

## CDBG LEGAL SECTION

The following is a recreation of the wording from the Legal Section of the online CDBG Application. By Submitting a proposal or application the lead applicant is agreeing to this terms.

### Civil Rights Certification

The Applicant, any contractor, any subcontractor, or any other party performing any services or having any responsibilities hereunder shall fully and completely comply with the following:

- a) Section 109 of the Housing and Community Development Act of 1974 which requires that no person in the United States shall on the grounds of race, color, national origin or sex, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity funded in whole or in part with Community Development Block Grant (CDBG) funds.
- b) Shall not, under any program or activity pursuant to this Agreement, directly or through contractual or other arrangements, on the grounds of race, color, national origin, sex, age, handicap status or religion:
  - i. Deny any individual any facilities, services, financial aid or other benefits provided under the program or activity.
  - ii. Provide any facilities, services, financial aid or other benefits in a different form from those provided under the program or activity.
  - iii. Subject any person to segregated or separate treatment in, or in any matter of process related to receipt of any services or benefit under the program or activity.
  - iv. Restrict an individual in any way access to, or the enjoyment of, any advantages or privilege enjoyed by others in connection with facilities, services, financial aid or any other benefits under the program or activity.
  - v. Treat an individual different from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which the individual must meet in order to be provided any facilities, services or any benefit provided under the program or activity.
  - vi. Deny an individual an opportunity to participate in a program or activity as an employee.
- c) Shall not use criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, national origin, sex, age, handicap status or religion, or have effect of defeating or substantially impairing the accomplishment of the objectives of the Housing and Community Development Act of 1974, (as amended).
- d) In determining a site or location of housing or facilities shall not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, national origin, sex, age, handicap status, or religion.

The Applicant in all contracts or agreements subject to Executive Order 11246 shall be subject to HUD Equal Employment Opportunity regulations at 24 CFI Part 135 applicable to HUD assisted construction contracts.

The Applicant shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof, as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause:

The Applicant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or handicap. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising: layoff or termination: rates of pay or other forms of compensation: and selection or training: including apprenticeship. The applicant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Grantor setting forth the provisions of this nondiscrimination clause.

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the applicant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The Applicant Contractor will comply with all provisions of Executive Order 11246 of September 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

The Applicant/Contractor will comply with all provisions of Title VIII, Civil Rights Act of 1968, which prohibits discrimination in the sale of rental dwellings, discrimination in the financing of housing, blockbusting, and discriminatory advertising and makes it unlawful to deny any person access to, or membership or participation in, any multiple listing services or real estate brokers' organization for discriminatory reasons.

The Applicant/Contractor will comply with Section 3 Housing and Urban Development Act of 1968, Section 504: Rehabilitation Act of 1974, Executive Order 11063 and all other Federal Rules and Regulations.

The Applicant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules and regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

In the event of the Applicant's noncompliance with the nondiscrimination clauses of an executed agreement or with any such rules, regulations, or orders, this agreement may be canceled, terminated or suspended in whole or in part and the applicant May be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 or by rule, regulation, or order of the Secretary of Labor.

The Applicant shall require that the language referred to in this certification be included in the award documents for all sub-awards at all tiers (including sub-contract, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

## Event and Signage Guidelines

Upon award of an Indiana Office of Community and Rural Affairs (OCRA) grant, the grantee is responsible for recognizing the funder(s) on signage and to include OCRA representation in any celebratory event(s) relating to the project.

### **Event(s):**

There is a minimum of one event required per project award. These events may include, but are not limited to, a ground breaking or ribbon cutting ceremony.

#### **1. GENERAL GUIDELINES:**

- a. An event to celebrate and promote the project should be conducted. The event may be to kick off, complete, engage the community, etc. These events are often referred to as ground breaking or ribbon cutting ceremonies or something of similar nature.

- b. The event shall be scheduled with OCRA. OCRA agrees to have a representative there barring any unforeseen circumstances.
- c. A minimum of one month notice of the event shall be provided to the community's Community Liaison at which time they will provide you with an Event Sheet. You will be notified of the name or names of the OCRA staff who will be present.
- d. Any necessary quotes needed for local media will be coordinated through OCRA's Communications Manager.
- e. Photos taken during the event shall be shared with OCRA. OCRA may use those photos as deemed appropriate.

**Signage:**

Any temporary or permanent signage will include acknowledgement of the Office of Community and Rural Affairs' (OCRA) and Department of Housing and Urban Development's (HUD) contribution to the project.

