

PART B – Required Certifications and Documentation

NSP STATEMENT OF ASSURANCES

The County of El Dorado hereby assures and certifies that:

1. Legal Authority
It possesses the legal authority to apply for the grant and to execute the proposed Neighborhood Stabilization Program (NSP) activities described in the NSP application in accordance with all applicable regulations.
2. Application Authority
Its governing body has duly adopted or passed as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.
3. Citizen Participation
It has or will comply with all citizen participation requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP. Such requirements include, at a minimum, the following components:
 - a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low-, moderate-, and middle-income who are residents of areas in which NSP funds are proposed to be used, and provides for participation of residents in low-, moderate-, and middle-income neighborhoods as defined by the local jurisdiction;
 - b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by NSP/CDBG regulations, and relating to the actual use of funds under this title;
 - c. Provides for technical assistance to groups representative of persons of low-, moderate-, and middle-income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
 - d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the Neighborhood Stabilization Program. These include at least the development of needs and the review of proposed activities, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the disabled. This shall include one public meeting during the program design and prior to formal amendments. A public hearing shall also be conducted prior to application submittal;

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- e. Solicits and provides for timely written answers to written complaints and grievances, within 15 working days where practicable; and
 - f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can reasonably be expected to participate.
4. Use of funds in 18 months
It will comply with Title III of Division B of the Housing and Economic Recovery Act of 2008 by using/obligating, as defined in the NSP Notice, all of its grant funds within 12 months of the contract execution date between the California Department of Housing and Community Development and the U.S. Department of Housing and Urban Development.
5. Use NSP funds ≤ 120 of AMI
It will comply with the requirement that all of the NSP funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120 percent of area median income. The only exception is for jurisdictions that are awarded State NSP set-aside funds, which must benefit individuals and families whose incomes do not exceed 50 percent of area median income.
6. NEPA Environmental Review
It consents to assume the responsibilities for environmental review and decision-making in order to ensure compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR, Part 58, titled "Environmental Review Procedures for Title I Community Development Block Grant Programs." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, and Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR 800.8).
7. CEQA
It consents to assume the role of either Lead Agency as defined by Section 21067 of the California Public Resources Code, or if another agency is or will be designated Lead Agency, it consents to assume the role of Responsible Agency as defined by Section 21069 of the California Public Resources Code, in order to ensure compliance with CEQA.
8. Growth Control
It certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because:

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- a. The plan, ordinance, or measure imposes a moratorium on residential construction, to protect the health and safety, for a specified period of time, which will end when the public health and safety is no longer jeopardized; or
 - b. The plan, ordinance, or measure creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; or
 - c. The plan, ordinance, or measure was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or
 - d. The applicant has an adopted housing element, which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code; or
 - e. The use of the funds applied for in this application is restricted for housing for the targeted income group.
9. Uniform Administrative Requirements
It will comply with the regulations, policies, guidelines, and requirements of OMB Circular Numbers A-87, A-133, A-122, and 24 CFR Part 85, where appropriate, the Housing and Economic Recovery Act of 2008 (HERA) regulations, and the State CDBG regulations.
10. Nondiscrimination
It shall comply with the following regarding nondiscrimination:
- a. Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.
 - b. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing. The grantee must conduct an analysis to identify the impediments to fair housing choice within the jurisdiction(s), 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.
 - c. Section 109 of the Housing and Community Development Act of 1974, as amended.

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- d. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
 - e. Executive Order 11246, as amended by Executive Orders 11375 and 12086.
 - f. Executive Order 11063, as amended by Executive Order 12259.
 - g. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
 - h. The Age Discrimination Act of 1975 (Public Law 94-135).
 - i. The prospective contractor's signature affixed hereon and dated shall constitute a certification under the penalty of perjury under the laws of the State of California that the applicant has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.
11. Acquisition and Relocation
It 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, except as those provisions are modified by the Notice for the NSP program published by HUD. Additionally, the jurisdiction certifies that it will follow the State's residential anti-displacement and relocation assistance plan located in Appendix L of the State's 2005-2010 Consolidated Plan. The Plan can be found at: <http://www.hcd.ca.gov/hpd/hrc/rep/fed/conplan05-10final.pdf>.
12. Labor Standards
It will comply with the following regarding labor standards:
- a. Section 110 of the Housing and Community Development Act of 1974, as amended.
 - b. Section 1720 et seq. of the California Labor Code regarding public works labor standards.
 - c. Davis-Bacon Act as amended (40 U.S.C. 276a) regarding prevailing wage rates.
 - d. Contract Work Hours and Safety Standards Act (40 USC 327-333) regarding overtime compensation.
 - e. Anti-Kickback Act of 1934 (18 USC 874) prohibiting "kickbacks" of wages in federally assisted construction activities.

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13. Architectural Barriers Act
It will comply with the Architectural Barriers Act of 1968 (42 USC 4151) and implementing regulations (24 CFR Part 40-41).
14. Conflict of Interest
It will enforce standards of conduct that govern the performance of its officers, employees, and agents engaged in the administration of contracts funded in whole or in part by the NSP/CDBG Program (Section 7120(d) of the State regulations).
15. Limitations on Political Activities
It will comply with the Hatch Act (5 USC 1501 et seq.) regarding political activity of employees.
16. Anti-lobbying
It will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
17. Lead-Based Paint
It will comply with the Lead-Based Paint Regulations (24 CFR Part 35, subparts A, B, J, K, and R) which prohibits the use of lead-based paint on projects funded by the program.
18. Federal Debarment and Suspension
It will comply with the Federal Debarment and Suspension (24 CFR Part 5) and their principals, or any/all persons, contractors, consultants, businesses, sub-recipients, etc., that are conducting business with the grantee are not presently debarred, proposed for debarment, suspended, declared ineligible, or voluntarily excluded from participation from the covered transaction in any proposal submitted in connection with the covered transaction. Applicants must check the Excluded Parties Listing System at www.epls.gov, print and maintain evidence of the search results. In the event that the search results indicate a prior or current debarment or suspension of the jurisdiction, include the printout in the application.
19. Assessments
It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. The following exceptions apply:
 - a. If NSP funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or

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charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

- b. For 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 NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

20. Excessive Force

It has adopted and is enforcing a policy that:

- a. Prohibits the use of excessive force by law enforcement agencies within the jurisdiction(s) against any individuals engaged in non-violent civil rights demonstrations; and
- b. Enforces applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within the jurisdiction(s).

21. Inspection of Grant Activities

It will give HUD, the Comptroller General, the Office of Inspector General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to this NSP Application and subsequent standard agreement.

These certifications are made under penalty of perjury under the laws of the State of California.

NAME OF CERTIFYING OFFICIAL: Ron Briggs

TITLE OF CERTIFYING OFFICIAL: Chairman, Board of Supervisors
(Chief Administrative Executive—enter exact title of person signing)

Signature

Date