



Legislation Text

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ORDER OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN APPROVING THE CITY OF NEW HAVEN'S 2021-2022 ANNUAL ACTION PLAN STATEMENT OF ACTIVITIES AND USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA), AND EMERGENCY SOLUTIONS GRANTS (ESG) FUNDS TO BE SUBMITTED TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FEDERAL FINANCIAL ASSISTANCE FOR PLANNING AND COMMUNITY DEVELOPMENT ACTIVITIES UNDER THE PROVISIONS OF TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED, (PL 93-383); THE CRANSTON GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1990 AS AMENDED(PL 101-625); THE MCKINNEY - VENTO HOMELESS ASSISTANCE ACT OF 2000 AS AMENDED(PL 106-400); THE HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING (HEARTH) ACT OF 2009; AND THE AIDS HOUSING OPPORTUNITY ACT (PL 102-550); HEREAFTER REFERRED TO AS "HOUSING AND COMMUNITY DEVELOPMENT PROGRAM ACTS" AND FOR ACTIVITIES TO BE FUNDED BY PROGRAM INCOME AND/OR REPROGRAMMING FUNDS FROM PRIOR GRANT YEARS

WHEREAS, HUD requires the submission of a planning document incorporating housing and non-housing community development strategies in a consolidated plan to be prepared in accordance with the process prescribed in 24CFR Part 91; and

WHEREAS, the Mayor has submitted to the Board of Alders the proposed Fiscal Year 2021-2022 Annual Action Plan, year two of the BOA approved Five-Year Consolidated Plan covering Program Years 2020 through 2024, which includes a description of the community participation process, a needs analysis, objectives and priorities for the five year strategy period; and

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, (P.L. 93-383); the Cranston Gonzalez National Affordable Housing Act of 1990, as amended (P.L. 101-625); The McKinney-Vento Homeless Assistance Act of 2000, as amended(P.L. 106-400); the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009; and the Aids Housing Opportunity Act (AHOA); and as further amended and authorized by the Housing and Community Development Act of 1992 (PL 102-550, approved October 28, 1992); hereafter referred to as "Housing and Community Development Programs" the Department of Housing and Urban Development is authorized to provide financial assistance to cities for undertaking and carrying out community development activities on an annual basis; and

WHEREAS, under the provisions of an Act concerning Community Development, Public Act No. 75-443, Connecticut Municipalities are authorized to undertake community development programs in accordance with the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and Public Act No. 75-443; and

WHEREAS, in accordance with the federal regulations requiring Consolidated Submission for

Community Planning and Development Programs (24 CFR 91), the Mayor has requested the preparation and has submitted to this Board the Fiscal Year 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds for submission to the U.S. Department of Housing and Urban Development for the purpose of obtaining financial assistance to undertake and carry out community development activities; and

WHEREAS, the said Annual Action Plan, Statement of Activities and Use of Funds contains activities to be funded by program income and/or reprogrammed funds from prior years' Community Development Block Grant activities; and

WHEREAS, prior to submission to HUD of such proposed Fiscal Year 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds, the Mayor and other public officials have heard citizen views on housing and community development needs; and

WHEREAS, there also has been presented to the Board, a Citizen Participation Plan; a description of consultation and outreach efforts; and information and data regarding the activities the City will undertake and carry out during the coming year with the financial assistance received from the Department of Housing and Urban Development under its Housing and Community Development Programs; and

WHEREAS, the Mayor, as part of the submission of the Annual Consolidated Action Plan and Five Year Plan, must sign specific certifications and that such certifications include a statement regarding Affirmatively Furthering Fair Housing and an Analysis of Impediments to Fair Housing Choice; and

WHEREAS, the City prepared its initial Analysis of Impediments to Fair Housing Choice in 1996 and is preparing a new update in 2021 to reflect activities undertaken to further fair housing and to reflect new data compiled as part of the development of the Five Year Consolidated Plan for Housing and Community Development 2020 to 2024; and

WHEREAS, the 2020-2024 Five Year Consolidated Plan and 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds has been on file at the office of the City/Town Clerk, 200 Orange Street, for at least thirty days for the purpose of public inspection; and copies of the Five Year Consolidated Plan and Annual Consolidated Action Plan Statement of Activities and Use of Funds have been made available to the public; and