2. GENERAL GUIDELINES:

- a. Proposed design plan(s) shall be submitted along with a description for its reasoning to the OCRA Communication Manager for final approval.
- b. Should be mounted on prominent vertical surface or eye-level horizontal surface
- c. Should be mounted surface or flush mount on walls, and flush on walkways
- d. Should be incorporated into or attached to a permanent surface within the project
- e. Each plaque shall exhibit consistency with and reflect the architectural integrity of the project/building
- f. Complimentary mediums created in a manner that is complementary to the finished design may be approved by the OCRA Communication Manager.

3. SIZE:

- g. The width of the logo should be proportionate to the height, and the logo should not appear distorted. The size at which the logo is used must be proportionate to the size of the materials you are producing, to make sure it's clear and easy to read.

4. MATERIAL:

- h. May be raised, engraved or etched panel of stone, wood, glass or metal (other materials to be approved by OCRA prior to construction)

5. ELEMENTS:

- i. Minimum 3/4" text height
- j. If other logos are included, include an image of the OCRA logo
- k. The inclusion of the following approved language:
  - i. Brought to you by the Office of Community and Rural Affairs (OCRA)
  - ii. Thank you to the Office of Community and Rural Affairs (OCRA)
  - iii. Brought to you in partnership with the Office of Community and Rural Affairs (OCRA)
- l. Other partners should be listed or noted

6. EXCEPTIONS:

- m. NON-VISIBLE INFRASTRUCTURE PROJECTS (wastewater, stormwater, etc.): Please include reference to award in mailing or billing.
  - iv. EX: "You are saving \$5.91 per month on your water bill thanks to funding provided by the Office of Community and Rural Affairs (OCRA) and the Department of Housing and Urban Development (HUD)."

7. MAINTENANCE

- n. The maintenance of the approved funding acknowledgement is the obligation of the community. The community must ensure the funding acknowledgement continues to be legible.
8. DISCLAIMER:
- o. OCRA has the option to require the removal of the signage at any time. Written notice will be provided by OCRA if removal is required.

## Assurances and Certifications

### Definitions:

“Applicant” refers to an eligible unit of local government.

“HUD” refers to the United States Department of Housing and Urban Development.

“OCRA” refers to the Indiana Office of Community and Rural Affairs, an agency of the State of Indiana.

“State” refers to the State of Indiana.

The applicant hereby assures and certifies that:

- (a) It possesses legal authority to apply for the grant, and to complete the proposed activities.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing submission of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- (c) It has facilitated or will facilitate citizen participation by:
  - 1) Publishing a statement of proposed activities so that affected citizens have an opportunity to submit comments on the proposed activities of the applicant;
  - 2) Providing adequate notices for two or more public hearings, specifically to persons of low- and moderate-income;
  - 3) Holding two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, accessible to the handicapped, and that meet the needs of non-English speaking residents, if appropriate, to obtain citizens’ views before adoption of resolution or similar action by the local governing body authorizing the submission of the application;
  - 4) Providing citizens information concerning the amount of funds available for proposed community development activities and the range of activities within the project;
  - 5) Providing citizens with information concerning the amount of funds that will benefit persons of low- and moderate-income;
  - 6) Furnishing citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities;
  - 7) Providing technical assistance to groups representing persons of low- and moderate-income requesting such assistance in developing proposals;
  - 8) Providing citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment;
  - 9) Providing citizens with reasonable access to records regarding the past use of Community Development Block Grant (CDBG) funds received; and
  - 10) Any modifications or amendments to the project will be made in accordance with the same procedures required in (c) for the preparation and submission of a statement of proposed activities.
- (d) It has identified housing and community development needs, including those of low- and moderate-income persons and the activities to be undertaken to meet such needs.

- (e) The CDBG program has been developed so as to give maximum feasible priority to activities that will benefit low- and moderate-income families, or aid in the prevention or elimination of slums or blight.

*[The requirement for this certification will not preclude the Indiana Office of Community and Rural Affairs from approving an application where the applicant certifies, and the Indiana Office of Community and Rural Affairs determines, that all or part of the Community Development Block Grant Program activities are designed to meet other community development needs having a particular urgency as specifically explained in the application.]*

