

**Colorado Office of Economic Development
and International Trade**

Community Development Block Grant

Business Loan Funds Application

1600 Broadway, Suite 2500
Denver, CO 80202
(303) 892-3840

Printed January 1, 2020

**APPLICATION CHECKLIST
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUND**

Applications will be considered on an on-going basis if funds are available. For multi-jurisdictional applications, a copy of the application must be available for public review in each participating jurisdiction-- as required by HUD. A complete Community Development Block Grant (CDBG) application consists of:

1. **Application Forms.** One signed original (signature of the chief elected official).

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to sign this form.

2. **Applicant Statement of Assurances and Certifications.** One signed original (signature of the chief elected official).

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to sign this form.

3. **Citizen Participation Plan.** One signed original (signature of the chief elected official).

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to have a Citizen Participation Plan and to submit it with the application.

4. **Public Hearing.** Original publisher's affidavit with an attached copy of the public notice. At least one public hearing must be held prior to the submission of an application. Adequate notice of the public hearing must be published at least once in a newspaper of general circulation at least 5 days prior to the public hearing. It should also be posted in the City/Town Hall or County Courthouse and in other places frequented by the public, especially low and moderate income persons, benefitting from or affected by proposed CDBG activities.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to publish a notice pertaining to the public hearing in at least one newspaper in their jurisdiction having area-wide circulation and each participating jurisdiction is required to hold at least one public hearing.

This may be one combined public meeting if properly advertised in the other jurisdictions.

5. **Intergovernmental Agreement.** Required only in the case of a multi-jurisdictional application. One signed original (signatures of the chief elected officials) of a fully executed, legally binding cooperation agreement between the designated lead jurisdiction and all other directly participating municipalities and counties.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to sign this agreement.

6. **Residential Anti-displacement and Relocation Assistance Plan.** One signed original (signature of the chief elected official).

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to have a Residential Anti-displacement and Relocation Plan and to submit it with the application.

Please forward the completed application to:

**Colorado Office of Economic Development
and International Trade
Robert Todd
1600 Broadway, Suite 2500
Denver, Colorado 80202
Phone: (303) 892-3840
Fax: (303) 892-3848
TDD: 1-800-659-2656**

Grantee DUN's # 08402444 (Eagle County)

**APPLICATION FORMS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUND**

Applicant: Eagle County Date: _____
 Address: P O Box 850 / 500 Broadway Phone: 970-328-8600
 City, State, Zip: Eagle, CO 81631
 Contact: Jill Klosterman Title: Finance Director
Duns Number 084024447

Sub-Grantee: Northwest Colorado Council of Governments (NWCCOG)
 Address: P O Box 2308 / 249 Warren Avenue Phone: 970-468-0295 x123
 City, State, Zip: Silverthorne, CO 80498
 Contact: Jon Stavney Title: Executive Director
Duns Number 47622774

Service Area: Eagle, Garfield, Grand, Jackson, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties

Funds Requested: \$ 580,000.00

Proposed CDBG Budget:

<u>Activity</u>	<u>Amount</u>	<u>Source</u>	<u>Status</u>
1. Assistance to Businesses:	\$ 500,000.	CDBG	Pending
Proposed Leverage	\$1,000,000.	Business Equity Other Funding	Pending
2. Administration:			
Proposed Match	\$ 80,000.	CDBG	Pending
3. Other: (describe if any)			

4. Please outline the proposed *administrative* budget for *each* year of the proposed business loan fund contract term as follows:

BLF BUDGET

	<u>TOTAL Funds</u>	<u>CDBG Funds</u>	<u>Other Funds</u>	<u>Source</u>
A. ADMINISTRATION:				
<u>Personnel (list by position):</u>				
Anita Cameron, Director:				
Salary:	\$83,000	\$80,000	\$ 3,000	Interest & Fees
Taxes & Benefits:	\$19,000		\$19,000	Interest & Fees
<u>Operating:</u>				
Operating Expenses:	\$12,000		\$38,000	Interest & Fees
Accounting:	\$ 5,000			
Contract Loan Assistant:	\$ 5,000			
Indirect:	\$13,000			
Rent:	\$ 3,000			
<u>Travel:</u>				
Travel:	\$ 8,000		\$8,000	Interest & Fees
<u>Other:</u>				
B. OTHER FUNDS REQUESTED OR COMMITTED:				
None				

Please describe how the proposed BLF policies address the following required elements:

1. **Job Creation/Retention** (and National Objective): All borrowers for the Community Development Block Grant (CDBG) or Micro Enterprise Program (MEP) Creation/Retention Method will be required to demonstrate how they will create or retain jobs. The goal of the Northwest Loan Fund (NLF) is to create or retain 1 job for every \$20,000 loaned. This ratio may be flexible as long as the overall State contract requirements of jobs for NLF dollars is met. For the purposes of these policies, a job is defined as a direct full time position of at least 32 hours per week, 50 weeks per year. A seasonal position of six (6) months is one-half a full time equivalent (FTE) and, therefore, one-half job. Borrowers are generally required to create the jobs within 12 months of loan closing and must report results to the NLF at least quarterly. The Federal Objective requires that at least 51% of the jobs are offered to low to moderate income persons. Although the primary purpose of this program is to develop and create new jobs, a secondary financing of a business within the region can adequately demonstrate to the NLF that jobs will be lost if the business loan fund assistance is not provided. Job Creation for the MEP will not be required under the Limited Clientele Method.

