Name & Title

EXHIBIT “K”

SECTION 3 ECONOMIC OPPORTUNITY

SECTION 3 CLAUSE

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development (“HUD”) and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. §1701u. The purpose of section 3 is to ensure that to the greatest extent feasible, opportunities for training and employment be given to low income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of HUD set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued there under as evidenced by the execution of this contract. The parties to this contract certify and agree that they are under no contractual agreement or other disability which would prevent them from complying with these requirements.
- C. Subrecipient will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers’ representative of his commitments under this Section 3 Clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship, and training positions, the qualifications for each, the name and location of the persons taking applications for each of the positions, and the anticipated date the work shall begin.
- D. Subrecipient will include this Section 3 Clause in every subcontract for work in connection with the Project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that Subrecipient is in violation of the regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. Subrecipient will not subcontract with any agency where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the agency has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Subrecipient will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor’s obligations under 24 CFR part 135.

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued there under prior to the execution of the contract shall be a condition of the Federal financial assistance provided to the Project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its subrecipients, and its successors, and assigns to those sanctions specified by the CDBG Program Agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135, which include termination of this Agreement for default and debarment and suspension from future HUD-assisted contracts.

EXHIBIT "L"

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The certification set out below is a material representation upon which reliance is placed by the City of Clearwater and the U.S. Department of Housing and Urban Development in awarding the grant. If it is later determined that Subrecipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the City and/or the U.S. Department of Housing and Urban Development, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. Subrecipient will comply with the other provisions of the Act and with other applicable laws.

CERTIFICATION

1. Subrecipient certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in Subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing an ongoing drug-free awareness program to inform employees about:
 1. the dangers of drug abuse in the workplace;
 2. Subrecipient's policy of maintaining a drug-free workplace;
 3. any available drug counseling, rehabilitation, and employee assistance programs; and
 4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee to be engaged in the performance of this grant be given a copy of the statement required by paragraph (A);
 - D. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment, the employee will:
 1. Abide by the terms of the statement; and
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - E. Notify the City's Economic Development and Housing Department and/or the U.S. Department of Housing and Urban Development in writing within ten (10) calendar days after receiving notice under subparagraph (D) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point

for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

F. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D) (2), with respect to any employee who is so convicted:

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

2. Subrecipient shall insert in the space provided on the attached "Place of Performance" form the site(s) for the performance of work to be carried out with the grant funds (including street address, city, county, state, zip code and total estimated number of employees). Subrecipient further certifies that, if it is subsequently determined that additional sites will be used for the performance of work under the grant, it shall notify the City's Economic Development and Housing Department and/or the U.S. Department of Housing and Urban Development immediately upon the decision to use such additional sites by submitting a revised "Place of Performance" form.

PLACE OF PERFORMANCE

FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Name of Subrecipient: _____

Program Name: _____

Grant : Community Development Block Grant

Date: [PROGRAM YEAR]

The subrecipient shall insert in the space provided below the site(s) expected to be used for the performance of work under this Agreement:

Place of Performance (include street address, city, county, state, zip code for each site):

[ADDRESS] _____

Check _____ if there are work places on file that are not identified here.

ATTEST:

(Corporate Seal)

By: _____

Print Name/Title: _____

Date: _____

EXHIBIT “M” AFFIDAVIT

Federal Funding Accountability and Transparency Act (FFATA)

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime contract awardees will report against sub-contracts awarded and prime grant awardees will report against sub-grants awarded. The sub-award information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award furthering Federal spending transparency.

The Transparency Act requires information disclosure concerning entities receiving Federal financial assistance through Federal awards such as Federal contracts, sub-contracts, grants, and sub-grants.

Specifically, the Transparency Act’s section 2(b)(1) requires the City to provide the following information about each Federal award:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type,
- Location of the entity receiving the award and primary location of performance under the award;
- Unique identifier of the entity receiving the award and the parent entity of the recipient;
- Names and total compensation of the five most highly compensated officers of the entity if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

I, _____ (print name), hereby swear or affirm that:

I read and understand the information provided above.

I have personal knowledge of the facts I am attesting to in this affidavit.

(please check one of the following)

_____ I attest that _____ (agency name) **does not** meet the above threshold requiring names and total compensation of the five most highly compensated officers of the entity if the entity.

_____ I attest that _____ (agency name) **does** meet the above threshold* requiring names and total compensation of the five most highly compensated officers of the entity if the entity.

*If agency meets the above threshold, the agency MUST attach a spreadsheet with the names and total compensation of the five most highly compensated officers of the entity, signed and dated by the one of the following: President; Executive Director; CEO; Board Chairperson; Finance Director; CFO; or Treasurer.

I understand that the submission of a false affidavit is punishable as a second-degree misdemeanor under Florida law.

Signature of President/Executive Director/Board Chair

Printed Name of President/Executive Director/Board Chair

STATE OF FLORIDA
COUNTY OF
PINELLAS

The foregoing Affidavit was acknowledged before me this ___ day of _____,
_____, by _____ as _____ of
agency name and _____ is personally known to me or has produced
_____ as identification.

Notary Public
My Commission Expires:

CITY OF CLEARWATER CDBG/HOME PROGRAMS MONITORING PROCEDURES

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Monitoring Procedures

Attachment M-1 – Checklist for On-Site Monitoring

CITY OF CLEARWATER CDBG/HOME PROGRAMS MONITORING PROCEDURES

Introduction

The primary purpose for monitoring is to ensure compliance with the signed agreement between the City and the sub-recipient for the use of Federal funding. Herein, the term “sub-recipient” refers to any recipient of CDBG or HOME funding, including City departments, other public agencies, and for-profit or non-profit housing and service providers.

The City of Clearwater is responsible for monitoring all agreements administered under its CDBG and HOME programs, advising sub-recipients on their performance, and ensuring compliance with Federal rules and regulations corresponding to the funding source. Monitoring is necessary to ensure that sub-recipients continue to meet expectations for timeliness, capacity, and reporting; and that activities continue to meet National Objectives and other program goals. Through frequent monitoring, conflicts of interest and opportunities for waste, mismanagement, fraud, and abuse are minimized.

1. Training

- a. To ensure sub-recipients understand the City’s expectations for the use of CDBG/HOME funds, City staff will facilitate an annual mandatory training workshop for direct sub-recipients to outline programmatic, fiscal, and reporting requirements. The workshop will be held annually during the first month of the program year (starting October 1st). Topics will include:
 - i. Key provisions of the sub-recipient agreements
 - ii. How to complete required reports
 - iii. How to make requests for payment
 - iv. Importance and purpose of compliance

- b. As needed, City staff may hold other training workshops on specific topics throughout the program year. Such topics may include, but are not limited to, Fair Housing, Davis-Bacon or other program-related requirements.

2. Reporting

- a. Sub-recipient agreements must identify the reports required of the sub-recipient. Sub-recipients must submit, in a timely manner, all required reports to the Economic Development and Housing Department.

- b. If City staff deems the sub-recipient's report to be insufficient or untimely, City staff will specify, in writing, the corrective action that must be taken by the sub-recipient.
- c. If the sub-recipient does not take corrective action, the City will apply appropriate sanctions based on the terms of the sub-recipient agreement. For example, the City may withhold payments until the sub-recipient becomes compliant with reporting requirements.

3. Requests for Payment

- a. City staff, as appointed by the Director of the department, will review and process all requests for payment. Requests for payment must:
 - i. Cover allowable expenses under the designated program;
 - ii. Be reviewed against Payment Approval Procedures; and
 - iii. Be submitted in compliance with the City of Clearwater and HUD.
- b. Upon completion of staff review, requests for payment will follow the outlined steps in the **Payment Approval Procedures**.
- c. Ineligible items will be deducted from the request for payment. The sub-recipient will be informed of the items and dollar amounts considered ineligible for reimbursement by the City.
- d. Requests for payment with insufficient documentation will be returned to the sub-recipient. Staff will identify in writing any additional documentation and/or information needed from the sub-recipient to support the request for payment. All actions taken by staff will be documented in the sub-recipient's file.

4. On-Site Monitoring Visits

- a. Frequency. On-site monitoring visits will occur at least annually. Depending on the risk-level of the sub-recipient, or if concerns were identified during a prior visit, on-site monitoring visits may occur more frequently to determine compliance or until corrective actions are taken.
- b. Visit Procedures. The following steps will be taken when performing an on-site monitoring visit:
 - i. Pre-Visit Notification Letter
 - 1. Staff will contact the sub-recipient by phone or email to schedule a monitoring visit. Staff will follow-up by mailing a formal

Notification Letter to the recipient at least two (2) weeks prior to the scheduled visit. The Notification Letter will include:

- a. Confirmation of the date, time and duration of the visit;
- b. Description of the purpose for the monitoring visit;
- c. Identification of the sub-recipient representatives expected to be present and any office/meeting space that will be required.

ii. Pre-Visit Preparation

1. In preparation for an on-site monitoring visit, City staff will review all the documentation associated with the sub-recipient's records, including but not limited to:
 - a. Original application for CDBG or HOME funding;
 - b. Sub-recipient agreement;
 - c. Requests for payment and corresponding documentation;
 - d. Monthly or quarterly reports;
 - e. Documentation from previous monitoring visits; and
 - f. Copies of audits (if any, e.g. independent or government initiated).

iii. On-Site Entrance Conference

1. At the beginning of the scheduled on-site monitoring visit, City staff will hold an Entrance Conference with the sub-recipient's director and appropriate financial and program staff. The Entrance Conference will reiterate the schedule and purpose of the on-site monitoring visit and document the sub-recipient's participation.
2. The Entrance Conference will also be used to convey to the sub-recipient that it is the City's responsibility to monitor the sub-recipient and determine whether the use of Federal funds is appropriate and consistent with the agreement, even if the on-site monitoring visit presents an inconvenience for the sub-recipient.

iv. On-Site Monitoring Checklist

1. During the on-site monitoring visit, a standardized Monitoring Checklist (see **Attachment M-1**, "Checklist for On-Site Monitoring") will be utilized to note any conversations held with the sub-recipient or any data or documentation received along with its source. A copy of the completed Monitoring Checklist will be filed with the sub-recipient's records.

v. On-Site Exit Conference

1. After the scheduled on-site monitoring visit, City staff will hold an Exit Conference with the sub-recipient's director and appropriate financial and program staff.
2. The Exit Conference will present the preliminary results of the on-site monitoring visit and provide an opportunity for the sub-recipient to correct any misconceptions or misunderstandings resulting from the on-site monitoring visit.
3. If needed, City staff may request additional information from the sub-recipient during the Exit Conference.
4. If deficiencies were identified during the on-site monitoring visit, the Exit Conference will provide an opportunity for City staff to discuss corrective action(s) with the sub-recipient.

vi. Post-Monitoring Letter

1. Within 30 days after the exit conference, the City will mail a Monitoring Letter to sub-recipient that details the results of the on-site monitoring visit. The letter will identify any *Findings* or *Concerns* as follows:
 - a. Finding – A violation of law or regulation that could result in a sanction.
 - b. Concern – A matter that, if not properly addressed, could become a finding that could result in a sanction.
2. The Monitoring Letter will detail each *Finding* (if any) identified along with the corresponding citation(s) of applicable laws, regulations, or program policies and the supporting fact(s) collected during the on-site monitoring visit.
3. For each *Finding* identified, the letter will specify the corrective action(s) that the sub-recipient must take along with a date specific by which the sub-recipient must provide a written response detailing how and by when the corrective action(s) will be taken.
4. For each *Concern* identified, the letter will include general recommendations for the sub-recipient's improvement; however, a written response will not be required for *Concerns* noted in the Monitoring Letter. The letter should state that, if the *Concerns* are not improved by the next on-site monitoring visit, such concerns may become *Findings*.

5. The Monitoring Letter will also indicate whether an additional on-site monitoring visit will be scheduled during the program year. The City may request monitoring of records or additional on-site visits toward resolution of the findings or concerns identified in the letter.

