

City of Gary, IN Action Plan

1. NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Jacquelyn Drago-Hunter
Email Address	jdragohunter@ci.gary.in.us
Phone Number	219-881-5075
Mailing Address	839 Broadway- Suite 302-N Gary, Indiana 46402

2. Areas of Greatest Need

Map Submission

The map generated at the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment.

Data Sources Used to Determine Areas of Greatest Need

Describe the data sources used to determine the areas of greatest need.

Response:

Gary, IN used the HUD User NSP3 Mapping Tool to determine the areas of greatest need. PolicyMap and the HUD NSP Data Set was also used.

Determination of Areas of Greatest Need

Describe how the areas of greatest need were established.

Response:

The City of Gary has chosen two discrete target areas that qualify according to the rules stipulated under NSP3. The University Place project serves a small part of the much larger West Glen Park neighborhood, which is one of the finest in the city, though still an area of great need. The community benefits from its location adjacent to the Northeast campus of Indiana University, a large park, a golf course, convenient shopping, one of the better high schools, and easy access to the Interstate highway system.

The neighborhood also suffers from the very soft market conditions that negatively impact the entire city. There are many vacant houses in the overall community, some of which are clearly abandoned and will probably never be rehabbed. Other houses are vacant between rentals or are on the market for sale. In terms of maintenance, housing values, and abandonment, the streets nearest to Broadway are the most troubled. Much of this results from the negative impacts of commercial structures on Broadway, many of which are used by marginal businesses or are vacant. Therefore, stabilizing these neighborhood streets west of Broadway is considered critical to protecting West Glen Park from the further encroachment of serious disinvestment.

The second target area named Townhouse Square is a small part of the East Glen Park neighborhood. This is one of the southernmost areas of East Glen Park and, as a result, benefits from its closeness to newer shopping and entertainment facilities as well as its location near the Lew Wallace High School.

The neighborhood is defined by very low housing values, which affects all of Gary, Indiana, since the population has dropped by nearly half over recent decades. In this particular area, there are vacant houses, some not rented and others not sold. In the wider neighborhood there are so many abandoned houses that most are unlikely to be rehabbed. While much of area is still in modest to good repair, the presence of abandoned houses and the existence of 24 boarded rental townhouses has undermined confidence in the immediate neighborhood. As is common in Gary, Massachusetts Street, which is the nearest to Broadway, is the most troubled due the negative impacts of commercial activities. Pennsylvania, Connecticut, and Delaware Streets are more stable, but have growing vacancy and undermaintenance concerns.

The combination of demolition and redevelopment in these two target neighborhoods have the potential to make an impact. Moreover, the type of housing provide a calculated stepping stone for homeownership, which encourages stable households and an investment in the communities by the residents.

3. Definitions and Descriptions

Definitions

Term	Definition
Blighted Structure	<p>Definition of “Blighted Structure” according to the State of Indiana Code, the Interim Study Committee and Legislative Findings:</p> <ul style="list-style-type: none"> -Any premises that, because of physical condition, use, or occupancy, constitutes a public nuisance or attractive nuisance. -Any dwelling that, because it is dilapidated, unsanitary, unsafe, or vermin infested or lacks the facilities or equipment required by housing codes, is unfit for human habitation. -Any structure that is a fire hazard or is otherwise dangerous to the safety of persons or property. -Any structure from which the utilities, plumbing, heating, sewerage, or similar services or facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use. -Any vacant or unimproved land in a predominantly built-up neighborhood that, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin. -Any property that has tax delinquencies that exceed the value of the property. -Any property with code violations that affect health or safety that is not substantially rehabilitated within one year after receiving a notice to rehabilitate from the appropriate code enforcement agency. -Any property that, by reason of environmental contamination, poses a

	threat to public health or safety. -Any abandoned property.
Affordable Rents	For any NSP-funded rental activity, “affordable rents” shall be defined as 30% of the household’s adjusted income, less utility allowances as adopted by the City of Gary – Gary Housing Authority for the Section 8 Program, as appropriate. HUD’s Fair Market Rent schedule for the Gary MSA will be used.