2. **Business Types**: The purpose of the NLF is to support business activities for which credit may not be otherwise available on terms and conditions which would permit completion and/or successful operation or accomplishment of the project in the defined eligible areas to create and/or retain employment opportunities primarily for persons from low and moderate income households.

Any private, for profit or non-profit businesses located in any of the five counties of State Planning Management Region 12 (Eagle, Grand, Jackson, Pitkin & Summit) and any of four counties of Region 11 (Garfield, Moffat, Rio Blanco & Routt) are eligible for business assistance are not restricted to specific sizes of business. Generally, the NLF targets businesses that are non-competing in the local economy, primarily exporting a value added product and importing revenue from outside the region, filling a niche in the local economy not currently being filled, and some consideration is given to local priorities such as tourism development. However, the NLF will consider assistance to any type of legal business providing that jobs are being created or retained. Categories and priorities for underwriting guidelines are as follows:

Expansion of existing jobs: Projects receiving the highest priority are expansions of existing businesses which are value added product/service exporters and revenue importers. Within this category, businesses which have the potential to hire low to moderate income persons would be given a higher priority.

Retention of existing jobs: Projects receiving the next priority are existing businesses which need assistance in retaining existing jobs.

Start up/new business: The next priority will be given to start up and new businesses.

3. **Minimum & Maximum Amounts** of loans to be made: Loans for amounts less than

\$5,000 will not be considered. Loans less than \$30,000 may be approved if the Loan Committee Member from the County in which the business is located and any two members of the Loan Committee are in agreement and approve the loan. Loans over \$30,000 require the approval of a quorum (simple majority) of the Loan Committee.

4. **Leveraging:** The overall target leveraging of CDBG funds will be 2:1 or for the NLF not exceed 33% of the overall financing. The 2:1 ratio may be exceeded on a case by case, special need basis if the overall average leveraging of the portfolio has achieved the 2:1 required leveraging. Assistance will be provided to all borrowers in securing other sources of financing for their business loans. This assistance in obtaining other financing will consist of introductions to local banks, other state and federal lending programs, etc.
5. **Rates & Terms:** Interest rates will typically be, and will not exceed, 2% above the prime interest rate as published by the Wall Street Journal at the time of loan committee approval. The maximum interest rate on the Micro Enterprise Program (MEP) will be 21% per annum. MEP loans may be made with a variable interest rate. The term of the loan will be a minimum of one year and no longer than 10 years.
6. **Fees:** Loan fees shall not exceed 2% of the loan amount as an origination fee to assist in loan package preparation and costs, fees may be payable from loan proceeds at time of closing. Application fees are optional.
7. **Use of Proceeds:** BLF funds for the CDBG and MEP programs can be used to finance the following:
 - Equipment
 - Furniture & Fixtures
 - Inventory
 - Raw materials
 - Working Capital
 - Business occupied building purchase of existing building
 - Other fixed assets
 - Equity participation in exchange for business shares or royalty payments
 - Construction of new facilities and renovation of interiors and exteriors (discouraged due to David-Bacon Wage and other Federal Requirements)
8. **Collateral Requirements:** The BLF CDBG and MEP programs will require collateral. NLF in all cases will take a security agreement on all business assets. When possible, the NLF will pay directly for Equipment to create a priority Purchase Money Lien. When possible, NLF will take the next available lien position on equipment, buildings, and real estate financed with NLF funds. If the borrower owns property in the local area, NLF will generally take the next available deed of trust position on the real estate along with the above mentioned business assets, unless other collateral is agreed upon. Personal guaranties of all principals with 20% ownership will be required on all loans. Co-signers will be required when requested by the loan committee. All security interests will be perfected to adequately protect the NLF security interest.
9. **Types of Assistance: (loans, equity, guarantees, etc.):**

Four types of business assistance are available from this program. Each type of assistance will be used under the following circumstances:

 - 1) Under most circumstances loans will be made to the business applicants.

- 2) Loan guarantees will be made when a guarantee is all that is necessary to motivate the lending institution to make the remainder of the loan and when in the event of foreclosure, the collateral is assigned to the NLF and the collateral is liquid and adequate to provide reimbursement of the loan guarantee.
- 3) Participations will be used when collateral is adequate to satisfy the primary lender and NLF and when the borrower and primary lender are willing to comply with federal, state and NLF requirements.
- 4) Loan buy-downs will be made when a loan buy-down motivates the lending institution to make the remainder of the loan, and when cash flow of the NLF is adequate, as determined by the loan committee, to maintain operation of the loan fund.

All of the above types of financial business assistance are subject to compliance with the HUD-CDBG Enabling Act, NLF policy, and NLF Loan Committee approval on any given specific project.

