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# Appendix B:

# HOME Certification for Application

# HTF Certification for Application

## **Montana HOME Certification for Application**

### The Applicant hereby certifies that:

It will comply with all requirements established by the Montana Department of Commerce and applicable state laws, regulations, and administrative procedures and all Montana HOME Investment Partnerships Program requirements.

It will comply with the terms, conditions, selection criteria, and procedures established by the HOME program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of HOME funds.

It acknowledges and understands that specific statutory and regulatory requirements apply to and restrict the Applicant’s actions before and after an award for HOME funds is made.

### National Objective

It will complete a project that expands the supply of decent, safe, sanitary and affordable housing, with primary attention to rental housing for very low-income and low-income households.

### State Objectives

It will complete project activities that meet one or more of the goals and objectives established in the most current version of the Montana Consolidated Plan.

### Acquisition, Displacement and Relocation

It will minimize displacement as a result of acquisition, rehabilitation or demolition activities assisted with HOME funds. It will comply with the Uniform **Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended, the implementing regulations 49 CFR part 24, and 24 CFR §92.353. The Applicant will provide uniform, fair and equitable treatment of persons who are displaced in connection with project activities or whose real property is acquired.

* The URA and accompanying regulations require the Applicant to provide relocation payments and offer relocation assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the HOME program. Such payments and assistance must be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in a different or separate treatment of such persons on account of race, color, religion, national origin, sex, source of income, age, handicap or familial status (families with children). The Applicant must ensure that, within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, source of income, age, handicap or familial status (families with children).
* The Applicant must also inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations of 49 CFR part 24, Subpart B and found in the applicable local government’s Anti-Displacement and Relocation Assistance Plan.

* The Applicant must comply with the Residential Anti-Displacement and Relocation Assistance Plan adopted by the Montana Department of Commerce for the HOME program and the Anti-Displacement and Relocation Assistance Plan adopted by the Applicant.

### Building Standards

The Applicant will require every building or facility (other than a privately owned residential structure) designed, constructed or altered with funds provided under the HOME program to comply with the standards outlined in this application.

The Applicant will also comply with the accessibility requirements of 24 CFR part 8 and 28 CFR parts 35 and 36, and the Fair Housing Act (42 U.S.C. 3601-3619) as applicable. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

### Citizen Participation

The Applicant will comply with the detailed Citizen Participation Plan adopted by Commerce for the HOME program.

#### Civil Rights

The Applicant will comply with **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d-2000d-4), and the regulations issued pursuant thereto (24 CFR part 1), which provides that no person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

#### Equal Opportunity

The Applicant will comply with 24 CFR part 5, subpart A including the following:

* **24 CFR part 107**, which provides prohibits discrimination against individuals on the basis of race, color, national origin or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under, any program or activity funded in whole or in part with federal funds.

* **The Age Discrimination Act of 1975**, as amended (42 U.S.C. 6101 et seq.). The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.

* **Section 504 of the Rehabilitation Act of 1973**, amended (29 U.S.C. 794) (24 CFR part 8). The act provides that no otherwise qualified individual shall, solely, by reason of his or her disability, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal assistance funds.

* **Section 3 of the Housing and Urban Development Act of 1968** (12 U.S.C. 1701u) (24 CFR Part 75). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, opportunities for training. and employment be given to persons of low- and very low-income, employed by a Section 3 business concern, or participating in YouthBuild, with priority given to persons residing within the service area or neighborhood of the project or in public or Section 8-assisted housing. The Applicant must assure good faith efforts toward compliance with the statutory directive of Section 3.

* **Executive Order 11246**, as amended by **Executive Orders 11375** and **12086**, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a HOME Applicant and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The Applicant and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. The Applicant and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over $10,000 the Applicant or subcontractors will send to each applicable labor union a notice of the above requirements, the Applicant and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The Applicant or subcontractors must make their books and records available to state and federal officials for purposes of investigation to ascertain compliance.

