



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/13/2023

File ID: TMP-2815

Department: Community Development

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute the Grant Agreement from the U.S. Department of Housing and Urban Development for CDBG and HOME funds.

Type of Document: Resolution No.

Finance Information:

Account Number: 515520

City Cost Amount: \$ 0

Total Cost: \$ 0

Special Circumstances:

Grant Funded: \$ 2,247,257.00

Grant Title - CFDA or granting Agency: FY 2022 Grant Agreement - HUD

Resolution #: NA

Location: (list below)

Address: City-wide

District: District 1 ☒ District 2 ☒ District 3 ☒ District 4 ☒ District 5 ☒

Additional Comments: Resolution authorizing the Mayor to sign and execute the HUD Grant Agreement for the use of CDBG and HOME funds.

RESOLUTION NO. 23-_____

WHEREAS, the U.S. Department of Housing and Urban Development has awarded the City of Huntsville funding from the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership HOME Program, and;

WHEREAS, in order to receive Community Development Block Grant, HOME and competitive grant funds, the City is required to submit a plan covering a five-year period and a plan covering a one-year period to the U.S. Department of Housing and Urban Development. The One-Year Action Plan identifies the amount of Community Development Block Grant (CDBG) and HOME funds that will be available and the specific activities that will be undertaken during the HUD fiscal year 2022 program;

WHEREAS, the City of Huntsville has submitted and HUD has approved the 2022 Action Plan;

WHEREAS, the City of Huntsville, Alabama assumes the responsibility for the 25% in local matching funds for the HOME grant;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville be authorized to sign the Grant Agreement from U.S. Department of Housing and Urban Development for CDBG and HOME funds, and to provide additional information as may be required including all understandings and assurances contained therein; and to act in connection with the acceptance of the 2022 Action Plan and Grant Agreement. Said award being substantially similar in words and figures to that document identified as "Fiscal Year 2022 Grant Agreement Transmittal" consisting of a total of four (5) pages, with the date of April 13, 2023 appearing on the margin of the first page, together with the signature of the President or President Pro-Tem of the City Council, a copy of said document being permanently kept on file in the Office of the City Clerk Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 13th day April, 2023

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 13th day of April, 2023

Mayor of the City of Huntsville,
Alabama



U. S. Department of Housing and Urban Development
Birmingham Office
Region IV
The Plaza
417 20th Street North Suite 700
Birmingham, AL 35203

March 30, 2023

Mr. Scott Erwin
Manager
Community Development
City of Huntsville
PO Box 308
Huntsville, AL 35804

SUBJECT: Fiscal Year 2022 Grant Agreement Transmittal

Dear Mr. Erwin:

The Birmingham Field Office would like to thank you for your continued partnership in providing quality affordable housing, a suitable living environment, and expanding economic opportunities for low-and moderate-income persons through HUD programs. On Thursday, June 10, 2021, the Department published an interim final rule with a request for comments, titled: *Requesting Affirmatively Furthering Fair Housing Definitions and Certifications* (86 Fed Reg 30779). The effective date for the interim rule is July 31, 2021, and you are encouraged to review the interim rule in developing your programs.

One Grant Agreement is attached for each program awarded as follows:

Community Development Block Grant Program (CDBG)	\$ 1,396,928
HOME Investment Partnerships (HOME)	\$ 850,329
Total FY 2022 Award	\$ 2,247,257

Transmittal of a grant agreement does not constitute approval of the activities described in your Consolidated Plan. You are reminded that you, as grantee, are responsible for ensuring that all grant funds are used in accordance with all program requirements. An executed Grant Agreement is a legally binding agreement between the Department of Housing and Urban Development and your agency.

To establish a Line of Credit for Fiscal Year 2022 grant funds, it will be necessary for your agency to sign, execute and return one (1) copy of each Grant Agreement. If there is a need to add or remove individuals authorized to access the Integrated Disbursement Information System (IDIS), please submit an IDIS Online Access Request Form (HUD 27055), notarize, and return to this office. Additionally, if there is a need to establish or change the depository account where these funds are to be wired, a Direct Deposit Sign-Up form (SF-1199A) must be completed by your financial institution and returned to this office with a copy of a voided check.

Please note the special condition in your CDBG Funding Approval/Agreement.

President of City Council of the City of
Huntsville, Alabama
Date: April 13, 2023

In accordance with the HOME regulations at 24 CFR 92.254(a)(5), a Participating Jurisdiction (PJ) must establish resale and/or recapture requirements that comply with the standards of the regulation. Furthermore, the resale and/or recapture requirements must be set forth in the PJ's Consolidated Plan. HUD must determine if the PJ's provisions comply with the requirements of the regulations and notify the PJ in writing of its determination.

