

**COUNTY OF RIVERSIDE**  
**NOTICE OF FUNDING AVAILABILITY**

**2018-2019 URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
**FOR COOPERATING CITIES**

**I. Program Description:**

The County of Riverside has opened the CDBG application period for the FY 2018-2019 Community Development Block Grant (CDBG) cycle for Cooperating Cities within the County's Urban County CDBG program.

CDBG is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG entitlement program allocates annual grants to larger cities and urban counties to develop viable communities by providing decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons.

The CDBG program is a federally-funded program administered through the U.S. Department of Housing and Urban Development (HUD). As an Urban County in the Entitlement CDBG program, the County receives an annual formula allocation of CDBG funds from HUD. HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

The program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

CDBG was authorized under the Housing and Community Development Act of 1974, as amended, and is listed under the Catalog of Federal Domestic Assistance (CFDA) as 14.218. Applicable CDBG regulations can be found at 24 CFR Part 570 and 24 CFR Part 91.

CDBG funding has been used by the County, its cooperating cities, and other subrecipients for a wide variety of community, economic, and social development activities. Activities include public facilities such as fire stations, parks, community centers, senior centers, homeless shelters, health clinics, water and sewer improvements, and street and sidewalk improvements. CDBG also provides public service activities such as child care, health care, after school, programs, senior programs, food and clothing distribution, job training, recreation, and many more.

All activities funded with the County's CDBG funds must:

1. serve persons or communities within the County's Urban County area;
2. be an eligible activity under CDBG regulations (24 CFR Part 570.201); and
3. meet a National Objective of the CDBG program (24 CFR Part 570.208).

Most activities meet a National Objective by benefitting low-income persons or low-income communities.

The County's *Urban County CDBG Program* includes all of the unincorporated areas of Riverside County as well as the "cooperating" cities of: Banning, Beaumont, Blythe, Canyon Lake, Coachella, Desert Hot Springs, Eastvale, Indian Wells, La Quinta, Murrieta, San Jacinto, and Wildomar. The city of Lake Elsinore participates in the County's Urban County program as a "Metro City," and for purpose of this NOFA, Lake Elsinore is a Cooperating City.

### **CDBG Award Information:**

Subject to Federal appropriations, the County anticipates receiving approximately \$6,800,000 in CDBG funds for the FY 2018-2019 program. The amount of CDBG funding to be allocated to the Cooperating Cities is expected to be approximately \$2,300,000. The actual amount of the County's allocation is determined by final funding appropriations from Congress and HUD's CDBG allocation formula. Funds from this 2018-2019 CDBG application cycle will be available to the cooperating cities or their subrecipients no earlier than July 2018.

Depending upon the type of activity to be funded, the cooperating cities and their subrecipients will have one (1) year to complete, expend, and drawdown their CDBG award for a public service activity, or two (2) years for a public facility or other CDBG activities.

Typical individual awards for CDBG-funded activities range from \$10,000 for public service activities to \$100,000 or more for public facilities, acquisition, or other eligible activities.

All CDBG awards made by the County to the cooperating cities will be in the form of a grant. The cooperating cities must execute a Supplemental Agreement with the County each CDBG program year. Non-city subrecipients (non-profits, special districts, etc.) receiving CDBG funds from a cooperating city will be required to enter into a County-approved subrecipient agreement with the awarding city.

## **II. Eligibility Information:**

### **Eligible Applicants:**

The County of Riverside will only accept CDBG applications from the cooperating cities listed above. The cooperating cities may award their CDBG funds to the following entities and organizations:

1. City Departments or Agencies;
2. Non-Profit organizations subject to 26 U.S.C. 501 (c)(3) of the tax code; and
3. Governmental agencies including the County, other Cities, Special Districts, and Tribes.

**Individuals cannot apply for County CDBG funding.**

Non-profit organizations will be required to submit documentation as part of their cooperating city CDBG application including incorporation, bylaws, board of directors, and tax exempt status.

**Cost Sharing and Leveraging:**

The cooperating cities and their subrecipient applicants are encouraged to utilize the greatest amount of leveraging as possible to improve the competitiveness of their proposal.

