

**COUNTY OF GASTON  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM MANUAL RESOLUTION**

*A Resolution Authorizing the Adoption of the Supplemental Program Manual for GASTON COUNTY during the implementation of the North Carolina Small Cities Community Development Block Grant- Neighborhood Revitalization (CDBG-NR) Program.*

WHEREAS, the COUNTY intends to participate in the Small Cities CDBG Program under the Housing and Community Development Act of 1974, as amended, and administered by the North Carolina Department of Commerce, Rural Economic Development Division Neighborhood Revitalization (REDD); and

WHEREAS, the CDBG program has many federal performance and procurement requirements;

WHEREAS, Gaston County adopted compliance plans in 2020 for the CDBG-NR program

WHEREAS, Many of the plans have been recently updated due to State and Federal program changes.

WHEREAS, the following documents are updated and supplemental policies and plans under this program;

- Language Access Plan
- Equal Opportunity Plan
- Fair Housing Plan & Complaint Procedure
- Procurement Standards
- Local Jobs Initiative (Section 3 Plan)
- Section 504 Self-Evaluation Survey
- Section 504 Non-Discrimination Policy
- Section 504 Grievance Procedure
- Citizen Participation Plan
- Residential Anti-Displacement and Relocation Assistance Plan
- Optional Coverage Relocation Plan
- Code Of Conduct/Hatch Act Policy
- Excessive Force/Section 519 Policy
- Acquisition Guidelines
- Disposition Guidelines
- Relocation Guidelines
- Clearance Guidelines
- Rehabilitation Guidelines
- Rehabilitation/Reconstruction Guidelines
- Hook Up Guidelines
- Public Facility Guidelines
- Complaint Procedure

- Contracts Officer Designation
- Labor Standards Officer Designation
- Verification Officer Designation
- Just Compensation Officer Designation
- Financial Management Procedure
- Neighborhood Revitalization Contractor Procurement and Disbursement Policy
- Neighborhood Revitalization Assistance Policy

THEREFORE, BE IT RESOLVED by the COMMISSIONERS of GASTON COUNTY, North Carolina:

1. That the following designees, and/or successors so titled, are hereby authorized to execute any and all grant-related documents:

Dr. Kim Eagle, County Manager

Matthew Rhoten, Deputy County Manager

Pat Laws, Grants Manager

Janet Shafer, Budget Manager

2. That this Program Manual is hereby submitted and adopted and to be used throughout the implementation of GASTON COUNTY CDBG Program.

Adopted this 9<sup>th</sup> day of November 2021.

✓

\_\_\_\_\_  
Tom Keigher, Chairman, Board of Commissioners

ATTEST:

✓

\_\_\_\_\_  
Donna S. Buff, County Clerk

**PROGRAM MANUAL**

**COUNTY OF GASTON**

**NORTH CAROLINA**

**SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

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**PRESENTED TO THE  
COUNTY COMMISSIONERS**

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**November 9<sup>th</sup>, 2021**

# PROGRAM MANUAL

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# LANGUAGE ACCESS PLAN

## PROVIDING MEANINGFUL COMMUNICATION WITH PERSONS OF LIMITED ENGLISH PROFICIENCY

### COUNTY OF GASTON

### CDBG PROGRAM

*The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.*

#### **POLICY:**

In order to avoid discrimination on the grounds of national origin (Title VI of the Civil Rights Act of 1964 and E.O. 13166), all programs or activities administered by GASTON COUNTY will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

#### **MEANINGFUL OPPORTUNITIES:**

All CDBG recipients are required to take reasonable steps to ensure meaningful access to their programs and activities. The methodology recommended by HUD is properly prepare a Limited English Proficiency Plan is as follows:

1. Conduct a four factor analysis;
2. Develop a Language Access Plan (LAP); and
3. Provide appropriate language assistance.

#### **DEFINITIONS:**

**Limited English Proficient (LEP) individual** – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

**Meaningful Access-** The ability to access programs and participate in services or activities.

**Vital Documents** – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

**Title VI Compliance Officer:** The person or persons responsible for administering compliance with the Title VI LEP policies.

**Substantial number of LEP:** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

#### **FOUR FACTOR ANALYSIS**

CDBG recipients must first assess and evaluate four factors when determining how to best serve eligible LEP persons. These factors include:

1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population (County/COUNTY/or county level);
2. The frequency with which LEP individuals come in contact with the CDBG program;
3. The nature and importance of the program, activity, or service provided by the CDBG program to people's lives; and
4. The (financial and human) resources available to the grantee/recipient and costs of language service options.

**Factor 1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population.**

To determine the number or proportion of LEP persons served in the **County**, the most recent American Community Survey data will be used.

**Factor 2. The frequency with which LEP persons come into contact with the CDBG program.**

This frequency with which a program engages with the public can vary depending upon the type of assistance. For CDBG grants, grantees must engage with the public at these critical steps:

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (i.e., seeking new connections/ hookups for water/sewer services)
- When seeking qualified contractors to bid on projects
- When working with homeowners selected for assistance
- When notifying the public on their civil rights and complaint procedures
- When notifying the public about the grant closeout and its accommodations

**Factor 3. The nature and importance of the programs, activities, or services to people's lives**

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services. The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. A CDBG recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

**Factor 4. Resources available to grantee/recipient and costs.**

The **COUNTY** takes all reasonable steps to ensure meaningful access for LEP persons to CDBG programs and activities. The availability of resources, however, may limit the provision of language assistance services in some instances. "Reasonable steps" may cease to be reasonable when the costs imposed substantially exceed the benefits. The **COUNTY's** LAP balances the needs of the LEP community with the funding resources available. If resources limit the provision of services already laid out in this document, the **COUNTY** will keep record of both the service requested and financial reasoning for the limitation.

**LANGUAGE ASSISTANCE MEASURES:**

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication staff is having with the LEP person (i.e., phone, in-person, or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, the **COUNTY** recognizes the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP residents access to CDBG programs and services. **COUNTY** Staff understands that the extent of the **COUNTY** obligation is to provide both oral and written translations is dependent on the four-factor analysis conducted by the community.

**1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder. The "I Speak" card in Spanish, for example, would read in Spanish as follows: "The language I speak is Spanish. Please find someone who is fluent so that I may communicate effectively. Thank you."

**GASTON COUNTY** will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or "I Speak cards," <http://www.lep.gov/resources/ISpeakCards2004.pdf> ) and LEP posters to determine

the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

## 2. OBTAINING A QUALIFIED INTEPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

COUNTY OF GASTON  
128 W. Main Avenue  
GASTONIA, NC 28053  
PHONE: 704-866-3771 /TDD: (711)  
www.gastongov.com

<b>Contact Person:</b>	Pat Laws	Donna S. Buff
<b>Title:</b>	Grants Manager	County Clerk
<b>Email:</b>	plaws@gastongov.com	Donna.buff@gastongov.com

**(Note: The agency must notify the *Rural Economic Development Division Neighborhood Revitalization (REDD)* Compliance Specialist immediately of changes in name or contact information for the Title VI compliance officer.)**

Check all methods that will be used:

- ☐ Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff **(provide the list)**:
- ☒ Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- ☒ Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

GASTON COUNTY does not have any bilingual staff. The County Health Department uses an agency to provides interpretive services that ensures that their employees are fluent in Spanish as well as number of other languages.

**(Identify the agency(s) name(s) with whom you have contracted or made arrangements)**

Have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are **(insert number (s))**, and the hours of availability are **(insert hours)**.

☒ Other **(describe)**:

GASTON COUNTY will contract the services of a qualified interpreter to be used when necessary. If the interpreter is not able to assist the LEP person, a telephone interpreter service will be used. *Telephone resource-* Fluent Language Solutions (telephone resource interpreting in over 200 languages): 704-532-7446 / 888-225-6056 TTY: 704-532-7430 has agreed to provide qualified interpreter services and the hours of availability are 24/7, 365 days per year with no appointment or scheduling necessary.

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP

person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person. Children and other residents will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

### 3. PROVIDING WRITTEN TRANSLATIONS

The **COUNTY** has chosen will follow the Safe Harbor rule, contained in HUD's final guidance, to assist in determining when to provide translations of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

*HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.*

As such, the **County's** eligible LEP population or current beneficiaries is:

- ☒ Exceeds 1,000 persons. Therefore, vital documents will be translated.
- ☐ More than 5% of the eligible LEP population or current beneficiaries and more than 50 in number. Therefore, vital documents will be translated.
- ☐ More than 5% of the eligible population or current beneficiaries and 50 or less in number. Therefore, there will be a translated written notice of the person's right to an oral interpretation of vital documents.
- ☐ 5% or less of the eligible population or current beneficiaries and less than 1,000 in number. Therefore, vital documents will not be translated at this time but, rather, a translated written notice of the person's right to an oral interpretation will be provided.

The **COUNTY** will set benchmarks for translation of vital documents into additional languages. When translation of vital documents is needed, the **COUNTY** will submit documents for translation into frequently-encountered languages and maintain records of this documentation. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

#### ***Vital Documents***

The **COUNTY** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, in determining vital documents. The **COUNTY** has identified those vital documents for each federally funded program that directly faces LEP individuals and for which a delay in service provision might significantly, negatively impact the wellness of any individual that program serves. The **COUNTY** has prioritized those documents for which either the following statements are true, according to direct program contacts:

- 1) Without this document, an individual could not access the program;
- 2) This document allows access to a major activity within the program.

These vital documents include:

- Public Notices – public meetings and public hearings;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Bid Documents and Notices;
- Fair Housing Information;
- Civil Rights Notices;
- Applications for Assistance;
- Income Surveys; and
- Complaint Procedures.



Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

#### **4. PROVIDING NOTICE TO LEP PERSONS**

The **COUNTY** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

The **COUNTY** shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to public hearing notifications, citizen participation documents, Environmental Review notifications, among other documents:

- *"This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request."*
- *"Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud."*

***\*\*Please note the address and name itself should not be translated (e.g. "Charlie" should not be translated to "Carlos"; "Main Street" should not be translated to "Calle Principal")***

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

**GASTON COUNTY will post notices and signs in the Main Lobby of Gaston County Administration Building.**

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations.

**The COUNTY also provides notification to the public through available social/web media, outreach documents, and newspaper advertising.**

#### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, the **COUNTY** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the **COUNTY** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

##### **I. Compliance Procedures, Reporting and Monitoring**

###### **A. Reporting**

The **COUNTY** will complete an annual compliance report and send this report to REDD. The form can be found at [https://deq.nc.gov/about/divisions/water-Neighborhood\\_Revitalization/i-have-funding/CDBG-NR-compliance-and-reporting-information](https://deq.nc.gov/about/divisions/water-Neighborhood_Revitalization/i-have-funding/CDBG-NR-compliance-and-reporting-information)  
<https://www.nccommerce.com/grants-incentives/grant-management-documents>

#### B. Monitoring

The **COUNTY** will complete a self-monitoring report on a semiannual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the REDD upon request.

The **COUNTY** will cooperate, when requested, with special review by the REDD.

### II. Applicant/Recipient Complaints of Discriminatory Treatment

#### A. Complaints

The **COUNTY** will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or their designee and briefly describe the alleged violation of this policy. The form can be found at [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint). The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The **COUNTY** will notify the appropriate section within REDD of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

#### B. Resolution of Matters

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by REDD, then complaint will be forwarded to U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) Field Office.

*HUD PORTAL LEP:*

<https://www.lep.gov/>

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/limited\\_english\\_proficiency\\_0](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0)

## EQUAL OPPORTUNITY PLAN

### COUNTY OF GASTON CDBG PROGRAM

#### A. Equal Housing Opportunity Plan

##### Civil Rights Act of 1964

The Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property.

##### The Fair Housing Act

The Fair Housing Act declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

##### Executive Order 12892, Equal Opportunity in Housing

Executive Order 12892, as amended (Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities.

##### North Carolina Fair Housing Act

The North Carolina State Fair Housing Act prohibits unlawful discriminatory housing practices for any person in real estate transactions, because of race, color, religion, sex, national origin, handicapping condition, or familial status; unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.

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The **COUNTY** shall eliminate housing discrimination, and achieve diverse, inclusive communities by leading the **COUNTY** in the enforcement, administration, and public understanding of federal fair housing policies and laws.

The **COUNTY** shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG documents intended to be shared with the public.

The **COUNTY** shall post in public buildings and the CDBG project area the Equal Housing Opportunity posters and/or additional information the local government has prepared to inform the community with the Equal Housing Opportunity policies and laws.

The **COUNTY** will take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil rights and fair housing laws.

The **COUNTY** hereby endorses an Affirmatively Furthering Fair Housing plan to ensure equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis as provided by state and federal statutes and regulations.

*Describe specific actions to be taken to contact and develop working relationships with local owners, real state and civic, charitable or neighborhood organizations in particular, to secure public understanding and responsibilities to exercise Equal Housing Opportunity: The **COUNTY** maintains the policy of providing equal opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor. The **COUNTY** has developed a fair housing program that includes activities that have provisions for reaching the visually impaired and ensuring equal opportunity for housing in the community for all persons regardless of income status.*

**B. Equal Employment Opportunity Plan**

***Executive Order 11246**, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964-1965 Comp. p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970., p. 803; 3 CFR, 1978 Comp., p. 230; 3 CFR, 1978 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and the implementing regulations at 41 CFR chapter 60; Section 109 of Title 1 of the Housing and Community Development Act of 1974; Title VII of Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; the Equal Employment Opportunity Act; the Immigration Reform and Control Act of 1986; the Vietnam Era Veterans' Readjustment Act of 1974, amended to Jobs for Veterans Act in 2002; Federal Executive Orders 11246, 11625, 12432, and 12138; Section 3 of the Housing and Urban Development Act of 1968; N.C.G.S. 126-16 (Equal Employment Opportunity); N.C.G.S 143-422.2 (Equal Employment Practice Act); N.C.G.S 168A-5-11 (Handicapped Persons Protection Act); N.C.G.S. 75B 1-7 (Discrimination in Business); N.C.G.S. 95-151(OSHA); N.C.G.S. 95-28.1; N.C.G.S. 127B-10-15 (Discrimination Against Military Personnel); N.C.G.S. 130A-148(i); N.C.G.S. 126-16; N.C.G.S. 143-48 and 143-128; and all applicable federal and other state regulations.*

GASTON COUNTY maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the **COUNTY** prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted, or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The **COUNTY** shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the **COUNTY GRANTS MANAGER / COUNTY CLERK**, successors so titled, and/or other persons designated by the Chief Elected Official to assist in the implementation of this policy statement.

The **COUNTY** shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years, the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Chief Elected Official / Local Governing Body. Records presented to the Chief Elected Official / Local Governing Body shall be maintained in the files and will be provided to REDD as needed.

The **COUNTY** is committed to this policy and is aware that with its implementation, the **COUNTY** will receive positive benefits through the greater utilization and development of all its human resources.

The **COUNTY** shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

The **COUNTY** shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other

non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The **COUNTY** shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

## FAIR HOUSING PLAN

COUNTY OF GASTON  
128 W. Main Avenue  
GASTONIA, NC 28053  
PHONE: 704-866-3771 / TDD: (711)  
[www.gastongov.com](http://www.gastongov.com)

<b>Contact Person:</b>	Pat Laws	Donna Buff
<b>Title:</b>	Grants Manager	County Clerk
<b>Email:</b>	plaws@gastongov.com	Donna.buff@gastongov.com

**I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time \_\_\_\_\_ Past Activities  X

**II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)**

One of the main obstacles towards affirmatively furthering Fair Housing in GASTON COUNTY is the lack of knowledge that residents have regarding Fair Housing practices. Generally, housing related industries (contractors, lenders, realtors, appraisers) are aware of the need for fair housing; however, they lack information regarding Federal and State fair housing legislation. Public-assisted housing providers appear to be more knowledgeable of legislation. There seems to be a lack of knowledge among residents of fair housing laws and a lack of affordable dwellings for large families. According to 2013-2017 American Community Survey data, approximately 34% of Hoke County residents are cost-burdened (households that spend more than 30% of their household budget on housing), with 50% of renters having difficulty affording rent (per the NC Housing Coalition). All activities undertaken will have provisions of reaching the visually impaired and ensure equal opportunity for housing in the community for all persons regardless of income status.

**III. Will the above activities apply to the total municipality or County?**

Yes  X  No \_\_\_\_\_ If no, provide an explanation. (Use additional pages as necessary)

**IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis. (Use attached table)**

**QUARTERLY ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING**

<b>Quarterly Fair Housing Activity</b>	<b>Months</b>	<b>Year</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
County to hire consultant and work with consultant to develop fair housing plan.	Jan-Mar	2020	\$200	
Adopt Fair Housing Plan and Complaint Procedure, create and post fair housing survey online.	April-June	2020	\$0	
Place fair housing compliant procedure in the local newspaper.	July-Sept	2020	\$200	
Mail fair housing information to local lenders.	Oct-Dec	2020	\$25	
Hold virtual training on fair housing lending.	Jan-Mar	2021	\$0	
Mail fair housing information to local realtors.	April-June	2021	\$25	
Post fair housing information in town hall, public library, and online.	July-Sept	2021	\$0	
Hold housing selection committee meeting to discuss fair housing obstacles and opportunities.	Oct-Dec	2021	\$0	
Place the fair housing complaint procedure on County website.	Jan-Mar	2022	\$0	
Update fair housing brochures and posters in County Administration Building and library branches.	April-June	2022	\$0	
Mail fair housing information to local lenders.	July-Sept	2022	\$25	
Place link on County website to HUD fair housing information page. Report to County Commissioners fair housing activities for the year.	Oct-Dec	2022	\$0	

*(This space left intentionally blank.)*

## FAIR HOUSING COMPLAINT PROCEDURE

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. It is the policy of GASTON COUNTY to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, familial status, marital status, or handicap/disability. In an effort to promote fair housing and that the rights of housing discrimination victims are protected GASTON COUNTY has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the COUNTY may do so by informing the COUNTY GRANTS MANAGER / COUNTY CLERK, COUNTY OF GASTON, 128 W. Main Avenue, GASTONIA, NC 28053, PHONE NUMBER 704-866-3771, TDD# (711) of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the COUNTY GRANTS MANAGER / COUNTY CLERK shall acknowledge the complaint within 10 days in writing and inform the North Carolina DEPARTMENT OF COMMERCE (NC DOC) - Rural Economic Development Division Neighborhood Revitalization (REDD), and the North Carolina Human Relations Commission (NCHRC) about the complaint.
3. The COUNTY GRANTS MANAGER / COUNTY CLERK shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the COUNTY.
4. The COUNTY GRANTS MANAGER / COUNTY CLERK shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

*This information is available in Spanish or any other language upon request. Please contact (**Grants Manager, Pat Laws**) at (**704-866-3771**) or at (**128 W. Main Avenue, Gastonia, NC 28053**) for accommodations for this request. Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (**Grants Manager, Pat Laws**) al (**704-866-3771**) o en (**128 W. Main Avenue, Gastonia, NC 28053**) de alojamiento para esta solicitud.*





## **Discrimination Complaints**

Visit the **NC Human Relations Commission** to file a discrimination complaint.