5. Lead-Based Paint

- a. Lead-based paint mitigation measures will be included in all rehabilitation and down-payment assistance programs. The City will incorporate the most current procedures for lead-based paint hazard reduction or abatement consistent with HUD's Lead Safe Housing Rule (LSHR, 24 CFR Part 35 and 40 CFR Part 745).
- b. For every rehabilitation and down-payment assistance application, the applicant will be given an EPA-approved information pamphlet on the dangers of lead-based paint, including the age of homes affected, age group most susceptible, symptoms of Elevated Blood Lead (EBL) levels, and who to contact if symptoms are evident.
- c. The City will require that a certified lead-based paint inspector test all housing units built prior to 1978 that are to be rehabilitated or purchased with CDBG or HOME funds. Upon inspection, a report detailing the rehabilitation approach and strategy to reduce or abate lead hazards will be issued to the City's Housing Division and the homeowner by the certified inspector.
- d. Sub-recipients of the City's housing programs must hire contractors that are trained and certified to supervise the reduction or abatement of lead hazards to comply with HUD regulations.

6. Construction-Related Activities

- a. Activities involving construction will be monitored by City staff to ensure that procurement and labor practices comply with applicable rules and regulations (e.g. Section 3) corresponding to their respective Federal program and the sub-recipient agreement.
- b. The City will designate a City staff person to work in close coordination with the sub-recipient agent and/or contractor during the construction project to ensure that bid documents and contracts are compliant.
- c. City staff will ensure that formal on-site monitoring visits are conducted and will also frequent the construction site to observe the progress of the project and identify any discrepancies with the agreed-upon scope and schedule of the project. City staff will notify the sub-recipient agent and/or contractor of any

discrepancies, including findings or concerns, so that corrective action can be taken.

- d. City staff will be responsible for all record keeping and fiscal management of the project consistent with the sub-recipient agreement. As payroll reports and requests for payment are submitted, City staff will monitor whether the work completed coincides with the funds expended or requested. City staff will notify the sub-recipient agent and/or contractor of any accounting concerns so that corrective action can be taken.

7. Equipment Purchases

- a. City staff are responsible for monitoring the procurement and use of equipment funded through the City's CDBG program, whether purchased directly by the City or indirectly by sub-recipients.
- b. See **Procurement Procedures** for more information regarding the procurement of equipment.
- c. To monitor the use of equipment, the City will maintain equipment inventory records for its Federally-funded programs. Such records will document the following:
 - i. Equipment description;
 - ii. Identification number;
 - iii. Funding source (including program year);
 - iv. Title holder name;
 - v. Acquisition date and total cost;
 - vi. Federal share of cost;
 - vii. Location, use, and condition of equipment; and
 - viii. Disposition data.

8. Facility Use

- a. City staff are responsible for monitoring the use of facilities funded through the City's CDBG program, whether operated directly by the City or indirectly by sub-recipients. Such facilities must continue to meet one of the CDBG National Objectives [i.e., benefit low- and moderate-income persons, prevent or eliminate slums or blight, or meet community development needs having a particular urgency (24 CFR sections 570.200 and 570.208)] for at least five (5) years after the expiration of the sub-recipient agreement for construction of the facility (or a longer time if specified in the agreement).
- b. If a facility no longer meets one of the CDBG National Objectives and it has been less than five (5) years since the expiration of the sub-recipient agreement for

construction of the facility, the City must be reimbursed for the current fair market value of the facility. City staff will monitor the expiration dates of sub-recipient agreements to ensure facilities continue to meet one of the CDBG National Objectives for the required period.

9. Audits

- a. Independent audits of the City's Federally-funded programs will be performed annually consistent with OMB Circular A-133, CFDA 14.218 and 2 CFR Part 200. The audit will provide information on the Department's finances and relevant fiscal requirements, as well as the allocation of expenses across multiple federal sources.
- b. The auditor will report any compliance concerns or discrepancies to the Director of the Economic Development and Housing Department so that corrective action may be taken.

CITY OF CLEARWATER CDBG/HOME PROGRAMS CHECKLIST FOR ON-SITE MONITORING

Sub-Recipient Name: _____

Project Name: _____

Project Director: _____

Notification Letter set on: _____

In-house review and general oversight conducted on: _____

On-site monitoring visit(s) conducted on: _____

Monitoring letter sent on: _____

Follow-up monitoring visit conducted/letter sent on: _____

A. National Objective and Eligibility

1. Which *National Objective* does this project meet (24 CFR 570.208)?

Benefit to Low- and Moderate-Income Persons

- ____ Low/Mod Area Benefit
- ____ Limited Clientele Benefit
- ____ Low/Mod Housing Benefit
- ____ Job Creation or Retention

Aid in the Prevention or Elimination of Slums or Blight

- ____ on Area Basis
- ____ on Spot Basis

An Urgent Need

- ____ Needs having a Particular Urgency

2. Which eligibility category does the project meet? (24 CFR 570.201-6)?

B. Conformance to the Sub-Recipient Agreement

1. Contract Scope of Services – Is the full scope of services listed in the Agreement being undertaken? List any deviation.

2. Levels of Accomplishments – Compare actual accomplishments at the point of monitoring with planned accomplishments. Is the project achieving the expected levels of performance (number of persons served, number of units rehabbed, etc.) and reaching the intended client group? Explain any problem the sub-recipient may be experiencing. **Acknowledge major accomplishments.**

3. Time of Performance – Is the work being performed in a timely manner (i.e., meeting the schedule as shown in the Agreement)? Explain.

4. Budget – Compare actual expenditures versus planned expenditures. Note any discrepancies or possible deviations.

5. Requests for Payment – Are requests for payment being submitted in a timely manner and are they consistent with the level of work accomplished? Is program income properly accounted for and recorded? Explain.

6. Accomplishment Reports – Have accomplishment reports been submitted with payment requests (where required) on time and were they complete and accurate?

7. Special Conditions – Does the project conform to any special terms and conditions included in the Sub-Recipient Agreement? Explain.

C. Record-Keeping Systems (570.506)

Records should demonstrate that each activity undertaken meets the criteria for *National Objectives* compliance. Such records should be found in both the grantee's project file and the sub-recipient file.

1. Filing System – Are the sub-recipient's files orderly, comprehensive, secured for confidentiality where necessary, and up-to-date? Note any areas of deficiency.

2. Documentation (activities, costs and beneficiaries) – Do the project file and sub-recipient records have the necessary documentation supporting the *National Objective* being met, eligibility, and program costs as they relate to CFR 570.506? Do the project files support the data the sub-recipient has provided for the CAPER?

3. Record Retention – Is there a process for determining which records need to be retained and for how long?

4. Site Visit (where applicable) – Is the information revealed by a site visit consistent with the records maintained by the sub-recipient and with data previously provided to the grantee? Explain any discrepancies.
 - (a) Is the project manager located on-site and running the day-to-day operations? Does the staff seem fully informed about program requirements and project expectations? Explain.

(b) Is the project accomplishing what it was designed to do? Explain any problems.

D. Financial Management Systems [85.20 (local governments) and 84.21–28 (non-profits)]

1. Systems for Internal Control – Are systems in compliance with accounting policies and procedures for cash, real and personal property, equipment and other assets (24 CFR 85.20(b)(3) and 84.20(b)(3))?

2. Components of a Financial Management System – Review the chart of accounts, journals, ledgers, reconciliation, data processing, and reporting system. Note any discrepancies.

3. Accounting – Compare the latest performance report, drawdown requests, bank records, payroll records, receipts/disbursements, etc. Note any discrepancies.

4. Eligible, Allocable, and Reasonable Costs – See OMB Circulars A-87 and A-122. Pay particular attention to the time distribution records where the sub-recipient has employees who work on both Federal and non-Federal funded activities. Note any discrepancies.

5. Cash Management/Drawdown Procedures – See Treasury Circular 1075, 85.20(b)(7), and 84.20. Has all cash been promptly drawn down and deposited? Are all drawdowns of Federal funds properly recorded? Note any discrepancies.

6. Management of Program Income – If the sub-recipient generates program income, refer to 24 CFR 570.504 and the Sub-Recipient Agreement about its use. Note any discrepancies.

7. IPA Audit Reports/Follow-up – (OMB Circular A-133) Determine if the sub-recipient has expended \$500,000 or more in Federal funds for the subject program year.

IPA Audit Required Yes____ No___ N/A_____

Date Conducted_____

Any findings related to Federally-funded activity? Status? Explain.

8. Maintenance of Source Documentation – (24 CFR 85.20(b) and 84.20(b)) Note any discrepancies in sample records, invoices, vouchers and time records traced through the system.

9. Budget Control – Do actual expenditures match the line item budget? Refer to 24 CFR 85.20(b)(4) and 84.20. Note any discrepancies.

E. Insurance

1. Has the sub-recipient submitted a current copy of its Certificate of Insurance?

2. Is the City named as an additional insured?

F. Procurement

1. Procurement Procedures – Do the procedures the sub-recipient uses for procurement of goods and services meet Federal requirements? Review a sample number of procurements.

2. Conflict of Interest – How does the sub-recipient assure there was no conflict of interest in procurement, real or apparent? Review the process and comment.

G. Equipment and Real Property

1. Has the sub-recipient acquired or improved any property it owns in whole or in part with Federal funds in excess of \$25,000? If yes, review for compliance with 24 CFR 570.503(b)(7).

2. Has the sub-recipient purchased equipment with Federal funds in excess of \$1,000? Does the sub-recipient maintain the records required at 24 CFR 84.34?

3. Has a physical inventory taken place and the results reconciled with property records within the last two years?

4. If the sub-recipient disposed of equipment/property that was purchased with Federal funds within the last five years:
 - (a) Were proceeds from the sale reported as program income?
 - (b) Did the grantee approve expenditure of program income?
 - (c) Was the program income returned to the grantee?

H. Non-Discrimination and Actions to Further Fair Housing

1. Equal Employment Opportunity – Refer to 24 CFR 570.506, 601 and 602. Note any deficiencies.
2. Section 3 – Opportunities for Training and Employment for Local Residents – Refer to 24 CFR 570.506(g)(5) and 570.607(a) (affirmative action). Note any deficiencies.
3. Fair Housing Compliance – Refer to 24 CFR 570.904 and 570.601(b). Note any deficiencies.
4. Requirements for Disabled Persons – Refer to 24 CFR 8.6. Note any concerns.

5. Women and Minority Business Enterprises – Refer to 24 CFR 570.506(g), 85.36(e), and 84.44, affirmative steps documentation. Note any concerns.

I. Conclusion and Follow-up

1. Is the sub-recipient meeting the terms of the Sub-Recipient Agreement and HUD regulations? Discuss both positive conclusions and any weaknesses identified.

2. Identify any follow-up measures to be taken by the grantee and/or the sub-recipient as a result of this monitoring review.
 - (a) List the required schedule for implementing corrective actions or making improvements.

 - (b) List the schedule for any needed technical assistance or training and identify who will provide the training.

Project monitor date: _____

Monitoring visit conducted by: _____

CITY OF CLEARWATER CDBG/HOME PROGRAMS PAYMENT APPROVAL PROCEDURES

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Payment Approval Procedures

Attachment PA-1 – Payment Request Checklist

Attachment PA-2 – Authorization for Disbursement Form

CITY OF CLEARWATER CDBG/HOME PROGRAMS

PAYMENT APPROVAL PROCEDURES

Introduction

When a request for payment is initiated by a sub-recipient of Federal funding, the City is responsible for documenting that the request complies with the sub-recipient agreement, applicable Federal rules and regulations for the funding source, and standard City payment processes. The procedures herein are established to ensure that proper documentation is collected and filed, and that standard City payment processes are followed.

1. Sub-Recipient Payment Requests

- a. Upon receipt of a sub-recipient payment request, the Housing Manager or his/her designee will utilize the Payment Request Checklist (**Attachment PA-1**) to confirm that all supporting documentation is either on-file at the City or has been submitted with the request. Such documentation should include, at minimum:
 - i. Sub-recipient invoice and corresponding documentation of activities
 - ii. Completed – unsigned – Authorization for Disbursement Form (**Attachment PA-2**)
 - iii. Executed sub-recipient agreement
 - iv. Monthly reports (as stipulated in the sub-recipient agreement)
 - v. Any monitoring letters or reports to date

- b. Requests for payment without supporting documentation will be rejected by the City. The Housing Manager or his/her designee will provide written notification to the sub-recipient indicating the reasons for rejection (i.e., insufficient documentation) and a statement that the request for payment will not be approved by the City until the sub-recipient submits sufficient documentation. All correspondence between the Housing Manager or his/her designee and the sub-recipient regarding the status of the request for payment will be documented in the sub-recipient's file.

