

HOME PROGRAM: APPENDIX I GENERAL APPLICATION INFORMATION

September 2019



General Application Information

The General Application Information section of the HOME Program Guidelines is **required** of all applicants for HOME funds. In addition to the General Application Information, the applicant must also submit the required information in the appropriate appendix that pertains to the individual project for which funding is sought. In addition, should an applicant intend to submit an application for more than one eligible activity type, the General Application Information must be submitted with each project as contracts will be based on each activity.

Applications must be submitted by units of local government (cities, towns, counties, boroughs and townships). The application can be made on behalf of a non-profit organization or for-profit developer.

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All Projects

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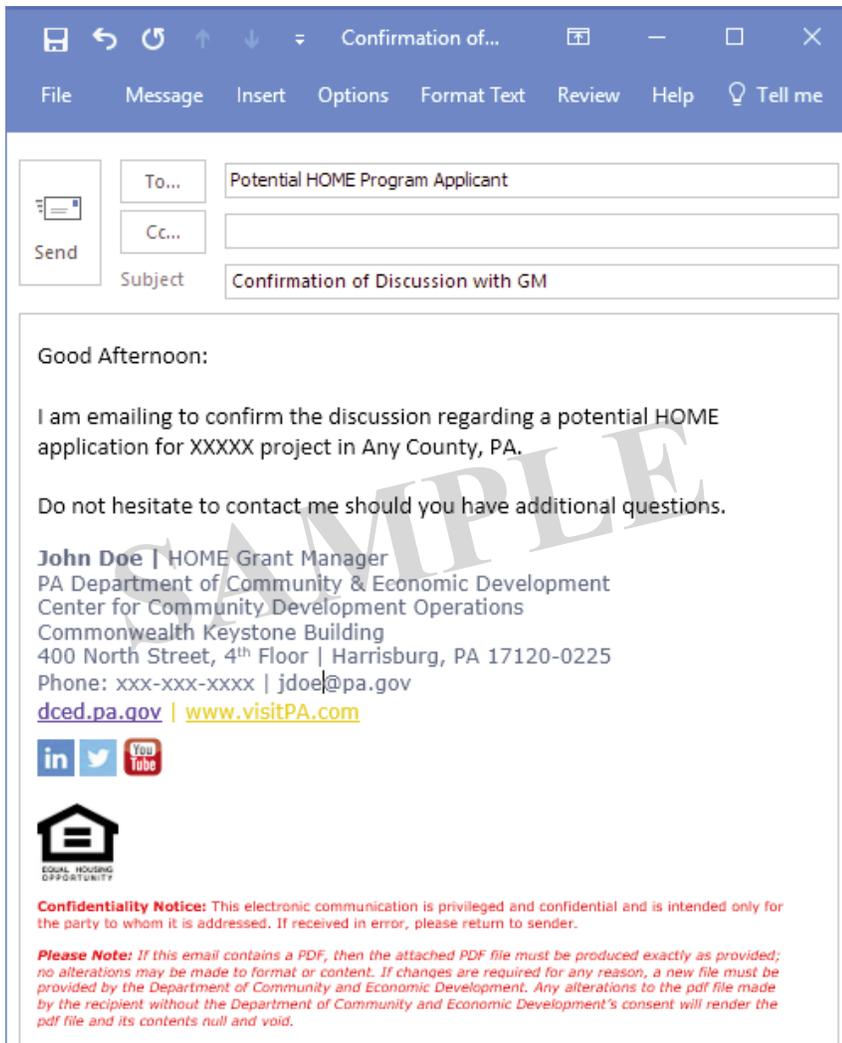
Electronic Single Application

To apply for funding, the applicant must submit the electronic on-line DCED Single Application for assistance located at www.esa.dced.state.pa.us. If the program you are applying under requires multiple copies of the application, they may be sent via US Mail with the hard-copy of the signature page (sample pictured below) that accompanies the application. If addenda are required, it may be attached electronically to the application on the Addenda tab, or submitted via US Mail with the signature page. Please reference the Electronic Single Application number on any documents sent with the signature page.