#### Fair Housing

The Applicant will affirmatively further fair housing and will comply with:

* **Title VIII of the Civil Rights Act of 1968** (42 U.S.C. 3601 et seq.), as amended by the Fair Housing Amendments Act of 1988 and the regulations issued pursuant thereto. The law states that it is the policy of the United States prohibiting any person from discriminating in the sale or rental of housing, the financing of housing or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, disability or familial status. HOME Applicants must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII.

* **Executive Order 11063**, as amended by **Executive Order 12259**, requires HOME recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities, including land to be developed for residential use, or in the use or occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

#### Prohibition Against Discrimination on Basis of Religion

The Applicant will comply with section 109(a) of the Housing and Community Development Act that prohibits discrimination on the basis of religion or religious affiliation. No person will 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 HOME funds on the basis of his or her religion or religious affiliation.

#### ADA Compliance

The Applicant will do a self-assessment of impediments to accessibility in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12189). The Applicant is required to find a means of making HOME program activities and services accessible to persons with disabilities, to review their communities for impediments to disabled citizens and develop a plan to address those impediments.

### Conflict of Interest

The Applicant will comply with the provisions of 2 CFR 200.318 or 24 CFR 93.353 as applicable and with sections 2-2-125, 2-2-201, 7-3-4367, 7-5-2106 and 7-5-4109, MCA, as applicable, regarding the avoidance of conflict of interest.

#### Environmental Impact

The Applicant certifies that all project activities will be carried out in accordance with the provisions of the National Environmental Policy Act of 1969 (42 USC 4321) and implementing regulations of 24 CFR part 58. The Applicant certifies that the proposed project will not significantly impact the environmental regulations and must fulfill its obligations to give public notice of environmental findings and compliance performance.

The Applicant certifies that it understands that neither a HOME recipient nor any participant in the development process, including public or private non-profit or for-profit entities, or any of their contractors, may commit HUD assistance under the HOME or CDBG programs on an activity or project until Commerce has approved the Applicant’s Request for Release of Funds and the related certification has been approved.

Furthermore, the Applicant certifies that neither it nor any participant in the development process will commit non-HUD funds on or undertake an activity or project under the HOME program if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

The specific requirements for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers.

When a local government is a HOME recipient, its chief executive officer or other officer of the applicant approved by the state:

* Consents to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law, which further the purposes of NEPA, insofar as the provisions of such federal law apply to the HOME program.

* Is authorized and consents on behalf of the applicant and her/himself to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

#### Air Quality

It will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to the state implementation plan for national primary and secondary ambient air quality standards.

#### Farmlands Protection

The Applicant will comply with the **Farmlands Protection Policy Act of 1981** (7 U.S.C. 4202, et seq. and 7 CFR 658) and activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.

#### Floodplain Management and Wetlands Protection

The Applicant must comply with Executive Order 11988, 24 CFR part 55, Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128, 42 USC 5154a), Executive Order 11990, particularly sections 2 and 5 and must:

* Avoid construction and other activities in the 100-year floodplain when practicable and if no practicable alternative is available to construction or other activities within the 100-year floodplain, then the structure must be elevated to at least the base flood elevation or flood proofed to one foot above the base flood elevation.

* Not conduct activities in a floodway or any new construction critical action in a 100- or 500-year floodplain.

* Not conduct activities that adversely affect wetlands. Wetlands mean areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

#### Historic Preservation

The Applicant will comply with:

**Section 106 of the National Historic Preservation Act of 1966** (16 U.S.C. 470, as amended) through completion of the procedures outlined in 36 CFR 800 and 36 CFR 63. Project activities must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places. Compliance with these procedures should include:

* Consulting with the State Historic Preservation Office to identify properties listed in or eligible for inclusion in the National Register of Historic Places that exist with a proposed HOME project's area of potential environmental impact, and/or to determine the need for professional archaeological, historical or architectural inventory of potentially affected properties to determine whether they would qualify for register listing

* Consulting, with the SHPO and THPO, Keeper of the National Register of Historic Places, and the Advisory Council on Historic Preservation to evaluate the significance of historic or prehistoric properties which could be affected by HOME work and to determine how to avoid or mitigate adverse effects to significant properties from project work.

