



2017 ANNUAL ACTION PLAN

Supplement to
2015 – 2019 Consolidated Plan

For further information contact:

Carol Hughes Evans
City of Kennewick
Community & Corporate Services
P.O. Box 6108
210 West 6th Avenue
Kennewick, WA 99336
(509) 585-4432



THIRD YEAR ACTION PLAN

INTRODUCTION (AP15)

The Cities of Richland, Kennewick and Pasco are entitlement communities under Title 1 of the Housing and Community Development Act of 1974. Each city is eligible to receive federal funds annually from the US Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Program. Each city is separately responsible for planning and administering housing and community development activities within their jurisdiction, and implementing, monitoring, and reporting to HUD on the use of CDBG funds.

Richland, Kennewick and Pasco, as contiguous units of local government, entered into a Cooperative Agreement in 1995 to form the Tri-Cities HOME Consortium. The agreement was amended in 2007 to include an automatic renewal clause. At least every three years the Cooperative Agreement is re-evaluated by each city to determine continued participation in the Consortium and to propose change. The Tri-Cities HOME Consortium is eligible to receive annual federal HOME dollars from HUD under the HOME Investment Partnership Program authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. Richland serves as the lead entity for the Tri-Cities HOME Consortium, and acts as the administrative, monitoring and reporting agency to HUD.

As each of the three cities share a common set of goals and directions for meeting the community development and affordable housing needs of lower income persons, the cities collaboratively prepared a 2015-2019 Tri-Cities Regional Consolidated Plan. The Plan provides the community with an assessment of needs and market conditions, establishes priority needs, sets goals to respond to the identified needs, and establishes outcome measures to serve as a basis for developing Annual Action Plans.

The activities proposed in the 2017 Annual Action Plan will be funded by CDBG allocations, program income, existing unallocated funds and/or excess revolving loan funds. The City of Kennewick also has the option as an entitlement community to apply for a Section 108 Loan guarantee in an amount not to exceed five times its current year annual CDBG allocation.

If the 2017 CDBG funding is above the anticipated amount listed below, the additional funds will be applied to the Pedestrian Safety Crossing Improvements infrastructure project. Alternatively, if CDBG funding is below the anticipated amount, the shortfall in funds will be covered through the expenditure of existing unallocated revolving loan funds and/or previously awarded funds that remain unallocated. Should the amount of unallocated funds and revolving loan funds not be enough to cover the shortfall, the scope of the infrastructure project will be reduced commensurately and the Public Service project awards will each be reduced to reflect the expenditure of no more than 15% of the entitlement.

EXPECTED RESOURCES

Table 1: Expected Resources Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Amount Available Remainder of Plan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Federal	Admin/Planning Economic Development Public Improvements Public Services	\$500,000	\$35,000	\$39,000*	\$574,000	\$1,062,661	Expected funds based on 2016 award and program income projected annually over 5-year period

*Prior year resources could include any or all of the following unallocated funds:

- Revolving loan funds that will no longer be used for the First-Time Homebuyer Downpayment Assistance Program (HUD #89).
 - The downpayment program will continue to be funded by the HOME allocation received each year through the Tri-Cities HOME Consortium.
- Prior year loan repayments originated through the Benton Franklin Council of Governments closed revolving loan program.
- Entitlement funds from previous years that were not fully spent down due to projects coming in under budget (i.e. youth recreation scholarships that did not have as many program applicants and participants as expected).

Leveraging Funds and Matching Requirements (AP15)

The Cities of Richland, Kennewick and Pasco are supportive of efforts by other agencies to apply for or leverage other funding sources that might become available during the year. City staff will be available to provide written and verbal support of projects that will meet a housing and community development need as identified in the 2015-2019 Consolidated Plan, and, within staffing capacity, will assist other organizations that implement portions of the Plan to apply for funds from other local, state, or federal resources.

Each city, as a participating jurisdiction of the Consortium, must make a permanent contribution to show support of affordable housing in the community. The contribution is considered to be a match for federal HOME dollars and must be 25% of the funds drawn from the jurisdiction’s HOME Investment Trust Fund Treasury account, excluding funds identified for administering the HOME program and program income. Match obligations are satisfied by permanent non-federal investment in, or contribution to, HOME assisted or HOME eligible projects by reduction or contribution from the City’s General or other non-federal funds, reduced cost for land purchased below appraised value, reduced financing fees from lenders and appraisers, grants for affordable housing from non-federal sources, donated construction/housing materials, and volunteer labor.