NC Office of Administrative Hearings Civil Rights Division

<https://www.oah.nc.gov/civil-rights-division/housing-discrimination>

<https://www.oah.nc.gov/documents/housing-discrimination-complaint-form>

Visit **HUD's website** to file a discrimination complaint

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

Visit the **US Department of Justice** Civil Rights Division to file a discrimination complaint

<https://www.justice.gov/crt/how-file-complaint>

The **NC Fair Housing Project of Legal Aid of North Carolina** is funded by a HUD Fair Housing Initiatives Program (FHIP) grant. The Fair Housing Project of NC is available to provide information concerning a person's rights under the Federal Fair Housing Act. When necessary, staff can also assist victims of housing discrimination in filing a complaint with HUD or other appropriate administrative or judicial bodies. For more information, or if you believe you have been a victim of housing discrimination, call the FHP's toll-free number: **1-855-797-FAIR (1-855-797-3247)**.

<https://www.fairhousingnc.org/>

# PROCUREMENT STANDARDS POLICY AND PLAN

## COUNTY OF GASTON CDBG PROGRAM

### I. POLICY

The **COUNTY** will comply with the terms and conditions of Federal and/or State funding that is awarded and accepted, including but not limited to, the terms and conditions of Grant Contract, and the Procurement Policy of the *North Carolina Department of Commerce (DEQ) Rural Economic Development Division Neighborhood Revitalization (REDD), CDBG-NR Program* (Procurement Policy), Title 2 C.F.R. Part 200, and HUD implementing regulations contained in 24 C.F.R. § 570.489(g) which are incorporated by reference and included herein to the extent of its applicability. The States were advised by HUD to develop their own procurement policies, and the CDBG Program has developed and adopted the attached policy as reference for its grantee communities, using the 2 CFR Part 200 federal regulations, supplemented with NC General Statutes 143-64.31, 143-129, and 143-131 as guidance. The **COUNTY**, as the recipient of Federal and/or State CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid North Carolina State and Federal Procurement Policies.

The **COUNTY** will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services. Additionally, the **COUNTY** will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, as applicable under 2 CFR Part 200.101(d)(1)).

### II. PLAN

All procurement of goods and services by **COUNTY** with CDBG grant funds shall be accomplished in accordance with the regulations of **Procurement Standards**, where applicable, Recipient shall follow the procurement standards established in the "Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards" (2 C.F.R. Part 200) and HUD implementing regulations contained in 24 C.F.R. § 570.489(g) and (h), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 C.F.R. 570.489 (g), and 24 C.F.R. 135.38, or the North Carolina General Statutes applying to procurement in general by the North Carolina municipalities and counties.

When the Federal and State regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, during procurement of goods and services with Federal funds, the **COUNTY** will adhere to the guidelines as outlined in the CDBG-NR Procurement Policy, as described:

- (a) Non-Competitive Negotiation: In all cases where goods or services are procured on the basis of one bid or proposal received, the **COUNTY** will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. *The **COUNTY** shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-NR Program shall be obtained prior to entering into a single source contract.*
- (b) Section 3: Section 3 certified businesses, underutilized businesses, including women-owned, and minority-owned enterprises, shall be included on bidders' or professional services' lists maintained by the **COUNTY** and such, firm(s) shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for good and services.

- (c) Debarment: Prior to any contract award, the **COUNTY** shall verify the contractor's eligibility to participate in a federally-assisted program.
- (d) Conflict of Interest: No consultant or bidder shall assist in the development of the Request for Proposals or in the Request for Qualifications posting in which the consultant or bidder has a direct or indirect interest. No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The **COUNTY** shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- (e) Professional Services Contracts: Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent, *taking price into consideration*. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, *without regard for price*. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.

The **COUNTY** shall develop a written scope of work for each service to be awarded on the basis of *competitive negotiation*, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The selected engineering services respondent and the **COUNTY** shall then enter into *competitive negotiations* to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

- (f) Construction and Repair Services: Construction services shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.
  - The **COUNTY** shall request references, or check references, of contractors or firms who are awarded contracts with Federal grant funds, and will request a written warranty for all goods and services provided through small purchases requests.
  - The **COUNTY** shall not award any contract for federally-assisted projects on a contingency or cost plus percentage of cost basis.
  - The **COUNTY** shall hold a pre-bid meeting and a pre-construction meeting for each bid under a CDBG project. A rating criterion for the bids might add points for attending the pre-bid meeting of contractors, but it is not prerequisite for the potential bidders.

## LOCAL JOBS INITIATIVE SECTION 3 ACTION PLAN

### LOCAL ECONOMIC BENEFIT FOR LOW-INCOME PERSONS WORKERS & BUSINESSES

#### COUNTY OF GASTON CDBG PROGRAM

##### I. APPLICATION AND COVERAGE OF POLICY

The **COUNTY** is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents (referred to as Section 3 workers) of the community development project area and contracts for work in connection with the federally assisted community development project be awarded to qualified business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, GASTON COUNTY has developed and hereby adopts the following Section 3 Action Plan (Section 3 Plan).

The **COUNTY** will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u; 24 C.F.R. Part 135; 24 C.F.R. Part 75), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder. *This Section 3 plan is subject to additional and supplemental policies and procedures outlined by the REDD CDBG-NR Program as new guidance is implemented in relation to the updated regulation at 24 CFR Part 75.*

The **COUNTY** will be responsible for implementation and administration of the Section 3 plan. In order to implement the **COUNTY'S** policy of encouraging local residents (Section 3 workers) and qualified local businesses participation in undertaking community development activities, the **COUNTY** will follow this Section 3 Plan which describes the steps to be taken to provide increased opportunities for local residents (workers) and businesses. This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance, and repair, etc.

##### II. DEFINITIONS (29 CFR 75; Federal Register Vol. 85, No. 189, 09/29/20, 60907)

Section 3 covered project area: An area within 1 mile of the project, or within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to most recent U.S. Census data.

A Section 3 worker meets one of the following criteria, as documented within the past five years: a) Their current income is below the income HUD income limits, b) they are employed by a Section 3 business concern, or c) they are a YouthBuild participant.

A Targeted Section 3 worker meets one of the following criteria, as documented within the past five years: a) They live in the project's service area or neighborhood, b) they are employed by a Section 3 business concern, or c) they are a YouthBuild participant.

A Section 3 business concern meets one of the following requirements: a) 51% or more owned by low- or very low-income persons; b) 75% or more labor hours performed by low- or very low-income persons; c) 51% or more owned by current public housing or Section 8- assisted housing.

##### III. HISTORICAL COMPLIANCE (24 CFR 135)

Section 3 covered project area: The **COUNTY** and portions of the immediately adjacent area.

Numerical Goals: Section 3 minimum numerical goals (established by the Section 3 regulations at 24 CFR 135.30):

- 30 % of the aggregate number of new hires shall be Section 3 residents
- 10 % of the total dollar amount of all covered construction shall be awarded to Section 3 business concerns.

- 3 % of the total dollar amount of all covered non-construction contracts shall be awarded to Section 3 business concerns.

Section 3 resident: As documented within the past three years, their current income is below the local income HUD income limits, or they live in public housing or Section 8-assisted housing.

A Section 3 business concern is defined as a business where

- 51% or more of the business is owned by Section 3 residents; or
- 30% or more employed staff are Section 3 residents; or
- 25% of subcontracts are committed to Section 3 businesses.

Grantee Responsibilities:

1. When in need of a service, the **COUNTY** will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Administration, local directories, and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers.
2. Early in the project, prior to any contracting, major purchases or hiring, the COUNTY will develop a listing of jobs, supplies and contracts likely to be utilized during the project. The COUNTY will then advertise the pertinent information regarding the project including all Section 3 required information. *Rural Economic Development Division Neighborhood Revitalization (REDD) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.*
3. The **COUNTY** will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program.
4. The Section 3 Plan and the Section 3 minimum numerical goals shall be mentioned in the pre-bid meetings and the pre-construction meetings.
5. The Section 3 minimum numerical goals shall be met by the **COUNTY** if the minimum numerical goals are not met, an explanation and the efforts taken by **COUNTY** to meet the goals shall be described in the Annual Section 3 report. The report must be submitted along with the Annual Performance Report (APR) during the life of the grant.

Contractor Requirements:

1. The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline their work needs in connection with the project. Should a need exist to hire any additional personnel, the County NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>) shall be notified and referred to the contractor.
2. Each contract for rehabilitation, replacement, or new construction under the program, as applicable, for jobs having contracts in excess of **\$100,000** shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.
3. The contractor will include the Section 3 clause and plan(s) in all subcontracts under the CDBG Program.

#### **IV. UPDATED COMPLIANCE (24 CFR 135)**

*In accordance with 12 U.S.C. 1701u the **COUNTY** agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 workers and Section 3 businesses of the area in which the project is being carried out.*

- Identify projected employment, training, and contracting opportunities as the recipient of federal funds and to facilitate the training and employment of Targeted Section 3 workers, Section 3 workers and contracting with Section 3 businesses.
- Notify and recruit Section 3 workers and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: public hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce, NCWorks; local advertising media including public signage; project area committees and citizen advisory boards and meetings; local HUD offices; regional planning agencies; public and private institutions operating within or serving the project area; and all other appropriate referral sources.

- Include Section 3 information in procurement solicitations, incorporate Section 3 clauses in contractual documents, and review Section 3 information at the pre-bid meeting and preconstruction conference and then monitor contractor compliance.
- Maintain a list of those eligible Section 3 business concerns for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general grant recipient procurement needs.
- Maintain a list of those persons who have identified themselves as Section 3 workers and contact those persons when hiring/training opportunities are available through either the grant recipient or contractors.
- Require all bidders, and their subcontractors, to submit a written Section 3 Affirmative Action Plan with their bids. In addition, require submission of and monitor all prime contractors and subcontractors' forms and reports to document actual accomplishments and compliance.
- Maintain records, including copies of correspondence, memoranda, reports, contracts, etc., which document that the above action steps have been taken and any barriers encountered. And submit reports and qualitative information on accomplishments as required.
- To the extent feasible, additional affirmative steps and qualitative efforts will be taken to encourage and utilize Section 3 workers and businesses and to reach employment, training, and contracting numerical benchmarks.

#### V. AFFIRMATIVE ACTIONS FOR RESIDENT (WORKER) AND BUSINESS PARTICIPATION (BEST PRACTICES)

The **COUNTY** will take the following steps to assure that lower income residents (workers) and businesses within the community development project area and within the **COUNTY** are used whenever possible: **(Describe below)**

Where feasible, the **COUNTY** will attend Section 3 trainings; place known qualified residents (workers) and businesses on solicitation lists, assure that residents and businesses are solicited whenever they are potential sources of contracts, services or supplies; divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses; establish delivery schedule, where the requirements permits, which encourages participation by area for residents and businesses.

Please check the methods to be used for the Section 3 program in your community:

☒ The **COUNTY** will place a display advertisement in the local newspaper containing the following information:

- A brief description of the project
- A listing of jobs, contracts, and supplies likely to be utilized in carrying out the project.
- An acknowledgement that under Section 3 of the Housing and Community Development Act, residents and businesses will be utilized for jobs, contracts, and supplies in carrying out the project to the greatest extent feasible.
- A location where individuals interested in jobs or contracts can register for consideration
- A statement that all jobs will be listed through and hiring will be done through the local office of the NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>); a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, of which the **COUNTY** will maintain a list for individuals and business concerns inquiring information.

☐ Training and technical assistance will be provided by the local community college for low-income residents (workers) requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Commissioners, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

☒ Low-income residents (workers) and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- Advertisement in the local newspaper
- Posting of Section 3 Plan at the **GASTON COUNTY ADMINISTRATION BUILDING**
- COUNTY COMMISSIONERS** meeting when project activities and schedules are discussed

- iv. Open meetings of Project Advisory Committee when everyone in neighborhood is invited
- v. Notification to other agencies that provide services to low-income people.

☐ Other (**describe**):

The **COUNTY** will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

- 1. Encourage rehabilitation contractors to hire local area residents (workers)
- 2. Encourage public works contractors to hire local area residents (workers)

The **COUNTY** will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area:

- 1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
- 2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
- 3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

## VI. RECORDS AND REPORTS

The **COUNTY** will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of REDD, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The **COUNTY** shall report annually the Section 3 numbers using the form HUD 60002 to REDD at the end of the calendar year as part of the Annual Performance Report (APR), along with supplemental reports required by CDBG-NR and/or HUD.

## VII. MONITORING COMPLIANCE

The **COUNTY** may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

## VIII. SECTION 3 COORDINATOR CONTACT INFORMATION

Please provide the main contact in case that any complaint is received or general information is requested by the general public on Section 3 compliance (**including name, phone number, address, and email**):

COUNTY OF GASTON  
 128 W. Main Avenue  
 GASTONIA, NC 28053  
 PHONE: 704-866-3771 / TDD: (711)  
[www.gastongov.com](http://www.gastongov.com)

<b>Contact Person:</b>	Pat Laws	Donna Buff
<b>Title:</b>	Grants Manager	County Clerk
<b>Email:</b>	plaws@gastongov.com	Donna.buff@gastongov.com

HUD PORTAL SECTION 3: <https://www.hud.gov/section3>  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/section3/section3](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3)



## SECTION 504 SELF - EVALUATION 24 CFR PART 8

### COUNTY OF GASTON CDBG PROGRAM

#### **INTRODUCTION**

The following is a checklist of general requirements that recipients should consider in their self- evaluation efforts under Section 504 of the Rehabilitation Act of 1973, as amended. It should be used in conjunction with the United States Department of Housing and Urban Development (HUD)'s regulations at 24 CFR Part 8.

This checklist is designed to serve as a working guidance tool to help recipients focus on key issues that could affect the accessibility of their programs and practices. In developing answers to the questions, a recipient will be preparing most of the information that Section 504 requires. Use of the checklist should also assist a recipient in pinpointing areas where action is likely to be required to achieve compliance with Section 504. It should be emphasized, however, that this checklist is for reference purposes, and is not intended as a substitute for individual judgment or analysis of the pertinent regulations issued pursuant to Section 504. Any information in this checklist cannot be used as a sole basis for determining compliance with Section 504.

The government wide regulations do not prescribe a specific form. This self-evaluation was compiled from material by the Thompson Publishing Group *Section 504 Compliance Handbook*, the Department of Justice Civil Rights Division Technical Assistance Guide (TAG), report on *Section 504 Self-Evaluation* of U.S Department of Housing and Urban Development conducted programs and activities, and other HUD Region IV state checklists.

#### **Grant Agreement Contract**

Per the Grant Contract, recipients must comply with the provision of Section 504 of the Rehabilitation Act of 1973, as amended, and HUD implementing regulations at 24 C.F.R., Parts 8 and 9. Recipients must complete the Section 504 Survey and adopt a Grievance Procedure, as well as complete a Transition Plan, if applicable. These documents cover policies, practices, and physical accessibility and notify affected persons that it does not discriminate on the basis of the handicap. Compliance with the plan must be documented, including the information made public and the means used to make it public.

#### **24 CFR - 8.51 Self-Evaluation**

(a) Each recipient shall, within one year of July 11, 1988, and after consultation with interested persons, including individuals with handicaps or organizations representing individuals with handicaps: (1) Evaluate its current policies and practices to determine whether, in whole or in part, they do not or may not meet the requirements of this part; (2) Modify any policies and practices that do not meet the requirements of this part; and (3) Take appropriate corrective steps to remedy the discrimination revealed by the self-evaluation.

(b) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (a)(1) of this section, maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request: (1) A list of the interested persons consulted; (2) a description of areas examined and any problems identified; and (3) a description of any modifications made and of any remedial steps taken.

#### **INSTRUCTIONS**

**Completing the Evaluation:** The questions in the evaluation are a *guide* to ensure Section 504 compliance. Answer each question with Yes, No, N/A, a description, list, or explanation. If a question does not apply to your local government, then write "N/A" next to the question and explain. Some questions require identification of modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, questions will require that additional information be supplied to complete the evaluation process. Please be sure to attach the local government grievance procedure and current nondiscrimination policy (e.g. *excerpts* from Human Resources personnel policies). The survey itself does not need to be adopted, but the grievance procedure and nondiscrimination policy do.



**SECTION 504 SELF - EVALUATION SURVEY  
24 CFR PART 8**

**COUNTY OF GASTON  
CDBG PROGRAM**

**I. RECIPIENT INFORMATION**

Date Survey/Evaluation Completed: 2016/2020

Name of local government staff person(s) and successors so titled responsible for Self-Evaluation and coordinating Section 504 Compliance:

COUNTY OF GASTON  
128 W. Main Avenue  
GASTONIA, NC 28053  
PHONE: 704-866-3771 / TDD: (711)  
[www.gastongov.com](http://www.gastongov.com)

<b>Contact Person:</b>	Pat Laws	Donna Buff
<b>Title:</b>	County Grants Manager	County Clerk
<b>Email:</b>	<a href="mailto:plaws@gastongov.com">plaws@gastongov.com</a>	<a href="mailto:donna.buff@gastongov.com">donna.buff@gastongov.com</a>

**II. PROGRAM POLICY**

*This section evaluates the program local government policies and their effect on individuals with disabilities. Please respond to the following questions by checking the appropriate box, and providing additional information where requested. In some instances, more than one box will be checked.*

**1. How does your agency incorporate provisions to ensure equal opportunity for individuals with disabilities into its policy and program initiatives?**

Equal opportunity for persons with disabilities is very important to the **COUNTY**. Equal Opportunity issues are discussed during **COUNTY** policy. The **COUNTY** has posted notices in public buildings and advertised the policy of non-discrimination, as well as providing discussions during **COUNTY COMMISSIONERS** meetings. The **COUNTY** takes special effort to make interactions with the public amenable to all including those with disabilities or handicaps. Persons with disabilities requiring special accommodations are asked to contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, at least 48 hours prior to the scheduled meeting.

**2. Does your agency provide opportunities when developing or amending its policies for qualified people with disabilities to participate as staff, consultants, or other visitors?**

Yes. Gaston County Administration Building & Commissioners Chambers are handicap accessible with equal access for all residents and visitors.

**3. How does your agency support any needed accommodations for visitors, staff, or other meeting participants who may have disabilities (e.g., certified sign language or oral interpreter, a reader or taping printed material)?**

There are no specific dollars set aside for this specific purpose however the **COUNTY** does utilize miscellaneous line item under the governing body to accommodate this support. The **COUNTY** has made notification to persons with disabilities especially those with vision and hearing impairments and will provide appropriate assistance to ensure program participation for all.

**4. Is your agency able to modify its programs/activities, if necessary, to provide reasonable accommodations to individuals (staff or the public) with disabilities?**

☒ YES (Specify efforts): Persons with disabilities requiring special accommodations are asked to contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, at least 48 hours prior to the scheduled meeting.

**5. Is agency staff aware that programs/activities may have to be modified in order to accommodate individuals with disabilities?**

☒ YES (Specify efforts): Persons with disabilities requiring special accommodations are asked to contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, at least 48 hours prior to the scheduled meeting.

**6. Does your agency notify individuals with disabilities that they may request reasonable accommodations, including modification of office policies? If so, please identify how such notification is provided, and to whom (public or staff)?**

☒ YES (Specify efforts): Yes, 48 hours' notice is requested to be provided and the public should inform **COUNTY CLERK / COUNTY GRANTS MANAGER** as provided in all advertisements of public hearings or notices.

**7. Are there any instances where your agency has been unable to modify a policy because such modification would either fundamentally alter the nature of the program, or result in an undue financial or administrative burden?**

There are currently no known policies or practices that may create barriers for individual disabilities. The County Budget and Capital Improvements Plan include this information and are on file in the County Finance Office.

**8. Is access for people with disabilities a consideration when your agency undertakes special policy related efforts?**

☒ YES (Specify efforts): There is usually no problem in accommodation. The **COUNTY** attempts to consider all needs when adopting or modifying policies.

