

**CITY OF HAYWARD CDBG-R SUBSTANTIAL AMENDMENT
GRANTEE CHECKLIST**

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Hayward Lead Agency: Not applicable Jurisdiction Web Address: <i>www.hayward-ca.gov</i>	CDBG-R Contact Person: Anne Culver Address: 777 B Street, Hayward CA 94541 Telephone: 510-583-4238 Fax: 510-583-3650 Email: <i>anne.culver@hayward-ca.gov</i>
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes No Verification found on page: **Amendment, page 1**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: **May 20, 2009**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,

Yes No Verification found on page(s) **Spreadsheet, page 1**

- the Eligibility citation (eligibility regulatory cite or HCDA cite),

Yes No Verification found on page(s) **Spreadsheet, page 1**

- the CDBG national objective citation,

Yes No

Verification found on page(s)

Spreadsheet, page 1

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,

Yes No

Verification found on page(s)

Amendment, pages 1 - 3

- projected number of jobs created for each activity,

Yes No

Verification found on page(s)

Amendment, pages 1 - 3

- whether an activity will promote energy efficiency and conservation,

Yes No

Verification found on page(s)

Amendment, pages 1 - 3

- the name, location, and contact information for the entity that will carry out the activity,

Yes No

Verification found on page(s)

Amendment, page 1

- evidence that no more than 10% of the grant amount will be spent on administration and planning,

Yes No

Verification found on page (s)

Amendment, page 3

- evidence that no more than 15% of the grant amount will be spent on public services,

Yes No

Verification found on page (s)

Amendment, page 1

- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,

Yes No

Verification found on page (s)

Amendment, pages 1 - 2

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes No Verification found on page(s) Amendment, page 3

Is there a summary of citizen comments included in the final amendment?

Yes No Verification found on page(s) Amendment, pages 3 - 4

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (9) Following a plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (13) Lead-based paint procedures | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (15) Compliance with ARRA | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (16) Project selection | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (17) Timeliness of infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (18) Buy American provision | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (19) Appropriate use of funds for infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (20) 70% of CDBG-R for LMI | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Optional Certification

- | | | |
|------------------|---|-----------------------------|
| (21) Urgent Need | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|------------------|---|-----------------------------|

D. STATE CERTIFICATIONS

The following certifications are complete and accurate: **NOT APPLICABLE TO THIS APPLICATION**

- | | | |
|--|------------------------------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of State | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (9) Consultation with Local Governments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (13) Compliance with laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with ARRA | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (15) Project selection | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (16) Timeliness of infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (17) Buy American provision | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (18) Appropriate use of funds for infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (19) 70% of CDBG-R for LMI | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Optional Certification | | |
| (20) Urgent Need | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Application for Federal Assistance SF-424

Version 02

***1. Type of Submission:**

- Preapplication
 Application
 Changed/Corrected Application

***2. Type of Application**

- New
 Continuation
 Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

May 18, 2009

4. Applicant Identifier:

5a. Federal Entity Identifier:

***5b. Federal Award Identifier:**

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

***a. Legal Name:** CITY OF HAYWARD

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

94-6000346

***c. Organizational DUNS:**

04-001-0175

d. Address:

*Street 1: 777 B STREET

Street 2: _____

*City: HAYWARD

County: ALAMEDA

*State: CALIFORNIA

Province: _____

*Country: USA

*Zip / Postal Code 94541

e. Organizational Unit:

Department Name:

LIBRARY AND NEIGHBORHOOD SERVICES

Division Name:

NEIGHBORHOOD SERVICES DIVISION

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

Prefix: MS. *First Name: ANNE

Middle Name: CALDWELL

*Last Name: CULVER

Suffix: _____

Title: SOCIAL SERVICES PLANNING MANAGER

Organizational Affiliation:

CITY OF HAYWARD

*Telephone Number: 510-583-4238

Fax Number: 51-583-3650

*Email: anne.culver@hayward-ca.gov

Application for Federal Assistance SF-424

Version 02

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

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

11. Catalog of Federal Domestic Assistance Number:

14.253 _____

CFDA Title:

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING UNDER THE ARRA OF 2009 _____

***12 Funding Opportunity Number:**

FR-5309-N-01 _____

*Title:

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING UNDER THE ARRA OF 2009 _____

13. Competition Identification Number:

Title:

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

CITY OF HAYWARD

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

CDBG-R PROGRAM

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NOT APPLICABLE.