ANNUAL GOALS AND OBJECTIVES

Table 2: Goals Summary

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Community development	2017	2018	Non-housing community development	N/A	Community & economic development	\$399,000	Public facility or infrastructure other than low/moderate-income housing benefit: persons assisted
Homeless & services	2017	2018	Non-homeless special needs	N/A	Homeless & public services	\$75,000	Public services activities other than low/moderate-income housing benefit: persons assisted

PROJECTS

Introduction (AP35)

The Benton Franklin Council of Governments has an excess amount of CDBG Revolving Loan funds to make small business loans. A portion of those funds will be returned and used by the City in 2016 to fund the West 7th Place and West Jean Place infrastructure project. The additional amount of funding required to build the project will come from 2016 CDBG entitlement funds and unallocated funds if required.

Table 3: Project Information

Project #	Project Name
1	COK Pedestrian Crossing Safety Improvements
2	Historic Downtown Kennewick Facades
3	COK Youth Recreation Scholarships
4	ARC Therapeutic Recreation Scholarships
5	Senior Life Resources Meals on Wheels
6	CDBG Administration

1	Project name	COK Pedestrian Crossing Safety Improvements
	Target area	
	Goals supported	Improve community infrastructure
	Needs addressed	Improve access for persons with disabilities and the elderly by improving streets and sidewalks
	Funding	\$335,000 - CDBG \$ 39,000 - Revolving Loan Funds or previous year unallocated funds
	Description	Install ADA ramps and pedestrian activated rapid flash beacons (RRFB) at high density pedestrian crossings on arterial streets
	Location description	Volland Street & Kennewick Housing Authority Nueva Vista housing project / Kellogg Street at Tri-Tech High School, Goodwill Industries & WorkSource / Washington Street & 1 st Avenue
	Planned activity	See above
	Target date	October 2017

	Indicator/outcome	Suitable living environment
2	Project name	Historic Downtown Kennewick Facades
	Target area	
	Goals supported	Improve local economies
	Needs addressed	Support businesses that created permanent jobs for lower-income residents
	Funding	CDBG: \$25,000 (including any unspent funds from 2016)
	Description	Building Façade Rehabilitation
	Location description	Downtown Business Corridor and/or Columbia Drive
	Planned activity	Assist for-profit business(s) with improving building facades
	Target date	October 2017
	Indicator/outcome	Create economic opportunity
3	Project name	Youth Recreation Scholarships
	Target area	
	Goals supported	Support priority public services
	Needs addressed	Improve basic living needs of lower-income youths
	Funding	CDBG: \$34,000
	Description	Support public services for LMI children
	Location description	Miscellaneous locations throughout Kennewick
	Planned activity	Provide scholarship assistance to LMI youth to participate in recreational activities
	Target date	December 2017
	Indicator/outcome	Suitable living environment
4	Project name	ARC Therapeutic Recreation Scholarships
	Target area	
	Goals supported	Support priority public services
	Needs addressed	Improve basic living needs of developmentally disabled
	Funding	CDBG: \$22,500
	Description	Support public services for developmentally disabled
	Location description	Miscellaneous locations throughout the Tri-Cities
	Planned activity	Provide scholarship assistance to developmentally disabled young adults
	Target date	December 2017
	Indicator/outcome	Suitable living environment
5	Project name	Senior Life Resources Meals on Wheels
	Target area	
	Goals supported	Support priority public services
	Needs addressed	Improve basic living needs of the elderly
	Funding	CDBG: \$18,500
	Description	Support public services for the elderly
	Location description	Senior Center & home delivery service
	Planned activity	Provide meals for the elderly
	Target date	December 2017
	Indicator/outcome	Suitable living environment
6	Project name	CDBG Administration
	Target area	
	Goals supported	Increase and preserve affordable housing choices Community neighborhood & economic development Homeless intervention & prevention and supportive services
	Needs addressed	Suitable living environment & create economic opportunity