- c. If the request's documentation is sufficient but certain items are ineligible for reimbursement, those items will be noted on the Authorization for Disbursement Form and will be deducted from the total amount requested. The sub-recipient will be notified of the items and dollar amounts ineligible for reimbursement.

- d. Once completed, the Payment Request Checklist and Authorization for Disbursement Form corresponding to the payment request will be signed by the Housing Manager or his/her designee and the payment request will be forwarded to the Senior Accountant.
- e. The Senior Accountant will then process the Authorization for Disbursement Form and all corresponding paperwork. Once the Senior Accountant has processed the payment request, the payment request will be forwarded to the Economic Development and Housing Department Director or his/her designee for approval and signature.
- f. Once the Director or his/her designee has provided approval, the request for payment will be forwarded to the City's Finance Department (Accounts Payable). Payment will be made directly to the sub-recipient via mail or electronic disbursement by the City's Finance Department.

2. Construction Project Payment Requests

- a. Upon receipt of a construction project payment request, the Housing Manager or his/her designee will utilize the Payment Request Checklist (**Attachment PA-1**) to confirm that all supporting documentation is either on-file at the City or has been submitted with the request. Such documentation should include, at minimum:
 - i. Contractor invoice and corresponding documentation of work completed
 - ii. Completed – unsigned – Authorization for Disbursement Form (**Attachment PA-2**)
 - iii. Executed contract between the contractor and the City of Clearwater
 - iv. Contractor certifications regarding Equal Employment
 - v. Subcontractor certifications regarding Equal Employment
 - vi. Section 3 plan
 - vii. Weekly payroll sheets
 - viii. Employee interviews
 - ix. Any other documentation regarding project progress
- b. Requests for payment without supporting documentation will be rejected by the City. The Housing Manager or his/her designee will provide written notification to the contractor indicating the reasons for rejection (i.e., insufficient documentation) and a statement that the request for payment will not be approved by the City until the contractor submits sufficient documentation. All

correspondence between the Housing Manager or his/her designee and the contractor regarding the status of the request for payment will be documented in the project file.

- c. If the request's documentation is sufficient but certain items are ineligible for reimbursement, those items will be noted on the Authorization for Disbursement Form and will be deducted from the total amount requested. The contractor will be notified of the items and dollar amounts ineligible for reimbursement.
- d. Once completed, the Payment Request Checklist and Authorization for Disbursement Form corresponding to the payment request will be signed by the Housing Manager or his/her designee and the payment will be forwarded to the Senior Accountant.
- e. The Senior Accountant will then process the Authorization for Disbursement Form and all corresponding paperwork. Once the Senior Accountant has processed the payment request, the payment request will be forwarded to the Economic Development and Housing Director or his/her designee for approval and signature.
- f. Once the Director or his/her designee has provided approval, the request for payment will be forwarded to the City's Finance Department (Accounts Payable). Payment will be made directly to the contractor via mail or electronic disbursement by the City's Finance Department.

3. Loan-Related Payment Requests

- a. Upon receipt of a loan-related payment request, the Housing Manager or his/her designee will confirm that all supporting documentation consistent with the Payment Request Checklist (**Attachment PA-1**) and the loan agreement (e.g. title work, etc.) is either on-file at the City or has been submitted with the request. Such documentation should include, at minimum:
 - i. Loan-related payment request and corresponding documentation
 - ii. Completed – unsigned – Authorization for Disbursement Form (**Attachment PA-2**)
 - iii. Executed loan agreement

- b. Once completed, the Authorization for Disbursement Form corresponding to the payment request will be signed by the Housing Manager or his/her designee and the payment will be forwarded to the Senior Accountant.
- c. The Senior Accountant will then process the Authorization for Disbursement Form and all corresponding paperwork. Once the Senior Accountant has processed the payment request, the payment request will be forwarded to the Economic Development and Housing Director or his/her designee for approval and signature.
- d. Once the Director or his/her designee has provided approval, the request for payment will be forwarded to the City's Finance Department (Accounts Payable). Payment will be made directly to the requestor via mail or electronic disbursement by the City's Finance Department.

4. Inter-Department Payment Requests

- a. Upon receipt of an inter-departmental payment request, the Housing Manager or his/her designee will utilize the Payment Request Checklist (**Attachment PA-1**) to confirm that all supporting documentation is either on-file at the City or has been submitted with the request. The supporting documentation is the same as above (see 1.a. and 2.a. herein) for sub-recipient and construction-related projects, respectively; however, for non-construction related projects, no monthly or monitoring reports will be required; and for construction-related projects no executed contract is required if the work was completed by City staff.
- b. Requests for payment without supporting documentation will be rejected by the City. The Housing Manager or his/her designee will provide written notification to the requesting department's director indicating the reasons for rejection (i.e., insufficient documentation) and a statement that the request for payment will not be approved by the City until the requesting department submits sufficient documentation. All correspondence between City staff and the requesting department regarding the status of the request for payment will be documented in the project file.
- c. If the request's documentation is sufficient but certain items are ineligible for reimbursement, those items will be noted on the Authorization for Disbursement Form (**Attachment PA-2**) and will be deducted from the total

amount requested. The requesting department's director will be notified of the items and dollar amounts ineligible for reimbursement.

- d. Once completed, the Payment Request Checklist and Authorization for Disbursement Form corresponding to the payment request will be signed by the Housing Manager or his/her designee and the payment request will be forwarded to the Senior Accountant.
- e. The Senior Accountant will then process the Authorization for Disbursement Form and all corresponding paperwork. Once the Senior Accountant has processed the payment request, the payment request will be forwarded to the Economic Development and Housing Department Director or his/her designee for approval and signature.
- f. Once the Director or his/her designee has provided approval, the request for payment will be forwarded to the City's Finance Department (Accounts Payable). Payment will be made directly to the requesting department by the City's Finance Department.

CITY OF CLEARWATER CDBG/HOME PROGRAMS PAYMENT REQUEST CHECKLIST

Sub-Recipient Payment Requests – File Documentation

- _____ Sub-Recipient Invoice
- _____ Documentation of Activities Accomplished to Date to Warrant Payment of Invoice
(Confirmed by Housing Manager)
- _____ Completed (Unsigned) Authorization for Disbursement Form
- _____ Monthly Reports – Months provided: _____
- _____ Program Income Reports, if applicable
- _____ Property Equipment Records, if applicable
- _____ Contract and Subcontract Activity Reports, if applicable
- _____ Timesheets, if applicable

Construction Project Payment Requests – File Documentation

- _____ Contractor Invoice
- _____ Documentation of Work Accomplished to Date to Warrant Payment of Invoice
(Confirmed by City Project Manager)
- _____ Completed (Unsigned) Authorization for Disbursement Form
- _____ Executed Contract between the Contractor and the City of Clearwater
- _____ Contractor Certifications regarding Equal Employment Opportunity
- _____ Subcontractors Certifications regarding the same (Equal Employment Opportunity), if applicable
- _____ Contractors Certifications regarding Labor Standards and Prevailing Wage
- _____ Subcontractors Certifications regarding the same (Labor Standards/Prevail. Wage), if applicable
- _____ Section 3 Affirmative Action Plan
- _____ Weekly Payroll Sheets – Weeks: _____
- _____ Employee Interviews – Dates: _____

(Continued, Next Page)

_____ Project Workforce, Breakdown Table

_____ Project Workforce, Positions Filled Table

Loan-Related Payment Requests – File Documentation

_____ Written Loan-Related Payment Request (Letter or Other)

_____ Corresponding Documentation / Supporting Information

_____ Completed (Unsigned) Authorization for Disbursement Form

_____ Executed Loan Agreement

Interdepartmental Payment Requests – File Documentation

Same as for *Sub-Recipient* or *Construction Project* payment requests, respectively by activity type (see previous page).

For Interdepartmental Payment Requests, the following are NOT required:

- Monthly/Quarterly or Monitoring Reports (not required)
- Executed Contracts (if work was completed exclusively by City staff, not required)

Prepared By: _____ Date: _____

Authorized Signature: _____ Date: _____

(Please submit ONE ORIGINAL SIGNED IN BLUE INK and ONE PHOTOCOPY of the completed Payment Request Checklist with the Authorization for Disbursement Form, and attach all documentation as noted on the Payment Request Checklist.)

City of Clearwater, FL
Authorization For Disbursement

Date:1/20/2017
Time:3:54 PM

Use this form to record P.O. information or an Authorization for Disbursement - attach to invoice.		
Supplier name:		
Supplier name (2nd line):		
Remit to: Street / PO Box :		
Remit to: City, State, Zip Code :		
Purchase Order # (if required)	Release #	Receipt #
Provide a description or reason for this expense:		
If charging more than one account provide additional description for each account charged:	CHARGE TO ACCOUNT #	AMOUNT
1		0.00
2		0.00
3		0.00
4		0.00
5		0.00
6		0.00
7		0.00
8		0.00
9		0.00
10		0.00
11		0.00
12		0.00
13		0.00
14		0.00
Grand Total		\$0.00
↓ Signature ↓ (Must be authorized to approve AFD < = 2,500 or approve a P.O.):		
Print Name and Title of person signing →		
Print this form and attach the original document(s) that validate the amount you are requesting payment for. Attach any copies that must be sent with the check. Improperly completed forms will delay check request.		
Please explain below if you are requesting the Finance Dept. <i>not to mail</i> check to the vendor.		

**CITY OF CLEARWATER CDBG/HOME PROGRAMS
AUTHORIZATION FOR DISBURSEMENT SUPPORT**

Requestor: _____

Project/Program Name: _____

Payment Request for Month of: _____

SECTION 1: Request for Payment

Requested This Month	Requested Year-To-Date	Total Funding Budgeted	Balance of Funds Available

SECTION 2: Supporting Documentation

Please Attach:

- A completed and signed Payment Request Checklist (Attachment PA-1)
- All documentation as noted on the completed Payment Request Checklist

I HEREBY CERTIFY THAT THE SERVICES DESCRIBED ABOVE WERE RENDERED TO THE CITY OF CLEARWATER, AND THAT THE INFORMATION PRESENTED IN THIS REQUEST FOR PAYMENT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT NO PART OF THE SAME HAS BEEN PREVIOUSLY PAID.

Prepared By: _____ Date: _____

Authorized Signature: _____ Date: _____

(Please submit ONE ORIGINAL SIGNED IN BLUE INK and ONE PHOTOCOPY of the Authorization for Disbursement Form and Payment Request Checklist. Please attach all documentation as noted on the completed Payment Request Checklist.)

DO NOT WRITE BELOW THIS LINE

Date Received: _____

Date Reviewed: _____

Date Approved: _____

**CITY OF CLEARWATER HOME PROGRAM
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)
PROCEDURES**

Table of Contents

Community Housing Development Organization (CHDO) Procedures

Attachment CHDO-1 – CHDO Checklist

Attachment CHDO-2 – CHDO Certification Application

Attachment CHDO-3 – CHDO Project Application

CITY OF CLEARWATER HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) PROCEDURES

Background

The HOME Investment Partnerships (HOME) Program was established under Title II of the National Affordable Housing Act. The purpose of HOME funding is:

1. To expand the supply of:
 - a. Decent, affordable housing
 - b. Nonprofit housing providers
2. To strengthen:
 - a. Ability of state and local governments to provide housing
 - b. Public-private partnership

The HOME program is administered through the U.S. Department of Housing and Urban Development (HUD).

The City of Clearwater has been designated by HUD to administer the HOME Program as established by the 24 CFR 92, as amended.

The City's intent is to utilize the HOME Program Funds for the creation of new affordable housing units for low and very low-income households in the City of Clearwater. The goal is to develop projects that meet the following objectives:

1. To create safe, decent and affordable housing units for households having the lowest incomes.
2. To maintain the affordability of the affordable housing units for the longest period of time possible.
3. To assist in the provision of financially viable, market-appropriate housing in the areas of greatest housing need in the City.
4. To assist in the provision of quality housing at a reasonable cost to meet a variety of needs, including family, elderly and special need populations.
5. To provide existing affordable rental housing units for persons with disabilities with a preference for veterans.

Community Housing Development Organization (CHDO)

A CHDO is a private, non-profit, community based organization whose primary purpose is to develop affordable housing for the community it serves. The CHDO either has staff or has a

contract with an organization that has staff with the capacity to develop affordable housing. The contracted organization must have a written plan for training the CHDO's staff.

