

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: January 5, 2009

Subject: Resolutions for Henderson County's
2008 CDBG Scattered Site Housing Grant

Attachments:

1. Resolution for Required Policies, Procedures, and Plans
2. Fair Housing Resolution
3. Resolution Authorizing Planning Director to Sign DCA Reports & Documents
4. Resolution Adopting a Post Rehabilitation Subordination Policy

SUMMARY OF REQUEST:

Attached are four resolutions required for the County to begin the 2008 Scattered Site Housing Community Development Block Grant. Specifically, they include:

- 1) A Resolution to Adopt the Required CDBG Policies, Procedures and Plans for the Program
- 2) A Fair Housing Resolution
- 3) A Resolution Authorizing the Planning Director to Sign DCA Reports and Documents
- 4) A Resolution Adopting a Post Rehabilitation Subordination Policy

The Policies, Procedures and Plans are attached and can be adopted under one motion by the Board. The other three resolutions each require separate Board action.

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board of Commissioners approve and individually adopt the resolutions in the order presented as required by the 2008 Scattered Site Housing Grant.

Suggested Motion 1: I move that the Board approve and adopt the resolution required for the policy, procedure and plan documents for the 2008 SSH CDBG grant.

Suggested Motion 2: I move that the Board approve and adopt the attached Fair Housing Resolution.

Suggested Motion 3: I move that the Board approve and adopt the attached Resolution Authorizing the Planning Director to Sign DCA Reports and Documents.

Suggested Motion 4: I move that the Board approve and adopt the attached Resolution Adopting a Post Rehabilitation Subordination Policy.

**RESOLUTION
HENDERSON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, Henderson County has been awarded 2008 Community Development Block Grant funds from the North Carolina Department of Commerce, Division of Community Assistance; and

WHEREAS, Henderson County desires to adopt and maintain current Community Development Program Policies, Procedures, and Plans as listed in Attachment A and individually attached to this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, Henderson County hereby adopts Community Development Program Policies, Procedures, and Plans as herein contained.

Adopted this the _____ day of _____, 2009.

William L. Moyer, Chairman

ATTEST:

Elizabeth W. Corn, Clerk to Board

ATTACHMENT A

**Policies, Procedures, Plans, etc. for the
Henderson County CDBG Program**

1. Fair Housing Complaint Procedure - This procedure states how the County will handle complaints of housing discrimination and the steps that will be undertaken to resolve these complaints.
2. Equal Employment Opportunity and Procurement Plan - This plan certifies that the County will comply with all nondiscrimination laws and regulations in employment, and will take action in the areas of enforcement, education and removal of barriers and impediments that affirmatively further equal access in procurement.
3. Procurement Policy – This policy outlines the three methods of procurement to be used within this project for the award of contracts and for purchases made.
4. Section 3-Local Economic Benefit for Low and Very Low Income Persons Plan - This plan explains the County’s strategy for identifying opportunities in employment arising out of a CDBG-assisted project and for making these jobs available for low-income residents in the project area. It also states that the project activities will try to utilize local suppliers.
5. Residential Anti-Displacement and Relocation Plan - This plan states how the County will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974 and what steps the County will take to replace these units.
6. Citizens Participation Plan - This plan states that the County will provide for and encourage citizen participation and will provide technical assistance to groups representative of persons of low and moderate income who request such assistance.
7. Citizens Participation Procedure for Complaints - This plan states the procedures developed by the County to handle complaints received involving the Community Development Block Grant or any HUD-funded programs.
8. Code of Conduct - This policy states that no public official, employee, officer or agent of the County shall participate in the selection, the award or the administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved.
9. 504 Grievance Procedure – This procedure allows for a process for which citizens can file a grievance concerning 504. Section 504 preceded the American’s with Disabilities Act (ADA) and deals with handicapped access to public facilities. It mirrors the more recent requirements adopted under ADA regulations, but is applicable only to public facilities.

