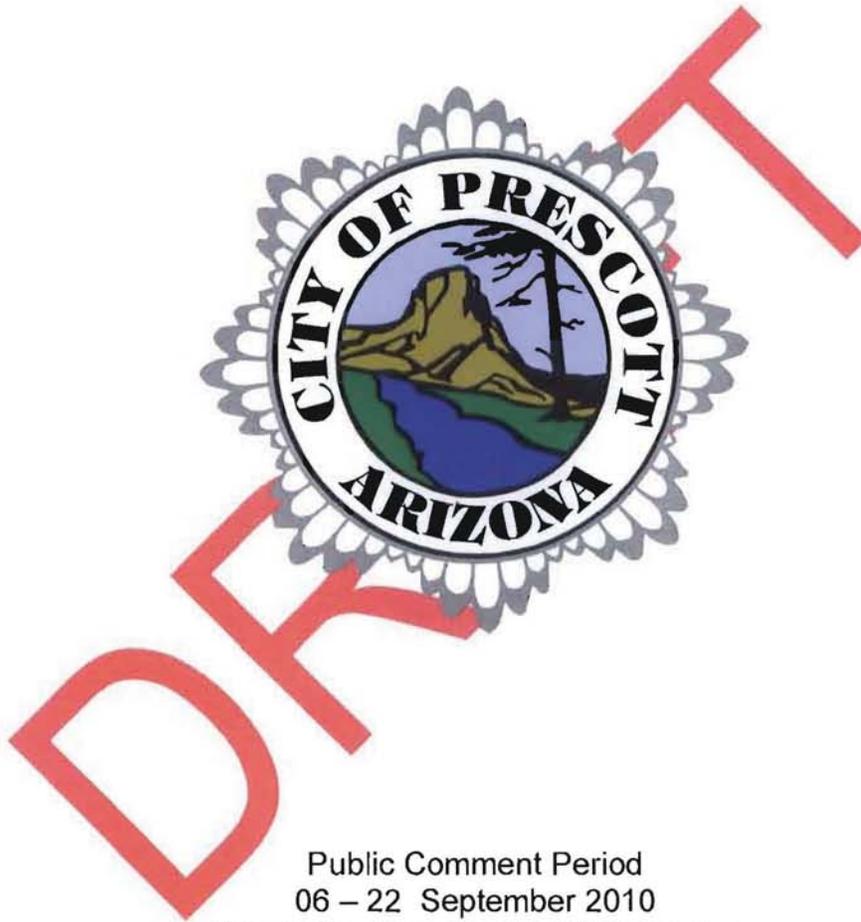


CITY OF PRESCOTT
FY 2009 Consolidated Annual Performance
And Evaluation Report (CAPER)
5th Year Program



Public Comment Period
06 – 22 September 2010
City of Prescott Grants Administrator
433 N. Virginia Street
Prescott, AZ 86301
Phone 928-777-1143 TDD 928-777-1100
Email: linda.hartmann@prescott-az.gov

**Consolidated Annual Performance
And Evaluation Report
Fifth Program Year
September 2010**

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Section I

**Executive Summary
COP General Area Map**

5th Program Year
Consolidated Annual Performance & Evaluation Report
September 2010

EXECUTIVE SUMMARY

The City for the fifth and final program year for the Consolidated Plan 2005 – 2009 focused on the human condition. Our projects were geared to low income housing rehabilitation, mobile home roof repair for low income seniors, Public Service Support in the form of case management for vets and 166 bed nights in homeless shelter for men. Additionally, a full time coordinator was funded for the women's year round shelter. The PSS has a 15% cap, we use 14.57%

The proposed projects will provide housing benefit in the Dexter Neighborhood as well as benefit to special needs populations in the neighborhood.

The City continues to support those organizations providing housing for special needs populations and low income housing projects. Projects administered by the city are identified in the body of this report.

Again this year, the housing market remains in decline. Affordable Housing in the City continues to be illusive and raw land prices continue to rise. Very few homes in the affordable price range have been or are on the market and development costs are ever rising.

The main focus for the City Programs this past year was to assist the homeless population, create jobs, rehabilitate low income qualifying homes and assist the elderly population with improved living environments.

The rehabilitation of single family houses and the rehabilitation of the Catholic Charities duplex have been continued to this coming year. Explanation is provided in the body of the report.

Fair Housing granted an extension for the AI and it has been completed and forwarded as of August 31, 2010.

