



City of El Cajon

**Community Development Department
Housing Division**

**FY 2015-2016
Community Development Block Grant
(CDBG) Program**

CDBG PROGRAM GUIDELINES

Community Development Department - Housing Division
200 Civic Center Way, Third Floor
El Cajon, California 92020

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CITY OF EL CAJON CDBG PROGRAM INFORMATION AND GUIDELINES

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM OVERVIEW

Welcome to the City of El Cajon's Community Development Block Grant (CDBG) Program. The CDBG program is administered by the Housing Division of the Community Development Department.

The U.S. Department of Housing and Urban Development (HUD), provides annual grants on a formula basis to entitlement cities and counties, including the City of El Cajon. The statutory primary objectives of the CDBG program are to develop viable urban communities by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for low and moderate-income persons.

These Guidelines are for projects seeking funding during the fiscal year that begins on July 1, 2015. The specific amount of funding to be received from HUD for FY 2015-2016 has not yet been decided by Congress. However, the current state of the national economy will most likely have an impact on the final funding levels.

In FY 2015-2016, the City anticipates receiving approximately \$1,000,000 in CDBG funds. Of that amount, a maximum of 15% of the total allocation (approximately \$150,000) may be made available for public services programs and projects. Another 20% of the CDBG allocation is reserved for administration and mandatory fair housing requirements, and the remainder (after reduction for required debt service payments), will be available for public facilities and infrastructure projects.

For FY 2015-2016, two types of activities will be funded through this application process: 1) Public Facilities/Capital Improvement projects; and 2) Public Services projects and programs.

These Guidelines contain the requirements and procedures for Application submittal (applicable to both applications), as well as the policies and processes for implementation and development of the City's One-Year Action Plan. See Attachment A for FY 2015-2016 Action Plan Timeline.

APPLICANT ELIGIBILITY

The following organizations are eligible to apply for this funding:

- ◆ **Non-profit organizations, City departments, neighborhood organizations, schools, and faith-based organizations may apply for this funding.** Non-profit organizations must be granted non-profit status under the Internal Revenue Code (Section 501(c)(3), (c)(4) or (c)(5)), and must be incorporated for at least one (1) year by the Application submittal date.

Faith-based organizations cannot use CDBG funds to support worship, religious instruction or proselytization. Religious activities must be offered separately from the CDBG supported activity. Faith-based organizations that participate in the CDBG program will retain independence from federal, state, and local governments and may carry out its mission provided CDBG funds are not used to support religious activities. Faith-based organizations that participate in the CDBG program shall not discriminate against a program beneficiary on the basis of religion or religious belief.

Note: The City of El Cajon does not directly fund individuals through this program.

PROJECT ELIGIBILITY

In order to qualify for CDBG funding, federal regulations require that all programs and projects must: A) meet one of three National Objectives; B) address one or more of the local Consolidated Plan Goals and Priorities; C) be an eligible activity as set forth in 24 CFR §570.201; and D) not be ineligible as set forth in 24 CFR §570.207, among other requirements. **Projects that fail to meet these applicable tests will NOT BE considered for CDBG funding.**

A. National Objectives. CDBG projects must meet one of the National Objectives:

- 1) **Benefit a majority of low and moderate-income (LMI) residents.** "Low and moderate-income" is defined as those persons and households who earn at or below 80% of the Area Median Income (AMI) adjusted for family size for the San Diego Metropolitan Service Area (MSA) as defined in Section 102 of the Housing and Community Development Act of 1974, as amended. See **Attachment B** of these Guidelines for current AMI limits. Income limits are adjusted annually by HUD. Documentation of benefit to LMI persons is required for all CDBG-funded projects; or
- 2) Meet a community need having a particular urgency because existing conditions pose a serious and immediate threat to the health and/or welfare of the community and no other financial resources are available to meet the need; or
- 3) Aid in the prevention or elimination of conditions of slum and blight.

Note: In El Cajon, all CDBG-funded activities must address the National Objective to benefit LMI residents of El Cajon.