**Real Property Acquisition – Displacement of Tenants:**

In order to comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, cooperating cities that are considering the submittal of a CDBG application for real property acquisition and/or the displacement of tenants must contact EDA prior to the submittal of any application.

**Minimum Funding Level:**

In order to ensure the effective, efficient, and appropriate allocation and use of the County’s CDBG funding, the County may reject any proposed cooperating city CDBG activity in an amount less than \$10,000. Exceptions to this policy include traditionally “county-wide” activities which are funded from:

1. both a County Supervisor’s allocation and a cooperating city; or
2. two or more cooperating cities.

**Compliance with Laws and Regulations:**

The successful applicants will be required to comply with all applicable federal, state, and local laws, regulations, and ordinances. Pursuant to an executed subrecipient agreement, the applicant will certify that it will adhere to and comply with the laws and regulations found in **Attachment 1** as they may be applicable to a subrecipient of funds granted pursuant to the Housing and Community Development Act of 1974, as amended.

**III. Application and Submission Information**

**Application Cycle for the 2018-2019 Program Year**

The County will begin accepting application from the cooperating cities for the 2018-2019 CDBG cycle starting August 8, 2017. A copy of the County-approved CDBG application is attached to this NOFA. An electronic WORD-version of the CDBG application is available upon request.

**ALL APPLICATIONS from the cooperating cities must be submitted using the County approved hard-copy, paper application. The County is not using the Online Application System for the cooperating city CDBG program. All CDBG applications from the cooperating cities must be submitted to EDA no later than 5:00**

**PM PST on Friday, October 30, 2017. You must submit two (2) copies of each application, one original and one copy.**

### **Questions, Technical Assistance, and Applications**

For information or questions regarding the County's CDBG program or the CDBG application cycle, please contact Elizabeth Dearen at [edearen@rivco.org](mailto:edearen@rivco.org) or (951) 343-5618. Individuals with hearing or speech disabilities may contact the CDBG program staff by utilizing the California Relay Service (711).

The Cooperating City CDBG application consists of nine (9) primary sections:

- General Information
- Organizational History and Documents
- Project Narrative
- Project Narrative
- Project Benefit
- National Objective Compliance
- Financial Information (Budget)
- Management Capacity
- Application Certification and Authorization

The cooperating cities and subrecipients are limited to the space available for each required response in the application. Cooperating cities and subrecipients may attach additional supporting documentation, including third party verifications, and other information if desired.

**Please Note: The cooperating city applications must be accompanied by a minute order, resolution, or other official authorization to submit the application.**

### **Additional Information:**

The cooperating cities and/or their subrecipients may be required to submit additional documentation to the County, prior to the receipt of their CDBG grant award. This documentation may include evidence or documentation related to:

- Liability Insurance
- Workmen's Compensation Insurance
- Flood Insurance
- Other documentation for NEPA and CEQA environmental reviews
- 501 (c)(3) Status
- Incorporation Documents

## **Dun and Bradstreet Data Universal Number System (DUNS) and System for Award Management (SAM)**

Pursuant to Federal regulations, all cooperating cities and their subrecipients submitting applications for CDBG funds must comply with the following requirements **prior to submitting** their CDBG application to the County for the 2017-2018 program year:

1. Be registered in the System for Award Management (SAM) system;
2. Provide a valid DUNS number in the application; and
3. Must maintain an active SAM registration, with current information, at all times during the performance period of the CDBG grant.

The County and the Cooperating Cities will not make any CDBG grant awards to any organization or government entity that fails to comply with the SAM and DUNS requirements.

### **System for Award Management (SAM):**

The System for Award Management (SAM) is combining federal procurement systems and the Catalog of Federal Domestic Assistance into one new system. This consolidation is being done in phases. The first phase of SAM includes the functionality from the following systems:

1. Central Contractor Registry (CCR)
2. Federal Agency Registry
3. Excluded Parties List (EPLS)
4. Online Representations and Certifications Application

How does SAM benefit organizations? The overarching benefits of SAM include streamlined and integrated processes, elimination of data redundancies, and reduced costs while providing improved capability.

