

**D.****ANNUAL ACTION PLAN****I. Proposed Funding**

Community Development Block Grant (CDBG) program and HOME Investment Partnerships Program (HOME) funds are formula entitlement grant funds that Lexington County receives directly from the U.S. Department of Housing and Urban Development (HUD). Projects identified in this Action Plan will be funded from the County's 2010 CDBG allocation of \$1,630,118, uncommitted CDBG funds from previous years, and the HOME allocation of \$634,481. No program income is anticipated for CDBG. As the County establishes various HOME-related programs, however, there may be opportunities for program income. When feasible, the County will provide in-kind services, funds for operating costs, funds for furnishings and equipment, other available funds, or real property to carry out the activities identified in this plan.

Lexington County was allocated \$385,148 in Community Development Block Grant Recovery (CDBG-R) program funds, from HUD as authorized under Title XII of the American Recovery and Reinvestment Act (ARRA) of 2009. The CDBG program enables local governments to undertake a wide range of activities intended to create suitable living environments, provide decent affordable housing, and create economic opportunities, primarily for persons of low and moderate income. The purpose of the CDBG-R program is to carry out eligible activities under the CDBG program, on an expedited basis, that will maximize job creation and economic benefit.

Table 38 shows the funding available to Lexington County for the fiscal year 2010-2011 from HUD.

**Table 38. Fiscal Year 2010-2011 Funding**

Source of Funds	Amount
Community Development Block Grant	\$ 1,651,400
HOME Investment Partnership Program	\$659,481
<b>Total</b>	<b>\$2,310,881</b>

**A. Proposed Activities and Projects**

The following tables show the summary of activities and associated proposed projects to be undertaken during the fiscal year 2010-2011. Detailed descriptions of the projects are included in Appendix G.

**Table 39. Summary of Activities for FY10-11**

Program Revenue		Program Expenses	
CDBG Budget Summary			
Allocation for FY10-11	\$1,630,118	Recommended Projects	\$1,428,339
Unexpended Funds	21,282	Rehab Program Project Delivery Costs	21,075
		Program Administration	201,986
<b>Subtotal CDBG</b>	<b>\$1,651,400</b>	<b>Subtotal CDBG</b>	<b>\$1,651,400</b>

HOME Budget Summary			
Allocation for FY09-10	\$634,481	Recommended Projects	\$571,003
General Fund*	25,000	Program Administration	88,478
<b>Subtotal HOME</b>	<b>\$659,481</b>	<b>Subtotal HOME</b>	<b>\$659,481</b>
<b>Total</b>	<b>\$2,310,881</b>	<b>Total</b>	<b>\$2,310,881</b>

\* Covers administrative costs above cap.

Table 40. Proposed Projects

Project	Funding
CDBG Projects	
Pelion Family Practice Eau Claire Cooperative Health Centers	\$597,000
BLEC Building Renovations Brookland Center for Community Economic Change	\$165,480
Brookland Pediatrics Center Extension Eau Claire Cooperative Health Centers	\$125,000
North Oak Street Sidewalk Town of Batesburg-Leesville	\$99,388
Leaphart Place Community Building Renovation Growing Home Southeast	\$45,621
Work Activity Center Storage Units Babcock Center	\$4,120
Julius Felder Housing Rehabilitation Cayce Housing Authority	\$200,000
Rural Mobile Food Pantry Harvest Hope Food Bank	\$135,000
Afterschool Program Scholarships Lexington Family YMCA	\$56,730
<b>Subtotal CDBG Projects</b>	<b>\$1,428,339</b>
HOME Projects	
Community Housing Development Organizations (CHDO)	\$200,000
Homeownership Assistance Program	\$200,000
Housing Rehabilitation Program	\$171,033
<b>Subtotal HOME Projects</b>	<b>\$571,033</b>

The County recognizes the need for permanent housing for the homeless, non-homeless and special needs households. Although it is difficult to project the specific number of such units that will be provided in the coming years, the County will seriously consider funding requests from local providers as they are submitted.

## APPENDIX G – PROJECT DESCRIPTIONS

### I. CDBG Projects

**Pelion Family Practice..... \$597,000**

This project will construct a family medical center in the Town of Pelion. The medical center will provide primary care to low and moderate income residents where none currently exist within the Town limits. The total project is estimated to cost \$597,000 with all funds provided by the Lexington County CDBG Program.