#### Lead-Based Paint

The Applicant will comply with current requirements of Title X of the Residential Lead Based Paint Hazard Reduction Act of 1992. The Applicant will comply with the requirements found in section 24 CFR part 35. Both Commerce and DPHHS provide education and information on LBP hazards to parents, families, healthcare providers, grant recipients and contractors. Commerce requires that any contractor or subcontractor engaged in renovation, repair and paint activities that disturb lead-based paint in homes, child and care facilities built before 1978 must be certified and follow specific work practices to prevent lead contamination. In addition to complying with Title X, UPCS inspections will be performed at rental properties assisted with HOME, Section 8, and other public rental properties throughout the state.

#### Noise, Facility Siting

The Applicant will comply with the Noise Control Act of 1972, as amended by the Quiet communities Act of 1978, and 40 CFR part 149.

The Applicant will conduct all activities in a manner to ensure internal noise levels are no more than 45 decibels and external noise levels are no more than 65 decibels.

#### Water Quality

The Applicant will use only lead-free pipes, solder and flux for projects with a potable water system and will avoid sites and activities that have the potential to contaminate sole source aquifer areas. If the project overlies a sole source aquifer area, the Environmental Protection Agency review the project.

The Applicant will comply with:

* The Safe Drinking Water Act of 1974 (42 U.S.C. Section 201, 300(f) et seq. and U.S.C. Section 349), as amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e)) which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.

* The Federal Water Pollution Control Act of 1972, as amended, including the Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et seq.) which provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.

#### Wildlife and Endangered Species

The Applicant will comply with:

* The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The intent of this act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical; and

* The Fish and Wildlife Coordination Act of 1958, as amended, (U.S.C. 661 et seq.) which requires that wildlife conservation receives equal consideration and is coordinated with other features of water resource development programs.

#### Wild and Scenic Rivers

The Applicant will comply with the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271, et seq.). The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant, license or other mechanism may not be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

#### Airport Hazards

The Applicant will comply with 24 CFR part 51, subpart D.

#### Contamination and Toxic Substances and Explosive and Flammable Hazards

The Applicant will comply with 24 CFR part 58.5(i)(2) and 24 CFR part 51, subpart C.

### Financial Management

The Applicant will comply with the applicable requirements of:

* **2 CFR part 200.** It will maintain a financial management system that includes records to document compliance with federal and state laws and regulations and the terms and conditions of the HOME program. The records must be sufficient to allow for the preparation of reports required by general and program-specific terms and conditions and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to federal statutes and program requirements.

* **24 CFR part 92, subpart K**. It will comply with the program administration requirements relating to the following: disbursement of funds, program income, uniform administrative requirements, cost principles, audits, recordkeeping, property management and performance reports.

The Applicant will promptly refund to Commerce any HOME funds determined by an audit to have been spent in an unauthorized or improper manner or for ineligible activities.

The Applicant will give Commerce, the Montana Legislative Auditor, HUD and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers or documents related to the award.

#### Labor Standards

The Applicant will comply with:

* **State regulations regarding the administration and enforcement of labor standards.** Montana's prevailing wage law applies to contracts entered into for construction services or non-construction services let by a county or municipality in which the total cost of the contract is $25,000 or more. It requires that bidders on contracts pay a set rate of compensation, including employee benefits, and that at least 50% of the employees of each contractor working on the jobs be bona fide Montana residents.

* **Davis-Bacon Act, as amended** (40 USC 3141). For projects with 12 or more HOME-assisted units, the act mandates that all laborers and mechanics be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except “permissible” salary deductions, the full amounts due at the time of payments, computed wage rates not less than those contained in the wage determination issued by the US Department of Labor. Weekly compliance statements and payrolls are required to be submitted to the federally funded recipient by the contractor.

* **Contract Work Hours and Safety Standards Act** (40 U.S.C. 327 et seq.). According to the act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If this act is violated, the contractor or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages.

