



## REQUEST FOR BOARD ACTION

ITEM NO. 1a.

**DATE OF MEETING:** August 6, 2012

**REQUESTED BY:** Judith Herring, Director of Housing

**SHORT TITLE:** Resolution Authorizing Approval of Administrative Guidelines for 2011 (11/12) CDBG-Scattered Site Housing Program.

**BACKGROUND:** Pender County was awarded a \$400,000 FY2011 (11/12) CDBG Scattered Site Housing Grant (CDBG-SSH) from the North Carolina Division of Community Investment and Assistance. The purpose of the grant is to assist four low-to moderate-income owner-occupant households living in severely deteriorated housing at scattered locations throughout the County. In order to move forward with the project, specific resolutions, guidelines, plans and policies must be adopted and utilized during the administration of the County's FY 2011 CDBG-SS Project. NOTE: These plans have previously been adopted for past CDBG-SS Grants. However, the funding agency requires that a new set be adopted for each program.

**SPECIFIC ACTION REQUESTED:** To consider a resolution authorizing approval and adoption of the Administrative Guidelines for the 2011 CDBG-Scattered Site Program. A copy of the policies packet is attached.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

  
Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the Board hereby approves and adopts the resolution approving the Administrative Guidelines for the 2011 CDBG-Scattered Site Program as included in the policies packet. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Brown \_\_\_ Tate \_\_\_ Rivenbark \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George R. Brown, Chairman      8/6/12  
Date

\_\_\_\_\_  
ATTEST      8/6/12  
Date

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM  
Resolution Approving Administrative Guidelines and Policies**

WHEREAS, Pender County wishes to carry out its FY2011 Community Development Block Grant Scattered Site (CDBG-SS) Program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, the Pender County Board of Commissioners hereby collectively adopts the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of Pender County's FY2011 CDBG-SS Program:

1. Project Budget Ordinance
2. Financial Management Resolution
3. Housing Assistance Policy
4. Rehabilitation/Demolition Contract Award Policy
5. Citizen Participation Plan
6. Residential Antidisplacement and Relocation Assistance Plan
7. Local Economic Benefit for LMI Persons (Section 3) Plan
8. Equal Employment and Procurement Policy.
9. Policy Concerning Code of Conduct
10. Fair Housing Policy
11. Section 519 Policy (Prohibiting Use of Excessive Force)
12. Temporary Relocation Policy
13. Language Access Plan

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Project Ordinance**

Be it ordained by the Board of Commissioners of Pender County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the FY11 Community Development Block Grant Scattered Site project described in the work statement contained in the grant agreement (#11-C-2321) between Pender County and the North Carolina Department of Commerce. This project is more familiarly known as the Pender County FY11 CDBG-SS Project.

Section 2. The Pender County staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

C-1: Pender County FY11 CDBG-SS Project

CDBG Grant	<u>\$400,000</u>
Total Project Resources	<u>\$400,000</u>

Section 4. The following amounts are appropriated for the project activities:

C-1: Pender County FY11 CDBG-SS Project

Project Budget	<u>\$400,000</u>
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Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this council.

Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM  
Financial Management Resolution**

WHEREAS, Pender County has received an FY2011 Community Development Block Grant Scattered Site (CDBG-SS) Program grant in the amount of \$400,000; and

WHEREAS, the North Carolina Administrative Code regulations require that the county designate a Grant Finance Officer and a depository for CDBG funds;

NOW, THEREFORE, Pender County hereby resolves the following:

- (1) Claiburn B. Watson, Finance Director, will serve as Grant Finance Officer, and will be responsible for financial management of the program according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
- (2) Bank of America, in Burgaw, NC, is hereby designated as the official depository for revenues budgeted for the FY11 CDBG-SS program.

Resolved this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Housing Assistance Policy**

The following information is designed to serve as the basis for administrative policies, guidelines and procedures necessary to effectively establish a CDBG Scattered Site Program for Pender County. As is the case with all new programs, certain alterations, amendments and additions to these guidelines may be required as the program is implemented. Review of these guidelines is encouraged to maintain consistent administrative quality. The administrative personnel, consultant, and the county staff members responsible for program administration should become completely familiar with the contents of the pages which follow.

**I. SELECTING AND PROCESSING APPLICANTS**

Before a successful housing improvement program involving the use of grants can begin operation, many administrative and policy decisions must be made. These decisions should be made with the benefit of input from the residents of Pender County. To ensure adequate and timely citizen input, the Pender County Board of Commissioners will serve as the CDBG-SSH selection committee. This committee will fulfill the following important functions:

- Review and comment on this Housing Assistance Policy.
- Provide coordination and contact between program residents and county representatives.
- Recommend program revisions as the project develops.
- Review and make comments on the Citizen Participation Plan.
- Conduct a public hearing prior to the close-out of the program to obtain public comment on the success of the project.
- Review and make recommendations on all community development program and/or budget amendments.
- Review and make comments and recommendations on housing grant grievances as required.

The Pender County Board of Commissioners has approved the final beneficiary list following submittal of the list to the Board by the Pender County Planning Director.

The draft Program Assistance Policy for the Pender County FY2011 Scattered Site Program was developed by the county's CDBG consultant following discussions with the Pender County Planning Director, representatives of county municipalities, and comments received by the Board of Commissioners at the first and second application public hearings. The county has an abundance of applications for assistance on hand, and wishes to treat its worst housing needs. Therefore, a distribution plan including an objective, competitive rating system based on income/housing need/special population was felt to be most appropriate for this program. The county utilized an at-large application system that rated applications received without regard to geographic location.

A total of four (4) owner-occupied dwelling units will be reconstructed with FY2011 CDBG Scattered Site funds. All four (4) units will be occupied by households with incomes at or below 50% of the Pender County median income for appropriate household size. This achieves the program's overall objective of reconstructing units occupied by individuals with little or no ability to make improvements.

The county awarded CDBG reconstruction subsidies to "scattered site" beneficiaries based on income, special population, and severity of housing needs criteria. The county tailored the rating system for CDBG scattered site applications to specifically favor elderly and disabled individuals and households occupied by wage earners with dependent children. Additionally, the county tailored the program to address households occupying units with severe water and sewer needs and severe structural deficiencies as defined by the NC

Office of Community Investment and Assistance (CI) gradient housing needs scale. Each household served by the Pender County FY2011 CDBG Scattered Site Program must meet the requirements of at least one special housing needs category, and must occupy a unit with severe structural deficiencies (3 or more severe systems).