HUD has reviewed your resale and/or recapture provisions and has determined that the provisions included in the Plan comply with the requirements at 24 CFR 92.254(a)(5).]

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures). Funds for such activities may not be obligated or expended until HUD has approved the release of funds in writing. A request for release of funds (RROF) must be accompanied by an environmental certification, and until the RROF is approved and notification is received, no HUD funds should be committed. If the project or activity is exempt per 24 CFR 58.34 or categorically excluded (except in extraordinary circumstances), no RROF is required.

On November 15, 2021, the Build America, Buy America Act (the Act) was enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58. The Act establishes a domestic content procurement preference, the BAP, for Federal programs that permit Federal financial assistance to be used for infrastructure projects. In Section 70912, the Act further defines a project to include "the construction, alteration, maintenance, or repair of infrastructure in the United States" and includes within the definition of infrastructure those items traditionally included along with buildings and real property. Starting May 14, 2022, new awards of Federal financial assistance from a program for infrastructure, and any of those funds obligated by the grantee, are covered under the Build America, Buy America (BABA) provisions of the Act, 41 U.S.C. 8301 note. While HUD currently has a waiver of the application of the BAP through HUD's Notice, "General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (87 FR 26219), HUD will begin requiring compliance with BAP for all new funds obligated on or after November 14, 2022, unless covered by a subsequent waiver. Additional details on fulfilling the BABA requirements can be found at https://www.hud.gov/program_offices/general_counsel/BABA and will be provided by HUD prior to the expiration of the waiver and full implementation of BABA.

Please execute two (2) copies of each Grant Agreement with electronic signature. In response to COVID-19, HUD authorizes you to electronically execute the grant agreement with your electronic signature. Return one (1) of each agreement to this office to the attention of Adrian M. Fields, Acting Director, Birmingham Community Planning and Development. Please ensure the Chief Elected Official and/or authorized designee electronically signs the CDBG grant agreement in the box directly across from the HUD CPD Director's signature. The CDBG Grant Agreement should **not** be electronically signed in box 12c. Maintain a copy of each agreement with your original signature on-site in your program files.

For additional information and guidance on grant-based accounting, please refer to the HUD Exchange at: <https://www.hudexchange.info/manage-a-program/grant-based-accounting/>.

HUD congratulates the City of Huntsville on your grant award, and we look forward to assisting you in accomplishing your program's goals. If you have any questions or need further information of assistance, please contact Karen Morris, Program Manager, at (205) 745-4366, or Karen.A.Morris@hud.gov.

Sincerely,

Adrian M. Fields

Adrian M. Fields
Acting Director
Birmingham Office of Community Planning and
Development

Enclosures

Funding Approval/Agreement


Title I of the Housing and Community
Development Act (Public Law 930383)
HI-00515R of 20515R

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

OMB Approval No. 2506-0193
exp 1/31/2025

1. Name of Grantee (as shown in item 5 of Standard Form 424) Huntsville	3a. Grantee's 9-digit Tax ID Number 636001296	3b. Grantee's 9-digit DUNS Number ZBCLKNT6JWT4 (UEI)
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) PO Box 308 Huntsville, AL 35804-0308	4. Date use of funds may begin 07/01/2022	
	5a. Project/Grant No. 1 B-22-MC-01-0005	6a. Amount Approved \$1,396,928
	5b. Project/Grant No. 2	6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Adrian M. Fields		Grantee Name (Contractual Organization) Huntsville (City of Huntsville)	
Title CPD Director (Acting)		Title Mayor	
Signature 	Date (mm/dd/yyyy) 03/30/2023	Signature X	Date (mm/dd/yyyy) 04/13/2023

7. Category of Title I Assistance for this Funding Action: Entitlement, Sec 106(b)	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission (01/30/2023)	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number	
		9b. Date Grantee Notified (03/30/2023)		
		9c. Date of Start of Program Year 07/1/2022		
	11. Amount of Community Development			
Block Grant		FY 2022		
a. Funds Reserved for this Grantee				
b. Funds now being Approved		\$1,396,928		
c. Reservation to be Cancelled (11a minus 11b)				

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature X

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		
Date Entered PAS (mm/dd/yyyy)		Date Entered LOCCS (mm/dd/yyyy)		Batch Number		Transaction Code		Entered By		Verified By		

Funding Approval and HOME Investment Partnerships Agreement

Title II of the National Affordable Housing Act

Assistance Listings#14.239 – HOME Investment Partnerships Program

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

1. Grantee Name (must match the name associated with 3b.) and Address Huntsville PO Box 308 Huntsville, AL 35804-0308	2. Grant Number (Federal Award Identification Number (FAIN)) M22-MC010201	
	3a. Tax Identification Number 636001296	3b. Unique Entity Identifier (formerly DUNS) ZBCLKNT6JWT4
	4. Appropriation Number 862/50205	5. Budget Period Start and End Date FY 2022 through FY 2030