Revised HOME Program regulations issued by HUD on July 23, 2013 included changes around working with Community Housing Development Organizations (CHDOs). This policy reflects the new requirements and lays out the City of Clearwater's policy and procedures going forward for both City staff and our CHDO partners.

The City of Clearwater is required to use a minimum of 15% of City's annual HOME allocation for projects undertaken by CHDOs. This is referred to as the CHDO set-aside. In addition, up to 5% of the City's total annual HOME allocation may be used to provide operating assistance to CHDOs. This 5% is referred to as CHDO Operating (CO). All organizations that receive CHDO funds must meet the definition of a "Community Housing Development Organization", as defined in the HOME Program regulations at 24 CFR 92.2. Adequate documentation must be on file to support City staff determination that an organization qualifies as a CHDO and an award of CHDO funds follows the HOME rules.

Regulatory Requirements for CHDO Certification

The U.S. Department of Housing and Urban Development has established standard criteria for organizations to be eligible for CHDO certification.

1. **Organized under State/Local Law:** The nonprofit organization must show their articles of incorporation as evidence of being organized under state and local law.
2. **IRS Nonprofit Status:** Organizations must have a 501(c)3 non-profit status of exemption letter of certification from the Internal Revenue Service (IRS).
3. **Purpose of Affordable Housing:** Providing decent and affordable housing must be the organization's primary purpose. This is evidenced by the organization's By-laws or Articles of Incorporation.
4. **Benefit No Individual:** No part of the CHDO's profits may benefit any members, founders, contributors, or individuals. This requirement must be evidenced in the Articles of Incorporation.
5. **Service Area:** The organization must have a clearly defined geographic service area in its Articles of Incorporation and/or By-laws and a map of the service area must be attached to the application.
6. **Board Representation:** The board of directors must contain no more than 1/3 representation from the public sector and a minimum of 1/3 representation from the low-income community it serves.
7. **For-Profit Sponsorship:** CHDOs may be sponsored by for-profits; however, the CHDO cannot be controlled by the for-profit and must be free to contract for goods and

- services. The primary purpose of the for-profit cannot be housing ownership/management as evidenced by the for-profit's Articles of Incorporation.
8. Low-Income Input: A formal process that is described in the By-laws or Resolutions, has been established and implemented for low-income program beneficiaries from the organization's service area to advise the organization in all its decisions regarding design, location, development and management of affordable housing.
 9. Capacity and Experience: Key staff and board members must have significant experience and capacity to carry out CHDO eligible HOME-assisted projects in the community where it intends to develop affordable housing as evidenced by resumes. Capacity can also be demonstrated by contracts with consulting firms or individuals who have successfully completed projects similar to those to be assisted with CHDO funds. The consulting firms or individuals must have written plans detailing the training of CHDO personnel.
 10. Serving the Community: A minimum of one year of relative experience serving the community where the organization intends to develop affordable housing must be demonstrated. Demonstrate via letters of community support and written statement of organization's community activities.
 11. Accounting Standards: The organization must meet and adhere to financial accountability standards found in 24 CFR 84.21.
 12. Organizations having revenues in excess of \$300,000 must submit an audit performed by a Certified Public Accountant, along with their most recently filed IRS Form 990.
 13. Organizations having income less than \$300,000 must submit the organizations most recently filed IRS Form 990, along with the items from either (a) or (b):
 - a. A set of Basic Financial Statements, which MUST include the industry equivalent of a "Balance Sheet", "Statement of Cash Flows", "Income Statement" and the "Notes to the Financial Statements". These must have been certified as official financials and evidenced by a copy of the board minutes showing that they were presented and accepted as official financial statements by the entity's board or governing body. OR
 - b. A compiled set of Basic Financial Statements, along with a letter that the compilation was performed in accordance with American Institute of Certified Public Accountants' industry standards. The compilation must include the industry's equivalent of the "Balance Sheet", "Statement of Cash Flows", "Income Statement" and the "Notes to the Financial Statements"

NOTE: Audit or Certified Financial Statements must be completed in accordance with generally accepted accounting principles and prepared during the last fiscal year.

City of Clearwater Requirements for CHDO Certification

The City of Clearwater may accept new CHDO applications throughout the year, provided funding is available. As part of the certification process, the City shall review the organization's structure, Board make-up, service area, experience and capacity (as described above) to assess the organization's ability to carry out a HOME funded project utilizing the required guidelines.

The following are step-by-step procedures that should be followed on an annual basis to properly certify and fund CHDO's within the City of Clearwater.

CHDO Set-Aside Project Funds: Before committing CHDO set-aside funds to an organization, the City must certify that the organization:

1. Meets the definition of a "community housing development organization" in §92.2;
2. Has a project eligible for the set-aside that the organization will own, develop, or sponsor in accordance with §92.300(a); and
3. Has paid staff with demonstrated experience appropriate to the role the organization will play for the project being funded.

To be certified as a CHDO, all applicants must meet the requirements outlines in the CHDO Checklist (**CHDO-1**).

In addition to the regulatory requirements from HUD, the City has established additional criteria for CHDO certification. The organization must:

1. Maintain a record of good standing with HUD and other federal and state agencies
2. Maintain a record of good standing within the City of Clearwater government and partners

The criterion above is not all-inclusive and the City of Clearwater may require additional information prior to determining CHDO certification. Meeting the above requirements does not guarantee a CHDO's certification and City of Clearwater reserves the right to deny or revoke CHDO certification based on its evaluation of the nonprofit organization's performance.

How to Apply for CHDO Certification

- Complete the **City of Clearwater CHDO Certification Application (CHDO-2)**.
- Include all requested attachments, documentations and forms.
- Mail or hand-deliver the application and attachments to the City of Clearwater Economic Development and Housing Department. **Faxed or e-mailed copies are not acceptable.**

Conditional Reservation Process

The recommended applicants will receive a conditional reservation of the funds

Maximum Award

The maximum amount of HOME funds that may be awarded to any individual proposal will vary annually depending on the availability of funds. Additional funds may be provided through the State Housing Initiatives Partnership (SHIP) Program and/or other state and local funding sources.

Threshold Review

The City of Clearwater has established criteria that must be met for the application to be considered for the competitive review stage. Any application that fails to meet any one of the threshold criteria will be rejected. The threshold review is a basic review of the application to determine that it is complete and includes all necessary forms and supporting evidence. The City will not fund any acquisition or rehabilitation project where the existing tenant is displaced. The City will not provide funding for acquisition where the acquisition costs are above the appraisal value. The City will not provide funds where the rehabilitation costs are significantly above industry standards. The City will only fund projects where the rents and tenant's income is within the guidelines of the HOME Program.

The Threshold Criteria are as follows:

Applications must be complete, consistent and contain all supporting documentation in an organized fashion. Applications that are incomplete, inconsistent, and/or illegible will be rejected.

- **Project Financials**—A detailed pro forma operating budget must be included as part of the application (**CHDO-3**).

Any owner or general partner that is currently in noncompliance due to site audits or the failure to comply with reporting requirements will be denied participation. In addition, any owner that is not in compliance or good standing with any other City program will be similarly denied participation.

- **Acquisition/Rehabilitation Narrative**—Each application must contain a project narrative that summarizes the scope of the proposal and the roles of the team. This narrative should include the following (**CHDO-3**)
 - a. A description of the proposal, including its location(s), development type, unit mix and unit size.
 - b. Description of acquisition/rehabilitation.
 - c. Proposed rents.
 - d. A description of need and the target market.
 - e. A description of special amenities and services, if any.
 - f. A summary of proposed financing.
 - g. Anticipated start and completion dates.
 - h. The project must address local housing needs and priorities, as documented in the City’s Consolidated Plan.

- **Site Control**—The applicant must establish evidence of site control. All site options/contracts, as applicable, must be also valid at the time of selection by the City. The following may be used as evidence of site control (**CHDO-3**):
 - a. Executed and recorded deed.
 - b. Executed purchase option agreement.
 - c. Executed purchase contract.
 - d. Executed long-term land lease or option on a long-term lease.

- **Acquisition/Rehabilitation Schedule**—The application must include a list of proposed dates for the completion of the following (**CHDO-3**):
 - a. Acquisition/Rehabilitation
 - b. Other financing commitments.
 - c. Commencement of construction.
 - d. Placement in service after rehabilitation.

EVALUATION FACTORS

All applications submitted will be evaluated by City staff using the following federal preferences and selection bonus point(s) criteria (*10 Points Maximum*):

- **Project Location (2 Points Maximum)**
 - a. The site selected for the Project is crucial to the overall success of the development. Effort should be made to locate sites that are convenient to services and in neighborhoods that include a socioeconomic mix of households.

- b. Is the project located in one of the City's Neighborhood Revitalization Strategy Areas?
- Housing Needs Characteristics (*1 Point Maximum*)
 - a. Does the application indicate a need for the specific housing type that is proposed?
- Project Characteristics (*1 Point Maximum*)
 - a. Is the size of the project appropriate for the need and demand in the community and are the unit sizes and mix of units appropriate for the community and the site?
- Experience (*2 Point Maximum*)
 - a. Does the applicant have the requisite experience and financial capacity with similar projects?
- Overall Project Feasibility (*2 Points Maximum*)
 - a. Do the costs, expenditures and income projections reflect industry standards?
 - b. Does the applicant maintain a financial commitment to the project?
- Tie Breaker (*2 Points Maximum*)
 - a. Does the project incorporate energy conservation features or green or LEED standards?

Eligible and Ineligible Uses of CHDO Set-Aside Funds

1. Eligible Activities – Owners, Sponsors, and Developers: A CHDO acting as owner, sponsor or developer may use the 15 percent CHDO set-aside for the following activities:
 - a. Acquisition and/or rehabilitation of homebuyer property;
 - b. New construction of homebuyer property; and
 - c. Direct financial assistance to homebuyers of HOME-assisted property developed or sponsored by the CHDO.

Note: CHDO set-aside HOME funds must be used during the construction or rehabilitation of the property

2. Ineligible CHDO Activities - Ineligible uses of the HOME CHDO set-aside are:
 - a. Homeowner rehabilitation;
 - b. Tenant-based rental assistance (TBRA); and
 - c. Downpayment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO funds.

CHDO Operating Funds

Up to 5 percent of the City's HOME allocation may be used to provide funds for CHDO operating assistance, up to a maximum of \$25,000, as permitted through the HOME Program Description. This allocation does not count toward the 15 percent set-aside funds used by CHDOs for projects. To be eligible for CHDO operating assistance, the CHDO must submit a funding application for a CHDO-eligible project.

CHDO operating assistance, as noted through the HOME Final Rule may not exceed whichever is greater:

- \$50,000 each fiscal year, or
- Fifty percent (50%) of CHDO's total annual operating expenses for that year.

If CHDO Operating assistance is being provided for a given year, it is done through the City of Clearwater grant application process. The applicant must indicate that they wish to apply for CHDO Operating assistance in their City of Clearwater request for funding application. The CHDO Recertification Checklist with supporting documentation must be submitted with their application.

If City staff determine that the applicant meets the definition of a CHDO and is eligible to receive CHDO Operating assistance, a recommendation is made to the City council including any special CHDO conditions.

The commitment of CHDO Operating funds occurs after the city council approves the staff funding recommendation, when the HOME CHDO Operating agreement is executed. This agreement describes the uses of the CHDO Operating funds (examples include salaries, wages, employee training, rent, and utilities and other operating costs). The agreement also states that the CHDO is expected to receive HOME funds for a project that it will either own, develop, or sponsor (as defined by the HOME regulations at 24 CFR 92.300) within 24 months, as required in §92.300(e). The written agreement also describes the terms and conditions upon which this expectation is based, and the consequences of failure to receive funding for a project. If the CHDO is also receiving CHDO Reserve project funds, a separate agreement is executed.

CHDO Service Area

The City of Clearwater CHDO service area shall include the entire City of Clearwater. CHDOs will be required to provide updates on how active and visible their organization's contributions are to the community or communities they are serving.

Additional Requirements and Affordability Period

- **Additional Requirements.** In order to be eligible to receive operating assistance, CHDOs must also meet the following requirements:
 - Demonstrate increasing production goals and/or expansion of its services to the community.
 - Submit a copy of its annual audit. Document resolved compliance findings on any funded projects in a timely manner. If a compliance finding is noted, it must be resolved before the next CHDO Operating funds draw. The finding and resolution must be detailed in the quarterly progress report.
- **Affordability Period.** To ensure affordable housing over the long term, the HUD HOME program imposes occupancy requirements. For current Median Family Income limits, please see the HUD website at www.hud.gov.