The following outlines the applicant screening/prequalification process that Pender County utilized to select the households who will receive reconstruction-housing assistance under the FY2011 CDBG Scattered Site program:

Mail Out/Deliver Application Packages: Following direct solicitation of applicants by mail to each participating municipality and publication of a public advisory on January 25, 2012, the county mailed informational statements to the 98 owner-occupant applicants registered in the county's current "request for housing assistance" file, maintained in the county community development office, and mailed application forms to seventy-five (75) households who responded to the informational statement mail-out and/or public advisory. The informational statement explained requirements about income, special population, tax liability, tenure, and severity of needs. The three application forms had to be filled out, signed by the owner, and returned by the designated deadline date of February 24, 2012. The informational statement included a phone number that applicants could call to set up a meeting with the county staff for assistance in completing the application prior to the application deadline.

Application Assistance/Field Assessment: If applicants requested assistance, they had the option of visiting the county community development office, where the county's consultant staff was available to provide assistance and answer questions. Also, a telephone contact for the county's CDBG consultant was included in the application package. The program staff reviewed applications as they were received and requested additional information if needed. The county also performed field inspections of eligible units to document housing needs and to estimate replacement costs.

Income Verifications: The county utilized CDBG guidelines for assessment of household income. The county required written documentation of public benefits, payroll information, or submittal of 2010/2011 tax return information if available. The county included adjusted (AGI) wage and benefit income for the head of household, spouse, and other non-transient (i.e., regular contributors to household expenses) household members 18 years of age and above. Business income for self-employed individuals was verified through income tax records, and included net profits as well as wages paid to household members.

Definitions:

- Elderly: An individual aged 62 or older.
- Disabled: A disabled individual is any person who has a physical or mental disability that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment, in accordance with 24CFR92.2.
- Wage Earner (with Dependent Children): A household occupied by at least one individual aged 18 or older who earns employment income and by at least one individual aged 17 or younger who depends on the wage earner's income for household necessities; the household may not be occupied by any individual receiving a public subsidy exclusively for dependent care (other than day care subsidies or subsidies for disabled dependents).
- Individual Receiving Unemployment Benefits: A household occupied by at least one individual aged 18 or older who had verified employment income in the immediate past and is currently receiving unemployment benefits.

- Household Member: Any individual who is an occupant of the unit to be rehabilitated shall be considered a "household member" (enumerated for household size and subject to income verification).
- Occupant: An occupant is defined as any immediate family member (mother, father, spouse, son, daughter of the head of household, regardless of time of occupancy); or a non-immediate family member who has resided in the dwelling unit at least six months of the twelve-month period prior to the homeowner's application date.

The application rating system functioned as follows:

Preliminary Rating: As full applications were received, they received a preliminary rating according to the following points table:

<u>Income</u>	<u>Points</u>
1. Income 41-50% of Median Income	8
2. Income 31-50% of median income	5
3. Income 21-30% of median income	3
4. Income 11-20% of median income	0
5. Income <10% of median income	Not Eligible
<u>Special Population Goals</u>	
1. Elderly (62 or above) Individual in Household	5
2. Disabled Individual in Household	5
3. Wage Earner w/Dependent Children	5
4. Individual Receiving Unemployment Benefits in HH	5
<u>Eligibility Requirements</u>	
1. Not Homeowner of Record in County Registry	Not Eligible
2. Local Taxes Not Paid to Date	Not Eligible
3. Income > 50% of Median Income	Not Eligible

Final Rating: The county's CDBG consultant used a Housing Needs Assessment Form (based on the Community Investment and Assistance Gradient Needs Form) to evaluate the housing needs of the highest-rated eligible applications received following preliminary review as outlined above. The assessment form included an evaluation of appropriate treatment (rehab or replacement). Fourteen homes were evaluated for housing conditions. Houses that were suitable for rehabilitation were not rated. All units identified as replacement units were rated according to the points system identified below:

<u>Housing Needs Factors - Replacement Units</u>	<u>Points</u>
1. 3 Severe Systems	2
2. 4 Severe Systems	4
3. 5 Severe Systems	6
4. 6 Severe Systems	8
5. 7 Severe Systems	10
6. 8-10 Severe Systems	12
7. Severe Water Need	5
8. Severe Sewer Need	5

- The four (4) highest rated replacement units and four (4) alternates were selected for the FY2011 CDBG-SS application.
- Following receipt of a grant agreement, the Program Administrator will conduct a pre-grant interview with each proposed CDBG-SS beneficiary to reassess the household's interest in the program, income, household information, and ability to maintain the improved property. The county will also request an attorney to complete preliminary title opinions for primary beneficiaries to verify that units to be replaced are owner-occupied. Once title opinions are received, recipients will be given up to 60 days to resolve title problems such as multiple heirs or liens that would prohibit a final award (recipients will be referred to legal services organizations that provide voluntary assistance to LMI households).
- If the county decides to withdraw a preliminary award following reassessment as noted above, the most competitive applicant from the alternate award list (within treatment and budget parameters) will be given consideration for a CDBG grant.
- When replacement/reconstruction final awards have been made by the County Board of Commissioners, owners will be contacted and asked to come in to the community development office to execute the Promissory Note, Deed of Trust, and other preconstruction documents.

II. TYPE OF REHABILITATION/RECONSTRUCTION ASSISTANCE

All households who receive rehabilitation/reconstruction assistance will receive their rehabilitation subsidy in the form of a zero interest, forgiven loan. The pro-rata portion of the forgiven loan will be recaptured by the county upon sale or transfer of the property in accordance with the table below (except upon transfer to an income-eligible heir through probate):

**Deferred Payment Loan (DPL) Recapture Provisions**

<u>Conventional Rehabilitation</u> <u>DPL Amount</u>	<u>Length of DPL</u> <u>Recapture Period</u>
\$0 - 12,000	5 years
\$12,001 - 16,000	6 years
\$16,001 - 19,000	7 years
\$20,000 or more	8 years
 <u>New Construction</u> <u>Replacement/Reconstruction</u>	
All Grants	10 years

NOTE: If non-CDBG financial assistance for rehabilitation is obtained after the CDBG deferred payment loan is closed, and prior to the expiration of the recapture period outlined above, the CDBG loan may be subordinated to this new loan.

The entire deferred loan will be provided through a Promissory Note and secured with a Deed of Trust on the property to be improved/replacement property. Transfer of the property will trigger payoff of the principal balance unless the new owner is verified by the county as eligible to assume the loan (heirs or income-eligible buyers).

The amount of the promissory note will be for the rehabilitation construction cost only – program support costs will not be secured.

All units approved for assistance by the county following the application/rating process will be inspected by the staff of Holland Consulting Planners, Inc., to determine whether rehabilitation or replacement is the more cost-effective treatment. The county will not rehabilitate units if the cost of rehabilitation exceeds 80% of the cost of demolition and on-site replacement (regardless of whether the replacement unit is provided on or away from the displacement parcel). Additionally, no more than \$20,000 may be spent on rehabilitation of a manufactured home. Rehabilitation assistance provided in excess of \$40,000 or \$38.00 per square foot must be qualified as substantial rehabilitation by the Office of Community Investment and Assistance (see Section VI).

