

City of Lakewood

DRAFT
Five-Year FY 2010-2014
Consolidated Plan for
Housing and Community Development
Amendment



Tacoma-Lakewood
HOME Consortium

December 23, 2011

This document was prepared in accordance with the requirements established by the Department of Housing and Urban Development for local jurisdictions requesting federal housing assistance through provision of the National Affordable Housing Act of 1990, as amended.

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FIVE YEAR FY 2010-2014 CONSOLIDATED PLAN AMENDMENT

INTRODUCTION

The Five Year FY 2010-2014 Consolidated Plan Amendment was prepared in accordance with requirements established by the Department of Housing and Urban Development for local jurisdictions receiving Community Development Block Grant funding through the provisions of the National Affordable Housing Act of 1990, as amended.

PURPOSE

The purpose of this Chapter is to describe the amendment to the Five Year FY 2010-2014 Consolidated Plan for Housing and Community Development.

CITIZEN PARTICIPATION PROCESS

In accordance with Lakewood's Citizens Participation Plan, a public hearing seeking citizen input on the proposed plan amendment is to be held 30 days prior to implementation. Notification of the proposed amendment to the Five Year FY 2010-2014 Consolidated Plan is to be published in THE NEWS TRIBUNE, a paper of general circulation, on January 4, 2012. The notification provided for a 30-day citizen comment period. An opportunity for citizens, public general public, local agencies, and other interested parties to provide public comments will be afforded at the Lakewood City Council meeting of February 6, 2012.

FIVE YEAR FY 2010-2014 CONSOLIDATED PLAN AMENDMENT

The Five Year FY 2010-2014 Consolidate Plan shall be amended to include the following language outlining the City of Lakewood's use of Section 108 Loan Guarantee funds:

A) Modify the Introduction of the Five Year Consolidated Plan (Purpose subsection, page 9) as follows:

The City of Lakewood 5-Year Consolidated Plan for Housing and Community Development provides a framework for action to meet the needs of residents of the City, with emphasis on assisting its populations with greatest need. The plan outlines needs, goals and strategies for assisting lower income households and serves as the basis for allocating HUD Community Development Block Grant (CDBG), ~~and~~ HOME Investment Partnership Act, and Section 108 Loan Guarantee funds. An action plan is prepared annually which outlines the specific program activities to be carried out in meeting the goals set out in the Consolidated Plan.

B) Modify the Strategic Plan of the Five Year Consolidated Plan (Goals and Priorities subsection, page 107) as follows:

During the five-year Consolidated Planning period, the City expects to receive approximately \$530,000 annually in CDBG funding, for a five-year total of \$2.65 million. CDBG funds are used by the City to provide affordable housing, physical/infrastructure improvements, public service, economic development activities and administrative costs. In addition, the City anticipates receiving \$2.89 million in Section 108 Loan Guarantee funds during this period that would be utilized to capitalize the City's Section 108 Loan Pool fund for eligible economic development, public facilities, housing and large-scale development projects. The City also anticipates receiving an annual allocation of approximately \$400,000 in funding for housing activities from HOME, for a five-year allocation of \$2.0 million.

Based on the needs assessment and the results of the community process, the City has established the following three broad goals and implementing program objectives to guide activities funded with CDBG, HOME and Section 108 Loan Guarantee funds as part of ~~under~~ the Consolidated Plan.

CITIZEN COMMENTS

The following comments were received as part of the Lakewood City Council public hearing on approval of the Five Year FY 2010-2014 Consolidated Plan Amendment held on February 6, 2012.

Speaking before the Council were:

NOTICE OF PUBLIC HEARING

**City of Lakewood
Amending the 5-YR FY 2010-14 Consolidated Plan for Housing and
Community Development**

The City of Lakewood is proposing to amend its 5-YR FY 2010-14 Consolidated Plan for Community Development. The proposed amendment provides for a Section 108 Loan Guarantee fund to be utilized to fund eligible economic development, public facilities, housing, and large-scale development projects. Potential funding for the loan fund would be as follows:

City of Lakewood Section 108 Loan Pool \$2,888,950

The Draft 5-YR FY 2010-14 Consolidated Plan Amendment will be available for public review for a period of 30 days from January 5, 2012 to February 3, 2012. Copies of this amendment are available for review at:

City of Lakewood Community Development Department, 6000 Main St. SW;
Lakewood Library, 6300 Wildaire Rd. SW; Tillicum Library, 14916 Washington Ave.
SW, Lakewood, WA; or on the City's website at www.cityoflakewood.us.

A public hearing by the Lakewood City Council is scheduled for February 6, 2012, 7:00 p.m., Lakewood City Hall, with final adoption schedule to follow the hearing. Special arrangements for disabled persons can be made 72 hours in advance by calling (253) 589-2489.

The Consolidated Plan Amendment will be submitted to the Department of Housing and Urban Development for their review and approval. Any citizen who wishes to submit written comments regarding this document may do so up to 5:00 p.m., February 3, 2012 at:

City of Lakewood, Community Development Department,
Attn: Dave Bugher, Assistant City Manager for Development
6000 Main St. SW, Lakewood, WA 98499
253-589-3774 (Fax)

Ad to be published in the News Tribune on February 4, 2012

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, 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.

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 antidisplacement 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.

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.

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 CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

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

Date

Title: City Manager

Specific CDBG 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 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)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) 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 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 program year 2011 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.

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 USC 2000d), the Fair Housing Act (42 USC 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/Authorized Official

Date

Title: City Manager

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

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.

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

Date

Title: City Manager