**9. Do you have staff members who serve on an emergency evacuation committee to assist visitors and staff with disabilities?**

☐ YES

☒ NO (Comments): There is no designated emergency evacuation committee. However, in case of emergency all personnel present will assist visitors and staff with disabilities. The County is in charge of all emergency evacuations.

**10. Do staff members receive training in emergency evacuation?**

☒ YES The County is in charge of all emergency evacuations. The County's police officers are periodically trained, and other staff are trained periodically.

☐ NO (Comments):

**11. Please complete the chart below, using the following instructions:**

- a. Identify all of the policies and practices from your completed program policy section that do not or may not meet the requirements of Section 504, and may create barriers for individuals for individuals with disabilities:

There are currently no known policies or practices that may create barriers for individual disabilities.

- b. List all proposed actions or actions that have been or will be taken by your Agency to modify your policies/practices to ensure compliance with Section 504

There are no proposed actions to modify policies/practices at this time.

- c. Has the proposed action/action been identified as a financial and administrative burden? If so, how the conclusions were reached and list any alternative actions that may be taken that do not constitute a financial and administrative burden.

The **COUNTY** will evaluate whether the actions need to be obtained for Community Capital Improvements or provided on a case-to-case basis.

- d. List target dates for which action may be taken by your Agency to modify your policies/practices

Since there are no proposed actions to modify policies and practices there are no target dates at this time.

Barrier Identified	Proposed Actions/Modification to Remove Barrier	Could the action result in an undue financial/admin. burden or alter the nature of the Program/Activity (if yes, please identify how the conclusion was reached and list any alternative actions)	Target date of action

### III. PROGRAM ACCESS

1. Describe the analysis of all programs and activities and all aid, benefits, and services to determine the degree to which they are accessible to qualified handicapped persons:

Analysis of all programs and activities are performed yearly per HUD CDBG grant requirements. Procedures for providing program access are clearly stated. **COUNTY** advertisements include statements regarding non-discrimination on the basis of disabilities. The Section 504 contact person's name, address and phone numbers are listed in printed materials

2. Describe methods that have been used to involve handicapped persons (or organizations representing handicapped persons) in the development of activities designed to achieve program accessibility:

The **COUNTY** disseminates information to all agencies that deal with persons with disabilities in the jurisdiction.

3. Are there boards, Commissioners or similar bodies on which program participants sit?

☒ YES- List steps to ensure equal opportunities for selection to, and participation in, such boards by persons with disabilities:

It is the **County's** policy to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with disabilities (particularly persons with impaired vision or hearing) can have the opportunity to participate in, and enjoy the benefits of, programs and activities. The **COUNTY** requests that notice be given 48 hours before the scheduled meeting.

4. Does the local government notify participants, applicants, beneficiaries, employees, unions of professional organizations, and the general public (posted notices, newspaper ads, office memoranda, etc.) that the grantee does not discriminate on the basis of disability in its federally assisted programs and activities?

☒ YES- Briefly describe the methods used to notify the public about non-discrimination policies:

All notices in the paper or announcements have the following statement: The **COUNTY** does not discriminate based on race, color, religion, sex, national origin, handicap, age, familial status, in the admission, access to, treatment or employment in the CDBG program and activities. Persons with disabilities requiring special accommodations should contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, TDD: at least 48 hours prior to the scheduled meeting.

#### IV. PUBLIC OUTREACH

##### A. COMMUNICATION AND NOTIFICATION

1. Does the recipient engage in any meetings or oral presentations, printed materials, advertisements, or other methods to recruit program participants, or otherwise inform persons of the program's existence?

☒ YES- Describe briefly the activities involved and the materials used.

**COUNTY COMMISSIONERS** meetings are posted on the **County's** website and the **COUNTY** bulletin board in **GASTON COUNTY ADMINISTRATION BUILDING**. Special-called meetings (such as public hearings) are additionally in the newspaper. These meetings inform the public of all happenings within the **COUNTY**.

2. Has the local government taken appropriate steps to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with speech, vision, or hearing impairments can have the opportunity to participate in, and enjoy the benefits of local government programs and activities?

☒ YES- Proceed to Question 3

☐ NO- Modification or corrective action:

3. Describe approaches and special procedures adopted to ensure effective communications with project beneficiaries and/or members of the general public with disabilities, especially those vision, speech, and hearing impairments (Methods include, but are not limited to provision of auxiliary aids or presentation of materials in alternative formats qualified sign language and oral interpreters, readers, or the use of taped, large print, closed-captioned video, and Braille materials.)

The **COUNTY** will provide large print and closed-captioned video when necessary. Other methods include, but are not limited to, provision of auxiliary aids, presentation materials in alternative formats, qualified sign language and oral interpretation, or readers upon request.

4. Describe how the local government advertises to the public availability of auxiliary aids and services for effective communication to participate in the local government programs and services.

The **COUNTY** states in advertisements and notices that it does not discriminate based on race, color, religion, sex, national origin, handicap, age, familial status, in the admission, access to, treatment or employment in the CDBG program and activities. Persons with disabilities requiring special accommodations should contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, TDD: at least 48 hours prior to the scheduled meeting.

5. Describe how the local government will ensure that meetings, hearings, and conferences will be accessible for individuals with communication disabilities.

The **COUNTY** will provide written materials to individuals with visual or hearing disabilities.

6. Describe how an individual with a disability may request assistance and express their preference for auxiliary aids and services from the local government.

Persons with disabilities requiring special accommodations should contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, at least 48 hours prior to the scheduled meeting.

7. Describe how the local government will provide auxiliary aids or services on request.

The **COUNTY** will provide aids as necessary and upon request.

8. List steps to ensure inclusion or a notice of the recipient's compliance with Section 504 in all materials and advertisements.

The **COUNTY** monitors Section 504 compliance through annual reporting. The **COUNTY** states in advertisements and notices that it does not discriminate based on race, color, religion, sex, national origin, handicap, age, familial status, in the admission, access to, treatment or employment in the CDBG program and activities. Persons with disabilities requiring special accommodations should contact the **COUNTY** at 704-866-3771, TDD Relay Service at 711, TDD: at least 48 hours prior to the scheduled meeting.

9. Has the local government installed a reader, developed Braille materials, audio recordings or other similar services and devices for persons with impaired vision?

☒ YES- The **COUNTY** makes audio records available of public meetings. Upon request for any additional services/devices, the **COUNTY** will evaluate whether the service/device needs to be obtained for Community Capital Improvements or provided on a case-to-case basis.

☐ NO- Modification or corrective action:

10. Does the recipient provide services or information to the general public over the telephone?

☒ YES- Is a teletypewriter (TTY - also referred to as a Telecommunication Device for the Deaf - TDD) or other equally effective system available so that public entities can communicate with individuals with hearing or speech impairments?

The **COUNTY** utilizes the State telecommunication system.

☐ NO- List steps to ensure effective communications with individuals with hearing or speech impairments. This can include providing a TTY or relying on a third-party relay service. The Justice Department encourages public entities that have extensive phone contact with the public to have TTYs to assure more immediate access.

11. What is the TTY/TDD number listed in directories and disseminated information?

TDD Relay Service at 711 or TDD: . The **COUNTY** utilizes existing telecommunication devices provided by the State for this purpose.

12. Is signage concerning the location of TTY-equipped pay phones or portable TTYs available?

☐ YES

☒ NO- Not applicable as the **COUNTY** uses State facilities.

13. Are all 911 emergency response centers equipped with TTYs or other equally effective technology to make the service accessible to individuals with hearing or speech impairments? Separate, seven-digit phone numbers and/or reliance on a third-party relay service is not an acceptable alternative for making 911 services accessible.

☒ YES: The County takes care of all 911 requests and forwards to the appropriate facility.

☐ NO- Modification or corrective action:

14. Is signage at inaccessible entrances directing people with disabilities to an accessible entrance or a location with information about an accessible entrance?

All meeting areas have been chosen to be accessible to all citizens.

☒ YES- On the occasion that an entrance would not be accessible a sign will be posted.

☐ NO- Modification or corrective action:

15. What steps, if any, have been taken to ensure that all of the programs' web site(s) are accessible?

The **County's** website is accessible.

16. List all local government activities where a sign language and/or oral interpreter, readers, and assistive listening devices might be needed to ensure that persons with hearing and visual impairments can fully participate in the program or activity (e.g., securing services in expeditious manner, department responsible for ensuring such services, policy source and date, date policy distributed to staff).

All **COUNTY COMMISSIONERS** meetings, when requested 48 hours before the meeting, accommodations will be made. Other events can include emergencies and local festivals/events.

**B. INFORMATION DISSEMINATION**

1. Can copies of written materials be reasonably obtained by individuals with disabilities?

☒ YES ☐ NO

2. Have disability groups been included in the dissemination process?

☒ YES ☐ NO

3. Does the local government use all available print and broadcast media to ensure that all individuals with disabilities receive appropriate notification?

☒ YES ☐ NO

4. Does the local government disseminate information to all agencies or organizations that deal with persons with disabilities in the local government service jurisdiction?

☒ YES ☐ NO

5. Does all of the information disseminated by the local government include current non-discrimination policies?

☒ YES ☐ NO

***NO to any questions above - Modification or corrective action:***

**C. PRINTED MATERIALS**

1. Are written materials including posters with non-discrimination notices placed in physically accessible locations?

☒ YES ☐ NO

2. Can small print of posted announcements be read from a wheelchair?

☒ YES ☐ NO

3. Are all words in printed materials clearly legible?

☒ YES ☐ NO

4. Would color blind individuals be able to distinguish all contents in printed materials?

☒ YES ☐ NO

5. Are representations of disabled individuals free of patronizing stereotypes?

☒ YES ☐ NO

6. Do graphics in printed material permit easy reading of the contents?

☒ YES ☐ NO

7. Is all necessary program information included in printed material?

☒ YES ☐ NO

8. Are procedures for providing program access to disabled individuals stated clearly?  
☒ YES ☐ NO
9. Do all appropriate local government documents include policy statements about non-discrimination on the basis of disabilities?  
☒ YES ☐ NO
10. Are the Section 504 contact person's name, address, and phone number listed in printed material?  
☒ YES ☐ NO

***NO to any questions above - Modification or corrective action:***

**V. PROGRAM ELIGIBILITY/ADMISSION CRITERIA**

1. Are there any limitations on the number of qualified persons with disabilities who may participate in or be admitted to the program?  
☐ YES- List steps to be taken to eliminate the limitations.  
☒ NO
2. Has the local government examined all policies pertaining to program eligibility and admission criteria to determine if they had the purpose or effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?  
☒ YES  
☐ NO- Modification or corrective action:
3. Has the local government, in examining its policies on program eligibility and admission criteria, paid particular attention to those incorporating or establishing: (1) physical or mental fitness or performance requirements; (2) safety standards; (3) testing requirements; (4) educational requirements; (5) work experience requirements; (6) income level requirements (7) credit rating requirements; (8) requirements based on disability; (9) requirements that prohibit participation because of disability; and (10) insurability requirements?  
☒ YES  
☐ NO- Modification or corrective action:
4. Has the local government altered or eliminated policies that have the direct or indirect effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?  
☐ YES- List any policies that have been altered or eliminated.  
☐ NO- Modification or corrective action:  
☒ N/A- Explain (e.g., **no such policies found in review**), then proceed to Question 6.
5. Has the local government communicated the policy changes to staff members and the public?  
☐ YES  
☐ NO- Modification or corrective action: N/A- no changes
6. Are any criteria or tests used in the admission process?  
☐ YES – Proceed to Question 7  
☒ NO- Proceed to Question 8

7. List all criteria (e.g., good health, residency requirements, letters of recommendation) and tests (including the skill, level of achievement, or other factors being tested, whether they are written or oral tests and the method of administration) used in the admissions process, that have or could have a disproportionately adverse impact on program applicants with disabilities. Discuss briefly the potential negative impact for each and indicate how they relate to the program. Discuss alternative criteria or tests that will be used to ensure nondiscrimination. The use of a criterion or test may have to be suspended as long as this does not result in an undue hardship or fundamental alteration to the program.

None

8. List steps to be taken to make potential program participants, including those with hearing and vision impairments and learning disabilities, aware of alternative testing/criteria and interview processes.

N/A, there is no testing criteria for program eligibility.

9. List steps to provide admission forms in alternative formats.

N/A. Program participants are informed to request assistance as needed. Due to the limited staff and funding resources, to relieve undue financial and admin burdens, any and all requests for accommodations and modifications for individuals with disabilities are handled on a case-by-case basis and/or upon request for assistance.

10. List steps to ensure that applicants are not asked pre-admission inquiries as to the nature and extent of a disability, and that no forms or other written materials make mandatory inquiries related to disability.

Due to various federal program requirements, overall program participants are asked of disability status on admission forms. However, the status indicated by the potential program participant does not impact the applicant's eligibility to participate in community programs.

## **VI. PROGRAM PARTICIPATION**

1. Are post-admission inquiries made regarding disability status to make accommodations for persons with disabilities?

☐ YES - List steps to ensure that information is gathered voluntarily, not used to adversely affect any person with a disability and kept confidential.

☒ NO- There are no post-admission inquiries. Any request of disability status in regard to program participation is only for program reporting, not for program eligibility requirements.

2. Is there an orientation for new participants?

☐ YES- Describe briefly the orientation and materials used, and list steps to ensure effective communications and usable materials in alternative formats for all participants.

☒ NO- Via the citizen participation process, potential program participants are informed to request assistance as needed

3. Review all written materials, tools, equipment or other aids or devices used for the program. Do any need modification?

☐ YES - List steps such as the provision of auxiliary aids and equipment modification to ensure that program materials and equipment are accessible and usable.

☒ NO- All requests for assistance are handled on a case-by-case basis.

4. Would any steps pose an undue financial or administrative burden?

☐ YES- List alternative methods of providing accessibility that would not impose an undue financial or administrative burden.



☒ NO- The **COUNTY** does not have specific tools or equipment at this time. Upon request for such services/devices the **COUNTY** will evaluate whether the service/device needs to be obtained for community Capital Improvements or provided on a case-to-case basis.

5. Are any of the following services or benefits provided to program participants? (Check all that apply. If none provided, proceed to Question 6.) *None*

- ☐ Transportation services
- ☐ Health services and insurance/benefits
- ☐ Housing
- ☐ Counseling services
- ☐ Employment services
- ☐ Food services
- ☐ Financial aid
- ☐ Social, recreational, or athletic activities

List steps to ensure that:

- The service/benefit is equally effective for and usable by persons with disabilities
- The administration of the service/benefit will be free from discrimination based on disability
- Communications will reach all persons, including those with hearing and sight impairments
- Effective application procedures to receive the services exist for persons with disabilities, including those with hearing and vision impairments.

6. List steps to ensure that information concerning program schedules and activities are effectively communicated to all program participants, including those with impaired vision, speech, and hearing.

Via the citizen participation process and program notices, citizens are informed to request assistance as needed. Upon request for such services/assistance the **COUNTY** will evaluate whether the service/device needs to be obtained for community Capital Improvements or provided on a case-to-case basis.

## VII. EMPLOYMENT POLICY AND PRACTICE

### A. GENERAL

1. Describe and discuss safeguards that have been used to ensure that all employment decisions are made without discrimination on the basis of handicap, and that such decisions do not limit, segregate or classify applicants or employees based on handicap in a way that adversely affects their opportunities or status.

All employment decisions are made without discrimination. The **COUNTY** is an equal opportunity employer and communicates as such on public notices.

2. Describe procedures that have been established to make certain that there are no formal relationships regarding employment (e.g., those with labor unions, employment agencies, and so forth) that have the effect of discriminating against qualified persons with disabilities.

3. Does the local government have 15 or more employees (full or part-time)?

☒ YES ☐ NO

4. Do the local government's hiring and promotion practices prohibit discrimination against otherwise qualified handicapped individuals (not a separate policy)?

☒ YES- Proceed to Question 5.

☐ NO - Modification or corrective action:

5. Analyze the following aspects of employment and describe any alterations to make certain that no discrimination based on disability exists, including discrimination that occurs due to an inaccessible facility:

- Recruiting and advertising
- Processing applications
- Interviewing and orientation
- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring
- Rates of pay or any other form of compensation and changes in compensation
- Job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists
- Leaves of absence, sick leave, or any other leave
- Fringe benefits (opportunities for and financial support of training opportunities, conferences, health, and insurance benefits) available by virtue of employment, regardless of whether they are administered by the recipient
- Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training
- Employer-sponsored activities, including social and recreational programs
- Any other term, condition, or privilege of employment

There are no modifications or alterations necessary.

## B. EMPLOYMENT CRITERIA

1. Does the local government administer tests which accurately reflect the applicant's or employee's job skills or aptitude rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test is designed to measure)?

☐ YES- Please answer Question 2.

☐ NO- Modification or corrective action:

☒ N/A Explain (e.g., **no such test/criteria used**), then proceed to Next Section: *Pre-Employment Inquiries*.

2. What employment tests or criteria are used for judging potential employees and describe procedures to ensure that these criteria or tests do not discriminate against persons with disabilities unless they are shown to be consistent with job necessity?

3. If the local government uses an employment test or other criteria for selection that screens out or tends to screen out individuals with disabilities, can the local government show that the test score or other selection criteria is job related?

☐ YES- Please answer Question 4.

☐ NO- Modification or corrective action:

☐ N/A Explain (e.g., **no such test/criteria used**), then proceed to Next Section: *Pre-Employment Inquiries*.

4. Describe methods to identify the job-related characteristics of tests and criteria used in employment decisions, since job-related tests are permitted even if they screen out persons with disabilities.

## C. PRE-EMPLOYMENT INQUIRIES

1. Describe steps to ensure that no pre-employment inquiries are made as to whether an applicant is a person with a disability or as to the nature or severity of a disability. Is the local government aware that it cannot make a pre-employment inquiry or conduct a medical examination of an applicant to determine whether the individual is a person with disability

unless the local government is undertaking affirmative action efforts or conditioning an offer of employment on the results of a medical examination given to all prospective employees in the same job category?

☒ YES- Proceed to Question 2.

☐ NO- Modification or corrective action:

2. Does your organization conduct or require any medical examinations after making conditional offers of employment? Has the local government informed job applicants that an employment offer may be conditioned on the results of a medical examination if all entering employees in a job category must take an examination regardless of disability, and the examination accurately reflects the employee's job skills?

☐ YES- Proceed to Question 3.

☒ NO- Modification or corrective action: Job duties and requirements are communicated in employment opportunities or notifications. (Example: lifting requirements.) No medical exams

3. Has the information obtained by the local government concerning the medical condition or history of job applicants been collected and maintained on separate forms and accorded confidentially as medical records?

☐ YES - Describe procedures to ensure that (a) all entering employees in that position are subject to medical exams, (b) all offers of employment are conditional based on the results of the exams, (c) the medical results gathered are not used in a discriminatory manner, and (d) all information gathered is kept confidential.

☒ NO- Modification or corrective action: No medical exams. Any protected health information collected on separate forms and confidential.

4. Review job application forms and interview questions to ensure that applicants are not asked about the existence of or nature or severity of a disability. Inquiries about the candidate's ability to perform job functions are permitted. Ensure that applicants are not asked about their relationship or association with an individual with a disability. List any job forms and questions that were amended.

No job forms or questions were amended.

5. Review existing job descriptions for each job position in your organization. Determine the essential and marginal functions of job positions in the organization and identify what job accommodations can be made, when necessary, for an applicant or employee. List any job descriptions that were amended.

No job forms or questions were amended.

