

ORDER OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY OF NEW HAVEN'S 2019-20 ANNUAL ACTION PLAN - STATEMENT OF ACTIVITIES FOR ACCEPTANCE OF Coronavirus Aid, Relief, and Economic Security Act (CARES Act) FUNDS.

WHEREAS, under the provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136 signed on March 27, 2020 hereafter referred to as the CARES Act, the U.S. Department of Housing and Urban Development (HUD) is authorized to provide financial assistance to cities for undertaking and carrying out community development activities to help the Nation respond to the coronavirus outbreak; and

WHEREAS, under the provisions of an Act concerning Community Development, Public Act No. 75-443, Connecticut Municipalities are authorized to undertake community development programs in accordance with the provisions of Title I of the U.S. Housing and Community Development Act of 1974, as amended, and Public Act No. 75-443; and

WHEREAS, in order to receive CARES Act funding, HUD requires the submission of a substantial amendment to the 2019-20 Annual Action Plan to be prepared in accordance with the process prescribed in 24CFR Part 91; and

WHEREAS, the City has an approved Five-Year Consolidated Plan covering program years 2015 through 2019, which includes a description of the community participation process, a needs analysis, objectives and priorities for the five year strategy period,

WHEREAS, on June 3, 2019, the Board of Alders of the City of New Haven approved an Annual 2019-20 Consolidated Annual Action Plan - Statement of Activities and Use of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grants (ESG) funds submitted to the U.S. Department of Housing and Urban Development for federal financial assistance for planning and community development activities under the provisions of Title I of the Housing and Community Development Act of 1974 as Amended, (PL 93-383); The Cranston Gonzalez National Affordable Housing Act of 1990 as amended(PL 101-625); The MCKinney - Vento Homeless Assistance Act of 2000 (PL 106-400); The AIDS Housing Opportunity Act (PL 102-550); Hereafter referred to as "Housing and Community Development Programs" for the program year July 1, 2019 through June 30, 2020; and

WHEREAS, The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion

shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. The City has been allocated \$2,236,393 of CDBG-CV Funds.

WHEREAS, The CARES Act made available an additional \$4 billion in ESG-CV funds to supplement the Fiscal Year (FY) 2020 ESG funding provided under the Further Consolidated Appropriations Act, 2020 (Public Law 116-94). Of this amount, the Department is immediately allocating \$1 billion for ESG-CV grants based on the FY 2020 ESG formula. The rest of the funding for ESG-CV grants will be allocated directly to States or units of local government by a separate formula developed by the Secretary. Up to \$40 million of the additional funds will be set aside for technical assistance. The City has been allocated \$2,647,229 of ESG-CV Funds.

WHEREAS, the City was notified that it is to receive a Housing Opportunities for Persons With AIDS (HOPWA) supplemental allocation in the amount of \$160,839 provided under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Public Law 116-136, which was signed into law on March 27, 2020. These supplemental funds, provided under the CARES Act, are to be used by HOPWA grantees as additional funding to maintain operations and for rental assistance, supportive services, and other necessary actions, in order to prevent, prepare for, and respond to coronavirus.

WHEREAS, HUD has allowed the City of New Haven to take advantage of the flexibilities provided for in the Mega Waiver\Waiver of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19.

WHEREAS, the City has published an amended Citizen Participation Plan in order to establish expedited procedures to notify the public of amended consolidated plans and annual action plans and to permit the City to conduct one virtual public hearing allowing for citizens to comment. Public comments will be accepted for no less than five days.

WHEREAS, the City has been notified that the Statement of Activities and Use of Funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) shall be treated as a substantial amendment to the 2019-2020 Consolidated Annual Action Plan; and

WHEREAS, the City has developed priorities for the use of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds in order to prevent, prepare for, and respond to coronavirus; and

WHEREAS, the City, in accordance with HUD regulation, has prepared the plan amendments and necessary documentation required for submission of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) substantial amendment the U.S. Department of Housing and Urban Development (HUD) for the purpose of obtaining the funds and carrying out the proposed activities; and

WHEREAS, prior to submission to HUD, the mayor and public officials have afforded the public, in accordance with the revised Citizen Participation Plan, the opportunity to comment on the receipt of and proposed use of the funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); and

WHEREAS, it is necessary that this Board take appropriate official action with respect to the substantial amendment to the City's 2019-2020 Consolidated Annual Action Plan, Statement of Activities and Use of Funds by accepting Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds; and

WHEREAS, this Board is cognizant of the conditions imposed upon the Mayor and the City with respect to undertaking and carrying out activities under the provisions of the Housing and Community Development Programs, and Public Act No. 75-443.