**Brookland-Lakeview Empowerment Center Building Renovations..... \$165,480**

This project will include the renovations of the Brookland-Lakeview Empowerment Center. The funds will be used to make improvements to the community facility so that it can be used for senior and youth programs, community outreach events, training and support for small business development. The total project is estimated to cost \$165,480, with all funds to be provided by the Lexington County CDBG Program.



**Brookland Community Pediatrics Extension..... \$125,000**

This project will include the construction of 1,000 square feet for additional clinical space at the Brookland Community Pediatrics Center. The addition will allow the center to increase services to their low and moderate income patients. The total project is estimated to cost \$150,000, with \$125,000 provided by the Lexington County CDBG Program and \$25,000 provided by the Eau Claire Cooperative Health Center.



**North Oak Street Sidewalk ..... \$99,388**

This project will include the construction of 420 feet of ADA compliant sidewalk in the Town of Batesburg-Leesville along North Oak Street, between U.S. Highway 1 and West Railroad Avenue. The total project cost is estimated to cost \$99,388, with all funds provided by the Lexington County CDBG Program.



**Leaphart Place Building Renovation..... \$45,621**

This project will include the construction of 320 square feet for the addition of a community center at Leaphart Place. The community center will allow Growing Home Southeast to offer needed services and programs to the community. The total project cost is estimated to cost \$45,621, with all funds provided by the Lexington County CDBG Program



**Work Activity Center Storage Units.....\$4,120**

This project will include the purchase of two freight containers to secure storage of lawn maintenance equipment and supplies at the Three Fountains and Batesburg-Leesville Work Activity Centers. The equipment is used to provide vocational skills in the area of lawn maintenance and landscaping to prepare people with disabilities for employment. The total project cost is estimated at \$4,120, with all funds provided by the Lexington County CDBG Program.



**Julius Felder Housing Rehabilitation ..... \$200,000**

This project will include the rehabilitation of 10 two-bedroom apartments for the Cayce Housing Authority. The units will increase the Cayce Housing Authority inventory and provide decent, safe and affordable housing to 30 low and moderate income persons. The total project cost is estimated at \$315,000, with \$200,000 provided by the Lexington County CDBG Program and \$115,000 provided by the Cayce Housing Authority.



**Rural Mobile Food Pantry ..... \$135,000**

This project will include providing Harvest Hope Food Bank with funds to purchase a refrigerated truck to transport mobile food pantries in Lexington County. The mobile food pantry will be used to distribute food to low and moderate income neighborhoods and pick up donated food from wholesalers, retailers and manufacturers. The total project estimated cost is \$171,965 with \$135,000 provided by the Lexington County CDBG Program and \$36,965 provided by Harvest Home Food Bank.



**Afterschool Program Scholarships ..... \$56,730**

This project will include providing the Lexington Family YMCA with operational support to provide funding for 30 low- and moderate-income children to attend their Adventure Afterschool Program. The YMCA’s Afterschool Program provides childcare and activities including homework assistance, education activities, character development and recreation. The total project estimated cost is \$186,520, with \$56,730 provided by the Lexington County CDBG Program and \$129,790 provided by the Lexington Family YMCA.



**II. HOME Investment Partnerships Projects:**

**Community Housing Development Organizations (CHDO) ..... \$200,000**

At least 15% of the County’s HOME funds must be set aside for organizations which are designated by the County of Lexington as Community Housing Development Organizations (CHDO). Funding allocated for CHDOs may be used for eligible development activities that promote affordable housing activities that are owned, developed, or sponsored by CHDOs. The

County of Lexington has established criteria to certify CHDOs to assist the Community Development Department in accomplishing the goals and objectives of the HOME Program. Staff has designated two organizations as CHDOs for Lexington County.

**Homeownership Assistance Program ..... \$200,000**

The Homeownership Assistance Program will provide downpayment assistance and/or closing cost assistance to low and moderate income first-time homebuyers. Qualifying homebuyers must be employed or must provide income documentation in the form of disability benefits, Social Security benefits, and/or other retirement benefits. Additionally, all qualifying homebuyers must participate in pre-purchase counseling established by the Lexington County HOME Program. The amount of assistance provided will typically not exceed \$5,000 per single family dwelling unit. Program guidelines will be structured to allow limited assistance above the \$5,000 limit in certain circumstances. Recapture provisions will be enacted through deferred forgivable loans. Funds will be used to assist approximately 35 first-time homebuyers. The specific guidelines of the Homeownership Assistance Program have been developed by HOME Program staff.