6. Describe any training or other measures taken to ensure that employees and supervisors do not subject individuals with disabilities to discrimination because insensitivity or lack of knowledge.

New employees are informed of the **County's** equal employment policies and procedures during orientation, and staff are updated as needed by human resources.

7. When the local government is undertaking affirmative action efforts, voluntary or otherwise, and inviting applicants for employment to indicate whether and to what extent they are disabled, does the local government meet the following conditions:

a) State clearly either orally or in writing that the requested information is intended for the local government's affirmative action efforts?

☒ YES ☐ NO

b) State clearly that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to give the information will not subject the applicant or employee to any adverse treatment?

☒ YES ☐ NO

***NO to any questions above - Modifications or corrective action:***

## VIII. OUTSIDE PERSONS AND ORGANIZATIONS

1. List below all outside persons and organizations that are involved in the provision of any aid, benefit or service for the program as discussed in **Sections II through IX**. Include secondary recipients in your discussion.

Outside services are provided on a case-by-case basis as needed.

2. List steps to inform those listed in Question Number One of the organization's commitment to nondiscrimination on the basis or disability.

Any outside providers are notified of the **County's** nondiscrimination policies and procedures in public notices, solicitation for services, and contracts.

3. List those persons or organizations from Question Number One that receive significant assistance from the organization in the provision of aids, benefits, or services to program participants. For example, list organizations which rent or otherwise use your facilities; that depend on your organization for informing its participants of the aid, benefit, or service; that have employees of your organization spending time to assist in or coordinate the provision of the aid, benefit or service; and so forth.

Outside services are provided on a case-by-case basis as needed.

4. List steps to ensure that persons or organizations listed in Question Number Three do not discriminate on the basis of disability in the provision of any aid benefit or service to your program participants. Such steps may include changes in the program, facility alterations, and/or changes in or discontinuation of the relationship.

Outside providers are notified of the **County's** nondiscrimination policies and procedures in public notices, solicitation for services, and contracts. Evaluation of compliance with the **County's** policies/procedures are conducted on a case-by-case basis.

#### **IX. USE OF CONTRACTORS**

1. List contractors that are used by the agency to conduct programs or activities on behalf of the agency.

Various contractors are utilized through program implementation.

2. Describe steps that have been taken to ensure that agency procurement officials understand Section 504 requirements as they apply to contractors.

Contractors are notified of the **County's** nondiscrimination policies and procedures in public notices, solicitation for services, and contracts. Provisions are included in contracts as well as provisions for noncompliance.

3. Provide language included in agency contracts to ensure that contractors are aware of their obligations to take steps to facilitate the participation of individuals with handicaps in programs and activities they operate on behalf of the agency.

Various non-discrimination provisions are included in contracts and are available for review upon request.

4. Indicate the appropriate policy source to include information about Section 504 requirements as they apply to contractors.

Contract non-discrimination provisions are amended, as needed, depending on funding source of the contract.

5. Give a date that the policy was established and distributed to staff and give a citation for the policy.

Policy sources in contract non-discrimination provisions are amended, as needed, depending on funding source of the contract.

**X. GRIEVANCE PROCEDURES**

1. What procedures have been established to ensure that at least one person has been designated to coordinate compliance with Section 504?

A grievance procedure has been produced. See Attachment 2.

2. Have there been obvious difficulties or complaints about the local government services from individuals with disabilities?

☐ YES – Proceed to Question 3

☒ NO- Proceed to Question 4.

3. Describe how resolution of complaints and steps to resolve concerns/complaints is documented?

A grievance procedure has been produced. See Attachment 2.

4. What written procedures have been established to ensure that appropriate initial and continuing steps to notify participants, beneficiaries, applicants, etc. that the local government does not discriminate on the basis of handicap (24 CFR 8.54)?

A grievance procedure has been produced. See Attachment 2.

5. Does the local government have a written grievance procedure/policy for handling the prompt and equitable resolution of any complaints of discrimination based on disability?

☒ YES- **ATTACH** a copy of the current local government policy which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.

☐ NO- Modification or corrective action:

6. Has the local government adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints or alleged discrimination based on disabilities (24 CFR 8.53)?

☒ YES - **ATTACH** a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

☐ NO- Modification or corrective action:

7. Has the local government notified staff and program participants about the grievance procedures?

☒ YES

☐ NO- Modification or corrective action:

8. Is the grievance procedure and/or nondiscrimination policy published in the newspaper at least once a grant cycle (or once a year)?

☒ YES

☐ NO- Modification or corrective action:

9. Does the grievance procedure inform individuals of their rights to file a complaint with a state or federal agency and include the agency's addresses?

☒ YES

☐ NO- Modification or corrective action:

HUD PORTAL SECTION 504:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504faq)

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_main](https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_main)

## **ATTACHMENT 1**

### **COUNTY OF GASTON**

#### **POLICY OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED/DISABLED STATUS**

GASTON COUNTY does not discriminate on the basis of handicapped/disabled status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

PAT LAWS, GRANTS MANAGER  
DONNA BUFF, COUNTY CLERK  
COUNTY OF GASTON  
128 W. Main Avenue  
GASTONIA, NC 28053  
PHONE: 704-866-3771  
TDD: (711)

The COUNTY GRANTS MANGER/ COUNTY CLERK, and successors so titled, have been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8. dated June 2, 1988).

## ATTACHMENT 2

### COMPLIANCE OFFICER/GRIEVANCE PROCEDURE

#### COUNTY OF GASTON CDBG PROGRAM

The **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, hereby designates the **COUNTY GRANTS MANAGER / COUNTY CLERK**, and successors so titled, to serve as Section 504 Compliance Officer(s) throughout the implementation of GASTON COUNTY **CDBG Program**.

Citizens with Section 504 grievances may do so at any point in the program. The **COUNTY** will respond in writing to written citizen grievances. Citizen grievances should be mailed to: **COUNTY GRANTS MANAGER / COUNTY CLERK, COUNTY OF GASTON, 128 W. Main Avenue, GASTONIA, NC 28053, PHONE: 704-866-3771; TDD: (800) 735-2962 or 711.** The **COUNTY** will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to:

FOR CDBG-NR: North Carolina Department of Commerce, Rural Economic Development Division Neighborhood Revitalization, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633, Phone: (919) 707-9189, TDD: (800) 735-2962 or 711.

FOR CDBG-NR: NC Department of Commerce, Rural Economic Development Division Neighborhood Revitalization, CDBG Section, 4346 Mail Service Center, Raleigh, North Carolina 27699-4346, Phone: (919) 814-4673, TDD: (800) 735-2962 or 711.

*This information is available in Spanish or any other language upon request. Please contact (**County Grants Manager, Pat Laws**) at (**704-866-3771**) or at (**128 W. Main Avenue, GASTONIA, NC 28053**) for accommodations for this request. Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (**County Grants Manager, Pat Laws**) al (**704-866-3771**) o en (**128 W. Main Avenue, GASTONIA, NC 28053**) de alojamiento para esta solicitud.*







**COUNTY OF GASTON  
CITIZEN PARTICIPATION PLAN  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
CDBG PROGRAM**

COUNTY OF GASTON  
128 W. Main Avenue / GASTONIA, NC 28053  
PHONE: 704-866-3771 / TDD: (711)  
[www.gastongov.com](http://www.gastongov.com)

<b>Contact Person:</b>	Pat Laws	Donna Buff
<b>Title:</b>	County Grants Manager	County Clerk
<b>Email:</b>	<a href="mailto:plaws@gastongov.com">plaws@gastongov.com</a>	<a href="mailto:donna.buff@gastongov.com">donna.buff@gastongov.com</a>

*The primary goal of the Citizen Participation Plan is to provide citizens, especially low- and moderate-income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. The Citizen Participation Plan is required by Section 104(a) (2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a) (6). The plan is vitally important to the success of CDBG-funded activities undertaken by local governments. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.*

## 1. INTRODUCTION

The **COUNTY** has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Small Cities Community Development Block Grant (CDBG) program. This Plan is an essential element of the **COUNTY'S** present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the United States Department of Housing and Urban Development (HUD) and the following State agencies:

<b>CDBG Program</b>	<b>State Adminstrating Agency</b>
Neighborhood Revitalization (CDBG-NR)	NC Department of Commerce (DEQ) Rural Economic Development Division Neighborhood Revitalization (REDD)
Disaster Recovery (CDBG-DR) Mitigation (CDBG-MIT)	NC Department of Public Safety (DPS) Office of Recovery & Resiliency (NCORR)
Economic Development (CDBG-ED) Neighborhood Revitalization (CDBG-NR) Coronavirus (CDBG-CV)	NC Department of Commerce (DOC) Rural Economic Development Division Neighborhood Revitalization (REDD)

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the **COUNTY'S** CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

Local units of general government must provide citizens with reasonable advance notice of and opportunity to comment on proposed activities in an application to the state; and for grants already made, the same opportunities must be provided for activities proposed to be added, deleted, or substantially changed from the original application to the state. Substantially changes include, but not limited to, purpose, scope, location, or beneficiaries. Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the **COUNTY**.

## 2. SCOPE OF PARTICIPATION

The **COUNTY** will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation, and assessment of all CDBG program(s) undertaken by the **COUNTY**. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. Changes and/or amendments to approved CDBG projects; and,
- c. Assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the **COUNTY** are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

## 3. CITIZEN PARTICIPATION CONTACT PERSON

The **COUNTY GRANTS MANAGER / COUNTY CLERK**, and/or successors so titled, has been designated Citizen Participation Coordinator by the **COUNTY COMMISSIONERS** and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at **GASTON COUNTY ADMINISTRATION BUILDING, 128 W. Main Avenue, GASTON, NC, 28053; PH: 704-866-3771; TDD: 711** during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

## 4. TECHNICAL ASSISTANCE

The staff of the **COUNTY** shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation, and assessment of CDBG program(s). Technical assistance may be obtained by contacting the **COUNTY** or the Citizen Participation Coordinator.

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

## 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low- and moderate-income (LMI) persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials

will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

#### 5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the **COUNTY**. Public hearings may be held at any site which, in the opinion of the **COUNTY**, provides adequate access for citizen participation.

Hearings will normally be held at the **GASTON COUNTY ADMINISTRATION BUILDING**. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the **COUNTY**, be held at an alternate location to be specified in the public hearing notice(s).

#### 5.2 Application Public Hearing

At least one public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the state funding agency for CDBG assistance<sup>1</sup>. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the **COUNTY** to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding local community development and housing needs, the overall CDBG program requirements and eligible activities, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the **COUNTY** during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the **COUNTY** through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The **COUNTY** may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the **COUNTY**.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the

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<sup>1</sup> Programs administered by REDD require two (2) public hearings prior to submitting and application to the State, while REDD only requires one (1) detailed public hearing prior to application submittal.

estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

### 5.3 Amendment Public Hearings

The **COUNTY** will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the **COUNTY**. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the **COUNTY** shall hold a public hearing on all formal amendments which require the state funding agency approval. For “local” amendments and changes for which state funding agency approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled **COUNTY** meetings where such changes or amendments are considered.

### 5.4 Assessment of Performance (Close-Out) Public Hearings

Citizens of the **COUNTY** will be provided with the opportunity to comment on the performance of local officials, the **COUNTY** staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the **COUNTY** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the state funding agency for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

### 5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the **COUNTY** in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

### 5.6 Limited English Proficiency Residents

The **COUNTY** has followed the guidance provided in the Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

To ensure program access to those with Limited English Proficiency, the **COUNTY** shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to public hearing notifications, citizen participation documents, Environmental Review notifications, among other documents:

- *“This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.”*
- *“Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.”*

**\*\*Please note the address and name itself should not be translated (e.g. “Charlie” should not be translated to “Carlos”; “Main Street” should not be translated to “Calle Principal”)**

## 5.7 Public Hearing Notice

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed. These notices may also be in the form of press releases, as a public service announcement to local radio stations, and provided to community facilities within the target area of distribution, such as churches.

## 5.8 Virtual Hearings

During a declaration of state of emergency by the Governor or General Assembly, and if a unit of government is concerned about significant public health risks that may result from holding an in-person public hearing, the local unit of general government may undertake a virtual public hearing (alone, or in concert with an in-person hearing) if:

- a. It allows questions in real time, with answers coming directly from the elected representatives to all “attendees.” Therefore, members of the public must be entitled to participate and address the governing body during any telephonic or video-conference meeting.
- b. The governing body must post a written notice that gives the public a way to participate remotely, such as a toll-free dial-in number, and that includes an electronic copy of any agenda packet that officials will consider at the meeting.
- c. As with an in-person hearing, the grantee must select a virtual hearing method or platform that provides accessibility for persons with disabilities and limited English proficiency (LEP) to the greatest extent possible. These accommodations must be free to these populations.
- d. A governing body must provide the public with access to a recording of any telephonic or videoconference meeting.
- e. The local unit of government must document its efforts and the reason for them.
- f. Additional specific communication requirements and requirements for conducting remote meetings can be found in Article 1A of Chapter 166A and Article 33C of Chapter 143 of the General Statutes.

*Additional resources: UNC School of Government’s summary of Session Law 2016/2020-3:  
<https://canons.sog.unc.edu/new-rules-for-meetings-of-public-bodies-during-state-level-declared-emergencies/>*

## 5.9 Provision of Emergency Situations

During a declaration of state of emergency by the Governor or General Assembly, consistent with applicable allowances provided by state funding agencies, notice of public hearings must be provided at least five (5) days prior to the hearing date. These notices must be either published in a local newspaper of general circulation, or to the maximum extent feasible, non-newspaper methods of outreach. In emergency situations, such as coronavirus, in lieu of newspaper publication, notices will be placed in available venues to distribute the notice, including, but not limited to: website, social media, press release, public service announcement to a local radio station, and provided to community facilities within the target area of distribution, such as churches. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

## 5.10 Accessibility to Low- and Moderate- Income Persons

The public hearing procedures outlined herein are designed to promote participation by low- and moderate- income (LMI) citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low- and moderate- income persons, and holding public hearings in low- and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

## 5.11 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The **COUNTY** shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The **COUNTY** shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the **COUNTY** shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

## **6. PROGRAM INFORMATION**

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the **COUNTY** shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the **GASTON COUNTY ADMINISTRATION BUILDING / ADMINISTRATION**. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled Commissioners meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the state funding agency and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the **COUNTY**; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the **COUNTY** disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the **COUNTY** shall not disclose any information which may, in the opinion of the Chief Elected Official be deemed of a confidential nature.

## **7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS**

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the **COUNTY**.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development, or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Chief Elected Official or designated official. Should, after a reasonable period, a party believe that their comment or complaint has not been properly addressed or considered by the Chief Elected Official or designated official, then the aggrieved may appeal their case to the **COUNTY**.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within ten (10) working days of the receipt of such comments or complaints where practicable. Should the **COUNTY** be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the state funding agency.

Citizens may, at any time, contact the state funding agency and/or HUD directly to register comments, objections or complaints concerning the **COUNTY'S** CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the state funding agency or HUD. All comments or complaints submitted to the state funding agency or HUD shall be addressed in writing to:

NC Department of Commerce, Rural Economic Development Division Neighborhood Revitalization CDBG-NR  
Section, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633, Phone: (919) 707-9189, TDD: (800) 735-2962 or 711.



NC Department of Commerce, Rural Economic Development Division Neighborhood Revitalization, CDBG Section, 4346 Mail Service Center, Raleigh, North Carolina 27699-4346, Phone: (919) 814-4673, TDD: (800) 735-2962 or 711.

NC Department of Public Safety, Office of Recovery and Resiliency, PO Box 110465, Durham, NC 27709, Phone: (984) 833-5350, TDD: (800) 735-2962 or 711.

Or:

U.S. Department of Housing and Urban Development, Community Planning and Development Division, Greensboro Field Office, 1500 Pinecroft Road Suite 401, Greensboro, NC 27407, Phone: (336) 547-4000, TDD: (336) 547-4054 or 711.

Records of all comments, objections and/or complaints by citizens concerning the **COUNTY'S** CDBG program and subsequent action taken in response to those comments shall be maintained on file at **COUNTY** and shall be made available for public inspection upon request.

## **8. AMENDMENTS**

The **COUNTY** may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the **COUNTY** to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the **COUNTY**. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the **COUNTY** and shall be incorporated into this Plan.

## **9. AUTHORITY**

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the **COUNTY** in the development, implementation, and execution of any Community Development Block Grant program.



#### SAMPLE APPLICATION PUBLIC HEARING NOTICE

**Gaston County** will hold a public hearing on **January 10, 2009, 7:00 p.m. at Gaston County Administration Building** to discuss the County's submission of an application for the Fiscal Year 20XX Community Development Block Grant (CDBG) program. The County is interested in obtaining all citizens' input on community development needs within the County. As part of the hearing process citizens will be asked to verbally assist in the completion of a Needs Assessment document. The document will detail what the residents feel are the strengths and weaknesses of the community. The County needs as much local participation as possible in order to reflect the true desires of the community as a whole, as well as the comments relating to the proposed project application. The State has established a maximum application request for each funding category. Activities that are eligible for funding include the improvement of public works, public facilities, housing rehabilitation, and others allowed by law. At least 51% of the funds must be used to benefit low- and moderate-income persons. No displacement of persons will be proposed.

The County is proposing to replace some sewer lines, install some new sewer lines, and install a lift station in the southeast part of the County. The area to be addressed is bounded by Main Street on the east, Gordon Street on the west, BN Railroad on the north, and the County Limits on the south. The total project cost is estimated at \$322,000. The County proposes to contribute \$48,000 in cash, with grant funds of \$274,000 needed to make up the balance. The project, if funded, will benefit 100% low- and moderate-income persons. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities. If additional information is needed, please contact [Name, Title, phone #]. Written comments received will be responded to within ten working days. A copy of the application is available for public review at [Location]. Persons with disabilities or who otherwise need assistance should contact [Name, title, phone, email address] TDD#, 711 by [date/time].

This information is available in Spanish and any other language upon request. Please contact [Name and Title] at [phone] or at [location] for accommodations for this request. Esta informacion ista disponible en espanol o en cualquier otro idioma bajo peticion. Por favor, pongase en contact con [Name, Title], al [phone] on en [location], de alojamiento esta solicitud.



#### SAMPLE PERFORMANCE ASSESSMENT AND CLOSE OUT PUBLIC HEARING NOTICE

The (locality) will hold a public hearing on (date) at (location) to discuss the locality's Community Development Block Grant project, CDBG project number (project number). The project used funds to (project scope), which benefitted X% of low- to moderate income persons.

The locality is interested in obtaining all citizens' input on the performance of local officials, the (County/County/County) staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the (County/County/County) in resolving identified community development and housing needs, and in achieving its community development goals and objectives.

All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities. If additional information is needed, please contact [Name and Title at phone #]. Written comments received by [date] will be responded to within ten working days. A copy of the application is available for public review at [Location]. Persons with disabilities or who otherwise need assistance should contact [Name, title, phone, email address, TDD#, 711] by [date/time].

This information is available in Spanish and any other language upon request. Please contact [Name and Title] at [phone] or at [location] for accommodations for this request. Esta informacion ista disponible en espanol o en cualquier otro idioma bajo peticion. Por favor, pongase en contact con [Name, Title], al [phone] on en [location], de alojamiento esta solicitud.





## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

### COUNTY OF GASTON CDBG PROGRAM

This Residential Anti-displacement and Relocation Assistance Plan is prepared by GASTON COUNTY in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG<sup>1</sup> projects.

