

Warren County Office of Grants Administration

406 Justice Drive
Lebanon, Ohio 45036
(513) 695-1259

August 15, 2014

Mr. Skip Lawhorn, Mayor
Village of South Lebanon
99 North High Street
South Lebanon, Ohio 45065

Dear Mr. Lawhorn:

On October 23, 2008, Warren County and the Village of South Lebanon entered into a Cooperation Agreement for the Urban County Community Development Block Grant (CDBG) Entitlement Program. Said agreement automatically renews for an additional three-year qualification period unless either party exercises their option to not renew the agreement.

Please be notified that you may choose to be excluded from the Urban County. **If you choose to be excluded and not participate** with the County, you must notify both the County and the HUD Area Office, 200 North High Street, Columbus, Ohio 43215, of your decision no later than August 29, 2014.

In this regard, we have included HUD Notice CPD 14-07, which details the urban county qualification process, including the opt-out requirements. Responsibilities of the constituent units of local government that make up the urban county are also addressed in the notice.

If you want to continue participating in the CDBG Program, please sign the attached amendment to the agreement and return it to this office no later than August 29, 2014.

If you have any questions or need additional information, please contact me.

Sincerely,



Susanne Mason
Program Manager



U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

All Regional Administrators
All CPD Division Directors
All CDBG Grantees

Notice: CPD-14-07

Issued: April 2014
Expires: April 2015

Supersedes: CPD Notice 13-04

SUBJECT: Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2015-2017

INTRODUCTION

This Notice establishes requirements, procedures and deadlines to be followed in the urban county qualification process for FYs 2015-2017. Information concerning specific considerations and responsibilities for urban counties is also provided. HUD Field Offices and urban counties are expected to adhere to the deadlines in this Notice.

This Notice provides guidance for counties wishing to qualify or requalify for entitlement status as urban counties, as well as for existing urban counties that wish to include previously nonparticipating communities. **Please send copies of this Notice to all presently qualified urban counties, to each county that can qualify for the first time or requalify for FYs 2015-2017, and to each state administering the State CDBG program which includes a potentially eligible urban county. If you are notified of one or more new potential urban counties, each should be provided a copy of this Notice.** This Notice includes seven attachments which contain listings of: Attachment A, all currently qualified urban counties; Attachment B, counties that requalify this qualification period (2015-2017); Attachment C, counties scheduled to qualify or requalify in FY 2015 for FY 2016-2018; Attachment D, counties scheduled to qualify or requalify in FY 2016 for FY 2017-2019; Attachment E, currently qualified urban counties that can add nonparticipating units of government for the remaining one or two years of their qualification period; Attachment F, list of counties that may qualify as urban counties if metropolitan cities relinquish their status; and Attachment G, list of counties previously been identified as eligible but have not accepted urban county status. Additions to Attachment B may be provided separately.

The schedule for qualifying urban counties is coordinated with qualifying HOME consortia in order to be able to operate both the CDBG and HOME programs using the same urban county configurations. The CDBG urban county qualification process for the FY 2015-2017 qualification period will start in April 2014 and run through September 19, 2014. This will

provide HUD sufficient time before the September 30 deadline for FY 2015 funding under the HOME Program to notify counties that they qualify as urban counties under the CDBG Program. Urban county worksheets will be accessible via CPD's Grants Management Process (GMP) system. The CPD Systems Development and Evaluation Division will provide guidance on completing, submitting and verifying urban county qualification data in the GMP system.

HUD revised the requirements in Paragraph V.H. regarding Cooperation Agreements in 2013 to more clearly delineate the fair housing and civil rights obligations to which urban counties and participating jurisdictions are subject. Any existing urban county should review the language in its existing cooperation agreements regarding fair housing and civil rights obligations, to determine whether it needs to revise its existing agreements going forward. HUD will phase in the applicability of this revised language as follows:

- a. Any county that sought to qualify as an urban county for the first time starting in FY 2013 was required to ensure that its cooperation agreements complied with the revised provisions.
- b. An urban county that requalified in FY 2013 for the FY 2014-2016 qualification period that was unable to revise its cooperation agreements to conform with Paragraph V.H. as part of that year's requalification process will be required to make any necessary revisions to its cooperation agreements by the time it requalifies in FY 2016 for its next three-year period.
- c. An urban county requalifying in FY 2014 (for the FY 2015-2017 qualification period) or in FY 2015 (for the FY 2016-2018 qualification period) is required to make any necessary revisions to its cooperation agreements at the time that it requalifies.
- d. The use of automatically-renewing cooperation agreements does not exempt an existing urban county from the implementation timetable in b. and c. above.