### III. DWELLING UNIT INSPECTIONS

Inspections of each dwelling unit eligible for rehabilitation grant assistance will be made by Holland Consulting Planners, Inc. The inspections will include a determination of substandard conditions, as summarized in a deficiencies checklist, as well as agency-required lead-based paint inspection and risk assessment for units to be rehabilitated. Owners of deteriorated units will also be given the opportunity to fill out a deficiencies checklist, and will receive a lead-based paint hazard information package. Inspections will identify repairs that should be made to place the unit in a standard condition according to Office of Community Investment and Assistance's CDBG Rehabilitation Standards (see below).

### IV. CONVENTIONAL REHABILITATION STANDARDS

*(Section IV is optional by Program Amendment. No conventional rehabilitation activities were included in original application.)*

- A. **General:** All units proposed for conventional rehabilitation assistance will be rehabilitated to the North Carolina Small Cities CDBG Housing Rehabilitation Standards. Additionally, all units will conform to all applicable locally-enforced codes, ordinances, permitting, and inspection requirements. No completed units will retain any imminent threats to the health or safety of their occupants or to their structural integrity. Additionally, the county will utilize rigorous rehabilitation construction standards, to be clearly outlined in a Contractor's Handbook, to ensure that universal design standards (accessibility modifications, fire prevention, proper ventilation, vapor barrier installation, etc.) are maintained, and that all contractors are utilizing standard, code-approved materials for structural, finish, electrical, plumbing, and HVAC work. HUD Model Residential Property Rehabilitation Standards will be utilized to compute living area requirements and bathroom requirements for all households, regardless of size.
- B. **Lead Hazard Reduction:** All units constructed before 1978 will be subject to federal lead-based paint regulations. At the time of initial interview, the county's consultant housing inspector will follow procedures outlined in 24CFR35, HUD's "Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally-Owned Residential Property and Housing Receiving Federal Assistance," and appropriate updated guidelines issued by the Office of Community Investment and Assistance. All case work for these units will include risk assessment, lead testing, and interim controls/abatement as required by 24CFR35.

The county has budgeted temporary relocation funds to be utilized to house beneficiaries during lead hazard reduction or substantial rehab when necessary, as well as additional funds to handle displacement costs, furniture storage, etc. The county will adopt a temporary relocation policy consistent with federally-mandated relocation procedures outlined in 49CFR24 as a guide for providing temporary relocation assistance during this program. The county will use community resources and phase lead hazard abatement to minimize relocation costs.

OSHA (29CFR1926) and EPA-recommended worker safety, on-site containment, and clean-up procedures will be included in the work specifications, and will be thoroughly covered at contractors' meetings prior to rehab. Off-site disposal will be closely coordinated with local and state solid waste management personnel, and a written disposal procedure will be developed and included in the rehabilitation specifications. Most importantly, the county will insist that its housing rehab consultant be certified as an inspector for lead hazards through a state-accredited certification course. The county will also work closely with the Office of Community Investment and Assistance to obtain proper certification for its rehab contractors on an expedient basis.

- C. **Rehab Design for Disabled Beneficiaries:** The county will utilize an accessibility deficiencies checklist during preparation of the work write-up to ensure that the North Carolina State Building Code Volume 1-C Accessibility Code requirements for new construction are met when handicapped individuals occupy units to be rehabilitated. Also, the county will contact the Independent Living Rehabilitation Program's regional office prior to rehabilitation of units occupied by disabled individuals, to obtain assistance with design of accessibility modifications and possible grant assistance.
- D. **Flood Hazard Areas:** All units located in the special flood hazard area will be rehabilitated to comply with locally enforced flood damage prevention statutes and FEMA flood insurance guidelines. Prior to inspection, the county will perform flood elevation surveys of any units located in the special flood hazard area. If finish floor elevations are determined to be below the 100-year flood elevation, the county will raise the floor elevation, if structurally and financially feasible. Regardless of the resolution of the floor elevation issue, flood insurance will be procured for all units located in the 100-year floodplain (see Section V.D).

## V. CONSTRUCTION QUALITY/MAINTENANCE

- A. **Construction Guidelines:** The Pender County Contractor's Handbook is hereby incorporated into this Housing Assistance Policy by reference. The general provisions included in the Contractor's Handbook shall serve as the general guidelines for all rehabilitation and new construction work performed during the FY2011 CDBG Scattered Site Program. The Specifications included in the Contractor's Handbook shall serve as the standard quality of workmanship. The Contractor's Handbook stresses the application of universal design standards during rehabilitation and new construction. The handbook outlines standard installation procedures for ventilation systems, accessibility modifications, vapor barrier installation, weatherstripping, new bathroom installation, etc. Copies of the Contractor's Handbook are available at the county community development office for review by program applicants, grant recipients, and interested citizens.
- B. **Bidding and Construction Process:** The inspection consultant will prepare work write-ups and cost estimates, and coordinate the construction bidding, award, and inspection process for the owners. Work specifications, general contract provisions, and write-ups will be distributed at contractors' meetings which contractors will be required to attend in order to bid. The county maintains an active list of prequalified contractors, and also will publish notices of contractors' meetings/requests for bids in local newspapers.

The county will require the inspection consultant to make semi-weekly inspection visits to each unit under construction, to approve changes in the scope of work, to summarize for the program administrator on-site findings in written form, and to verify that finished construction meets program standards. In addition, the local code enforcement official will make regular inspection visits, and will provide the program administrator with a certificate of compliance/occupancy for each completed unit. Every unit will be guaranteed by a one-year warranty.

- C. **Homeowner Maintenance Measures:** During implementation of the project, the county will develop a post-construction checklist for review with all owners to make sure that owners are satisfied with construction and that they understand utility operation and costs. Additionally, all occupants of dwellings to be rehabilitated/replaced will be asked to attend a two-hour home maintenance course. This course will be taught by the program administrator. The course will focus on routine daily home care and maintenance. The county will prepare a home repair reference brochure for distribution to program beneficiaries; the brochure will include common repair problems and a list of local contractors and retail outlets specializing in home repair service and supplies. The NC Cooperative Extension Service will also assist with the home maintenance workshop.
- D. **Insurance:** In order to ensure that rehabilitated/new replacement units are insured against fire damage following completion of the rehabilitation contract or replacement housing process (see Section X), the county will utilize CDBG funds to purchase fire insurance to cover the replacement value of the structure for one year following completion of the housing construction contract. Coverage will be provided either as a new policy from a local insurance provider when no coverage exists, or as a supplementary policy from the owner's current provider. Additionally, the county will emphasize the need for homeowners to continue fire insurance coverage beyond the one-year CDBG subsidy period. The county will secure/upgrade flood insurance policies (one-year) for all units located in the 100-year floodplain with program support funds as well.