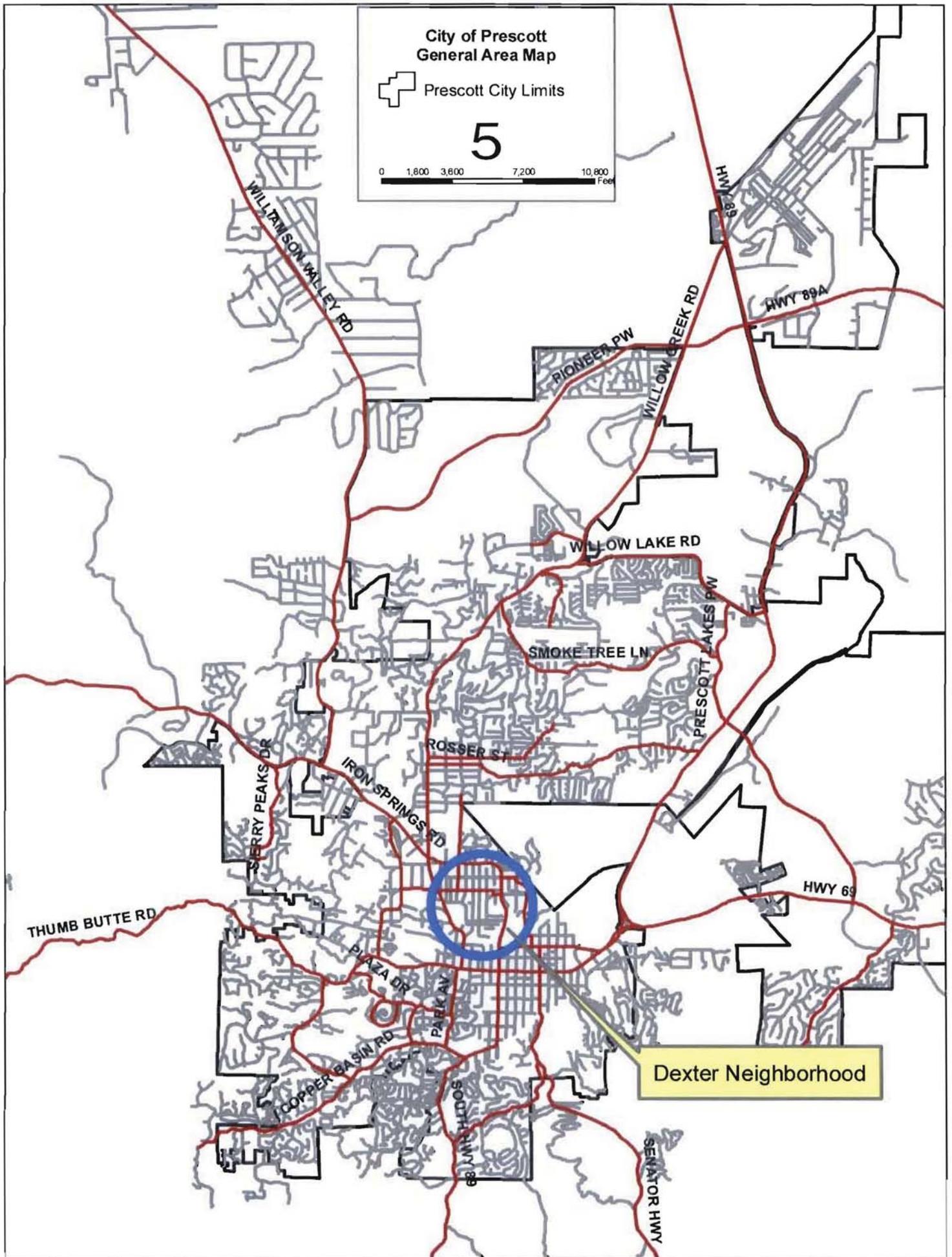
The City looks forward to a continued relationship with the Department of Housing and Urban Development.

City of Prescott
General Area Map

Prescott City Limits

5

0 1,800 3,600 7,200 10,800 Feet



CAPER

SECTION II

**General Questions
Managing the Process
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Institutional Structure
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Non Homeless Special Needs**



2009 Fifth Program Year Consolidated Annual Performance & Evaluation Report

General Questions

1. **Assessment One Year Goals and Objectives:**

a. Accomplishments:

Project Aware – Homeless and Temporary Shelter for Men
Case management for supportive housing vets who are working.
*166 bed nights @ \$12 each

Prescott Area Women's Shelter (A year round shelter for women and children (boys under 12 years of age).

