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**Forms,
Policies and
Resolutions**

Forms, Policies and Resolutions

Federal law requires that the municipal legislative body(s) prior to requisitioning VCDP grant funds must adopt the six policies listed below. Further information on these policies can be found in Appendix B.

MUNICIPAL POLICIES AND CODES

All the policies listed below appear on the Form entitled "Municipal Policies and Codes" that appears on pages 5 through 7 of this chapter.

- 1) **The Equal Employment Opportunity Policy** assures that no person will be discriminated against in employment opportunities.
- 2) **The Fair Housing Policy** assures that no person will be discriminated against in employment, housing, and other benefits resulting from the expenditure of VCDP grant funds on the basis of race, color, national origin, sex, age, handicap, familial status, or religion.
- 3) **The Use of Excessive Force Policy** assures that the municipality prohibits its law enforcement agencies from using excessive force against any individuals engaged in nonviolent civil rights demonstrations.
- 4) **The Policy on the Use of VCDP Funds for Federal Lobbying** assures that no VCDP grant funds will be used to influence federal officials.
- 5) **The Code of Ethics** assures that programs created by VCDP grant funds avoid conflicts of interest and promote fair and open competition in municipal procurement practices giving minority-owned, women-owned and local businesses a fair and equal chance to bid and be awarded contracts.
- 6) **The Drug-Free Workplace Act of 1988** assures that the municipality has a policy in place on the prohibition of all drugs on the work site.

In addition, there are two other similar requirements which are addressed through the "Certifications and Assurances" (Attachment E of the Grant Agreement). By executing the Grant Agreement, you certify and assure the Department that you will comply with 1) the Hatch Act and 2) the Fair Housing Act.

- 1) **The Hatch Act** limits the political activities of employees paid with federal funds.
- 2) **The Fair Housing Act** requires grantees to affirmatively further fair housing. Page 3-3 provides more details on affirmatively furthering fair housing.

You should also be aware that Section 912 of the Cranston Gonzalez National Affordable Housing Act of 1990 amended section 109(a) of the Housing and

Municipal Codes

Community Development Act prohibits discrimination on the basis of religion or religious affiliation. No person shall be excluded from participation in, denied the benefit of or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds on the basis of his or her religion or religious affiliation. This provision applies to any program or activity funded after November 28, 1990.

If you have adopted these policies in the past, they remain in force and do not need to be readopted unless there are changes, such as, the addition of "familial status" or "religion", or if federal requirements impose the adoption of new policies. For each grant, copies must be filed in the municipal files and the Grant Award files and sent to your CD Coordinator.

Once the policies are adopted, you have an obligation to establish a system to be sure all employees paid with federal funds are informed of Hatch Act requirements. You also have an obligation to adopt a drug-free workplace policy and to establish an ongoing drug-free awareness program.

CONSORTIUMS

PLEASE NOTE: *Each municipality within a consortium must adopt the six policies listed above and on the form "Municipal Policies and Codes."*

Affirmatively Furthering Fair Housing

As a condition of receiving VCDP grant funds, each municipality must certify that it will affirmatively further fair housing by executing the Grant Agreement.

What exactly does this commit the municipality to do? Basically, under the requirements of the Fair Housing Act, the municipality must ensure, within legal limitations, to provide for fair housing throughout its jurisdiction and prohibit any person from discriminating in the sale or rental of housing, the financing of housing, including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status. (See next page for the full citation.)

The grantee must take steps, consistent with the law, relating to housing and community development to ensure that discrimination in housing does not exist within the grantee's jurisdiction. Such steps might include:

- 1) Enactment and enforcement of an ordinance providing for fair housing consistent with the federal fair housing law;
- 2) Support of the administration and enforcement of Vermont fair housing laws providing for fair housing consistent with the federal fair housing law;

**Municipality's
Responsibility
For Furthering
Fair Housing**

- 3) Participation in voluntary partnerships developed with public and private organizations to promote the achievement of the goal of fair housing;
- 4) Contracting with private organizations, including private fair housing organizations, where such support will bring about actions consistent with the Civil Rights Acts (Titles VI and VIII).
- 5) Activities which assist in remedying findings or determinations of discrimination involving assisted housing within the grantee's jurisdiction, if any exist.
- 6) Other actions consistent with law.