The length of the affordability period depends on the amount of the HOME investment and the nature of the activity. The Table below provides the affordability periods:

Activity	HOME Assistance per Unit or Buyer	Minimum Affordability Period
Rehabilitation /or Acquisition of Existing Housing or New Construction Single Family Homes	<\$15,000	5 Years
	\$15,000-\$40,000	10 Years
	>\$40,000 per Unit	15 Years
New Construction of Rental Housing		20 Years
Refinancing of Rental Housing		15 Years

Throughout the affordability period, income-eligible households must occupy the HOME-assisted housing.

- **Rental housing.** When units become vacant during the affordability period, subsequent tenants must be income eligible and must be charged the applicable HOME rent.
- **Homebuyer assistance.** If a home purchased with HOME assistance is sold during the affordability period, resale or recapture provisions apply to ensure the continued provision of affordable homeownership.

CHDO Procurement

CHDOs are not subject to requirements of 24 CFR, Part 84 in regard to procurement of goods and services. This exemption is for CHDO-funded projects only; CHDOs must still follow appropriate procurement procedures that are compliant with Part 84 for their non-CHDO projects. The City may request a copy of the CHDO's procurement policy for any non-CHDO project.

Reference Materials:

- HUD HOME-CDBG Guidebook
<https://www.hudexchange.info/resources/documents/HOME-CDBGGuidebook.pdf>
- HOME Laws and Regulations
<https://www.hudexchange.info/programs/home/home-laws-and-regulations/>
- HOME Rule at 24 CFR 92.2
- Monitoring HOME Guidebook
https://www.hudexchange.info/resources/documents/MonitoringHOME_Guidebook.pdf
- City of Clearwater 5-Year Consolidated Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- City of Clearwater Citizen Participation Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>

CHDO Requirements Checklist

Before committing CHDO set-aside funds to an organization, the PJ must certify that the organization:

1. Meets the definition of a “community housing development organization” in §92.2;
2. Has a project eligible for the set-aside that the organization will own, develop, or sponsor in accordance with §92.300(a); and
3. Has paid staff with demonstrated experience appropriate to the role the organization will play for the project being funded.

Additionally, before committing funds for CHDO predevelopment loans under §92.301 or CHDO operating expenses under §92.208, the PJ must certify that the organization meets the definition of a “community housing development organization” in §92.2 and that other requirements, outlined in Sections 6 (predevelopment) and 7 (operating) below, have been satisfied.

CHDO Requirements	Rule Citation	Requirement satisfied & documented
ORGANIZATIONAL REQUIREMENTS		
1. Legal structure		
1.1. The organization is organized under state or local law.	§92.2 CHDO Definition ¶ (1)	<input type="checkbox"/>
1.2. The organization has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons.	§92.2 CHDO Definition ¶ (7)	<input type="checkbox"/>
1.3. The organization has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual.	§92.2 CHDO Definition ¶ (2)	<input type="checkbox"/>
1.4. The organization is not under the control or direction by any individual or entity seeking to derive profit or gain.	§92.2 CHDO Definition ¶ (3)	<input type="checkbox"/>
1.5. The organization has one of the following IRS tax exempt statuses: 1.5.1. Exemption under 501(c)(3) or 501(c)(4); 1.5.2. Subordinate of a central nonprofit under IRC Section 905; or 1.5.3. A private nonprofit that is a wholly owned subsidiary of an organization that has 501(c)(3) or (c)(4) status and meets the CHDO definition.	§92.2 CHDO Definition ¶ (4)	<input type="checkbox"/>
1.6. The organization is not a governmental entity (any of the following: participating jurisdiction, other jurisdiction, Indian tribe, public housing agency, Indian housing authority, housing finance agency, or redevelopment authority).	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/>
2. Independence		
2.1. Public officials & employees of a governmental entity may comprise no more than 1/3 of the board.	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/>
2.2. Officers and employees of a governmental entity cannot be officers (e.g. CEO, CFO, or COO) or employees of a CHDO.	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/>

CHDO Requirements	Rule Citation	Requirement satisfied & documented
2.3. If the organization was created by a governmental entity, then the governmental entity that created the organization may not appoint more than 1/3 of the board members and board members appointed by the governmental entity may not appoint remaining 2/3.	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/> Applicable
2.4. If the organization was created by a for-profit entity, then 2.4.1 through 2.4.4 apply:		<input type="checkbox"/> Applicable
2.4.1. The for-profit entity that sponsored or created the organization may not have as its primary purpose the development or management of housing, such as a builder, developer, or real estate management firm.	§92.2 CHDO Definition ¶ (3)(i)	<input type="checkbox"/>
2.4.2. The for-profit entity that created the organization may not appoint more than 1/3 board members, and for-profit-appointed members may not appoint remaining 2/3 of board.	§92.2 CHDO Definition ¶ (3)(ii)	<input type="checkbox"/>
2.4.3. Officers and employees of the for-profit entity that created the organization cannot be officers or employees of the CHDO.	§92.2 CHDO Definition ¶ (3)(iv)	<input type="checkbox"/>
2.4.4. The organization must be free to contract for goods & services with others.	§92.2 CHDO Definition ¶ (3)(iii)	<input type="checkbox"/>
3. Accountability to the Low Income Community		
3.1. The organization must have a designated service area (i.e. the "community" in which it produces housing). A community can be a neighborhood or neighborhoods, city, county, metropolitan area, or multi-county area (but not the entire State).	§92.2 CHDO Definition ¶ (8)(i)	<input type="checkbox"/>
3.2. At least 1/3 of the board members are: 1) low-income; 2) residents of a low-income neighborhood; or 3) elected representatives of a low-income neighborhood organization.	§92.2 CHDO Definition ¶ (8)(i)	<input type="checkbox"/>
3.3. The organization has a formally adopted process for low-income beneficiaries to advise it on decisions regarding design, siting, development, and management of housing.	§92.2 CHDO Definition ¶ (8)(ii)	<input type="checkbox"/>
3.4. The organization has at least 1 year of serving the community, or, if it is formed by local churches, service organizations, or neighborhood organizations, its parent organization meets this requirement.	§92.2 CHDO Definition ¶ (10)	<input type="checkbox"/>
4. Capacity		
4.1. The organization has financial management systems that conform to 2 CFR 200.302 and 200.303	§92.2 CHDO Definition ¶ (6)	<input type="checkbox"/>

CHDO Requirements	Rule Citation	Requirement satisfied & documented
4.2. The organization has paid employees with demonstrated experience relevant to the CHDO's role in undertaking the HOME activity to be funded. (Note: this does not include volunteers, board members, donated or shared staff, or consultants – except as described in 4.1.1. below.)	§92.2 CHDO Definition ¶ (9)	<input type="checkbox"/>
4.1.1. During the first year of an organization's funding as a CHDO only, capacity can be demonstrated through a contract with a consultant who has housing development experience to train appropriate key staff of the organization.	§92.2 CHDO Definition ¶ (9)	<input type="checkbox"/>
CHDO ROLE		
5. CHDO set-aside project CHDOs can undertake either homebuyer or rental projects, as described below, with CHDO set-aside funds:		<input type="checkbox"/> Applicable
5.1. Homebuyer projects in accordance with §92.254 To qualify under CHDO set-aside, must meet 5.1.1 and 5.1.2:		<input type="checkbox"/> Applicable
5.1.1. Developer: The organization is or will be the owner in fee simple and the developer of new or rehabilitated units for sale to low-income buyers	§92.300(a)(6)	<input type="checkbox"/>
5.1.2. The organization will control the development process including, at a minimum, arranging financing for the project and being in sole charge of construction.	§92.300(a)(6)(i)	<input type="checkbox"/>
5.2. Rental projects in accordance with §92.252 To qualify under CHDO set-aside, must meet one of the following:		<input type="checkbox"/> Applicable
5.2.1. Own: The organization is or will be owner in fee simple absolute (or will hold a long term ground lease) for at least the period of affordability. If project involves rehabilitation or construction, organization will <u>oversee</u> all aspects of development.	§92.300(a)(2)	<input type="checkbox"/>
5.2.2. Develop: The organization is or will be owner in fee simple absolute (or will hold a long term ground lease) for at least the period of affordability, and will <u>be in sole charge</u> of all aspects of the development process.	§92.300(a)(3)	<input type="checkbox"/>
5.2.3. Sponsor: Must meet one of the following:		<input type="checkbox"/> Applicable
5.2.3.1. The organization will own and develop project that it will convey at a predetermined time after completion to a designated private nonprofit (that was not created by a governmental entity).	§92.300(a)(5)	<input type="checkbox"/>

CHDO Requirements	Rule Citation	Requirement satisfied & documented
5.2.3.2. The project will be owned and/or developed by an eligible CHDO affiliate, including: <ul style="list-style-type: none"> • A wholly owned subsidiary of the CHDO; or • A limited partnership of which the CHDO or its wholly owned subsidiary is the sole general partner; or • A limited liability company of which the CHDO or its wholly owned subsidiary is the sole managing member. 	§92.300(a)(4)	<input type="checkbox"/>
CHDO PREDEVELOPMENT		
6. CHDO pre-development loan If a project specific pre-development loan is being provided, in addition to meeting CHDO qualification listed in Items 1 – 4 above and having a set-aside eligible project under Item 5, the predevelopment loan must designated as one of following two loan types:		<input type="checkbox"/> Applicable
6.1. TA/site control loan: The loan is for allowable costs specified in §92.301(a)(2) for planning an eligible set-aside project.	§92.301(a)	<input type="checkbox"/>
6.1.1. Document the environmental exemption under 24 CFR 58.34(a) and/or 58.35(b).	§92.352	<input type="checkbox"/>
6.2 Seed money loan: The loan is for allowable preconstruction costs specified in §92.301(b)(1) for planning an eligible set-aside project.	§92.301(b)	<input type="checkbox"/>
6.2.1 Document the environmental exemption under 24 CFR 58.34(a) and/or 58.35(b).	§92.352	<input type="checkbox"/>
CHDO OPERATING		
7. CHDO operating expenses If CHDO operating expenses are being provided, the organization must meet the CHDO qualification requirements listed in Items 1 – 4 above, or the organization must meet requirements in 1-3 and item 4.1 above and be receiving the operating funds specifically to hire staff to meet the requirements in 4.2 above. In addition, the CHDO must meet the following requirements	§92.208(c)	<input type="checkbox"/> Applicable
7.1. The organization is funded from the set-aside for a project under development, or is reasonably expected to be funded from the CHDO set-aside within 24 months	§92.300(e)	<input type="checkbox"/>
7.2. The operating expense funds will be used for eligible operating costs that are reasonable and necessary	§92.208(a)	<input type="checkbox"/>
7.3. Operating expense funding (including from other PJs and any Pass-Through funding) in the fiscal year will not exceed the greater of \$50,000 or 50% of the organization's total operating expenses in that year	§92.300(f)	<input type="checkbox"/>

CHDO CERTIFICATION

8. CHDO Certification

- The organization meets **all** CHDO regulatory thresholds, **AND** one or more of the following:
 - The organization has a project meets the project eligibility requirements of 92.300 for a reservation of CHDO set-aside funds.
 - The organization has a project that qualifies for a pre-development loan for eligible costs under 92.301.
 - The organization qualifies for Operating Expenses.

Signature _____

Date _____

Name _____

Title _____

Draft

CHDO-2

INSERT CHDO CERTIFICATION APPLICATION

CHDO-2



CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

SECTION I. APPLICANT and CO-SPONSOR

Applicant and Co-Sponsor Information

1.1 Applicant

Applicant Name, Applicant Address, City, State, Zip, Contact Name, Title, Phone, Fax, Email, FEIN, TIN

1.2 Co-Sponsor

Co-Sponsor Name, Co-Sponsor Address, City, State, Zip, Contact Name, Title, Phone, Fax, Email, FEIN

If awarded funds pursuant to this application, will the applicant or co-sponsor be the recipient of funds? Yes No

If "No", please indicate type of entity-to-be-formed and anticipated name:

1.3 Please check appropriate Applicant type:

- Individual, Partnership *, Housing Authority, Other, For-Profit Entity, Limited Liability Company, Community Development Corporation *, Non-Profit Entity

*Date Corp or Partnership was established:

1.4 Please check appropriate Co-Sponsor type

- Individual, Partnership *, Housing Authority, Other, For-Profit Entity, Limited Liability Company, Community Development Corporation *, Non-Profit Entity

*Date Corp or Partnership was established:

If joint venture, explain the role of the non-profit:

Empty box for joint venture explanation



**CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION**

1.5 Organizational Documents

If the applicant or co-sponsor is a legally existing organization, submit a copy of any incorporation documents and bylaws, including (if applicable) documentation of non-profit status and certificate of legal existence for the current year.