Jurisdictions that are qualifying as an urban county for the first time must submit all required documents outlined in Section IV to the Entitlement Communities Division in HUD Headquarters in addition to their local HUD offices (see Section IV for details). In addition, if new jurisdictions are seeking to qualify as urban counties because they contain metropolitan cities willing to relinquish their entitlement status, the Entitlement Communities Division in HUD Headquarters should be notified as soon as possible, but no later than two weeks after the jurisdictions notify the Field Office of their intent to qualify as an urban county (see Section VIII for details).

A new requirement regarding the use of CDBG funds was placed in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76. A unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended. This requirement arose as a result of discovering that units of general local government located within an urban county were trading CDBG funds for unrestricted local funds. Guidance was sent to each urban county and HUD Field Office on May 13, 2013, discouraging this practice and detailing the requirements for urban counties to make CDBG grants to units of general local

government located therein.

Policy questions from Field Offices related to this Notice should be directed to Gloria Coates, Entitlement Communities Division at (202) 708-1577. Data questions should be directed to the Systems Development and Evaluation Division at (202) 708-0790. Requests for deadline extensions should be directed to Gloria Coates. The TTY number for both divisions is (202) 708-2565. These are not toll-free numbers.

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2506-0170, which expires May 31, 2015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

DGBE: Distribution: W-3-1

**AMENDMENT #1 TO COOPERATION AGREEMENT FOR
THE WARREN COUNTY CDBG ENTITLEMENT PROGRAM**

It is hereby mutually agreed that the cooperation Agreement dated October 23, 2008 by and between Warren County and Village of South Lebanon be amended for Program Year beginning 2015 with the addition of the following:

16. Warren County and The Village of South Lebanon agree to cooperate to undertake or assist in undertaking, community renewal and lower-income housing assistance activities.

17. The Village of South Lebanon may not sell, trade or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-federal considerations but must use such funds for activities, eligible under Title I of the act. This new requirement is contained in the Transportation, Housing and Urban Development and Related Agencies Appropriation Act, 2014. Pub. L 113-76.

It is expressly understood by the parties that all other terms of the agreement shall remain binding on the parties and that no terms of the Agreement, except as heretofore amended and as set forth above, are modified by this amendment.

In Witness Whereof, the parties hereto have executed this Amendment #1 to the Cooperation Agreement as of the dates set forth below.

Village of South Lebanon

Warren County

X

Print Name _____

Pat South, President

Date

Date

Approved as to form:



Keith Anderson, Asst. Prosecutor

Resolution

Number 08-1628

Adopted Date October 23, 2008

APPROVE AND AUTHORIZE THE PRESIDENT AND/OR VICE PRESIDENT OF THIS BOARD TO ENTER INTO A COOPERATION AGREEMENT WITH THE VILLAGE OF SOUTH LEBANON RELATIVE TO THE COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM YEARS 2009-2011

BE IT RESOLVED, to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of South Lebanon relative to the Community Development Block Grant Entitlement Program Years 2009-2011, as attached hereto and made a part hereof; said Agreement to be effective upon execution.

Mr. Young moved for adoption of the foregoing resolution, being seconded by Mrs. South. Upon call of the roll, the following vote resulted:

Mr. Kilburn -- absent
Mrs. South -- yea
Mr. Young -- yea

Resolution adopted this 23rd day of October 2008.

BOARD OF COUNTY COMMISSIONERS



Tina Davis, Clerk

jlh\

cc: OGA (File)
c/a-Village of South Lebanon
Village of South Lebanon

COOPERATION AGREEMENT
for the
WARREN COUNTY CDBG ENTITLEMENT PROGRAM
Program Years 2009-2011

This Agreement made and entered into this 23rd day of October, 2008, by and between the political subdivision of the VILLAGE OF SOUTH LEBANON, Warren County, Ohio, by its Chief Executive Officer, duly authorized by Resolution/Ordinance No. 2008-14, passed by its Council on the 21st day of October, 2008, (hereinafter referred to as "Village"), and COUNTY OF WARREN, OHIO, duly authorized by Resolution No. 08-1628, adopted by its Board of County Commissioners on the 23rd day of October, 2008, (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 (Act) which has as its primary objective, the development of viable urban communities, and whereby federal assistance will be provided for the support of community development activities which are directed toward the following specific objectives:

