

**ORDINANCE NO. 2023- 028**

**AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR THE FISCAL YEAR 2023 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2023 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2023 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.**

**WHEREAS**, under provisions of Title I of the Housing and Community Development Act of 1974, as amended (which title is hereinafter referred to as the("Act") and the regulations promulgated there under (24 CFR Parts 58 and 570, hereinafter referred to as the ("Regulations"), the Secretary of the Department of Housing and Urban Development (hereinafter referred to as the ("Secretary")) is authorized to make grants to units of general local government to help finance community development programs (as that term is defined in the Act and Regulations); and

**WHEREAS**, the Secretary has notified the City of Kent of its eligibility to apply for HUD/CDBG funds in the amount of \$278,983.00 for Program Year 2023. It will begin on August 1, 2023, and extend through July 31, 2024; and

**WHEREAS**, the City proposes to apply for such a grant for Program Year 2023 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared its PY2023 Annual Action Plan marked Exhibit "A" and on file in the City Council office, which contains local objectives, identification of housing, homeless and non-housing community development priorities, a description of activities to be undertaken, a local community development budget, and certifications in the form of assurances; and

**WHEREAS**, this Council has duly reviewed and considered the PY2023 Annual Action Plan, as well as the comments and recommendations of the public and City administrative and planning officials.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That this Council hereby finds and determines that the PY2023 Action Plan gives maximum feasible priority to activities which benefit low-to-moderate income persons or aids in the elimination or prevention of slum and blight and the PY2023 Action Plan includes those activities to be undertaken by the City with the funds provided for the 2023 Program Year that meet the housing and community development needs and objectives allowed by the Act and Regulations and identified in the City's 2020-2024 Five Year Consolidated Plan.

**SECTION 2.** That the City Manager, being the chief executive officer of the City as that term is defined in the Act and Regulations, is hereby designated as the authorized representative of the City to act in connection with the grant request and to provide such additional documentation or certifications as may be required by the Secretary or by other responsible agencies.

**SECTION 3.** That this Council hereby finds and determines that the City, in preparing its PY2023 Annual Action Plan, has complied with the applicable requirements of the Act and Regulations, and this Council hereby approves the PY2023 Annual Action Plan, together with all related documentation for submission to the Secretary.

**SECTION 4.** That this Council hereby directs that the City in carrying out the Program shall continue to comply with applicable requirements of the Act and Regulations and of other applicable laws, including, among others, requirements with respect to civil rights and anti-discrimination, citizen participation, relocation and land acquisition, environmental protection, cost accounting and administration, federal labor standards, flood control, conflicts of interest, political activity of employees, access to books and records and the requirements of giving maximum feasible priority to activities which will benefit low and moderate-income families or aid in the prevention or elimination of slums or blight, and this Council hereby authorizes the City Manager to execute and file with the Secretary certifications in such forms as the Secretary may

prescribe, which will provide assurances concerning the foregoing matters, and concerning such other matters as may be required by the Secretary in connection with carrying out the Community Development and Housing Program.

**SECTION 5.** That this Council hereby authorizes the City Manager to consent to assume the status of a responsible federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the Secretary's responsibilities for environmental review, decision making and action to be assumed and carried out by the City Manager and authorizes the City Manager to consent on behalf of the City to accept the jurisdiction of the Federal courts for the purpose of carrying out the program. The City Manager is authorized to execute and file requests for release of funds and related certifications and prepare and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act, the Regulations, particularly the regulations contained in 24 CFR Part 58, and by the National Environmental Policy Act of 1969.

**SECTION 6.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 7.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: May 17, 2023

Date

EFFECTIVE: May 17, 2023

Date

ATTEST: Amy Wilkens

Amy Wilkens, CMC  
Clerk of Council

Jerry T. Fiala  
Jerry T. Fiala  
Mayor and President of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2023-028, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON May 17, 2023.

(SEAL)

Amy Wilkens  
AMY WILKENS, CMC  
CLERK OF COUNCIL

### Funding Approval/Agreement

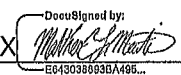
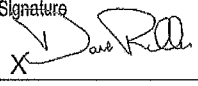
Title I of the Housing and Community Development Act (Public Law 930383)  
 HI-00515R of 20515R

U.S. Department of Housing and Urban Development  
 Office of Community Planning and Development  
 Community Development Block Grant Program

OMB Approval No. 2506-0193  
 exp 1/31/2025

1. Name of Grantee (as shown in Item 5 of Standard Form 424) City of Kent	3a. Grantee's 9-digit Tax ID Number 346001563	3b. Grantee's 9-digit DUNS Number CJGDK4L2PK69 (UBI)
2. Grantee's Complete Address (as shown in Item 5 of Standard Form 424) 301 S. Depeyster St Kent, OH 44240	4. Date use of funds may begin 08/01/2023	
	5a. Project/Grant No. 1 B-23-MC-39-0026	6a. Amount Approved \$278,983.00 (by this action)
	5b. Project/Grant No. 2	6b. Amount Approved

**Grant Agreement:** This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.


U.S. Department of Housing and Urban Development (By Name) Matthew LaMantia	Grantee Name (Contractual Organization) City of Kent
Title CPD Director	Title City Manager
Signature 	Signature 
Date (mm/dd/yyyy) 6/26/2023	Date (mm/dd/yyyy) 07/06/2023

7. Category of Title I Assistance for this Funding Action:  Entitlement, Sec 106(b)	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission (mm/dd/yyyy)	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified (mm/dd/yyyy)	
		9c. Date of Start of Program Year 08/01/2023	

11. Amount of Community Development Block Grant		FY 2023	
a. Funds Reserved for this Grantee			
b. Funds now being Approved	\$278,983.00		
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency
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**Loan Guarantee Acceptance Provisions for Designated Agencies:**  
 The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12c. Name of Authorized Official for Designated Public Agency	
Title	
Signature	

**HUD Accounting use Only**

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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8. Special Conditions.

- (a) The period of performance and single budget period for the funding assistance specified in the Funding Approval (“Funding Assistance”) shall each begin on the date specified in item 4 and shall each end on September 1, 2030. The Grantee shall not incur any obligations to be paid with such assistance after September 1, 2030.
- (b) The Recipient shall attach a schedule of its indirect cost rate(s) in the format set forth below to the executed Agreement that is returned to HUD. The Recipient shall provide HUD with a revised schedule when any change is made to the rate(s) described in the schedule. The schedule and any revisions HUD receives from the Recipient shall be incorporated herein and made a part of this Agreement, provided that the rate(s) described comply with 2 CFR part 200, subpart E.

<u>Administering Department/Agency</u>	<u>Indirect cost rate</u>	<u>Direct Cost Base</u>
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____

Instructions: The Recipient must identify each agency or department of the Recipient that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR §200.414(f)), and the type of direct cost base to which the rate will be applied (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rates for subrecipients.

- (c) In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- (d) The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures

designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

- (e) The Grantee or unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.
- (f) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
- (g) CDBG funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source - P.L. 113-235, Consolidated and Further Continuing Appropriations Act, 2015, Division K, Title II, Community Development Fund).
- (h) The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.