1.6 Management Changes

Yes No

Has there been any management or ownership changes in the Applicant and/or Co-Sponsor entity in the last twelve-month period? (if "Yes" describe below) Yes No

1.7 Financial Statements

Attach the last three years audited financial statements or personal financial statements (include notes and projections) for both the applicant, co-sponsors, and principals. If the Applicant and Co-Sponsor is newly formed with no historical financial statements, then please provide financial statements for the parent organization.

1.8 Applicant and Co-Sponsor's Capacity and Experience

1.8.a. Please provide a written description of the Applicant's and Co-Sponsor's record of performance, qualifications and capacity to perform its responsibilities for this development.

1.8.b. Work Completed and in Process

On the Applicant Capacity form (Exhibit A) provided, please identify:

1. All developments currently underway by the Applicant or co-sponsor
2. Developments completed in the last five years
3. Five completed developments of similar type and scale in the last five years

1.9 Bankruptcy

1.9.a Has the Applicant, Co-Sponsor, or any members of its development team, ever declared bankruptcy? Yes No

1.10 Taxes

Are the applicant and Co-Sponsor current on all local, state, and federal taxes? Yes No

SECTION II. DEVELOPMENT TEAM

2.1 Qualified Development Team Contact Information

Provide information identifying the proposed qualified development team members on the form provided (Exhibit B). Provide descriptions of relevant experience and qualifications for each team member. Include resumes for all development team members.

SECTION III. DEVELOPMENT

3.1 Development Schedule

Complete a development schedule based on key events (acquisition, site plan approval, construction, occupancy, etc.) (Exhibit C).

3.2 Does the Applicant and/or Co-Sponsor have a previous financial involvement or history with this property? Yes No

3.3 Has the Applicant and/or Co-Sponsor met with the Planning Department regarding this project? Yes No

3.4 Site Control (check all that apply)

Please attach copies of all site control documents received to date.

	Number of Parcels
Deed	
Option Agreement*	
Purchase Contract*	
Ground Lease	
Other (i.e. -- designated/preferred developer agreement)	

Deed Acquisition Price _____ Acquisition Date _____



CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

Option Agreement* Expiration Date _____
Purchase Contract* Expiration Date _____
Ground Lease Ground Lessor _____ Maturity Date _____
Other (i.e. -- designated/preferred developer agreement) _____

3.5 Site Plan

Please provide a preliminary site plan including building footprint(s) and all site improvements (identify scale on the drawings).

3.6 Schematic Drawings

Please provide elevations and proposed floor plans, if available (identify scale on the drawings).

SECTION IV. FINANCING

4.1 Labor Standards/Prevailing Wages

For projects that trigger federal prevailing wage requirements, the bid and construction documents must include all standard federal Labor Compliance clauses and the cost estimate must be based on Davis-Bacon costs. Contact your Project Representative prior to submission of the application to determine if Federal Labor requirements will be triggered. Developers, Consultants, Contractors and Subcontractors must be cleared from State and Federal Suspended and Disbarred Contractor Lists.

Will Davis Bacon wage raters be required for this project? (Check "Yes" if there will be 12 or more HOME assisted units)

[] Yes [] No

4.2 Attach Development and Operating Pro-formas Including Sources and Uses of Funds (Submit own forms)

Applicant Signature _____

_____ Date

Co-Sponsor Signature _____

_____ Date



EXHIBIT A - APPLICANT CAPACITY FORM

DEVELOPMENT NAME APPLICANT

CURRENT PROJECTS UNDERWAY

Applicant/Co-Sponsor Name	Project Name	Stage	# of Units	Date Initiated	Planned Completion Date	Total Development Budget	Town/ City

PROJECTS COMPLETED

Applicant/Co-Sponsor Name	Project Name	Project Type	# of Units	Date Initiated	Date Completed	Total Development Budget	Town/ City

PROJECTS OF SIMILAR TYPE & SCALE

Applicant/Co-Sponsor Name	Project Name	Project Type	# of Units	Date Initiated	Date Completed	Total Development Budget	Town/ City



EXHIBIT B - QUALIFIED DEVELOPMENT TEAM CONTACT INFORMATION

DEVELOPMENT NAME #REF! APPLICANT 0

APPLICANT

(Owner/Mortgagor): 0
Address: 0
, 0 Website:
Principal(s):
Contact Person: 0 Email Address: 0
Telephone Number: 0 Fax Number: 0

DEVELOPER

(Legal Name):
Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

ARCHITECT

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

CONTRACTOR

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

OTHER

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:



EXHIBIT C - DEVELOPMENT SCHEDULE

DEVELOPMENT NAME	#REF!	APPLICANT	0
-------------------------	-------	------------------	---

Activity	Date: Month/Year	City Use Only
Current Year:	2016	
Site:		
Option/Contract		
Site Acquisition		
Zoning Approval		
Site Analysis		
Financing:		
Construction Loan		
Loan Application		
Conditional Commitment		
Firm Commitment		
Permanent Loan		
Loan Application		
Conditional Commitment		
Firm Commitment		
Other Loans & Grants		
Type & Source:	(describe)	
Application		
Award		
Other Loans & Grants		
Type & Source:		
Application		
Award		
Other Loans & Grants		
Type & Source:	(describe)	
Application		
Award		
Plans & Specifications:		
Schematics		
40% drawings		
100% drawings		
Closing & Transfer of Property		
Construction Start		
Completion of Construction		
Lease-up		
Sustaining Occupancy		
Proforma Stabilized Year*		

Will project construction be in phases? Yes No

If Yes, please indicate phase below and provide a separate schedule for each phase on separate sheet.

Phase: _____

** Proforma Stabilized Year (PSY) is the first full year following leaseup with sustaining occupancy.*

NOTE: If not applicable; please write N/A

CITY OF CLEARWATER HOME PROGRAM RENTAL HOUSING PROCEDURES

Table of Contents

HOME Rental Housing Procedures

Attachment HRH-1 – Application for Rental Housing

Attachment HRH-2 – HOME Rent Limits

Attachment HRH-3 – Subsidy Funding Levels

CITY OF CLEARWATER HOME PROGRAM RENTAL HOUSING PROCEDURES

Introduction

The City of Clearwater has been designated by HUD to administer the HOME Program as established by the 24 CFR 92, as amended.

The City's intent is to utilize the HOME Program Funds for the creation of rental housing units for low and very low-income households in the City of Clearwater. The goal is to develop projects that meet the following objectives:

- a. To create safe, decent and affordable rental units for households having the lowest incomes.
- b. To maintain the affordability of the rental units for the longest period of time possible.
- c. To assist in the provision of financially viable, market-appropriate housing in the areas of greatest housing need in the City.
- d. To assist in the provision of quality housing at a reasonable cost to meet a variety of needs, including family, elderly and special need populations.
- e. To provide existing affordable rental housing units for persons with disabilities with a preference for veterans.

HOME funds may be used for acquisition, new construction or rehabilitation of affordable rental housing. Owners of the rental housing may be small property owners, for-profit developers, non-profit housing providers, CHDOs or government agencies. Owners will be "desk monitored" on an annual basis by the City of Clearwater to ensure compliance in occupancy, rent restrictions, affordability requirements, and property standards. Additionally, an on-site inspection will be required to be conducted a minimum of once every three (3) years.

The application to apply for rental housing funds can be viewed in attachment **HRH-1**.

Construction or Rehabilitation of Units

New Construction

All newly constructed rental units must meet the applicable State and Local residential and building codes upon project completion. All newly constructed rental units must also meet the accessibility requirements of 24 CFR Part 8 (implements Section 504 of the Rehabilitation Act of

1973) and Titles II and III of the Americans with Disabilities Act implemented at 28 CFR Parts 35 and 36, as applicable. Covered multifamily dwellings, (buildings consisting of 4 or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of 4 or more dwelling units) must also meet design and construction requirements at 24 CFR 100.205.

Rehabilitation

City of Clearwater has adopted a modified version of the State of Florida Minimum Housing Rehabilitation Standards as the standard for all rehabilitation work. A copy of these standards is available on the City of Clearwater website.

Rent Restrictions

Owners of HOME projects must keep units affordable to low-income tenants during the entire affordability period. Maximum rent limits are published by HUD annually and distributed to recipients of funds. Current rent limits are contained in **HRH-2** and are updated annually. In the event that limits go below the rate published at the time of contract execution, owners will not be required to lower rents and may retain their current rates. Owners may request an increase in rent as rent limits change. However, the owners may not change a tenant's rent prior to the expiration date on the lease agreement. Owners must provide tenants at least **thirty (30) days** notification of rent increases. The City of Clearwater shall review and approve all proposed rent increases.

Site and Neighborhood Standards

New construction rental projects must ensure that the project conforms to the "Site and Neighborhood Standards" as described in 24CFR 983.6(b).

Project Completion

Rental projects are considered complete once construction is completed and the units are ready for occupancy. All HOME units within a rental projects must be rented to an initial occupant within 18 months of project completion. All HOME funding will be required to be repaid to HUD for units not occupied within the 18-month time frame. All HOME assisted units must be completed within four (4) years of signing the funding agreement between the Owner and the City of Clearwater. Funds expended on units that are not complete within the required 4 years will result in the repayment of all HOME funding to the City of Clearwater for reimbursement to HUD. Funding agreements must be signed within 12 months of the beginning of the program year.

Funding Levels

The minimum amount of funding that can be applied to a HOME assisted unit is \$1,000. The maximum amount of funding that can be applied to a HOME assisted unit is the 221(d)(3) limit as published each year and provided to the City of Clearwater by HUD. The current limit is attached as **HRH-3**.

Note: Participating jurisdictions should contact the Community Planning and Development (CPD) Division in their local HUD Field Offices to obtain the most recent maximum HOME per-unit subsidy limits that apply to their jurisdictions.

Reference Materials:

- HUD HOME-CDBG Guidebook
<https://www.hudexchange.info/resources/documents/HOME-CDBGGuidebook.pdf>
- HOME Laws and Regulations
<https://www.hudexchange.info/programs/home/home-laws-and-regulations/>
- HOME Rule at 24 CFR 92.2
- Monitoring HOME Guidebook
https://www.hudexchange.info/resources/documents/MonitoringHOME_Guidebook.pdf
- Site and Neighborhood Standards at 24 CFR 983.6(b)
- City of Clearwater HOME CHDO Procedures
- City of Clearwater 5-Year Consolidated Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- City of Clearwater Citizen Participation Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>



**CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION**

SECTION I. APPLICANT and CO-SPONSOR

Applicant and Co-Sponsor Information

1.1 Applicant

Applicant Name _____

Applicant Address _____

City _____ State _____ Zip _____

Contact Name _____ Title _____

Phone _____ Fax _____

Email _____ FEIN _____

TIN _____

1.2 Co-Sponsor

Co-Sponsor Name _____ Not Applicable

Co-Sponsor Address _____

City _____ State _____ Zip _____

Contact Name _____ Title _____

Phone _____ Fax _____

Email _____ FEIN _____

If awarded funds pursuant to this application, will the applicant or co-sponsor be the recipient of funds? Yes No

If "No", please indicate type of entity-to-be-formed and anticipated name: _____

1.3 Please check appropriate Applicant type:

Individual For-Profit Entity Non-Profit Entity

Partnership * Limited Liability Company

Housing Authority Community Development Corporation *

Other _____

*Date Corp or Partnership was established: _____

1.4 Please check appropriate Co-Sponsor type

Individual For-Profit Entity Non-Profit Entity

Partnership * Limited Liability Company

Housing Authority Community Development Corporation *

Other _____

*Date Corp or Partnership was established: _____

If joint venture, explain the role of the non-profit:



**CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION**

1.5 Organizational Documents

If the applicant or co-sponsor is a legally existing organization, submit a copy of any incorporation documents and bylaws, including (if applicable) documentation of non-profit status and certificate of legal existence for the current year.