## VI. MAXIMUM REHABILITATION/REPLACEMENT GRANT LIMITATIONS

If rehabilitation is performed, the state-mandated maximum CDBG grant amount for the rehabilitation of any occupied or vacant housing unit will be \$40,000 (\$20,000 for a manufactured home), or \$38.00/sf; the more restrictive limit shall apply. **The CDBG grant amount for any housing unit can exceed state-mandated CDBG non-substantial rehab grant limits only when approval to undertake substantial rehabilitation is obtained from the Office of Community Investment and Assistance.** Additionally, the county's Program Administrator will not authorize rehabilitation or request permission to undertake substantial rehabilitation, if the cost of rehabilitation is more than 80% of the cost of providing a new replacement structure on the existing parcel (including the demolition cost of the existing structure). In the event that the CDBG-financed rehabilitation cost necessary to bring a dwelling unit into compliance with rehabilitation housing standards exceeds the limits prescribed above, a rehabilitation contract will still be executed provided the homeowner deposits the amount of the total rehabilitation contract minus the amount of the grant itself. This amount, the homeowner's contribution, will be withdrawn from a county account and paid to the contractor upon satisfactory completion of the rehabilitation.

**There is no grant limit on provision of replacement (reconstruction) housing assistance provided through the CDBG-SS program.**

VII. REHABILITATION/REPLACEMENT GRANT ELIGIBILITY CRITERIA

- A. All rehabilitation/replacement housing subsidies will be provided to households with incomes at or below 50% of the Pender County median income adjusted for appropriate household size.
- B. All rehabilitation/replacement housing beneficiaries must meet one of the three special population criteria outlined in Section I, and must occupy a unit classified as "severely deteriorated" according to CI's CDBG Rehabilitation Assessment Guidelines.
- C. All rehabilitation/replacement housing beneficiaries must be owner-occupant households who reside in Pender County, including eligible municipalities that have agreed to participate in the FY2011 CDBG Scattered Site Housing Program.
- D. The owner(s) of any unit to be rehabilitated or replaced must be able to legally execute a Deferred Payment Loan Deed of Trust/Promissory Note following formal award of a Rehabilitation/Replacement Grant and prior to execution of a Contract for Housing Construction Work.
- E. The DPL deed of trust shall be for the full amount of the CDBG grant assistance, except for special conditions involving multiple owners outlined below. The agreement shall be recorded immediately following execution of the note. Additionally, the deed of trust/promissory note shall be modified if the final contract cost exceeds the original contract cost.

VIII. REHABILITATION/REPLACEMENT GRANT AWARDS

Rehabilitation and replacement grant awards will be approved by the Pender County Scattered Site Housing Selection Committee, if potential grantees meet the grant eligibility and limitation requirements outlined herein.

IX. REGULATIONS PERTAINING TO ACCESSORY BUILDINGS

Non-residential accessory buildings located on the same lot as a dwelling unit approved for a rehabilitation grant are ineligible for rehabilitation. Grant monies may be applied to the demolition of such substandard structures, but in no instance for their rehabilitation. An accessory building for the purpose of the Rehabilitation Grant Program Guidelines is defined as follows:

*A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or used by other than the owners, lessee or tenant of the premises or their employees.*

The demolition of substandard accessory buildings may be required by the county as a part of the rehabilitation grant. Grant monies, if the owner's application is approved, may be used to rehabilitate the dwelling unit and demolish all substandard accessory buildings at the same time.

X. TEMPORARY RELOCATION BENEFITS

The Pender County Planning Housing Authority Director is authorized to approve temporary relocation payments to tenants or owner-occupants who are forced to vacate their dwellings during rehabilitation or prior to provision of a comparable replacement dwelling following demolition on a case-by-case basis, if such assistance is recommended by the Program Administrator. Such temporary relocation shall be accomplished at the minimum feasible cost, and in accordance with the Pender County FY2011 CDBG-SS Temporary

Relocation Policy. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. Approval of temporary relocation assistance for rent, motel charges, temporary storage, etc., will be made only upon submittal of cost-effective procurement documentation and invoice documentation by the Program Administrator.

Adopted this 6<sup>th</sup> Day of August, 2012.

\_\_\_\_\_  
George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Housing Construction Work Contract Award Policy**

During the performance of housing rehabilitation, demolition, and replacement housing activities included in the Pender County FY2011 CDBG Scattered Site (CDBG-SS) Program, the county will utilize the following guidelines in the award of contracts to contractors who bid on the rehabilitation/reconstruction or demolition of specific dwelling units:

- 1) The County shall reserve the right to reject bids and rescind contract awards if one of the following conditions has not been met:
  - a. The contractor must have turned in all required forms, credit report, references, etc., with his bid;
  - b. The contractor must have references and a past working record acceptable to the CDBG Administrator prior to the CDBG Administrator's recommendation of award to the Pender County Board of Commissioners;
  - c. The contractor must have demonstrated the ability to meet the performance criteria established in the Instructions to Bidders and the Contract for Housing Construction Work.
  - d. The contractor must have demonstrated the ability to meet standards of workmanship outlined in the Contractor's Handbook as witnessed by the CDBG Administrator.
- 2) Assessment of conditions 1(c) and 1(d) above shall be based on the CDBG Administrator's review of contractor references and work performed in other locations, if the contractor has not performed recent rehabilitation, demolition, or replacement housing work for Pender County.
- 3) If construction estimates are prepared, no contract award shall be made if the contract price is less than 85% or more than 115% of the CDBG Administrator's final estimate. The CDBG Administrator will document negotiation of bids and/or estimates before contract awards are made.
- 4) In a case where an individual contractor is performing adequately, but he is the low bidder on more houses than he can complete within 120 days following the bid opening, (based on past performance), Pender County shall reserve the right to reject bids for those surplus houses, and award those houses to the next lowest bidders meeting the guidelines outlined herein, in the interest of efficient completion of rehabilitation, demolition, and replacement housing activities. Pender County also reserves the right to reject bids and award contracts to alternate bidders in the interest of maintaining an efficient work schedule consistent with performance standards mandated by the funding agency.
- 5) Pender County reserves the right to rescind contract awards made prior to contract execution if circumstances beyond the control of Pender County, including directives by the funding agency or homeowner's non-participation, prohibit Pender County's participation in the contract as Owner's Representative.