Descriptions

Term	Definition
Long-Term Affordability	Continued affordability will be ensured for the entire period of affordability through monitoring, following the specific HOME monitoring requirements as defined in 24 CFR Part 92.
Housing Rehabilitation Standards	<p>The City of Gary Housing standards for Rehabilitation Program as funded from HOME and CDBG will apply to NSP funds:</p> <ul style="list-style-type: none"> • Code/Health & Safety Repairs- Our first priority is to eliminate and remove any and all pre-existing City of Gary code violations, Health and Safety hazards and bring the property to code. All projects will correct any pre-existing code deficiencies and/or health and safety repair needs. This is inclusive of construction deficiencies which were completed without city permits. (room additions, garage conversions, patio additions etc.) All units will be brought up to code and rehabilitation must obtain the permits necessary through the city of Gary Building Department, or the property must be demolished as part of the rehab project. • Lead Based Paint Hazards - As part of the Housing Rehabilitation under this NSP a lead based paint test and a risk assessment are required on all rehabilitation projects. This is done to identify the existence and scope of any lead based paint hazards in the property. The “Lead-Based Paint Poisoning Prevention in Federally Owned and Federally Assisted Housing” found at 24 CFR Part 35 will apply. • Termite Repairs - The program requires a termite Inspection Report be prepared for every home by a licensed inspector. The report must identify any termite or dry rot damaged wood members in the property, as well as whether there are any active termite infestations in the property. The program requires that any termite or dry rot damaged wood be replaced or repaired due to health and safety risks posed to the structure of the property. Fumigation or other treatments recommended must eliminate any active termite infestations and are required under this program. • General Property Improvements Upon - The completion of the cost for rehabilitation of all code deficiencies has been completed, health and safety items, lead based paint hazard and termite repairs are totaled, then any additional program funding may be used to address general property improvements. General property improvements may include a wide range of items such as painting, replacements of fixtures, replacement of cabinets, flooring etc. The General property improvements MAY NOT include items that are a type or quality which exceeds the

	standards for similar properties in the area or that exceed the basic standard of “decent, safe and sanitary housing”. The acceptable standards are found in 24 CFR 983.101
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4. Low-Income Targeting

Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50 percent of area median income.

Response:

Total low-income set-aside **percentage** (must be no less than 25 percent): 25.00%

Total funds set aside for low-income individuals = \$679,464.75

Meeting Low-Income Target

Provide a summary that describes the manner in which the low-income targeting goals will be met.

Response:

The low-income target will be met through the redevelopment of rental housing.

5. Acquisition and Relocation

Demolition or Conversion of LMI Units

Does the grantee intend to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of area median income)?	No
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If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of area median income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.	
The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., ≤ 120% of area median income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).	
The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50 percent of area median income.	

6. Public Comment

Citizen Participation Plan

Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment or abbreviated plan.

Response:

The City of Gary will hold a 15 day notice period at the beginning of which the substantial amendment will be posted on the City of Gary website, will be made available at the City's offices at 839 Broadway-Suite 302-N, and will be advertised in the Post-Tribune.

Summary of Public Comments Received.

The summary of public comments received is included as an attachment.

7. NSP Information by Activity

Enter each activity name and fill in the corresponding information. If you have fewer than seven activities, please delete any extra activity fields. (For example, if you have three activities, you should delete the tables labeled "Activity Number 4," "Activity Number 5," "Activity Number 6," and "Activity Number 7." If you are unsure how to delete a table, see the instructions [above](#).

The field labeled "Total Budget for Activity" will populate based on the figures entered in the fields above it.

Consult the [NSP3 Program Design Guidebook](#) for guidance on completing the "Performance Measures" component of the activity tables below.

Activity Number 1	
Activity Name	Rental Redevelopment
Uses	Select all that apply: <input type="checkbox"/> Eligible Use A: Financing Mechanisms <input type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation <input type="checkbox"/> Eligible Use C: Land Banking <input type="checkbox"/> Eligible Use D: Demolition <input checked="" type="checkbox"/> Eligible Use E: Redevelopment
CDBG Activity or Activities	24 CFR 570.202 Eligible rehabilitation and preservation activities for demolished or vacant properties.
National Objective	Low Moderate Middle Income Housing (LMMH)
Activity Description	NSP3 dollars, perhaps with resources from other funding sources, will be used to renovate vacant high quality rental units, either directly or through a developer.. Long term affordability will be based on the HOME guidelines and lease terms will be for one year. A site has not yet been identified, although the city has explored several possible sites in the target areas. The city will do one or two projects in the target areas, and together, at least 12 units will be available for rental upon