- (f) It will minimize displacement of persons and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of activities associated with program funds.
- (g) It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG 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, unless (I) CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or (II) for purposes of assisting any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income, the applicant certified to the Secretary or such State, as the case may be, that it lacks sufficient funds received from CDBG Program to comply with the requirements of clause.
- (h) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative rules, including the provision that project completion be no longer than eighteen (18) months from project startup, inclusive of the bid process for professional and engineering services as well as program close-out. In addition, said provision includes an assurance of the availability of project funds, both local and private, upon award of the grant.
- (i) It will comply with:
  - 1) Section 110 of the Housing and Community Development Act of 1974, as amended, by the Housing and Urban-Rural Recovery Act of 1983 and the Housing and Community Development Act of 1987, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;
  - 2) The provisions of the Davis-Bacon Act (46 U.S.C. § 276a-5) with respect to prevailing wage rates (except for projects for rehabilitation of residential properties of fewer than eight units);
  - 3) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327-332, requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work-week, and
  - 4) Federal Fair Labor Standards Act, 29 U.S.C. § 102 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week; and
  - 5) Anti-kickback (Copeland) Act of 1934, 18 U.S.C. § 874 and 40 U.S.C. § 276c, which outlaws and prescribes penalties for “kickbacks” of wages in federally financed or assisted construction activities.
- (j) It will comply with:
  - 1) Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to

effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;

- 2) The Fair Housing Act (previously known as Title VIII of the Civil Rights Act of 1968) (Public Law 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
  - 3) Section 109 of Title I of the Housing and Community Development Act of 1987, as amended, and the regulations issued pursuant thereto (24 CFR 570.602), which provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program activity;
  - 4) Executive Order 11063, as amended by Executive Order 12259 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance, and requiring that programs and activities relating to housing and urban development be administered in a manner affirmatively to further the goals of Title VIII of the Civil Rights Act of 1968; and
  - 5) Executive Order 11246 as amended by Executive Order 11375 and 12086, and the regulations issued pursuant hereto (24 CFR Part 6), the Indiana Code (I.C. 22-9-1-10), which provides that no person shall be discriminated against on the basis of race, religion, color, sex, disability, national origin or ancestry in all phases of employment during the performance of Federal or federally assisted construction contracts. Contractors and subcontractors on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship.
- (k) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing within the unit of local government.
- (l) It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulation at 49 CFR Part 24, and the requirements of section 24 CFR Part 570.488 and it is following a residential anti-displacement and relocation assistance plan under section 104(d) of Title I of the Housing & Community Development Act of 1974, as amended.
- (m) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
- (n) It will comply with the provisions of the Hatch Act, which limits the political activity of employees.
- (o) It will give the State, HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant and project activities.

- (p) Its chief executive officer or other officer of applicant approved by the Office of Community and Rural Affairs:
- 1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. S 4321 et seq.) and other provisions of Federal law, as specified at 24 CFR 58.1(b)(1), which further the purposes of NEPA insofar as the provisions of such Federal law apply to the CDBG Program; and
  - 2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (q) It will comply with:
- 1) The National Environmental Policy Act of 1969 (42 U.S.C. S 4321 et seq.) and 24 CFR Part 58, and in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (U.S.C. 469a-1, et seq.):
    - a) By consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity; and
    - b) By complying with all requirements established by the State and to avoid or mitigate adverse effects upon such properties.
  - 2) Executive Order 11988, Floodplain Management;
  - 3) Executive Order 11990, Protection of Wetlands;
  - 4) Endangered Species Act of 1973, as amended, (16 U.S.C. Section 1531 et seq.);
  - 5) The Fish and Wildlife Coordination Act of 1958, as amended, (16 U.S.C. Section 661 et seq.);
  - 6) The Wild and Scenic Rivers Act of 1968, as amended, (16 U.S.C. Section 1271);
  - 7) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Section 300f et seq.);
  - 8) Section 401(f) of the Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. Section 4831 (b));
  - 9) The Clean Air Act of 1970, as amended, (42 U.S.C. Section 7401 et seq.);
  - 10) The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. Section 1251 et seq.);
  - 11) The Clean Water Act of 1977 (Public Law 95-217); and
  - 12) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et. seq.);
  - 13) Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) as it relates to the mandatory purchase of flood insurance for special flood hazard areas.
- (r) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.
- (s) It will abide by the provisions of 24 CFR 570.611 that no member, officer, or employee of the grantee or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the project during the duration of the project and for one year thereafter shall have any direct or indirect interest in any contract, subcontract, or the proceeds thereof, financed in whole or in part with CDBG funds.
- (t) It agrees to repay to the State of Indiana any funds under this program which, as the result of a HUD or State of Indiana authorized audit, are found to have been spent in an unauthorized manner or for unauthorized activities.
- (u) It certifies that none of the funds being applied for will be used to supplant any local, state, federal or private dollars that have been committed to the project as proposed in this application.

- (v) It certifies that it has adopted and will enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction (Section 104(l) of Title I of the Housing & Community Development Act of 1974, as amended).
- (w) It certifies that pursuant to 31 U.S.C. § 1352, and any regulations promulgated thereunder:
  - 1) no federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - 2) if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the proposed Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - 3) The applicant shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.