Past Performance is shown below in two sections:

Past Performance 2005 through 2012 (per 2013 Application):

CDBG Total Assistance	\$ 3,762,022
CDBG Administration	\$ 528,367
CDBG Business Assistance	\$ 3,233,655
Admin/Total Ratio	14%
Admin/Bus. Assistance Ratio	16%
Loans Made	101
Jobs Created/Retained	407
Low/Mod Jobs	253
% Low/Mod Jobs	62%
Defaults	45
CDBG Funds Lost	\$ 1,204,430
Loss as a % of Total Assistance	32%
Loss as a % of Loans Made	37%
Leveraged Funds Proposed	\$ unknown
Leveraged Funds Actual	\$ unknown

Past Performance (2 Grants) May 2013 through November 2019:

CDBG Total Assistance	\$ 3,085,484
CDBG Administration	\$ 425,584
CDBG Business Assistance	\$ 2,659,900
Admin/Total Ratio	16%
Admin/Bus. Assistance Ratio	1%
Loans Made	33
Jobs Created/Retained	135
Low/Mod Jobs	90
% Low/Mod Jobs	67%
Defaults	-0-
CDBG Funds Lost	\$ 00.00
Loss as a % of Total Assistance	0 %
Loss as a % of Loans Made	0 %
Leveraged Funds Proposed	\$ 5,319,800 (2:1)
Leveraged Funds Actual	\$ 6,745,000 (2.5:1)

Management:

1. Please describe your proposed administrative structure. Specify who is responsible for completing defined tasks. Be specific.
 - The Northwest Colorado Council of Governments (NWCCOG) will provide oversight for the Northwest Loan Fund (NLF) as one of its programs. The NLF is a separate 501c6 and has a Director; it may also have a Business Loan Officer and a Loan Administrator. Operating expenses are covered through the 16% admin fee that is allowed as part of the CDBG grant program and Loan Interest Income and Loan Fee Income. The NLF Director reports to the NWCCOG Executive Director as a NWCCOG employee.
 - The NLF Director or Business Loan Officer will convene a Loan Committee that includes, as available, one representative from each of the nine participating counties and the NWCCOG Executive Director as an Ex-Officio Member. The NLF Loan Committee will serve in an advisory capacity in accordance with the operating guidelines, bylaws, and Loan Policy as approved by the NLF Board. Loan Committee members will be approved by the NLF Board.
 - NLF Board will review, revise and update the NLF operating guidelines, by-laws, and Loan Policy. NLF Board will receive bi-monthly reports on the NLF activity at each of their regularly scheduled meetings.
 - The NLF Director or Business Loan Officer will market the business loan program throughout the nine-county region and encourage loan applications.
 - NLF loan committee will review the Director or Business Loan Officer's recommendations and make decisions on which businesses should receive loans.
 - The NLF Director or Business Loan Officer will forward the loan committee's recommendations to the CDBG Manager for approval.
 - The CDBG Manager will send a letter authorizing specific loans.
 - The Director or NLF Business Loan Officer will process the loans authorized by OEDIT.
 - Upon Request for Reimbursement of Funds, DOLA will send funds to Eagle County.
 - Eagle County will pass the funds through to NLF.
 - The NLF Director or Business Loan Officer completes and submits all required reports to The CDBG Manager. NLF and CDBG funds are included in NWCCOG's independent A-133 audit.
2. Describe the composition of your loan committee. Describe its relationship to the governing board.
 - The Loan Committee includes, as available, one representative from each of the nine participating counties plus the NWCCOG Executive Director as an Ex-Officio Member. Of the nine county representatives, it is preferred that at least two will have a background in business, one will have business loan making experience, at least one will have an accounting or legal background. The NLF Loan Committee will serve in an advisory capacity in accordance with the operating guidelines, bylaws, and Loan Policy as approved by the NLF Board. Loan Committee members will be approved by the NLF Board.
3. Describe the relationship between the BLF and the unit of local government which is sponsoring this application.
 - Eagle County as the lead county is the NWCCOG's largest member. The NLF is a

program within the NWCCOG, and the NWCCOG is the sub-grantee.

4. Describe the relationship between the BLF and lending institutions in the service area.
 - These relationships will be built through the NLF Director and/or Business Loan Officer and Loan Committee members. The NLF has historically maintained excellent working relationships with local lending institutions.
5. How does the BLF relate and coordinate with other economic development activities in the area?
 - The NWCCOG received Economic Development District (EDD) designation from the U.S. EDA in 2012. As a result, the NWCCOG-EDD Board oversees all regional economic development efforts and the NWCCOG-EDD convenes a working group every other month, which is made up of a broad range of stakeholders including government officials, education, workforce, chambers of commerce, as well as key industry representatives from the region. The workgroup meets to guide the regional economic development efforts of NWCCOG-EDD and the NLF Director or Business Loan Officer will be included in this on-going conversation as a member of the workgroup.
6. Please attach a proposed project list. The list should include: type of project; amount requested; and status.
7. Please attach a copy of your Loan Policy for Regular and Micro Enterprise Loans.

To the best of my knowledge and belief, statements and data in this application are true and correct and their submission has been duly authorized by the governing body of all participating jurisdictions.