B. Consolidated Plan Goals and Priorities. In addition, the City has adopted local Goals and Priorities for allocation of CDBG funding. The Goals and Priorities, summarized below, are more fully described in the FY 2014-2018 Five-Year Consolidated Plan which is available for review at the Housing Division public counter, located at 200 Civic Center Way, Third Floor, El Cajon, CA 92020. The Consolidated Plan is also available for review on the City's website at <http://www.cityofelcajon.us/dept/redev/housing/funding.aspx>. CDBG projects must address one or more of the local Goals/Priorities to qualify for funding:

Goal 1: Provide Decent and Affordable Housing

Priority Need: Conserve and Improve Existing Affordable Housing
Priority Need: Provide Homeownership Assistance
Priority Need: Assist in the Development of Affordable Housing

Goal 2: Promote Equal Housing Opportunity

Priority Need: Promote Equal Housing Opportunity

Goal 3: Support a Continuum of Care System for the Homeless

Priority Need: Support Continuum of Care for the Homeless

Goal 4: Provide for Community Facilities and Infrastructure

Priority Need: Provide for Community Facilities & Infrastructure

Goal 5: Provide Community and Supportive Services

Priority Need: Provide Needed Community and Supportive Services

C. Eligible Activities. Further, CDBG Projects and activities must be eligible as set forth in 24 CFR §570.201:

Public Service Activities: Eligible programs under the Public Services category include services concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation and others. Services and program examples under this category include:

- Crime awareness and prevention programs serving low-income areas
- Programs serving low-income youth and families
- Programs providing services to homeless and non-homeless special needs persons, such as disabled persons, the elderly and other persons with special needs
- Neighborhood Revitalization Services - Programs that support neighborhood revitalization efforts in targeted areas

Public Facilities/Capital Improvement Activities: Eligible projects under the Public Facilities/Capital category include public facilities, community facilities and public improvement projects, including but not limited to all facilities that are publicly owned, or are privately-owned (by an organization or school) and open to the general public. Project examples under this category include:

- Acquisition of real property, construction, reconstruction, rehabilitation or installation of public facilities and improvements, including Americans with Disabilities Act (ADA) improvements
- Infrastructure improvements (construction or installation) including but not limited to streets, curbs, and water and sewer lines
- Neighborhood facilities including public schools, libraries, recreational facilities, community centers, parks, playgrounds
- Facilities for persons with special needs such as seniors centers, facilities for the homeless or group homes for the disabled

D. Ineligible Activities. CDBG projects must not be ineligible as set forth in 24 CFR §570.207. Examples of activities that will render a project ineligible include:

- Programs or services that primarily serve non-EI Cajon residents
- Projects or programs that do not serve primarily LMI persons
- New housing construction
- Political activities
- Income payments, stipends, marketing and fundraising
- Purchase of equipment, furnishings or personal property
- Services that promote religious activities
- Payment of debt or pre-award expenses
- Entertainment, furnishings and personal property

DOCUMENTATION OF BENEFIT TO LOW AND MODERATE-INCOME BENEFICIARIES

As noted above, all programs and projects funded with CDBG funds must benefit primarily LMI individuals and families (the primary national objective). Documentation of benefit to LMI persons is required for all CDBG-funded projects.

In order to determine whether and how a project benefits LMI persons, the applicant must clearly define who will be served by the project or service (the “target population”).

Once the target population is determined, the proposed project will be categorized as either Area Benefit or Limited Clientele. If the program or project serves all residents of a particular area that contains primarily LMI persons, the project may qualify as an Area Benefit activity. If the project serves a particular clientele that is primarily LMI, but not all residents of an area, the project may qualify as a Limited Clientele activity.

A. **Area Benefit.** For activities that benefit all residents of a defined service area:

1. The boundaries of the service area must be clearly defined. It is important to attach a map (you can use the map in **Attachment C** or a Thomas Bros. map page) showing the project location and draw lines on the map outlining the boundaries of the geographic area served; and
2. At least 51% of the residents of the service area must be LMI. (See **Attachment C** - Census Tract Map for eligible census tract/block groups)

B. **Limited Clientele.** For activities that benefit a particular clientele (based on who is served, not area served):

1. Intake and/or qualification procedures must be in place (or be developed) that capture demographic information from **each participant**, including race, ethnicity, household size and income levels of all persons being served; and
2. At least 51% of the persons served must be LMI (see **Attachment B** – Area Median Income Limits); OR
3. The program exclusively serves clientele that are “presumed” to be LMI. “Presumed benefit” populations include abused children, battered spouses, elderly persons (age 62 and older), severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers. In this case, information about income does not need to be collected, however information about race, ethnicity, etc. must still be collected.