**Housing Rehabilitation Program ..... \$171,033**

This project will assist low and moderate income, disabled, and/or elderly homeowners with qualifying repairs to their primary residence. Funds will be used to assist approximately eight (8) homeowners with significant repair needs. Dependent upon the types and costs of repairs requested, additional eligible homeowners may be assisted through the program. Program guidelines are structured to allow maximum repair amounts for each home typically not to exceed \$20,000 (excluding the costs to address lead-based paint), with limited assistance above \$20,000 in certain circumstances. Funds will also be used for inspection/estimate services, lead-based paint testing and clearance, and for relocation and storage costs during rehabilitation. Guidelines for grants, forgivable deferred payment loans, below-market rate loans, and/or liens are included in the specific program policies and procedures. The full guidelines for the Housing Rehabilitation Program have been developed by HOME Program staff.



## ***B. ARRA Projects***

The County substantially amended its Consolidated Plan 2008 Action Plan to utilize the \$385,148 in CDBG-R funds to make infrastructure improvement to unpaved roads in low- and moderate-income areas of the County. Improvements will include road paving and drainage improvements. The County will utilize these funds that will both meet the requirement of ARRA and provide infrastructure improvements for communities. The projects will provide safe, dependable road surfaces in these areas and improve conditions for emergency vehicles and other traffic. All CDBG-R funds must be expended by September 30, 2012.

## **II. Anti-Poverty Strategy**

The Anti-Poverty Strategy for the annual action plan is the same as that described in the five-year strategic plan.

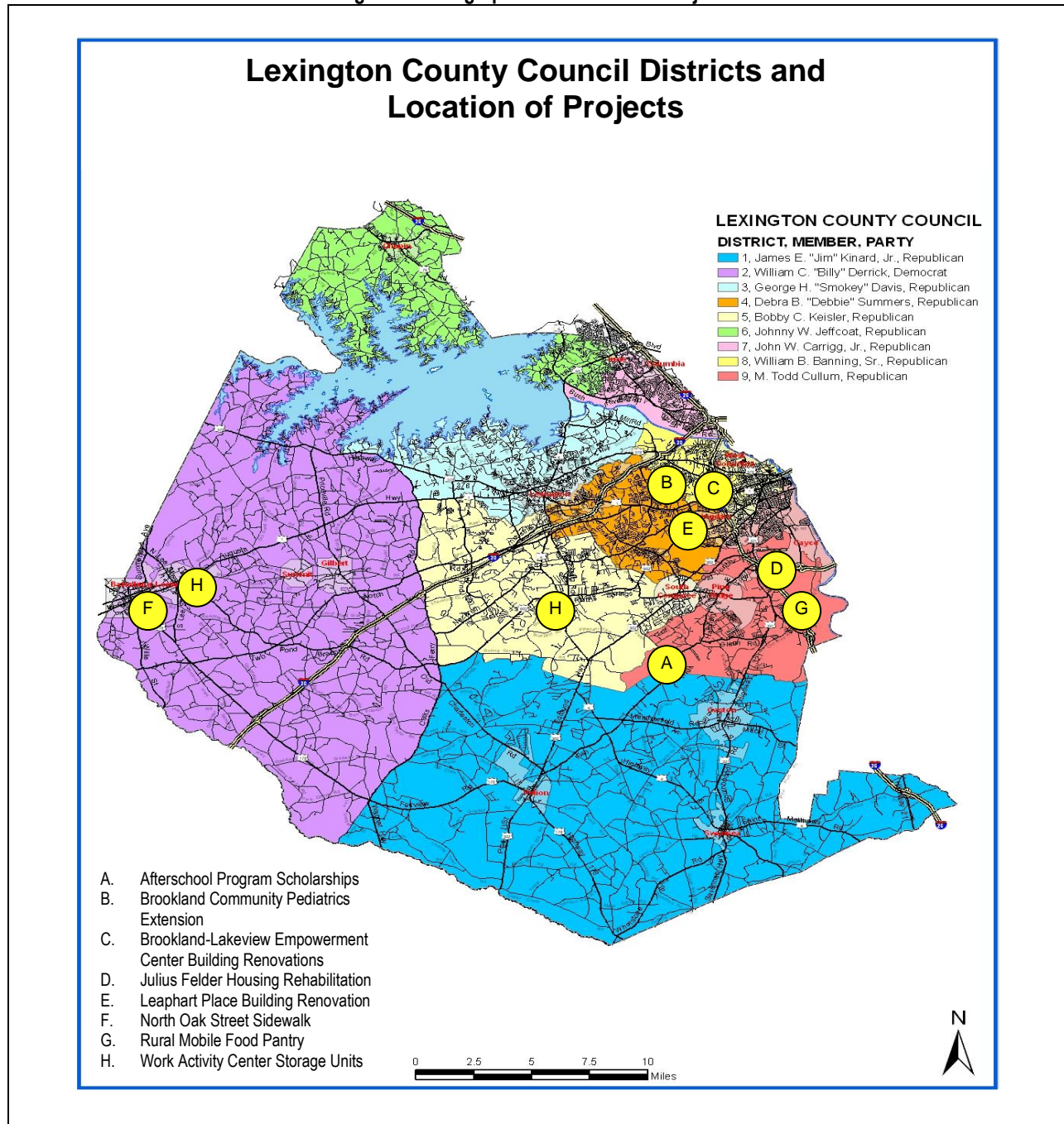
## **III. Institutional Structure and Coordination of Resources**