Signature, Chief Elected Official
Chair, Eagle County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Garfield County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Grand County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Jackson County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Moffat County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Pitkin County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Rio Blanco County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Routt County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Summit County BOCC

Date

**APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

The applicant hereby assures and certifies that:

- (a) It:
- (1) Possesses legal authority to apply for the grant and to execute the proposed project, and its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer and/or other designated official representatives to act in connection with the application and to provide such additional information as may be required; and
 - (2) Has developed its application, including its projected use of funds, so as to give maximum feasible priority to activities which will benefit low and moderate income persons or aid in the prevention or elimination of slums or blight. (The requirement for this certification will not preclude the State from approving an application where the applicant certifies and the State determines, that all or part of the proposed project activities are designed to meet other community development needs that have arisen during the preceding twelve-month period and have particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.) Furthermore:
 - (A) With respect to activities it claims benefit low and moderate income persons, it has determined and documented that not less than fifty-one percent (51%) of the beneficiaries of the activity are low and moderate income persons; and
 - (B) With respect to activities it claims aid in the elimination of slums or blight, it has determined and documented:
 - (i) For activities to address slums or blight on an area basis:
 - (I) The area meets a definition of a slum, blighted, deteriorated or deteriorating area under State or local law;
 - (II) Throughout the area, at least twenty-five percent (25%) of the buildings are in a state of deterioration or two or more types of public improvements are in a state of deterioration;
 - (III) Documentation is being maintained on the boundaries of the area and the condition which qualified the area at the time of its designation;

- (IV) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area; and
 - (V) Rehabilitation will only be undertaken on residential structures which are not occupied by low and moderate income persons if such structures are substandard under local definition, and provided that all deficiencies making such structure substandard must be corrected before less critical work on the structure may be undertaken.
- (ii) For activities to address slum or blight on a spot basis, the activities must be designed to eliminate specific conditions of blight or physical decay and must be limited to acquisition, clearance, relocation, historic preservation and rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety.
- (b) It is following a detailed citizen participation plan which:
- (1) Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which Community Development Block Grant (CDBG) funds are proposed to be used;
 - (2) Provides citizens with reasonable and timely access to local meetings, information, and records relating to its proposed and actual use of CDBG funds;
 - (3) Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant;
 - (4) Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
 - (5) Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
 - (6) Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to have a Citizen Participation Plan and to submit it with the application.

(c) It has provided for and encouraged citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, by:

- (1) Furnishing citizens information concerning the amount of funds available for proposed community development and housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income and its plans for minimizing displacement of persons as a result of activities assisted with CDBG funds and to assist persons actually displaced as a result of such activities;
- (2) Publishing a proposed project plan/application in such a manner to afford citizens an opportunity to examine its content and to submit comments on the proposed project plan/application and on the community development performance of the jurisdiction(s);
- (3) Holding one or more public hearings, as indicated below, to obtain citizen views and to respond to proposals and questions related to community development and housing needs, proposed activities and past CDBG performance. All hearings will be held no sooner than five days after notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped and for the needs of non-English speaking residents where a significant number of such residents may reasonably be expected to participate.

<u>Applicant's Public Hearing</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
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- (4) As applicable, providing citizens with reasonable and timely access to local meetings, information and records regarding its proposed and past use of CDBG funds;
- (5) In preparing its project plan/application, considering any such comments and views and, if deemed appropriate, modifying the proposed project plan/application;
- (6) Making the final project plan/application available to the public; and
- (7) Identifying its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to have a Citizen Participation Plan and to submit it with the application.

- (d) In the event it is awarded CDBG funds by the State it will:
 - (1) Follow a residential anti-displacement and relocation assistance plan which shall:
 - (A) In the event of such displacement, provide that:

- (i) Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under Section 8 of the United States Housing Act of 1937;
- (ii) Such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
- (iii) Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and, in the case of displaced persons of low and moderate income, provide either:
 - (I) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or
 - (II) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under sub-clause (I) to permit the household to secure participation in a housing cooperative or mutual housing association.
- (iv) Persons displaced shall be relocated into comparable replacement housing that is:
 - (I) decent, safe, and sanitary;
 - (II) adequate in size to accommodate the occupants;
 - (III) functionally equivalent; and
 - (IV) in an area not subject to unreasonably adverse environmental conditions.

- (B) Persons displaced shall have the right to elect, as an alternative to the benefits under this subsection to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- (C) Where a claim for assistance under subparagraph (A)(iv) is denied by grantee, the claimant may appeal to the State, and that the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to have a Residential Anti-displacement and Relocation Assistance Plan and to submit it with the application.

- (2) Comply with the provisions of the above paragraph (1) except that paragraphs (A)(i) and (A)(ii) shall not apply in any case in which the Secretary of the U.S. Department of Housing and Urban Development finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and non reviewable.
- (3) Provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of CDBG funds from one eligible activity to another by following the same procedures required in paragraph (c) for the preparation and submission of the final project plan/application.

(e) It will:

- (1) Minimize displacement of persons as a result of activities assisted with CDBG funds and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property.
- (2) Affirmatively further fair housing in addition to conducting and administering its project in conformity with Public Law 88-352 and Public Law 90-284 as certified in paragraph (h) hereinafter.

In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to affirmatively further fair housing.

- (3) Not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG 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, unless:

- (A) CDBG funds 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 the CDBG program, or
 - (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income who are not persons of low income, it certifies that it lacks sufficient CDBG funds to comply with the requirements of subparagraph (A).
- (f) Its chief executive officer or other officer of the applicant approved by the State:
 - (1) Consents to assume the status of responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such Federal law apply to the Colorado Community Development Block Grant (CDBG) Program; and
 - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (g) It will comply with the financial management regulations, policies, guidelines and requirements set forth in the CDBG Direct Economic Development Projects and Business loan funds' Guidebook.
- (h) It will comply with:
 - (1) **Section 110 of the Housing and Community Development Act of 1974**, as amended, and any State regulations regarding the administration and enforcement of labor standards.
 - (2) **Davis-Bacon Fair Labor Standards Act (40 USC 276a - 276a-5)** requiring that, on all prime contracts which exceed \$2,000 for federally-assisted construction, alteration or rehabilitation, laborers and mechanics employed by contractors or subcontractors shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor. (This requirement applies to the rehabilitation of residential property only if such property is designed for use of eight or more families.)
 - (3) **Contract Work Hours and Safety Standards Act of 1962 (40 USC 327 et seq.)** requiring that mechanics and laborers employed on federally-assisted contracts which exceed \$2,000 be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work week.