The Law 24 CFR Section 570.601(b)

"Public Law 90-284" refers to the Fair Housing Act (42 U.S.C. 3601-20), which states that it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status. The Fair Housing Act further requires the Secretary to administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of the Fair Housing Act. In accordance with this statutory direction, the Secretary requires that grantees administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act; furthermore, section 104(b)(2) of the Act requires that each grantee receiving funds under section 106 of the Act (entitlement or small cities grantees) certify to the satisfaction of the Secretary that it will affirmatively further fair housing.

**Fair Housing
Act**

FINANCIAL MANAGEMENT FORMS

Key Points

In order to requisition VCDP grant funds, Forms FM-1 and FM-2 must be signed and submitted to the Department. See Sample forms which follow.

This chapter covers the forms only for financial management. For further financial information, see Chapter 4, Financial Management.

1) **Form FM-1, (Designation of Depository)** establishes a grant depository account with the following requirements:

- held in your name and under your ownership; controlled by municipal treasurer
- non-interest bearing account
- separate from all other non-VCDP and VCDP interest-bearing funds, preferably including Program Income
- fully insured by FDIC, FSLIC, or similar governmental body
- depository has secured coverage for requisitions over \$100,000

You can have funds from more than one VCDP Grant Agreement in the same depository account. If you do that you must, at all times, be able to identify the funds attributable to each Grant Agreement.

Typical bank insurance covers only up to \$100,000. If you requisition more than \$100,000 at one time or will have more than \$100,000 in the depository account, you must arrange adequate insurance coverage with the depository bank. The bank usually does this through repurchase agreements.

When requisitioning more than \$100,000, you must submit a letter from the bank to the Department stating the method by which the bank will insure the amount of VCDP grant funds exceeding \$100,000. Submitting the bank letter in advance of, or with, the requisition will prevent a delay in the release of VCDP grant funds.

2) **Form FM-2 (Authorized Signatures for Requisition of VCDP Funds)** identifies the persons authorized to requisition VCDP grant funds.

You must decide if one or two persons must sign each requisition. The designation of two or more additional people should ensure that you will be able to obtain the required number of signatures for each requisition.

**Depository
Account**

**Collateralization
Of Depository
Account For
Funds Over
\$100,000**

In order to have proper internal control, the persons authorized to requisition VCDP grant funds must be different from the one(s) authorized to sign the checks drawn on the depository account.

Grant Agreement Resolutions

Key Points

The municipal legislative body must pass a resolution to indicate that it has read and accepts the terms and conditions of the Grant Agreement, and to designate the Chief Executive Officer (CEO) or other designee to execute the Grant Agreement and such other documents as may be necessary.

A single municipality should use Form PM-1. See form that follows.

CONSORTIUM

NOTE

A consortium of municipalities should use Form PM-2 for the Lead Grantee and Form PM-3 for each participating grantee. See forms that follow.

**Designation Of
CEO, Or Other
To Execute Grant
Agreement And
Other
Documents**

Instructions for completion of Form PM-1 - Grant Agreement Resolution - Single Grantee

- 1) Fill out this form with the name and title of the chief executive officer or designee (e.g., Chairman, Board of Selectmen).
- 2) The completed original form should be signed by a majority of the legislative body and sent to:

Agency of Commerce and Community Development
Department of Housing and Community Affairs
National Life Building, Drawer 20
Montpelier, VT 05620-0501

- 3) A copy of the form should be placed in your Grant Award file.

Instructions for completion of Form PM-2 - Grant Agreement Resolution - Consortium -- Lead Grantee

- 1) Fill out this form with the name and title of the chief executive officer or designee (e.g., Chairman, Board of Selectmen) of the municipality taking the lead responsibility for the grant.
- 2) The completed original form should be signed by a majority of the legislative body and sent to:

Agency of Commerce and Community Development
Department of Housing and Community Affairs
National Life Building, Drawer 20
Montpelier, VT 05620-0501

- 3) A copy of the form should be placed in your Grant Award file.

