



## ASSURANCES AND SPECIAL CONDITIONS HOME INVESTMENT PARTNERSHIPS PROGRAM

APPLICANT NAME:

FEDERAL ID:

The applicant hereby assures and certifies that:

1. It possessed legal authority to apply and to execute the proposed activity.
2. The applicant makes assurances that it will carry out its responsibilities under this Application in compliance with the following statutes, regulations or guidelines, as applicable:
  - A. Labor Standards:
    - (1) Davis-Bacon Act, P.L. 86-624, as amended (40 U.S.C. 276a-276a-5). (Please refer to PA-DCED - CD&H Alert of July-2016 on the applicability of Davis Bacon vs. State Prevailing wage rates)
    - (2) Contract Work Hours and Safety Standards Act, P.L. 87-581 (40 U.S.C. 327 et. seq).
    - (3) Section 3 of the Housing and Urban Development Act of 1958, P.L. 90-448 (12 U.S.C 1701u).
    - (4) Copeland Anti-Kickback Act, P.L. 850800 (40 U.S.C. 276c).
    - (5) DOL regulations at 29 CFR Parts 1, 3, 5, 6 and 7. These regulations implement the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act and the Copeland Act.
    - (6) Section 286 of the Act of November 28, 1990 (P.L. 101-625) (42 USCS §12836), popularly known as the Cranston-Gonzales National Affordable Housing Act.
    - (7) The PA Prevailing Wage Act of 1961 as amended (43 P.S. §§ 165-1 through 165-17) (Please refer to PA-DCED - CD&H Alert of July-2016 on the applicability of Davis Bacon vs. State Prevailing wage rates)
  - B. Equal Opportunity:
    - (1) Title VI of the Civil Rights Act of 1964 P.L. 88-352 (42 U.S.C. 2000d et seq.) and HUD regulations at 24 CFR Part 1.
    - (2) Title VIII of the Civil Rights Act of 1968, P.L. 90.284 (42 U.S.C. 3601 et seq.) as amended by the Fair Housing Amendments Act of 1988, P.L. 100-430 (the Fair Housing Act).
    - (3) Executive Order 11063, Equal Opportunity in Housing, November 20, 1962 (27 FR 11527), as amended by Executive Order 12259, December 21, 1980 (46 FR 1253) and HUD regulations at 24 CFR Part 107.
    - (4) Section 109 of the Housing and Community Development Act of 1974, P.L. 93-383 (42 U.S.C. 5309) as amended.
    - (5) Age Discrimination Act of 1975 P.L. 94-135 (42 U.S.C. 6101 et seq.).
    - (6) Section 504 of the Rehabilitation Act of 1973, P.L. 95-602 (29 U.S.C. 794).
    - (7) Executive Order 11246, Equal Opportunity in Federal Employment, September 24, 1965 (30 FR 12319), as amended by Executive Order 12086, October 5, 1978 (43 FR 46501) and HUD regulations 24 CFR Part 130 and 41 CFR chapter 60.
    - (8) Executive Order 11625, Minority Business Enterprise, October 14, 1971 (36 FR 19967).
    - (9) Executive Order 12138, Women's Business Enterprise May 18, 1979 (44 FR 29637).
    - (10) Pennsylvania Human Relations Act, P.L. 47 (43 P.S. 951 et seq.)
    - (11) Executive Order 13166 (Issued in the Federal Register 65 FR 50121 on August 16, 2000) - Limited English Proficiency (LEP).

C. Construction Standards:

- (1) Title VI of the Lead-Based Paint Poisoning Prevention Act P.L. 91-695, as amended (42 U.S.C. 4831)
- (2) Architectural Barriers Act of 1968 P.L. 90-480, as amended (42 U.S.C. 4151 et seq.).
- (3) Section 6002 of the Resources Conservation and Recovery Act of 1976, P.L. 94-580, as amended (42 U.S.C. 6962), and regulations at 40 CFR Part 249.
- (4) 24 CFR Part 39, Cost Effective Energy Conservation Standards.
- (5) The Act of March 3, 1978 (P.L. 6, No. 3)(73 P.S. §1881 et. seq.), known as the Steel Products Procurement Act.
- (6) Separate specifications for plumbing, heating, ventilating and electrical work; separate bids and contract, P.L. 546 (71 P.S. 1618).
- (7) The Act of November 10, 1999 (P.L. 491, No. 45) (35 P.S. §7210.101 et. seq.), as amended, known as the Pennsylvania Construction Code Act, and the regulations that implement the Pennsylvania Construction Code Act, which regulations are known as the Uniform Construction Code (34 Pa Code Part XIV)."