#### **Minimize Displacement**

Consistent with the goals and objectives of activities assisted under the Act, GASTON COUNTY will take the following steps to minimize the direct and indirect displacement of persons from their homes: (The steps provided below are examples only, each jurisdiction must determine the actions it will take based on local needs and priorities, select one or multiple steps or describe others steps below)

- ☐ Coordinate code enforcement with rehabilitation and housing assistance programs.
  - ☐ Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
  - ☐ Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
  - ☐ Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
  - ☐ Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
  - ☐ Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
  - ☐ Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
  - ☐ Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
  - ☐ Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
  - ☐ If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
  - ☒ Target only those properties deemed essential to the need or success of the project.
  - ☐ Other: (Describe)
- 

#### **A. Relocation Assistance to Displaced Persons**

GASTON COUNTY will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

#### **B. One-for-One Replacement of Lower-Income Dwelling Units**

GASTON COUNTY will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

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<sup>1</sup> CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

Before entering into a contract committing GASTON COUNTY to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, GASTON COUNTY will make public by a block display ad published in local newspaper and submit to State CDBG Program(s) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, GASTON COUNTY will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

All occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of activities assisted under the CDBG program must be replaced with low/moderate-income dwelling units. Substandard but economically repairable units that have been demolished or converted must be replaced under this provision, but more seriously deteriorated units need not be replaced.

**For purposes of this plan, the following definitions shall apply:**

- "Vacant Occupiable" or "Suitable for Rehabilitation" means a unit which is no worse than moderate according to the needs gradient scale published in the Application Guidelines, may be brought up to N.C. Small Cities CDBG Housing Rehabilitation Standards for an expenditure of less than \$4,000 in rehabilitation costs, and will have an expected useful life of at least 10 years with routine maintenance upon completion of the rehabilitation. In addition, a vacant unit may be classified as "not occupiable" if it has been condemned, is condemnable or otherwise unsuitable for human habitation under the local government's housing code or redevelopment plan.
- "Low- and Moderate-Income Dwelling Units" (Occupied Units) means a unit that either is occupied by a low- or moderate-income family or rents for an amount that would be affordable to a low- or moderate-income family (i.e., rent and utilities would not exceed 24% of the median income for a family that would occupy the unit without overcrowding).
- "Low- and Moderate-Income Dwelling Units" (Vacant Units) means a unit whose fair market rent would make it affordable to a low- or moderate-income family, as calculated above.
- If assisted rehabilitation raises the rent of a low/moderate-income unit above the affordable rent level, the unit must be replaced.

**Replacement low/moderate-income dwelling units must be provided within three years of the commencement of the demolition, or the rehabilitation related to the conversion, and must be:**

- Located within the same jurisdiction.
- Sufficient in number and size to house at least the number of occupants that could have been housed in the units demolished or converted, as determined in accordance with applicable housing occupancy codes.

- Provided in standard condition. (A substandard unit raised to standard condition will count.)
- Designed to remain low/moderate-income dwelling units for at least 10 years from the date of initial occupancy of the units. (Replacement dwelling units may include public housing and existing housing receiving Section 8 project-based assistance.)

#### **C. Replacement not Required Based on Unit Availability**

Under 24 CFR 42.375(d), GASTON COUNTY may submit a request to the State for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

#### **D. Contacts**

The COUNTY GRANTS MANAGER / COUNTY CLERK is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. The COUNTY GRANTS MANAGER / COUNTY CLERK is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

## OPTIONAL COVERAGE RELOCATION PLAN

### COUNTY OF GASTON CDBG PROGRAM

#### Organization and Administration

GASTON COUNTY (hereinafter called "**COUNTY**") will administer and coordinate all relocation activities (temporary or permanent) resulting from Community Development activities in the Project Area. Citizens displaced by Community Development Program activities are eligible to receive relocation assistance. The financial assistance is in a form as permitted under implementing regulations at 49 CFR Part 24 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

#### Definition of a "Displaced Person"

A displaced individual is someone whose home, which is located within the Project Area, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced because of program activities such as housing rehabilitation.

#### Definition of "Standard Housing"

A dwelling unit is in standard condition if it is decent, safe, and sanitary. A dwelling unit is considered decent, safe, and sanitary if (a) it is in good repair and is weather-tight, with no leakage nor dampness; (b) it has no health, fire nor safety hazards within the structure or in the immediate vicinity; (c) it has running water, a private sewer-connected to a flush toilet, and a bathroom for exclusive use of the occupant, with tub or shower with hot and cold running water, all within the dwelling unit; (d) it has permanent, reasonably efficient kitchen facilities for exclusive use of the occupant, including sink with hot and cold running water, cooking stove connections, shelves and storage space for food and utensils; (e) it has facilities or connections for washing and drying clothes; (f) it is large enough to accommodate the occupants without overcrowding; (g) it is equipped with adequate heating facilities; (h) it is adequately ventilated by at least one openable window in every room and is screened, or screens are available; (i) it is wired for electric; and (j) it is located in a neighborhood which is free from industrial and other nuisances, is supplied with the community facilities of a standard neighborhood, and is reasonably accessible to transportation, schools, churches and stores.

It is intended that the **COUNTY** will inspect all dwellings into which displaced families relocate. If the dwellings are not found to be decent, safe and sanitary, the move will be considered temporary relocation.

#### Optional Coverage

The **COUNTY** shall undertake relocation that may not be covered automatically under the URA such as would be the case with voluntary demolition. The **COUNTY** intends for these persons to be served at the same levels as those described under the URA and will use this Optional Coverage Relocation Plan to establish this coverage. Under this Plan, the **COUNTY** shall provide relocation payments and assistance to the following:

1. Homeowners, tenants and their families who are displaced by rehabilitation activity of a dwelling located within the Project Area.
2. Homeowners, tenants and their families who are displaced by the voluntary demolition of a dwelling occupied by the families and located within the Project Area.

#### Relocation Assistance to Families and Individuals (See Table Below)

The **COUNTY** shall provide relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation services as needed to view comparable replacement dwellings, or other transportation as deemed necessary and reasonable to support the relocation,

assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service and economic assistance programs as they are available.

### Temporary Relocation

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. Of the two moves involved, (out of and back into the rehabilitated structure) one may be financed under a Fixed Payment for Moving Expenses as described below. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. That is to say, expenses that are directly related to the temporary relocation and which are above and beyond the normal expenses incurred by the relocatee. These would include, but not be limited to reasonable expenses for lodging for the period of dislocation, travel expenses to and from the lodging or other temporary relocation site, costs for temporary storage of household belongings. This would not include reimbursement for expenses that would otherwise be incurred (meals, normal travel, etc.). Relocates are required to submit receipts to the **COUNTY** documenting the expenses for which they are requesting reimbursement.

### Moving Expense Payment

A displaced individual or family covered under this Plan shall be eligible to receive a moving expense payment in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). Specifically referenced is the following section of the URA:

1. Section 24.302 -- Fixed payment for moving expenses - residential moves

The relocatee will receive payment on the basis of the Fixed Residential Moving Cost Schedule 2012 (Fed. Reg. 5/23/12, effective 6/22/12) which is prepared by the U.S. Department of Transportation and shown below for the State of North Carolina.

Payment is limited to \$100.00 if either of the following conditions apply:

- (a) A person has minimal possessions and occupies a dormitory style room, or
- (b) A person's residential move is performed by an agency at no cost to the person.

Occupant Owns Furniture									Occupant Does Not Own Furniture	
Number of Rooms of Furniture								Addt'l room		
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms		1 room/ no furn.	Addt'l room no furn.
550	750	1050	1200	1350	1600	1700	1900	150	350	50

Under the Fixed Rate Method, it should be noted that certain rooms are excluded from the calculations. These include unfurnished or unused rooms, halls, bathrooms, attics, porches, garages, dressing rooms and utility rooms. However, should the relocatee have sufficient storage in the above stated rooms, the **COUNTY** may count one additional room for the sum of these rooms.

### Replacement Housing Payment

A displaced individual or family covered under this Plan shall be eligible to receive replacement-housing payments in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). Specifically referenced are the following sections of the URA:

1. Section 24.401 -- 180 Day Homeowners
2. Section 24.402 -- 90 Day Occupants
3. Section 24.403 -- Additional Rules

#### 4. Section 24.404 -- Replacement Housing of Last Resort

**Relocation Assistance (See Table Below).** The **COUNTY** will provide relocation assistance to any low/moderate-income household displaced by the demolition of any housing unit or by the conversion of a low/moderate-income dwelling to another use, occurring as a direct result of assisted activities. Persons will be provided:

1. A choice between (i) actual "reasonable moving expenses" as described in Section 42.301 or (ii) a fixed expense and dislocation allowance as described in Section 42.302.
2. Advisory services as described in 24 CFR Part 42, Subpart C.
3. Reimbursement for reasonable and necessary security deposit and credit checks.
4. Replacement housing assistance.
  - A person choosing to rent must be offered either (i) a Section 8 housing voucher/certificate (through the housing authority) and referrals to comparable replacement dwelling units where the owner agrees to participate in the Section 8 Program or (ii) cash rental assistance to reduce the rent and utility costs to 30% of their income (adjusted, as determined by the **COUNTY**) for a 5-year period and appropriate referrals to comparable replacement dwelling units.
  - A person buying an interest in and occupying a unit in a housing cooperative or mutual housing association may elect to receive a lump sum payment equal to the present value of the rental assistance installments. To compute the present value, the rental assistance installments shall be discounted at the passbook savings rate.
  - A person may elect Uniform Relocation Act Assistance in lieu of the relocation assistance described above.

#### **Complaint Procedure**

The **COUNTY** conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.



## UNIFORM RELOCATION ACT

1. Advisory Services
2. Moving Expenses: Actual and Fixed Moving Expenses
3. No Similar Payment
4. Replacement Housing Payment

- Rental Assistance Payment

Period of Payment: 42 Months

Cap: \$5,250 (If not adequate, Section 206 is Triggered)

Computation of Payment:

Information Needed:

1. Replacement Dwelling Rent/Utilities
2. Comparable Replacement Dwelling Rent/Utilities
3. Displacement Dwelling Rent/Utilities
4. 30% of Household Monthly Gross Income

Formula:

Lesser of Lines 1 or 2 Minus Lesser of Lines 3 or 4  
Times 42 = Payments

Payment: At Discretion of Grantee, Either Installments or Lump Sum

- Downpayment Assistance Payment  
Person May Purchase any Property

Payment Based on Computed Rental Assistance Payment

## SECTION 104(d) OF HCD ACT OF 1974, AS AMENDED

1. Same
2. Same
3. Reimbursement for Cost of Security Deposits and Credit Reports
4. Replacement Housing Assistance

- Person Choosing to Rent Must be Offered Either:

Certificate or Voucher with Referrals to Comparable Replacement Dwellings Where the Owner Agrees to Participate in the Section 8 Program; or

Cash Rental Assistance to Reduce the Rent and Utility Costs at the Replacement Dwelling to 30% of Income (Adjusted, if appropriate).

Cash Rental Assistance to Reduce the Rent and Utility Costs at the Replacement Dwelling to 30% of Income (Adjusted, if appropriate).

Period of Payment: 60 Months

Cap: None

Computation of Payment:

Information needed:

1. Replacement Dwelling Rent/Utilities
2. Comparable Replacement Dwelling Rent/Utilities
3. 30% of Household Monthly Gross Income (Adjusted, if appropriate.)

Formula:

Lesser of Lines 1 or 2 Minus Line 3 Times 60 = Payment

Payment: Same

- Person Choosing to Purchase

Person May Buy an Interest in and Occupy a Unit in a Coop or Mutual Housing Association

Payment Equal to the Capitalized Value of the Assistance Payment

One-For-One Replacement Summary Grantee Performance Record							
North Carolina Small Cities Community Development Block Grant Program							
<b>Grantee:</b>	COUNTY OF GASTON	<b>Grant Number:</b>	CDBG-NR	<b>Period Covered</b>		To: 2023	
Low/Mod Housing Units Demolished/Converted		Replacement Units					
# Units	# Bedrooms/ Unit	Address	Date of Agreement	# Units	#Bedrooms/ Unit	Address	Date Made Available

## CODE OF CONDUCT / HATCH ACT POLICY

### COUNTY OF GASTON CDBG PROGRAM

The conflict of interest provisions, including but not limited to those found at N.C. General Statutes § 14-234, 2 C.F.R. § 200.317-318, 320-321, 323-326, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611, must be carried out. The conflict of interest provisions of this policy apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds.

No persons described in this policy who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

No employee, officer or agent of the **COUNTY** shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, or agent or any member of his immediate family, his or her partner or an organization that employs or is about to employ the above mentioned, has a financial interest in the firm selected for award. In addition, the **County's** officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub agreements except as provided for in G.S. 133-32. Certain limited exceptions to the conflict of interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by Housing and Urban Development (HUD) and/or the State funding agency upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4).

In accordance with the Hatch Act (Public Law 76-252), as amended, the **COUNTY** will enforce this Act, which prevents recipients, local Community Development Program officials or other personnel employed by a Community Development Program from undertaking certain political activities or from using Community Development funds for political activities. In addition, personnel covered under this Act may not be a candidate for elected office unless candidacies are nonpartisan. Failure to adhere and enforce this policy may cause the **COUNTY** to lose its grant or eligibility for future federal grants.

## EXCESSIVE FORCE POLICY / SECTION 519

### COUNTY OF GASTON CDBG PROGRAM

GASTON COUNTY hereby adopts an Excessive Force Policy that is in accordance with the applicable State of North Carolina and Federal Regulations, i.e., Section 519 of Public Law 101-144, (1990 HUD Appropriations Act) requiring units of government receiving CDBG funds to adopt and enforce Excessive Force Provision. The **COUNTY**, as the recipient of Federal and/or State CDBG Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations. More particularly, the **COUNTY** adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and all individuals engaged in non-violent civil rights demonstrations, and is adopting and will 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 GASTON COUNTY, NC.

## ACQUISITION GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to acquire only property in the approved project area, which is necessary to meet the plans and achieve the aims of **GASTON COUNTY FY 2016/2020 CDBG Program**. The selection of property designated for acquisition is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the real property acquisition practices are that this **COUNTY COMMISSIONERS** shall:

- (1) Follow the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
- (2) Make every reasonable effort to acquire real property expeditiously through negotiated agreements.
- (3) Pay just compensation for all real property interests acquired and conduct acquisition activities in a manner that minimizes hardship to owners and tenants and promotes confidence in the acquisition practices.
- (4) Assure consistent treatment to all owners and tenants.
- (5) Minimize litigation in the acquisition of real property.

This **COUNTY COMMISSIONERS** or designee will determine just compensation for the real property after a competent professional appraiser has performed an appraisal (if required) and an independent appraiser has reviewed the appraisal. The amount of just compensation will not be less than this appraisal of the fair market value of the property. Promptly after the determination of just compensation, this **COUNTY COMMISSIONERS** will submit to the owner in writing an offer to acquire the property for the full amount so established together with a summary of the basis for such amount. The owner or his designated representative shall be given the opportunity to accompany each appraiser during his inspection of the property.

The owner's cooperation is requested so that all facts may be known which result in intelligent and fair appraisals.

If this **COUNTY COMMISSIONERS** purchases only a portion of the owner's property and thereby decreases the value of the remaining property, the owner will be paid for the loss in value of the remaining property. Such damages or loss will be evaluated by the appraisers and explained to him by the negotiator; and if the acquisition of any part of his real property would leave him in an uneconomic remnant, this **COUNTY COMMISSIONERS** will offer to acquire the entire property.

If the owner feels the **County's** offer of just compensation does not represent the true value of his property, he may refuse to accept it; that is if he can provide evidence concerning value or damage that warrants a change in the **County's** determination of just compensation, the price will be adjusted accordingly. If a voluntary agreement cannot be reached, this **COUNTY COMMISSIONERS** will institute a formal condemnation proceeding against the property, depositing in the court the full amount of the **County's** estimate of just compensation.

The settlement costs, including costs of search and evidence or assurance of title are to be paid by the **COUNTY** through the **FY 2016/2020 CDBG Program**. The owner prior to or at the time of settlement must satisfy all outstanding loans and liens on the property. The negotiator will discuss the details of such arrangements with the owner.

The **COUNTY** will provide the owner with information covering relocation advisory assistance, services and payments for which an owner-occupant may be eligible. To the greatest extent practical, no lawful occupant will be displaced without notification in writing at least ninety (90) days in advance of the date by which the move is required. The owner is requested to keep the **COUNTY** informed about his relocation plans.

If arrangements are made to rent the property to an owner or his tenant after acquisition for a short term (defined as three years or less) or for a period of time subject to termination by the **COUNTY** on short notice, the rent will not exceed the least of; (1) the fair rental value of the property to a short-term occupier; (2) the prorated portion of the fair rental value for a typical rent period; or (3) if the owner or his tenant is an occupant of the property as a dwelling, twenty-five (25) percent of his income.

Upon the acquisition of real properties, the **COUNTY** will either:

- (1) Demolish the structure or structures thereon and dispose of the land for redevelopment at its fair value for uses in accordance with State and Local codes and ordinances; or
- (2) Sell the property at its fair value subject to rehabilitation in conformance with the N.C. Small Cities CDBG Housing Rehabilitation Standards; or
- (3) Rehabilitate the property in conformance with the N.C. Small Cities CDBG Housing Rehabilitation Standards and dispose of the property at its fair value in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished; units may be rented pending continuing sale efforts.

The *change of use of real property* standards in 24 C.F.R. 570.489(j) are applicable. The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) which was *acquired or improved in whole or in part using CDBG funds in excess of the threshold for small purchase procurement (2 CFR 200.88)*. These standards shall apply from the date CDBG funds are first spent for the property until five (5) years after closeout of the unit of general local government's grant. Any changes within the five (5) years would have to serve a CDBG national objective.

The **COUNTY** conforms to standard, ethical practices in the acquisition of real property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## DISPOSITION GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to dispose of property in the approved project area, which is necessary to meet the plans and achieve the aims of GASTON COUNTY **FY 2016/2020 CDBG Program**. The selection of property designated for disposition is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the disposition process are that this **COUNTY COMMISSIONERS** shall:

- (1) Follow the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
- (2) Follow State and Local laws, codes and ordinances concerning the disposition of public property.
- (3) Make every reasonable effort to dispose of real property through consistent treatment.

Upon the acquisition of real properties, the **COUNTY** will proceed with the disposition process, as applicable:

- (1) Demolish any structure or structures thereon and dispose of the land for redevelopment at its fair value for uses in accordance with State and Local codes and ordinances; or
- (2) Dispose of the property at its fair value subject to rehabilitation in conformance with the N.C. Small Cities CDBG Housing Rehabilitation Standards; or
- (3) Rehabilitate the property in conformance with the N.C. Small Cities CDBG Housing Rehabilitation Standards and dispose of the property at its fair value in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished; units may be rented pending continuing sale efforts.

Upon the acquisition of real properties, the **COUNTY COMMISSIONERS** or designee will authorize sale of the property and establish a fair value of the property. In addition, any conditions of sale and bid requirements will be established. The sale will be advertised as required by state law and bid proposals distributed to interested parties. Proposals will be accepted, conditions verified and the agreement prepared for acceptance by the **COUNTY COMMISSIONERS**. Records relating to the disposition must be retained for a minimum of three years from the date of project closeout or actual disposition, whichever is later.

The *change of use of real property* standards in 24 C.F.R. 570.489(j) are applicable. The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) which was *acquired or improved in whole or in part using CDBG funds in excess of the threshold for small purchase procurement (2 CFR 200.88)*. These standards shall apply from the date CDBG funds are first spent for the property until five (5) years after closeout of the unit of general local government's grant. Any changes within the five (5) years would have to serve a CDBG national objective.