- 6) Any action, either restrictive or affirmative, taken under these guidelines, shall be in the interest of an efficiently-managed CDBG program, and will be without self-interest on the part of any member of the Pender County Board of Commissioners or Pender County staff; and furthermore, shall be without regard to race, creed, sex, color, or national origin.
- 7) The Pender County Housing Authority Director has demonstrated the ability to coordinate grant program activities with this Board of Commissioners. The Pender County Board of Commissioners also realizes the importance of prompt action in the interest of maintaining satisfactory work progress. Therefore, the Pender County Housing Authority Director is hereby authorized to approve and execute all housing rehabilitation, replacement housing, and demolition change orders less than 15% of current contract value.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**Pender COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Citizen Participation Plan**

Introduction

Pursuant to Title I of the Housing and Community Development Act of 1974, as amended, Pender County, which receives Community Development Block Grant (CDBG) funds, has prepared a written Citizen Participation Plan. Through this plan, citizens will be provided adequate opportunity for meaningful involvement on a continuing basis and for participation in planning, implementation, and assessment of the County's community development activities. The County shall provide adequate information to citizens, hold public hearings during the planning process and throughout the implementation of all CDBG projects to obtain the views and proposals of citizens, and provide citizens an opportunity to comment on the County's past performance. This plan is to serve as a citizens' guide to interacting with CDBG projects in a meaningful way and to establish a process whereby citizen participation requirements will be met.

Objectives of the Plan

The objectives of this Citizen Participation Plan are to:

1. Provide citizens with adequate information on a timely basis concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important project requirements;
2. Provide citizens an opportunity to (i) participate in the development of the application and encourage the submission of written views and proposals, particularly by residents of blighted neighborhoods or citizens of low/moderate income; (ii) provide for timely responses to the proposals submitted; and (iii) schedule hearings at times and locations which permit broad participation (venue for hearings to coincide with regularly scheduled Board of Commissioners meetings);
3. Provide for public hearings to obtain the views of citizens on community development and housing needs and a timetable specifying when and how the objectives of this plan will be achieved;
4. Provide for timely and responsive answers to written complaints and give citizens an opportunity to submit comments concerning the County's community development performance;
5. Provide technical assistance on a timely basis through staff or other resources to citizen advisory groups, and upon request of groups of low/moderate income persons and groups of residents in blighted neighborhoods; and,
6. Assure record keeping to document that this plan has been followed in a manner to achieve full involvement of citizens in all stages of CDBG projects, and provide documents relevant to CDBG projects for public view.

### Citizen Involvement

Citizen level of participation will be countywide in scope. Countywide participation will be accomplished through public hearings and solicitation of written views and proposals. By this method, all citizens will be afforded an opportunity to present their housing and community development needs, suggestions, and comments on the County's past performance.

### Citizen Access to Records

Pender County will provide for full and timely disclosure of information and CDBG project records consistent with 4 NCAC 19L, the North Carolina CDBG Program Regulations, Subchapter .0911. Such records and information relevant to the CDBG project will be made available in the Pender County Housing Authority Office, 805 South Walker Street, Burgaw, NC 28425, during regular office hours for citizens' review. Documents to be made available include:

1. All mailings and promotional materials;
2. Records of public hearings;
3. All key documents such as prior applications, letters of approval, grant agreements, this plan, performance reports, progress reports, other reports and documentation required by the North Carolina Department of Commerce (DOC), and the proposed and approved application for the current year; and,
4. Copies of regulations and program bulletins governing the project. Electronic access to such documents can also be provided where available.

### Timely Information and Submission of Views and Proposals

The citizen participation process will begin at least 90-120 days prior to the established deadline for submission of an application. The Pender Post in Burgaw, NC and The Topsail Voice in Hampstead, NC, will be the primary medium for dissemination of important project information. All advertisements for public notices will be published in this newspaper. At a minimum, the County shall provide adequate information to citizens, hold a public hearing at the initial stage of the planning process, hold a public hearing prior to submission of the application, and hold a public hearing prior to closeout of the project to provide an opportunity for citizens to comment on the County's CDBG performance. The purpose of the first public hearing at the planning stage of the application will be to disseminate program information, obtain citizen views on community development and housing needs, priorities, and comments on the city's past performance. A second public hearing will be held prior to the submission of the full application for additional written comments and review of the application. Persons wishing to object to the approval of an application by the North Carolina Department of Commerce (DOC) shall make such objection in writing. DOC will consider objections made only on the following grounds:

1. The County's description of the needs and objectives is plainly inconsistent with available facts and data;
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the County; and,

3. The application does not comply with the requirements of Subchapter .1002 of the North Carolina Community Development Block Grant Program Regulations or other applicable laws and regulations.

All objections shall include an identification of the requirements not met. In case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objections shall include the data upon which the objection is based.

Citizen participation in the project amendment process shall include the following:

1. When proposing amendments which require prior DOC approval in accordance with Subchapter .0910 (Program Amendments) of the North Carolina CDBG Program Regulations, the County will be required to hold one public hearing prior to the submission of the amendment to DOC;
2. The County shall respond to written citizen objections and comments within ten working days of receipt of the citizen comment;
3. Persons wishing to object to the approval of an amendment by DOC shall make such objection in writing. DOC will consider objections made only on the following grounds:
  - a. The County's description of the needs and objectives is plainly inconsistent with available facts and data;
  - b. The amendment to be undertaken is plainly inappropriate to meeting the needs and objectives identified by the County; and,
  - c. The amendment does not comply with the requirements of Subchapter .1002 of the North Carolina CDBG Program Regulations or other applicable laws and regulations.

All objections shall include an identification of the requirements not met. In case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objections shall include the data upon which the objection is based.

Citizen participation in the project closeout process shall include the following:

1. When proposing the closeout of the CDBG project in accordance with Subchapter .0913 of the North Carolina CDBG Program Regulations, the city will be required to hold one public hearing to assess project performance during the closeout process and prior to the actual closeout of the grant; and,
2. The County shall continue to solicit and respond to written citizen objections and comments until such time as the project is closed.

Citizens shall have the opportunity to comment on the implementation of the project throughout the term of the project. The County shall solicit and respond to written views and proposals of citizens in writing within ten working days of receipt of the citizen comment. Citizen participation concerning project implementation and compliance shall include the following:

1. Persons may submit written comments to DOC at any time concerning the County's failure to comply with the requirements contained in the plan; and,

2. All records of public hearings, citizen comments, responses to comments and other relevant documents and papers shall be kept in accordance with Subchapter .0911 of the North Carolina CDBG Program Regulations.