- (4) **Copeland "Anti-Kickback" Act of 1934 (40 USC 276 (c))** prohibiting and prescribing penalties for "kickbacks" of wages in federally- financed or assisted construction activities.
- (i) It will comply with:
- (1) **Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 USC 2000 (d))** prohibiting discrimination on the basis of race, color, religion or religious affiliation, or national origin in any program or activity receiving federal financial assistance.
 - (2) **The Fair Housing Act (42 USC 3601-20)**, as amended, prohibiting housing discrimination on the basis of race, color, religion, sex, national origin, handicap, and familial status.
 - (3) **Section 109 of the Housing and Community Development Act of 1974 (42 USC 5309)**, as amended, providing that no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin or sex under any program or activity funded in whole or in part under Title I (Community Development) of the Housing and Community Development Act.
 - (4) **Executive Order 11063 (1962)**, as amended by Executive Order 12259, requiring equal opportunity in housing by prohibiting discrimination on the basis of race, color, religion, sex or national origin in the sale or rental of housing built with federal assistance.
 - (5) **Executive Order 11246 (1965)**, as amended by Executive Order 11375, prohibiting discrimination on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally-assisted contracts in excess of \$2,000.
 - (6) **Section 3 of the Housing and Community Development Act of 1968 (12 USC 1701 (u))**, as amended, providing that, to the greatest extent feasible, opportunities for training and employment that arise through HUD-financed projects, will be given to lower-income persons in the project area, and that contracts be awarded to businesses located in the project area or to businesses owned, in substantial part, by residents of the project area.
 - (7) **Section 504 of the Rehabilitation Act of 1973 (29 USC 793)**, as amended, providing that no otherwise qualified individual shall, solely by reason of a handicap, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal funds. Effective communication with persons of all types of disabilities must be ensured.
 - (8) **Age Discrimination Act of 1975, (42 USC 6101)**, as amended, providing that no person shall be excluded from participation, denied program benefits

or subjected to discrimination on the basis of age under any program or activity receiving federal funds.

(j) It will comply with:

- (1) **Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 USC 5301), known as the "Barney Frank Amendment," and the HUD implementing regulations at 29 CFR Part 570**, requiring that local grantees follow a residential anti-displacement and relocation assistance plan which provides for the replacement of all low/moderate-income dwelling units that are demolished or converted to another use as a direct result of the use of CDBG funds, and which provides for relocation assistance for all low/moderate-income households so displaced.
- (2) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title III, Real Property Acquisition (Pub. L. 91-646 and HUD implementing regulations at 49 CFR Part 24)**, providing for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal or federally- assisted programs and establishing uniform and equitable land acquisition policies for federal assisted programs. Requirements include bona fide land appraisals as a basis for land acquisition, specific procedures for selecting contract appraisers and contract negotiations, furnishing to owners of property to be acquired a written summary statement of the acquisition price offer based on the fair market price, and specified procedures connected with condemnation.
- (3) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title II, Uniform Relocation Assistance (Pub. L. 91-646 and HUD implementing regulations at 49 CFR Part 24)**, providing for fair and equitable treatment of all persons displaced as a result of any federal or federally-assisted program. Relocation payments and assistance, last-resort housing replacement by displacing agency, and grievance procedures are covered under the Act. Payments and assistance will be made pursuant to state or local law, or the grant recipient must adopt a written policy available to the public describing the relocation payments and assistance that will be provided. Moving expenses and up to \$22,500 or more for each qualified homeowner or up to \$5,250 or more for each tenant are potential costs.

(k) It will comply with:

- (1) **National Environmental Policy Act of 1969 (42 USC 4321 et seq.)**, as amended, and the implementing regulations of HUD (24 CFR Part 58) and of the Council on Environmental Quality (40 CFR Parts 1500 - 1508) providing for establishment of national policy, goals, and procedures for protecting, restoring and enhancing environmental quality.

