



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 6, 2021

Title: Pima County Resolution to Amend the Pima County FY2019-2020 Annual Action Plan and authorize submission to the U.S. Department of Housing and Urban Development.

Introduction/Background:

Pima County ("County"), through its Department of Community & Workforce Development ("CWD"), administers several federal and local grant programs to benefit low-income, homeless, and certain special needs individuals in Pima County. County is the recipient of U.S. Department of Housing and Urban Development ("HUD") grant funds under: Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; Title II of the Cranston-Gonzalez National Affordable Housing Act ("NAHA"); and, Title IV of the McKinney-Vento Homeless Assistance Act (collectively referred to as "the HUD Grants").

Local entitlement jurisdictions, such as Pima County, must prepare an Annual Action Plan to continue to receive Community Development Block Grant (CDBG) and other HUD grant funding. The Board of Supervisors previously authorized the submission of the FY2019-2020 Pima County Annual Action Plan. An amendment to the 2019-2020 Annual Action Plan is needed to receive and allocate supplemental allocations of CARES Act, Coronavirus funds ("CDBG-CV III").

Discussion:

Pima County will amend the FY2019-2020 Pima County Annual Action Plan in order to provide CARES Act CDBG-CV III funding to agencies that are addressing an urgent need in preventing, preparing and responding to the federal, state and local emergencies that have been declared because of the COVID-19 coronavirus pandemic.

The amendments to the Annual Action Plan will provide opportunities for Pima County to prevent, prepare and respond to the spread of COVID-19 and better assist low to moderate-income individuals and families, including those experiencing homelessness, impacted by this serious health emergency.

Conclusion:

Failure to approve these amendments for submittal to HUD will jeopardize the programming of funds by Pima County to prevent, prepare and respond to the COVID-19 coronavirus pandemic.

Recommendation:

Staff recommends Board approval of the amendment to the FY2019-2020 Pima County Annual Action Plan. CWD shall be directed to submit the Board approved amendment to the FY2019-2020 Pima County Annual Action Plan to HUD. The Chair of the Board of Supervisors ("Chair") shall be authorized to execute all necessary HUD agreements and other certifying documents pertaining to CDBG-CV III projects and activities identified in the plan. Finally, Chair shall be authorized to execute all subrecipient agreements between agencies and the County for respective CDBG-CV III funded projects and activities identified in the amended FY 2019-2020 Pima County Annual Action Plan.

Fiscal Impact:

Once approved, funding can be programmed to allow Pima County to provide opportunities for Pima County to prevent, prepare and respond to the spread of COVID-19 and better assist low to moderate income individuals and families, including those experiencing homelessness, impacted by this serious health emergency.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Pima County Resolution to Amend the Pima County FY 2019-2020 Annual Action Plan and authorize submission to the U.S. Department of Housing and Urban Development.

July 6, 2021

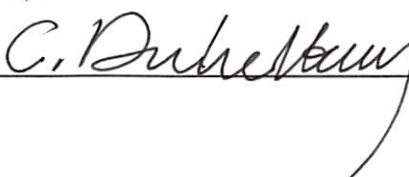
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Department: CWD Telephone: 724-6754

Contact: Joel Gastelum Telephone: 724-6750

Department Director Signature/Date:  6/21/21

Deputy County Administrator Signature/Date:  22 June 2021

County Administrator Signature/Date:  6/23/21

RESOLUTION 2021 - ____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY TO AMEND
THE PIMA COUNTY FY2019-2020 ANNUAL ACTION PLAN AND AUTHORIZE
SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT**

The Board of Supervisors of Pima County, Arizona finds:

1. Pima County ("County"), through its Department of Community & Workforce Development ("CWD"), administers several federal and local grant programs to benefit low-income, homeless, and certain special needs individuals in Pima County.
2. County is the recipient of U.S. Department of Housing and Urban Development ("HUD") grant funds under: Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; Title II of the Cranston-Gonzalez National Affordable Housing Act ("NAHA"); and, Title IV of the McKinney-Vento Homeless Assistance Act (collectively referred to as "the HUD Grants").
3. In order to use these funds, the County must prepare and submit to HUD an annual community development and housing funding allocation plan ("Annual Action Plan").
4. The Board of Supervisors previously authorized the submission of the FY2019-2020 Annual Action Plan.
5. HUD has granted Pima County CARES Act Community Development Block Grant funds (CDBG-CV) for the following grant program:

CDBG-CV Round III \$ 2,814,965

6. These additional funds can be used by Pima County to help prevent, prepare and respond to the spread of COVID-19 and better assist low to moderate-income individuals and families, including those experiencing homelessness, impacted by this serious health emergency.