CDBG-R
Activity Data Spreadsheet

Jurisdiction/Grantee Name: CITY OF HAYWARD		CDBG-R Formula Grant Amount: \$460,000				18-May-09	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Weekes Park Rehabilitation	Weekes Park is located in one of Hayward's lowest-income neighborhoods, and is used by thousands of people annually. These funds will be matched by the Hayward Area Recreation District (HARD) for a total project budget of \$223,560. Restrooms will be upgraded to meet ADA standards. Walkways will be rehabilitated for improved walkability. Safety lighting will be installed so the park's darkest areas will be well-lit for safety during the evening hours.	570.201 (c)	570.208(a)(1)	111,780		111,780	223,560
Small Business Revolving Loan Program	The Small Business Revolving Loan Program makes loans to owners of small businesses, in order to create jobs to be offered to low-income people. The program also provides technical assistance to business owners and facilitates lending relationships between business owners and conventional lenders. Since its inception this program has created over 130 full-time jobs that were made available to low-income Hayward residents.	570.203 (b)	570.208(a)(4)	\$111,780			111,780
Minor Home Repair Program	The Minor Home Repair Program operates City-wide to make grants to income eligible homeowners to make health and safety repairs, improve accessibility for people who have disabilities, and correct residential code violations.	570.202	570.208(a)(3)	\$190,440			190,440
Program Administration	CDBG-R Program Administration	570.206	None	\$46,000			46,000
							0
			TOTAL:	\$460,000			460,000

**CITY OF HAYWARD
CDBG-R SUBSTANTIAL AMENDMENT TO FY 08-09 ACTION PLAN**

Jurisdiction(s): City of Hayward Lead Agency: Not applicable Jurisdiction Web Address: <i>www.hayward-ca.gov</i>	CDBG-R Contact: Anne Culver Address: 777 B Street, Hayward CA 94541 Telephone: 510-583-4238 Fax: 510-583-3650 Email: <i>anne.culver@hayward-ca.gov</i>
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CDBG-R SUBSTANTIAL AMENDMENT GRANTEE CHECKLIST - ATTACHED

SIGNED AND DATED SF-424 - ATTACHED

SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES:

The City of Hayward's CDBG-R Spreadsheet is attached in hard copy, and on May 20, 2009, an electronic copy was emailed to CDBG-R@hud.gov. Information provided on the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional funds for the activity received from other programs, and total activity budget.

CDBG-R INFORMATION BY ACTIVITY:

The City did not allocate any portion of its CDBG-R allocation to Public Services activities.

The CDBG-R projects below were selected 1) because of the benefits they would produce for low-income people, particularly those most impacted by the economic recession, 2) because they would be ready to implement upon approval of this amendment, and 3) because they would create immediate employment opportunities.

1. Activity Name: Weekes Park Rehabilitation Project (\$111,780)

Activity Narrative: Weekes Park is located in one of the City's lowest-income neighborhoods, and is used by thousands of children and families each year. The park provides acres of grassy play area, a ballfield, and the South Hayward branch of the public library. It is walking distance from the Eden Youth and Family Center, South Hayward Family Resource Center, and South Hayward Parish Food Pantry - some of the area's most relied-upon social services.

The facility is owned and operated by the Hayward Area Recreation District (HARD), and this project would upgrade the facility's only restrooms to meet ADA standards, re-grade, widen, and smooth uneven walkways, and install exterior, solar-powered, energy efficient light fixtures so that the darkest areas of the park will be lit for safety in the evenings. The City will monitor to ensure that materials required to complete this project will comply with Section 1605 of the American Recovery and Reinvestment Act of 2009, as applicable.

Jobs Created: This project is ready to go out to bid upon approval of this amendment. It is a relatively large, multi-trade project that will provide work for 8-10 plumbers, electricians, painters, and laborers. During procurement, the City would ensure adequate outreach to small, minority, and woman-owned businesses to make them aware of the opportunity to bid on the project.

Additional information: HARD will match the City's allocation of \$111,780 for a total project budget of \$223,560.

Responsible Organization: City of Hayward

2. Activity Name: Small Business Revolving Loan Program (\$111,780)

Activity Narrative: The Small Business Revolving Loan Program provides loans to businesses in order to create jobs that will be offered to low-income people. The program operates City-wide, but there is emphasis on the downtown redevelopment area. This has always been a popular program in Hayward, and during the past year, it was one of the rare sources of loans for small businesses.