	<p>completion of the redevelopment. This number far exceeds the minimum impact requirement for the target of areas of 0-1. Of the amount allotted for this redevelopment activity, 31.2% will go towards meeting the 25% set-aside requirement (which will translate to at least 25% of the city's entire NSP3 allocation).</p> <p>The redevelopment effort may include some demolition of vacant structures that are currently located on the project site – incidental to the redevelopment effort -- to decrease the project's post-rehab density and make the post-rehab project more attractive to the marketplace.</p> <p>For the Townhouse Square target area, the intended rental market are those households residing in the area, those households seeking a more suburban-like location, and those households employed by the nearby businesses on Broadway. The townhouses will be developed and marketed as a logic partial step between apartment rental and first-time homeownership, since each unit will have its own front and rear yards and its own meters for utilities. For the University Place target area, the intended rental market is a pool of households residing in the area, employees of the nearby businesses, and those individuals employed at Indiana University. Redeveloping rental units will protect the areas from the further encroachment of serious disinvestment.</p> <p>With the proposed work in the Townhouse Square area, there will be more structures maintained at a higher standards, and a more positive neighborhood identity to encourage more property owner investment and more stable house sales prices. Upon completion of the rental units in the University Place area, there will be more structures at a high standard, and improved marketing of the neighborhood as part of a broader effort to re-position this area and all of West Glen Park as a neighborhood of choice.</p> <p>To comply with the NSP3 statute concerning for vicinity hiring, the City of Gary will make every effort to hire employees who reside in the NSP3 target areas, and will require contractors to make every attempt to do the same. In doing so, the City will coordinate these vicinity hiring provisions with its Section 3 program requirements.</p>
<p>Location Description</p>	<p>This project will occur in one or both of the NSP3 target areas.</p> <p>1. A rental project in the University Place target area would serve a small part of the much larger West Glen Park neighborhood, which is one of the finest in the city. It has many intact blocks with housing from the 1930's to the 1960's. The community benefits from its location adjacent to the Northeast campus of Indiana University, a large park, a golf course, convenient shopping, one of the better high schools, and easy access to the Interstate highway system.</p> <p>The neighborhood also suffers from the very soft market conditions that negatively impact the entire city. There are many vacant houses in the overall community, some of which are clearly abandoned and will probably never be</p>

	<p>rehabbed. Other houses are vacant between rentals or are on the market for sale. Some have become single-family rental units, but most remain as homeowner properties. There were never very many apartment structures in the neighborhood and most of these are near the university campus.</p> <p>In terms of maintenance, housing values, and abandonment, the streets nearest to Broadway are the most troubled. Much of this results from the negative impacts of commercial structures on Broadway, many of which are used by marginal businesses or are vacant. Therefore, stabilizing these neighborhood streets west of Broadway is considered critical to protecting West Glen Park from the further encroachment of serious disinvestment.</p> <p>2. Townhouse Square is a small part of the East Glen Park neighborhood. This is one of the southernmost areas of East Glen Park and, as a result, benefits from its closeness to newer shopping and entertainment facilities as well as its location near the Lew Wallace High School.</p> <p>The neighborhood is defined by very low housing values, which affects all of Gary, Indiana, since the population has dropped by nearly half over recent decades. In this particular area, there are vacant houses, some not rented and others not sold. In the wider neighborhood there are so many abandoned houses that most are unlikely to be rehabbed. A number of houses are single-family rental units, but many remain homeowner properties. There are neighborhood churches as resources, but the congregations are smaller than in the past, so there are excess facilities.</p> <p>While much of area is still in modest to good repair, the presence of abandoned houses and the existence of 24 boarded rental townhouses has undermined confidence in the immediate neighborhood. As is common in Gary, Massachusetts Street, which is the nearest to Broadway, is the most troubled due the negative impacts of commercial activities. Pennsylvania, Connecticut, and Delaware Streets are more stable, but have growing vacancy and undermaintenance concerns.</p>	
Budget	Source of Funding	Dollar Amount
	NSP3	\$2,174,287.20
	(Other funding source)	\$
	(Other funding source)	\$
Total Budget for Activity	\$2,174,287.20	
Performance Measures	<ul style="list-style-type: none"> # vacant and dilapidated units # homes repaired or constructed % change in average sales price # vacant lots % of units demolished 	

	# of units rehabilitated	
Projected Start Date	5/1/2011	
Projected End Date	3/1/14	
Responsible Organization	Name	City of Gary Community Development Department
	Location	839 Broadway- Suite 302-N Gary, Indiana 46402
	Administrator Contact Info	Jacquelyn Drago-Hunter
		jdragohunter@ci.gary.in.us, 219-881-5075