**HENDERSON COUNTY
FAIR HOUSING COMPLAINT PROCEDURE**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, Henderson County has developed the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Henderson County may do so by informing the County's Planning Director of the facts and circumstances of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the County's Planning Director shall acknowledge the complaint within 10 days in writing and inform the North Carolina Human Relations Commission about the complaint.
3. When a housing complaint cannot be resolved at the local level, the County's Planning Director shall offer assistance to the North Carolina Human Relations Commission in the investigation and reconciliation of all housing discrimination complaints, which are based on events occurring in the Henderson County.
4. The County shall publicize in the local paper and on the County's website that the County's Planning Director is the local official to contact with housing discrimination complaints.

**HENDERSON COUNTY
EQUAL EMPLOYMENT OPPORTUNITY 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 occupation qualifications for employment.

In furtherance of this policy, the County prohibits any retaliatory action of any kind taken by any employee of the County 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's Human Resource Director and/or other persons designated by the Manager or the Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Reports as requested on the progress of Equal Opportunity shall periodically be submitted to the Board of Commissioners.

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.

**HENDERSON COUNTY
PROCUREMENT POLICY FOR THE
2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

In the procurement of supplies, equipment or services in the Henderson County Community Development Block Grant Program, the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Miscellaneous professional services, office supplies and equipment may be secured by this method.
- 2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed, price contract shall be awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method special consideration shall be given to experience, technical abilities, and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

All procurement efforts shall include the solicitation of bids from qualified small, female, and minority-owned business firms.

In all cases, procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to ensure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.

**SECTION 3 PLAN FOR EMPLOYMENT OPPORTUNITIES
FOR BUSINESSES AND LOWER INCOME PERSONS
HENDERSON COUNTY
2008 CDBG PROGRAM**

To ensure that to the greatest extent possible contracts for work are awarded to businesses located in 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:

1. This Section 3 Plan shall apply to services and needs 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.
2. This Section 3 covered project area for the purpose of this grant program shall include all of Henderson County.
3. When in need of a service, the 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 North Carolina Department of Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source.
4. The County will include this Section 3 clause in all contracts executed under this CDBG Program. Where necessary, listing from any agency noted in No. 3 above shall be included as well as sources of subcontractors and suppliers.
5. The prime contractor selected for major public facility or building 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.
6. Each contractor 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.

**HENDERSON COUNTY
RESIDENTIAL ANTI-DISPLACEMENT
AND RELOCATION ASSISTANCE PLAN**

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, Henderson County adopts the following plan:

Henderson County will replace all occupied and vacant occupiable very-low or low-income dwellings units demolished or converted to a use other than 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).

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 County will make public and submit to HUD the following information in writing:

1. A description of the proposed assisted activity;
2. 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;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. 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;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The County will provide relocation assistance, as described in 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.

HENDERSON COUNTY CITIZENS PARTICIPATION PLAN

Henderson County provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income that are residents of low and moderate-income neighborhoods and/or slum and blight areas. The County provides citizens with reasonable and timely access to local information and records relating to the grantee's proposed use of funds. This is done through the County's Board of Commissioners' meetings, which are advertised in the local newspaper.

The County provides for public hearings to obtain citizens views and to respond to proposals and questions at all stages of the community development program, including one hearing to receive citizen input as to the housing, community and economic development needs of its citizens, one hearing prior to the submission of any application for CDBG funding from the North Carolina Division of Community Assistance, and one hearing at the close-out of the grant program. Adequate notice is given for these meetings at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. Any published advertisement issued by the Henderson County Planning and Economic Development Office includes the State TDD telephone number (1-800-735-8262).

Henderson County provides for timely written answers to written complaints and grievances. A response will be made within 10 calendar days. (See attached Complaint Procedure)

Henderson County will provide a translator for non-English speaking residents for public hearings when the County is notified that any non-English speaking resident will attend the public hearing. An interpreter will be provided for hearing impaired residents. A minimum of 48 hours notice to the Clerk to the Board is required for interpretation services which may be needed for all County public hearings.

