

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: June 26, 2006

SUBJECT: CDBG Required Plans

ATTACHMENTS: Yes

1. Citizen Participation Plan
2. Residential Anti-Displacement Plan and Relocation Assistance Plan
3. Residential Anti-Displacement and Relocation Assistance Certification
4. Local Economic Benefit for Low-and Very Low-Income Persons Plan (Section 3)
5. Equal Employment and Procurement Plan
6. Resolution to adopt all Plans

SUMMARY OF REQUESTS:

Attached please find the documentation that must be approved by the Board of Commissioners for the 2005 CDBG Scattered Site Housing Rehabilitation Program. These plans have been approved in recent years and must be updated and adopted for each new CDBG grant.

COUNTY MANAGER RECOMENDATIN/BOARD ACTION REQUESTED:

Adoption of policies is recommended by staff.

**HENDERSON COUNTY
CITIZEN PARTICIPATION PLAN
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS**

Henderson County will provide citizens with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation, and assessment of CDBG programs. The procedures for ensuring this are outlined below.

(1) Citizen participation in the application process. The County shall:

(A) Solicit and respond in a timely manner to views and proposals of citizens, particularly low-and moderate-income persons, members of minority groups, and residents of blighted areas where activities are proposed. The County shall respond in writing to written citizens comments. Responses shall be made within ten calendar days of receipt of the citizen comment.

(B) Provide technical assistance to facilitate citizen participation, where requested. The technical assistance shall be provided to groups, representative of persons of low-and moderate-income, that request such assistance in developing proposals. The level and type shall be determined by the County.

(C) Provide adequate notices of public hearings in timely manner to all citizens and in such a way as to make them understandable to non-English speaking persons. Hearings will be held at times and locations convenient to potential or actual beneficiaries and with accommodations for the handicapped. A notice of the public hearing shall be published at least once in the non-legal section of a newspaper having general circulation in the area. The notice shall be published not less than ten days or more than 25 days before the date fixed for the hearing. The notice of public hearing to obtain citizens' views after the application has been prepared, but prior to the submission of the application to the Division of Community Assistance (DCA) shall contain a description of the proposed project(s) including the proposed project location, activities to be carried out, and the total costs of activities.

(D) Schedule hearings to obtain citizens' views and to respond to citizen proposals at times and locations that permit broad participation, particularly by low-and moderate-income persons, members of minority groups, handicapped persons, and residents of blighted neighborhoods and project areas.

(E) Conduct one public hearing during the planning process to allow citizens the opportunity to express views and proposals prior to formulation of the application.

(F) Conduct one public hearing after the application has been prepared but prior to submission of the application to DCA.

(2) Submitting (application) objections to the Division of Community Assistance (DCA).

(A) Persons wishing to object to the approval of an application by Henderson County shall submit to DCA their objections in writing. DCA will consider objections made only on the following grounds.

(i) The applicant's description of the needs and objectives is plainly inconsistent with available facts and data.

(ii) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant, and

(iii) The application does not comply with the requirements of DCA or other applicable laws.

(B) All objections shall include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objection shall include the facts and data upon which the objection is based.

(C) The address of the Division of Community Assistance is:

North Carolina Division of Community Assistance
1307 Glenwood Avenue
4313 Mail Service Center
Raleigh, NC 27699

(3) Submitting objections to the County.

(A) Persons may object directly to the County throughout the life of the grant. The County will respond in writing to written citizen complaints within 10 calendar days of receipt of the complaint. If a citizen is dissatisfied with the local response, the citizen may direct their complaint to NCDCA to the address listed in (2) (C).

(B) The complaint should be directed to:

Henderson County
CDBG Program Administrator
101 East Allen Street
Hendersonville, NC 28792
828-697-4819

(C) The County will only consider complaints made concerning the County's failure to comply with requirements contained in 04 NCAC 19L.1002.

(4) Citizen participation is provided for in the program amendment process, if the County proposes an amendment that would require prior NCDCA approval. The County will:

(A) Will conduct one public hearing prior to the submission of the amendment to DCA in the same manner as in Part (1), (A), (B), (C), (D), of this plan.

(B) Will respond to citizen's objections and comments in the same manner as in (2) (A), (B), (C) and (3) (A).

(5) Submitting objections (to an amendment) to the Division of Community Assistance (DCA).

(A) Persons wishing to object to the approval of an amendment by DCA shall make such objection in writing. DCA will consider objections made only on the following grounds:

(i) The recipient's description of needs and objectives is plainly inconsistent with available facts and data.

(ii) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the recipient, and

(iii) The amendment does not comply with the requirements of applicable laws and regulations.

(B) All objections shall include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objection shall include the facts and data upon which the objection is based.

(6) Citizen Participation in the program closeout process.

(A) Recipients shall conduct one public hearing to assess program performance during the grant closeout process and prior to the actual closeout of the grant in the same manner as in Part (1) (A),(B),(C) of this plan.

(B) Recipients shall continue to solicit and respond to citizen comment in the same manner as in Part (2) A), (B), (C) and (3) (A) of this plan until such time as the grant program is closed.

(7) Persons may submit written comments to DCA at any time concerning the applicants or recipients failure to comply with the requirements contained in this plan.

(A) All records of public hearings, citizen& comments, responses to comments and other relevant documents and papers shall be kept in accordance with Rule .0911 the program regulations. All program records shall be accessible to citizens in accordance with Rule .0911(b) of the program regulations.

Adopted this ____ day of June, 2006.

