

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Community Development Block Grant – Recovery Program (CDBG-R)**

A. General Information

Grantee Name	City of Warren, Ohio
Name of Entity or Department Administering Funds	City of Warren, Community Development Department
CDBG-R Contact Person (person to answer questions about this amendment and CDBG-R)	Michael D. Keys
Title	Director
Address Line 1	418 Main Ave SW, Suite 201
Address Line 2	
City, State, Zip Code	Warren, Ohio 44481
Telephone	330-841-2595
Fax	330-841-2643
Email Address	mkeys@warren.org
Authorized Official (if different from Contact Person)	Michael J. O'Brien
Title	Mayor
Address Line 1	391 Mahoning Ave NW
Address Line 2	
City, State, Zip Code	Warren, Ohio 44483
Telephone	330-841-2601
Fax	330-841-2676
Email Address	rferris@warren.org
Web Address where this Form is Posted	www.warren.org

Amount Grantee is Eligible to Receive*	\$ 353,798
Amount Grantee is Requesting	\$ 353,798

*Amounts are available at <http://www.hud.gov/recovery>

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General Description of Project

In accordance with federal regulations and guidelines for the Community Development Block Grant program, the City will use the \$353,798 within the Target Area Street Resurfacing Program. These funds will assist in resurfacing 3.2 miles of target area roads.

Infrastructure improvements were given a high priority through the community's involvement in the 2005 – 2009 Consolidated Plan process. Target Area Street Resurfacing is always a highly requested activity, but lacks substantial funding. This activity was given priority, for CDBG-R, so that the City may expend the funds quickly in accordance with the requirement that projects be funded and "initiated no later than 120 days after the date of the enactment of this Act". The project is ready to be advertised for bids as soon as the grant agreement is executed.

The project is located within census tracts 9201, 9202, 9204, 9205, 9207, 9211, 9212, 9215 and 9216. The census documentation tells us that these census tracts have a population of 23,297, which is over one-half the City's total population. The average median income for those areas is \$24,337, 45 percent of the area median income of Warren.

Economic Benefit:

The Target Area Street Resurfacing Program will provide an immediate economic benefit to approximately five private companies and expected to touch over forty workers. Street resurfacing requires contracting with companies that provide grinding/milling, paving, concrete and finishers, asphalt and trucking. Each company then employs persons both on the road and in the office. Without these funds, the City of Warren would have not been able to resurface the same amount of miles, thus not offering an economic benefit to these private companies.

Employment Benefit:

It is estimated that over forty private permanent/construction jobs will be retained for this project. We project the following number of jobs per type of business:

Concrete supplier	2
Concrete finishers	4
Asphalt supplier	10
Paving	10
Grinding & Milling	6
Trucking	8

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B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response:

After review of the guidance and the priority requirements, the City determined that the Target Area Street Resurfacing program was the best choice. The Citizens Review Committee was convened for a funding meeting held on April 21, 2009. Those present listened to the recommendations of the CD staff and approved the proposed funding plan. The public comment period was held from May 1 to May 12, 2009. The recommendations were adopted by Warren City Council at the May 13, 2009 Council meeting

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- Grantee did not receive public comments.
- Grantee received and accepted all public comments.
- Grantee received public comments and did not accept one or more of the comments.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

Response:

The City did not receive any comments.

C. Distribution and Administration of Funds

Reminder: The CDBG-R grant will be made by means of a grant agreement executed by HUD and the grantee. The three-year deadline to expend funds begins when HUD signs the grant agreement. Grantees should ensure that sufficient planning is in place to begin to expend funds shortly after grant agreement.

1. Check the process(es) that the grantee plans to use to select subgrantees. Note that a subgrantee is defined as the organization to which the grantee provides CDBG-R funds.

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- Competitive Process
 Formula Allocation
 Other (Specify: [priorities determined in the 2005 – 2009 Consolidated Plan](#).)

2. Briefly describe the process(es) indicated in question 1 above (limit 250 words).

Response:

The City of Warren's Community Development Department discussed the program with the administration and other city departments to determine the best project based on priority given in the Consolidated Plan, the economic impact on private business(es) and readiness of the activity. The Target Area Street Resurfacing program is administered through the city, so no subgrantee is needed. The Citizens Review Committee attended a funding meeting held on April 21, 2009. Those present listened to the recommendations of the CD staff and approved the proposed funding plan.

3. Briefly describe the process the grantee plans to use, once HUD signs the grant agreement, to initiate projects within 120 days, as required by the CDBG-R Notice (limit 250 words).