The institutional structure and coordination of resources for the annual action plan is the same as that described in the five-year strategic plan.

## **IV. Geographic Distribution**

All federally funded community development programs will be available on a countywide basis. The following map shows the locations of the site-specific projects for fiscal year 2010-2011. The projects not shown may take place or address needs throughout the County.

Figure 17. Geographic Distribution of Projects



## V. HOME Program Requirements

### A. Homebuyer Programs

The County intends to use HOME Program funds to promote home buying opportunities for lower-income residents. As such, the County will comply with the recapture provisions outlined in the HOME Program regulations at 24 CFR Part 92.

## ***B. Recapture Provisions***

Lexington County has adopted the recapture provision for HOME funds. This is a mechanism to recapture all or a portion of the direct HOME subsidy if the HOME recipient decides to sell the house within the affordability period at whatever price the market will bear. Recaptured funds may be used for any HOME-eligible activity.

- The homebuyer may sell the property to any willing buyer.
- The sale of the property during the affordability period triggers repayment of the direct HOME subsidy that the buyer received when he/she originally purchased the home.
- The recapture of funds is on a prorated scale based on the length of time the applicant maintains ownership and occupies the home. The table below is an example of the repayment schedule based on an affordability period of five years with a HOME investment of \$5,000.

**Table 41. Recapture Example**

Home Occupancy Time Period	Repayment Amount of Loan
1 Year or less	100%
Up to 2 years	80%
Up to 3 years	60%
Up to 4 years	40%
Up to 5 years	20%
5 years and over	0%

Enforcement of the recapture restrictions will be ensured through a lien (recorded deed of trust or mortgage securing repayment of the HOME subsidy). Grant Programs staff will cross reference the County Assessor's database to ensure that the property is still recorded as the recipients' primary residence.

## ***C. Matching Requirements***

The County will maintain a HOME Program match log using the HUD-40107-A (Match Report) document as evidence of compliance with the HOME Program matching requirements. Sources of match come from general funds and other non-federal funds used in affordable housing projects (for example, Habitat for Humanity volunteer labor, etc.). In the past, matching obligations have not been passed on to individual projects; however, in the future CHDO projects are encouraged to bring non-federal funds to projects. Match is documented through paid invoices and certifications for volunteer labor/fees.

Match requirements for the County's HOME Program for FY 2010-2011 will be met through the additional non-federal funding provided for a Habitat for Humanity Project, which is partly funded through the CDBG Program. All of the additional non-federal funding for projects will



be counted toward meeting match requirements for the HOME Program (approximately \$142,758 of match required). The sub-recipient agreement with Habitat for Humanity requires documentation of the additional funding for match. Funding has also been set aside in the County's general fund to be used, if needed, for HOME Program match requirements. According to the guidelines of the HOME Program, match funding occurring during the program year will be carried forward to meet match requirements in future program years.

#### ***D. Monitoring Plan***

Lexington County staff conducts on-going desk monitoring of its activities and of its subgrantees (including subrecipients, CHDOs, and developers). This monitoring includes a review of reimbursement requests and monthly reports. Staff also conducts on-site monitoring of all subgrantees at least once during the term of each project. The on-site monitoring uses checklists to evaluate the compliance of the projects/activities with all aspects of the funding program. The following steps summarize monitoring policies and procedures:

- Review and analyze project budgets, national objectives, activity eligibility, and other application details to determine potential projects;
- Prepare thorough and comprehensive subgrantee agreement, appropriate for the type of entity/relationship, providing details of the project and requirements for compliance;
- Evaluate environmental impact of project and implement required procedures;
- Review ongoing written status reports and other communications to monitor for adherence to timelines and compliance requirements;
- Visit development project sites before, during, and after construction;
- Monitor all subgrantee projects at least once during the project to determine compliance with all applicable laws, regulations and policies;
- Review and approve payment requests;
- Prepare and coordinate monthly reports on project status, expenditures to date, and timeliness;
- Prepare monthly reports of draws detailing funds drawn on each active project and overall progress made to meet HUD timeliness requirements; and
- Analyze HUD IDIS reports monthly to reconcile balances and timeliness amounts.