All public hearings will be held before the Pender County Board of Commissioners. Notice of the hearings will be given by advertisement once in the non-legal section of the local newspaper not less than 10 days nor more than 25 days before the date of the meeting. The advertisement will indicate the date, time, place, and procedures of the hearing and topics that will be considered. In the event that a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, the County will arrange to provide an interpreter at the hearing to ensure the participation of and dissemination of information to the non-English speaking persons. Public hearings will be held at times and locations convenient to actual or potential beneficiaries and will be held in facilities that are accessible to the handicapped. Public hearings are held during regularly scheduled Board of Commissioners meetings in a handicapped accessible building:

#### Response to Proposals or Complaints

Written complaints received by the County during the implementation of the community development program will be handled in the following manner:

1. In the event of a contractual dispute, or a written complaint from a program recipient concerning the community development program, the Program Administrator shall respond to the parties in question in writing within ten (10) calendar days after receipt of a written complaint or comment. The Program Administrator may elect to inform the parties of a time and place for a meeting of the Project Advisory Committee (PAC) to discuss the complaint, dispute, or comment; a citizen may specifically request the PAC to review the complaint/dispute at any time prior to referral of the complaint/dispute to the Pender County Board of Commissioners. If PAC review is necessary, the PAC meeting shall be held within fifteen (15) calendar days following the Program Administrator's receipt of the complaint. The Program Administrator shall provide a written statement of the finding of the PAC to the parties in question within ten (10) calendar days after the PAC meeting.
2. If the parties in question do not agree with the findings of the PAC, an appeal shall be submitted to the Pender County Board of Commissioners. The appeal shall be filed in writing, stating that basis for differences, no less than ten (10) calendar days prior to a regularly scheduled meeting of the Pender County Board of Commissioners. After considering the basis for the differences, the Pender County shall provide a written statement of findings to each party within ten (10) calendar days after the consideration of the appeal.
3. If the citizen is dissatisfied with the local response, he or she may write to the North Carolina Department of Commerce, Office of Community Investment and Assistance, 4313 Mail Service Center, Raleigh, NC 27699-4313, Telephone (919) 571-4900; Relay North Carolina TDD # 1-800-735-2962. The Office of Community Investment and Assistance (CI) will respond only to written comments within ten (10) calendar days of the receipt of the comments.

Citizen Participation Plan Certification

The Pender County Board of Commissioners hereby assures and certifies that a Citizen Participation Plan has been written and will be followed as required by federal law in Title I of the Housing and Community Development Act, Section 104(a)(3).

The County's Citizen Participation Plan accomplishes the following:

1. Provides for citizen participation, with particular emphasis on participation by persons of low/moderate income who are residents of slum and blighted areas, and provides for participation of residents of low/moderate income neighborhoods as defined by local jurisdiction;
2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the County's proposed use of funds;
3. Provides for technical assistance to groups representative of persons of low/moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the County;
4. Provides for public hearings to obtain citizen views and to respond to proposals and questions to all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
5. Provides for a timely answer to written complaints and grievances, within ten working days; and,
6. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents are reasonably expected to participate.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Residential Antidisplacement and Relocation Assistance Plan**

In accordance with requirements of the Housing and Community Development Act of 1974, hereinafter referred to as "the Act", as amended, Pender County hereby certifies that it shall adhere to the following guidelines and procedures to minimize adverse impacts from residential displacement required as a result of programmed activities in its FY2011 CDBG Scattered Site (CDBG-SS) Program.

- 1) Pender County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488.

For the CDBG program, the term "vacant occupiable" or "suitable for rehabilitation" means a unit which is no worse than moderate according to the needs gradient scale published in the FY2011 CDBG-SS Program Application Guidelines, may be brought up to Section 8 HQS 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.

For occupied units, "low and moderate-income dwelling unit" 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 (that is, rent and utilities would not exceed 30% of the gross monthly income of a family that would occupy the unit without overcrowding).

For vacant units, a "low-moderate income dwelling unit" means a unit whose fair market rent would make it affordable to a low or moderate income family, as calculated above.

- 2) All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the county will make public and submit to the Office of Community Investment and Assistance (CI) the following information in writing:
  - a. A description of the proposed assisted activity;
  - b. A general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
  - c. A time schedule for the commencement and completion of the demolition or conversion;
  - d. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
  - e. The source of funding and a time schedule for the provision of replacement dwelling units; and
  - f. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

- 3) The County will provide relocation assistance, as described in 24 CFR 570.488, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.
- 4) Consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their home:
  - a. The County plans to reconstruct occupied dilapidated units on site as opposed to relocating occupants to off site replacement housing.
  - b. If off-site relocation is necessary, the County will attempt to locate comparable replacement housing in or near the neighborhood where demolition activities occur to further minimize neighborhood disruption caused by clearance activities.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM  
Residential Antidisplacement and Relocation Assistance Plan

Certification

I hereby certify that Pender County has adopted and is following a written Residential Antidisplacement and Relocation Assistance Plan that conforms with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended, as detailed in CPD Notice 88-33.

George Brown, Jr., Chairman  
Name and Title of Certifying Official

\_\_\_\_\_  
Signature of Certifying Official

August 6, 2012  
Date

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Local Economic Benefit for Low and Very Low Income Persons Plan**

To insure that to the greatest extent possible contracts for work are awarded to business concerns located in 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, Pender County (hereinafter called the County) has developed and hereby adopts the following Section 3 Plan:

1. This Section 3 Plan shall apply to services needed in connection with the FY2011 CDBG-SS grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. The Section 3 project area for the purpose of the FY2011 CDBG-SS grant program shall include all of Pender County.
3. 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 Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source. Where deemed necessary, listings from any agency noted above shall be distributed to prime contractors as potential sources of subcontractors and suppliers.
4. The County will include required Section 3 clauses in all contracts executed under this CDBG Program. Where deemed necessary, listings from any agency noted in No. 3 above shall be included as well as sources of subcontracts and suppliers.
5. Each housing rehabilitation, demolition, and replacement housing contractor 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.
6. All jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; all contracts will be listed with the North Carolina Historically Underutilized Business (HUB) office ; potential employees and businesses may seek development and training assistance through various state and local agencies.

7. 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 advertise in a local newspaper. This advertisement will be placed prominently in the newspaper as a display ad and contain the following information:
  - a. A brief description of the project.
  - b. A listing of jobs, contracts, and supplies likely to be utilized in carrying out the project.
  - c. An acknowledgment that under Section 3 of the Housing and Community Development Act, local persons and businesses will be utilized for jobs, contracts, and supplies in carrying out the CDBG project to the greatest extent feasible.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM  
EQUAL EMPLOYMENT AND PROCUREMENT POLICY**

**A. GENERAL EQUAL EMPLOYMENT AND PROCUREMENT POLICY**

Pender 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 County 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 under utilized groups in the work force, such as minorities, women, and the handicapped, and by making special efforts toward their recruitment, selection, development, 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 Manager and/or other persons designated by the Pender County Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal employment opportunity and affirmative action will be presented to the Pender County Board of Commissioners by the County Manager.

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.

**B. PROCUREMENT POLICY FOR FEDERAL GRANT PROGRAMS**

All procurement of goods and services by Pender County with CDBG grant funds shall be accomplished in accordance with the regulations of either Section 85.36 of 24CFR85, "Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments," or the North Carolina General Statutes applying to procurement in general by North Carolina municipalities/counties.