Response:

The project is ready to be advertised for bids. Therefore, upon immediate execution upon the receipt of HUD's grant agreement, the Engineering, Building and Planning department will initiate the bid process.

4. Describe the grantee's plan for ensuring the effective and timely use of CDBG-R grant funds on eligible activities, as outlined in the CDBG-R Notice. Include a description of how the grantee plans to oversee and monitor the administration and use of the CDBG-R funds (limit 500 words).

Response:

The City of Warren has the capacity and structure in place currently for the effective and timely use of CDBG entitlement funds. The City will mirror those policies to ensure compliance with the CDBG-R grant. The street resurfacing program is always in compliance with timeliness.

D. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee’s preliminary estimated amounts for various CDBG-R activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

Jurisdiction/Grantee Name: City of Warren, Ohio		CDBG-R Formula Grant Amount: \$353,798				Date: May 13, 2009	
<i>Activity Name</i>	<i>Activity Description</i>	<i>Eligibility (Regulatory or HCDA Citation)</i>	<i>National Objective Citation</i>	<i>CDBG-R Project Budget (\$)</i>	<i>Additional Recovery Funds (\$)</i>	<i>Other Leveraged Funding (\$)</i>	<i>Total Activity Budget</i>
Target Area Street Resurfacing	Target Area Street Resurfacing, 3.2 miles	570.201 (c)	LMA	\$338,798		\$115,000	453,798
Administration	Administering the street resurfacing project	570.206		\$15,000			15,000

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E. Authorized Signature

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

Signature/Authorized Official

Date

[Mayor, City of Warren](#)

Title

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**GENERAL CERTIFICATIONS FOR STATE OR LOCAL GOVERNMENT FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT – RECOVERY PROGRAM (CDBG-R)**

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the state, territory, or local government certifies that:

Certifications Part 1

Affirmatively Further Fair Housing – The state, territory, or local government will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction or state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-Displacement – It will follow a residential anti-displacement and relocation assistance plan in connection with any activity associated with this funding.

Drug-Free Workplace – It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title,

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to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying – To the best of the state, territory, or local government’s knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, 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 this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Local Government, State, or Territory – The submission of the consolidated plan is authorized under state law and local law (as applicable) and the jurisdiction or state possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with Plan – The housing activities to be undertaken with CDBG-R funds are consistent with the strategic plan.

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Acquisition and relocation – The jurisdiction certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601), and implementing regulations at 49 CFR Part 24.

Section 3 – It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Community Development Plan – The jurisdiction certifies that this consolidated housing and community development plan identifies community development and housing needs and specifies both short term and long term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program, as described in 24 CFR 570.2 and requirements of this part and 24 CFR part 570.

Consistency with Consolidated Plan – The housing activities to be undertaken with CDBG-R funds are consistent with the current Consolidated Plan for 2005 – 2009.

Use of funds – The jurisdiction certifies that it has complied with the following criteria: (i) With respect to activities expected to be assisted with CDBG funds, the Action Plan has been developed so as to give the 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 plan may also include CDBG-assisted activities that are certified to be designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs; and (ii) The jurisdiction will not attempt to recover any capital costs of public improvements assisted 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. However, if CDBG funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive force – The jurisdiction certifies that it has adopted and is enforcing: (i) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (ii) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or

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location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

Compliance with anti-discrimination laws – The jurisdiction certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d](#)), the Fair Housing Act ([42 U.S.C. 36013619](#)), and implementing regulations.

Compliance with lead-based paint procedures – The jurisdiction certifies that its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

Compliance with laws – The jurisdiction certifies that it will comply with applicable laws.

Certifications Part 2

Title XII of Division A – The jurisdiction certifies that it will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

Priority – It certifies that priority will be given to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients, and will ensure maximum economic benefit.

Quick-start – The jurisdiction certifies that when CDBG-R is used for infrastructure investments, preference will be given to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

Made in the US – The jurisdiction certifies that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public works project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the US; (3) or the use of the goods will increase the project cost by more than 25 percent.

Review – The Mayor, the jurisdiction's chief executive official, certifies that infrastructure investments will receive the full review and vetting required by law and that the Mayor accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

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Economic Conditions – The jurisdiction certifies that for activities carried out with CDBG-R funds using the urgent need national objective where the urgent need is the current economic conditions, the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

Low- to Moderate-Income Benefit – The jurisdiction certifies that the aggregate use of CDBG-R funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official

Date

[Mayor, City of Warren](#)

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APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

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Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces.)