The **COUNTY** conforms to standard, ethical practices in the disposition of real property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all parties and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## RELOCATION GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to relocate only those occupants whose dwelling units are unfit for human habitation and beyond the scope of rehabilitation to meet the plans and achieve the aims of GASTON COUNTY **FY 2016/2020 CDBG Program**. The structures designated for acquisition and demolition have been selected due to their dilapidated condition. Consequently, these activities cause permanent displacement to the occupant. The decision to include relocation activities is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of relocation practices are that this **COUNTY COMMISSIONERS** shall:

- (1) Follow the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
- (2) Refer the displaced individuals and families to comparable decent, safe and sanitary replacement dwellings.
- (3) Make all eligible payments for moving and related expenses and for replacement housing payments and conduct relocation activities in a manner that minimizes hardship to relocatees and promotes confidence in the relocation practices.
- (4) Assure consistent treatment to all displaced occupants.

This **COUNTY COMMISSIONERS** will follow all applicable procedures in initiating the relocation process. Only those occupants whose dwelling units are unfit for human habitation and are not feasible to rehabilitate to N.C. Small Cities CDBG Housing Rehabilitation Standards as required in the **County's** Community Development application will be displaced.

These displaced families or individuals will be interviewed to determine the replacement housing needs in each case. Comparable replacement housing will be identified and referrals provided for each family or individual displaced. Additionally, counseling and advisory services, needed by the occupants, will be provided.

A notice explaining the occupant's rights and benefits will be sent to the occupants. A brochure answering many common questions concerning displacement will be included with the notice. Referrals may be considered when the occupants select a replacement home. Because replacement-housing payments are dependent upon the occupant's relocation to a safe, sanitary and decent replacement unit, this fact will be emphasized to the occupant.

Replacement housing benefits are also based upon the displacee occupying a unit comparable to the acquired unit with respect to size, type of neighborhood, and access to employment and public and commercial facilities. No one will be forced to move until and unless they have been given a reasonable choice of safe, sanitary and decent comparable housing units. Everyone will have a minimum of 90 day notice to vacate after suitable housing has been located and referred.

Upon determination of the replacement unit by the occupant, the **COUNTY** must inspect the unit to ensure that the housing conditions are standard.

After the families and/or individuals occupy the replacement unit, a claim may be filed for moving expenses and replacement housing payments. The **COUNTY** will review the claim and make payment. Refer to the table below for details of assistance levels (ATTACHMENT 1).

The **COUNTY** conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual





ATTACHMENT 1

UNIFORM RELOCATION ACT

1. Advisory Services
2. Moving Expenses: Actual and Fixed Moving Expenses
3. No Similar Payment
4. Replacement Housing Payment

- Rental Assistance Payment

Period of Payment: 42 Months

Cap: \$5,250 (If not adequate, Section 206 is Triggered)

Computation of Payment:

Information Needed:

1. Replacement Dwelling Rent/Utilities
2. Comparable Replacement Dwelling Rent/Utilities
3. Displacement Dwelling Rent/Utilities
4. 30% of Household Monthly Gross Income

Formula:

Lesser of Lines 1 or 2 Minus Lesser of Lines 3 or 4  
Times 42 = Payments

Payment: At Discretion of Grantee, Either Installments or Lump Sum

- Downpayment Assistance Payment  
Person May Purchase any Property

Payment Based on Computed Rental Assistance Payment

Payment Equal to the Capitalized Value of the Assistance Payment

SECTION 104(d) OF HCD ACT OF 1974, AS AMENDED

1. Same
2. Same
3. Reimbursement for Cost of Security Deposits and Credit Reports
4. Replacement Housing Assistance

- Person Choosing to Rent Must be Offered Either:

Certificate or Voucher with Referrals to Comparable Replacement Dwellings  
Where the Owner Agrees to Participate in the Section 8 Program; or

Cash Rental Assistance to Reduce the Rent and Utility Costs at the Replacement Dwelling to 30% of Income (Adjusted, if appropriate).

Cash Rental Assistance to Reduce the Rent and Utility Costs at the Replacement Dwelling to 30% of Income (Adjusted, if appropriate).

Period of Payment: 60 Months

Cap: None

Computation of Payment:

Information needed:

1. Replacement Dwelling Rent/Utilities
2. Comparable Replacement Dwelling Rent/Utilities
3. 30% of Household Monthly Gross Income  
(Adjusted, if appropriate.)

Formula:

Lesser of Lines 1 or 2 Minus Line 3 Times 60 = Payment

Payment: Same

- Person Choosing to Purchase

Person May Buy an Interest in and Occupy a Unit in a Coop or Mutual Housing Association

## CLEARANCE GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to rehabilitate substandard privately owned dwellings whenever feasible. However, when housing conditions are dilapidated and the cost of rehabilitation is not economically feasible, GASTON COUNTY **FY 2016/2020 CDBG Program** provides that these structures be cleared. The selection of property designated for clearance is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the clearance activities are that this **COUNTY** shall:

- (1) Only clear those dilapidated structures that are not economically feasible to rehabilitate.
- (2) Follow State and local codes and ordinances with regard to clearance.

This **COUNTY COMMISSIONERS** will clear privately owned structures as outlined in the **County's** application to REDD and subsequent amendments thereto. No member of the **COUNTY COMMISSIONERS** of the **COUNTY** and no other official, employee, or agent of the **COUNTY** government who exercises policy, decision-making functions, or responsibilities in connection with the planning and implementation of the **FY 2016/2020 CDBG Program** shall directly or indirectly be eligible for this program. This prohibition shall continue for one year after an individual's relationship with the **COUNTY** government ends. The **COUNTY COMMISSIONERS** and REDD can waive this stipulation upon approval.

The clearance of structures within the project area will be determined solely upon the condition of the unit. Prior to scheduled clearance activities, the **COUNTY** will acquire the structure in accordance with the Uniform Act of 1970, as amended, set forth in the Acquisition Guidelines adopted. Acquisition will not be required in cases of voluntary demolition as later prescribed.

The **COUNTY** and its Community Development Representatives will aid in the implementation of the clearance of each unit and of debris and overgrowth on the parcel by properly procuring services for these activities. Contracting for clearance work will be conducted on a competitive bid basis. The **COUNTY** will prepare the bid package, solicit and evaluate bids, and award the contract. Substitutions, additions or deletions to the contract are strictly prohibited unless an official change order is approved and executed by the **COUNTY** and the contractor.

Payment to the contractor for the clearance work will take place after receiving a Certification of Completion from the contractor and the **COUNTY** has inspected and approved all work.

In certain instances whereby the owner of a dilapidated structure wishes to clear voluntarily the structure, acquisition will not be required. The owner will, however, provide an easement to the **COUNTY** to allow access to the property for the purpose of clearance. The Contractor will provide all materials, tools, machinery and supervision necessary for the clearance activities at no cost to the owner.

In either event, the owners of the vacant property must agree that any reuse of the property will be developed in accordance with applicable **COUNTY** codes and ordinances.

The **COUNTY** conforms to standard, ethical practices in the clearance of property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## REHABILITATION GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to rehabilitate private property in a cost-effective manner in the approved project area whenever feasible to meet the plans and achieve the aims of GASTON COUNTY **CDBG Program**. The selection of property designated for rehabilitation is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the rehabilitation activities are that this **COUNTY COMMISSIONERS** shall:

- (1) Rehabilitate the property to meet the N.C. Small Cities CDBG Rehabilitation Standards.
- (2) Comply with North Carolina State Building Code.
- (3) Assure consistent treatment to all property owners.

This **COUNTY COMMISSIONERS** will rehabilitate private property as outlined in the **County's** application to REDD and subsequent amendments thereto. No member of the **COUNTY COMMISSIONERS** of the **COUNTY** and no other official, employee, or agent of the **COUNTY** government who exercises policy, decision-making functions, or responsibilities in connection with the planning and implementation of the **CDBG Program** shall directly or indirectly be eligible for this program. This prohibition shall continue for one year after an individual's relationship with the **COUNTY** government ends. The **COUNTY COMMISSIONERS** and REDD can waive this stipulation upon approval.

Length of ownership will not be a consideration in determining applicant eligibility for rehabilitation assistance. Property eligible for rehabilitation must be located in the Project Area.

All properties must be able to comply, in a cost effective manner, with the N.C. Small Cities CDBG Rehabilitation Standards at the completion of rehabilitation. Housing rehabilitation assistance will be made available at varying levels based upon the owner's income, and in the case of rental property, upon the owner's and tenant's income and the base rent. Refer to Table 1 for details of the Rehabilitation Program Design.

Property rehabilitated with grant funds will require execution of a Promissory Note and Deed of Trust for the amount of the CDBG assistance. The **COUNTY** at the corresponding rate that is indicated on **Table 1** shall forgive the debt. The debt will reduce monthly for each month such property is owned by the original grantee, their surviving spouse or a lineal heir until the entire debt is forgiven. If the property is not sold for the indicated period after the date of the recapture agreement, such indebtedness shall be considered duly forgiven and the Deed of Trust canceled by the **COUNTY**. If the property is sold within the recapture period, the outstanding balance, as of the date of the sale, shall be due and payable to the **COUNTY**.

Improvements eligible for rehabilitation assistance include only work required to bring the property up to the N.C. Small Cities CDBG Rehabilitation Standards and existing housing codes. Improvements of this type include work on plumbing, electrical, heating, ventilation and structural systems to assure a proper working condition. Plumbing work may include the installation of bathroom or kitchen fixtures such as a toilet, lavatory, shower or bathtub, and kitchen sink, with hot and cold running water as required. Electrical work includes the installation or repair of lights, switches, electrical outlets, and service panel. Some examples of other improvements that may be eligible for rehabilitation assistance are storm windows, storm doors, and insulation, painting, roof, wall and floor repairs. Also, included will be exterior and interior repairs on the structure to assure a decent, safe, and sanitary living condition.

Improvements not eligible for rehabilitation assistance include any work in excess of the standards and codes listed above. Improvements that are specifically prohibited include additions for family rooms, dens, carports, garages and the like. Sleeping room and bathroom additions are eligible when needed to meet applicable standards.

Applications for rehabilitation assistance will be taken and processed throughout the program year. All property that has rehabilitation potential will be offered assistance. The owner and occupant, in the case of rental property, will be contacted to complete an application.

All owners of rental property will be required to execute a rent control agreement as required by the CDBG regulations under 24 C.F.R § 570.208 (a) (3). This mandates that rents on properties improved by CDBG funds are maintained at affordable level for same period after the project is completed. The affordable rent policy is intended to protect low- to moderate- income (LMI) persons who are living in a housing project funded with CDBG funds. The affordable rent policy shall benefit tenants whose gross household income, adjusted by family size, is less than 80% of County median income according to income limits prepared by HUD (in effect at time when determination is made). The purpose of this policy is to ensure the rental properties that are in the project area remain affordable for LMI households per the CDBG program eligibility requirements and regulations (National Objectives 24 C.F.R §570.208 Section 101(c), Section 104(b)(3), 105(c)). In the NC CDBG Program, there are two options to demonstrate compliance with this requirement:

1. Not increasing tenant's rent; OR
2. Setting tenant's rent at a rate considered "affordable" for the County, meaning that rent will not be allowed to exceed 30% of the tenant's gross family income.

This affordable rent commitment must be executed by the property owners and must be in effect for at least 12 months after the project is finalized and the grant is closed out.

The application consists of a family survey and verification of income for the occupants and a rehabilitation work write-up and cost estimate on the property. Priority will be established according to the approved project schedule, impact of assistance, and household characteristics.

The **COUNTY**, through its Community Development Project Manager and Housing Rehabilitation Specialist, will assist the property owner in the rehabilitation process. The **County's** responsibilities, through the Project Manager and Housing Rehabilitation Specialist, are to process the owner's application, inspect the property, prepare a work write-up, solicit bids for construction, evaluate bids, award the contract, conduct a pre-construction conference, follow progress of construction by conducting periodic inspections, and process the Contractor's payment requests. The Housing Rehabilitation Specialist will conduct inspections, not less than twice per week while rehabilitation is in progress. The Project Manager will make periodic inspections to assure adherence to the rehabilitation guidelines.

The Owner's responsibilities are to provide accurate information, assist in evaluating and awarding the contract, and to provide access to the property for the purpose of inspections and construction. Owner must render property clean, sanitary and free of debris prior to any work beginning. A copy of these rehabilitation guidelines will be provided to each owner to serve as a property owner's guidebook upon request.

Contracting for rehabilitation work will be conducted on a competitive bid basis. The contract will be a three party contract between the **COUNTY**, the Owner and the Contractor. The **COUNTY** will advertise and maintain a Contractors List. The Owner, the **COUNTY**, the Community Development Project Manager, and Housing Rehabilitation Specialist will work as a team to prepare the bid package, solicit and evaluate bids, and award the contract.

Substitutions, additions, or deletions to the work write-up attached to the contract are strictly prohibited unless an official change order is approved and executed by the **COUNTY**, the Owner, and the Contractor.

Final payment to the Contractor for the rehabilitation work will take place only after receiving a Certification of Completion from the Contractor, a Certification of Satisfaction from the Owner, and the Project Manager/Housing Rehabilitation Specialist and **COUNTY** representative have inspected and approved all work called for in the work write-up.

The *change of use of real property* standards in 24 C.F.R. 570.489(j) are applicable. The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) which was *acquired or improved in whole or in part using CDBG funds in excess of the threshold for small purchase procurement (2 CFR 200.88)*. These standards shall apply from the date CDBG funds are first spent for the property until five (5) years after closeout of the unit of general local government's grant. Any changes within the five (5) years would have to serve a CDBG national objective.

The **COUNTY** conforms to standard, ethical practices in the rehabilitation of private property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all persons and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

<b>TABLE 1</b> Rehabilitation Financial Design	Name of Applicant: <b>COUNTY OF GASTON</b>
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Only low income (less than or equal to 50% of area median income) owner occupied units will be rehabilitated/reconstructed in the CDBG Housing Program. CDBG assistance will be in the form of deferred, forgivable loans. Deferred, forgivable loans will be proportionally forgiven over the applicable term of recapture. The financial design is shown below.

#### **Owner Occupants**

- Low-income property owners that also occupy the house to be rehabilitated/reconstructed **may** contribute to the cost of rehabilitation/reconstruction.
- Deferred, forgivable loans will be made to owner occupants. Provisions to recapture CDBG funds are described on the chart below. As the level of CDBG assistance increases, the recapture period lengthens.
- The CDBG deferred, forgivable loan may **not** be subordinated to **any other type of loan** other than a first mortgage that existed prior to the rehabilitation. After rehabilitation/reconstruction, if other non-CDBG financial assistance for rehabilitation is obtained prior to the expiration of the CDBG recapture period, the CDBG deferred, forgivable loan may be subordinated to the new rehabilitation loan. After rehabilitation/reconstruction, the CDBG deferred, forgivable loan may not be subordinated without prior written permission from the **COUNTY**.
- The CDBG loan must be secured with a Promissory Note and Deed of Trust. The Deed of Trust must be filed with the Register of Deeds prior to signing the contract for rehabilitation/reconstruction.
- The terms of the deferred, forgivable loan will be clearly explained to the loan recipient. A Notice of the Right to Cancel and a Truth-in-Lending Statement must accompany every Deed of Trust and be provided to each owner at closing.

#### **Rehabilitation Financial Design Chart**

##### **Owner occupants with household incomes less than or equal to 50% of median income**

##### **Type of Assistance**

1. 100% deferred forgivable loan      0% interest rate

##### **II. Recapture of funds provisions for owner occupants**

Ranges of CDBG contributions per unit	Term Number of Years for Recapture
Less than \$12,000	5 years
\$12,001 - 16,000	6 years
\$16,001 – 20,000	7 years
\$20,001 or more	8 years

Recipients of assistance under the CDBG program will be chosen by the above criteria without regard to race, creed, sex, color or national origin. The **COUNTY** must ensure that the families served are at or below 50% of the area median income.

## REHABILITATION / RECONSTRUCTION GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to rehabilitate/reconstruct homes on private property in a cost-effective manner in the approved project area whenever feasible to meet the plans and achieve the aims of GASTON COUNTY **CDBG Program**. The selection of property designated for rehabilitation/reconstruction is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the rehabilitation/reconstruction activities are that this **COUNTY** shall:

- (1) Rehabilitate existing dwelling or reconstruct a new dwelling on the same property to meet the N.C. Small Cities CDBG Rehabilitation Standards.
- (2) Comply with North Carolina State Building Code.
- (3) Assure consistent treatment to all property owners.

This **COUNTY COMMISSIONERS** will rehabilitate/reconstruct private property as outlined in the **County's** application to REDD and subsequent amendments thereto. No member of the **COUNTY COMMISSIONERS** of the **COUNTY** and no other official, employee, or agent of the **COUNTY** government who exercises policy, decision-making functions, or responsibilities in connection with the planning and implementation of the **FY 2016/2020 CDBG Program** shall directly or indirectly be eligible for this program. This prohibition shall continue for one year after an individual's relationship with the **COUNTY** government ends. The **COUNTY COMMISSIONERS** and REDD can waive this stipulation upon approval.

Length of ownership will not be a consideration in determining applicant eligibility for rehabilitation/reconstruction assistance. Property eligible for rehabilitation/reconstruction must be located in the Project Area.

All properties must comply, in a cost-effective manner, with the N.C. Small Cities CDBG Rehabilitation Standards at the completion of the rehabilitation/reconstruction. Reconstruction will be used in lieu of rehabilitation for properties that cannot be cost effectively rehabilitated.

Property rehabilitated/reconstructed with grant funds will require execution of a Promissory Note and Deed of Trust for the amount of the CDBG assistance. The **COUNTY** at the corresponding rate that is indicated on **Table 1** shall forgive the debt. The debt will reduce monthly for each month such property is owned by the original grantee, their surviving spouse or a lineal heir until the entire debt is forgiven. If the property is not sold for the indicated period after the date of the recapture agreement, such indebtedness shall be considered duly forgiven and the Deed of Trust canceled by the **COUNTY**. If the property is sold within the recapture period, the outstanding balance, as of the date of the sale, shall be due and payable to the **COUNTY**.

Improvements eligible for rehabilitated/reconstructed assistance include only work required to bring the property up to the N.C. Small Cities CDBG Rehabilitation Standards and existing housing codes. Improvements of this type include work on plumbing, electrical, heating, ventilation and structural systems to assure a proper working condition. Plumbing work may include the installation of bathroom or kitchen fixtures such as a toilet, lavatory, shower or bathtub, and kitchen sink, with hot and cold running water as required. Electrical work includes the installation or repair of lights, switches, electrical outlets, and service panel. Some examples of other improvements that may be eligible for rehabilitation assistance are storm windows, storm doors, and insulation, painting, roof, wall and floor repairs. Also, included will be exterior and interior repairs on the structure to assure a decent, safe, and sanitary living condition.

Improvements not eligible for rehabilitation assistance include any work in excess of the standards and codes listed above. Improvements that are specifically prohibited include additions for family rooms, dens, carports, garages and the like. Sleeping room and bathroom additions are eligible when needed to meet applicable standards.