When the federal and state regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the County will adhere to the following guidelines during procurement of goods and services with federal funds:

1. In all cases where goods or services are procured on the basis of one bid or proposal received, the County will follow established principles included in OMB Circular A-87 to verify the reasonable cost of the procurement, and shall contact the state agency supervising the grant program before making any contract award on the basis of non-competitive negotiation.
2. Historically 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 goods and services.

3. The County shall develop a written statement 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 statement of work shall also include a written selection procedure. All competitive negotiations shall be awarded strictly on the basis of written selection procedures, and cost shall not be the sole or more important factor in selection of services through the use of competitive negotiation.
4. Prior to any contract award, the County shall verify the contractor's eligibility to participate in a federally-assisted program.
5. No consultant or bidder shall assist in 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.
6. 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 purchase requests.
7. The County shall not award any contracts for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 6<sup>th</sup> day of August, 2012.

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George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

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Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM  
Policy Concerning Code of Conduct for Officers, Employees or Agents**

BE IT RESOLVED BY THE PENDER COUNTY BOARD OF COMMISSIONERS:

Section 1: No employee, officer or agent of Pender County shall knowingly solicit or accept any form of gratuity from any person, firm or organization whereby such gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds.

Section 2: No employee, officer or agent of Pender 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, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

Section 3: No employee, officer or agent of Pender County shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Section 4: If any employee, officer or agent shall knowingly violate any of the provisions of this policy, such employee, officer or agent will be subject to such disciplinary measures as may be deemed appropriate by the Pender County Board of Commissioners including, but not limited to, suspension without pay, demotion, or dismissal.

Section 5: If any contractor or his agent violates any provision of this policy, such violation will constitute grounds for action deemed appropriate by the Pender County Housing Authority Director including, but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract.

This policy shall become effective from and after its adoption by the Pender County Board of Commissioners in an open meeting.

If any part of this policy shall be found to be in conflict with any federal or State of North Carolina law, then that portion of the policy can be amended to comply with the federal or state law without affecting the validity of the other portions.

Adopted this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Fair Housing Policy**

WHEREAS, Pender County desires that the citizens of the County be afforded the opportunity to attain the national objective of a decent, safe and sound living environment; and

WHEREAS, Pender County deplors discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

WHEREAS, Pender County desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, Pender County wishes to ensure that programs and activities undertaken by the County relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1968, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, Pender County does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Pender County may do so by informing Pender County Housing Authority Director at (910) 259-1202, or NC Human Relations Commission (919) 807-4420, Toll-Free (866) 324-7474, TDD# (919) 807-4420 (or Relay North Carolina TTY# 1-800-735-2962) of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the Pender County Housing Authority Director shall acknowledge the complaint with ten (10) days in writing and inform the North Carolina Human Relations Commission about the complaint. The County shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. Pender County shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based upon events occurring in the County.
4. The Pender County Housing Authority Director shall publicize within the County that she is the local official to contact with housing discrimination complaints.

Adopted this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Policy Prohibiting the Use of Excessive Force by Law Enforcement Officials**  
**Against Individuals Engaged in Nonviolent Civil Rights Demonstrations**

WHEREAS, Pender County wishes to carry out its existing and subsequent CDBG programs in accordance with Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act),

NOW, THEREFORE, Pender County adopts the following policy: The use of excessive physical force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations is prohibited.

The use of excessive force is any degree of physical action beyond mere restraint. The use of physical force shall be restricted to the amount of force which is reasonable and apparently necessary to effect a lawful arrest or in defense of self or others.

Striking or any form of restraint in which injury occurs shall be considered use of force. Additionally, the pointing of any firearm directly at any person shall be deemed use of force.

Mere restraint is defined as physically overpowering without striking or using weapons. Scuffling, holding, tackling, etc., may or may not be mere restraint, depending upon the circumstances. Whenever doubt exists as to whether the level of restraint used constitutes use of force, the immediate supervisor will be notified of the incident and will make a determination.

Additionally, Pender County will pursue a policy of enforcing applicable state laws against physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration within its jurisdiction and in accordance with Section 519 of P.L. 101-144.

Adopted this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
George Brown, Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Policy Prohibiting the Use of Excessive Force by Law Enforcement Officials**  
**Against Individuals Engaged in Nonviolent Civil Rights Demonstrations**

**SECTION 519 CERTIFICATION**

Pender County  
Grantee

805 South Walker Street, Burgaw, NC 28425  
Grantee's Address

11-C-2321  
Grant Number

I hereby certify that Pender County has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and has adopted and is enforcing 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 nonviolent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act).

George Brown, Jr., Chairman, Board of Commissioners  
Typed Name and Title of Certifying Official

\_\_\_\_\_  
Signature of Certifying Official

August 6, 2012  
Date

**PENDER COUNTY FY2011 CDBG SCATTERED SITE PROGRAM**  
**Temporary Relocation Policy**

WHEREAS, Pender County has been awarded an FY2011 CDBG Scattered Site (CDBG-SS) Program Grant; and,

WHEREAS, temporary relocation payments and assistance are approved activities under the FY2011 CDBG-SS Program Funding Agreement for households who receive conventional rehabilitation, lead based paint abatement, and on-site housing replacement (reconstruction) assistance; and,

WHEREAS, Pender County wishes to provide temporary relocation assistance and moving assistance to households temporarily displaced as a result of conventional rehabilitation, lead based paint abatement and on-site replacement (reconstruction) housing;

NOW, BE IT THEREFORE RESOLVED:

The Pender County Board of Commissioners hereby adopts the following temporary relocation policy, to be used during implementation of the FY2011 CDBG-SS Program:

A. INTENT OF POLICY

Under the FY2011 CDBG-SS Program, Pender County plans to carry out certain activities that will improve the living environment of the affected participants. This policy information applies to any homeowner who is required to temporarily relocate as a result of carrying out conventional rehabilitation, lead based paint abatement, or on-site replacement (reconstruction) housing activities under the FY2011 CDBG-SS Program.

It is the intent of this policy to enable a homeowner to receive limited assistance when renting a temporary housing unit. This assistance is offered to help address the financial burden that is often associated with temporary relocation. The low to moderate income homeowner families and individuals that this Policy is designed for will be offered this assistance only if they are required to temporarily relocate as a result of the project.

B. HOMEOWNER REPLACEMENT HOUSING

If any of the project activities require a homeowner to be temporarily relocated, the homeowner will receive a notice informing him/her of the date by which the unit must be vacated and approximate duration of the temporary relocation. Homeowners may be eligible to receive the moving benefits and temporary housing expenses offered in Section C. of the policy if the homeowner moves to a temporary unit that is decent, safe and sanitary, and suitable for the needs of the household. Therefore, even though a homeowner may seek his/her own replacement housing, an agreement to temporarily rent a dwelling should not be entered into until the unit has been inspected and approved by a member of Pender County's staff or designated building inspection official.