6. Previous Obligation (Enter "0" for initial FY allocation)	\$0.00
a. Formula Funds	\$
b. Community Housing Development Org. (CHDO) Competitive	\$

7. Current Transaction (+ or -)	\$850,329.00
a. Formula Funds	\$850,329.00
1. CHDO (For deobligations only)	\$
2. Non- CHDO (For deobligations only)	\$
b. CHDO Competitive Reallocation or Deobligation	\$

8. Revised Obligation	\$
a. Formula Funds	\$
b. CHDO Competitive Reallocation	\$

9. Special Conditions (check applicable box) <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Attached	10. Federal Award Date (HUD Official's Signature Date) (mm/dd/yyyy) 03 /30 /2023
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11. Indirect Cost Rate*	12. Period of Performance Date in Box #10 - 09/01/2030															
<table><thead><tr><th>Administering Agency/Dept.</th><th>Indirect Cost Rate</th><th>Direct Cost Base</th></tr></thead><tbody><tr><td>—</td><td>—%</td><td></td></tr><tr><td>—</td><td>—%</td><td></td></tr><tr><td>—</td><td>—%</td><td></td></tr><tr><td>—</td><td>—%</td><td></td></tr></tbody></table>	Administering Agency/Dept.	Indirect Cost Rate	Direct Cost Base	—	—%		—	—%		—	—%		—	—%		* If funding assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E-Cost Principles, provide the name of the department/agency, its indirect cost rate (including if the de minimis rate is charged per 2 § CFR 200.414), and the direct cost base to which the rate will be applied. Do not include cost rates for subrecipients.
Administering Agency/Dept.	Indirect Cost Rate	Direct Cost Base														
—	—%															
—	—%															
—	—%															
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This Agreement between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Grantee's approved Consolidated Plan submission/Application, the HUD regulations at 24 CFR Part 92 (as is now in effect and as may be amended from time to time) and this HOME Investment Partnership Agreement, form HUD-40093, including any special conditions, constitute part of this Agreement. Subject to the provisions of this Agreement, HUD will make the funds for the Fiscal Year specified, available to the Grantee upon execution of this Agreement by the parties. All funds for the specified Fiscal Year provided by HUD by formula reallocation are covered by this Agreement upon execution of an amendment by HUD, without the Grantee's execution of the amendment or other consent. HUD's payment of funds under this Agreement is subject to the Grantee's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.502. To the extent authorized by HUD regulations at 24 CFR Part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Grantee without the Grantee's execution of the amendment or other consent. The Grantee agrees that funds invested in affordable housing under 24 CFR Part 92 are repayable when the housing no longer qualifies as affordable housing. Repayment shall be made as specified in 24 CFR Part 92. The Grantee agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58.

The Grantee must comply with the applicable requirements at 2 CFR part 200 that are incorporated by the program regulations, as may be amended from time to time. Where any previous or future amendments to 2 CFR part 200 replace or renumber sections of part 200 that are cited specifically in the program regulations, activities carried out under the grant after the effective date of the part 200 amendments will be governed by the 2 CFR part 200 requirements as replaced or renumbered by the part 200 amendments.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Universal Numbering System and System for Award Management (SAM) requirements in Appendix I to 2 CFR part 200, and the Federal Funding Accountability and Transparency Act (FFATA) in Appendix A to 2 CFR part 170.

The Period of Performance for the funding assistance shall begin on the date specified in item 12 and shall end on September 1st of the 5th fiscal year after the expiration of the period of availability for obligation. Funds remaining in the account will be cancelled and thereafter not available for obligation or expenditure for any purpose. Per 31 U.S.C. 1552. The grantee shall not incur any obligations to be paid with such assistance after the end of the Period of Performance.

13. For the U.S. Department of HUD (Name and Title of Authorized Official) Adrian M. Fields, Acting Director	14. Signature <i>Adrian M. Fields</i>	15. Date 03 / 30 /2023
16. For the Grantee (Name and Title of Authorized Official) Tommy Battle, Mayor	17. Signature	18. Date 04 /13/ 2023

19. Check one:

☒ Initial Agreement ☐ Amendment #

20. Funding Information: **HOME**

Source of Funds	Appropriation Code	PAS Code	Amount
2022	86 2/5 0205	HMF (L)	\$846,941.00
2021	861/40205	HMF (J)	\$1,869.00
2020	860/30205	HMF (H)	\$ 776.00
2013	86 X 0205-13	HMC (O)	\$ 743.00