

**APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM
HOMEBUYER PROGRAMS**

Nebraska Department of Economic Development (NDED)

PART I. GENERAL INFORMATION

DED USE ONLY

Application

Number

09-TFRHHP-3060

Date Received

TYPE OR PRINT ALL INFORMATION

<p>1. APPLICANT IDENTIFICATION</p> <p>Applicant City of Lexington Contact Joe Pepplitsch Address P. O. Box 70 City/State/Zip Lexington Telephone # (308) 324-2341 Fax Number (308) 324-4590 Federal Tax ID # 47-6006255 Email Address jpepp@cityoflex.com</p>	<p>2. PERSON PREPARING APPLICATION</p> <p>Name Deb Jensen Address P. O. Box 106 City/State/Zip Cozad Telephone # Fax# 308-784-3902/784-3941 Email Address didad@cozadtel.net Application Preparer (check one) <input type="checkbox"/> Local Staff <input type="checkbox"/> Out-of-State Consultant <input type="checkbox"/> In-State Consultant <input checked="" type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Economic Development District <input type="checkbox"/> Other, Specify _____</p>
<p>3. PROGRAM ACTIVITIES (check all that apply)</p> <p><input checked="" type="checkbox"/> Construction costs for newly constructed homes <input checked="" type="checkbox"/> Development subsidy on newly constructed homes <input checked="" type="checkbox"/> Direct Homebuyer Assistance for newly constructed homes (gap subsidy, down-payment assistance, closing costs) <input checked="" type="checkbox"/> Infrastructure development <input checked="" type="checkbox"/> New Construction Rental Single Family # of units <u>18</u> Multi Family # of units _____ Duplex # of units _____</p>	<p>4. NAHTF REGION INDICATOR (check all that apply)</p> <p><input checked="" type="checkbox"/> South Central – Region 4 (South Central Investment Zone)</p> <p>6. HOUSEHOLDS (complete one option)</p> <p># <u>6</u> at or below 100% of the Area Median Family Income # <u>3</u> at or below 80% of the Area Median Family Income # <u>37</u> total units developed</p>
<p>5. SERVICE AREA</p> <p>Area to be served (city, county, region, etc) <u>City of Lexington</u> Legislative District <u>36</u> Congressional District <u>3</u></p>	<p>7. TYPE OF APPLICANT</p> <p><input checked="" type="checkbox"/> Unit of Local Government DUNS# 156284986</p>

8. CERTIFYING OFFICIAL:

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant. This applicant will comply with all Federal and state requirements governing the use of NAHP funds.

Signature in ink _____ Signature	John Fagot, Council President Typed Name and Title Joe Pepplitsch, City Manager Typed Name and Title	March 23, 2010 Date Signed March 23, 2010 Date
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PART II. FUNDING SUMMARY (Round amounts to the nearest hundred dollars.)

Code	Description	NAHTF Funds	Other Funds	Total Funds	Source(s) of Other Funds
0501	Site Improvements— Green Space	0	175,000	175,000	City, Arboretum, Schools
0502	Streets	220,000	220,000	440,000	City
0520	Direct Homebuyer Assistance ¹	50,000	30,000	80,000	Businesses
0521	Acquisition of Vacant Land	200,000	62,000	262,000	City, DAD, ABLE, Greater Lex Corp.
0522	Demolition ²	0	0	0	
0523	Relocation ³	0	0	0	
0542	SF Housing New Construction	0	4,690,000	4,690,000	ABLE, Dev/builders, Greater Lex Corp
0562	MF Housing New Construction	0	0	0	
	Subtotal	470,000	5,177,000	5,647,000	
0580	Housing Management	0	0	0	
	Subtotal	470,000	5,177,000	5,647,000	
0181	General Administration	30,000	0	0	NE DED
1000	<i>Total Project Costs</i>	\$500,000	5,177,000	5,677,000	

NOTE: Clarification for the above activities should be directed to DED.

¹ Applies to Direct Homebuyer Assistance for previously owned homes and New Construction and includes down-payment assistance, closing costs and gap subsidy (the difference between the appraised value and the sale price of the home).

² Demolition is a support activity and must be done in conjunction with another activity.

³ Relocation is a support activity and must be done in conjunction with another activity.

⁴ New Construction includes the hard costs for acquiring land, constructing homes and development subsidy (the difference between the cost to develop and build the home and the appraised value of the home)

NOTICE OF PUBLIC HEARING ON APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

NOTICE IS HEREBY GIVEN that on March 23, 2010 at 5:30 p.m. in the Lexington City Council Chambers, the City of Lexington the will hold a public hearing as applicable to an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant. This grant is available for local affordable housing activities.

The City of Lexington is requesting \$500,000 for infrastructure and land costs for development of single-family homes and rental units with park/green space, and homebuyer assistance. The project locations are as follows: In northwest Lexington--approximately a 700 foot radius of West 20th Street from Erie Street to Park Drive; and in southwest Lexington--properties abutting Regan Drive within the CED Addition west of the intersection of South Adams and Oregon Trail. Of the \$500,000 requested, \$50,000 will be used for homebuyer assistance; \$220,000 for infrastructure; \$200,000 for the acquisition of land; and \$30,000 for administration. It is estimated that of the 37 proposed units, three rental units will be made available to residents at 80% of AMI, and 6 units will serve residents at 100% of AMI. Other project funds, in the amount of \$5,177,000 will come from local non-profits, local development corporations, private developers, private builders, local businesses, and local governmental subdivisions. No persons will be displaced temporarily or permanently as a result of this project funded with of NAHP and/or related activities.