Funding	CDBG: \$100,000
Description	Administration
Location description	N/A
Planned activity	Administer, plan and deliver community development programs to ensure compliance and success of programs to benefit low and moderate income people
Target date	December 2017
Indicator/outcome	N/A

Allocation Priorities and Barriers (AP35)

Funding priorities are consistent with those stated in the Strategic Plan. The City of Kennewick intends to maximize the use of limited resources to ensure the highest benefit within the capacity to administer the program. Reduced funds have increased the challenge. Given the limited capacity, bricks and mortar projects resulting in visual physical improvements are important when those projects reduce barriers for physically impaired persons; result in the acquisition, construction or improvement to public facilities; and/or, result in neighborhood preservation and revitalization. High priority is also placed on projects that would result in enhancing the economic opportunities of residents.

The City likewise places a priority on bricks and mortar projects that result in the creation or preservation of housing for elderly or populations with special needs and social services projects to address community needs including projects to assist seniors or populations with special needs and disadvantaged youth.

Whenever feasible, projects that leverage additional funds and/or are coordinated with community partners are emphasized and given priority. The City does not anticipate obstacles to meeting the underserved needs addressed in the projects (within the anticipated funding levels).

GEOGRAPHIC DISTRIBUTION (AP50)

All of the City's infrastructure improvements are located east of Highway 395 and north of 10th Avenue. Low and moderate-income Public Service projects are located throughout the City.

AFFORDABLE HOUSING

Introduction (AP55)

Not applicable. No housing activities anticipated with CDBG funds allocated to the City of Kennewick. HOME goals are included in reporting by the City of Richland, the HOME lead.

Discussion (AP55)

A goal of the three Cities is to provide decent affordable housing for its residents. To support this effort each city has programs to address this need. The following provides a general overview of the types of programs and projects that supports this effort.

- HOME – Down Payment Assistance Program. Each City provides a down payment program, providing funds for low and moderate income first time homebuyers.
- HOME – CHDO. Support efforts of a CHDO to develop single family homeownership units.

PUBLIC HOUSING**Actions to Support Public Housing Needs (AP60)**

The City of Kennewick will help address the needs of public housing and activities in 2017 by continuing to work closely with and supporting efforts of the Kennewick Housing Authority. The City and Authority will continue to coordinate housing activities throughout the City.

Actions to Encourage Residents (AP60)

The Kennewick Housing Authority Governing Board includes one position designated for a resident representative. That position is currently filled and the resident representative is fully engaged.

HOMELESS AND OTHER SPECIAL NEEDS ACTIVITIES (AP65)

The three cities will continue to be involved in the Benton Franklin Human Services planning efforts. The BFHS developed a plan for the homeless with the express purpose of giving nonprofit and government agency providers a “road map” of actions to follow to reduce homelessness in Benton and Franklin Counties. The plan is a concerted effort by numerous agencies, including the three cities, to develop a common understanding of the needs of the homeless and to agree upon a coordinated plan to improve services and housing for homeless. The goal of the plan is to move homeless individuals and families through a continuum of housing and supportive services leading them to permanent housing with the highest level of self-sufficiency they can achieve.

Assessing Individual Needs (AP65)

Richland, Kennewick and Pasco will continue to encourage cooperation in sharing information to identify existing resources that might be available to meet the needs of the homeless, or those at risk of becoming homeless. Staff from the City will also participate in and support the annual Point-in-Time Count in Benton and Franklin counties scheduled for January 2017.

Addressing Emergency Shelter and Transitional Housing Needs (AP65)

Emergency Solutions Grant funds are not directly administered by the Continuum of Care. However, the Continuum consults on funding decisions. The cities do not address emergency shelter and transitional housing needs of homeless, except through their involvement with Benton Franklin Community Action Committee (BFCAC) and Benton Franklin Human Services. The three cities do not receive ESG funds but will continue to support the development of homeless housing through community resources such as, potentially, the HOME program and 2060 and 2163 Recording Fee resources, as they have in the past.

Transitions to Permanent Housing and Homeless Prevention (AP65)

Kennewick purchased and rehabilitated a two-story 4-bedroom home to serve as transitional housing for homeless veterans. This facility has been in operation since 2010 and has housed many individuals for varying lengths of time. The facility is run by the Columbia Basin Veterans Coalition.

