City of Lakewood

FY 2013 Consolidated Annual Action Plan Fifth Amendment

Tacoma-Lakewood HOME Consortium

May 13, 2014
This document was prepared in accordance with the requirements established by the Department of Housing and Urban Development for local jurisdictions requesting federal housing assistance through provision of the National Affordable Housing Act of 1990, as amended.
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Chris Van Vechten
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Carey Jenkins, Housing Division Manager
Cathy Morton, Management Analyst
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Michael Lacadie
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Lakewood Community Development Department
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Jeff Gumm, Program Manager
Martha Larkin, Program Coordinator

Shannon Johnson, Contract & Program Auditor
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I. FY 2013 ANNUAL ACTION PLAN FIFTH AMENDMENT

INTRODUCTION

In April 2012, the City of Lakewood requested $2,888,000 under Section 108 of the Housing and Community Development Act of 1974, as amended, to establish a loan pool to assist with economic and community development activities. The loan pool will be used as gap financing for development and as business loans to facilitate development projects that will have positive economic and community benefits, including job creation. The City’s application was approved by the Department of Housing and Urban Development (HUD) on July 27, 2012.

The Fifth Amendment to the FY 2013 Consolidated Annual Action Plan involves the application of $700,000 in Section 108 assistance for the Curbside Motors project as described below. This Amendment was prepared in accordance with requirements established by the Department of Housing and Urban Development for local jurisdictions receiving assistance through Section 108 of the Housing and Community Development Act of 1974, as amended, and the Community Development Block Grant funding through the provisions of the National Affordable Housing Act of 1990, as amended.

PURPOSE

The purpose of this Chapter is to describe the amendment to the FY 2013 Consolidated Annual Action Plan for Housing and Community Development.

CITIZEN PARTICIPATION PROCESS

In accordance with Lakewood’s Citizens Participation Plan, projects that are substantially changed are submitted to the CDBG Citizens Advisory Board for comments or recommendations prior to implementation by the City Council. On April 9, 2014, the CDBG Citizens Advisory Board reviewed the Fifth Amendment to the FY 2013 Consolidated Annual Action Plan to apply for $700,000 in Section 108 assistance to support the Curbside Motors project. Notification of the proposed amendment to the FY 2013 Consolidated Annual Action Plan was published in THE NEWS TRIBUNE, a paper of general circulation, on March 12, 2014. The notification provides for a 30-day citizen comment period (March 13, 2014 – April 11, 2014). An opportunity for citizens, general public, local agencies and other interested parties to provide public comment was afforded at the CDBG Citizens Advisory Board meeting of April 9, 2014.

FY 2013 PROJECT ACTIVITIES AMENDMENT

The amendment to the FY 2013 Consolidated Annual Action Plan provides for the City of Lakewood to apply to the Department of Housing and Urban Development for a Section 108 loan in the amount of $700,000 for the Curbside Motors project located at 9915 -10005 South Tacoma Way, Lakewood, WA. The project proposes the redevelopment of multiple parcels along South Tacoma Way for the purpose of constructing an automotive dealership and associated service and detailing shop. The project will meet a national objective of 570.208(a)(4) Job Creation or Retention through the creation of job opportunities for low and moderate income individuals.
II. CITIZEN COMMENTS ON FY 2013 ANNUAL ACTION PLAN
FIFTH AMENDMENT

The following comments were received as part of the Fiscal Year 2013 Annual Action Plan
Fifth Amendment citizen participation process. The public comment period includes the 30-
day comment period from March 13, 2014 – April 11, 2014 and the public hearing held by the
CDBG Citizens Advisory Board on April 9, 2014.

CDBG Citizens Advisory Board Public Hearing – April 9, 2014:

No public comments were provided.

30-day Public Comment Period (March 13, 2014 – April 11, 2014):

No public comments were provided.
III. NOTICE OF PUBLICATION

City of Lakewood

2013 Consolidated Annual Action Plan Amendment
Section 108 Loan Guarantee Program

Notice of Public Hearing and Comment Period

The City of Lakewood is proposing to amend its Fiscal Year 2013 Consolidated Annual Action Plan (AAP) to allow for the application and approval of a Section 108 Loan Guarantee from the U.S. Department of Housing and Urban Development (HUD) up to $700,000 for the following activity:

FY 2013 Curbside Motors

A public hearing will be conducted to provide citizens and agencies opportunity to provide testimony on the activity described above. The public hearing will be held on Wednesday, April 9, 2014 at 5:30 p.m. in Conference Room 3A of Lakewood City Hall, 6000 Main St. SW, Lakewood, WA.

Persons requiring special accommodations during the hearing are requested to call 253-589-2489 before 5:00 p.m., April 1, 2014.

The Draft FY 2013 AAP Amendment for the Section 108 application will be available for public review for a period of 30 days from March 13, 2014 to April 11, 2014. Copies of the amendment and application are available for review at the City of Lakewood Community Development Department or on the City’s website at https://www.cityoflakewood.us/government/departments/community-development/community-development-block-grant.

The proposed amendment will be submitted to the Department of Housing and Urban Development for review and approval. Any citizen who wishes to submit written comments regarding this document may do so up to 5:00 pm, April 11, 2014 at:

City of Lakewood, Community Development Department,
Attn: Dave Bugher, Assistant City Manager for Development
6000 Main St. SW, Lakewood, WA 98499

Ad published in the Tacoma News Tribune on March 12, 2014
AFFIDAVIT OF PUBLICATION

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Attention: BRIANA SCHUMACHER
CITY OF LAKWOOD
6000 MAIN ST SW
LAKWOOD, WA 984996027

KATIE CALHOUN, being duly sworn, deposes and says: That she is the Principal Clerk of The News Tribune, a daily newspaper printed and published in Tacoma, Pierce County, State of Washington, and having in general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereeto; that said notice was published in The News Tribune, as annexed, for:

1 Insertions

Beginning issue of: 03/12/2014
Ending issue of: 03/12/2014

K. CALHOUN
(Principal Clerk)

Subscribed and sworn to this 12th day of March in the year of 2014 before me, a Notary Public, personally appeared before me Katie Calhoun known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public in and for the state of Washington
Affidavit in accordance with the laws of the state of Washington
Notary Public in and for Pierce County
1988-06-26
State of Washington
98405
IV.  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.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:
1. 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;

2. 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

3. 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    Date

Title: City Manager
**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:

1. **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);

2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year 2013 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;

3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG 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:

1. 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

2. 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;

**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 24 CFR Part 35, subparts A, B, J, K and R;

_____________________________  _____________
Signature/Authorized Official    Date

Title: City Manager
APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. 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.