D. Public Access to Records

- (1) Recipients shall provide citizens reasonable access to records regarding the use of HOME funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality. However, in accordance with 2 CFR 200.336 public access to records held by Federal, State, local governmental entities or non-profit organizations are not subject to the Federal Freedom of Information Act (5 U.S.C. 552) and unless required by Federal, State, or local law, grantees and sub-grantees are not required to permit public access to their records.
- (2) Both Units of General Local Government and Nonprofit Organizations are subject to requests for records made pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101-3104, when such requests relate to or arise out of the grant agreement into which the Units of General Local Government and Nonprofit Organizations have entered into with the Department of Community and Economic Development. The Pennsylvania Right-To-Know-Law provisions appear in Section (k) of Article V, Compliance with Applicable Statutes and Department Regulations of the grant agreement.
- (3) It will provide reasonable access to citizens to all information regarding its HOME assisted activities and management.

E. Displacement:

It will minimize displacement of person because of activities assisted by HOME funds.

F. Violating Facilities List:

It will insure the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of a program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for the listing by the EPA.

G. Section 102 of the HUD Reform Act:

It will comply with the requirements of Section 102 of the HUD Reform Act of 1989.

H. Acquisition/Relocation:

In the event that the project funded under the Application includes acquisition and/or relocation, the Applicant will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended (42 U.S.C 4601 et seq.), HUD regulations at 24 CFR Part 92.634 and the Eminent Domain Code, Act of June 22, 1964, Special Session, P.L. 84, as amended, 26 P.S. 1-101 et seq.

I. Period of Affordability:

- (1) As required by §92.504(c)(1)(iii) and notwithstanding to Article II, this agreement remains in effect during the period for affordability under 24 CFR 92.252 or 92.254 as applicable.
- (2) If the assisted housing does not meet the affordability requirements for the specified period, the Applicant must repay the funds.

J. Program Income, Repayments and Community Housing Development Organization (CHDO) Proceeds:

- (1) In accordance with §92.504(c)(1)(iii), any proceeds, interest or other return on the investment of HOME funds, except as noted below, may be retained by the Applicant and used for HOME eligible project costs, including delivery costs. Program income may also be used for administrative costs, provided such administrative costs do not exceed 10% of the program income. DCED policy requires funding received by the grantee for Program Income and Recaptured Homebuyer must be reported to DCED.
- (2) Program income is subject to all the requirements of the HOME Program and these Assurances and Special Conditions.
- (3) The Applicant shall deposit program income in the local HOME account. Program income repaid funds and recaptured funds shall be accumulated by the Applicant through the program year (January through December).
- (4) HOME funds that must be repaid due to the termination of a project before completion, or the failure of the housing to meet the affordability requirements shall be returned in accordance with the requirements of 24 CFR 92.503.
- (5) An applicant may allow a subrecipient to retain program income pursuant to a written agreement in accordance with 24 CFR 92.503. Upon expiration of the written agreement, any program income on hand and any receivables must be returned to the applicant.
- (6) An applicant may allow a CHDO to use CHDO proceeds for any affordable housing activity pursuant to a written agreement in accordance with 24 CFR 92.504 and 92.300.

K. Uniform Administrative Requirements:

The Applicant, whether a governmental entity (subrecipient or state recipient) or a non-profit organization must comply with the requirements of 2 CFR Part 200, as applicable.

L. Project Requirements:

As required by §92.504(c)(1)(v), the Applicant must comply with the project requirement of 24 CFR Part 92 Subpart F as applicable based on the type of project assisted. Areas covered by subpart F: Maximum per-unit subsidy, qualification as affordable housing and income targeting: Rental housing, tenant and participant protections, qualification as affordable housing: HOME ownership, mixed-income project, mixed use project, religious organizations, limitations on the use of HOME funds with FHA mortgage insurance.

M. Property Standards:

The owners of housing assisted with HOME funds must maintain the housing in compliance with applicable Housing Property Standards at 24 CFR 92.251 and state and or local housing code requirements for the duration of the affordability period.

DCED Housing Standards must be adopted by the applicant.

N. Other Program Requirements:

In accordance with §92.504(c)(1)(vi), the Applicant must carry out the activity in compliance with all federal laws and regulations described in 24 CFR part 92 subpart E, and H.

O. Affirmative Marketing:

Pursuant to §92.504(c)(1)(vii), the Applicant must adopt affirmative marketing procedures and requirements that meet the requirements of 24 CFR 92.351(a) and (b).