C. Temporary Replacement Housing Assistance - Homeowner

In general, the temporary replacement housing assistance for homeowners, subject to participation in Pender County's CDBG rehabilitation/reconstruction program, is as follows:

Moving Benefits

1. Actual moving expenses and storage costs paid to a bonded and licensed moving company for the move to the temporary housing unit. Pender County will provide the mover.
2. Actual moving expenses costs paid to a bonded and licensed moving company for the return move to the homeowner's housing unit. Pender County will provide the mover.
3. A homeowner shall be reimbursed for the disconnection and connection costs for the homeowner's utilities, telephone, and cable (if required) for the move to the temporary unit and for the return move to the homeowner's housing unit.

Temporary Housing Expenses:

A homeowner may be reimbursed for actual reasonable documented rent and utilities (electric, water/sewer, and gas) incurred at the temporary replacement dwelling.

In order for a homeowner to receive reimbursement of the Temporary Housing Expenses, the temporary replacement dwelling must be inspected and approved by a member of Pender County's staff (or building inspection official if designated) as decent, safe and sanitary, and adequate to meet the homeowner's occupancy needs. A premature move may result in loss of eligibility for a temporary housing expense payment.

D. DECENT, SAFE AND SANITARY HOUSING

Housing is to be considered decent, safe and sanitary housing if it is sound, clean, weathertight, and in standard condition. The unit must have hot and cold running water, a private inside toilet, bathing facilities, and be in compliance with the local housing codes. The unit must also be in compliance with the local occupancy codes to avoid overcrowding.

E. FAIR HOUSING LAWS

If a family or individual is unable to temporarily rent a replacement dwelling because of discriminating practices related to race, color, creed, disability, familial status, or national origin, the form HUD 903, Housing Discrimination Complaint, will be made available to each family or individual so aggrieved.

Pender County will take positive action to assist each family and individual in completing the form and filing the complaint. The Pender County staff will help assure a family or individual the full opportunity to relocate to a temporary dwelling provided for them or to a unit of their choice that meets the required inspection standards.

Adopted this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
George Brown Jr., Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

**PENDER COUNTY, NC**  
**Language Access Plan**

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, 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.

In order to avoid discrimination on the grounds of national origin, managers of all federally-funded programs or activities administered by Pender County, North Carolina, must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities of Pender County to ensure that LEP individuals can communicate effectively.

This policy and plan is effective August 6, 2012.

**I. Scope of Policy**

These requirements will apply to all partially or wholly federally-funded activities undertaken by Pender County (herein referred to as "the agency") including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

**II. Definitions**

- A. 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.
- B. 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.
- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. 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.

**III. Providing Notice to LEP Individuals**

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officer(s):

Ms. Judith Herring  
Pender County Housing Authority Director  
805 South Walker Street  
Burgaw, NC 28425  
(910) 259-1370

**(Note: The agency must notify the CI compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- B. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the agency where these signs will be posted:**

1. County Social Services Department
2. County Administration Building
3. County Health Department
4. Sheriff's Office
5. County Schools

- C. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).

- D. The agency will also disseminate information in the following manner:  
*(Describe how information will be disseminated. This may include, but not be limited to: dissemination of pamphlets explaining the rights in this policy.)*

1. Pamphlets in waiting rooms of county offices outlined in Section III-B
2. Pender County website

#### IV. Provision of Services to LEP Applicants/Recipients

##### A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:
  - a. the language needs of each LEP applicant/recipient
  - b. the points of contact where language assistance is needed; and
  - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
  
2. *Determining the Language Needs of the Population to be Served.* The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:
  - a. The non-English languages that are likely to be encountered in its program will be identified.
  - b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals, local entities should review:
    - (1) Census data
    - (2) school system data
    - (3) reports from federal, state, and local governments
    - (4) community agencies' information, and
    - (5) data from client files.
  - c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.
  
3. *Determining the Language Needs of Each Applicant/Recipient.* The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:
  - a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language. *Check all methods that will be used:*
    - ✓ multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
    - ✓ English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
  - b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.

- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

- 1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by available bilingual staff, employees of local community action organizations, and telephone interpreters.

- 2. The agency will provide language assistance at all levels of interaction with LEP individuals, including telephone interactions. *Describe how this requirement will be met:*

Pender County will utilize qualified bilingual employees, qualified employees of local community action agencies, and paid interpreters or telephone interpreters when qualified county or community action agencies are not available.

- 3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
  - (1) Can fluently and effectively communicate in both English and the primary language of the LEP individual
  - (2) Can accurately and impartially interpret to and from such languages and English
  - (3) Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
  - (4) Demonstrates cultural competency
  - (5) Understands the obligation to maintain confidentiality
  - (6) Understands the roles of interpreters and the ethics associated with being an interpreter

*Describe how the agency ensures the competency of bilingual staff and interpreters:*

Pender County will conduct competency review sessions of qualified bilingual/interpretive employees as part of employee's annual review process. The county department heads will personally evaluate the LEP qualifications of paid interpreters and employees of local community action organizations utilized for outsourcing of LEP-related tasks utilizing the criteria outlined above.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. Applicants/recipients may provide their own interpreter; however, the agency will not require them to do so.
- b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
- c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
- d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the CI upon request.

- 5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

- 1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.

2. Translation of Vital Documents

- a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When forms and other written material related to federal assistance programs contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people, whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
  - d. The agency will keep a record of all vital documents translated, and will submit this information to interested state/federal agencies at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. 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.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicant's/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to interested state/federal agencies upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients, and other entities receiving state or federal dollars are trained in the requirements of this policy.

*Describe how this provision will be met:*

A copy of this policy will be provided to all subrecipients/agencies and management contractors who participate in federally-funded programs managed by Beaufort County.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients, and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

A. Reporting

The agency will complete an annual compliance report and send this report to interested state/federal agencies.

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the interested state/federal agencies. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the interested state/federal agencies upon request.
2. The agency will cooperate, when requested, with special review by the interested state/federal agencies.

**VI. Applicant/Recipient Complaints of Discriminatory Treatment**

**A. Complaints**

1. The agency 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 his/her designee, and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken, and resolution.
3. The agency will notify the appropriate state/federal agency and the Office of Community Investment and Assistance (CI) of complaints filed, the date of filing, actions taken, and resolution. This information will be provided within 30 days of resolution.

**B. Investigation**

1. The state/federal agency's Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

**C. Resolution of Matters**

1. If the investigation indicates a failure to comply with the Act, the local unit of government, Agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. 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 U.S. Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by the Office of Community Investment and Assistance, the complaint will be forwarded to the Department of Justice (DOJ), HUD Field Office, or other appropriate DOJ contact.

SUBMITTED AND APPROVED BY:

George Brown, Jr.

Name of Chairman of Board of Commissioners

\_\_\_\_\_  
Date

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Signature of Chairman

