

## CERTIFICATIONS/ASSURANCES

By signing this application for HOME Homeowner Rehabilitation/Reconstruction Program funds, the applicant certifies the following statements to be true and correct:

- The submission of program description is authorized under State and local law and the applicant possesses legal authority to carry out the HOME Homeowner Rehabilitation/Reconstruction Program described therein, in accordance with the HOME Homeowner Rehabilitation/Reconstruction Program Regulations.
- Its HOME Homeowner Rehabilitation/Reconstruction Program was developed after consultation with the public and its description of program activities has been made available to the public.
- The locality has established written policies and procedures concerning temporary displacement, and relocation assistance in accordance with program regulations. This written policy will be used in connection with the program and will be made available to the public.
- The locality has established a written Affirmative Marketing Policy in order to ensure affirmative marketing of housing units. The locality will operate its program in accordance with the Federal Fair Housing Law and the Civil Rights Act of 1964 and program regulations pertaining to nondiscrimination, equal opportunity, and affirmative marketing.

To the best of my knowledge and belief, I certify that all data contained in this application and all supportive documentation is true and correct and its submission has been duly authorized by the governing body of the City/County of \_\_\_\_\_.

**WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.**

Signature, Chief Elected Official	Date
Name/Title (Typed)	Telephone Number

## **CERTIFICATIONS/ASSURANCES**

The recipient hereby assures and certifies that:

- A. It possesses legal authority to receive the grant, and to execute the proposed program.
- B. Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action which authorized the filing of the application.
- C. Its program has been developed to give maximum feasible priority to activities which will benefit low and very-low income persons.
- D. It will:
  1. Comply with Section 104(f) of the Housing and Community Development Act of 1974, as amended, which requires compliance with the policies of the National Environmental Policy Act of 1969 (NEPA) and other provisions of law which further the purposes of the National Environmental Policy Act. Such other provisions of law which further the purposes of the NEPA are specified in regulations issued pursuant to Section 104(f) of the Housing and Community Development Act of 1974, as amended, and are contained in 24 CFR Part 58; and
  2. Assume all the responsibilities for environmental review, decision making, and action as specified and required in regulations issued by the Secretary of Housing and Urban Development pursuant to Section 104(f) of the Housing and County Development Act of 1974, as amended, and published in 24 CFR Part 58.
- E. Its chief executive officer or other officer of recipient:
  1. Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, as specified in 24 CFR Part 58: 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.
- F. It will, 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 Archeological and Historic Data Act of 1966 (16 U.S.C. 469 a-1, et seq) by:
  1. 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 of the proposed activities; and
  2. Complying with all requirements established by HUD to avoid or mitigate adverse effects upon such properties.

- G. It will comply with Executive Order Number 12898, issued February 11, 1994, by:
1. Focusing attention on the environment and health conditions in minority and low-income communities; and
  2. Fostering non-discrimination in federal programs that substantially affect human health and the environment; and
  3. Providing minority and low-income communities with access to information on, and opportunities for public participation in, matters relating to human health and the environment.
- H. **Procurement and Audit** – It will comply with the regulations, policies, guidelines, and requirements of 24 CFR Part 85 and OMB Circulars A-87, A-133 and MHC Policy Statements as they relate to the application and use of federal funds.
- I. It will comply with:
- a. 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 States shall on the grounds of race, color, familial status, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any 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 the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
  - b. 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;
  - c. Executive Order 11063, as amended by Executive Order 12259, on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance; and
  - d. Executive Order 11246 and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex familial status, or national origin 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 ensure 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.

- J. 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 570.496a (including the requirement to provide a certification that the recipient is following a residential anti-displacement and relocation assistance plan under Section 104(d) of the Act.
- K. It will establish a written Code of Standards of conduct to prohibit any of its officers, employees, and agents from using his/her position in any manner or matter which would have the purpose or effect of a conflict of interest, real or apparent. Conflict of Interest Provisions-24CFR 92.356 states that no person who exercises decision making responsibilities of the program may benefit from a HOME-assisted activity, either for themselves or those with whom they have family or business ties. To properly implement this provision, it will fully comply with the requirements of 24 CFR Part 85.36 (3), "Code of Conduct."
- L. It will comply with the provisions of the Hatch Act (5 U.S.C. 1501 et seq), which limits the political activity of employees.
- M. It will give the State of Mississippi, HUD, and the Controller General, through any authorized representatives, access to and the right to examine all records, books, papers, or other documents related to the grant.
- N. It will comply with Section 110 of the Housing and Community Development Act of 1974, as amended, which requires that all laborers and mechanics employed by contractors or subcontractors on construction work assisted under the Act shall be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and it will comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq). (However, these requirements apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families.)
- O. It will comply with the applicable requirements of the Copeland Act (40 U.S.C. 276c).
- P. It will comply with Section 109 of the Housing and Community Development Act of 1974, as amended, which requires that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination, under any program or activities funded in whole or in part with HOME funds made available pursuant to the Act. Section 109 further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq), or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), shall also apply to any such program or activity.
- Q. It will comply with Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831), which prohibits the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance in any form.
- R. It will adopt and 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 to or exit from a facility or location which is subject of such nonviolent civil rights demonstrations within its jurisdiction.

- S. The recipient shall remain fully obligated under the provision of the “Statement of HOME Award” notwithstanding its designation of any third party or parties of the undertaking of all or any parts of the program with respect to which assistance is being provided under the “Statement of HOME Award” to the recipient. Any recipient who is not the applicant shall comply with all lawful requirements of the applicant necessary to ensure that the program with respect to which assistance is being provided under the “Statement of HOME Award” to the recipient is carried out in accordance with the applicant’s assurances and certifications to comply with all applicable laws, regulations, and other requirements.
- T. The chief elected official certifies, to the best of his or her knowledge and belief, that:
1. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 federally 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 this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
  3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
- U. It will comply with the applicable requirements of 24 CFR 92.504(c)(1), 24 CFR 92.504(c)(3), 24 CFR 92.504(c)(5):
1. **Program income.** Program Income, as the term is used in the context of HUD regulations, is the income derived because of the use of the HOME Program funds provided under this contract. Program Income derived for the use of HOME funds must be returned to MHC. All Program Income, if any, shall be used to defray the expenses incurred in the implementation of this contract, before requesting, disbursement of additional HOME funds.
  2. **Uniform administrative requirements.** The recipient will comply with applicable uniform administrative requirements, as described in §92.505.
  3. **Project requirement.** The recipient will comply with project requirements in subpart F of this part, as applicable in accordance with the type of project assisted.
  4. **Other Program requirements.** The recipient must agree or consent to carry out each activity in compliance with all Federal laws and regulations described in subpart H of this part, except that the recipient does not assume the State’s responsibilities for release of funds under §92.352 and the intergovernmental review process in §92.357 does not apply to the State recipient.

5. **Affirmative marketing.** The agreement must specify the State recipient's affirmative marketing responsibilities in accordance with §92.351, if the HOME funds received by the State recipient will be used for housing containing five or more assisted units.
  - a. Each grant recipient shall display in public view, posters affirming Equal Housing Opportunity as amended under the Fair Housing Amendments Act of 1988.
  - b. The State certifies that HOME program funds will be awarded in accordance with the nondiscrimination and equal opportunity requirements set forth in the program regulations. The State will provide the recipients with all applicable non-discrimination laws. Recipients will be provided with procedures outlining corrective action for non-compliance, as well as copies of the State's Minority Business Directory to be used in selection and award of contracts for HOME activities.
  - c. The State will require grant recipients to establish appropriate procedures and requirements to affirmatively market units in the HOME projects and to assess the results of their efforts in accordance with the HOME program regulations. Procedures and requirements must include the following:
    1. The methods for informing the public, owners, and potential tenants about the federal fair housing laws and the grant recipient's affirmative marketing policy.
    2. The requirements and practices for owners to follow in complying with the grant recipient are affirmative marketing procedures and requirements.
    3. The special outreach procedures to be used by owners to inform and solicit applications from persons in the housing market area who would not otherwise apply. The owner may wish to use community organizations, places of worship, employment centers, fair housing counseling agencies, social service centers, and other resources for this outreach.
    4. The owner must maintain a listing of all tenants residing in each unit at the time of application submittal through the end of the compliance period.
    5. The owner must maintain a file containing all marketing efforts (i.e. copies of newspapers, calls, letters, etc.)
    6. Records must be kept on file describing efforts and results of grant recipients and owners in affirmatively marketing units.
    7. Owner advertisement of vacant units must contain the fair housing opportunity logo or statement.
6. **Requests for disbursement of funds.** The State recipient may not request disbursement of HOME funds under this agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed. Available program income must be disbursed before the State recipient requests funds from the State.
7. **Records and reports.** The Recipient shall include in all contracts with participating parties who receive grant funds provisions requiring that they:
  - a. Keep and maintain books, records, and other documents relating directly to the recipient and disbursement of grant funds;
  - b. Allow any authorized representative from MHC, HUD, and/or the Controller General of the United States, at all reasonable times, to have access and the right to inspect, copy, audit, and examine such books, records, and other documents of participating parties until the completion

of all close-out procedures involving this grant and the final settlement and concluding of all issues arising out of this grant.

- c. In addition to audits, records, books, and documents, the Recipient shall maintain and keep on file information regarding household characteristics of those receiving housing assistance. The recipient shall use the Homeownership Rehab Set Up and Completion Form to provide this information. In addition, the Recipient must provide on this form the number of female-headed households.
  - d. Records must be retained for a period of not less than five (5) years from the final close-out date of this contract. This applies to all financial and programmatic records, supporting documents, statistical and other records of grantees or sub-grantees. MHC has the right to continue monitoring this project for the extended period of affordability as set forth in the Recipient's HOME application in order to comply with regulation found at 24 CFR Part 92.252.
8. **Enforcement of the agreement.** The agreement must provide for a means of enforcement of affordable housing requirements by the State or the intended beneficiaries, if the State recipient will be the owner at project completion of the affordable housing. The means of enforcement may include liens on real property, deed restrictions, or covenants running with the land. The affordability requirements in 92.252 must be enforced by deed restriction. In addition, the agreement must specify remedies for breach of the HOME requirements. The agreement must specify that, in accordance with 24 CFR 85.43, suspension or termination may occur if the State recipient materially fails to comply with any term of the agreement. The State may permit the agreement to be terminated for convenience in accordance with 24 CFR 85.44.
- V. **Building Standards.** The recipient agrees to and understands that project activities shall comply with the applicable codes and standards approved by the International Residential Code of the International Code Council (ICC), and the Model Energy Codes, or locally adopted codes, whichever is more stringent.
- W. **Budget.** The Recipient agrees to and accepts the budget forms attached to the contract. The budget forms shall constitute the true and correct budget for the HOME project and are hereby incorporated and made a part of this contract. No modifications shall be made without prior written approval from MHC.
- X. **Flood Insurance.** If applicable, the Recipient agrees to comply with the provisions of the Flood Disaster Protection of 1973 (42 U.S.C. 4001-4128) with respect to obtaining flood insurance on any housing located in a floodplain.
- Y. **Termination for Cause.** All contracts between the sub-grantee and third party should contain a "termination for cause" clause. A basis for termination for cause can be suspension and debarment.

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\_\_\_\_\_  
Signature, Chief Elected Official

\_\_\_\_\_  
Name/Title (Typed)

\_\_\_\_\_  
Date