

THE CDBG RECOVERY (CDBG-R) SUBSTANTIAL AMENDMENT

Jurisdiction(s): State of Utah Jurisdiction Web Address: www.housing.utah.gov	CDBG-R Contact Person: Keith Heaton Address: 324 S St., SLC, UT 84111 Telephone: (801) 538-8732 Fax: (801) 538-8888 Email: kheaton@utah.gov
--	---

A. Summary

The Utah Division of Housing and Community Development (HSD), a division of the Utah Department of Community and Culture, administers the CDBG program. The main objective for CDBG funded economic development activities is the creation of economic opportunities for LMI households. The CDBG funded outcomes will create jobs or assist low income business owners both directly and indirectly.

The purpose of the funding available under the Recovery Act (CDBG-R) is to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HCD has identified 3 projects to allocate the State of Utah’s non-entitlement funds.

Amount Grantee is Eligible to Receive*	\$ 1,776,702
Amount Grantee is Requesting	\$ 1,776,702

B. Citizen Participation and Public Comment

The Utah Division of Housing and Community Development (HCD) posted its plan on its website (www.housing.utah.gov/CDBG) for public comment on May 19, 2009. In addition, a public hearing on the plan is scheduled for Tuesday May 26, 2009 at 9:00 am at 324 S. State St., Suite 500, Salt Lake City, UT 84111. Public comments will be received in writing at the aforementioned address, verbally at the hearing, and via electronic comment on the website.

C-1. Information by Activity

1) Activity Name: Washington Terrace City – Fire Station Vehicle Bay Storage Facility

Demolition of the existing 1940’s fire station and senior center and construct a new 5 vehicle drive through bay storage facility below an existing senior citizen center as a mixed use facility. The concerns of the existing structure were addressed in a study completed by Emergency Services Consulting Inc. The reasons supporting this decision were many, including: the lack of opposite gender facilities and sleeping quarters, the lack of adequate space for equipment and storage needs, increasing maintenance and rehabilitation costs. The existing building is built of reinforced masonry and does not meet current seismic standards.

2) National Objective: Low and Moderate Income Families

Total Proposed Beneficiaries = 8551

Total proposed low/moderate income beneficiaries = 4,960

Percentage LMI = 58%

3) How funds will maximize job creation and economic benefit: The building of the facility will create jobs during the construction phase of the project. Energy efficiency will be improved through the construction of an energy efficient building that meets seismic standards. On-going maintenance costs will be reduced by the combining and sharing the costs. Maintenance costs will be reduced by the utilization of one building for the two organizations instead of two separate building. Expand health

care through onsite access to EMS services for seniors. The project has been initiated which will allow the funds to be committed within 120 days of the allocation of the funds from HUD. Jobs will be created in the construction phase of the project.

4) *Estimated number of full time jobs to be created:* 20-25 full time construction jobs for 9 months.

5) *How funds will promote energy conservation, smart growth, green building technologies or reduced pollution:* The multi-use facility will maximize the use of the available land by constructing a fire station vehicle bay within the same building as the senior center which will benefit a large number of the area population. Construction will bring the fire station up to seismic standards. Advanced technology will be used to facilitate the removal of vehicle exhaust from the fire station bays to provide a safe environment for the senior center. EMS services will be on site and provide quicker response time to residents of the Senior Center. Energy Conservation will be achieved by the use of one building instead of the two much older buildings.

6) *Measurable Outcome:* Suitable Living Environment and sustainability/Livability.

7) *Budget:*

Total Estimated Project Cost	2,000,000.00			
CDBG-R Request	600,000			
Budget Category		CDBG - R	Other Funds	Total
Administration				
Planning				
Technical Assistance (AOG)				
Program Delivery Costs				
Construction		407,000.00	1,333,000.00	
Engineer/Architect		18,000.00	67000	
Other (Facilities Demolition)		175,000.00		
Grand Total		600,000.00	1,400,000.00	2,000,000.00

8) No CDBG-R funds will be spent on administration and planning.

9) No CDBG-R funds will be spent on public services.

10) *Contact Information:* The State of Utah, Department of Community and Culture, Division of Housing and Community Development, located at 324 South State Street, Suite 500, Salt Lake City, Utah 84111. Administrator: Keith Heaton, 801-538-8732, kheaton@utah.gov.

C-2. Information by Activity

1) *Activity Name:* Hope Community Center (\$1,000,000) – Construction of a new 30,000 square foot building on land provided by Roy City to house Senior Center, facilities for The Boys and Girls Clubs of Weber-Davis and miscellaneous other events for the community.