1.6 Management Changes

Yes No

Has there been any management or ownership changes in the Applicant and/or Co-Sponsor entity in the last twelve-month period? (if "Yes" describe below) Yes No

1.7 Financial Statements

Attach the last three years audited financial statements or personal financial statements (include notes and projections) for both the applicant, co-sponsors, and principals. If the Applicant and Co-Sponsor is newly formed with no historical financial statements, then please provide financial statements for the parent organization.

1.8 Applicant and Co-Sponsor's Capacity and Experience

1.8.a. Please provide a written description of the Applicant's and Co-Sponsor's record of performance, qualifications and capacity to perform its responsibilities for this development.

1.8.b. Work Completed and in Process

On the Applicant Capacity form (Exhibit A) provided, please identify:

1. All developments currently underway by the Applicant or co-sponsor
2. Developments completed in the last five years
3. Five completed developments of similar type and scale in the last five years

1.9 Bankruptcy

1.9.a Has the Applicant, Co-Sponsor, or any members of its development team, ever declared bankruptcy? Yes No

1.10 Taxes

Are the applicant and Co-Sponsor current on all local, state, and federal taxes? Yes No

SECTION II. DEVELOPMENT TEAM

2.1 Qualified Development Team Contact Information

Provide information identifying the proposed qualified development team members on the form provided (Exhibit B). Provide descriptions of relevant experience and qualifications for each team member. Include resumes for all development team members.

SECTION III. DEVELOPMENT

3.1 Development Schedule

Complete a development schedule based on key events (acquisition, site plan approval, construction, occupancy, etc.) (Exhibit C).

3.2 Does the Applicant and/or Co-Sponsor have a previous financial involvement or history with this property? Yes No

3.3 Has the Applicant and/or Co-Sponsor met with the Planning Department regarding this project? Yes No

3.4 Site Control (check all that apply)

Please attach copies of all site control documents received to date.

	Number of Parcels
Deed	
Option Agreement*	
Purchase Contract*	
Ground Lease	
Other (i.e. -- designated/preferred developer agreement)	

Deed	Acquisition Price		Acquisition Date	
Option Agreement*	Expiration Date			
Purchase Contract*	Expiration Date			
Ground Lease	Ground Lessor		Maturity Date	



CITY OF CLEARWATER, FLORIDA
2016 APPLICATION FOR DEVELOPMENT OF HOUSING PROJECTS
FUNDED THROUGH THE
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

Other (i.e. -- designated/preferred developer agreement)

3.5 Site Plan

Please provide a preliminary site plan including building footprint(s) and all site improvements (identify scale on the drawings).

3.6 Schematic Drawings

Please provide elevations and proposed floor plans, if available (identify scale on the drawings).

SECTION IV. FINANCING

4.1 Labor Standards/Prevailing Wages

For projects that trigger federal prevailing wage requirements, the bid and construction documents must include all standard federal Labor Compliance clauses and the cost estimate must be based on Davis-Bacon costs. Contact your Project Representative prior to submission of the application to determine if Federal Labor requirements will be triggered. Developers, Consultants, Contractors and Subcontractors must be cleared from State and Federal Suspended and Disbarred Contractor Lists.

Will Davis Bacon wage raters be required for this project? (Check "Yes" if there will be 12 or more HOME assisted units)

Yes No

4.2 Attach Development and Operating Pro-formas Including Sources and Uses of Funds (Submit own forms)

Applicant Signature

Date

Co-Sponsor Signature

Date



EXHIBIT A - APPLICANT CAPACITY FORM

DEVELOPMENT NAME

APPLICANT

CURRENT PROJECTS UNDERWAY

Applicant/Co-Sponsor Name	Project Name	Stage	# of Units	Date Initiated	Planned Completion Date	Total Development Budget	Town/ City

PROJECTS COMPLETED

Applicant/Co-Sponsor Name	Project Name	Project Type	# of Units	Date Initiated	Date Completed	Total Development Budget	Town/ City

PROJECTS OF SIMILAR TYPE & SCALE

Applicant/Co-Sponsor Name	Project Name	Project Type	# of Units	Date Initiated	Date Completed	Total Development Budget	Town/ City



EXHIBIT B - QUALIFIED DEVELOPMENT TEAM CONTACT INFORMATION

DEVELOPMENT NAME #REF! APPLICANT 0

APPLICANT

(Owner/Mortgagor): 0
Address: 0
, 0 Website:
Principal(s):
Contact Person: 0 Email Address: 0
Telephone Number: 0 Fax Number: 0

DEVELOPER

(Legal Name):
Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

ARCHITECT

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

CONTRACTOR

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:

OTHER

Address:
Website:
Principal(s):
Contact Person: Email Address:
Telephone Number: Fax Number:



EXHIBIT C - DEVELOPMENT SCHEDULE

DEVELOPMENT NAME

APPLICANT

Activity	Date: Month/Year	City Use Only
Current Year:	2016	
Site:		
Option/Contract		
Site Acquisition		
Zoning Approval		
Site Analysis		
Financing:		
Construction Loan		
Loan Application		
Conditional Commitment		
Firm Commitment		
Permanent Loan		
Loan Application		
Conditional Commitment		
Firm Commitment		
Other Loans & Grants		
Type & Source:	(describe)	
Application		
Award		
Other Loans & Grants		
Type & Source:		
Application		
Award		
Other Loans & Grants		
Type & Source:	(describe)	
Application		
Award		
Plans & Specifications:		
Schematics		
40% drawings		
100% drawings		
Closing & Transfer of Property		
Construction Start		
Completion of Construction		
Lease-up		
Sustaining Occupancy		
Proforma Stabilized Year*		

Will project construction be in phases? Yes No

If Yes, please indicate phase below and provide a separate schedule for each phase on separate sheet.

Phase: _____

* Proforma Stabilized Year (PSY) is the first full year following leaseup with sustaining occupancy.

NOTE: If not applicable; please write N/A

Attachment HRH-2

Tampa-St. Petersburg-Clearwater, FL MSA	2017 HOME Program Rents						
	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
Low HOME Rent Limit	\$523.00	\$561.00	\$673.00	\$777.00	\$867.00	\$957.00	\$1,046.00
High HOME Rent Limit	\$706.00	\$758.00	\$912.00	\$1,044.00	\$1,145.00	\$1,245.00	\$1,345.00
For Information Only:							
Fair Market Rent	\$714.00	\$815.00	\$1,014.00	\$1,341.00	\$1,609.00	\$1,850.00	\$2,092.00
50% Rent Limit	\$525.00	\$562.00	\$675.00	\$780.00	\$870.00	\$960.00	\$1,050.00
65% Rent Limit	\$706.00	\$758.00	\$912.00	\$1,044.00	\$1,145.00	\$1,245.00	\$1,345.00

Note: HOME Rent Limits are updated annually. Visit attached link to confirm accuracy: <https://www.hudexchange.info/programs/home/home-rent-limits/>

Participating jurisdictions should contact the Community Planning and Development (CPD) Division in their local HUD Field Offices to obtain the most recent maximum HOME per-unit subsidy limits that apply to their jurisdictions.

**2015 MAXIMUM SUBSIDY LIMITS
HOME Program
Effective January 1, 2015**

LOCALITY	0 BR	1 BR	2 BR	3 BR	4 BR
Cocoa*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Daytona Beach*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Ft. Pierce*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Gainesville*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Jacksonville*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Lakeland *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Orlando *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Panama City	\$128,431	\$147,230	\$179,029	\$231,607	\$254,232
Pensacola	\$132,518	\$151,915	\$184,725	\$238,976	\$262,321
Sarasota *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Tallahassee*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Tampa *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344

*Capped at 240% -Maximum Subsidy PerUnit

**2015 MAXIMUM SUBSIDY LIMITS
HOME Program
Effective January 1, 2015
(South Florida)**

LOCALITY	0 BR	1 BR	2 BR	3 BR	4 BR
Ft. Lauderdale*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Ft. Meyers*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Marathon *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Miami*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
West Palm Beach*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344

* Capped at 240%- Maximum Subsidy Per Unit

CITY OF CLEARWATER HOME PROGRAMS HOMEOWNERSHIP HOUSING PROCEDURES

Table of Contents

Homeownership Housing Procedures

Attachment HHH1 – Subsidy Layering and Underwriting Guidelines

Attachment HHH2 – Contractor Payment Request

Attachment HRH-3 – Subsidy Funding Levels

CITY OF CLEARWATER HOME PROGRAM HOMEOWNERSHIP HOUSING PROCEDURES

Introduction

The City of Clearwater has been designated by HUD to administer the HOME Program as established by the 24 CFR 92, as amended.

The City's intent is to utilize the HOME Program Funds for the creation and rehabilitation of homeowner occupied housing units for low and very low-income households in the City of Clearwater. The goal is to develop projects that meet the following objectives:

- a. To create safe, decent and affordable homeowner occupied housing units for households having the lowest incomes.
- b. To assist in the provision of financially viable, market-appropriate homeowner occupied housing in the areas of greatest housing need in the City.
- c. To assist in the provision of quality housing at a reasonable cost to meet a variety of needs, including family, elderly and special need populations.
- d. To provide existing affordable homeowner occupied housing units for persons with disabilities with a preference for veterans.

Construction or Rehabilitation of Units for Resale

City of Clearwater HOME funds may be utilized by entities for the construction or rehabilitation of units for resale for homeownership to qualified low-income (up to 80% of AMI) individuals and/or families.

- Environmental and historical reviews must be conducted by the City of Clearwater on every project. The City of Clearwater will notify the agency of documentation needed to complete the review. It is the responsibility of the owner/developer to ensure that the City of Clearwater has all information necessary to complete the reviews. Environmental and historical reviews will be completed prior to the award of a Grant Agreement. Projects may not commence and funds may not be expended (federal or non-federal) until the review is completed and HUD releases the project.
- Grant agreements will only be signed upon the submission of project timeline and final commitment and proof of all other funding sources.
- Construction plans and/or work specifications must be submitted to the City of Clearwater to be reviewed prior to the execution of the HOME Grant Agreement

between the City of Clearwater and the owner/developer. All plans must be approved prior to commencement of construction. Any changes to the approved plans must be submitted to City of Clearwater for approval.

- Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review are completed, as noted in **HHH-1**. Construction must commence within 12 months of the project commitment. Grant agreements will not be signed until this information has been submitted to and approved by the City of Clearwater.
- The City of Clearwater will not approve a grant agreement until a buyer is pre-approved to purchase the property upon completion.
- HOME Grant Agreements must be signed within fourteen (14) days of the receipt of the funding agreement from the City of Clearwater.
- Construction must begin within three (3) months of plans and/or work specification approval by the City of Clearwater.
- For projects that require acquisition of land or property, the agency may obtain a purchase option agreement in lieu of full ownership. The agreement must state that the purchase of the property is contingent upon the results of the environmental review and the release of funds by HUD.
- All legal notices and advertisements pertaining to construction of the project must be reviewed by the City of Clearwater prior to publication.
- All new construction projects must meet the federal energy efficiency standards and must meet or exceed building codes as established by City of Clearwater or other governing jurisdiction.
- All rehabilitation projects must meet the City of Clearwater Minimum Housing Rehabilitation Standards adopted by the City of Clearwater and follow all local applicable building codes.
- Construction files must be maintained and accessible for a minimum of five (5) years beyond the affordability period.

Owner-Occupied Housing Rehabilitation

The City of Clearwater manages and operates an in-house owner-occupied housing rehabilitation program. The program policies and guidelines are reviewed and modified as needed on an annual basis.

The maximum after-rehab value of a property assisted with HOME funds may not exceed the HOME Homeownership Value Limits as published each year by HUD.

Down Payment Assistance

The City of Clearwater, a subrecipient, or a CHDO may provide a Down Payment Assistance Grant to eligible homebuyers through HOME Program funds.

The Maximum Assistance that a Borrower can obtain from the City's DPA program is **\$14,000** unless:

- The Client is purchasing a property located within the City-identified Target or Revitalization area, additional assistance may be available; or
- The Borrower's PITI is less than 20%, assistance will not be available from the City of Clearwater.

In depth down payment assistance procedures can be found in the City of Clearwater Down Payment Assistance Information Manual.