P. Conditions for Religious Organizations:

The Applicant, where applicable, must comply with the conditions prescribed in 24 CFR 92.257 for use of HOME funds by religious organizations.

Q. Request for disbursement of Funds:

As required by §92.504(c)(1)(viii), the Applicant may not request disbursement of funds under this agreement until the funds are needed for payment of eligible costs. The amount for each request must be limited to the amount needed.

R. Reversion of Assets:

Upon expiration of this Application the Applicant must transfer to the Commonwealth any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.

S. Resale and Recapture:

The Applicant must select and comply with the resale and/or recapture provisions in 92.254.

T. Records and Reports:

In accordance with §92.504(c)(1)(ix), at a minimum the Applicant must maintain the following records.

(1) Project Records:

- (a) Records that demonstrate that each project meets the property standards in 24 CFR 92.251.
- (b) Records that demonstrate that each rental housing project meets the requirements of 24 CFR 92.252 for the required period of affordability. Records must be kept for each family assisted.
- (c) Records that demonstrate compliance with the requirements of 92.253 for tenant and participant protections.
- (d) Records that demonstrate compliance with the requirements in 92.254 for affordable housing for each family assisted.
- (e) Equal opportunity and fair housing records containing data on the extent to which each racial and ethnic group and single-headed households have applied for, participated in, or benefitted from, any program or activity.
- (f) Documentation of actions taken to meet the requirements of 92.350.
- (g) Documentation of the action taken to affirmatively further fair housing.
- (h) Records indicating the affirmative marketing procedures and requirements under 92.351.
- (i) Records indicating compliance with the environmental review requirements in 92.352 and Part 58.
- (j) Records demonstrating compliance with 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists.
- (k) Records demonstrating compliance with Labor requirements in 92.354, including contract provisions and payroll records.
- (l) Records concerning lead based paint under 92.355.
- (m) Records supporting requests for waivers of the conflict of interest prohibition in 92.356
- (n) Records of certifications concerning debarment and suspension required by 92.357
- (o) Written agreements with subrecipients, for-profit and not-profit housing organizations, CHDOs, and homebuyers and homeowners receiving HOME assistance in accordance with 24 CFR 504.
- (p) Records detailing the source and use of program income, as required by 24 CFR 92.508.
- (q) The HOME program has income targeting requirements for the HOME program and for HOME

projects. Therefore, HOME applicants must determine each family is income eligible by determining the family's annual income as described in 24 CFR 92.203, 92.216 and 92.217

- (r) The total administrative costs at closeout, shall not exceed 6% of the total draws under this application. If administrative expenditures exceed 6% of the total draws, the applicant will be required to reimburse the Grantor from non-federal funds.

(2) Performance Reports

Applicants must supply data and other information requested by the Grantor required to satisfy the reporting requirement in 92.509.

(3) Project Record Retention Requirements

- (a) The Applicant must retain all program records for a five-year period from the date of final audit or closeout of this contract by the Grantor. Should any litigation, claim, negotiation, audit, monitoring, inspection or other action occur before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever occurs later.

- (b) The Applicant must retain project records on each HOME Unit assisted in accordance with the following:

- i. **For homeowner rehabilitation projects:** Individual rehabilitation project files must be maintained for a five-year period beginning with the date the project completion as listed in the Cash and Management Information System (CMIS).
- ii. **For homebuyer projects:** Individual homebuyer project files must be maintained for a five-year period beginning with the date of project completion as listed in CMIS. In addition, documents imposing resale or recapture provisions must be maintained for a period of five years after the affordability period ends.
- iii. **For projects involving relocation and acquisition activities:** Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled under federal regulations.
- iv. **For rental housing projects:** Rehabilitation housing project files must be maintained for a five-year period beginning with the date of project completion as listed in CMIS. In addition, records of individual income verification, project rents and project inspections must be retained for the most recent five-year period, until five years after the affordability period terminates.

U. Enforcement of the Agreement:

- (1) Applicant, to insure the intended beneficiaries benefit from the program or activity, must establish a means of enforcement that may include liens on real property or deed restrictions. The affordability requirements must be enforced by deed restrictions.
- (2) In accordance with 2 CFR 200, suspension or termination may occur if the Applicant materially fails to comply with any terms of this contract, and the contract may be terminated for convenience in accordance with 2 CFR 200.

V. Period of Affordability:

The period of affordability required by 92.252 or 92.254 survives the expiration or termination of the HOME contract.