 Community and Economic Development Single Application for Assistance
Single Application #: 201408193683
This page must accompany all required supplemental information Mail to:
Pennsylvania Department Of Community and Economic Development Commonwealth Keystone Building Attn: Center for Community Development Operations 400 North Street, 4th Floor Harrisburg, PA 17120-0225
I hereby certify that all information contained in the single application and supporting materials submitted to DCED via the Internet Single Application # 201408193683 and its attachments are true and correct and accurately represent the status and economic condition of the Applicant, and I also certify that, if applying on behalf of the applicant, I have verified with an authorized representative of the Applicant that such information is true and correct and accurately represents the status and economic condition of the Applicant. I also understand that if I knowingly make a false statement or overvalue a security to obtain a grant and/or loan from the Commonwealth of Pennsylvania, I may be subject to criminal prosecution in accordance with 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and 31 U.S.C. §§ 3729 and 3802 (relating to false claims and statements).
 Signature: Christina Kurtz 8/19/2014
The Department of Community and Economic Development reserves the right to accept or reject any or all applications submitted on the Single Application for Assistance contingent upon available funding sources and respective applicant eligibility.

Evidence of Pre-Application Discussion with DCED HOME Program Grant Manager

Copy of Correspondence with HOME Grant Manager Regarding Project Activity



The screenshot shows an email client window titled "Confirmation of...". The menu bar includes "File", "Message", "Insert", "Options", "Format Text", "Review", "Help", and "Tell me". The email header shows "To..." as "Potential HOME Program Applicant", "Cc..." as an empty field, and "Subject" as "Confirmation of Discussion with GM".

Good Afternoon:

I am emailing to confirm the discussion regarding a potential HOME application for XXXXX project in Any County, PA.

Do not hesitate to contact me should you have additional questions.

John Doe | HOME Grant Manager
PA Department of Community & Economic Development
Center for Community Development Operations
Commonwealth Keystone Building
400 North Street, 4th Floor | Harrisburg, PA 17120-0225
Phone: xxx-xxx-xxxx | jdoe@pa.gov
dced.pa.gov | www.visitPA.com





Confidentiality Notice: This electronic communication is privileged and confidential and is intended only for the party to whom it is addressed. If received in error, please return to sender.

Please Note: If this email contains a PDF, then the attached PDF file must be produced exactly as provided; no alterations may be made to format or content. If changes are required for any reason, a new file must be provided by the Department of Community and Economic Development. Any alterations to the pdf file made by the recipient without the Department of Community and Economic Development's consent will render the pdf file and its contents null and void.



GENERAL APPLICATION DESCRIPTION

HOME PROGRAM YEAR:

1. APPLICANT'S NAME:		COUNTY:	ZIP CODE:
2. IS THIS APPLICATION FOR: <input type="checkbox"/> HOME CHDO Funding <input type="checkbox"/> HOME Funding		3. PROGRAM TYPE: <input type="checkbox"/> Rental Housing (1-9 Units) <input type="checkbox"/> Homebuyer <input type="checkbox"/> Homeowner Rehab <input type="checkbox"/> CHDO Operating <input type="checkbox"/> Acquisition	

4. LOCAL GOVERNMENT NAME & ADDRESS:

5. CHIEF ELECTED OFFICIAL OF APPLICANT:(Name/Title/Address/Zip Code)	6. CONTACT PERSON: (Name/Title/Address/ZipCode)
TELEPHONE: EMAIL:	TELEPHONE: EMAIL:

7. PROJECT NAME AND DESCRIPTION(Briefly list activity(ies) to be undertaken):	8. LOCATION OF PROJECT: (Address)
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9. BREAKDOWN OF HOUSING ACTIVITY

	Single	HOME Cost/Unit	Total Cost/Unit	Multi-Family	HOME Cost/Unit	Total Cost/Unit
Total # Units _____						
1. New Construction						
2. Rehab						
3. Existing Without Rehab						

10. FUNDING

Program/Source	Amount	Fiscal Year (Federal/State) Type (Local/Private/Other)	Use of Funds	Funding Status
A. HOME				
B. CDBG				<input type="checkbox"/> Secured <input type="checkbox"/> Pending
C. Local Public				<input type="checkbox"/> Secured <input type="checkbox"/> Pending
D. Private				<input type="checkbox"/> Secured <input type="checkbox"/> Pending
E. Other				<input type="checkbox"/> Secured <input type="checkbox"/> Pending
F. Total Project Cost				

Resolution of HOME Program Applicant

(Applicant may use municipality's standard format/template for resolutions which include these items)

Resolution of the _____ (Name of Applicant) authorizing the filing of an Application for funds with the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania.