Instructions for completion of Form PM-3 - Grant Agreement Resolution - Consortium -- Participating Grantee(s)

- 1) Fill out this form with the name of the municipality taking the lead responsibility for the grant, and the name and title of the chief executive officer or designee (e.g., Chairman, Board of Selectmen) of the participating municipality. That person will have the responsibility of dealing with the lead grantee.
- 2) The completed original form should be signed by a majority of the legislative body of the participating municipality and sent to:

Agency of Commerce and Community Development
Department of Housing and Community Affairs
National Life Building, Drawer 20
Montpelier, VT 05620-0501

- 3) A copy of the form should be placed in the lead grantee's Grant Award file, and you should keep a copy for its records.

Certifications and Assurances

The Grantee(s) hereby certifies and assures that Vermont Community Development Program funds will be utilized in accordance with all of the following as cited in Attachment E of the Grant Agreement, to the extent applicable, and that:

**Attachment E
Of Grant
Agreement**

Debarment, Suspension, Ineligibility and Voluntary Exclusion from Federal Procurement and Non-procurement Programs

The Chief Executive Officer certifies that the Municipality is excluded from the List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with Executive Orders 12549 and 12689. In addition, certifies that no awards will be made to any subgrantees, or permit any award at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

Legal Authority

- It possesses legal authority as defined in The Vermont Community Development Act [10 VSA 29] to apply for and accept the grant and to administer the program.
- The legislative body has duly adopted or passed an official act or resolution authorizing the acceptance of an agreement to the conditions and provisions of this Agreement, including all understandings, certifications, and assurances contained therein; and designating and authorizing the Chief Executive Officer or designee to execute this Agreement and such other documents as may be necessary.

Citizens Information

- It held one or more public hearings to obtain the views of citizens on community development and furnished citizens with information required by the Federal and State Acts.
- It prepared a statement of community development and housing needs, including the needs of lower income persons and the activities to be undertaken to meet such needs, the objectives and the projected use of community development funds, including information on the past use of such funds, if any, and has given affected citizens an opportunity to examine this statement, and furnished a copy to the Agency.
- It allowed citizens an opportunity to examine the application and all supporting documentation and to submit comments thereon.

- It will, in like manner, provide for citizen participation when considering substantial program amendments.

Benefit to Persons of Low and Moderate Income

- Its Community Development Program has been developed in compliance with Section 104(b)(3) of the Federal Act [42 USC 5301 et seq.]

Labor

- It will administer and enforce the Davis-Bacon Act [40 USC 276a et seq.].
- It will administer and enforce the Federal Fair Labor Standards Act [29 USC 201 et seq.].
- It will administer and enforce the Contract Work Hours and Safety Standards Act [40 USC 327 _-333].
- It will comply with the Copeland Anti-kickback Act of 1934, [18 USC 87 and 40 USC 276c].
- It will comply with the Executive Order 11246 (Equal Employment Opportunities) as amended by Executive Orders 11375 and 12086 and the regulations issued pursuant thereto [24 CFR 130 and 41 CFR 60].
- It will comply with Section 3 of the Housing and Urban Development Act of 1968 [12 USC 1701u] as amended, (equal employment and business opportunities) and the regulations at 24 CFR 135.

Environmental and Historic

- The Chief Executive Officer of the Grantee, or Lead Grantee, or other official so designated by the Legislative Body and approved by the Secretary consents to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 as amended [42 USC 4321 et seq.] and the regulations found at 24 CFR 58; and the Chief Executive Officer is authorized and consents on behalf of the Applicant and himself to accept the jurisdiction of the Federal Courts for the purposes of enforcement of the responsibilities of such official.
- It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Secretary of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

- It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with:
 - a) Section 106 of the Historic Preservation Act of 1966 [16 USC 470];
 - b) Executive Order 11593 (Protection and Enhancement of the Cultural Environment);
 - c) The Preservation of Archaeological and Historic Data Act of 1974 [16 USC 469 et seq.];
 - d) The procedures prescribed by the Advisory Council on Historic Preservation found at 36 CFR 800.