1. The elimination of slum and blight, the prevention of blighting influences, the deterioration of property and neighborhood, and community facilities of importance to the welfare of the community, principally persons of low and moderate income;
2. The elimination of conditions which are detrimental to health, safety, and public welfare through code enforcement, via demolition, interim rehabilitation assistance, and related activities;
3. The conservation and expansion of the Nation's housing stock, in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;
4. The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of urban communities;
5. A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational. And other needed activity centers;
6. The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for

persons of lower income and the revitalization of deteriorating neighborhoods to attract persons of higher income;

7. The restoration and preservation of properties of special value for historic, architectural, or esthetic reasons;
8. The alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and
9. The conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources of supply.

WHEREAS, both the Village and the County are desirous of entering into community development activities within Warren County which are directed toward the above specific objectives, and for that reason, desirous of seeking Federal funding as may be available to them pursuant to the Act; and

WHEREAS, the Act contemplates and encourages the joining together by agreement of counties and cities with populations of fewer than 50,000, for the purpose of carrying out the objectives of the Act; and

WHEREAS, municipalities and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code to enter into agreements whereby a Board of County Commissioners undertakes, and is authorized by the contracting Village, to exercise any power, perform any function, or render any service, on behalf of the Village, which such Village may exercise, perform, or render; and

WHEREAS, the Village and the County each have authority to carry out the kinds of activities which are the objectives of the Act within Warren County that the Village and the County should join together in both the Community Development Block Grant (hereinafter referred to as CDBG) and HOME Investment Partnerships Programs;

IT IS AGREED BETWEEN PARTIES THAT:

1. This Agreement covers Program Years 2009, 2010, and 2011 of both the Community Development Block Grant (CDBG) Entitlement Program and the HOME Investment Partnership Program. By executing this Agreement and participating in the Warren County Program, the Village understands that it may not apply for grants under the Small Cities of State CDBG Program, and that it may receive a formula allocation under the HOME Program only through the urban county. Even if the urban county does not receive a HOME formula allocation, the

participating unit of local government cannot form a HOME consortium with other local governments.

2. The County shall prepare and submit an application to the Secretary of Housing and Urban Development for grants under the terms of the Housing and Community Development Act of 1974, as amended. These applications shall set forth a summary of a community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifics both short and long term community development objectives, which have been developed in accordance with area wide development planning and national urban growth policies, and otherwise conforms with Section 104 of the Act. The community development plan described above shall hereinafter be called the "Plan".
3. The Village may prepare applications of recommended projects and activities for community development within its boundaries, which activities and objectives must be in accordance with the objectives of the Act. These applications shall be submitted to the Warren County Office of Grants Administration, which will be the reviewing agency for all proposed activities and objectives to be included in the Plan. The Warren County Office of Grants Administration shall make recommendations to the Board of County Commissioners for the contents of the plan and for recommended priorities among these various projects and activities which may be submitted. Final approval of projects and activities to be included in the plan is the responsibility of the Board of County Commissioners. It is also understood between the parties that the County has the authority and responsibility to make decisions concerning the contents of the applications, and that the projects and activities for which approval and urban county formula funding is sought under these applications shall be in a conformance with the purposes of the Act and the Plan.
4. If projects or activities with the Village are approved and funded, pursuant to the application, the County will have the responsibility and authority for the overall implementation of the programs and for the proper use of the urban county formula funds and any and all program income generated from the expenditure of these funds in accordance with the requirements of the Act.
5. The County shall develop and maintain a uniform administrative procedure for the development of applications and the distribution of urban county formula funds. These procedures will, of necessity, reflect the requirements of the Secretary of Housing and Urban Development and the regulations, which the Secretary may develop for the distribution and expenditure of urban county formula funds.
6. The Village authorizes the County to do on behalf of the Village, in accordance with the conditions of this agreement, all things, which the Village could do for itself, in the making of the application, and the expenditure of urban county formula funds.