Shelter coordinator – New position public Services Support

Coalition for Compassion and Justice -Elderly Mobile Home Roof Repair
Repair of mobile home roofs for seniors who own the land and the mobile.

Meals on Wheels Providing meals to homebound elderly

b. CPD Formula Grant Funds Spent Each Goal and Objective

FY09 total available funding was \$294,463.

Project Aware

Funds Allocated: \$7,000 Funds Spent: \$6992.00

Goal: Public Service Support- Increase supportive services to special needs and homeless populations

Strategy: Support organizations that provide supportive services to homeless and special populations in this case by providing caseworker and bed night funding

Objective: Suitable living environment

Outcome: Availability/Accessibility

Prescott Women's Shelter (PAWS)

Funds Allocated: \$23,733 Funds Spent: \$23,733

Goal: Public Service Support – Increase supportive services to special needs and homeless populations.

Strategy: Support organizations that provide supportive services to homeless and special populations in this case by providing funding for a new position "Shelter Coordinator"

Objective: Suitable Living Environment

Outcome: Availability/Accessibility

Coalition for Compassion and Justice

Funds Allocated: \$15,000 Funds Spent: \$15,000

Goal: Rehabilitate Existing Housing Stock

Strategies: Support owner occupied housing rehabilitation programs for low- and moderate-income homeowners. In this case repair of low income senior mobile home roof repair for those that own both home and land it is located on.

Objective: Decent Housing

Outcome: Availability/Accessibility

Meals on Wheels

Funds Allocated: \$12,200 Funds Spent \$12,200

Goal: Public Service Support

Strategies: Goal: Public Service Support – Increase supportive services to special needs and homeless populations.

Strategy: Support organizations that provide supportive services to homeless and special populations in this case provide meals for the elderly low income homebound

Objective: Special Needs Population

Outcome: Availability/Accessibility

Planning and Administration

Funds Allocated: \$58,930

Funds Spent: \$58,930

c. Projects being continued in new 2010 plan

Single Family Housing Rehabilitation

Funds Allocated: \$110,800 Funds Spent 0

Goal: Rehabilitate Existing Housing Stock

This project has taken longer than anticipated. We have accomplished applications, interviews and inspections. We will begin RFBs in the near future and will catch this up at a faster pace.

Catholic Charities Transitional Housing Duplex Renovation

Funds Allocated \$67,000 Funds Spent 0

This renovation is being accomplished via collaboration with the State of AZ DOH and NACOG. The ERR has been completed and renovation should begin in November.

2. Changes in Program

Future project costs will be evaluated/estimated more aggressively, to insure that all available grant funds are used.

3. Affirmatively Furthering Fair Housing:

a. Summary of impediments to fair housing as identified in the Analysis of Impediments to Fair Housing prepared by the Southwest Fair Housing Council in 2005.

- 1) Lack of mechanisms for Fair Housing information in Prescott
- 2) Lack of Fair Housing education and outreach to inform, train and create an awareness of fair housing in the community.
- 3) There is a large need for affordable housing in Prescott
- 4) Prescott lacks adequate subsidized housing.
- 5) Predatory practices and disparities in lending affect FHA Protected Classes in Prescott.
- 6). Exclusionary zoning impedes affordable housing in Prescott.
- 7) NIMBYISM Impedes both fair and affordable housing in Prescott.

b. Actions To Overcome Effect of Impediments Identified.

- 1) Providing the opportunity for all populations in the community to be part of the citizen participation process is important. The City of Prescott consistently makes specific efforts to provide outreach to, and access for, people with disabilities as well as racial and ethnic minorities. These efforts are part of the development of the Consolidated Plan, Annual Action Plan, CAPER and other processes.
- 2) The City of Prescott, partnering with the Southwest Fair Housing Council has made strides in providing information/educating the public and commercial realtors. Fair Housing posters in English and Spanish are posted in high trafficked areas; education brochures are located at City Hall in the lobby, Public Works, the Prescott Library. An effort is being made to reach the largest number of people possible using our local Access TV Channel to educate and inform the public about Fair Housing. Some of the areas addressed include information regarding how to recognize discriminatory practices in fair housing, predatory lending practices, targeting of the senior population by mail and telephone scam. At the end of March an effort was made to highlight April as Fair Housing Month, again using Access TV PSA announcements. The Mayor issued a proclamation identifying April as Fair Housing month.