Jobs Created: It is expected that 3 – 4 permanent, full-time jobs will be created through loans made to eligible businesses. The City will monitor to ensure the new jobs are offered to low-income people.

Additional information: The Small Business Revolving Loan Program also facilitates lending relationships between business owners and conventional lenders, often resulting in jointly-funded, or leveraged, expansions. Loans used for the purchase of appliances or fixtures shall be restricted to acquisitions that promote energy-efficiency and preservation of natural resources.

Responsible Organization: City of Hayward

3. Activity Name: Minor Home Repair Program (\$190,440)

Activity Narrative: The Minor Home Repair Program operates City-wide to make grants to income-eligible homeowners to make health and safety repairs, improve accessibility for people who have disabilities, and correct residential code violations. Beneficiaries are most often seniors and people who have disabilities, who subsist on low, fixed incomes.

Jobs Created: 30-40 grants will be made to eligible homeowners, each producing work for a local, licensed contractor. These jobs are deliberately structured to be easily accessible by small contractors who might lack the administrative infrastructure or confidence to bid on other CDBG-funded, prevailing wage jobs. The City's procurement process ensures outreach to small, minority, and woman-owned businesses.

Additional information: In each scope of work the City will "spec" building materials that meets standards set forth in Section 1605 of the American Recovery and Reinvestment Act of 2009, as applicable. The City will provide support and technical assistance to contractors who are unfamiliar with these requirements to ensure compliance.

Responsible Organization: City of Hayward

4. Activity Name: CDBG-R Administration (Not to exceed \$46,000)

Activity Narrative: Planning and general administration activities associated with CDBG-R funds will be capped at no more than 10% of CDBG-R funds expended.

Responsible Organization: City of Hayward

PUBLIC COMMENT

There were several opportunities for members of the public to provide comments and input into the process used to select CDBG-R projects.

March 13, 2009: A notice was published in the Daily Review, a local newspaper, announcing a City Council Public Hearing to be conducted on April 21, 2009, during which Council would determine how the City would use ARRA-authorized CDBG-R funds.

March 18, 2009: At a regularly scheduled, properly noticed meeting of the Citizens Advisory Commission, the purpose of CDBG-R funds was discussed, and the Commission identified three projects from among the applications submitted for regular CDBG funding, that seemed particularly suitable for CDBG-R funding. Those projects formed the basis for the Commission's CDBG-R funding recommendations to City Council. Those projects were ultimately approved by City Council (on April 21, 2009) and are included on the spreadsheet attached to this document.

April 1, 2009: At a Special Public Meeting, the purpose of CDBG-R funding was discussed, and members of the public in attendance provided suggestions and comments regarding the potential uses of the funds. The comments were written down and included in the staff report to City Council for consideration at the April 21, 2009 Public Hearing, and are included among those summarized below.

April 7, 2009: There was a public City Council Work Session, during which the Citizens Advisory Commission's and City staff's recommendations for use of CDBG-R funds were presented to and discussed by City Council.

April 21, 2009: City Council conducted a Public Hearing regarding the use of CDBG-R funds. Members of the community, representatives from local non-profit agencies, and members of the Citizens Advisory Commission were in attendance. City Council determined which projects would receive allocations of CDBG-R funding, and authorized the submission of a CDBG-R Substantial Amendment to the City's FY 08-09 Action Plan so that those funds could be received and put to use.

May 20, 2009: The City of Hayward's CDBG-R Substantial Amendment to its FY 08-09 Action Plan was published in its entirety at www.hayward-ca.gov beginning May 20, 2009 for public review and comment.

Summary of Comments Received:

- Several nonprofit applicants suggested that the City consider using ARRA funds to enhance funding to currently funded agencies.
- Several comments urged the City to use the funds to support nonprofit agencies that are located in Hayward, and have already demonstrated their effectiveness and administrative capacity.
- Two comments encouraged consideration of services that support families that are struggling economically, by enhancing support for childcare services and transportation.

CERTIFICATIONS - ATTACHED

CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting 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 jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(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) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(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 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 jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location 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 lead-based paint procedures. The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) Compliance with laws. The jurisdiction will comply with applicable laws.

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

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

Greg Jones, City Manager
City of Hayward
Office of the City Manager
777 B Street
Hayward CA 94541

May 20, 2009

Date

OPTIONAL CERTIFICATION

CDBG-R

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

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

Greg Jones, City Manager
City of Hayward
Office of the City Manager
777 B Street
Hayward CA 94541

May 20, 2009

Date