In 2010 the City purchased and rehabilitated a 4-plex to serve as transitional housing. Two of the units are used for housing victims of domestic violence and the other two are used for housing families recovering from substance abuse. The facility is jointly run by Domestic Violence Services of Benton and Franklin Counties and Elijah Family Homes.

Assistance with Discharge Housing and services (AP65)

Except for involvement with BFCAC, the three Cities don't provide assistance to those being discharged from publicly funded institutions or receiving assistance from public or private agencies.

BARRIERS TO AFFORDABLE HOUSING (AP75)

The purchase price and downpayment of a home generally serves as a significant barrier to affordable homeownership opportunities, particularly for lower income households. Local HUD-funded housing programs provide affordable housing opportunities for lower-income households by financing down payment assistance. Affordable housing opportunities are also available through programs for minor home repairs and weatherization upgrades to existing homes, decreasing energy costs for low income households.

All three cities encourage infill development to preserve older neighborhoods, and support increase of housing densities in areas where adequate public facilities and services (police and fire protection, schools, water, sewer, and drainage) are in place or can easily be provided.

OTHER ACTIONS (AP85)

Because of the layout of the Tri-Cities, Benton and Franklin Counties are taking a more regional approach for addressing obstacles to underserved needs. One of the challenges to meeting underserved

needs by any one group is the lack of staff capacity, financial resources, and supportive services necessary to address all needs. The City attends, supports and is an active member of Continuum of Care, an organization comprised of local non-profit, housing, public service, correctional, and government agencies throughout Benton and Franklin counties. By maintaining open communication, collaboration, and partnering efforts among all groups, and reducing duplication of effort, more needs of lower income people can be met.

Actions to Meet Underserved Needs (AP85)

Decent housing can be made available to those below 30% median income by joining forces with community advocates such as Benton Franklin Community Action Committee and the Department of Human Services to provide affordable housing for this underserved population. Typical projects to meet this goal would be family shelter, domestic violence shelter, developmentally disabled and chronically mentally disabled housing, elderly housing, migrant farmworker housing, homeless prevention rapid rehousing programs and state and local housing trust funds. The City supports the efforts of local non-profit agencies to meet needs of underserved populations.

Actions toward Affordable Housing (AP85)

The City will continue to support the efforts of various nonprofit agencies, housing authorities and CHDO's to provide affordable housing opportunities for special needs populations. City staff will be available to assist in identifying potential funding sources and provide technical assistance within staff capacity, and will remain receptive to forming partnerships with other entities to assure vulnerable populations are able to reside in decent, safe housing.

Actions to Reduce Lead-Based Paint Hazards (AP85)

The City will undertake the following actions in program years 2015-2019 to increase community awareness of lead based paint and its hazards. The City will provide education on lead based paint including information on Safe Work Practices, actions to take when rehabbing or remodeling a home, and steps to take if exposure to lead hazards is suspected.

The pamphlets "Renovate Right" and "Protect Your Family from Lead in Your Home" published by Washington Department of Commerce and Environmental Protection Agency (EPA) will be distributed to all potential housing clients, and be available via online links from the City's website.

Actions to Reduce Number of Poverty-Level Families (AP85)

Several activities may be undertaken to decrease cost-burdens for lower income people such as the various housing programs offered by the City and the Tri-Cities HOME Consortium. The City supports economic development projects that create jobs or provide education or training to enable people to become self-sufficient and have an opportunity to work at living wage jobs. Targeted revitalization of

neighborhoods should increase the ability to impact the lives of lower income residents who reside there, and promote these areas as a desirable place to live with connectivity to other desirable neighborhoods.

Actions to Develop Institutional Structure (AP85)

The City will pursue various activities outlined in the 2015-2019 Consolidated Plan to strengthen and coordinate actions with housing, nonprofit, and economic development agencies. Staff will continue to participate in the Continuum of Care Task Force to assist in the coordination of government agencies, nonprofit organizations, housing developers, social service providers, and Continuum of Care providers to meet the needs of the homeless. Kennewick staff will participate in the Point-in-Time Count of the homeless, used to measure community trends. The City will, within staff capacity, continue to encourage and support joint applications for resources and programs among housing and service providers.