<https://www.sam.gov/portal/SAM/#1>

### **Data Universal Number System (DUNS):**

The Federal government requires all applicants for Federal grants have a DUNS number. The Federal government uses the DUNS number to better identify related organizations that are receiving funding under Federal grants and to provide consistent name and address data for electronic grant application systems.

If you do not already have a DUNS number, contact Dun and Bradstreet toll free at 1-866-705-5711.

### **Application Submission Date and Time**

**You must submit two (2) copies of each application, one original and one copy.**

**Cooperating cities may choose one of two methods to submit their 2018-2019 CDBG applications to the Economic Development Agency:**

- 1. US Postal Service - Postmarked no later than Friday, October 30, 2017. Application packages must be addressed as follows:**

Riverside County EDA  
ATTN: CDBG Program  
5555 Arlington Ave.  
Riverside, CA 92504

- 2. Delivered to the EDA later than 5:00 PM (PST) on Friday, October 30, 2017, at the following address:**

Riverside County EDA  
ATTN: CDBG Program  
5555 Arlington Ave.  
Riverside, CA 92504

**CDBG applications for the 2018-2019 program year that are received after the deadline date and time will not be accepted.**

Cooperating Cities submitting their applications in person or through a third-party courier can request a receipt at the time of delivery.

### **Intergovernmental Review**

Applications submitted under the County's Urban County CDBG program are not subject to intergovernmental review pursuant to Executive Order 12372.

### **Other Submission Requirements**

Applicants can request CDBG funding from the County and the Cooperating Cities for any eligible CDBG activity listed under 24 CFR Part 570.201-570.204 including real property acquisition, code enforcement, construction, and other activities.

### **APPLICATION REVIEW INFORMATION**

The County of Riverside uses a Priority Evaluation and Project Rating System for all CDBG proposals. As part of the review and evaluation process, EDA staff will review and evaluate all proposals utilizing the following checklist:

## **I. ACTIVITY EVALUATION:**

Does the activity address an established need?

Is the proposed activity eligible (24 CFR 570.201) under the CDBG program?

Does the proposed activity meet one of the three broad National Objectives:

Principally benefit low and moderate-income persons;

Prevents or eliminates slum and blight; or

Addresses an urgent need or problem in the community.

Has the applicant provided sufficient explanation concerning their ability to adequately and accurately document the benefit to low and moderate income persons?

Can the project be implemented and completed within a reasonable amount of time (Public Service activities 1 year / all other activities 2 years maximum)?

Has the applicant identified all the major tasks or components that will be required in carrying out the activity? Are there any potential issues or concerns?

Has the applicant provided a reasonable estimate of the resources necessary for each component of the project, and has it developed a realistic budget that reflects these resources? Are other sources of funds (leveraging) committed to this project?

Is the proposed budget for the CDBG-funded activity separate from other activities undertaken by the applicant?

## **II. APPLICANT (ORGANIZATIONAL) EVALUATION**

Has the applicant ever undertaken the proposed activity before? What were the results?

Does the applicant have experience with CDBG or other Federal programs? Has the applicant conducted a Single Audit (formerly OMB Circular A-133) within the last two years?

Do the applicant and prospective staff understand the additional requirements associated with Federal funding?

Does the applicant have qualified staff for all the necessary functions associated with the proposed activity? Is there adequate staff time available?

Does the applicant possess adequate administrative structures, management systems, and policies & procedures?

Does the applicant possess adequate financial stability? Will the applicant be overly dependent upon CDBG funding?

### **III. ELIGIBLE ACTIVITIES**

The cooperating cities and their prospective subrecipients should refer to HUD regulations found at 24 CFR Sections 570.201-204 regarding eligible uses of CDBG funding.

### **IV. MINIMUM ACTIVITY FUNDING LEVEL**

In an effort to ensure effective, efficient, and appropriate allocation and use of CDBG funds, the County may reject any proposed CDBG activity in an amount less than \$10,000. Exceptions to this policy include: traditionally county-wide activities (city/county, multiple city, etc.) or a project or activity serving a very remote location. These exceptions must be pre-approved by EDA prior to the application submittal.