- (2) **National Historic Preservation Act of 1966 (16 USC 470 et seq.)**, as amended, requiring consideration of the effect of a project on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places.
- (3) **Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 et seq.)** requiring that federally-funded projects contribute to the preservation and enhancement of sites, structures and objects of historical, architectural or archaeological significance.
- (4) **The Archaeological and Historical Data Preservation Act of 1974, amending the Reservoir Salvage Act of 1960 (16 USC 469 et seq.)**, providing for the preservation of historic and archaeological data that would be lost due to federally-funded development and construction activities.
- (5) **Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951 et seq.)** prohibits undertaking certain activities in flood plains unless it has been determined that there is no practical alternative, in which case notice of the action must be provided and the action must be designed or modified to minimize potential damage.
- (6) **Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961 et seq.)** requiring review of all actions proposed to be located in or appreciably affecting a wetland. Undertaking or assisting new construction located in wetlands must be avoided unless it is determined that there is no practical alternative to such construction and that the proposed action includes all practical measures to minimize potential damage.
- (7) **Safe Drinking Water Act of 1974 (42 USC 201, 300 f et seq., 7401 et seq.)**, as amended, prohibiting the commitment of federal financial assistance for any project which the Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.
- (8) **The Endangered Species Act of 1973 (16 USC 1531 et seq.)**, as amended, requiring that actions authorized, funded, or carried out by the federal government do not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of the habitat of such species which is determined by the Department of the Interior, after consultation with the State, to be critical.
- (9) **The Wild and Scenic Rivers Act of 1968 (16 USC 1271 et seq.)**, as amended, prohibiting federal assistance in the construction of any water resources project that would have a direct and adverse affect on any river included in or designated for study or inclusion in the National Wild and Scenic Rivers System.

- (10) **The Clean Air Act of 1970 (42 USC 1857 et seq.)**, as amended, requiring that federal assistance will not be given and that license or permit will not be issued to any activity not conforming to the State implementation plan for national primary and secondary ambient air quality standards.
- (11) **HUD Environmental Criteria and Standards (24 CFR Part 51)** providing national standards for noise abatement and control, acceptable separation distances from explosive or fire prone substances, and suitable land uses for airport runway clear zones.

(l) It will:

- (1) Comply with **The Lead-Based Paint Poisoning Prevention Act -- Title IV (42 USC 4831)** prohibiting the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance, and requiring notification to purchasers and tenants of such housing of the hazards of lead-based paint and of the symptoms and treatment of lead-based paint poisoning.
 - (2) Comply with the **Armstrong/Walker "Excessive Force" Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990**, which requires that a recipient of HUD funds must certify that they have adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdiction against individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce 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 demonstration within its jurisdiction.
 - (3) Comply with the **"Government-wide Restriction on Lobbying, (P.L. 101-121)**, which prohibits spending CDBG funds to influence or attempt to influence federal officials; which requires the filing of a disclosure form when non-CDBG funds are used for such purposes; which requires certification of compliance by the state; and which requires the state to include the certification language in grant awards it makes to units of general local government at all tiers and that all sub-recipients shall certify accordingly as imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.
 - (4) Comply with the **Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12)** requiring applicants for assistance for a specific project or activity from HUD, to make a number of disclosures if the applicant meets a dollar threshold for the receipt of covered assistance during the fiscal year in which an application is submitted. An applicant must also make the disclosures if it is requesting assistance from HUD for a specific housing project that involves assistance from other governmental sources.
 - (5) Give the State, the U.S. Department of Housing and Urban Development (HUD), and any authorized representatives access to and the rights to examine all records, books, papers or documents related to the application and grant.
- (m) It will comply with all parts of Title 1 of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws and regulations.

**SIGNATURE PAGE
APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

Signature, Chief Elected Official
Chair, Eagle County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Garfield County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Grand County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Jackson County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Moffat County BOCC

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Signature, Chief Elected Official
Chair, Pitkin County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Rio Blanco County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Routt County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Summit County BOCC

Date

**SUGGESTED FORMAT-CITIZEN PARTICIPATION PLAN
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

Pursuant to Section 104(a)(3) of the Housing and Community Development Act of 1974, as amended, this Citizen Participation Plan is hereby adopted to ensure that the citizens of **EAGLE COUNTY** (City, Town or County), particularly persons of low and moderate income residing in slum and blight areas and in areas in which CDBG funds are proposed to be used, are provided the opportunity and encouraged to participate in the planning and implementation of CDBG-funded activities.

PUBLIC HEARING

Public hearings will be the primary means of obtaining citizen views and responding to proposals and questions related to community development and housing needs, proposed CDBG activities and past CDBG performance.

Prior to submitting a CDBG application to the State, the **EAGLE COUNTY** (City, Town or County) will conduct at least one public hearing to identify community development and housing needs, including the needs of low and moderate income persons, as well as other needs in the community that might be addressed through the CDBG program, and to review proposed CDBG activities and the past performance of the **NWCCOG** in carrying out its CDBG responsibilities. In the event CDBG funds are granted by the State, the **EAGLE COUNTY** (City, Town or County) will conduct at least one additional public hearing to allow citizens to review and comment on its performance in carrying out its CDBG program.

A formal public notice will be published in a newspaper of general circulation in the jurisdiction's area at least five (5) days prior to the public hearings. In the case of a multi-jurisdictional application, all directly participating jurisdictions are required to publish a notice pertaining to the public hearing in at least one newspaper of general circulation in each jurisdiction and each participating jurisdiction is required to hold at least one public hearing. A public notice will also be posted in the **EAGLE COUNTY** (City Hall, Town Hall or County Courthouse) and in other places frequented by the public, especially low and moderate income persons and persons benefitting from or affected by proposed CDBG activities. As circumstances warrant and as the **EAGLE COUNTY** (City, Town or County) determines necessary or appropriate, participation may additionally be specifically solicited from persons of low and moderate income, those benefitting from or affected by CDBG activities and/or representatives of such persons. Hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for the handicapped. In the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, arrangements will be made to have an interpreter present.