* **Federal Fair Labor Standards Act** (29 U.S.C.S. 201 et seq.). The act requires that covered employees be paid at least the minimum prescribed wage, and that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed workweek.

#### Legal Authority

The Applicant possesses legal authority to apply for HOME funds and to execute the proposed project under Montana law and, if selected to receive a HOME award, will make all efforts necessary to assure timely and effective implementation of the project activities described in the submitted application.

#### Lobbying

The Applicant certifies that:

* No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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.

* If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influencing an officer or employee or 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, the undersigned shall complete and submit Standard From LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

* The undersigned shall require that the language of this 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. 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.

#### Political Activity

It will comply with the Hatch Act (5 U.S.C. 1501, et seq.; 5 CFR Part 151), which restricts the political activity of individuals principally employed by a state, municipality or local agency in connection with a program financed in whole or in part by federal loans or grants. An affected employee may not be a candidate for public office in a partisan election.

#### Procurement

All services will be procured in a manner that provides fair and unbiased, full and open competition, without conflicts of interest in accordance with 24 CFR 92.356 and 2 CFR 200.

### Applicant:

Signed:

Name:

Title: \_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

UEI Number:

## **Montana HTF Certification for Application**

### The Applicant hereby certifies that:

It will comply with all requirements established by the Montana Department of Commerce and applicable state laws, regulations, and administrative procedures and all Montana Housing Trust Fund program requirements.

It will comply with the terms, conditions, selection criteria, and procedures established by the HTF program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of HTF funds.

It acknowledges and understands that specific statutory and regulatory requirements apply to and restrict the Applicant’s actions before and after an award for HTF funds is made.

### National Objective

It will complete a project that increases or preserves the supply of decent, safe, sanitary and affordable housing, with primary attention to rental housing for extremely low-income and very low-income households, including homeless families.

### State Objectives

It will complete project activities that meet one or more of the goals and objectives established in the most current version of the Montana Consolidated Plan.

### Acquisition, Displacement and Relocation

The Applicant will minimize displacement as a result of acquisition, rehabilitation or demolition activities assisted with HTF funds.  It will comply with the Uniform **Relocation Assistance and Real Property Acquisition Policies Act of 1970,** as amended, the implementing regulations 49 CFR part 24 and 24 CFR §93.352. The Applicant will provide uniform, fair and equitable treatment of persons who are displaced in connection with project activities or whose real property is acquired.

* The URA and accompanying regulations require the Applicant to provide relocation payments and offer relocation assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the HTF program. Such payments and assistance must be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in a different or separate treatment of such persons on account of race, color, religion, national origin, sex, source of income, age, handicap or familial status (families with children). The Applicant must ensure that, within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, source of income, age, handicap or familial status (families with children).

* The Applicant must also inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations of 49 CFR part 24, Subpart B, and found in the applicable local government’s Anti-Displacement and Relocation Assistance Plan.

* The Applicant must comply with the Residential Anti-Displacement and Relocation Assistance Plan adopted by the Montana Department of Commerce for the HTF program, and the Anti-Displacement and Relocation Assistance Plan adopted by the Applicant.

#### Building Standards

The Applicant will require every building or facility — other than a privately owned residential structure — designed, constructed or altered with funds provided under the HTF program to comply with the standards outlined in this application.

The Applicant will also comply with the accessibility requirements of 24 CFR part 8 and 28 CFR parts 35 and 36, and the Fair Housing Act (42 U.S.C. 3601-3619) as applicable. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

#### Citizen Participation

The Applicant will comply with the detailed Citizen Participation Plan adopted by Commerce for the HTF program.

#### Civil Rights

The Applicant will comply with **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d-2000d-4 ), and the regulations issued pursuant thereto (24 CFR part 1), which provides that no person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

#### Equal Opportunity

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* **Section 3 of the Housing and Urban Development Act of 1968** (12 U.S.C. 1701u) (24 CFR Part 75). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, opportunities for training and employment be given to persons of low- and very low-income, employed by a Section 3 business concern, or participating in YouthBuild, with priority given to persons residing within the service area or neighborhood of the project or in public or Section 8-assisted housing. The Applicant must assure good faith efforts toward compliance with the statutory directive of Section 3.