### **V. APPLICATION RATING**

Each complete CDBG application is rated by CDBG program staff to determine if the proposal meets the minimum score rating. The County uses a 200 point rating system with four (4) rating criteria with a minimum rating score of at least 100 points. The rating criteria are:

- Quality of Program Design/ four sub-criteria (40 points)
- Quality of Proposal Elements/ four sub-criteria (60 points)
- Capacity and Experience/four sub-criteria (40 points)
- Proposed Funding Request/five sub-criteria (60 points)

There are three (3) threshold sub-criteria that all applications must receive at least five (5) points each, or the proposal will not be funded:

- Does the proposed program/project comply with the overall regulations, goals and objective of the CDBG program? Application describes how the identified need relates to the objectives of the CDBG program?
- Does the proposed activity address a priority community development need as identified in the Five Year Consolidated Plan?
- Does the organization have the demonstrated capacity to successfully implement and complete the proposed activity in a timely manner?

### **APPLICATION REVIEW AND SELECTION PROCESS**

The Cooperating Cities establish their own application process and make their own CDBG funding decisions – all cooperating city applications are subject to EDA review and Board of Supervisor approval.



## **ANTICIPATED ANNOUNCEMENT, AWARD DATE, AND NOTICE**

The Board of Supervisors for the County of Riverside will make all final CDBG funding decisions for the County's 2018-2019 CDBG allocation. This is anticipated to occur in early May 2018 during a regular meeting of the Board of Supervisors when the Board approves the 2018-2019 One Year Action Plan.

After the approval date, the cooperating cities will be notified by mail of the Boards funding decisions. The One Year Action Plan is then submitted to the U.S. Department of Housing and Urban Development (HUD) for review and approval. The letter will clearly indicate the amount of their award, and that this is not a notification to proceed or to incur costs. The letter will inform the cooperating city that a supplemental agreement will be prepared and forwarded in the near future with further instructions.

## **POST AWARD REPORTING REQUIREMENTS**

To ensure compliance with the CDBG program National Objective requirements, all cooperating cities and their subrecipients will be required to comply with the applicable CDBG reporting requirements. The type, amount, frequency, format (paper or electronic), and detail of the reporting requirements depends upon the specific use of the CDBG funds and corresponding National Objective. All specific reporting requirements will be stated in the supplemental agreement.

## **POINTS OF CONTACT**

For information about the CDBG program or the 2018-2019 application cycle, please contact the following:

Elizabeth Dearen, CDBG Program Manager  
5555 Arlington Ave.  
Riverside, CA 92504  
(951) 343-5618  
(951) 343-5609 FAX  
[edearen@rivco.org](mailto:edearen@rivco.org)

Stephanie Johnson, Office Assistant  
5555 Arlington Ave.  
Riverside, CA 92504  
(951) 343-5619  
(951) 343-5609 FAX  
[sjohnson@rivco.org](mailto:sjohnson@rivco.org)

John Thurman, EDA Development Manager – CDBG/ESG Programs  
Riverside County Economic Development Agency

## Additional Federal Requirements

Whereas, the work under this Agreement is subject to applicable Federal, State, and local laws and regulations, including but not limited to the regulations pertaining to the Community Development Block Grant (24 CFR Part 570) and the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR 200). All contractors, sub-contractors, consultants, and sub-consultants agree to comply with, and are subject to, the following Federal requirements (if applicable):

1. **Equal Employment Opportunity** - Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity", as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). The Contractor/Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Contractor/Consultant will ensure that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. The Contractor/Consultant will take affirmative action to ensure that applicants are employed and the employees are treated during employment, without regard to their race color, religion, sex, or national origin. Such actions shall include, but are not limited to, the following: employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor/Consultant agrees to post in a conspicuous place, available to employees and applicants for employment, notices to be provided by the County setting forth the provisions of this non-discriminating clause.

2. **Copeland "Anti-Kickback" Act** (18 U.S.C. 874 and 40 U.S.C. 276c: All contracts and subgrants in excess of \$2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to HUD.

3. **Davis-Bacon Act, as amended** (40 U.S.C. 276a to a-7: When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall

be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to HUD.

4. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333):** Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. **Rights to Inventions Made Under a Contract or Agreement—** Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by HUD.

6. **Rights to Data and Copyrights –** Contractors and consultants agree to comply with all applicable provisions pertaining to the use of data and copyrights pursuant to 48 CFR Part 27.4, Federal Acquisition Regulations (FAR).

7. **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.),** as amended—Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to HUD and the Regional Office of the Environmental Protection Agency (EPA).

8. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—** Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee

of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

**9. Debarment and Suspension (E.O.s 12549 and 12689)**—No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension," as set forth at 24 CFR Part 24. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

**10. Drug-Free Workplace Requirements**—The Drug-Free Workplace Act of 1988 (42 U.S.C. 701) requires grantees (including individuals) of federal agencies, as a prior condition of being awarded a grant, to certify that they will provide drug-free workplaces. Each potential recipient must certify that it will comply with drug-free workplace requirements in accordance with the Act and with HUD's rules at 24 CFR Part 24, subpart F.

**11. Access to Records and Records Retention:** The Consultant or Contractor, and any sub-consultants or sub-contractors, shall allow all duly authorized Federal, State, and/or County officials or authorized representatives access to the work area, as well as all books, documents, materials, papers, and records of the Consultant or Contractor, and any sub-consultants or sub-contractors, that are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions. The Consultant or Contractor, and any sub-consultants or sub-contractors, further agree to maintain and keep such books, documents, materials, papers, and records, on a current basis, recording all transactions pertaining to this agreement in a form in accordance with generally acceptable accounting principles. All such books and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter periods of retention, all books, records, and supporting detail shall be retained for a period of at least four (4) years after the expiration of the term of this Agreement.

**12. Federal Employee Benefit Clause:** No member of or delegate to the congress of the United States, and no Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit to arise from the same.

**13. Energy Efficiency:** Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94A 163, 89 Stat. 871).

**14. Procurement of Recovered Materials (2 CFR 200.322.)** A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item

exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**15.** The Housing and Community Development Act of 1974, as amended, and the regulations issued thereto;

**16.** Executive Order 11063, as amended by Executive Order 12259, and implementing regulations at 24 CFR Part 107;

**17.** Section 504 of the Rehabilitation Act of 1973 (PL 93-112), as amended, and implementing regulations;

**18.** The Age Discrimination Act of 1975 (PL 94-135), as amended, and implementing regulations;

**19.** The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the implementing regulations at 24 CFR Part 42;

**20.** The labor standard requirements as set forth in 24 CFR Part 570, Subpart K and HUD regulations issued to implement such requirements;

**21.** Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control and abatement of water pollution;

**22.** The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (PL 93-234);

**23.** Title VI of the Civil Rights Act of 1964 (PL 88-352) and implementing regulations issued at 24 CFR Part 1;

**24.** Title VIII of the Civil Rights Act of 1968 (PL 90-284) as amended; and

**25.** The lead-based paint requirements of 24 CFR Part 35 issued pursuant to the Lead-based Paint Poisoning Prevention Act (42 USC 4801, et seq.);

**26.** The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), Public Law 111-22, Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), and the Housing and Community Development Act of 1974, as amended, and the regulations issued thereto;

**27.** Executive Orders 11625, 12432 and 12138. Consistent with HUD's responsibilities under these Orders, the SUBRECIPIENT must make efforts to encourage the use of minority and women's business enterprises in connection with ESG activities;

**28.** SUBRECIPIENT shall establish and maintain a procedure through which homeless individuals will be informed that use of the facilities and services is available to all on a nondiscriminatory basis.

**29.** SUBRECIPIENT agrees to abide by and include in any subcontracts to perform work under this Agreement, the following clause:

"During the performance of this Agreement SUBRECIPIENT and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. SUBRECIPIENT and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. SUBRECIPIENT and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this Agreement by reference and made a part hereof as if set forth in full. SUBRECIPIENT and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement."

**30.** During the term of this Agreement, SUBRECIPIENT and its subcontractors, if any, shall not deny the benefits rendered hereunder to any person on the basis of religion, color, ethnic group identification, sex, age, or physical or mental disability.