WHEREAS, the HOME Applicant is desirous of obtaining funds from DCED for affordable housing activities fundable under Title II of the National Affordable Housing Act of 1990 (42 U.S.C. 12701 et. seq and the implementing regulations at 24 CFR Part 92.

NOW, THEREFORE, BE IT RESOLVED that a housing need exists that has been identified in the local or state Consolidated Plan and the proposed housing activity addresses this need.

BE IT FURTHER RESOLVED, that the HOME Applicant has conducted the required citizen participation process.

BE IT FURTHER RESOLVED, that the HOME Applicant will assure the provision of the other necessary funds to make the activity feasible.

BE IT FURTHER RESOLVED, that the HOME Applicant will reimburse the commonwealth for any expenditures found by DCED to be ineligible.

BE IT FURTHER RESOLVED, that the appropriate officer of the HOME Applicant is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of this Resolution to DCED.

Signature, Chief Elected Official

Date

Typed Name and Title



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 as a result 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.
- (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



CITIZEN PARTICIPATION REPORT

APPLICANT NAME: _____

Applicant should follow established Citizen Participation Plan. If applicant does not have a citizen participation plan it can adopt the County's plan or contact DCED for direction on creating and adopting a plan.

HOME INFORMATION TO THE PUBLIC	DATE
Notice of public hearing:	
Date of public hearing:	
Describe the methods used to solicit participation of low to moderate income persons:	
Denote any adverse comments/complaints received and describe resolution:	

Immediately following this page, attach the documents below in the order listed:

- Hearing Ad/Proof of Publications
- Sign-In Sheets
- Hearing Minutes
- Copy of response(s) to comments and/or complaints.

** HOME applicants are only required to conduct one public hearing*

I hereby certify, subject to the penalties of perjury, the above public hearing was conducted in accordance with all state and federal regulations.

Signature, Chief Elected Official

Date

Typed Name and Title:

Limited English Proficiency Guidance

for HOME Applicants

In Compliance with:

- Section 601 of Title VI the Civil Rights Act of 1964 (LEP Statutory Authority) “No person 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 subjected to discrimination* under any program or activity receiving Federal financial assistance.”

And

- 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 contractor’s programs and activities that has any federal financial assistance.

DCED is providing this guide to its applicants of federal financial assistance to aid in the analysis of determining if the beneficiaries of the proposed projects have limited English proficiency. Please use the following template to document your analysis of your program or activity. By their nature, **all HOME Program activities** provide a direct benefit to persons. Therefore if awarded HOME funds, a Language Access Plan will be required of all HOME grantees. The completion of the Four Factor Analysis included in the application will assist the applicant to determine which non-English speaking populations need to be addressed in the Language Access Plan. *DCED will provide additional guidance if necessary.*

For Direct HUD Entitlement Communities under the Community Development Block Grant Program applying for Pennsylvania funding under the HOME Program:

If your county or municipality is a direct recipient of federal CDBG funding from HUD (**Not** Pennsylvania), then they must be in compliance with the Limited English Proficiency Regulations. DCED is not requiring you, the applicant for the HOME program, to complete a second set of documents for your application. In order to not have to complete the following LEP compliance exercise for your application, **you must submit** the Four Factor Analysis and/or Language Access Plan currently in place for the LEP requirement in your county/municipality along with the following certificate signed by the Chief Elected Official. If the applicant **does not** have these documents, then they must complete and submit the attached guidance with their application;

Certification: As a Direct Entitlement for HUD federal financial assistance for the CDBG program, the Applicant has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Applicant is in compliance with the LEP regulations and makes all reasonable attempts to accommodate language access needs of residents during citizen participation, income surveys and/or direct assistance intake activities including but not inclusive of public hearings, public notices, advertisements, income surveys and direct assistance intake documents.