CITIZEN PARTICIPATION PROCEDURE FOR COMPLAINTS

Henderson County has developed a procedure to process complaints, which may be received involving the 2008 CDBG Project or any other HUD-funded program. There are two basic forms of complaint procedures: 1) verbal complaints which will be dealt with informally by the Planning Office (PO), and 2) written complaints which will be dealt with formally with a set of procedures including appeals.

All written complaints received by Congressional staff, local elected officials, the County Clerk, and the PO will be logged in as received by the PO. Within a ten-day period following the receipt of this complaint, a response will be developed by the PO, reviewed by the County Clerk, and mailed to the party who wrote the complaint. This response will include property documentation and background of the case in question, the proposed action, and the time frame in which the complaint will be addressed.

In the event this response is unsatisfactory to the person making the complaint, that party will be referred to the North Carolina Division of Community Assistance (DCA), specifically the DCA Representative serving the County. The DCA Representative will respond in writing to the complaint and the County with a decision or recommendation for resolution. The written recommendation made by the DCA staff will be final in all cases.

It is the responsibility of the person making the complaint to furnish documents, provide documentation to support allegations, provide counsel if desired, inform in writing to the PO if they are represented by a third party, and attend the meeting involving a review of their complaint.

**HENDERSON COUNTY
COMMUNITY DEVELOPMENT CODE OF CONDUCT**

HATCH ACT

No employee or agent of the County may perform any function during work hours that is considered political activity. This includes: soliciting votes, transporting voters, distributing campaign materials, working on or developing campaign materials, etc.

DISCRIMINATION

No person shall, on the grounds of race, color, religion, national origin, handicap or familial status, Vietnam Era Veteran status or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds.

ENGAGEMENT IN PROCUREMENT

No employee, officer or agent of the County shall participate in the selection or award of administration of a contract supported by federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

- a) The employee, officer, or agent;
- b) Any member of his immediate family;
- c) His or her partner; or
- d) An organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's officers, employees, or agent shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

CONFLICT OF INTEREST

No employee or agent shall influence or attempt to influence the outcome of any case or matter in which he has a direct interest either personally or in the person of any relative by blood or marriage. Employees or agents so involved shall abstain from dealing with such matters; they may provide information at the request of the Board of Commissioners but shall not attempt to influence the decisions of the Board of Commissioners.

**HENDERSON COUNTY
SECTION 504
COMPLIANCE OFFICER/GRIEVANCE PROCEDURE**

Henderson County, North Carolina, hereby designates Steve Wyatt, County Manager, or his designee, to serve as Section 504 Compliance Officer throughout the implementation of the County of Henderson 2008 Community Development Block Grant Program.

Citizens may file Section 504 grievances at any point in the program. The County will respond in writing to written citizen grievances. Citizen grievances should be mailed to Steve Wyatt, County Manager, Henderson County, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792. The County will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Division of Community Assistance (DCA), 4313 Mail Service Center, Raleigh, NC 27699. DCA will respond only to written comments within ten (10) calendar days of the receipt of the comments.

**FAIR HOUSING RESOLUTION
HENDERSON COUNTY, NORTH CAROLINA**

WHEREAS, the County of Henderson seeks to protect the health, safety and welfare of its residents; and

WHEREAS, citizens seek safe, sanitary, and habitable dwellings in all areas of the County; and

WHEREAS, the County of Henderson finds the denial of equal housing opportunities because of religion, race, color, sex, familial or handicap status, or national origin legally wrong and socially unjust; and

WHEREAS, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and

WHEREAS, the County of Henderson finds the practice of discrimination against a citizen in housing a denial of his equal rights and his equal opportunity to seek a better living and develop community pride;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Henderson, North Carolina, that

- Section 1. The County of Henderson has declared it an official policy that there shall not be discrimination in the terms or conditions for buying or renting housing within the County.
- Section 2. All business groups and individual citizens of the County are urged to respect and implement this policy.
- Section 3. The County's Planning Director or his designate, of the County of Henderson is the official authorized by the County to (1) receive and document complaints regarding housing discrimination in the County; and (2) refer such complaints to the North Carolina Human Relations Commission for investigation, conciliation and resolution.