* **Executive Order 11246**, as amended by **Executive Orders 11375** and **12086**, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit an HTF Applicant and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The Applicant and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The Applicant and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over $10,000 the Applicant or subcontractors will send to each applicable labor union a notice of the above requirements, the Applicant and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The Applicant or subcontractors must make their books and records available to state and federal officials for purposes of investigation to ascertain compliance.

#### Fair Housing

The Applicant will affirmatively further fair housing and will comply with:

* **Title VIII of the Civil Rights Act of 1968** (42 U.S.C. 3601 et seq.), as amended by the Fair Housing Amendments Act of 1988 and the regulations issued pursuant thereto. The law states that it is the policy of the United States prohibiting any person from discriminating in the sale or rental of housing, the financing of housing or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, disability or familial status. HTF Applicants must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII.

* **Executive Order 11063**, as amended by **Executive Order 12259**, requires HTF recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities, including land to be developed for residential use, or in the use or occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

#### Prohibition Against Discrimination on Basis of Religion

The Applicant will comply with section 109(a) of the Housing and Community Development Act that prohibits discrimination on the basis of religion or religious affiliation. No person will 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 HTF funds on the basis of his or her religion or religious affiliation.

#### ADA Compliance

The Applicant will do a self-assessment of impediments to accessibility in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12189). The Applicant is required to find a means of making HTF program activities and services accessible to persons with disabilities, to review their communities for impediments to disabled citizens and develop a plan to address those impediments.

### Conflict of Interest

The Applicant will comply with the provisions of 2 CFR 200.318 or 24 CFR 93.353 as applicable and with sections 2-2-125, 2-2-201, 7-3-4367, 7-5-2106 and 7-5-4109, MCA, as applicable, regarding the avoidance of conflict of interest.

#### Environmental Impact

The Applicant certifies that at project completion it will be compliant with:

* The requirements of 24 CFR part 93, including the property standards under 24 CFR § 93.301
* Environmental requirements under 24 CFR 93.301(f)(1) or (2) as applicable
* The recordkeeping requirements of 24 CFR 93.407(a)(2)(iv) demonstrating the project meets the HTF Environmental Provisions listed above
* The specific requirements for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers

#### Air Quality

The Applicant will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to the state implementation plan for national primary and secondary ambient air quality standards.

#### Lead-Based Paint

The Applicant will comply with current requirements of Title X of the Residential Lead Based Paint Hazard Reduction Act of 1992. The Applicant will comply with the requirements found in section 24 CFR part 35. Both Commerce and DPHHS provide education and information on LBP hazards to parents, families, healthcare providers, grant recipients and contractors. Commerce requires that any contractor or subcontractor engaged in renovation, repair and paint activities that disturb lead-based paint in homes, child and care facilities built before 1978 must be certified and follow specific work practices to prevent lead contamination. In addition to complying with Title X, UPCS inspections will be performed at rental properties assisted with HTF, HOME, Section 8 and other public rental properties throughout the state.

#### Historic Preservation

The Applicant will not perform project activities on properties that are either listed in or determined to be eligible for listing in the National Register of Historic Places unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation. The Applicant will comply with the Native American Graves Protection and Repatriation Act (25 USC 3001-3013), state law and/or local ordinances.

#### Farmlands Protection

The Applicant will ensure project activities will not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.

#### Airport Zones

The Applicant will comply with 24 CFR par 51, subpart D.

#### Floodplain Management and Wetlands Protection

The Applicant must:

* Avoid construction and other activities in the 100-year floodplain when practicable and if no practicable alternative is available to construction or other activities within the 100-year floodplain, then the structure must be elevated to at least the base flood elevation or flood proofed to one foot above the base flood elevation.
* Not conduct activities in a floodway or any new construction critical action in a 100- or 500-year floodplain.
* Not conduct the following activities in a wetland: draining, dredging, channeling, filling, diking, impounding or related grade activities. Wetlands mean areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

#### Explosives and Hazards

The Applicant will ensure project activities are in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C.