- It will comply with:
 - a) The National Environmental Policy Act of 1969 [42 USC 4321 et seq. and 24 CFR 58];
 - b) Executive Order 11990, Protection of Wetlands;
 - c) The Endangered Species Act of 1973, as amended [16 USC 1531 et seq. and 10 VSA 4046 and Chapter 123];
 - d) The Fish and Wildlife Coordination Act of 1958, as amended [16 USC 661 et seq.]
 - e) The Fragile Areas Registry Act of 1977 [10 VSA 158];
 - f) The Safe Drinking Water Act of 1974, as amended by the Safe Drinking Water Act of 1977 [21 USC 349 and 42 USC 201 and 300f et seq.] pertaining to sole-source aquifers;
 - g) The Clean Air Act of 1970, as amended [42 USC 7401 et seq.] and Vermont law [10 VSA 551 et seq.] as amended;
 - h) Executive Order 12088 relating to the prevention, control, and abatement of water pollution and the Federal Water Pollution Control Act of 1972, as amended, [33 USC 1251 et seq.] and Vermont law [10VSA 1251 et seq. and 18 VSA 102, 1203 and 1218];
 - i) The provisions of Executive Order 11988 as amended, relating to evaluation of flood hazards and with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973 [42 USC 4001 et seq.] and Vermont law [10 VSA 751 et seq. and Executive Order No. 17 of 1978];

- j) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 [42 USC 6901 et seq.] and Vermont law [24 VSA 2202a];
- k) Noise abatement and control regulations [24 CFR 51].

Architecture and Construction

- It will comply with Title IV of the Lead-Based Paint Poisoning Prevention Act, as amended [42 USC 4801 et seq.].
- It will comply with the Architectural Barriers Act of 1968 [42 USC 4151] and the rules applicable thereto.
- It will comply with the Section 504 of the Rehabilitation Act of 1973 [29 USC 794].
- It will comply with the provisions of Section 104(b)(5) of the Federal Act which restricts recovery of capital costs by assessing any amount against properties owned and/or occupied by persons with lower incomes; except under certain circumstances.

Relocation and Acquisition

- It will comply with the acquisition and relocation requirements of the Uniform Relocation and Real Properties Acquisition Policies Act of 1970, as amended and effective May 1, 1986, referred to as the "Uniform Act."
- It will comply with the implementing regulations of the Uniform Act issued by the Department of Housing and Urban Development (CFR Title 24, Part 42) contained in HUD Acquisition and Relocation Handbook 1378.
- It will comply with the requirements of the Vermont Community Development Acquisition and Relocation Policy.

Equal Opportunity and Fair Housing

- It will comply with and will immediately take any measures necessary to effectuate compliance with Pub. L. 88-352 [Title VI of the Civil Rights Act of 1964; 42 USC 2000d] and the regulations at 24 CFR 1.
- It will affirmatively further fair housing and will comply with Pub. Law 90-284 [Title VIII of the Civil Rights Act of 1968; 42 USC 3601 known as the "Fair Housing Act"], as amended and the regulations issued pursuant thereto [24 CFR 100 to 115].

- It will comply with Executive Order 11063 as amended by Executive Order 12259 (Leadership and Coordination of Fair Housing in Federal Programs) and the regulations at 24 CFR 100 and 107.
- It will comply with Section 109 of the Federal Act [42 USC 5309] and the regulations issued pursuant thereto [24 CFR 570.496(b)].
- It will comply with the Age Discrimination Act of 1975 [42 USC 6101 et seq.].

Other Requirements

- It will comply with the provisions of the Hatch Act [5 USC 1501 et seq.] which limits the political activities of employees.
- It will comply with providing a drug-free workplace according to the requirements set forth in the Drug Free Workplace Act [Public Law 100-690 Title V, Subtitle D, 41 USC 701 et seq.].
- It will comply with the Single Audit Act of 1984, as amended, OMB Circular No. A-133, and the State of Vermont Administration Bulletin No. 5, Certification of Audit Requirement and Schedule of Federal Expenditures.
- It will comply with the provisions of 24 CFR Part 570.489(h) which govern Conflict of Interest.
- It will comply with the other provisions of The Federal Act [Title I of the Housing and Community Development Act of 1974, as amended; 42 USC5301 et seq.]; the State Act [10 VSA 29], the Agency Procedures and all other applicable laws, regulations, and procedures.