PUBLIC INFORMATION AND RECORDS

Information and records regarding the proposed and past use of CDBG funds will be available at **NWCCOG 249 Warren Avenue, Silverthorne, CO 80498** during regular office hours. The public will be so informed by public notice. Special communication aids can be made available to persons upon request.

TECHNICAL ASSISTANCE

The **EAGLE COUNTY** (City, Town or County) will provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing CDBG proposals. The level and type of assistance appropriate will be determined by the **EAGLE COUNTY** (City, Town or County) based on its ability to provide or arrange for such assistance, the cost of providing such assistance and other relevant factors.

WRITTEN COMMENTS AND RESPONSES

The **EAGLE COUNTY** (City, Town or County) will respond to written complaints and grievances in writing in a timely manner. When practicable, such written responses shall be made within fifteen (15) working days.

NOTE: CITIZEN ADVISORY COMMITTEES ARE NOT REQUIRED. IF ONE IS PROPOSED, HOWEVER, THE COMMITTEES' ROLE AND COMPOSITION SHOULD BE INCLUDED IN THIS CP PLAN.

**SIGNATURE PAGE
APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

Signature, Chief Elected Official
Chair, Eagle County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Garfield County BOCC

Title and Jurisdiction (Typed or Printed)

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Chair, Grand County BOCC

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Chair, Rio Blanco County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Routt County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Summit County BOCC

Date

**SUGGESTED FORMAT
PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

The **EAGLE COUNTY** (City, Town or County) plans to submit a Community Development Block Grant (CDBG) application to the State of Colorado, Department of Local Affairs, c/o the Office of Economic Development and International Trade. CDBG funds are intended to provide decent housing, suitable living environments and economic opportunities, principally for low and moderate income persons through rehabilitation and preservation, economic development (generally job creation/retention) and public facilities improvements. In regards to all FY 19 CDBG programs, it is estimated that \$10,055,294 will be available statewide for distribution to units of general local government in the state's nonentitlement areas. For economic development projects, it is estimated that \$ 3,217,878 will be available statewide for distribution for economic development to units of general local government in the state's nonentitlement areas.

The application being considered would request \$580,000.00* for _____* Business Assistance & Administration (Project Description). It is estimated that approximately 60 %* of the funds would benefit low and moderate income persons. Permanent involuntary displacement of neighborhood persons or businesses is not anticipated. Should it later become necessary to consider such displacement, alternatives will be examined to minimize the displacement. If no feasible alternatives exist, required/reasonable benefits will be provided to those displaced to mitigate adverse effects and hardships. Any low and moderate income housing which is demolished or converted will be replaced.

A **public hearing** will be held at _____ (Time) on _____ (Day, Date) at the **EAGLE COUNTY, 500 Broadway, Eagle, CO 81631** (Location) to obtain citizen views and to respond to proposals and questions related to:

- 1 the proposed CDBG application for the above-referenced economic development activities; &
- 2 community development , including the needs or low and moderate income persons, as well as other needs in the community that might be addressed through the CDBG program; and
- 3 the performance of the **EAGLE COUNTY** (City, Town or County) in carrying out its community development responsibilities.

Written or emailed comments are also welcome and must be received by _____ (Date) at **NWCCOG, 249 Warren Ave. Silverthorne, CO 80498**. Oral, written or email comments will be considered in deciding whether to submit an application for the proposed project. Written summary information will be available at NWCCOG, 249 Warren Avenue, Silverthorne, CO on January 6, 2020 until _____ (Date) on any CDBG application(s) **EAGLE COUNTY** _____ (City, Town or County) intends to submit to the state. A copy of the application(s) as submitted to the state will be available for public review at **NWCCOG, 249 Warren Ave. Silverthorne, CO 80498** after _____ (Application Submission Date).

Information and records regarding the **EAGLE COUNTY** (City's, Town's or County's) proposed and past use of CDBG funds are available at **NWCCOG, 249 Warren Ave. Silverthorne, CO 80498** during regular office hours. Advance notice is requested. If special accommodations are needed, please notify the **EAGLE COUNTY** (City, Town or County) so that the appropriate aids can be made available. Email comments to jill.klosterman@eaglecounty.us.

NOTE 1: THIS NOTICE MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION AT LEAST FIVE (5) DAYS PRIOR TO THE PUBLIC HEARING. It should also be posted in the City Hall, Town Hall or County Courthouse and in other places frequented by the public--ESPECIALLY LOW AND MODERATE INCOME PERSONS BENEFITTING FROM OR AFFECTED BY PROPOSED CDBG ACTIVITIES.

NOTE 2: EACH APPLICANT PARTICIPATING DIRECTLY IN A MULTI-JURISDICTIONAL PROJECT IS REQUIRED TO CONDUCT A PRE-APPLICATION PUBLIC HEARING AND TO PROVIDE PUBLIC

NOTICE. THE PUBLIC NOTICES MAY BE COMBINED WITH NOTICES FOR OTHER NON-CDBG ACTIVITIES AND THE PUBLIC HEARINGS MAY COVER THE CDBG APPLICATION PLUS THE OTHER NON-CDBG ACTIVITIES.