Adopted this the _____ day of _____, 2009.

William L. Moyer, Chairman

Attest Elizabeth W. Corn, Clerk to the Board

**HENDERSON COUNTY
RESOLUTION AUTHORIZING THE PLANNING DIRECTOR TO SIGN
REQUIRED DCA REPORTS AND DOCUMENTS**

WHEREAS, the County of Henderson has received a Community Development Block Grant from the North Carolina Department of Commerce, Division of Community Assistance for the Scattered Site Housing Program; and

WHEREAS, the County of Henderson must sign various reports and documents, which need to be periodically sent to the Division of Community Assistance during the administration of the grant; and

BE IT RESOLVED, that Anthony Starr, the Planning Director, is designated to sign these reports and documents on behalf of Henderson County's Board of Commissioners and that Carey McLelland, the Finance Director, is designated as an alternate should Anthony Starr not be available.

BE IT FURTHER RESOLVED, the authorization is to be effective on January 5th, 2009.

Adopted this the _____ day of _____, 2009

William L. Moyer, Chairman

Elizabeth W. Corn, Clerk to Board

**SCATTERED SITE HOUSING REHABILITATION
LOAN SUBORDINATION RESOLUTION
HENDERSON COUNTY, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of Henderson County implements a housing rehabilitation program under the State's Community Development Block Grant Program; and

WHEREAS, Henderson County supports the pursuit of affordable housing solutions for low and moderate income persons by providing housing rehabilitation loans under this program; and

WHEREAS, recipients of housing rehabilitation loans not exceeding DCA substantial rehabilitation limits (\$40,000 total expenditure or \$38 per square foot) may request subordination of said loans when consistent with the goals and objectives of the CDBG Program; and

WHEREAS, Henderson County supports the subordination of rehabilitation loans when consistent with the goals and objectives of the Community Development Block Grant program; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Henderson County, North Carolina, that:

- Section 1. The Henderson County Planning Department staff shall investigate and evaluate subordination requests and report to the County Manager with appropriate recommendation. The report shall be forwarded to the County Attorney for comment.
- Section 2. Subordination requests shall be resolved in accordance with applicable program regulations, if any.
- Section 3. The CDBG deferred loan may not be subordinated to any other loan other than the first mortgage that existed prior to rehabilitation.
- Section 4. Subordination requests not governed by program regulations shall be approved if the following conditions are met.
 - A. The sum of the outstanding principal balance of the new loan, the County's lien, and all other liens does not exceed 100% of the value of the property as determined by a formal appraisal provided by the property owner. In the absence of a formal appraisal, the tax value of the property shall be used in this calculation.

B. The purpose of the new loan is to pay expenses related to one of the following uses:

1. Refinancing for the purpose of obtaining more favorable loan terms. This request must be accompanied by a statement from the lending institution indicating a reduced interest rate and a reduced monthly payment for the retirement of the debt.
2. Refinancing for the purpose of real property improvements. This request must be accompanied by a letter signed by property owner (Grantee) indicating the nature and scope of real property improvements to be performed on the subject property.

Section 5. The County Manager is hereby authorized to approve or deny subordination requests meeting the conditions and limitations of Section 4 without further action by the Board of Commissioners.

Adopted this the _____ day of _____, 20_____.

William L. Moyer, Chairman
Henderson County Board of Commissioners

ATTEST:

Elizabeth W. Corn, Clerk to the Board