Signature, Chief Elected Official

Date

Typed Name and Title

For Pennsylvania Entitlement Communities under the Community Development Block Grant Program applying for funding under the HOME Program:

If your county or municipality is a recipient of federal CDBG funding from Pennsylvania, then they must be in compliance with the Limited English Proficiency Regulations. DCED is not requiring you, the applicant for the HOME program, to complete a second set of documents for your application. In order to not have to complete the following LEP compliance exercise for your application, **you must submit** the Four Factor Analysis and/or Language Access Plan currently in place for the LEP requirement in your county/municipality along with the following certificate signed by the Chief Elected Official. If the applicant **does not** have these documents, then they must complete and submit the attached guidance with their application;

Certification: As a Pennsylvania CDBG Entitlement for federal financial assistance for the CDBG program, the Applicant has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Applicant is in compliance with the LEP regulations and makes all reasonable attempts to accommodate language access needs of residents during citizen participation, income surveys and/or direct assistance intake activities including but not inclusive of public hearings, public notices, advertisements, income surveys and direct assistance intake documents.

Signature, Chief Elected Official

Date

Typed Name and Title



**CERTIFICATION OF COMPLETION OF A
FOUR-FACTOR ANALYSIS
FOR LIMITED ENGLISH PROFICIENCY PERSONS**

and

**CERTIFICATION OF THE ACTIVITIES TO BE INCLUDED
IN THE LANGUAGE ACCESS PLAN**

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

For:

APPLICANT NAME: _____

PROGRAM and CONTRACT # (HOME/C000000000): _____

CONTACT PERSON (Name, Telephone Number & E-mail) _____

Purpose:

In compliance with Section 601 of Title VI the Civil Rights Act of 1964 (LEP Statutory Authority) and Executive Order 13166, _____ (*Applicant*) has conducted the following Four Factor Analysis for Limited English Proficiency (LEP) persons for the federally funded program listed above.

History:

Title VI of the Civil Rights Act of 1964, is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

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. The order also requires a Language Access Plan for the program or activity if a qualifying population is determined. To determine if there is an affected population of beneficiaries having limited English proficiency, all applicants receiving federal financial assistance must conduct the four-factor analysis as outlined below.

Applicant Four-Factor Analysis:

The following Four-Factor Analysis serves as the guide for determining which language assistance measures the Applicant will be required to undertake to guarantee access to Applicant's HOME Investment Partnership (HOME) activity by LEP persons.

Factor One - Methodology: The applicant must analyze the number or proportion of LEP persons served or encountered in the eligible service area population (served or encountered includes those persons who would be served by activity if the person received education and outreach and the applicant provided sufficient language services).

Select the paragraph(s) below that best describes your methodology for the analysis by placing a check mark in the box beside the description. Also, please fill in the blanks or circle the correct statement were indicated. These paragraphs may be modified or replaced with narrative that more accurately reflects the applicant's methodology.

- The Applicant utilized the PA Census tabulation for persons that speak English "Less than Well" provided by DCED to determine the **county's** LEP population(s). Based on this data, the Applicant **does/does not** (chose one) meet the 1,000 or 5% LEP persons threshold for any language(s) identified.
- The Applicant utilized the PA Census tabulation for persons that speak English "Less than Well" provided by DCED to determine its **municipalities'** LEP population(s). Based on this data, the Applicant **does/does not** (chose one) have any municipalities within its borders that meet the 1,000 or 5% LEP persons threshold for any language(s) identified.
- Local elected officials, clergy, medical personnel, and school administrators were polled by telephone/questionnaire to request input regarding their knowledge of LEP persons within the community and/or proposed project area(s). Based on the results of the telephone poll/questionnaires, there are an _____ (estimated number) LEP persons out of _____ (total persons benefitting from the activity) located in _____ (Applicant or service area name). This **does/does not** (chose one) meet the 1,000 or 5% LEP persons of total service area threshold for any language(s) identified.