Bid Procedures

- All projects, except for CHDO projects, must be sent out for public bid regardless of other funding sources in the project. (Projects involving Low-Income Housing Tax Credit (LIHTC) funding may request a waiver of this requirement.) Bid documents must be approved by the City of Clearwater prior to advertisement. Failure to receive prior approval will result the project non-compliance and termination of the funding agreement.
- Bid packets must be available for pickup for a minimum of two (2) weeks.
- Bids must be sealed when submitted to the agency. All bids will be opened by the agency at a pre-designated date and time.
- City of Clearwater staff and all bidders must be notified of date and time of bid opening.
- Normally the lowest, most responsive bidder will be awarded the contract. In the event the agency selects a bid other than the lowest, they must submit the bids along with documentation to support the selection to the City of Clearwater for approval. This may or may not be approved by the City of Clearwater.

Payment and Release of Funds

- Funds are disbursed on a reimbursement basis. If the Agency is unable to meet the cost of construction and/or services on a reimbursement basis, payment terms must be discussed and approved by City of Clearwater staff prior to construction.
- Agencies must submit one copy of a HOME Request for Payment (**HHH-2**) form along with copies of the invoice from the contractor or service provider. Claims submitted without proper back-up documentation will be returned to the Agency. No faxed copies of the "HOME Request for Payment" form will be accepted. However, a scanned copy with an original signature in blue ink will be accepted.
- The City of Clearwater may hold payment including final payment for the project pending inspection and approval by the City of Clearwater for possible Davis Bacon and all other federal requirements as well as requirements of the Grant Agreement. The

funds will not be released until the City of Clearwater has received and approved all required documentation. All new construction projects must have a Certificate of Occupancy from City of Clearwater or other governing jurisdiction. All rehab projects must be inspected by a City of Clearwater housing inspector and have documentation indicating the property complies with building code regulations.

Relocation

HOME projects must comply with the Uniform Relocation Act (URA) whenever displacement occurs as a direct result of HOME-assisted rehabilitation, demolition or acquisition, including acquisition for homebuyer activities. If the proposed project is occupied at the time of application, contact the City of Clearwater for detailed regulations. Failure to do so may result in disqualification of your application as you may be required to submit notifications as part of your application. It is the expressed policy of City of Clearwater to strictly comply with the URA and to minimize displacement.

Cost Overruns

Applicants should make every effort to be realistic when developing the construction and development budgets. Construction budgets should be comprehensive and should consider items such as the removal of lead based paint and asbestos, the effect of cost estimating now for work to be performed some months into the future, and contingencies.

- The City of Clearwater does not keep a reserve account for cost overruns. Funds will not be available to pay for cost overruns. Overruns will be the responsibility of the owner or developer. The protocol for payment of HOME funds to the project is:
 - GAP
 - Contingency
 - Developer Fee

Developer Fees

- Developer fees may not exceed 15% of the total project costs. The final payment of Developer fees will be the last funds paid for a project. In the event of cost overruns, developer fees must be used as a contingency fund if no other funds are available.

Project Completion

A Homeownership housing project is considered complete when:

- All necessary title transfer requirements and construction work are complete; and
- Project complies with the property standards under 24 CFR 92.251; and
- Final payment of HOME funds has been disbursed; and
- All project completion data has been submitted to City of Clearwater including demographic information on the homeowner and City of Clearwater has approved and entered the completion data into IDIS (Integrated Disbursement Information System).

Project must be completed within four (4) years of the signing of the Grant Agreement with the City of Clearwater.

The 2013 amended HOME Final Rule requires that all units must be sold within nine (9) months of a certificate of occupancy. Units not sold within this time frame must be converted to rental units per 24 CFR 92.254. The City's HOME policy is that homeownership units are preferred over rental units. Therefore, the City will not enter into a grant agreement until a buyer is prequalified, and there are a pool of alternate buyers.

Owner must provide a market study to ensure that the units will be sold within the required time frame, along with documentation of a prequalified buyer and pool of alternate buyers.

Funding Levels

The minimum amount of funding that can be applied to a HOME assisted unit is \$1,000. The maximum amount of funding that can be applied to a HOME assisted unit is determined by the HOME Homeownership Value Limits as published each year and provided to the City of Clearwater by HUD. The current limit is attached as **HHH-3**.

Note: Participating jurisdictions should contact the Community Planning and Development (CPD) Division in their local HUD Field Offices to obtain the most recent maximum HOME per-unit subsidy limits that apply to their jurisdictions.

Reference Materials:

- HUD HOME-CDBG Guidebook
<https://www.hudexchange.info/resources/documents/HOME-CDBGGuidebook.pdf>
- HOME Laws and Regulations
<https://www.hudexchange.info/programs/home/home-laws-and-regulations/>
- HOME Rule at 24 CFR 92.2
- Monitoring HOME Guidebook
https://www.hudexchange.info/resources/documents/MonitoringHOME_Guidebook.pdf
- Uniform Act (URA), 24 CFR Part 24
- HUD Handbook 1378,
https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780
- City of Clearwater HOME CHDO Procedures
- City of Clearwater Down Payment Assistance Information Manual

- City of Clearwater 5-Year Consolidated Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>
- City of Clearwater Citizen Participation Plan
<http://www.myclearwater.com/government/city-departments/affordable-housing/plans-and-reports>

Subsidy Layering Review and Underwriting Guidelines:

As described in 24 CFR 92.250, the City of Clearwater is required to:

1. Evaluate subsidy layering and conduct or examine the underwriting of all projects to ensure that the HOME subsidy is not excessive and does not result in an undue or excessive return to the owner; and
2. Assess, at a minimum, the current market demand in the neighborhood in which the project will be located, the experience of the developer, the financial capacity of the developer, and firm financial commitments for the project.

Underwriting capacity does not apply to owner-occupied rehabilitation projects where assistance is provided as a grant or deferred, forgivable loans to owner-occupants, or to homebuyer assistance projects that do not involve development or rehabilitation of housing, such as down payment assistance.

Underwriting capacity does apply to owner-occupied rehabilitation projects with an amortizing HOME-funded rehabilitation loan.

The City of Clearwater also will not be required to perform neighborhood market analyses or evaluate developer capacity for owner-occupied rehabilitation projects, or projects involving HOME-funded down payment assistance, but no HOME-funded development.

The City of Clearwater will use the following types of subsidy layering review before committing HOME program funds to any project:

1. A subsidy layering review produced by HUD, when the source of funding is provided by HUD, and HUD conducts a subsidy layering review;
2. Subsidy layering analysis produced by the City of Clearwater, when Low-Income Housing Tax Credit (LIHTC) is used, and the City conducts an evaluation to determine whether there are excess tax subsidies;
3. A subsidy layering analysis produced by the developer and reviewed by the City of Clearwater in accordance with the guidelines in HUD Notice CPD 98-1

Documentation Needed:

Project Pro Forma including sources and uses of funds statement, operating pro forma (rate of return on equity investment) that covers the entire HOME affordability period of the proposed project, project development budget along with certification of federal assistance. The pro forma should include achievable rent levels, market vacancies, and operating expenses.

Sources of Funds

1. Commitment letters with all terms and conditions for all mortgages, grants, subordination agreements, bridge (interim) loans and investment tax credits (historical, low-income, if applicable); and
2. If a partnership, a copy of the partnership agreement, which indicates the cash contribution by the general partner(s) and/or limited partner(s)

3. Documentation of owner cash equity and any deferred developer fees

Uses of Funds

1. Earnest money agreement; option or closing statement for land and/or buildings
2. Construction cost estimate including acquisition costs, rehabilitation or new construction costs, financing costs and professional fees
3. Construction contract or preliminary bid(s)
4. Agreements governing the various reserves which are capitalized at closing (to verify that the reserves cannot be withdrawn later as fees or distributions)
5. Appraisal (to substantiate the value of the land and the value of the property after rehabilitation or construction of the structure being built)
6. If low-income tax credits are utilized, documentation on the syndication costs (legal, accounting, tax opinion, etc.) from the organization/individual who will syndicate and sell the offering to ensure that the project can support the fees necessary to syndicate/fund the project
7. Supporting documentation for all other costs specified in the Sources/Uses of funds statement

Certification of Federal Assistance

1. Formal certification concerning any other governmental assistance provided or to be provided to the project – one certification for each funding source
2. If no other governmental assistance, certification to this affect
3. If this changes during the course of the project, the City of Clearwater needs to be informed immediately in the form of a new certification.

Project Development Budget

The City of Clearwater will review the project development budget to determine that the development costs are necessary and “reasonable”. The budget will include all costs associated with the development, regardless of the funding sources.

“Reasonableness” of costs shall be based on the following factors:

1. Cost of comparable projects in the same geographical area;
2. The qualifications of the cost estimators for the various budget line items; and
3. Comparable costs published by recognized industry cost index services.

Underwriting Standards:

City of Clearwater HOME projects will utilize the underwriting criteria as set forth below. Generally underwriting will review the risk analysis of the project including: market risk, developer risk, and project risk. Market risk is defined as the likelihood that the units can be sold. Developer risk is defined as the likelihood that the developer can complete the project on time and budget. Project risk is defined as the adequacy and reasonableness of the costs and sources to complete and sell the project.

1. Developer fees & overhead and any consultant fees may not exceed the sum of:
 - a. 15% of total rehabilitation and new construction eligible basis; and

- b. 5% of total acquisition eligible basis; however, a fee up to 10% of total acquisition eligible basis will be permitted for projects that require the approval of HUD for the transfer of the property.
- 2. Limits for Contractor Fee, Contractor Overhead and General Requirements will be calculated as follows:
 - a. Contractor Fee = 6% of hard construction costs
 - b. Contractor Overhead = 2% of hard construction costs
 - c. General Requirements = 6% of hard construction costs.
- 3. Total soft costs may not exceed 35% of total eligible basis. Total soft costs equal the sum of general requirements, contractor overhead, contractor profit, architectural fees, survey costs, engineering fees, permanent loan fees, cost of tax-exempt bond issuance, taxes, appraisal, market study, environmental report, rent-up/marketing costs, title & recording fees, non-syndication legal fees, accounting fees, developer fees & overhead, consultant fees, organizational fees, and syndication expenses.

CONTRACTOR PAYMENT REQUEST

Homeowner: _____

Date: _____

Address: _____

Contract Amount: \$ _____

Contractor: _____

Address: _____

Type of Payment: _____ Progress _____ Final

Contractor: I hereby request an inspection to receive payment # _____ for the amount of \$ _____. I certify that I have satisfactorily completed the necessary work to justify this request and that all bills incurred for labor used and materials furnished in making said repairs and improvements have been paid in full of this date. See attached cost breakdown.

Contractor's Signature: _____ Date: _____

Homeowner: I/We hereby agree that the work stated by the contractor has been completed and approve payment to the contractor in accordance with the Agreement and contingent upon inspection and concurrence by the Construction Advisor. It is understood that the actual amount disbursed will be based on the findings of that inspection.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Construction Advisor: I hereby certify that all work is completed as indicated on the contractor's payment request. I hereby request approval of the payment to the contractor in the amount of \$ _____.

Construction Advisor: _____ Date: _____

If Applicable, Housing Rehabilitation Programs Manager:

I hereby approve the payment to the contractor in the amount of \$ _____.

Housing Rehabilitation Programs Manager: _____ Date: _____

Participating jurisdictions should contact the Community Planning and Development (CPD) Division in their local HUD Field Offices to obtain the most recent maximum HOME per-unit subsidy limits that apply to their jurisdictions.

**2015 MAXIMUM SUBSIDY LIMITS
HOME Program
Effective January 1, 2015**

LOCALITY	0 BR	1 BR	2 BR	3 BR	4 BR
Cocoa*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Daytona Beach*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Ft. Pierce*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Gainesville*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Jacksonville*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Lakeland *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Orlando *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Panama City	\$128,431	\$147,230	\$179,029	\$231,607	\$254,232
Pensacola	\$132,518	\$151,915	\$184,725	\$238,976	\$262,321
Sarasota *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Tallahassee*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Tampa *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344

*Capped at 240% -Maximum Subsidy PerUnit

**2015 MAXIMUM SUBSIDY LIMITS
HOME Program
Effective January 1, 2015
(South Florida)**

LOCALITY	0 BR	1 BR	2 BR	3 BR	4 BR
Ft. Lauderdale*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Ft. Meyers*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Marathon *	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
Miami*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344
West Palm Beach*	\$140,107	\$160,516	\$195,304	\$252,662	\$277,344

* Capped at 240%- Maximum Subsidy Per Unit