Actions to Enhance Coordination (AP85)

The City supports efforts by other agencies to apply for, or leverage other funding sources that might become available during the year. City staff will be available to provide written and verbal support of projects that meet a Housing and Community Development need as identified in the 2015-2019 Consolidated Plan, and will assist other organizations to apply for funds from other local, state or federal resources within staff capacity.

PROGRAM SPECIFIC REQUIREMENTS (AP90)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogramed	\$0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee’s strategic plan	\$0.00
3. The amount of surplus funds from urban renewal settlements	\$0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	\$0.00
5. The amount of income from float-funded activities	\$0.00
Total Program Income	\$0.00
Other CDBG Requirements	
1. The amount of urgent need activities	\$0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income	100%

**City of Kennewick
CERTIFICATIONS**

In accordance with the applicable statutes and the regulations governing the Housing and Community Development Plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing ~ The jurisdiction will affirmatively further fair housing, has prepared an analysis of impediments to fair housing choice, will take appropriate actions to overcome the effects of any impediment identified in this analysis and maintain records pertaining to carrying out this certification;

Anti-displacement and Relocation Plan ~ It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42U.S.C. 4601) and implementing regulations as required under §49 CFR part 24 and Federal implementing regulations; and that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG or HOME programs;

Drug Free Workplace - It 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 I 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, 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;

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.

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance

City of Kennewick, City Hall, 210 West 6th Avenue, Kennewick, Benton County, WA 99336

Anti-Lobbying - To the best of the jurisdiction'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 paragraph (n) 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 sub-recipients shall certify and disclose accordingly; The jurisdiction is in compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.

Authority of Jurisdiction - It possesses legal authority under State and local law to make grant submissions and to execute community development and housing programs and the jurisdiction's governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the housing and community development plan and amendments thereto and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the housing and community development plan and to provide such additional information as may be required;

Consistency with Plan - The housing activities to be undertaken with CDBG and HOME funds are consistent with the strategic plan;

Section 3 - The jurisdiction will comply with Section 3 of the Housing and Urban Development Act of 1968 and implementing regulations at 24CFR Part 135; and

Applicable Laws - The jurisdiction will comply with the other provisions of the Acts covering programs covered by the HCD plan and with other applicable laws.

Signature / Authorized Official

Marie E. Mosley, City Manager

Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation Plan - Prior to submission of its housing and community development plan to HUD, the jurisdiction is following a detailed citizen participation plan that satisfies the requirement of 24CFR 91.105 and is in full compliance;

Community Development Plan - The jurisdiction's 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\1\, and requirements of this part and 24 CFR part 570;

Following a Plan - The jurisdiction is following a current consolidated plan that has been approved by HUD;

Use of Funds - It has complied with the following criteria:

1. The Action Plan for use of CDBG funds has been developed so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. The aggregate use of CDBG funds received under section 106 of the Housing and Community Development Act of 1974, as amended, and if applicable, under section 108 of the same Act, during program year(s) 2017, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period; and
3. The jurisdiction will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Housing and Community Development Act of 1974, as amended, or with amounts resulting from a guarantee under section 108 of the same Act 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:

- a. Funds received under section 106 of the Housing and Community Development Act of 1974, as amended, are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of that Act; or
- b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient funds received under section 106 of the Housing and Community Development Act of 1974, as amended, to comply with the requirements of subparagraph (1) above;

Lead-Based Paint - Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with §570.608;

Excessive Force - It has adopted and is enforcing:

1. 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;
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination Laws --The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42USC 2000d), the Fair Housing Act (42 USC 3601-3619) and implementing regulations; and

Compliance with Laws - The jurisdiction will comply with applicable laws.

Signature / Authorized Official

Marie E. Mosley, City Manager

Date

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

The certification with regard to the drug-free workplace is required by 24 CFR Part 24, Subpart F. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

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.

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.

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).

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 five).

Places of performance in Benton County shall include:

City Hall, 210 West 6th Avenue, Kennewick, WA 99336

Dan Frost Municipal Services Campus, 1010 E. Chemical Drive, Kennewick, WA 99336

City Shops, 414 E. 10th Avenue, Kennewick, WA 99336

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 contendens) 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 not 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 sub-recipients or subcontractors in covered workplaces).

Signature / Authorized Official

Marie E. Mosley, City Manager

Date