- 3) No progress. Very few homes in the affordable price range have been or are on the market. This along with significant increases in home prices and development costs are primary reasons for lack of success in the area.
- 4) The City supports the development of rental units affordable for extremely low income households, primarily through encouraging low Income Housing Tax Credit Projects (LIHTC). Example: Bradshaw Senior Apartments, a 3 story, 46 unit tax credit, non-assisted living senior apartment complex. This project provides 52.2% of its units to households with income at or below 50% AMGI and 41.3% of households at or below 40% AMGI. This project is complete and fully rented.
- 5) See 3.b above.
- 6) During the past year, the Unified Development Code Committee has met three times 3/24/2010, 5/5/2010, and 6/2/2010. Letter from Community Development Director Guice is attached for verification and issues discussed.
- 7) NIMBYISM – During the decision making process at Planning and Zoning as well as Board of Adjustment meetings, staff and Commissioners have encouraged more discussion of community wide interests. This is a necessary step to address the problem.

4. Other Actions Taken To Address Obstacles to Meet Underserved Needs.

The City continues to support those organizations that provide services to the underserved.

The City of Prescott Code Enforcement Division has worked proactively with neighborhood residents to resolve code issues. The City sponsored several neighborhood cleanup projects.

5. Leveraging Resources

A community project not receiving CDBG or other HUD funds:

- ✓ Project Aware received State of Arizona Housing Trust Funds in the amount of \$726,045 for construction of a 10 unit apartment low income complex at 505 S. Granite Street. This project is the second phase of a project that

currently provides emergency shelter and permanent housing for men. Project Aware has now a total of 14 permanent low income housing units for veterans of very low income.

Three additional HUD Supportive Housing Projects still open/not completed are:

- ✓ HUD Grantee: Arizona Department of Housing
HUD Project Sponsor: Open Inn, Incorporated "Prescott Homeless Youth"
This project is funded through the Arizona Rural Continuum of Care with HUD McKinney-Vento Homeless Assistance Act funds of \$48,937.00. The Project funds housing operations, supportive services to serve up to six homeless youth. An earlier HUD grant funded a major rehabilitation of the structures.
- ✓ HUD Grantee: Arizona Department of Housing
HUD Project Sponsor: U.S. Veterans Initiative "Veterans in Progress"
This project is funded through the Arizona Rural Continuum of Care with HUD McKinney-Vento Homeless Assistance Act funds of \$350,000. The project provides leasing and support services to a 58 bed transitional housing facility located on the grounds of the US Veterans Affairs Medical Center.

MANAGING THE PROCESS

In FY09 the primary focus has been to meet the requirements of the program in administering the grant/contracts from the environmental review process, the public notification, formal procurement/bid requirements and monitoring. During the year we completed and submitted the 2010-2014 Consolidated Plan and the 2010 Annual Action Plan. The Citizens Committee continues their commitment to the process.

CITIZEN PARTICIPATION

1. Citizen participation is vital to the process and efforts to reach out include, but are not limited to the following:
 - a. All public meetings, including those related directly to the use and direction of Community Development Block Grant funds are held in facilities accessible to those with disabilities.
 - b. Advertisements encouraging public input or announcing public meetings include TDD numbers.

- c. Advertisements announcing public meetings incorporated the language "Persons requiring hearing, visual, mobility or other accommodations may contact the City at 928-777-1100 or TDD 928-777-1100".
- d) Specific notices for meetings and timelines for the Annual Action Plan are sent to a number of organizations within the community, including West Yavapai Guidance Clinic, Project Aware, Catholic Social Services, Stepping Stones and others. These organizations represent many of the residents who access services.
- e) Specific notices for meetings and input timelines for the Annual Action Plan are sent to providers who specifically serve people with disabilities.

For purposes of the CAPER, the City placed 2 Column by 7" display advertisement in the Daily Courier on September 06 and September 13 to Notice the Public Meeting and to advise the public that the CAPER was available for review and comment and copies placed in three prominent locations in the City, the Prescott Public Library and the Public Works Administration Building and City Hall; and posted on the City of Prescott Web Page. The Grants Administrator was also interviewed on local station KYCA via telephone. Notice of the meeting was also posted at City Hall. The CAPER was available from September 06 through September 22 for review and a public meeting was scheduled on September 22 @ 5:00 PM for the purpose of public comment/input.