- * For projects with more than one activity, provide the estimated amount for each activity and the estimated percentages by which each activity will benefit low and moderate income persons.
- ** For multi-jurisdictional applications, written summary information and a copy of the application must be available for public review in each participating jurisdiction, as required by HUD

**SUGGESTED FORMAT
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

The **EAGLE COUNTY** (City, Town or County) will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with CDBG funds, as required by Section 104(d) of the Housing and Community Development Act of 1974, as amended (the Act), and implementing regulations at 24 CFR 570.496a.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the **EAGLE COUNTY** (City, Town or County) will make public and submit to the State the following information in writing:

1. Description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The **EAGLE COUNTY** (City, Town or County) will provide relocation assistance, as described in 570.496a(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the **EAGLE COUNTY** (City, Town or County) will take the steps indicated below to minimize the displacement of persons from their homes:*

*** The following are examples of steps to minimize displacement. The first two are required. The others are optional. Only check those which are appropriate for the project and local circumstances. Add other steps as necessary or appropriate.**

- Consider all practical alternatives to any proposed project which may result in residential displacement. Alternatives to be considered include other sites for the proposed facilities/project. Also to be considered are the costs and benefits, both financial and nonfinancial, of each alternative.
- Provide counseling and referral services to assist displacees to find alternative housing in the community.
- Work with area landlords and real estate brokers to locate vacancies for households facing displacement.

- _____ Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first so they can be rehabilitated first and tenants moved in before rehab on occupied units or buildings is begun.
- _____ Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
- _____ Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or on tenants of multi-family buildings.
- _____ Develop displacement watch systems in cooperation with neighborhood organizations to continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

Signature, Chief Elected Official
Chair, Eagle County BOCC

Title and Jurisdiction (Typed or Printed)

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Chair, Garfield County BOCC

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Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Routt County BOCC

Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Summit County BOCC

Date

**SUGGESTED FORMAT
INTERGOVERNMENTAL AGREEMENT
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
BUSINESS LOAN FUNDS**

THIS AGREEMENT, made this _____ day of _____, 2020, by and among the following:

1. Eagle County, Colorado
2. Garfield County, Colorado
3. Grand County, Colorado
4. Jackson County, Colorado
5. Moffat County, Colorado
6. Pitkin County, Colorado
7. Rio Blanco County, Colorado
8. Routt County, Colorado
9. Summit County, Colorado

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et. seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually.

WHEREAS, the parties to this Agreement desire to cooperate in developing and carrying out a Community Development Block Grant (CDBG) project, the purpose of which is to:

Support business activities for which credit may not be otherwise available on terms and conditions which would permit completion and/or successful operation or accomplishment of the project in the defined eligible areas to create and/or retain employment opportunities primarily for persons from low and moderate income households.

NOW THEREFORE, the parties hereby mutually agree as follows:

1. Designation of Lead Party: **EAGLE COUNTY**
(Lead Party) shall act as the lead party in developing and carrying out said proposed CDBG project.
2. Responsibilities of Lead Party: In its capacity as Lead Party, **EAGLE COUNTY** (Lead Party) shall be the lead jurisdiction in making application to the State Department of Local Affairs (State) for CDBG funds and shall be the grantee of the State for such funds, if awarded. As the grantee of the State, it shall be fully and solely responsible to the other parties to this Agreement for compliance with all financial management, environmental review, labor standards, civil rights, recordkeeping, reporting and other requirements of the CDBG program contained in the Applicant Statement of Assurances and Certifications, and in the grant contract with the state, except those specified in Paragraph 3 hereinafter.

3. Responsibilities of All Parties: Each party to this Agreement shall be **individually** responsible for compliance with the following requirements of the CDBG program:
- a) adopting a required Citizen Participation Plan, and providing to its citizens information and opportunities to comment as required by the State in developing an application and in substantially changing project activities;
 - b) identifying its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs;
 - c) adopting a required Anti-displacement and Relocation Assistance Plan which calls for replacement of demolished or converted low/moderate income housing units and provision of necessary relocation assistance; and
 - d) taking actions to affirmatively further fair housing.

Furthermore, each party shall provide documentation to **EAGLE COUNTY** (Lead Party) demonstrating its compliance with the requirements specified in the Paragraph 3 and **EAGLE COUNTY** (Lead Party) shall retain such documentation and other required records and documents for the period of time specified by the State.

4. Contracting: **EAGLE COUNTY** (Lead Party) shall contract with NWCCOG and Northwest Loan Fund or, with other eligible individuals or entities to carry out all ordinary daily operations and any portion of the responsibilities assumed by **EAGLE COUNTY** (Lead Party) under this Agreement and its grant contract with the State.
5. Term of Agreement: This Agreement shall remain in full force and effect for so long as the parties to this Agreement are pursuing CDBG funding for said proposed project or, if awarded, carrying out such project activities. Any party to this Agreement may, however, terminate its participation in this Agreement six months after providing written notice of such termination to the other parties of this Agreement. This Agreement may be terminated at any time by agreement of all parties to this Agreement unless a grant contract is in effect with the State. In this case, the State must approve such termination and arrangements for completing the project.
6. Modification and Changes: The terms of this Agreement may be modified or changed at any time by agreement of all parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first above written.

(Lead Party is Eagle County):

Signature, Chief Elected Official
Chair, Eagle County BOCC
Title and Jurisdiction (Typed or Printed)

Signature, Chief Elected Official
Chair, Garfield County BOCC
Title and Jurisdiction (Typed or Printed)

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Chair, Summit County BOCC