## VI. Anti-Displacement Plan

Lexington County will replace all low and moderate-income dwelling units that are occupied or vacant but suitable for occupancy and that are demolished or converted to a use other than as low and moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570. 606(c)(1).

All replacement housing will be provided within four years after the commencement of the demolition or conversion. Before entering into a contract committing the County to provide funds for an activity that will directly result in demolition or conversion, the County will make public a notice in a local newspaper and submit to HUD the following information in writing:

- A description of the proposed assisted activity;
- The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- or moderate-income dwelling units as a direct result of the assisted activities;
- A time schedule for the commencement and completion of the demolition of conversion;
- To the extent known, the location on a map and the number of dwelling units by size that will be provided as replacement dwelling units;
- The source of funding and a time schedule for the provision of the replacement dwelling units;
- The basis for concluding that each replacement dwelling unit will remain a low- or moderate-income dwelling unit for at least two years from the date of initial occupancy; and
- Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (for example, a two-bedroom unit with two one-bedroom units), is consistent with the housing needs of lower-income households in the County.

If such data are not available for the last four items listed above at the time of the general submission, the County will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available.

The Lexington County Community Development Department is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The Department is also responsible for ensuring that relocation assistance, as described in

570.606(c)(2), is provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low- or moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs;
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or tenants of multi-family buildings;
- Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first; and
- Locate temporary housing to house persons who must be relocated temporarily during rehabilitation.
- Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.

## **VII. Definition of Income**

The County has adopted the Part 5 definition of annual gross income for purposes of determining eligibility to participate in the CDBG and/or HOME programs as well as determining area-wide benefit under the CDBG program. The County will develop procedures to ensure that these definitions are implemented consistently and accurately.

## CERTIFICATIONS

### I. General Certifications

In accordance with the applicable statutes and the regulations governing the Consolidated Plan regulations, the jurisdiction certifies that:

#### ***A. Affirmatively Further Fair Housing***

The jurisdiction will affirmatively further fair housing, which means it will conduct an Analysis of Impediments to Fair Housing Choice within the jurisdiction, 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.

#### ***B. 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, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

#### ***C. 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, 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.

#### ***D. 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 1 and 2 of this anti-lobbying 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.

### ***E. Authority of Jurisdiction***

The Consolidated Plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

### ***F. Consistency with Plan***

The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

### ***G. 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.

\_\_\_\_\_  
Signature/Authorized Official

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **II. Specific CDBG Certifications**

The Entitlement Community certifies that:

### ***A. Citizen Participation***

It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

### ***B. Community Development Plan***

Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

### ***C. Following a Plan***

It is following a current Consolidated Plan that has been approved by HUD.

### ***D. Use of Funds***

It has complied with the following criteria:

#### **1. Maximum Feasible Priority**

With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan 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 Action Plan 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. Overall Benefit**

The aggregate use of CDBG funds including section 108 guaranteed loans during any program year shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

### 3. Special Assessments

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed 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 that relates 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.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

#### ***E. 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; and
- 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;

#### ***F. Compliance with Anti-discrimination laws***

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



***G. Lead-Based Paint***

Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

***H. Compliance with Laws***

It will comply with applicable laws.

\_\_\_\_\_  
Signature/Authorized Official

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **III. Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

#### ***A. Tenant Based Rental Assistance***

The County intends to use HOME funds for tenant-based rental assistance and certifies that tenant based rental assistance is an essential element of the County's Consolidated Plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

#### ***B. Eligible Activities and Costs***

It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

#### ***C. Appropriate Financial Assistance***

Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

\_\_\_\_\_  
Signature/Authorized Official

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **IV. 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) For grantees other than individuals, Alternate I applies. (This is the information to which jurisdictions certify).
- 4) For grantees who are individuals, Alternate II applies. (Not applicable jurisdictions.)
- 5) 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.
- 6) 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).

- 7) 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).
- 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:

Lexington County Community Development Department  
212 South Lake Drive, Suite 401  
Lexington, South Carolina 29072

Check  if there are workplaces on file that are not identified here; the certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

- 9) Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention are 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).