INSTITUTIONAL STRUCTURE

The public has mixed comments regarding the City's institutional structure and coordination efforts. Most organizations participate in the Affordable Housing Homeless Coalition, which provides an avenue for the member organizations to work cooperatively towards meeting unmet needs. The lack of concentrated effort by the City to address affordable housing and homeless needs issues has been a major concern as has the lack of coordination among local government jurisdictions.

Given the limited financial resources and the capacity of the City and other organizations to deliver needed housing and services, the existing delivery housing and services system functions satisfactorily with the availability of CDBG funds annually and the dedication of a staff person to its oversight and implementation, coordination becomes increasingly possible. With this dedication and coordination, the delivery system may be further refined by increasing coordination by City Government with other organizations and with organizations that serve those with low and moderate income and special needs populations.

The City has adopted a supportive role providing assistance and guidance through the plan review process.

MONITORING

1. Frequency

During this cycle, projects were monitored through sub-recipient report reviews and site visits and frequent contact with sub recipients.

2. Results/Improvements

Monitoring of activities has a positive effect on everyone; contractor employees, project owner/manager. Monitoring of activities also affords the ability to be on top of issues and resolve problems quickly. Sub recipients are happy to share their experiences with you.

3. Self Evaluation

a. Effect

The program had a positive impact on our targets. 100% of the allocated funds that were spent were targeted for homeless and low income populations. We targeted the human condition and the results were gratifying for the sub recipients, the benefitted populations and the community.

b. Priority Needs and Specific Objectives

The projects/activities accomplished in FY2009 create a suitable living environment and enhanced quality of life

c. Decent Housing and a Suitable Living Environment

Refer to a. and b. above.

d. Activities falling behind schedule

Single Family Housing Rehab
Catholic Charities Duplex Rehab
See General Questions 1.c.

e. Activities & Strategies Impact on Identified Needs.

Refer to a & b above.

f. Indicators Best Describing Results

Successful completion of these activities in a timely manner and with good results.

g. Barriers

N/A

h. Major Goals not on target

Affordable Housing continues to be all illusive in Prescott. Very few homes in the affordable price range have been or are on the market. This

along with significant increases in home prices and development costs are the primary reason for lack of success. Even with the current economic downtrends housing has not reached an “affordable” level in Prescott.

i. Adjustments or Improvements to Strategies that may more effectively meet needs.

N/A

Lead-based Paint

None, lead based paint was not a primary need/goal this plan year.

HOUSING

The City of Prescott addressed infrastructure in FY 2006, 2007, 2008 and with ARRA funding in 2009.

Specific Housing Objectives

Specific housing objectives were to improve existing housing stock during FY09.

Public Housing

The City of Prescott does not have public housing.

Barriers to Affordable Housing

The City has established a separate Water Allocation Process to encourage more affordable housing. The City also supports organizations wanting to develop home ownership.

HOMELESS

Homeless advocates and service providers were well represented during the development of the Consolidated Plan. Organizations represented included those serving special populations: The seriously mentally ill, veterans, individuals recovering from drug and alcohol dependency, recipients of WIC (Women, Infants, Children), and the chronically homeless, as well as those serving the basic needs of homeless, at-risk and low income families. These individuals and organizations confirmed the significant unmet need for emergency, transitional and permanent housing and services for homeless, at-risk and low income households. The greatest identified and unmet need is for housing and services for homeless families. It is agreed that this population represents the silent and unseen

homeless, primarily because families fear the loss of children to temporary or even permanent state custody.

The City supports organizations that develop and provide transitional housing.

HOMELESS PREVENTION

The City of Prescott continues to support those organizations that provide services to homeless and special needs populations.

COMMUNITY DEVELOPMENT

1. Assessment of Relationship of CDBG Funds to Goals and Objectives

- a. The primary activities of the FY09 action plan were homeless and special needs populations as well as single family rehabilitation
- b. Affordable housing continues to be an issue. Very few homes in the affordable price range have been or are on the market.

All funding used was directed to the LTM benefit.

2. Changes in Program Objectives

NA

NON-HOMELESS SPECIAL NEEDS

The City continues to support organizations that address special needs of persons who are not homeless but require supportive housing.