NOW, THEREFORE, BE IT ORDERED by the Board of Alders of the City of New Haven as follows:

1. It is hereby found and determined that:
 - (a) The projects proposed under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds are in keeping with the intent to prevent, prepare for and respond to Coronavirus.
 - (b) There has been, based on the revised Citizen Participation Plan, adequate information provided to citizens concerning the amount of funds available for activities proposed under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the range of activities which may be undertaken and other important program requirements, opportunity for citizens to participate in the development of the plan, and a virtual public meeting by this Board to obtain the views of citizens on the program.

- (c) The 2019-2020 Consolidated Annual Action Plan Program, as amended, will be conducted and administered in compliance with the Civil Rights Act of 1964 and 1968, P.L. 88-52 and P.L. 90-284, as from time to time amended, the Fair Housing Amendments Act of 1988, P.L. 100-430, section 109 of the Housing and Community Development Act of 1974, as amended, and Sections 31-26, 33-34, 53-35, 53-35a of the General Statutes.
- (d) The Mayor has consented to sign the certifications required under the CARES Act, subsection (b) of Section 104 of the Housing and Community Development Act of 1974, as amended, Section 106 of the Cranston-Gonzalez National Affordable Housing Act; Subtitle D of the Cranston-Gonzalez National Affordable Housing Act; Section 415 of the McKinney-Vento Homeless Assistance Act of 2000; and Section 854 of the AIDS Housing Opportunity Act.
- (e) In implementing the 2019-2020 Consolidated Annual Action Plan Program, as amended, the City shall comply with the provisions of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as from time to time amended.
- (f) All laborers and mechanics employed by the contractor or subcontractor on construction or rehabilitation work, except as provided under Section 110 of said Housing and Community Development Act of 1974, as amended, and Part III of Chapter 557 and Part I of Chapter 558 of the general statutes, shall be paid wages at rates not less than those prevailing on similar construction within the locality, as determined by the United States Secretary of Labor under the provisions of the Davis-Bacon Act, as from time to time amended; 40 U.S.C., Sections 276a to 276a-5, inclusive, or by the labor commissioner under Section 31-53 of the federal statutes, and all such persons shall receive overtime compensation in accordance with the provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C., Section 327 to 332, inclusive and Section 31-60 of the general statutes, or where no such federal financial assistance is to be provided, then compliance with Part III of Chapter 557 and Part I of Chapter 558 of the general statutes, or where no such federal financial assistance is to be provided, then compliance with Part III of Chapter 557 and Part

I of Chapter 558 of the general statutes shall be required.

- (g) In implementing the 2019-2020 Consolidated Annual Action Plan Program, as amended, the City shall comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR Part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities to low and very low income persons.
- (h) In implementing the 2019-2020 Consolidated Annual Action Plan Program, as amended, the City shall comply with notification, inspection, testing and abatement procedures concerning lead-based paint as required by 24 CFR 570.608.
- (i) In implementing the 2019-2020 Consolidated Annual Action Plan Program, as amended, the City shall comply with provisions of Executive Order 12372, Intergovernmental Review of Federal Programs.
- (j) That the 2019-2020 Consolidated Annual Action Plan, Statement of Activities and Use of Funds, as amended, and approved by this Board, complies with the requirements of Title I of the Housing and Community Development Act of 1974, as amended, (PL 93-383); the Cranston Gonzalez National Affordable Housing Act of 1990, as amended (P.L. 101-25); the McKinney-Vento Homeless Assistance Act of 2000 (P.L. 106-400); AIDS Housing Opportunity Act (AOHA) and amended by the Housing and Community Development Act of 1992 (P.L. 102-550); hereafter referred to as "Housing and Community Development Programs", Public Act No. 75-443 and other applicable provisions of the law and regulations subject to the securing of further local approvals, such as urban renewal plan amendments, which may be required.

NOW, THEREFORE, IT IS ORDERED that the 2019-2020 Consolidated Annual Action Plan, Statement of Activities and Use of Funds, as amended, through the allocation and receipt of Coronavirus Aid, Relief, and Economic Security Act (CARES Act), having been incorporated in this Order by reference, is hereby approved and

the Mayor is authorized and directed to take all steps necessary to undertake and carry out the community development activities described in said amendment and plan; and

IT IS FURTHER ORDERED that the Mayor is authorized to enter into contractual agreement and/or amendments irrespective of fiscal year expenditures restrictions in order to insure performance of approved Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds; and

IT IS FURTHER ORDERED that the Mayor is authorized and directed to take whatever steps necessary to secure the approval of these funds and amend the 2019-2020 Consolidated Annual Action Plan, Statement of Activities and Use of Funds and the City's application for financial assistance to the Secretary of Housing and Urban Development.

IT IS FURTHER ORDERED that the Mayor is authorized and directed to certify or give assurances, on behalf of the City, to the Secretary of Housing and Urban Development as to the matters determined and found by this Board.