W. Monitoring:

- (1) The Grantor will monitor the Applicant to assure compliance with the HOME program regulations and requirements and will take appropriate action when performance problems arise.

(2) For multi-family housing, Applicant must annually conduct on-site review of each unit to determine compliance with housing codes. For rental housing containing one to four dwelling units, an on-site review must be made once within each three-year period.

X. Environmental Review:

(1) The Applicant shall complete the environmental review record, complete actions under the NEPA of 1969, PL 91-190 (42USC 54321 et seq.), and comply with the Housing and Community Development regulations at 24 CFR Part 58.

Y. Fire Protection and Safety Standards:

It will comply with the provisions of the Fire Administration Authorization Act of 1992 (P.L. 102-522).

Z. Lower Tier Covered Transactions:

The Applicant will abide by Executive Order 12549 regarding debarment, suspension, ineligibility and voluntary exclusions.

3. CHDO Agreements: When the Applicant is providing HOME funds to a CHDO, the Applicant shall enter into a written agreement with the CHDO that complies with the requirements of 24 CFR § 92.504(c)(3). A copy of the agreement shall be provided to the Grantor, and shall include:

A. Use of the HOME funds. The agreement must describe the use of the HOME funds, including the tasks to be performed, a schedule for completing the tasks, and a budget. These items must be in sufficient detail to provide a sound basis for the Applicant and the Grantor to effectively monitor performance of the CHDO under the agreement.

B. Affordability. The agreement must require housing assisted with HOME funds to meet the affordability requirements of 24 CFR § 92.252 or § 92.254, as applicable, and must require repayment of the funds if the housing does not meet the affordability requirements for the specified time period. If CHDO is undertaking rental projects, the agreement must establish the initial rents and the procedures for rent increases. If the CHDO is undertaking homeownership projects for sale to homebuyers in accordance with § 92.254(a), the agreement must set forth the resale or recapture requirements, which must be imposed on the housing.

C. Project requirements. The agreement must require compliance with project requirements in 24 CFR Part 92 Subpart F, as applicable, in accordance with the type of project assisted.

D. Property standards. The agreement must require the housing to meet the property standards in 24 CFR § 92.251 and the lead-based paint requirements in 24 CFR Part 35, Subparts A, B, J, K, M and R of this title, upon project completion. The agreement must also require owners of rental housing assisted with HOME funds to maintain the housing compliance with § 92.251 for the duration of the affordability period.

E. Affirmative marketing. If the project contains 5 or more HOME-assisted units, the agreement must specify the CHDO's affirmative marketing responsibilities as enumerated by the participating jurisdiction in accordance with 24 CFR § 92.351.

F. Records and reports. The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the Applicant in meeting its recordkeeping and reporting requirements.

G. Enforcement of the agreement. The agreement must provide for a means of enforcement of the affordable housing requirements by the Applicant or the intended beneficiaries. This means of enforcement may include liens on real property, deed restrictions or covenants running with the land. The affordability requirements in 24 CFR § 92.252 must be enforced by deed restriction. In addition, the agreement must specify remedies for breach of the provisions of the agreement.

H. Requests for disbursement of funds. The agreement must specify that the CHDO may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.

- I. Duration of the agreement. The agreement must specify the duration of the agreement. If the housing assisted under this agreement is rental housing, the agreement must be in effect through the affordability period required by the participating jurisdiction under 24 CFR § 92.252. If the housing assisted under this agreement is homeownership housing, the agreement must be in effect at least until completion of the project and ownership by the low-income family.
- J. Conditions for religious organizations. Where applicable, the agreement must include the conditions prescribed in 24 CFR § 92.257 for the use of HOME funds by religious organizations.
- K. If CHDO is using set-aside funds under 24 CFR § 92.300, the agreement must include the appropriate provisions under 24 CFR §§ 92.300 and 92.301.

#### 4. Risk Analysis Evaluation

The Risk Analysis Evaluation for competitive HOME funds will be assessed at the time of the HOME application review. HOME applications will be evaluated on the following factors: risk, capacity and performance.

High Risk applicants will not be eligible for an award of competitive HOME funds.

Moderate Risk Applicants are eligible for an award of HOME funds as funding allows. Remote monitoring will be performed through monthly submissions of progress and expenditure reports. HOME compliance information will also be requested. Examples of HOME compliance information would include; Income eligibility methodology and documentation, local agreements with sub-recipients, Lead Base Paint certifications for contractors, Rehab Guidelines that include applicable property standards, maximum per unit subsidy limits, underwriting and homebuyer counseling policies, resale and or recapture provisions for homebuyer programs, homeownership value limits, rental leases, HOME rent determinations, etc.