CAPER

SECTION III

Citizen Participation Documentation
Public Meeting Notices
UDC Meeting Documentation



PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, April 13, 2010
3:00 P.M.

Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100

The following Agenda will be considered by the Prescott City Council at its **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor Lee Wiggins, Heights Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Linn
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

| | |
|---------------------|----------------------|
| Mayor Kuykendall | |
| Councilman Blair | Councilwoman Linn |
| Councilman Hanna | Councilwoman Lopas |
| Councilman Lamerson | Councilwoman Suttles |

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. **PROCLAMATIONS**

- A. April 2010 as *Substance Abuse Awareness Month*
- B. April 2010 as *Fair Housing Month*
- C. April 11 – 17, 2010 as *National Public Safety Telecommunications Week*
- D. April 13 – May 14, 2010 as *Prescott's Bike Month*

II. **PUBLIC COMMENT**

- A. Yvonne Rogers of Big Brothers Big Sisters re recent Bowl-a-Thon
- B. Bob Luzius re transient bed tax

III. CONSENT AGENDA

- A. Authorization of purchase of a mass casualty incident trailer and associated supplies in an amount not to exceed \$52,500.00 (100% grant funded).
- B. Adoption of Ordinance No. 4741-1038 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the purchase of real properties, easements and improvements from Gretchin Bacon Armstrong Living Trust, Richard and Syntha Sachs, Emrab Properties, LLC. And Willow Creek Corner LLC for the reconstruction of the Willow Creek 14-inch transmission main, and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases.
- C. Authorization of payment to the Arizona Department of Transportation, in the amount of \$27,430.10, for upgrade of the existing City 12" water main as part of SR89 Road Widening Project in Chino Valley.
- D. Boards/Commissions/Committees:
 - 1. Adoption of Ordinance No. 4735-1032 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Section 1-13-6, **Standing Committees: Organization**, of the Prescott City Code; and declaring an emergency.
 - 2. Adoption of Resolution No. 4010-1040 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Section 2 of Resolution No. 2463 and reestablishing the **Acker Trust Board**; and declaring an emergency.
 - 3. Adoption of Resolution No. 4011-1041 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3885-0853 and reestablishing the **Parks and Recreation Board**; and declaring an emergency.
 - 4. Adoption of Resolution No. 4012-1042 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3947-0953 and reestablishing the **Prescott: The Arizona Centennial City Committee**; and declaring an emergency.
 - 5. Adoption of Resolution No. 4013-1043 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3300 and reestablishing the **Transportation Coordinating Committee**; and declaring an emergency.
 - 6. Adoption of Ordinance No. 4736-1033 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Chapter 1-6, **Planning and Zoning Commission**, of the Prescott City Code; and declaring an emergency.

7. Adoption of Ordinance No. 4737-1034 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Chapter 1-7, **Board of Adjustment**, of the Prescott City Code; and declaring an emergency.
 8. Adoption of Ordinance No. 4738-1035 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Chapter 1-21, **Advisory and Appeals Board**, of the Prescott City Code; and declaring an emergency.
 9. Adoption of Ordinance No. 4739-1036 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Chapter 1-22, **Prescott Preservation Commission**, of the Prescott City Code; and declaring an emergency.
 10. Adoption of Ordinance No. 4740-1037 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Chapter 1-25, **Fire Board of Appeals**, of the Prescott City Code; and declaring an emergency.
- E. Appointment of Sheri Swain as City of Prescott Alternate Yavapai Combined Trust Board Trustee.
- F. Approval of the City of Prescott Flexible Spending Plan Agreement.
- G. Approval of the Minutes of the Prescott City Council Regular Voting Meeting of March 23, 2010; the Workshop of March 23, 2010; and the Workshop/Special Meeting of March 30, 2010.

IV. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from Lauren Kay Merrett, applicant for Amigos, LLC, for a Series 12 Restaurant license for Kokopelli's Southwestern Cuisine located at 503 Miller Valley Road.
- B. Authorization to enter a purchase agreement with Guidance Helicopters, Inc. in the amount of \$171,740.40 for a double-wide commercial modular building.
- C. Approval of engineering of a standard at-grade crossing, in conformance with nationally recognized standards, for the intersection of Granite Dells Estates Road 39 and Peavine Trail
- D. Authorization of various traffic control additions and modifications.
- E. Discussion of vagrancy in Prescott.
- F. Recess into Executive Session.

V. EXECUTIVE SESSION

- A. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(A)(7).
 - i. Potential open space properties.