The grant application will be available for public inspection at the City of Lexington office, 406 E. 7th Street, Lexington, NE. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written testimony will also be accepted at the public hearing scheduled for March 23, 2010 at 5:30 p.m. Written comments can be addressed to Pam Berke at P. O. Box 70, Lexington, NE, and will be accepted if received on or before March 19, 2010.

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, should contact Pam Berke at 406 E. 7th Street, or call 308 324-2341 no later than March 19, 2010.

RESOLUTION # _____

**A RESOLUTION TO AUTHORIZE THE COUNCIL PRESIDENT AND
CITY MANAGER OF THE CITY OF LEXINGTON TO SIGN AN
APPLICATION FOR
NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS**

Whereas, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

Whereas, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$500,000 for the New Neighborhood Initiative; and,

NOW, THEREFORE, BE IT RESOLVED BY The Lexington City Council of the City of Lexington, that Council President, John Fagot and City Manager, Joe Peplitsch, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 23rd day of March, 2010.

John Fagot, Council President

Joe Peplitsch, City Manager

APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS

The City of Lexington hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG), HOME and Trust funds, the following:

LOCAL GOVERNMENT CERTIFICATIONS – Please contact a Department representative if items 1-6 have not been previously adopted.

1. It has previously adopted, on December 8, 2009, an **Excessive Force Policy** that remains in effect.
2. It has previously adopted, on December 8, 2009, a **Code of Conduct** that remains in effect.
3. It has previously adopted, on December 8, 2009, **Procurement Procedures** that remain in effect. The procurement procedures were submitted to NDED on December 9, 2009.
4. It has previously adopted, on September 8, 2009, a **Residential Antidisplacement and Relocation Assistance Plan, which** remains in effect.
5. It has previously adopted, on September 8, 2009, a **Citizen Participation Plan** that remains in effect. The adopted Citizen Participation Plan contains substantially similar language as the sample plan in these guidelines.
6. It has previously furnished to the department a **Financial Management Certification** dated December 8, 2009, which remains accurate.
7. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government, which would adversely affect the administration of this grant.
8. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG, HOME and NAHTF program; and
9. No project costs have been incurred which the Department has not approved in writing.

FEDERAL COMPLIANCE CERTIFICATIONS

11. It will adopt and follow a residential anti-displacement and relocation assistance plan which will minimize displacement as a result of activities assisted with CDBG, HOME and NAHTF funds.
12. It will conduct and administer its programs in conformance with:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
 - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.
 - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
13. It will not attempt to recover any capital costs of public improvements assisted in whole or part 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, unless (1) grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the State that it lacks sufficient grant funds to comply with the requirements of clause (1).
14. It will comply with all provisions of Title I of the Housing and Community Development Act of 1974, as amended, which have not been

SPECIAL REQUIREMENTS AND ASSURANCES.

15. The Applicant will comply with the Administrative Requirements of the program, those applicable items in the current Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 including parts not specifically cited below and the laws, regulations and requirements, both federal and state, as they pertain to the design, implementation and administration of the local project, including but not limited to the following:

CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS.

- Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- Section 109 of the Housing and Community Development Act of 1974, As Amended
- Age-Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et. seq.)
- Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- Executive Order 11246, As Amended
- Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

ENVIRONMENTAL STANDARDS AND PROVISIONS.

- Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- The Endangered Species Act of 1973, As Amended (16 U.S.C. 1531, et. seq.)
- The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1), As Amended by the Archaeological and Historic Preservation Act of 1974
- 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)]
- The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- The Solid Waste Disposal Act, As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- EPA List of Violating Facilities
- HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C. 1271, et. seq.)
- Flood Insurance
- Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- Environmental Protection Act, NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- Historic Preservation

LABOR STANDARDS AND PROVISIONS.

- Section 110 of the Housing and Community Development Act of 1974, As Amended
- Fair Labor Standards Act of 1938, As Amended, (29 U.S.C. 102, et. seq.)
- Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section 2; of the June 13, 1934 Act. As Amended (48 Stat. 948.40 U.S.C. 276(c), Popularly Known as The Copeland Act
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

FAIR HOUSING STANDARDS AND PROVISIONS.

- Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended
- Public Law 90-284, 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
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24
- Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116
- Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

ADMINISTRATIVE AND FINANCIAL PROVISIONS.

- U.S. Office of Management and Budget Circular A-87 "Cost Principles for State and Local Governments"
- U.S. Office of Management and Budget Circular A-102 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"
- 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- Community Development Law, NEB. REV. STAT. 18-2101 to 18-2144 (R.S. Supp. 1982)
- Public Meetings Law, NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)

MISCELLANEOUS.

- Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed _____
John Fagot

Signed _____
Joe Peplitsch

Title City Council President

Title Lexington City Manager

Date March 23, 2010

Date March 23, 2010