HUD’S DEFINITION OF DISABLED PERSON:

A person who is determined to:

1. Have a physical, mental, or emotional impairment that:
 - a. Is expected to be of long-continued and indefinite duration;
 - b. Substantially impedes his or her ability to live independently; and
 - c. Is of such a nature that the ability could be improved by more suitable housing conditions; or
2. Have a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007); or

3. Be the surviving member or members of any family that had been living in an assisted unit with the deceased member of the family who had a disability at the time of his or her death.

HUD'S DEFINITION OF ELDERLY PERSON / HOUSEHOLD:

A household where either the head of the household, or spouse/co-head, is age 62 or older.

ENVIRONMENTAL REVIEW REQUIREMENTS

An Environmental Review is required for each project or program that receives CDBG funding. **Premature commitment or expenditures of any funds prior to completion of the environmental review will jeopardize the eligibility of the project.** This includes use of an agency's matching funds from other sources. Environmental reviews are required to comply with National Environmental Policy Act (NEPA) and HUD's enforcement measures. The review includes analysis of 13 federal laws designed to protect certain environmental areas. If the Application is funded, City staff will initiate the review and the agency will be kept informed about the estimated length of time to clear the project.

The environmental review process for Public Service programs usually (but not always) requires a lower level review, normally can be completed at no cost, and can usually be cleared quickly so as not delay the program start up. However, especially for Public Facilities projects, if an Environmental Assessment or higher level of review is required, the project applicant may be required to engage a qualified professional from an outside environmental consulting organization whose qualifications must be approved by the City prior to engagement, at its own cost. Depending upon the project location and environmental conditions, projects involving construction, rehabilitation and demolition can take up to 120 days to obtain an environmental clearance.

ADA ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The Americans with Disabilities Act (ADA), State Title 24, and the Fair Housing Act prohibit discrimination based on disability. Please be advised that your project will be reviewed for compliance with federal and state laws as they relate to accessibility. Accessibility includes such things as: entrance ramps, parking with universal logo signage, grab bars around commodes and showers, required height for toilet seats, space for wheelchair maneuverability, accessible water fountains and counters, and other improvements needed to assure full access for the disabled, including the blind and deaf. Additional information can be found at www.ada.gov.

CHILDCARE LICENSING

This information is provided to provide a general overview of types of programs requiring licensing and those that do not require a license. For additional information, contact the California Department of Social Services, Community Care Licensing Division at (916) 229-4500 or <http://www.cclid.ca.gov/PG411.htm>.

Programs that require licensing:

- Preschool programs that provide services where the parent is not on-site and fees are charged.
- Public or Charter Schools or programs that provide childcare services during regular school hours and the parent is on-site, i.e. GED Classes.
- Any facility that provides only recreational or singular instruction in one subject, i.e., Self Defense, Dancing, Art, Sports, Music, etc.

- Any facility that provides recreational/instructional activities for school aged children who have the freedom to come and go from the center.
- Agencies that offer services to children do not require licensing, i.e., case/crisis management.

FINGERPRINTING

CDBG-funded staff working with children, persons with disabilities, and the elderly must be fingerprinted. This is an eligible CDBG cost and should be reflected in the budget. Contact Global Livescan at Postal Center Plus (619) 593-9993, 772 Jamacha Road El Cajon, CA 92019.

CONFLICT OF INTEREST

Conflicts of interest (or appearance thereof) can plague activities supported with federal funds. The general rule is that no employee, board member, officer, agent, consultant, elected official, or appointed official of the recipients or sub-recipients that are receiving funds under a CDBG-assisted program who have responsibilities with respect to the CDBG activities or are in a position to participate in decision making processes or have access to inside information with regard to the activities can obtain a financial interest or benefit from a CDBG assisted activity during their tenure or for one year thereafter (Federal Regulation 24 CFR 570.611). Agencies should maintain a written code of standards of conduct governing the purchase of materials, product, supplies, and services and awarding and administering sub-recipient contracts. Personnel involved in the procurement process must be trained to recognize situations that create conflicts of interest, or the appearance of a conflict of interest.