- B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. §38-431.03(A)(3) and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(4).
 - i. Big Chino Water Ranch project.

VI. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____
_____m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, MMC, City Clerk

PROCLAMATION

"FAIR HOUSING MONTH" April 2010

WHEREAS, The Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act, and the Fair Housing Amendments Act of 1988 prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, disability, familial status or national origin; and

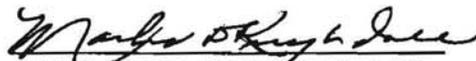
WHEREAS, the 1986 and 1988 Federal Fair Housing Acts declare that it is a national policy to ensure equal opportunities in housing; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States.

NOW, THEREFORE, I Marlin D. Kuykendall, Mayor of the City of Prescott, do hereby proclaim April as:

"FAIR HOUSING MONTH"

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott, to be affixed this 13th day of April, 2010.


MARLIN D. KUYKENDALL
Mayor

ATTEST:


ELIZABETH A. BURKE,
City Clerk





CITY OF PRESCOTT

201 S. Cortez Street
P. O. Box 2059
Prescott, AZ 86302

Thomas A. Guice
Community Development Department
(928) 777-1317
Fax (928) 771-5870
tom.guice@prescott-az.gov

August 30, 2010

Linda Hartmann
Grants Administrator
City of Prescott
P O Box 2059
Prescott, AZ 86302

Dear Ms. Hartmann

RE: Unified Development Code Meetings FY10

The following Unified Development Code Committee meetings were held by the City of Prescott during FY2010:

March 24, 2010

Gray Water Policy
Banner Regulations
Citation – Hearing Officer Process
Citizen Participation Requirements
Downtown Parking

May 5, 2010

Citation – Hearing Officer Process
Citizen Participation Requirements
Downtown Parking

June 2, 2010

Banner Regulations
Citation – Hearing Officer Process
Downtown Parking
Parking Aisle Design

Should you need any further information, please contact me at the number above.

Sincerely

Tom Guice
Director

UDC MEETINGS – AGENDA TOPICS 2010

March 24, 2010

- Gray Water Policy
- Banner Regulations
- Citation – Hearing Officer Process
- Citizen Participation Requirements
- Downtown Parking

May 5, 2010

- Citation – Hearing Officer Process
- Citizen Participation Requirements
- Downtown Parking

June 2, 2010

- Banner Regulations
- Citation – Hearing Officer Process
- Downtown Parking
- Parking Aisle Design

| | |
|---|--|
| COUNCIL AGENDA MEMO – August 31, 2010 | |
| DEPARTMENT: City Manager's Office | |
| AGENDA ITEM: Public Hearing: Analysis of Impediments to Fair Housing as associated with the City's Community Development Block Grant (CDBG) Program | |
| Approved By: <i>City Council</i> | <i>eeb</i> Date: <i>8/31/10</i> |
| Grants Administrator: Linda Hartmann | August 19, 2010 |
| Community Planner: Mike Bacon | August 19, 2010 |
| City Manager: Steve Norwood <i>Ray [unclear] for</i> | <i>8-24-10</i> |

BACKGROUND

The City was notified of Community Development Block Grant (CDBG) Entitlement eligibility in August 2004. There are two primary HUD requirements that the City must meet to *continue* its "entitlement". The first includes the development and approval of the Consolidated Plan 2010-2014 and 2010 Annual Action Plan (approved by Council on 5/11/10 and submitted to HUD). The second requirement is an Update to the Analysis of Impediments to Fair Housing (AI) which is a supporting document to the Consolidated Plan. The first AI was written by the City's Consultant—the Southwest Fair Housing Council (SWFHC) — and was approved by City Council on 7/26/05. This 2010 Update has been written by City Staff.

PROJECT DESCRIPTION

1. The City is required to conduct an analysis to identify impediments to fair housing choice with in the jurisdiction;
2. To take appropriate actions to overcome the effects of any impediments identified through the analysis; and.
3. To maintain records reflecting the analysis and actions taken.

The 2010 AI Update as drafted meets HUD guidelines.