7. The Village and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing.
8. Pursuant to 24 CFR 570.501(b), the City shall be subject to the same requirements as subrecipients, including the requirement of a written agreement, where applicable in accordance with 24 CFR 570.503.
9. If a Village is a subrecipient, it must inform the County of any income generated by the expenditure of CDBG funds and return such income to the County within thirty (30) days of its receipt, unless other specific arrangements have been negotiated and agreed to by the Village and the County. The Village shall maintain and supply such records and supporting documentation to the County to assure program income is being accurately reported and correctly expended. Any program income that is on hand or received subsequent to close out of the activity shall be paid to the County within thirty (30) days.
10. For any real property acquired or improved in whole or in part using CDBG funds, the Village agrees:
 - a) To notify the County within thirty (30) days of any proposed modification or change in the use of real property, from that planned at the time of acquisition or improvement, including disposition.
 - b) To reimburse the County in an amount equal to the current Fair Market Value (less any portion thereof attributable to expenditures of non-CDBG funds) of the property acquired or improved with CDBG funds, that is sold or transferred for a use which does not qualify under CDBG regulations.
 - c) To return to the County (as provided in Section 8, above) all program income generated from the disposition, transfer, or rent of property acquired or improved with CDBG funds.
11. Both the County and Village agree to take all actions necessary to assure compliance with the provisions of Section 104(b) of Title 1 of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title 1 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act of 1990, and other applicable laws. Further, no funding shall be made for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's action to comply with its fair housing certification.
12. The Village has adopted and is enforcing:

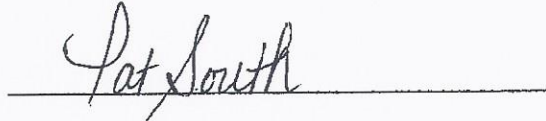
- a) a policy prohibiting the use of excessive force by law enforcement agencies, within its jurisdiction, against any individuals engaged in non-violent civil rights demonstrations; and
 - b) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
13. This agreement shall remain in effect for Program Years 2009, 2010, and 2011, and cannot be terminated, until CDBG and HOME funds, as well as any program income received are expended, and the funded activities are completed, and that the county and participating unit of local government cannot terminate or withdraw from the cooperation agreement while it remains in effect.
14. Any amendments to the Housing and Community Development Act of 1974, as currently amended, necessitating a change to this agreement, shall be incorporated by a formal amendment to this agreement. Failure by either party to adopt an amendment incorporating all changes necessary to meet the requirements set forth in the Urban County Qualification Notice applicable for the year in which the next qualification is scheduled, shall automatically terminate the agreement, following the expenditure of all CDBG funds allocated for use in the Village's jurisdiction, and that such failure to comply will void the automatic renewal of such qualification period.
15. This agreement shall be automatically renewed in successive three-year qualification periods unless either party exercised the option to terminate the agreement at the end of the urban county qualification period. If the Village fails to exercise that option before the end of the urban county qualification period it will not have the opportunity to exercise that option until the end of the subsequent urban county qualification period. Such termination will be accepted only if it is submitted in writing before the end of each qualification period. Warren County will notify the Village by the date specified in HUD's Urban County Qualification Notice, of its right to terminate the Agreement.

IN WITNESS WHEREOF, the Village and the County have caused this Agreement to be executed by their respective officers, thereunto duly authorized as of the day and year first above written.

ATTEST:

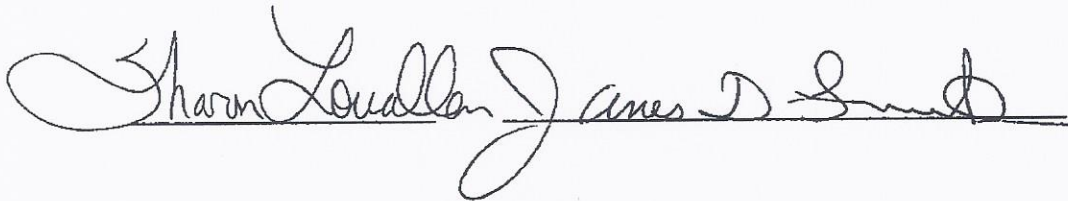
WARREN COUNTY BOARD OF COMMISSIONERS


Tina Davis, Clerk

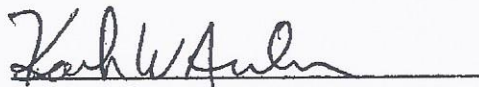


ATTEST:

VILLAGE OF SOUTH LEBANON



Approved as to form:


Keith Anderson
Assistant County Prosecutor

LEGAL OPINION ATTACHED
and made part of this Agreement.