

**Proposed Amendment
to
FY 2005-2009 Consolidated Plan and
FY 2008-2009 Annual Action Plan**

**Community Development Block Grant-Recovery
(CDBG-R)**

**City of Warwick
Office of Housing & Community Development
3275 Post Road
Warwick, Rhode Island 02886
Kevin Sullivan Program Coordinator
401-738-2000 Ext. 6376**

Scott Avedisian, Mayor



American Recovery and Reinvestment Act of 2009

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:

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 Warwick

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

05-6000562

*c. Organizational DUNS:

062-30-7384

d. Address:*Street 1: 3275 Post Road

Street 2: _____

*City: WarwickCounty: Kent*State: Rhode Island

Province: _____

*Country: USA*Zip / Postal Code 02886**e. Organizational Unit:**

Department Name:

Planning Department

Division Name:

Office of Housing and Community Development

f. Name and contact information of person to be contacted on matters involving this application:Prefix: Mr. *First Name: Kevin

Middle Name: _____

*Last Name: Sullivan

Suffix: _____

Title:

Organizational Affiliation:

*Telephone Number: 401-738-2000 X6371

Fax Number: 401-732-9522

*Email: Kevin.J.Sullivan@warwickri.com

OMB Number: 4040-0004

Expiration Date: 01/31/2009

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:**

US Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.253 _____

CFDA Title:

CDBG-R _____

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):
City of Warwick, Rhode Island

***15. Descriptive Title of Applicant's Project:**
Acquisition Rehab - Funds will be used for the purchase and rehab of properties for affordable homeownership or as affordable rental units.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:
*a. Applicant: 2nd *b. Program/Project: RI-002

17. Proposed Project:
*a. Start Date: June 2009 *b. End Date: December 2010

18. Estimated Funding (\$):

| | | |
|--------------------|-------|-----------|
| *a. Federal | _____ | \$243,030 |
| *b. Applicant | _____ | |
| *c. State | _____ | |
| *d. Local | _____ | |
| *e. Other | _____ | \$200,000 |
| *f. Program Income | _____ | |
| *g. TOTAL | _____ | \$443,030 |

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**
 Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <input checked="" type="checkbox"/> ** I AGREE | |
| ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions | |
| Authorized Representative: | |
| Prefix: _____ | *First Name: <u>Scott</u> _____ |
| Middle Name: _____ | |
| *Last Name: <u>Avedisian</u> _____ | |
| Suffix: _____ | |
| *Title: Mayor, City of Warwick, Rhode Island | |
| *Telephone Number: 401-738-2000 | Fax Number: 401-738-0690 |
| * Email: scott.avedisian@warwickri.com | |
| *Signature of Authorized Representative: | *Date Signed: 5/28/09 |

DRAFT

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.

Scott Avedisian

May 28, 2009
Date

Mayor
Title

Background:

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). The ARRA will provide a total of \$243,030 in a one time allocation of Community Development Block Grant (CDBG-R) funds. The Department of Housing and Urban Development requires that the City of Warwick prepare and submit a Substantial Amendment to its Consolidation/Action Plan for Program Year 2008 that outlines how the City will administer these funds.

The City of Warwick Office of Housing & Community Development will administer these additional funds to the City of Warwick.

Purpose of the Consolidated Plan:

A five year Consolidated Plan is required by the United States Department of Housing and Urban Development (HUD) from all jurisdictions receiving annual HUD assistance grants. The City of Warwick presently receives Community Development Block Grant (CDBG) funds. The plan establishes the goals, objectives and strategies the City of Warwick will use to administer the CDBG program, and commit the City to spend its federal funds to benefit its very low-, low-, and moderate-income residents.

Substantial Amendment to the 2008-2009 Action Plan for CDBG-R Funds:

In order to be eligible to receive funds under the CDBG-R the city is required to complete a Substantial Amendment to the 2008-2009 Action Plan. This proposed amendment will incorporate the CDBG-R funds and establish goals, objectives and strategies the City will use to administer and commit these funds.

Distribution and Use of Funds:

The City of Warwick anticipates **\$243,030** in Community Development Block Grant (CDBG-R) funds. Based on the assessment of needs in the community, funding available and project readiness, the city expects to use its CDBG-R funds on the following activity:

- 1. Property Acquisition and Rehabilitation (City-Wide) 14G 570.202
Budget \$233,030**

Funds will be used for the purchase and rehabilitation of residential properties. The properties will then be for either use as affordable rental units or to provide affordable homeownership opportunities.

Job Creation & Economic Benefits

This project is part of a neighborhood revitalization effort to eliminate blight and to create new affordable housing units. The project is expected to create construction jobs. The number to be created will depend on the number and nature of the rehabilitation

projects approved, the number of contractors who submit successful bids, the amount of work done by their own crews and the number of subcontractors employed. The city estimates this number could range from 15 to as many as 50 workers.

Environmental Benefit

This project will incorporate energy conservation, smart growth and green building technologies.

2. Program Administration (21A) 570.206 Budget \$10,000

Funds will be used for the general administration of the CDBG-R program mainly reasonable cost for overall program management, coordination and evaluation.

CDBG-R Activity Data Spreadsheet

100% of CDBG-R funding will benefit low to moderate income people.

| Jurisdiction/Grantee Name: City of Warwick, Rhode Island – Office of Housing & Community Development | | CDBG-R Grant Amount: \$243,030 | | | Date: May 28, 2009 | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------|----------------------------------|---------------------------------|------------------------------------|-----------------------------|
| Activity Name | Activity Description | Eligibility (Regulatory or HCDA Citation) | National Objective Citation | CDBG-R Project Budget (\$) | Add'l Recovery Funds (\$) | Other Leveraged Funding (\$) | Total Activity Budget |
| Affordable Housing – Rehab Acquisition | Funds will be used to purchase and rehab properties to create add'l units of affordable housing in accordance to CDBG-R regulation | 570.202 | LMH | \$233,030.00 | | \$200,000.00 | \$433,030.00 |
| Program Administration | Funds will be used for general management and oversight | 570.206 | LMC | \$10,000.00 | | | \$10,000.00 |
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Citizens Participation and Public Comment:

The City of Warwick, to ensure the opportunity for public review and comment, will hold a seven day comment period for the substantial amendment. A newspaper advertisement has been published in the Warwick Beacon on May 21, 2009.

Copies of this draft Substantial Amendment is available at the City of Warwick Planning Department Office of Housing Community Development located at City Hall Annex Building 3275 Post Road Warwick, Rhode Island 02886. Office hours are 8:30 to 4:30 Monday to Friday.

Comments will be accepted unit May 28, 2009. All comments will be considered. a summary of public comments will be provided to HUD, including a summary of any comments or views not accepted and the reason for non-acceptance.

Web address where this amendment is posted:

www.warwickri.gov

All Comments Must Be Submitted In Writing with
A Valid Name and Address. Forward All Comments To:

Kevin Sullivan, Program Coordinator
Office of Housing Community Development
City of Warwick
3275 Post Road
Warwick, Rhode Island 02886
T: 401-738-2000 ext. 6376
F: 401-732-9522

Kevin.J.Sullivan@warwickri.com

Public Comments Summary:

DRAFT