2) *National Objective:* Low and Moderate Income Families

Total Proposed Beneficiaries = 1731

Total proposed low/moderate income beneficiaries = 1350

Percentage LMI = 77.99%

3) *How funds will maximize job creation and economic benefit:* This is a multi-use project that will provide needed expanded facilities for a Senior Center and recreational facilities for the Boys and Girls

Club of Weber-Davis. The existing Senior Center is no longer large enough to accommodate the number of seniors who would like to use the services of the center. The Boys and Girls Club of Weber-Davis will be losing access to their current location as a result of the owner selling the property. The owners will no longer donate the building rental, causing the Boys & Girls club to pay significant rental fees which the club cannot continue to fund. The project has been initiated which will allow the funds to be committed within 120 days of allocation of the funds from HUD. The creation of jobs for the construction of the project and the additional jobs created to maintain services to the facility (increase in the number of people served). Jobs will be lost if the Boys and Girls club is closed as a result of the loss of the use of the facility.

- 4) *Estimated number of full time jobs to be created:* 100 jobs total
 - 75 related to construction, planning, etc. / 0 retained after project is finished.
 - 25 related to the boys and girls club. All 25 jobs are on-going jobs as result of this project.

5) *How funds will promote energy conservation, smart growth, green building technologies or reduced pollution:* The multi-use facility will maximize the use of the available land by constructing a Senior Center and facilities for Boys and Girls Club within the same building. Energy Conservation will be achieved by the use of one building instead of the two much older buildings.

6) *Measurable Outcome:* Suitable Living Environment and Sustainability/Livability.

7) *Budget:*

Total Estimated Project Cost	3,700,000.00			
CDBG-R Request	1,000,000			
Budget Category		CDBG - R	Other Funds	Total
Administration				
Planning				
Technical Assistance (AOG)				
Program Delivery Costs				
Construction		1,000,000.00	2,200,000.00	
Engineer/Architect		-	500,000.00	
Other (Facilities Demolition)		-		
Grand Total		1,000,000.00	2,700,000.00	3,700,000.00

8) No CDBG-R funds will be spent on administration and planning.

9) No CDBG-R funds will be spent on public services.

10) *Contact Information:* The State of Utah, Department of Community and Culture, Division of Housing and Community Development, located at 324 South State Street, Suite 500, Salt Lake City, Utah 84111. Administrator: Keith Heaton, 801-538-8732, kheaton@utah.gov

C-3. Information by Activity

1) *Activity Name:* **Kamas City Water Line Replacement and Road Repairs** – (\$176,702)

2) *National Objective:* Low and Moderate Income Families

Total Proposed Beneficiaries = 1274

Total proposed low/moderate income beneficiaries = 740

Percentage LMI = 58.08%

3) *How funds with maximize job creation and economic benefit:* The replacement of the Kamas City Water Line and Road Repairs will create jobs during the construction phase and will modernize the infrastructure to provide improved service to the residents of Kamas. The project has been initiated which will allow the funds to be committed within 120 days of allocation of the funds from HUD. Jobs will be created during the replacement of the water lines and road repairs.

4) *Estimated number of full time jobs to be created:* 15 Construction and 2 Engineer over 120 days.

5) *How funds will promote energy conservation, smart growth, green building technologies or reduced pollution:* The project will reduce the number of water line breaks that are occurring which will conserve water resources and the project will bring the water line up to State Standards.

6) *Measurable Outcome:* Suitable Living Environment and Sustainability/Livability.

7) **Budget:**

Total Estimated Project Cost	505,000.00				
CDBG-R Request	176,702				
Budget Category		CDBG - R	CDBG	Other Funds	Total
Administration					
Planning					
Technical Assistance (AOG)					
Program Delivery Costs					
Construction		176,702.00	208,298.00	55,840.00	
Engineer/Architect		-		64,160.00	
Other (Facilities Demolition)		-			
Grand Total		176,702.00	208,298.00	120,000.00	505,000.00

8) No CDBG-R funds will be spent on administration and planning.

9) No CDBG-R funds will be spent on public services.

10) *Contact Information:* The State of Utah, Department of Community and Culture, Division of Housing and Community Development, located at 324 South State Street, Suite 500, Salt Lake City, Utah 84111. Administrator: Cheryl Brown, 801-538-8729, cbrown@utah.gov.

CERTIFICATIONS

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

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement 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 CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) 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;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) 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;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) 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
 - (b) 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;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the State'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.

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

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

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

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Consultation with Local Governments.** The state certifies that, for community development activities, it engages or will engage in planning; that it provides or will provide technical assistance to local governments; and that it will not refuse to distribute funds on the basis of the particular eligible activity selected by the local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight.

Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs

It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R 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. **Special Assessments.** The State will require units of general local government that receive CDBG-R funds to certify to the following:

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

(11) **Excessive Force.** The State will require units of general local government that receive CDBG-R funds to certify that they have adopted and are 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 that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(14) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(15) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(16) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(17) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(18) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(19) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official

Date

Title

EXHIBIT I
Minutes from Community Development Block Grants – Recovery
Public Hearing
May 26, 2009

No attendees/no comments received.

State of Utah
CDBG-R Public Comments

No comments received in writing, phone call or e-mail.