SUMMARY

Fair Housing Act provides policy that prohibits discrimination in the financing, sale and rental of housing because of race, ethnic origin, religion, disability, or familial status. HUD requires that communities receiving federal funds use some of those funds to study and as necessary create strategies and/or actions to address Fair Housing issues. The first AI involved SWFHC along with Staff, members of the Citizens Advisory Committee and community members who studied and discussed Fair Housing. The following subjects provide the AI framework (as suggested and/or required by HUD):

- Fair Housing Education and Outreach
- Affordable Housing
- Subsidized Housing
- Predatory Lending
- Zoning Issues
- Not In My Backyard (NIMBYism)

The Summary of Impediments is attached.

Recommended Action: (1) **MOVE** to close Public Hearing; and (2) **MOVE** to approve the Analysis of Impediments to Fair Housing and to authorize Staff to submit the Analysis to HUD.

SUMMARY OF IMPEDIMENTS

The AI, in response to perceived impediments, suggests a variety of education and outreach activities over the next five (5) years (2010-2014). These activities will occur by utilizing existing state and federal programs and resources with existing City Staff providing assistance on locations, facilities, public information and advertising. Additionally, Staff will engage in an on going process of information gathering and referral process associated with fair housing questions and or complaints. The following is a summary of the Impediments and Action Plan.

Seven (7) impediments to Fair Housing were listed in the 2005 AI and are also listed in 2010. A few have been modified due to actions taken by the City from 2005-2009, and reported in the Consolidated Annual Performance and Evaluation Reports (CAPER). The current 2010 Updated Impediments along with a timeline are summarized below:

2010 Action Plan Summary Matrix

| IMPEDIMENT / TIMELINE | ACTION (Summary) |
|--|--|
| <p>1. Continue and Improve Mechanisms for Fair Housing Enforcement</p> <p>1. June 1, 2011</p> <p>2. December 1, 2010</p> <p>3. On-going</p> <p>4. On-going</p> <p>5. November 1, 2010</p> | <p>1. The City of Prescott will facilitate the conduct of fair housing Education and Outreach (E&O) in Prescott to train Housing consumers to identifying housing discrimination and to employ additional means <u>to</u> inform them where to go for help (See Impediment #2 and Strategy #7 Task #1).</p> <p>2. The City of Prescott will facilitate training of additional agency Staff to recognize when callers and clients encounter illegal housing discrimination. (See Strategy #1 Task #1).</p> <p>3. The City of Prescott will maintain a clear and consistent procedure to refer allegations of fair housing violations to agencies that can provide information and help, including taking, investigating and filing complaints.</p> <p>4. The City of Prescott will in a log of all allegations of fair housing violations or requests for fair housing information and encourage private agencies to do so.</p> <p>5. The City of Prescott will identify additional fair housing resources provided by State agencies, determine what resources would be available to Prescott and coordinate their implementation in Prescott.</p> |

CAPER

Section IV to be added

IDIS REPORTS

Summary of Consolidated Plan Projects Report Year 2009
Grantee Summary Activity Report
Program Year 2009 Summary Report

CAPER
Section V

CERTIFICATIONS



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

- This certification does not apply.
 This certification is applicable.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about --
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will --
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted --
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official

8/31/2010
Date

Marlin Kuykendall

Name

Mayor, City of Prescott

Title

201 S. Cortez Street

Address

Prescott, AZ 86303

City/State/Zip

928-777-1380

Telephone Number

- This certification does not apply.
 This certification is applicable.

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. **Maximum Feasible Priority** - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. **Overall Benefit** - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2010, 2011, 2012, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. **Special Assessments** - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

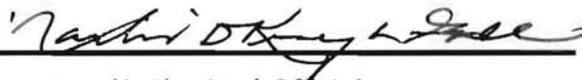
14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Jurisdiction

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.


Signature/Authorized Official

08/31/2010

Date

Marlin Kuykendall

Name

Mayor, City of Prescott

Title

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Prescott, AZ 86303

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928-777-1380

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This certification does not apply.
 This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

| Place Name | Street | City | County | State | Zip |
|----------------------|--------------------|----------|---------|-------|-------|
| Grants Administrator | 433 N. Virginia St | Prescott | Yavapai | AZ | 86301 |
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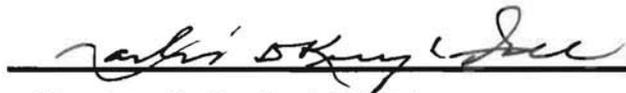
7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

- 1. Analysis of Impediments to Fair Housing
- 2. Citizen Participation Plan
- 3. Anti-displacement and Relocation Plan



Signature/Authorized Official

08/31/2010

Date

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