William L. Moyer
Henderson County Board of Commissioners

Clerk to the Board/Deputy Clerk
{Seal}

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

As required by HUD, under Section 104(d) of the Community Development Act of 1974, Henderson County must be adopt, make public and certify that it is following a residential anti-displacement and relocation assistance plan. This plan shall provide for replacement units and relocation assistance when occupied or vacant occupiable low/moderate income dwellings are demolished or converted as a direct result of CDBG supported activity.

1. The County will replace all occupied low/moderate-income (LMI) dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (B) (1).
2. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the applicant will make public and submit to the Division of Community Assistance the following information in writing:
 - A. A description of the proposed assisted activity
 - B. A general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate- income dwelling units as a direct result of the assisted activity
 - C. A time schedule for the commencement and completion of the demolition or conversion
 - D. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units
 - E. The source of funding and a time schedule for the provision of replacement dwelling units, and
 - F. The basis of concluding that each replacement dwelling unit will remain a low/moderate- income dwelling unit for at least five years from the date of initial occupancy
 - G. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of LMI households in the jurisdiction

3. Henderson County will provide relocation assistance, as described in 24 CFR 570.606 (B) (2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.
4. In order to assure compliance with the County Residential Anti-displacement and Relocation Plan, the Community Development (CD) Administrator will conduct a thorough inspection of all housing units proposed for demolition to determine if they can be rehabilitated to HUD Model Property Standards within allowable costs (currently \$29,999/unit), and
5. The CD Administrator will examine housing alternatives and housing financing mechanisms to determine possible means of proposed relocatees remaining on site or near the site. Alternatives to be considered include the following:
 - A. purchase of mobile homes to be placed on site though they are not considered to be standard replacement units
 - B. utilization of USDA Housing Programs, North Carolina Housing Finance Agency financing mechanisms, Self-Help Credit Union home mortgage programs, etc.
6. A copy of the detailed Relocation Plan is attached.
7. This resolution shall take effect immediately and be effective for the life of CDBG #05-C-1365.

Adopted this _____ day of June, 2006

Attest:

William L. Moyer, Chairman

Clerk to the Board/Deputy Clerk

Henderson County Board of Commissioners

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**Residential Anti-Displacement and
Relocation Assistance Certification**

I hereby certify that Henderson County has adopted and is following a written Residential Anti-Displacement and Relocation Plan that conforms to the requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended.

William L. Moyer, Chairman
Henderson County Board of Commissioners

Signature of Certifying Official

Date

**Local Economic Benefit for Low- and Very Low-Income Persons Plan
2005 CDBG Program**

To insure that, to the greatest extent possible, contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Henderson County has developed and hereby adopts the following Plan:

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

This Section 3 covered project area for the purposes of this grant program shall include Henderson County and portions of the immediately adjacent area.

When in need of a service, Henderson County will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

Henderson County will include this Section 3 clause in all contracts executed under this CDBG Program. Where deemed necessary, listings from any agency noted above shall be included as well as sources of subcontractors and suppliers.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Henderson County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise in our local newspaper an advertisement, prominently located as a display advertisement, the pertinent information regarding the project including all Section 3 required information.

Adopted this ____ day of June, 2006.

William L. Moyer, Chairman
Henderson County Board of Commissioners

Clerk to the Board/Deputy Clerk
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EQUAL EMPLOYMENT AND PROCUREMENT PLAN

Henderson County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex national origin, or age are bona fide occupational qualifications for employment.

In furtherance of this policy, the County prohibits any retaliatory actions of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the County Manager to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Chief Elected Official.

The County is committed to this policy and is aware that with its implementation, the County will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this ____ day of June, 2006.

William L. Moyer
Henderson County Board of Commissioners

Clerk to the Board/Deputy Clerk
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**RESOLUTION TO ADOPT
THE CITIZEN PARTICIPATION PLAN
RESIDENTIAL ANIT-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
THE EQUAL EMPLOYMENT PROCUREMENT PLAN AND,
THE LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW-INCOME PERSONS
PLAN (SECTION 3)**

WHEREAS, Henderson County has received funding through the State of North Carolina's Community Development Block Grant Program, and;

WHEREAS, Henderson County has agreed, by acceptance of the CDBG funds (CDBG No. 05-C-1365), to abide by the various regulations governing the administration of the Community Development Block Grant Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS FOR HENDERSON COUNTY, NORTH CAROLINA THAT:**

Section 1. Henderson County hereby officially adopts the *Citizen Participation Plan* whereby citizens are provided with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of the CDBG program activities.

Section 2. Henderson County hereby officially adopts the *Residential Anti-Displacement and Relocation Plan* whereby replacement units and relocation assistance shall be provided to residents when occupied low/moderate income dwellings are demolished or replaced.

Section 3. Henderson County hereby officially adopts the *Equal Employment Procurement Policy*, to provide to the greatest extent possible, equal opportunities for minorities and disadvantaged populations in the employment and procurement of the grant.

Section 4. Henderson County hereby officially adopts the *Local Economic Benefit to Low and Very Low-Income Persons (Section 3) Plan* whereby local residents and area owned firms are given maximum opportunity to provide goods and service for the grant.

Section 5. This resolution shall take effect immediately and be effective for the life of the grant (CDBG No. 05-C-1365/2005-2008).

Adopted this ____ day of June, 2006.

William L. Moyer, Chairman
Henderson County Board of Commissioners

Clerk to the Board/Deputy Clerk
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