Activity Number 2	
Activity Name	Demolition
Use	Select all that apply:
	<input type="checkbox"/> Eligible Use A: Financing Mechanisms
	<input type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation
	<input type="checkbox"/> Eligible Use C: Land Banking
	<input checked="" type="checkbox"/> Eligible Use D: Demolition
<input type="checkbox"/> Eligible Use E: Redevelopment	
CDBG Activity or Activities	24 CFR 570.201(d) Clearance for blighted structures only.
National Objective	Low Moderate Middle Income Area Benefit (LMMA)
Activity Description	<p>Gary, IN has a vastly more significant number of housing units than residents. In order to “right size” the area and address the actual needs of the market, some demolition activities must take place. The City is estimating that at least 8 units will be demolished. With fewer blighted properties, the neighborhoods have a greater chance for stability, making the remaining homes and newly redeveloped properties more marketable. This demolition activity will include the removal of the structures and appropriate treatment to the land and the necessary costs for legal work, site surveys, and other associated expenses so that the city can take possession of the vacant lots for approved end uses.</p> <p>The Gary Community Development Department will enter into a sub-recipient agreement with the City of Gary Redevelopment Commission, which will be responsible for day to day implementation of the demolition components of the NSP program.</p> <p>The City of Gary will make every effort to hire from the target area. In doing so, the City will coordinate with its section 3 program.</p>
Location Description	<p>The NSP3 demolition effort will occur in the two NSP3 target areas detailed above.</p> <p>1. The University Place project serves a small part of the much larger West Glen Park neighborhood, which is one of the finest in the city. It has many intact blocks with housing from the 1930’s to the 1960’s. The community benefits from its location adjacent to the Northeast campus of Indiana University, a large park, a golf course, convenient shopping, one of the better</p>

	<p>high schools, and easy access to the Interstate highway system.</p> <p>The neighborhood also suffers from the very soft market conditions that negatively impact the entire city. There are many vacant houses in the overall community, some of which are clearly abandoned and will probably never be rehabbed. Other houses are vacant between rentals or are on the market for sale. Some have become single-family rental units, but most remain as homeowner properties. There were never very many apartment structures in the neighborhood and most of these are near the university campus.</p> <p>In terms of maintenance, housing values, and abandonment, the streets nearest to Broadway are the most troubled. Much of this results from the negative impacts of commercial structures on Broadway, many of which are used by marginal businesses or are vacant. Therefore, stabilizing these neighborhood streets west of Broadway is considered critical to protecting West Glen Park from the further encroachment of serious disinvestment.</p> <p>2. Townhouse Square is a small part of the East Glen Park neighborhood. This is one of the southernmost areas of East Glen Park and, as a result, benefits from its closeness to newer shopping and entertainment facilities as well as its location near the Lew Wallace High School.</p> <p>The neighborhood is defined by very low housing values, which affects all of Gary, Indiana, since the population has dropped by nearly half over recent decades. In this particular area, there are vacant houses, some not rented and others not sold. In the wider neighborhood there are so many abandoned houses that most are unlikely to be rehabbed. A number of houses are single-family rental units, but many remain homeowner properties. There are neighborhood churches as resources, but the congregations are smaller than in the past, so there are excess facilities.</p> <p>While much of area is still in modest to good repair, the presence of abandoned houses and the existence of 24 boarded rental townhouses has undermined confidence in the immediate neighborhood. As is common in Gary, Massachusetts Street, which is the nearest to Broadway, is the most troubled due the negative impacts of commercial activities. Pennsylvania, Connecticut, and Delaware Streets are more stable, but have growing vacancy and undermaintenance concerns.</p>	
Budget	Source of Funding	Dollar Amount
	NSP3	\$271,785.90
	(Other funding source)	\$
	(Other funding source)	\$
Total Budget for Activity		\$271,785.90
Performance Measures	# of units demolished % of units demolished	
Projected Start Date	5/1/11	

Projected End Date	5/1/12	
Responsible Organization	Name	City of Gary Community Development Department
	Location	839 Broadway- Suite 302-N Gary, Indiana 46402
	Administrator Contact Info	Jacquelyn Drago-Hunter
		jdragohunter@ci.gary.in.us, 219-881-5075

Activity Number 3		
Activity Name	Administration	
Use	Select all that apply:	
	<input type="checkbox"/>	Eligible Use A: Financing Mechanisms
	<input type="checkbox"/>	Eligible Use B: Acquisition and Rehabilitation
	<input type="checkbox"/>	Eligible Use C: Land Banking
	<input type="checkbox"/>	Eligible Use D: Demolition
<input type="checkbox"/>	Eligible Use E: Redevelopment	
CDBG Activity or Activities		
National Objective	None.	
Activity Description	Administration of all related fiscal systems and production of required reports. Management of program components. Monitoring and evaluation of program and subgrantees.	
Location Description	NA	
Budget	Source of Funding	Dollar Amount
	NSP3	\$277,185.60
	(Other funding source)	\$
	(Other funding source)	\$
Total Budget for Activity	\$277,185.60	
Performance Measures	NA	
Projected Start Date	5/1/2011	
Projected End Date	4/30/2014	
Responsible Organization	Name	City of Gary Community Development Department
	Location	839 Broadway- Suite 302-N Gary, Indiana 46402
	Administrator Contact Info	Jacquelyn Drago-Hunter
		jdragohunter@ci.gary.in.us, 219-881-5075