NOW, THEREFORE, BE IT RESOLVED, that:

- A. The FY2019-2020 Annual Action Plan is amended to include activities in Pima County that will assist in the prevention, preparation and response to preventing the spread of COVID-19 and better assist low to moderate-income individuals and families, including those experiencing homelessness, impacted by this serious health emergency.
- B. CWD staff is authorized to submit the amended Annual Action Plan for FY2019-2020 to HUD.

- C. The Chair of the Board of Supervisors ("Chair") is authorized to execute all necessary HUD agreements and other documents to obtain HUD funding for the CDBG-CV projects designated in the amended Annual Action Plan for FY2019-2020. When required by HUD, the Chair may direct CWD staff to enter the acceptance of the HUD funding electronically.
- D. CWD staff is directed to prepare CDBG-CV agreements for distribution of the grant funds with agencies authorized by HUD through its approval and funding of the amended FY 2019-2020 Annual Action Plan.
- E. The Chair is authorized to execute all agreements between Pima County and the agencies to carry out the CDBG-CV projects set forth in the amended HUD-approved FY2019-2020 Annual Action Plan.

Passed and adopted, this _____ day of _____, 2021.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM



Clerk of the Board

Stacey Roseberry, Deputy County Attorney

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and 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, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

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 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 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.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Chair, Board of Supervisors

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

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

Community Development Plan -- Its consolidated 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 CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

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 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 CDBG-assisted activities which the grantee certifies are 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, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2019-2020 [a period specified by the grantee of one, two, or three specific consecutive program years], 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.

In addition, 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.

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 non-violent 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 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Chair, Board of Supervisors

Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are 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 and other financial resources are not available to meet such needs.

N/A

Signature of Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

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.

Subsidy layering -- 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 of Authorized Official

Date

Chair, Board of Supervisors
Title

Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the consolidated plan:

1. For a period of not less than 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For a period of not less than 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

N/A

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

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.

Pima County Community Development Block Grant Coronavirus Funds Round III(CDBG-CV III)

Location/Applicant	Program	Activity	District	21-22 Request	Recommendation
Ajo Center for Sustainable Agriculture	Ajo Food Security response to C-19 Phase 2	ps	3	\$ 500,000	\$400,000
Arivaca Coordinating Council/Arivaca Human Resources	Storage Facility	pf	3	\$ 65,750	\$72,000
Arivaca Fire District	Oxygen Compressor and tanks	pf	3	\$ 52,000	\$52,000
Arivaca Helping Hearts, Inc.	Arivaca Helping Hearts Building Repair	pf	3	\$ 70,720	\$71,000
Altar Valley School District	AVSD Food and Resource Program	pf	3	\$ 20,000	\$20,000
Bright Star Community Development Corporation	Bright Star Community Development Corporation/Confronting Food Insecurity	ps	5	\$ 50,000	\$0
Catholic Community Services dba Pio Decimo Center	Childcare Continuum of Services	ps	All	\$ 98,805	\$70,000
Catholic Community Services dba Pio Decimo Center	Emergency Food Continuum of Services	ps	All	\$ 122,827	\$100,000
Greater Vail Community Resources	Senior Transportation and Meal Delivery	ps	4	\$ 92,000	\$70,000
Interfaith Community Services	ICS Facility Improvements	pf	All	\$ 55,000	\$55,000
Interfaith Community Services	Mobile Food Pantry Truck	ps	All	\$ 52,000	\$0
Jewish Family & Children's Services	Emergency Financial Assistance and Grocery Shopping Assistance	ps	1,2,5	\$ 200,000	\$0
Old Pueblo Community Services	Flower Street Apartments	pf	5	\$ 702,000	\$0
Pima County CWD	Community Action Agency- Rental Assistance	pf	All	\$ 3,000,000	\$1,005,612
Raising Special Kids	Parent Education and Support for Families with Children with Disabilities during C19	ps	All	\$ 50,000	\$0
Sahuarita Food Bank	Sahuarita Food Bank Facility Improvements	pf	2,3,4	\$ 450,000	\$150,000
Southern Arizona Assoc. for the Visually Impaired (SAAVI)	Independent Living and Educational Skills for Blind Individuals during COVID 19	ps	All	\$ 50,000	\$0
Tucson Center for Women and Children dba EMERGE Center Against Domestic Abuse	Permanent Non-Congregate Emergency Shelter for Domestic Abuse Survivors	pf	All	\$ 1,000,000	\$0
Pima County CWD Administration	Admin	admin	2	\$ 562,993	\$562,993
Pima County CWD Indirect	Indirect Cost Recovery Policy	ps	2	\$ 186,360	\$186,360
Pima County CWD	Project Delivery	ps	2	\$ -	\$0
Total				\$ 7,380,455	\$2,814,965

HUD Eligible Activity Abbreviations: admin = Administration; ps = Public Service; pf = Public Facility Improvement; SHG = Safe Healthy Green Set Aside; infra = Infrastructure Improvement; hsg = Housing Rehabilitation; ed = Economic Development; land = Land