The agency personnel should:

- Be familiar with the agency's code of ethics and potential conflict of interest issues.
- Not take gifts or gratuities from persons or organizations associated with the procurement process.

DAVIS BACON LABOR STANDARDS

Construction work that is financed in whole or in part with CDBG funds is most likely subject to the Federal labor standards requirements, including the Davis-Bacon and related Acts, for payment of prevailing wages. Additional information is available in the publication *Contractor's Guide to Davis-Bacon: Prevailing Wage Requirements for Federally-Assisted Construction Projects*. A copy of this publication may be obtained from the City's Housing Division or the HUD Labor Relations website located at http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_relations, which contains additional labor compliance resources that may be of assistance. Triggering of Davis Bacon Act and Related Acts may increase the project costs.

If construction work is proposed, contact CDBG Program staff for assistance in determining whether your project is subject to Davis-Bacon requirements.

LEAD-BASED PAINT REGULATIONS

HUD has issued final regulations on notification, evaluation, and reduction of lead-based paint hazards in some facilities receiving federal assistance. Rehabilitation of facilities where children are served may be affected by this new regulation resulting in testing the painted surfaces that will be disturbed to determine the presence of lead-based paint. If paint surfaces are not lead-free, safe work practices will be required along with possible methods of removal.

ASBESTOS TESTING

An asbestos survey (AHERA) will be required on all renovation projects to determine the presence of asbestos. The agency should include the cost of the survey and provide for contingency funds for remediation if asbestos is present. The survey will visually review all suspect asbestos containing materials (ACMs) associated with the building's interior and will collect samples for laboratory analysis prior to the Public Facilities renovation project. The survey will identify whether asbestos containing materials were found and what classification.

VOLUNTEERS

The use of volunteers on a Public Facilities project, who are not otherwise employed by the agency or contractor, requires City approval. Depending on the work the volunteers will perform, state-licensing requirements will apply. For example, volunteers performing trade work (electrical, plumbing) must be licensed. To determine in-kind volunteer contributions requested in the budget, use the estimated amount of what a paid worker would earn doing the same type of work.

MATCHING OR LEVERAGED FUNDS (COST SHARING)

Matching or leveraged funds are those other agency resources (non-CDBG) immediately accessible and firmly committed that are to be applied to the program or project. Leveraged funds can include a combination of cash, grants, loans, or in-kind resources available to finance the program costs. Program costs can be shared among all leveraged funding sources.

In-kind contributions must have a specific dollar value established in accordance with generally accepted accounting principles. The basis of determining the value for personal services and donated materials and supplies must be identified and documented in the Application. Volunteer services may be counted if the service is an integral and necessary part of an approved CDBG-funded program.

Rates for hours should be consistent with those paid for similar work in the labor market in which the applicant competes for the services involved. The value assigned to donated materials and supplies should be reasonable and should not exceed market value at the time of donation.

APPLICATION REVIEW PROCESS

The City of El Cajon's CDBG funds will be allocated annually through an Application process to the maximum extent practicable within the City of El Cajon. To encourage public participation in the development of the CDBG program, the City has adopted a Citizen Participation Plan which outlines the procedures to be followed by public officials and private citizens to establish projects to be funded for a given program year that address identified needs in the Five-Year Consolidated Plan. The complete Citizen Participation Plan is available for review in the City of El Cajon's Housing Division, 200 Civic Center Way, Third Floor, El Cajon, CA 92020.