Please list below all municipalities and/ or service areas under this program that qualify as meeting the threshold of 1,000 or 5% LEP person's threshold for any language(s) identified as indicated by the methodology used above. Include the name of the municipality/service area, the language(s) identified, and the number or percentage of persons. For example:

Apple Township Germanic 16%

If any of the blocks above contains a "does" meet the 1,000 or 5% LEP person threshold for any language(s) identified, the applicant must complete a Language Access Plan for that municipality and may stop further completion of this Four Factor Analysis. Please proceed to the Language Access Plan Certification on page 28 of this guidance. Please submit this page, along with the Language Access Plan Certification with your application.

If the applicant, after completing this section of the analysis, has **all** blocks above marked with "does not" meet the 1,000 or 5% LEP persons' threshold for any languages identified, they must continue analyzing their **activity** with the following questions.

Additional Questions to be Answered:

Factor Two - The frequency with which LEP persons come into contact with the activity.

Due to the fact that all HOME activities provide direct benefit to an individual or household and that the applicant does not know who may apply for HOME assistance, **all** HOME applicants are required to complete a Language Access Plan Certification and Plan. The methodology portion of this analysis may serve as a basis for the required Affirmative Marketing Plan for HOME activities by giving the applicant information on the potential populations they may avail themselves of the HOME assistance.

Factor Three - The nature and importance of the activity or service provided by the activity.

The nature and importance of all HOME activities to the LEP population is high. Even if the applicant does not have a LEP population identified in the first section of this analysis, persons having limited English proficiency may find themselves in need of the assistance provided with the HOME funds. As the applicant has no prior knowledge of the needs of persons presenting themselves for housing assistance, there is no way to calculate how important these funds are to a specific population. Therefore, LEP measures are necessary to be available by the applicant to be in compliance. HOME applicants must complete a Language Access Plan Certification and Plan and should not continue this Four Factor Analysis.

Factor Four - The resources available and costs to the recipient.

Currently, internet sites can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a HOME are available in multiple languages on the HUD and DOL websites. Additionally, translation activities are an eligible HOME administrative or delivery expense. Therefore, limited LEP measures are reasonable given the resources available to Applicant. So, applicants may not use this factor as the only factor determining the need for a Language Access Plan.

As all HOME activities meet the LEP Factor of contact with the activities, all applicants must complete the following Language Access Plan Certificate and have a Language Access Plan in their Program Master Files.



Language Access Plan Certification for

(Applicant or Activity)

As a result of the preceding Four-Factor Analysis, _____ *(Applicant)* has identified the following types of language assistance to be provided on an as needed basis by the Applicant throughout the implementation of its HOME activity:

Below are the minimum requirements to meet the needs of your identified Limited English Proficiency Populations. All items are mandatory of all HOME applicants having any LEP populations in any municipality within their activity service area. Additional activities may be added to meet the needs of the applicants' LEP population(s).

All HOME citizen participation materials, public notices, and project-related resolutions, will be published/posted in the LEP language(s) identified, in community newsletters, on bulletin boards at the offices and meeting location of the applicant, on the applicant website and in public places throughout the proposed project area(s) and/or the community, especially those areas with high concentration of the affected population.

Additionally, all published/posted citizen participation notices will include a statement in the identified LEP language(s) indicating that other "program materials are available in the LEP language(s) upon request". This statement must be in as many languages as has been identified during the applicant's analysis.

All citizen participation notices will include a statement that "translators will be available at public meetings upon at least 72 hours' notice". This will be in the identified LEP language(s) in the English notification and also in the complete LEP language(s)' notification.

All direct assistance application documents and outreach materials will be provided in the LEP language(s) identified.

For all direct assistance intakes, if needed, a translator will be retained to provide oral translation at the site of the intake to assist in filling out the intake documents and explaining the program. The applicant may not require the LEP applicant to provide their own translator, though the applicant may bring someone if they choose.

If other populations of LEP persons are identified in the future, Applicant will provide additional measures to serve the language access needs of those persons.

The Applicant will complete a Language Access Plan which delineates how these activities will be carried out, by whom, and who will monitor the effectiveness of the activities for possible revision. This Plan once adopted by the applicant must be retained in the applicants' master file and utilized throughout the program.

Adopted:

Signature, Chief Elected Official

Date

Typed Name and Title