#### Contamination

The Applicant will ensure the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. In addition, the Applicant will ensure project activities are not located with 0.25 miles of a Superfund or a Comprehensive Environmental Response, Compensation, and Liability Information System site, or other contaminated site reported to federal, state or local authorities without a statement in writing from the U.S. Environmental Protection Agency or the appropriate state agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

#### Noise, Facility Siting

The Applicant will comply with conducting all activities in a manner to ensure internal noise levels are no more than 45 decibels and external noise levels are no more than 65 decibels.

#### Endangered Species

The Applicant must avoid all actions which could jeopardize the continued existence of any endangered or threatened species as designated by the US Fish and Wildlife Service or National Marine Fisheries Service or would result in the destruction or adversely modify the designated critical habitat of such species.

#### Wild and Scenic Rivers

The Applicant must avoid activities that are inconsistent with conservation easements, land-use protections and restrictions adjacent to wild and scenic rivers as designated by the Departments of Agriculture or Interior.

#### Water Quality

The Applicant will use only lead-free pipes, solder and flux for projects with a potable water system and will avoid sites and activities that have the potential to contaminate sole source aquifer areas. If the project overlies a sole source aquifer area, the Environmental Protection Agency review the project.

### Financial Management

The Applicant will comply with the applicable requirements of:

* **2 CFR part 200.** It will maintain a financial management system that includes records to document compliance with federal and state laws and regulations and the terms and conditions of the HTF program. The records must be sufficient to allow for the preparation of reports required by general and program-specific terms and conditions and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to federal statutes and program requirements.

* **24 CFR part 93, subpart I.** It will comply with the program administration requirements relating to the following: disbursement of funds, program income, uniform administrative requirements, cost principles, audits, recordkeeping, property management and performance reports.

The Applicant will promptly refund to Commerce any HTF funds determined by an audit to have been spent in an unauthorized or improper manner or for ineligible activities.

The Applicant will give Commerce, the Montana Legislative Auditor, HUD and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers or documents related to the award.

#### Labor Standards

The Applicant will comply with:

* **State regulations regarding the administration and enforcement of labor standards.** Montana's prevailing wage law applies to contracts entered into for construction services or non-construction services let by a county or municipality in which the total cost of the contract is $25,000 or more. It requires that bidders on contracts pay a set rate of compensation, including employee benefits, and that at least 50% of the employees of each contractor working on the jobs be bona fide Montana residents.

* **Contract Work Hours and Safety Standards Act** (40 U.S.C. 327 et seq.). According to the Act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If this Act is violated, the contractor or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages.
* **Federal Fair Labor Standards Act** (29 U.S.C.S. 201 et seq.). The act requires that covered employees be paid at least the minimum prescribed wage, and that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed workweek.

#### Legal Authority

The Applicant possesses legal authority to apply for the funds and to execute the proposed project under Montana law and, if selected to receive an HTF award, will make all efforts necessary to assure timely and effective implementation of the project activities described in the submitted application.

#### Lobbying

The Applicant certifies that:

* No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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.

* If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influencing an officer or employee or 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, the undersigned shall complete and submit Standard From LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

* The undersigned shall require that the language of this 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. 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.

#### Political Activity

The Applicant will comply with the Hatch Act (5 U.S.C. 1501, et seq.; 5 CFR Part 151), which restricts the political activity of individuals principally employed by a state, municipality or local agency in connection with a program financed in whole or in part by federal loans or grants. An affected employee may not be a candidate for public office in a partisan election.

#### Procurement

All services will be procured in a manner that provides fair and unbiased, full and open competition, without conflicts of interest in accordance with 24 CFR 93.353 and 2 CFR 200.

### Applicant:

Signed:

Name:

Title:

Date:

UEI Number: