

HTF Certifications & Assurances

The recipient hereby assures and certifies that:

- A. It possesses legal authority to receive HTF funding, 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 such application.
- C. Its program has been developed so as to give maximum feasible priority to activities which will benefit extremely low-income persons.
- D. It will:
 - 1. Comply with the Environmental Provisions specified in 24 CFR 93.301(f); 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 24 CFR 93.301(f).
- E. Its chief executive officer or other officer of recipient:
 - 1. Consents to assume the status of a responsible federal official under the Environmental Provisions at 24 CFR 93.301(f); 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 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. Procurement and Audit – It will comply with the regulations, policies, guidelines, and requirements of 2 CFR 200 except for the following provisions: 200.307, 200.311, 300.328(b), 200.329, and 200.333. If there is a conflict between the definitions in 2 CFR part 200 and 24 CFR part 93, the definitions in part 93 govern.
- H. 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 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;
2. 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. 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
 4. Executive Order 11246 and the regulations issued pursuant thereto (41 CFR 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, 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.
- I. Section 3 Requirements: All Section 3 covered contracts shall meet the following requirements: Owners and developers of housing construction/rehabilitation projects receiving \$200,000 or more in aggregate HUD funding (including HOME or HTF as well as CDBG or other similar funding from a local government) are subject to the requirements of Section 3 of the Housing and Community Development Act of 1968 as outlined in 24 CFR 75. The purpose of Section 3 is to provide economic opportunities, particularly employment, generated by HUD-assisted development activity, to low- and very low-income persons. In practice, MHC expects that all HOME rental projects will be subject to Section 3. Projects subject to Section 3 are required to take steps to achieve HUD-specified benchmarks (and maintain records and provide reporting) on total labor hours worked including by eligible "Section 3 workers" (25% of total labor hours) and by "Targeted Section 3 workers" (5% of total labor hours).
1. For a worker to qualify as a Section 3 worker, one of the following must be maintained:
 - a. A worker's self-certification that their income is below the income limit from the prior calendar year;
 - b. A worker's self-certification of participation in a means-tested program such as public housing or Section 8-assisted housing;
 - c. Certification from a PHA, or the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing that the worker is a participant in one of their programs;
 - d. An employer's certification that the worker's income from that employer is below the income limit when based on an employer's calculation of what the worker's wage rate would translate to if annualized on a full-time basis; or
 - e. An employer's certification that the worker is employed by a Section 3 business concern.
 2. For a worker to qualify as a Targeted Section 3 worker:
 - a. An employer's confirmation that a worker's residence is within one mile of the work site or, if fewer than 5,000 people live within one mile of a work site, within a circle centered on the work site that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census;
 - b. An employer's certification that the worker is employed by a Section 3 business concern; or
 - c. A worker's self-certification that the worker is a YouthBuild participant.

2. Additional reporting if Section 3 benchmarks are not met. If the Owner's reporting indicates that the Developer has not met the Section 3 benchmarks described in 24 CFR 75.13, the Owner must report on the "Reporting on Section 3 Activities (sample form)" on the qualitative nature of its Section 3 compliance activities and those of its contractors and subcontractors. Such qualitative efforts may, for example, include but are not limited to the following:
 - a. Engaged in outreach efforts to generate job applicants who are Targeted Section 3 workers.
 - b. Provided training or apprenticeship opportunities.
 - c. Provided technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).
 - d. Provided or connected Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.
 - e. Held one or more job fairs.
 - f. Provided or referred Section 3 workers to services supporting work readiness and retention (e.g., work readiness activities, interview clothing, test fees, transportation, childcare).
 - g. Provided assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.
 - h. Assisted Section 3 workers to obtain financial literacy training and/or coaching.
 - i. Engaged in outreach efforts to identify and secure bids from Section 3 business concerns.
 - j. Provided technical assistance to help Section 3 business concerns understand and bid on contracts.
 - k. Divided contracts into smaller jobs to facilitate participation by Section 3 business concerns.
 - l. Provided bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.
 - m. Promoted use of business registries designed to create opportunities for disadvantaged and small businesses.
 - n. Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.
- J. It will comply with the displacement, relocation, and acquisition guidelines set forth in 24 CFR 93.352, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, and implementing regulations at 49 CFR Part 24.
- 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. The conflict of interest guidelines at 24 CFR 93.353 states that no person who exercises decision making responsibilities of the program may benefit from a HTF-assisted activity, either for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.
- 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 MHC, 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 receipt of funds.
- N. It will comply with the applicable requirements of the Copeland Act (40 U.S.C. 276c).

- O. It will comply with regulations of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 3535(d), 4821, and 4851), at 24 CFR 35, subparts A, B, J, K, and R.
- P. 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.
- Q. The recipient shall remain fully obligated 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. 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 is carried out in accordance with the applicant's assurances and certifications to comply with all applicable laws, regulations, and other requirements.
- R. 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
- S. It will comply with the applicable requirements of 24 CFR 93:
 - 1. Program income. Program Income, as the term is used in the context of 24 CFR 93.403, is the income derived as a result of the use of the HTF Program funds provided under this contract. Program Income derived for the use of HTF 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 HTF funds.
 - 2. Uniform administrative requirements. The recipient will comply with applicable uniform administrative requirements in 24 CFR 93.405.
 - 3. Project requirements. The recipient will comply with project requirements in 24 CFR 93, Subpart G, as applicable in accordance with the type of project assisted.
 - 4. Other federal requirements. The recipient must agree or consent to carry out each activity in compliance with all federal laws and regulations described in 24 CFR 93, Subpart H.

5. Affirmative marketing. The Recipient must adopt and follow affirmative marketing procedures and requirements in accordance with 24 CFR 93.350(b) if the proposed project receiving HTF funds contains five or more HTF-assisted units.
 - a. Display, in public view, posters and advertisements of vacant units affirming Equal Housing Opportunity as amended under the Fair Housing Amendments Act of 1988.
 - b. Market in accordance with the nondiscrimination and equal opportunity requirements set forth in the program regulations. MHC will provide the Recipient with all applicable non-discrimination laws.
 - c. Establish appropriate procedures and requirements to affirmatively market units in the HTF project and to assess the results of efforts in accordance with the HTF program regulations. Procedures and requirements must include the following:
 - 1) The methods for informing the public and potential tenants about the federal fair housing laws and the Recipient's affirmative marketing policy.
 - 2) The practices and requirements of outreach specified by MHC for the Recipient to follow.
 - 3) The outreach procedures to be used by the Recipient to inform and solicit applications from persons in the housing market area who would not otherwise apply (e.g. community organizations, places of worship, employment centers, fair housing counseling agencies, social service centers, etc.)
 - 4) Maintenance of a file containing all marketing efforts (i.e. copies of newspapers, calls, letters, etc.)
 - 5) A process to annually assess the success of the affirmative marketing actions and determine areas of improvement.
6. Requests for disbursement of funds. Recipient may not request disbursement of HTF 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.
7. Records and reports. The Recipient shall include in all contracts with participating parties who receive HTF 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 Rental Housing 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. Recipient is required to maintain contract and rent rolls for a period of five (5) years after the affordability period of thirty (30) years has been satisfied. MHC has the right to continue monitoring this project for the extended period of affordability.
8. Enforcement of the Regulatory Agreement. The Recipient acknowledges the specific remedies for breach of the HTF requirements and that suspension or termination may occur if the

Recipient materially fails to comply with any term of the Regulatory Agreement. MHC may permit the agreement to be terminated for convenience. The Recipient must agree to execute a Declaration of Restrictive Covenants to enforce the affordability restrictions.

- T. **Building Standards.** The recipient agrees to and understands that housing that is newly constructed with HTF funds must meet all applicable State and local codes, ordinances, and zoning requirements. HTF-assisted new construction projects must meet State or local residential and building codes, as applicable or, in the absence of a State or local building code, the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. The housing must meet the applicable requirements upon project completion. For housing that is rehabilitated, the recipient must meet the rehabilitation standards set by MHC upon project completion.
- U. **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 HTF project and are hereby incorporated and made a part of this contract. No modifications shall be made without prior written approval from MHC.
- V. **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.
- W. **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.

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.

Applicant

By: _____
Authorized Signature

Date: _____

Printed Name: _____

Title: _____