WHEREAS, in April May and June of 2021, this Board acting through the Joint Committee on Community Development and Health and Human Services will hold public hearings pursuant to notices published in accordance with Public Act No. 75-443 at which times the views of the public with respect to the needs, strategies, objectives and community development activities proposed in the Five Year Consolidated Plan and Annual Action Plan Statement of Activities and Use of Funds were communicated to this Board; and

WHEREAS, this Board has received written comments on the Annual Funds from the New Haven City Plan Commission, the New Haven Housing Authority, the LCI Loan Advisory Committee, the New Haven Development Commission or, has allowed such agencies thirty (30) days to review such plans; and

WHEREAS, this Board has also received or has provided the opportunity for written communications from various City officials and members of the general public regarding Fiscal Year 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the City's Five Year Consolidated Plan and Annual Action Plan, Statement of Activities and Use of Funds which forms part of the application to the Department of Housing and Urban Development for financial assistance under its Housing and Community Development Programs; and

WHEREAS, the City could be notified by HUD that the dollar amount of the City's entitlements may be reduced or increased by Congress after the budget process has already commenced. This will require the City to make adjustments to its Annual Action Plan, Statement of Activities and Use of Funds. Such funding adjustments shall require proportional percentage reductions or increases to each activity and program affected by the adjusted HUD funding appropriations. Appropriation increases shall not exceed the original funding request of the individual activity.

WHEREAS, this Board is cognizant of the conditions imposed upon the Mayor and the City with respect to undertaking and carrying out community development activities under the provisions of the Housing and Community Development Program regulations and Public Act No. 75-443; and

WHEREAS, due to possible delays by the federal government regarding grant funding applications, retroactive agreements may be required in order to cover services for the entire current grant year.

NOW, THEREFORE, BE IT ORDERED by the Board of Alders of the City of New Haven as follows:

1. It is hereby found and determined that:

- (a) The 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds has been developed so as to give maximum feasible priority to activities which will benefit low or moderate income families and persons, aid in the prevention or elimination of slum or blight, or that the activities contemplated in the plan in whole or in part are designed to meet other community development needs having a particular urgency which cannot otherwise be met.
- (b) There has been (i) adequate information provided to citizens concerning the amount of funds available for activities proposed under the 2021-2022 Annual Action Plan and the range of activities which may be undertaken and other important program requirements, (ii) adequate opportunity for citizens to participate in the development of the plan, and (iii) adequate public hearings held by this Board to obtain the views of citizens on community development and housing needs.
- (c) The 2021-2022 Annual Action Plan Program will be conducted and administered in

compliance with the Civil Rights Act of 1964 and 1968, P.L. 88-52 and P.L. 90-284, as from time to time amended, the Fair Housing Amendments Act of 1988, P.L. 100-430, section 109 of the Housing and Community Development Act of 1974, as amended, and Sections 31-26, 33-34, 53-35, 53-35a of the General Statutes.

- (d) The Mayor has consented to make the certifications required under subsection (b) of Section 104 of said Housing and Community Development Act of 1974, as amended, Section 106 of the Cranston-Gonzalez National Affordable Housing Act; Subtitle D of the Cranston-Gonzalez National Affordable Housing Act; Section 415 of the McKinney-Vento Homeless Assistance Act of 2000; and Section 854 of the AIDS Housing Opportunity Act.
- (e) In implementing the 2021-2022 Annual Plan Program the City shall comply with the provisions of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as from time to time amended.
- (f) All laborers and mechanics employed by the contractor or subcontractor on construction or rehabilitation work, except as provided under Section 110 of said Housing and Community Development Act of 1974, as amended, and Part III of Chapter 557 and Part I of Chapter 558 of the general statutes, shall be paid wages at rates not less than those prevailing on similar construction within the locality, as determined by the United States Secretary of Labor under the provisions of the Davis-Bacon Act, as from time to time amended; 40 U.S.C., Sections 276a to 276a-5, inclusive, or by the labor commissioner under Section 31-53 of the federal statutes, and all such persons shall receive overtime compensation in accordance with the provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C., Section 327 to 332, inclusive and Section 31-60 of the general statutes, or where no such federal financial assistance is to be provided, then compliance with Part III of Chapter 557 and Part I of Chapter 558 of the general statutes shall be required.
- (g) In implementing the 2021-2022 Annual Plan Program the City shall comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR Part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities to low and very low income persons.
- (h) In implementing the 2021-2022 Annual Plan Program the City shall comply with notification, inspection, testing and abatement procedures concerning lead-based paint as required by 24 CFR 570.608.

