

Title: Administrative Policy Community Development Grants	Policy No. Part 4, Fiscal Administration Chapter 7, Grants and Agreements Section 2
	Effective Date May 8, 2007
Policy Custodian Community Development	Adoption/Revision Date May 8, 2007/August 7, 2007

Adopting Resolution(s): CC07-243

References (Statutes /Resos/Policies): Housing and Community Development Act of 1974; 24 C.F.R. § 570.606 ; 42 USCS § 5304(2) and (3); CC93-672

Purpose:

Policy: Community Development Grants

A. Amendments for CDBG and HOME Investment Partnerships Program (HOME)

1. Minor Budget Adjustments

Adjustments in budget line items are allowable as necessary provided the change does not exceed the total amount awarded and provided the expenditure is eligible for reimbursement. The Program Manager of Community Development is authorized to approve minor budget adjustments. Recipients of CDBG or HOME awards should request approval of these adjustments in writing. The Program Manager of Community Development will notify the recipients in writing of the County's approval.

2. Minor Project Modification

A minor project modification is a change in the project, but which does not result in an increase to the previously determined award amount nor a change to the national objective or activity category as designated for the original project.

- a. To request a minor project modification the recipient must submit a letter describing the changes, including a revised budget, to Jefferson County Community Development. The Program Manager of Community Development will review the requested modification.
- b. The Program Manager of Community Development has the authority to approve minor project modifications affecting less than \$10,000 of the project award amount. For modifications in a project affecting between \$10,000 and \$25,000 of the project award amount, approval by the Director of the Development and Transportation Department is required. Approval of the County Administrator is required if the modification in the project affects the project in an amount of \$25,000 or more.
- c. The Program Manager of Community Development will notify the recipient in writing that the modification has been approved and that the recipient may proceed with project implementation, or that the requested modification has not been approved.

3. Substantial Project Modification

- a. A substantial project modification is any change that is not a minor budget adjustment or minor project modification as described above. Substantial project modifications require approval of the Board of County Commissioners and an amendment to the Contract.

- b. Prior to formal submission, the Program Manager of Community Development must review the proposed modification for CDBG or HOME eligibility and consistency with the Consolidated Plan. Upon formal written request from the recipient, Community Development will:
 - (1) review the project for complete information, for compliance as an eligible CDBG or HOME activity, and for consistency with the Consolidated Plan;
 - (2) consult with the Community Development Advisory Board if deemed appropriate by the Program Manager of Community Development;
 - (3) complete an environmental review, if required;
 - (4) consult with the County Attorney if standard contract provisions may be at issue; and
 - (5) ensure that the public is informed of the proposed change if required by the Citizen Participation Plan.

B. Residential Antidisplacement and Relocation Assistance Plan

- 1. The County shall comply with the regulations set forth in 24 C.F.R. § 570.606 for activities assisted with funds provided under the Housing and Community Development Act of 1974 ("HCD Funds").
- 2. Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, the County shall take the following steps to minimize the displacement of persons from their homes:
 - a. The County shall analyze all applications for HCD Funds to determine whether the proposed project will cause the displacement of any persons.
 - b. The County shall encourage applicants for HCD funds to locate sites for projects in a way that will avoid or will minimize displacement of persons (for example, to locate projects on sites with vacant or no housing).
 - c. The County shall encourage applicants for HCD Funds to plan and phase projects in a way to avoid or minimize the effects of displacement (for example, by using temporary housing).
- 3. In the event of displacement in connection with a development project assisted under the grants authorized in 42 USCS § 5306 (which includes CDBG's) or the urban development action grants, 42 USCS § 5318:
 - a. Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937, 42 USCS § 1437f;

- b. The comparable replacement dwellings shall remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
 - c. Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and in the case of displaced persons of low and moderate income, provide either:
 - (1) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or
 - (2) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available in B.3.c.(1) to permit the household to secure participation in a housing cooperative or mutual housing association.
 - d. Persons displaced shall be relocated into comparable replacement housing that is
 - (1) decent, safe, and sanitary;
 - (2) adequate in size to accommodate the occupants;
 - (3) functionally equivalent; and
 - (4) in an area not subject to unreasonably adverse environmental conditions;
4. Persons displaced shall have the right to elect, as an alternative to the benefits under this subsection, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §§ 4601 et seq., if such persons determine that it is in their best interest to do so; and
5. Where a claim for assistance under d. above is denied by the County, the claimant may appeal to the Secretary of Housing and Urban Development (the "Secretary") in the case of a grant under 42 USCS §§ 5306 (which includes CDBG's) or 5318 (urban development action grants) or to the appropriate state official in the case of a grant under 42 USCS § 5306(d) and the decision of the Secretary or state official shall be final unless a court determines the decision was arbitrary and capricious.
6. Paragraphs B.3.a. and B.3.b shall not apply in any case in which the Secretary finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and nonreviewable.