Low Risk Applicants are eligible for an award of HOME funds as funding allows. Remote monitoring will be performed through semi-annual submissions of progress expenditure reports. HOME compliance information will also be requested. Examples of compliance information requested would include; Income eligibility methodology and documentation, local agreements with sub-recipients, Lead Base Paint certifications for contractors, Rehab Guidelines that include applicable property standards, maximum per unit subsidy limits, underwriting and homebuyer counseling policies, resale and or recapture provisions for homebuyer programs, homeownership value limits, rental leases, HOME rent determinations, etc.

Applicants will be notified in writing of their Risk designation after contract award. Notification will also be made to those High - Risk applicants who were not eligible for an award of competitive HOME funds.

#### 5. Fair Housing and Civil Rights

- A. Title VI of the Civil Rights Act of 1964, P.L. 88-352 (42 U.S.C. 2000d et. seq.) and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no persons in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

Title VI, states that:

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 1.4b(2)(i) of the regulations issued pursuant to Title VI requires that:

"A recipient in determining the types of housing accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, the class of persons to whom,

or the situations in which, such housing, accommodation, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin or have the effect of defeating or substantially impairing accomplishments of the objectives of the program or activity as respect to persons of a particular race, color, or national origin”.

Title VI, Section 601 provides the Limited English Proficiency (LEP) Statutory Authority.

Executive Order 13166 (Issued in the Federal Register 65 FR 50121 on August 16, 2000) mandates improved access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency.

Applicants are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the grantee’s programs and activities that have any federal financial assistance.

- B. Title VIII of the Civil Rights Act of 1968, as amended by Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-20) which states that no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions; and requires that applicants administer all programs and activities related to housing and community development in a manner to affirmatively further fair housing. Executive Order 11063 and the regulations contained in 24 CFR Part 107 requires that all action necessary and appropriate be taken to prevent discrimination because of race, color, religion (creed), sex, or national origin in the sale, rental, leasing, or other disposition of residential property and related facilities or in the use or occupancy thereof where such property or facilities are owned or operated by the Federal Government or provided with Federal assistance by HUD and in the lending practices with respect to residential property and related facilities of lending institutions insofar as such practices relate to loans insured, guaranteed or purchased by the Federal Government.
- C. Section 109 of the Housing and Community Development Act of 1974, P.L. 93-383 (42 U.S.C. 5309) and the regulations issued pursuant thereto (24 CFR Part 570.602), which provide that no person in the United States shall, on the grounds of race, color, national origin, 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 funds provided under this Part.
- D. Age Discrimination Act of 1975, P.L. 94-135 (42 U.S.C. 6101 et. Seq)
- E. Section 504 of the Rehabilitation Act of 1973, P.L. 95-602 (29 U.S.C. 794) and HUD implementing regulations at 24 CFR Part 8.
- F. Executive Order 11246, Equal Opportunity in Federal Employment, September 24, 1965 (30 FR 12319), as amended by Executive Order 12086, October 5, 1978 (43 FR 46501), and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the Performance of Federal or Federally assisted construction contracts. Contractors and subcontractors on Federal and Federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.
- G. Executive Order 11625, October 13, 1971 which prescribes additional arrangements for developing and coordinating a national program for Minority Business Enterprise (36 FR 19967). (2 CFR 200.321 Contracting with small and minority businesses, women’s business enterprises and labor surplus area firms.)
- H. Executive Order 12138, May 18, 1979 (44 FR 29637) which creates a National Women’s Business Enterprise Policy. (2 CFR 200.321 Contracting with small and minority businesses, women’s business enterprises and labor surplus area firms.)



- I. Pennsylvania Human Relations Act of October 27, 1957, P.L. 744, (43 P.S. 951-963) which provides that no employee, applicant for employment, independent contractor, or any other person shall be discriminated against because of race, color, religious creed, ancestry, national origin, age, or sex.
- J. The Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds, as supplemented by this section (§ 92.359).

6. Conflict of Interest

It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties. (2 CFR 200.112 Conflict of Interest)

7. Lobbying

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 grant, 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.

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.

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-grants and contracts under grants, loans and cooperative agreement) and that all sub-recipients 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 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. (2 CFR 200.450 Lobbying)

8. Excessive Force

It has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and a policy of enforcing 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.

9. Official Resolution

Its governing body has duly adopted or passed as an official act, a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

\_\_\_\_\_  
Signature, Chief Elected Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name and Title