(h) In implementing the 2021-2022 Annual Plan Program the City shall comply with provisions of Executive

Order 12372, Intergovernmental Review of Federal Programs.

That the 2021-2022 Annual Action Plan has had an opportunity for citizen comment as outlined in the City's Citizen Participation Plan.

That the 2021-2022 Annual Action Plan complies with the requirements of the U.S. Department of Housing and Urban Development and other applicable provisions of the law and regulations, subject to the securing of further local approvals which may be required.

That the 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds as approved by this Board, complies with the requirements of Title I of the Housing and Community Development Act of 1974, as amended, (PL 93-383); the Cranston Gonzalez National Affordable Housing Act of 1990 as amended (P.L. 101-25); the McKinney-Vento Homeless Assistance Act of 2000 as amended (P.L. 106-400); the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009; and the Aids Housing Opportunity Act (AHOA); and as further amended and authorized by the Housing and Community Development Act of 1992 (PL 102-550); Public Act No. 75-443 and other applicable provisions of the law and regulations subject to the securing of further local approvals, such as urban renewal plan amendments, which may be required.

NOW, THEREFORE, IT IS ORDERED that the 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds having been incorporated in this Order by reference, is hereby approved and the Mayor is authorized and directed to take all steps necessary to undertake and carry out the community development activities described in said plan; and

IT IS FURTHER ORDERED that the Mayor is authorized and directed to take whatever steps necessary to secure the approval of the 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds and the City's application for financial assistance to the Secretary of Housing and Urban Development and make such other applications as are necessary to secure community development funds required by this City, including advances, discretionary and transition funds as authorized under the Housing and Community Development Programs.

IT IS FURTHER ORDERED that the Mayor is authorized to enter into contractual agreements and/or amendments irrespective of fiscal year expenditure restrictions and other ordinance restrictions in order to insure performance of approved community development activities; and

BE IT FURTHER ORDERED that the Mayor has express approval to enter into an agreement with a start date that relates back to the commencement of the current grant year regardless of when approval is obtained is hereby approved.

IT IS FURTHER ORDERED that the Mayor is authorized and directed to certify or give assurances, on behalf of the City, to the Secretary of Housing and Urban Development as to the matters determined and found by this Board; and

IT IS FURTHER ORDERED that in the event financial assistance is made available by the State of Connecticut under the provisions of Public Act No. 74-443 or related legislation to support the community development activities contemplated under the 2021-2022 Annual Action Plan, Statement of Activities and Use of Funds approved by this Board, that the Mayor is authorized to take whatever steps as are necessary to secure such financial assistance.

IT IS FURTHER ORDERED that CDBG public service contracts which have not been executed by December 1, 2021 will be reprogrammed into program year 2021-2022 public service activities. These reprogramming funds will be allocated only to organizations that submitted applications for CDBG public service funding in 2021-2022. The reprogramming allocations will be recommended by the Mayor and approved by the Board of Alders.

IT IS FURTHER ORDERED that pursuant to the Consolidated Plan application requirements, prior to the authorization for and/or release of funding, all agencies and organizations receiving Consolidated Plan funds through the City must be current on all municipal taxes; provide proof of fiscal accountability including the filing of all federal tax forms 990 or 990EZ and the completion of the annual audits as required; and clear of all significant audit findings. These requirements must be met no later than the start of the program year, July 1. If an agency is unable to fulfill these requirements, funding shall be reprogrammed.

IT IS FURTHER ORDERED that for projects requiring longer than a 12-month implementation period, any balances remaining at the end of the program year for such specific activities in the prior program year shall be combined with the current program year activity when the project is deemed viable by the City and is being funded for the same purpose in the current year.

IT IS FURTHER ORDERED that The Small Business Service Center and the Small Contractors' Development Program will provide the Joint Community Development and Human Services Committee with quarterly reports containing the following information:

- Type of business services provided.
- Number of businesses served and the name of the businesses.
- Number of businesses created and the name of the businesses.
- Number of jobs retained, the need for retention and the reason for the potential reduction, title of the position(s) and income levels of the position(s).
- Number of jobs created and the skill level, income level and whether training will be provided by the business.
- Total number of positions created and retained for New Haven residents.

IT IS FURTHER ORDERED that all CDBG Consolidated Plan Projects that have not expended any funding and have remained idle for a period of 13 months from the effective date of the award will be subject to reprogramming