All owners of rental property will be required to execute a rent control agreement as required by the CDBG regulations under 24 C.F.R § 570.208 (a) (3). This mandates that rents on properties improved by CDBG funds are maintained at affordable level for same period after the project is completed. The affordable rent policy is intended to protect low- to moderate- income



(LMI) persons who are living in a housing project funded with CDBG funds. The affordable rent policy shall benefit tenants whose gross household income, adjusted by family size, is less than 80% of County median income according to income limits prepared by HUD (in effect at time when determination is made). The purpose of this policy is to ensure the rental properties that are in the project area remain affordable for LMI households per the CDBG program eligibility requirements and regulations (National Objectives 24 C.F.R. §570.208 Section 101(c), Section 104(b)(3), 105(c)). In the NC CDBG Program, there are two options to demonstrate compliance with this requirement:

1. Not increasing tenant's rent; OR
2. Setting tenant's rent at a rate considered "affordable" for the County, meaning that rent will not be allowed to exceed 30% of the tenant's gross family income.

This affordable rent commitment must be executed by the property owners and must be in effect for at least 12 months after the project is finalized and the grant is closed out.

Applications for rehabilitation/reconstruction assistance were taken and processed during the application preparation phase. All eligible owner-occupied households, that completed applications, were considered for assistance. Priority was given according to household characteristics and dwelling condition needs. Applicants and alternates were identified and will be treated until funds are expended.

The **COUNTY**, through its Community Development Project Manager and Housing Rehabilitation Specialist, will assist the property owner in the rehabilitation/reconstruction process. The **County's** responsibilities, through the Project Manager and Housing Rehabilitation Specialist, are to process the owner's application, inspect the property, prepare a work write-up, solicit bids for construction, evaluate bids, award the contract, conduct a pre-construction conference, follow progress of construction by conducting periodic observations, and process the Contractor's payment requests. The Housing Rehabilitation Specialist will conduct progress observations, not less than twice per week while rehabilitation/reconstruction is in progress. The Project Manager will make periodic construction observations to assure adherence to the rehabilitation guidelines.

The Owner's responsibilities are to provide accurate information, assist in evaluating and awarding the contract, and to provide access to the property for the purpose of inspections and construction. Owner must render property clean, sanitary and free of debris prior to any work beginning. A copy of these rehabilitation/reconstruction guidelines will be provided to each owner to serve as a property owner's guidebook.

Contracting for rehabilitation/reconstruction work will be conducted on a competitive bid basis. The contract will be a three party contract between the **COUNTY**, the Owner, and the Contractor. The **COUNTY** will advertise and maintain a Contractors List. The Owner, the **COUNTY**, the Community Development Project Manager, and Housing Rehabilitation Specialist will work as a team to prepare the bid package, solicit and evaluate bids, and award the contract.

Substitutions, additions, or deletions to the work write-up attached to the contract are strictly prohibited unless an official change order is approved and executed by the **COUNTY**, the Owner, and the Contractor.

Final payment to the Contractor for the rehabilitation/reconstruction work will take place only after receiving a Certification of Completion from the Contractor, a Certification of Satisfaction from the Owner, and the Housing Rehabilitation Specialist and **COUNTY** representative have inspected and approved all work called for in the work write-up.

The *change of use of real property* standards in 24 C.F.R. 570.489(j) are applicable. The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) which was *acquired or improved in whole or in part using CDBG funds in excess of the threshold for small purchase procurement (2 CFR 200.88)*. These standards shall apply from the date CDBG funds are first spent for the property until five (5) years after closeout of the unit of general local government's grant. Any changes within the five (5) years would have to serve a CDBG national objective.

The **COUNTY** conforms to standard, ethical practices in the rehabilitation/reconstruction of private property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all persons and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## HOOK UP GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to provide a hook-up in a cost-effective manner to approved existing public utility lines to meet the plans and achieve the aims of GASTON COUNTY **FY 2016/2020 CDBG Program**. The selection of property designated for hook-up is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the hook-up activities are that this **COUNTY COMMISSIONERS** shall:

- (1) Provide hook-up to properties in accordance with the approved CDBG application.
- (2) Comply with North Carolina State Building Code.
- (3) Assure consistent treatment to all property owners.

This **COUNTY COMMISSIONERS** will hook-up private property as outlined in the **County's** application to REDD. No member of the **COUNTY COMMISSIONERS** of the **COUNTY** and no other official, employee, or agent of the **COUNTY** government who exercises policy, decision-making functions, or responsibilities in connection with the planning and implementation of the Community Development Program shall directly or indirectly be eligible for this program. This prohibition shall continue for one year after an individual's relationship with the **COUNTY** government ends. The **COUNTY COMMISSIONERS** and REDD can waive this stipulation upon approval.

Length of ownership will not be a consideration in determining applicant eligibility for hook-up assistance. Property eligible for hook-up must be located on existing utility lines that are already in use and installed with non-CDBG funds.

The proposed project will hook-up residences, owned and occupied by low and moderate-income persons. All hook-ups will take place on existing public utility lines that are already in use and installed with non-CDBG funds. The hook-ups will connect the residence completely to the existing line including tap fees, appurtenances, and service lines. All residences connected must have workable indoor plumbing. Improvements eligible for hook-up assistance include only work required to connect the property to assure a proper working condition. No special fees will be assessed.

Only dwellings owned and occupied by low and moderate-income residents at or below 80% of the area median income will be eligible. The **COUNTY** will advertise and solicit applicants from the areas with public utility lines that have been completely installed in the ground and in use. The **COUNTY** has developed the following priority system to rank eligible applicants, determine which of them will be selected for assistance, and in what order, they will be assisted. Under this system, applicants will receive points for falling into certain categories. The applications will be ranked according to which receive the most points.

The units to be treated will be selected using the following criteria:

- (a) Income category (Priority to lowest)
- (b) Elderly person in home (62 or older)
- (c) Physically Handicapped person in home
- (d) Single-Parent Household
- (e) Female Headed Household

Applications for hook-up assistance will be taken and processed. All property that has hook-up potential will be prioritized for assistance. The owner will be contacted to complete an application.

The application consists of a family survey and verification of income for the owner/occupants and a hook-up description of work and cost estimate on the property. Priority established according to the approved project application.

The **COUNTY**, through its Community Development Specialist, will assist the property owner in the hook-up process. The **County's** responsibilities, through the Community Development Specialist, are to process the owner's application, inspect the property, prepare a hook-up description of work, solicit bids for construction, evaluate bids, award the contract, conduct a pre-construction conference, follow progress of construction by conducting periodic inspections, and process the Contractor's payment requests. The Project Manager / Construction Observer will make periodic inspections to assure adherence to the hook-up guidelines.

The Owner's responsibilities are to provide accurate information and to provide access to the property for the purpose of inspections and construction. Owner must render property clean and free of debris prior to any work beginning. A copy of these hook-up guidelines will be provided to each owner to serve as a property owner's guidebook.

All owners of rental property will be required to execute a rent control agreement as required by the CDBG regulations under 24 C.F.R § 570.208 (a) (3). This mandates that rents on properties improved by CDBG funds are maintained at affordable level for same period after the project is completed. The affordable rent policy is intended to protect low- to moderate- income (LMI) persons who are living in a housing project funded with CDBG funds. The affordable rent policy shall benefit tenants whose gross household income, adjusted by family size, is less than 80% of County median income according to income limits prepared by HUD (in effect at time when determination is made). The purpose of this policy is to ensure the rental properties that are in the project area remain affordable for LMI households per the CDBG program eligibility requirements and regulations (National Objectives 24 C.F.R §570.208 Section 101(c), Section 104(b)(3), 105(c)). In the NC CDBG Program, there are two options to demonstrate compliance with this requirement:

1. Not increasing tenant's rent; OR
2. Setting tenant's rent at a rate considered "affordable" for the County, meaning that rent will not be allowed to exceed 30% of the tenant's gross family income.

This affordable rent commitment must be executed by the property owners and must be in effect for at least 12 months after the project is finalized and the grant is closed out.

Contracting for hook-up work will be conducted on a competitive bid basis. The contract will be a two-party contract between the **COUNTY** and the Contractor. The **COUNTY** will advertise and maintain a Contractors List. The **COUNTY** and Community Development Specialist will work as a team to prepare the bid package, solicit and evaluate bids, and award the contract.

Substitutions, additions, or deletions to the hook-up description of work attached to the contract are strictly prohibited unless an official change order is approved and executed by the **COUNTY** and the Contractor.

Final payment to the Contractor for the hook-up work will take place only after receiving a Certification of Completion from the Contractor, a Certification of Satisfaction from the Owner, and the Community Development Specialist and **COUNTY** representative have inspected and approved all work called for in the hook-up description of work.

The *change of use of real property* standards in 24 C.F.R. 570.489(j) are applicable. The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) which was *acquired or improved in whole or in part using CDBG funds in excess of the threshold for small purchase procurement (2 CFR 200.88)*. These standards shall apply from the date CDBG funds are first spent for the property until five (5) years after closeout of the unit of general local government's grant. Any changes within the five (5) years would have to serve a CDBG national objective.

The **COUNTY** conforms to standard, ethical practices in the hook-up of private property and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all persons and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## PUBLIC FACILITY GUIDELINES

### COUNTY OF GASTON CDBG PROGRAM

It is the intent of this **COUNTY COMMISSIONERS** to undertake public facility improvements in the approved project area whenever feasible to meet the plans and achieve the aims of GASTON COUNTY **FY 2016/2020 CDBG Program**. The selection of public facility improvements is the result of many months of planning, numerous meetings and public hearings, and final approval by the **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, and the North Carolina Rural Economic Development Division Neighborhood Revitalization (REDD).

The objectives of the public facility improvement activities are that this **COUNTY** shall:

- (1) Follow State and local codes and ordinances with regard to public facility improvements.
- (2) Follow Federal and State labor requirements with regard to public facility improvements.
- (3) Assure consistent treatment to all property owners.

This **COUNTY COMMISSIONERS** will conduct public facility improvements as outlined in the **County's** application to REDD and subsequent amendments thereto. The need for public facility improvements within the project area was determined by existing conditions. Prior to beginning scheduled public facility improvement activities, the **COUNTY** will solicit Request for Proposals to provide engineering services for basic design, contract administration and construction observation. The Proposals submitted will be evaluated, an Engineer selected and a contract for engineering services executed. The **COUNTY** will undertake public facility improvements in accordance with the following labor standards; The Davis-Bacon Act, The Copeland "Anti-Kickback" Act, The Contract Work Hours and Safety Standards Act and The Fair Labor Standards Act. The Community Development Representative will request the required wage determinations, review contractor payroll reports and conduct contractor employee interviews.

The **COUNTY** and its Community Development Representative will aid the Engineer in the basic design, contract administration and construction observation of the public facility improvements. Contracting for public facility improvement construction will be conducted on a competitive bid basis. The Engineer will request required permits, prepare bid specifications including Supplemental General Conditions relating to CDBG Compliance Requirements, solicit bids for construction, evaluate bids, recommend award of the contract, conduct a pre-construction conference, observe the construction, recommend payment of the Contractor's payment requests and process the certification of completion.

Applications for public facility improvement assistance will be taken and processed. The application consists of a family survey and verification of income for the occupants. All property adjacent to public facility improvements will receive assistance. The owner and occupant, in the case of rental property, will be contacted to complete an application. The owner may be asked to provide a temporary easement to the **COUNTY** to allow access to the property for the purpose of the public facility improvements. Should a permanent easement be required for the purpose of public facility improvements, the **COUNTY** will follow the Acquisition Guidelines relative to the purchase of real property.

The **COUNTY** conforms to standard, ethical practices to undertake public facility improvements and desires to see that all interests are protected. If there are any questions or complaints, the **COUNTY** solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The **COUNTY** will follow its adopted Complaint Procedure, contained herein this CDBG Program Manual.

## COMPLAINT PROCEDURE

### COUNTY OF GASTON CDBG PROGRAM

Citizens may make comments at any point in the program including planning, implementation and closeout. The COUNTY will respond in writing to written citizen comments. Citizen comments should be mailed to: COUNTY GRANTS MANAGER / COUNTY CLERK, COUNTY OF GASTON, 128 W. Main Avenue, GASTONIA, NC 28053, TELEPHONE: 704-866-3771. The COUNTY will respond to all written citizen comments within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a complaint concerning GASTON COUNTY Community Development Program, the complaint should first be discussed with the COUNTY GRANTS MANAGER / COUNTY CLERK. ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.

If the complaint cannot be resolved in this manner, a meeting with the COUNTY GRANTS MANAGER / COUNTY CLERK to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to:

FOR CDBG-NRNFRASTRUCTURE: North Carolina Department of Commerce, Rural Economic Development Division Neighborhood Revitalization, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633, Phone: (919) 707-9189, TDD: (800) 735-2962 or 711.

FOR CDBG-NRNFRASTRUCTURE: NC Department of Commerce, Rural Economic Development Division Neighborhood Revitalization, CDBG Section, 4346 Mail Service Center, Raleigh, North Carolina 27699-4346, Phone: (919) 814-4673, TDD: (800) 735-2962 or 711.

*This information is available in Spanish or any other language upon request. Please contact **(COUNTY GRANTS MANAGER Pat Laws)** at **(704-866-3771)** or at **(128 W. Main Avenue, GASTONIA, NC 28053)** for accommodations for this request. Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(COUNTY GRANTS MANAGER Pat Laws)** al **(704-866-3771)** o en **(128 W. Main Avenue, GASTONIA, NC 28053)** de alojamiento para esta solicitud.*





## **CONTRACTS OFFICER DESIGNATION**

### **COUNTY OF GASTON CDBG PROGRAM**

The **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, hereby designates the **COUNTY MANAGER / COUNTY GRANTS MANAGER**, and titled successor(s) or designee(s), to serve as Contracts Officer(s) throughout the implementation of GASTON COUNTY Community Development Program, with the authority to execute contracts pertaining to acquisition, disposition, relocation, clearance, rehabilitation, rehabilitation/reconstruction, hook-up, public facilities and administration within the limitations of the approved Grant Application and State and Federal Procurement Procedures.

## **LABOR STANDARDS OFFICER DESIGNATION**

### **COUNTY OF GASTON CDBG PROGRAM**

The **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, hereby designates the **COUNTY GRANTS MANAGER / COUNTY CLERK**, and titled successor(s) or designee(s), to serve as Labor Standards Officer(s) throughout the implementation of GASTON COUNTY **CDBG Program**, with the authority to enforce compliance with labor standards on all jobs requiring labor standards provisions.



## **VERIFICATION OFFICER DESIGNATION**

### **COUNTY OF GASTON CDBG PROGRAM**

The **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, hereby designates the **COUNTY GRANTS MANAGER / COUNTY CLERK**, and titled successor(s) or designee(s), to serve as Verification Officer(s) throughout the implementation of GASTON COUNTY **CDBG Program**, with the responsibility to verify the eligibility of all contractors and subcontractors participating on jobs funded in full or in part with Community Development funds.

## **JUST COMPENSATION OFFICER DESIGNATION**

### **COUNTY OF GASTON CDBG PROGRAM**

The **COUNTY COMMISSIONERS** of GASTON COUNTY, North Carolina, hereby designates the **COUNTY GRANTS MANAGER / COUNTY CLERK**, and titled successor(s) or designee(s), to serve as Just Compensation Officer(s) throughout the implementation of GASTON COUNTY **CDBG Program**, with the authority to certify just compensation of private property acquisition within the limitations of the approved Grant Application.

## FINANCIAL MANAGEMENT PROCEDURE

### COUNTY OF GASTON CDBG PROGRAM

The **COUNTY** is required to maintain a financial accounting system for the Community Development Block Grant Program. This system must comply with various Federal guidelines for financial management of federally assisted activities. To comply with these regulations, the **COUNTY** must have a financial management system that provides accurate, current, and complete disclosure of the financial status of each CDBG-supported activity. To ensure that the Federal guidelines, specifically, 2 CFR 200, are met, the **COUNTY** will comply with the following financial management procedures:

- A. The financial management system must permit the comparison of actual expenditures and revenues against budgeted amounts. To meet this requirement, the **COUNTY** will maintain separate revenues and expenditures ledgers by fund and activity. In addition, a balance sheet of accounts will be maintained to indicate cash flow.
- B. The **COUNTY** must have procedures to ensure that project costs are reasonable, allowed by the funding agency and are allocated to project cost line item budgets. All accounting records must be supported by source documentation and maintained for a three-to-five-year period following closeout of the program.
- C. Cost Allocation Plan: Federal Office of Budget & Management (OMB) Circular A-87 (“Cost Principles for State, Local and Indian Tribal Governments”) was superseded by 2 CFR Part 225, and then by 2 CFR Part 200. However, the general principles remain such that local governments receiving federal awards must identify, assign, and allocate indirect and direct costs of project activities on a reasonable and consistent basis. The **COUNTY** will compare its existing cost allocation plan to the guidance presented in Appendix V to 2 CFR 200 “State/Local Governmentwide Central Service Cost Allocation Plans” and make a determination of reasonably expected costs associated with the CDBG grant. *Examples may include, but are not limited to: mailing and postage; office supplies; public notices & outreach; staff training; and full-time equivalent of local staff that may work on the CDBG project.*

For expected costs associated with the CDBG grant, the **COUNTY** will maintain records that include a description of the service or good, applicable procurement procedures, invoices and / or statements, balances of expenditures and deposits, and explanation of being grant-related, and if needed, prior approval from the funding agency for said cost.

Any reimbursement issued to **COUNTY** staff for trainings related to the project and the CDBG discipline must be requested by the funding agency, and any related travel, mileage, sustenance, and lodging must adhere to current State per diem rates.

- D. The **COUNTY** will follow an ADVANCEMENT method of payment procedure whereby the Project Manager will review vouchers and invoices to make sure they are legitimate costs consistent with approved contracts or purchase orders, and

to make sure that they are charged to the correct program activity. A Request for Check form will be prepared by the Project Manager and presented to **COUNTY GRANTS MANAGER / COUNTY CLERK**, or successors, for review. A Request for Check will not be issued unless the voucher or invoice clearly describes the services rendered or product obtained. The **COUNTY FINANCE DIRECTOR** will review the Request for Check, determine if adequate funds available, and issue a payment for payment of the invoice after ONE (1) of the local officials named on the current Signature Card approves the Request for Check.

- E. Disbursement of funds shall be made no less than monthly, with the request exceeding \$2,500 unless it is the last payment. Never will the amount of the requisition exceed the total amount of the funds needed. The requisition will be completed in accordance with Rural Economic Development Division Neighborhood Revitalization (REDD) requirements and follow OMB cost principles. No grant funds may be used to pay for expenses dated or accrued prior to Contract Executed Date by REDD. No grant funds may be obligated or expended except for the administration activity until receipt of the Release of Funds letter from REDD.
- F. The Requisition shall bear the signatures of TWO (2) of the local officials indicated on the current Signatory Card. The Requisition and backup documentation will be submitted to REDD with the original being sent to Grant Representative. A copy will be maintained in the **County's** files. The **COUNTY** should allow up to 30 days for invoices and request for funds to be processed. The **COUNTY** should inform contractors of this timeframe. Upon receipt of the CDBG funds, the **COUNTY FINANCE DIRECTOR** will immediately record the deposit into the account set up for CDBG funds. CDBG funds must stand alone and are not to be mingled with other grants or other sources of funding.
- G. A mechanism must be developed to ensure compliance with the "Three Day Rule." Should the **COUNTY** follow an Advancement method of payment procedure, **advance payments from REDD must be spent within THREE (3) banking days of receipt**. The **COUNTY** will ensure that funds are expended within THREE (3) banking days of receipt by requisitioning funds only upon receipt of vouchers, and/or invoices, and/or progress payment requests. Never will the amount of the requisition exceed the total amount of the funds needed.
- H. This Financial Management System will be maintained by the **COUNTY FINANCE DIRECTOR** and adhered to by the Project Manager and all program participants. The **COUNTY** will maintain all accounting records for a three-to-five-year period following program closeout.