Certifications

Certifications for State and Entitlement Communities

- (1) **Affirmatively furthering fair housing.** The jurisdiction certifies that it 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 applicant certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan.
- (3) **Anti-lobbying.** The jurisdiction must submit a certification with regard to compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
- (4) **Authority of jurisdiction.** The jurisdiction certifies that the consolidated plan or abbreviated plan, as applicable, is authorized under state and local law (as applicable) and that 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.
- (5) **Consistency with plan.** The jurisdiction certifies that the housing activities to be undertaken with NSP funds are consistent with its consolidated plan or abbreviated plan, as applicable.
- (6) **Acquisition and relocation.** The jurisdiction certifies that 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.
- (7) **Section 3.** The jurisdiction certifies that it 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) **Citizen participation.** The jurisdiction certifies that it is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.
- (9) **Following a plan.** The jurisdiction certifies it is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD. [Only States and entitlement jurisdictions use this certification.]
- (10) **Use of funds.** The jurisdiction certifies that it will comply with the Dodd-Frank Wall Street Reform and Consumer Protection Act and Title XII of Division A of the American Recovery and Reinvestment Act of 2009 by spending 50 percent of its grant funds within 2 years, and spending 100 percent within 3 years, of receipt of the grant.
- (11) **The jurisdiction certifies:**
 - a. 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; and

- b. The jurisdiction will not attempt to recover any capital costs of public improvements assisted 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. However, 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 charge may be made against the property with respect to the public improvements financed by a source other than CDBG 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 NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

(12) **Excessive force.** The jurisdiction certifies that it has adopted and is enforcing:

- a. 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
- b. 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 nonviolent civil rights demonstrations within its jurisdiction.

(13) **Compliance with anti-discrimination laws.** The jurisdiction certifies that the NSP 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.

(14) **Compliance with lead-based paint procedures.** The jurisdiction certifies that its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(15) **Compliance with laws.** The jurisdiction certifies that it will comply with applicable laws.

(16) **Vicinity hiring.** The jurisdiction certifies that it will, to the maximum extent feasible, provide for hiring of employees that reside in the vicinity of NSP3 funded projects or contract with small businesses that are owned and operated by persons residing in the vicinity of NSP3 projects.

(17) **Development of affordable rental housing.** The jurisdiction certifies that it will abide by the procedures described in its NSP3 Abbreviated Plan to create preferences for the development of affordable rental housing for properties assisted with NSP3 funds.

Signature/Authorized Official

Date

Title

Certifications for Non-Entitlement Local Governments

- (1) **Affirmatively furthering fair housing.** The jurisdiction certifies that it will affirmatively further fair housing.
- (2) **Anti-displacement and relocation plan.** The applicant certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan.
- (3) **Anti-lobbying.** The jurisdiction must submit a certification with regard to compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
- (4) **Authority of jurisdiction.** The jurisdiction certifies that the consolidated plan or abbreviated plan, as applicable, is authorized under state and local law (as applicable) and that 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.
- (5) **Consistency with plan.** The jurisdiction certifies that the housing activities to be undertaken with NSP funds are consistent with its consolidated plan or abbreviated plan, as applicable.
- (6) **Acquisition and relocation.** The jurisdiction certifies that 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.
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- (8) **Citizen participation.** The jurisdiction certifies that it is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.
- (9) **Use of funds.** The jurisdiction certifies that it will comply with the Dodd-Frank Wall Street Reform and Consumer Protection Act and Title XII of Division A of the American Recovery and Reinvestment Act of 2009 by spending 50 percent of its grant funds within 2 years, and spending 100 percent within 3 years, of receipt of the grant.
- (10) **The jurisdiction certifies:**
 - a. 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; and
 - b. The jurisdiction will not attempt to recover any capital costs of public improvements assisted 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. However, 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 charge may be made against the property with respect to the public improvements financed by a source other than CDBG 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 NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

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- b. 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 nonviolent civil rights demonstrations within its jurisdiction.

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Signature/Authorized Official

Date

Title