# NEIGHBORHOOD REVITALIZATION CONTRACTOR PROCUREMENT AND DISBURSEMENT POLICY

## COUNTY OF GASTON CDBG PROGRAM

### **PROCUREMENT POLICY**

1. To the maximum extent practical, the **COUNTY** promotes a fair, open and competitive procurement process as required under the CDBG-NR Program. Bids are invited from Contractors who are part of the **County's** Approved Contractor Registry. Any current contractor listed with and approved by the **COUNTY** and in good standing (i.e., no unresolved past performance issues and not listed on the federal or state debarred list) will receive automatic approval status on the contractor registry.
2. To be listed in the Approved Contractor Registry, a contractor must complete an application, have their recent work reviewed and approved by the **County's** Housing Rehab Manager or Rehabilitation Specialist and submit proof of insurance. All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms; only those contractors with this certificate on file will be invited to bid on pre-1978 homes.
3. At least three eligible contractors on the **County's** approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 20%, in either direction, of the **County's** cost estimate, (c) the contractor has not been suspended or debarred and (d) there is no conflict of interest (real or apparent). The **COUNTY** will conduct a public bid allowing qualified vendors to provide quotes, bids or proposals for the product or services needed. Every reasonable effort will be made to receive at least three quotes, bids, or proposals. Bid package request will be sent out to contractors on the Approved Contractor Registry via email.
4. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
5. Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job, including instructions for distribution and receipt of bids. Contractors will be given no less than seven days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at **COUNTY** located at **128 W. Main Avenue, GASTONIA, NC 28053** at a specified date and time, with all bidders invited to attend.
6. Bids must include a cost-per-item breakdown with line-item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
7. The **COUNTY** reserves the right to reject any or all bids at any time during the procurement process.
8. In the event of a true emergency situation, the **COUNTY** reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, electronic bids, and the like. Should such methods ever become necessary, the transaction will be fully documented. In the event phone bids are used, the **COUNTY** will call the first three responsive contractors on the approved contractor list. The **COUNTY** will track who has been called and responsive and will rotate through the full list before beginning the rotation again.
9. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend. Within 72 hours of the bid opening, after review of bid breakdowns and construction schedules, the winning bidders will be selected. All bidders will be notified in writing of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the **County's** cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
10. The contractor is responsible for obtaining a building permit for the project before beginning work, if supported by local jurisdiction. The permit must be posted at the house during the entire period of construction. If applicable, the

contractor will obtain a permit for lead hazard related activities. The **County's** Rehabilitation Specialist will closely monitor the contractor during the construction period to make sure that the work is being completed according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Local Code Enforcement Officials will inspect the work for compliance with the NC State Building Code and the local minimum housing code, when applicable. To protect personal property the homeowner will be responsible for working with the contractor toward clearing work areas of personal property as needed as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction activities.

11. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract including at minimum, the homeowner, the contractor and two representatives of the **COUNTY**. The change order must also detail any changes to the original contract price.
12. No work may begin prior to a contract being awarded and executed and a written order to proceed provided to the contractor. In addition, a pre-construction conference and "walk thru" shall be held at the work site prior to commencement of repair work or at the specified location determined by **COUNTY** staff. At this time, the homeowner, contractor, and **COUNTY** program representative(s) will discuss the details of the work to be completed. Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home. Within 2 weeks of the pre-construction conference, the **COUNTY** will issue a "proceed order" formally instructing the contractor to commence work by the agreed-upon date.
13. The **COUNTY** is an equal opportunity employer, implements non-discriminatory practices in its procurement/disbursement and will make special outreach efforts to include M/WBE (Minority/Women Business Enterprise) businesses within its contractor and subcontractor pool. Contractors will be chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status and/or disability.

#### **DISBURSEMENT POLICY**

1. All repair work must be inspected by (a) the **County's** Rehabilitation Specialist, (b) the local building or minimum housing code inspector when applicable and (c) the homeowner prior to any final payments to contractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. The contractor should allow 21 business days for processing of the invoice for payment.
2. The contractor is entitled to request two partial payments up to 75% of the total contract amount and a final payment, but only at the discretion of the Rehabilitation Specialist. When a payment is requested, the Rehabilitation Specialist will inspect the work within three days, determine percentage of job completion and calculate a payment.
3. Following construction, the contractor and the Housing Rehabilitation Specialist will meet with the homeowner in a post-construction conference. At this conference the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner and be available to answer homeowner questions.
4. Project Closeout: When the contractor declares the work complete, the Housing Rehabilitation Specialist will thoroughly inspect the work. If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of final payment. If the contractor fails to correct the work to the satisfaction of the **County's** Housing Rehab Rehabilitation Specialist, payment may be withheld until the work is deemed satisfactory. (Contractors may follow the **County's** CDBG-NR Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy). Following construction, the **County's** Housing Rehabilitation Specialist will sign off on the work and meet with the homeowner to review all completed work and obtain final documents to be signed by the homeowner. After receipt of the contractor's final invoice, inspections, certificate of completion and lien releases signed, the final payment will be ordered. All material and workmanship will be guaranteed by the contractor for a period of one-year, using the date the Rehab Specialist declares all work complete and approves the final invoice for payment.
5. The **COUNTY** assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.
6. All contractors, sub-contractors, and suppliers must sign a lien waiver prior to disbursement of funds.

# NEIGHBORHOOD REVITALIZATION ASSISTANCE POLICY

## COUNTY OF GASTON CDBG PROGRAM

### I. WHAT IS THE CDBG-NR PROGRAM?

The CDBG Neighborhood Revitalization (NR) program is designed to provide grants to local units of government for housing, housing related activities, and public facilities. Awards are made on a competitive basis based on the number of applications received compared to funding availability.

The program supports the three livability principles that helps guide sustainability and resiliency throughout areas that receive funding. Regardless of the program activity or activities local governments pursue, the program projects must incorporate at least one of the following three livability principles as an area of focus:

### II. CDBG-NR 3 LIVABILITY PRINCIPLES

- Promote equitable, affordable housing. Expand location and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- Support existing communities. Target federal funding toward existing communities - through strategies like transit-oriented, mixed-use development, and land recycling - to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.
- Value communities and neighborhoods. Enhance the unique characteristics of all communities by investing in health, safe, and walkable neighborhoods - rural, urban, or suburban.

The **COUNTY** has been allocated **\$750,000** through the CDBG-NR program which it plans to apply toward the rehabilitation owner-occupied single-family homes in GASTON COUNTY.

This Assistance Policy describes who is eligible for assistance under the CDBG-NR, how applications for assistance were ranked, what the terms of assistance are, and how the rehabilitation process will be managed. The **COUNTY** has designed the CDBG-NR project to be fair, open, and consistent with its awarded application for funding and with CDBG-NR Program Guidelines. The funds are provided by Small Cities Community Development Block Grant (CDBG) Program, U.S. Department of Housing and Urban Development and will cover all costs of the project.

### III. EMERGENCY AND HEALTH NOTIFICATIONS

Due to the current COVID-19 pandemic, increased awareness of the need to protect **COUNTY** representatives and the homeowners they serve from various health related exposures has become more apparent than ever. Homeowners participating in the CDBG-NR program must agree to follow all local, state, and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

### IV. WHO IS ELIGIBLE TO APPLY?

Owner occupied units that are designated as real property whether stick built, manufactured after 1978 or modular housing may be rehabilitated in the CDBG-NR Program. However, manufactured homes rehabilitated with CDBG-NR funds must have been converted into real property (*according to G.S. 105-273 paragraph 13*) that is owned and occupied by the homeowner prior to selection.

Substantial Rehabilitation - Projects that have rehabilitation costs above \$72,000 per unit or \$70 per square foot including Lead Based Paint treatment costs and any other additional funds. Grantees are required to submit such projects to REDD for prior approval.

### V. HOW ARE APPLICATIONS RANKED?

The Housing Selection Committee prioritized applications based on the following: must be located in the project area, must be owner-occupied, income (lower incomes receive higher priority), occupant needs (elderly, handicap/disabled, large family, single parent, lead paint), needs of the home (what type of improvements are needed are they life threatening, structural, or necessary systems of the home). The survey forms that were used during the survey process addressed all the priorities identified above.

Applicants were given a score based on the information provided in the application that addresses the above-mentioned priorities. Within each priority points are accumulated; the top scoring applications will be chosen to participate if the applicant is able to provide the necessary income and ownership verification documents and is willing to sign all the required documents to meet the CDBG-NR program regulations. The Housing Selection Committee also chose a select number of alternates based on score to have in place in case one of the selected applicants is unable to participate.

*Recipients of assistance under the CDBG-NR Program were chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status, and disability.*

## VI. WHAT ARE THE TERMS OF ASSISTANCE UNDER CDBG-NR?

The form of CDBG-NR assistance is a 0% interest, forgivable loan covering all costs associated with the rehabilitation of the homes selected for participation. As long as the borrower lives in the home, no payments on the loan will be required.

The **COUNTY** will create loan documents for the homeowner(s) including a Promissory Note and Deed of Trust covering all costs for the rehabilitation in an amount not to exceed \$72,000.

Below is a table that provides the **County's** recapture periods based on the amount of CDBG assistance.

<u>CDBG Assistance</u>	<u>Recapture Period</u>
Less than \$12,000	5 years
\$12,001-16,000	6 years
\$16,001-\$20,000	7 years
\$20,001 or more	8 years

## VII. WHAT KIND OF WORK WILL BE DONE?

Each house selected for assistance must be rehabilitated to meet NC Commerce CDBG-NR Rehabilitation Criteria. That means every house must, upon completion of the rehabilitation:

- meet the more stringent requirements of either NCHFA's Essential Property Standard or the **County's** Minimum Housing Code. These are "habitability standards" which set minimum standards for decent, safe, and sanitary living conditions. Additionally, the home must meet applicable Lead-Based Paint regulations 24 CFR part 35.
- retain no "imminent threats" to the health and safety of the home's occupants or to the home's "structural integrity". (An example of an imminent threat to occupants as well as to the home's structural integrity is an infestation of insects or a crawlspace that is too damp).

These requirements are spelled out in full in the NC Commerce CDBG-NR Program Guidance Guideline which you may access anytime online at <https://www.nccommerce.com/>.

*In addition to the above items that must be done to satisfy program requirements, the scope of work may include approved items meant to reduce future maintenance and operational costs or to further protect homes from natural disasters and/or home modifications designed to enable greater accessibility for household members to function more independently as they age.*



Once the rehabilitation is complete, major systems in the home that, with reasonable maintenance and normal use, should be capable of lasting another 5 years include: structural support, roofing, cladding, and weatherproofing, plumbing, electrical and heating/cooling systems.

*Of course, contractors performing work funded under CDBG-NR are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to meet NC State Residential Building Code standards. (This does not mean, however, that the whole house must be brought up to current Building Code Standards.) Upon the date of approval by the **COUNTY** of the contractor's request for final payment, a one-year warranty on all products and workmanship will begin.*

#### **VIII. WHAT ABOUT LEAD-BASED PAINT?**

Until it was discovered to be a health hazard, lead was used for centuries to make house paints. Now we know that lead exposure is a serious problem for everyone and especially small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

Under CDBG-NR, a lead hazard evaluation must be performed on every home selected for rehabilitation that was built before 1978. The specific type of evaluation and the appropriate lead hazard reduction work performed will depend on the total amount of Federal funds used to rehabilitate the home, as per 24 CFR part 35. If required, lead-based paint hazard reduction and/or abatement will be performed by contractors who are trained and certified to perform such work.

It may be necessary for the household to relocate during the construction process for the protection against lead poisoning. If relocation is required, all costs will be covered through funds from the CDBG-NR grant.

#### **IX. WHO WILL DO THE WORK ON THE HOMES?**

**THE COUNTY IS OBLIGATED UNDER CDBG-NR TO ENSURE THAT QUALITY WORK IS DONE AT REASONABLE PRICES AND THAT ALL WORK IS CONTRACTED THROUGH A FAIR, OPEN, AND COMPETITIVE PROCESS. TO MEET THESE REQUIREMENTS, THE COUNTY WILL INVITE BIDS FROM QUALIFIED VENDORS WHO ARE PART OF AN "APPROVED CONTRACTORS REGISTRY". FOR ADDITIONAL INFORMATION ABOUT PROCUREMENT AND DISBURSEMENT PROCEDURES, PLEASE REFER TO THE COUNTY CDBG-NR PROCUREMENT AND DISBURSEMENT POLICY FOR THIS PROJECT.**

- All qualified members of the Approved Contractors Registry will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract.
- All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms.
- Homeowners who know of quality rehabilitation contractors that are not on the approved contractor's registry are welcome to invite them to apply.

#### **X. WHAT ARE THE STEPS IN THE PROCESS, FROM APPLICATION TO COMPLETION?**

You now have information about how the application process occurred for the CDBG-NR grant and what type of work can be done through the program. Here are the steps for getting the work done:

1. **Completing an application form:** Homeowners within the project area were notified of this project and encouraged to apply. It was conveyed to homeowners that proof of ownership and income would be required to be eligible. Those houses that do not fall within the project area will not be eligible.
2. **Notice of Disposition:** After the **COUNTY** received and scored applications, a letter was sent to the applicants advising them of their status. The applicants who were selected and those who were not appropriate for the program were notified. Applicants whose homes who were selected for the program will be required to provide income verification, home ownership and other qualification checks as required by the program. Those applicants who were not selected

but who rank highly will be listed as alternates.

3. **Screening of applicants:** The Housing Selection Committee prioritized applications based on the following: must be located in the project area, must be owner-occupied, income (lower incomes receive higher priority), occupant needs (elderly, handicap/disabled, large family, single parent, lead paint), needs of the home (what type of improvements are needed are they life threatening, structural, or necessary systems of the home). The survey forms that were used during the survey process addressed all the priorities identified above.

Applicants were given a score based on the information provided in the application that addresses the above-mentioned priorities. Within each priority points are accumulated; the top scoring applications will be chosen to participate if the applicant is able to provide the necessary income and ownership verification documents and is willing to sign all the required documents to meet the CDBG-NR program regulations. The Housing Selection Committee also chose a select number of alternates based on score to have in place in case one of the selected applicants is unable to participate.

4. **Written agreement:** A Homeowner Written Agreement, between the homeowner and the **COUNTY**, will be executed. This Agreement will certify that the property is the principal residence of the owner, that the post-rehab value of the property will not exceed 95% of the 203(b) limits established by HUD and defines the CDBG-NR maximum amount and form of assistance being provided to the homeowner, the scope of work to be performed, the date of completion and the rehabilitation criteria and standards to be met.
5. **Pre-rehab inspection & unit evaluation:** The **County's** Rehabilitation Specialist will visit each house for a thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks, etc. Each unit will be evaluated for energy-saving opportunities such as air-sealing and duct-sealing as well as for environmental concerns, such as lead based paint hazards, radon, and asbestos.
6. **Work write-up:** The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bids are received from contractors.
7. **Lead and Other Testing:** The **COUNTY** will arrange for a certified firm to inspect all pre-1978 constructed homes for potential lead hazards (required) and asbestos hazards (as deemed necessary by the Rehabilitation Specialist in all homes built during, before and after 1978). All homes will be tested for radon. The owner will receive information covering the results of the tests and any corrective actions that will be needed as part of the rehabilitation.
8. **Bidding:** The work write-up and bid documents will be conveyed to all contractors from the Approved Contractor Registry who will be given no less than seven days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at **Gaston County Administration Building** located at **128 W. Main Avenue, GASTONIA, NC 28053**. All bidders are invited to attend, but attendance is not required.
9. **Contractor selection:** Within 72 hours of the bid opening the winning bidders will be selected. All bidders and the homeowner will be notified in writing of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the **County's** cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
10. **Loan closing and contract execution:** Loan documents (Promissory Note and Deed of Trust) will be prepared by the **COUNTY** as the lender and executed by the homeowner. *By law, homeowner's have the right to hire legal representation of their choosing at loan closing.* If a homeowner does not have "representation" at the closing, the borrower must sign a **COUNTY** "Legal Advice Disclosure". Rehabilitation contract documents will be executed by the **COUNTY** and contractor with the homeowner signing on as an interested third party prior to the commencement of any construction. The **COUNTY** will facilitate with the loan closing and recordation of these documents.
11. **Pre-construction conference:** A pre-construction conference will be held at the selected applicant's house. At this time, the homeowner, contractor, and the **COUNTY** CDBG program representatives will discuss the details of the work to be

completed. Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home. The **COUNTY** will issue a "proceed order" formally instructing the contractor to commence work by the agreed-upon date.

- 12. Construction:** The contractor is responsible for obtaining and posting all permits for the project before beginning work. The **County's** CDBG-NR Program staff will closely monitor the contractor during the construction period and local Code Enforcement Officials will inspect the work when applicable. To protect personal property the homeowner will be responsible for working with the contractor toward clearing work areas of personal property as needed as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction activities.
- 13. Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, the **County's** Rehabilitation Specialist and CDBG program representatives, and reduced in writing as a contract amendment ("change order"). The owner, contractor and two **COUNTY** personnel must execute any change order agreements to the construction contract.
- 14. Progress payments:** The contractor is entitled to request a maximum of two partial payments up to 75% of the total contract amount and a final payment. When a payment is requested, the Rehabilitation Specialist will inspect the work within three days, determine percentage of job completion and calculate a payment based on 100% of the contract price (from the contractors cost breakdown as approved by the **COUNTY**) of the work completed on each line item which is 100% complete.
- 15. Closeout:** The homeowner will sign a satisfaction agreement. The Rehabilitation Specialist and **COUNTY** program representatives sign off on work when complete. When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, the homeowner, **COUNTY** program representatives, and Rehabilitation Specialist will sign off on the work. All material and workmanship will be guaranteed by the contractor for a period of one-year from the date of completion of the work as established by the **COUNTY** approval date of the final pay requisition. The **COUNTY** will notify the homeowner in writing of this date.
- 16. Post-construction conference:** Following construction, the contractor and Rehabilitation Specialist will sit down with the homeowner one last time. At this conference, the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment, materials and appliances and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work.
- 17. Final loan amount determination:** If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders, and there is a need to modify the loan. The **COUNTY** will prepare an estoppel for a loan reduction or modification agreement for loan increases as necessary at the time of closeout of the unit. The loan will remain the property of the **COUNTY**, with original documents remaining there for storage and "servicing. Please note that it is the responsibility of the homeowner to record an estoppel if they wish this to be reflected in the Deed of Trust.
- 18. Dispute Clause:** Any disputes should be sent to the **GASTON COUNTY ADMINISTRATION BUILDING at 128 W. Main Avenue, GASTONIA, NC 28053** in writing. The **COUNTY** will respond to the dispute within 15 days in writing. If that does not resolve the dispute it can be resubmitted but will be taken to the North Carolina Commerce, Rural Economic Development Division Neighborhood Revitalization to help resolve the issue.
- 19. The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner to the **COUNTY**, as soon as possible in writing. All bona fide defects in materials and workmanship reported within one year of completion of construction will be corrected free of charge by the contractor.

**XI. WHO CAN I CONTACT ABOUT GASTON COUNTY CDBG-NR PROGRAM?**

PAT LAWS, COUNTY GRANTS MANAGER; COUNTY OF GASTON; 128 W. Main Avenue, GASTONIA, NC 28053; PHONE: 704-866-3771