A summary of the Application process for CDBG funds is provided below for applicants and/or private citizens who wish to participate in the City's program:

- Staff will initially review all Applications for completeness, conformance with technical criteria as listed in these Guidelines and the application itself, and if appropriate, will transmit a copy of the Application submittal to appropriate City departments for additional review. Criteria for review will include, but not be limited to:
 - Eligibility of the activity under CDBG regulations;
 - Compliance with a CDBG national objective;
 - Consistency with the priorities and specific goals established in the Consolidated Plan;
 - Prior experience with CDBG and/or other grant programs;
 - Prior experience in the community;
 - Agency administrative and financial capacity to carry out the proposed activity;
 - Feasibility and appropriateness of the project budget; and
 - Appropriateness of the design of the proposed project or program delivery approach.

Staff may request additional information from applicants for further clarification as required. This review summarizes the project and notes any concerns with the proposal.

- Agencies will be notified by mail of their project's eligibility/ineligibility. Applications which are determined to be ineligible will be allowed a 7-day period for submittal of additional information in support of reversing the determination.
- The Review Committee members will be provided with the Applications, the technical review summaries, and any agency response, if additional information was requested.
- The Review Committee will review each eligible Application, and will forward its recommendations to City Council at the first Public hearing.
- Staff will make copies of all eligible Applications available for City Council and public review 72 hours prior to the Public hearing(s).
- The City Council will tentatively select projects to be funded at the first Public hearing (typically held in February). Applicants and citizens are invited to provide comments on projects submitted, respond to any questions by the City Council, and to provide comments and input relative to the development of the One-Year Action Plan.
- Following Council's action at the first Public Hearing, a Notice of Public Review Period will be published that includes the full listing of tentatively approved projects and their proposed

allocation amounts that may be included as a part of the One-Year Action Plan. The public is invited to provide written comments on the proposed projects/allocations and other input relative to the development of the One-Year Action Plan during that period.

- The City Council will adopt final allocations to projects and programs at a second Public Hearing (typically held in April). These final allocations will be included in the One-Year Action Plan that will be submitted to HUD on or before May 15, 2015.
- Once the Action Plan is approved by HUD and all other stated conditions are met (including completion of the required environmental review), project activities may begin (but no earlier than July 1, 2015).

TECHNICAL ASSISTANCE AVAILABLE

The CDBG program staff is available to provide technical assistance in determining project/program eligibility and to ensure proposed projects are in compliance with the CDBG National Objectives and other regulations established by HUD. Staff cannot provide assistance in developing a program or writing the application.

Technical assistance is available from 7:30 a.m. to 5:30 p.m. Monday through Thursday, and from 8:00 a.m. to 5:00 p.m. on alternating Fridays, through December 18, 2014. Please call Jamie Kasvikis at (619) 441-1786 for assistance by telephone or to make an appointment in the office.

SUMMARY OF ADDITIONAL CDBG PROGRAM REQUIREMENTS

- Congress created the CDBG program and numerous federal regulations apply.
- Agencies that are funded (subrecipients) will be required to execute a contract with the City listing their responsibilities for meeting all federal requirements.
- Affirmative action, nondiscrimination in services and employment practices and ADA requirements apply; certification of a Drug Free Work Place is required.
- Subrecipients and contractors must not be de-barred.
- Funded agencies cannot be indebted to the IRS or the City of El Cajon nor have judgments or liens.
- The City's Section 3 and MBE/WBE goals must be met whenever feasible.
- Subrecipients and contractors must have a verifiable DUNS number.
- City and HUD shall have access to the project records and payroll records as set forth in the funding agreement.
- Subrecipients are responsible for Worker's Compensation benefits, or claims by employees and must indemnify and hold the City harmless against any and all claims.
- CDBG funds are reimbursed monthly and based upon required source documentation, i.e. timecards, cancelled checks, receipts, bank statements, etc.
- **Quarterly and Annual performance reports are required** (see Attachment D – Reporting Requirements for Funded Agencies).
- Proof of Insurance is required if funding is awarded (see Attachments E and F – Insurance Requirements).

PREMATURE COMMITMENT OR EXPENDITURE OF FUNDS PROHIBITED

Program expenses that have been committed or expended prior to HUD approval of the One-Year Action Plan, City Council approval of the project allocation, NEPA environmental clearance and execution of the CDBG contract are not eligible for reimbursement.

ATTACHMENT A – FY 2015-2016 ACTION PLAN TIMELINE*

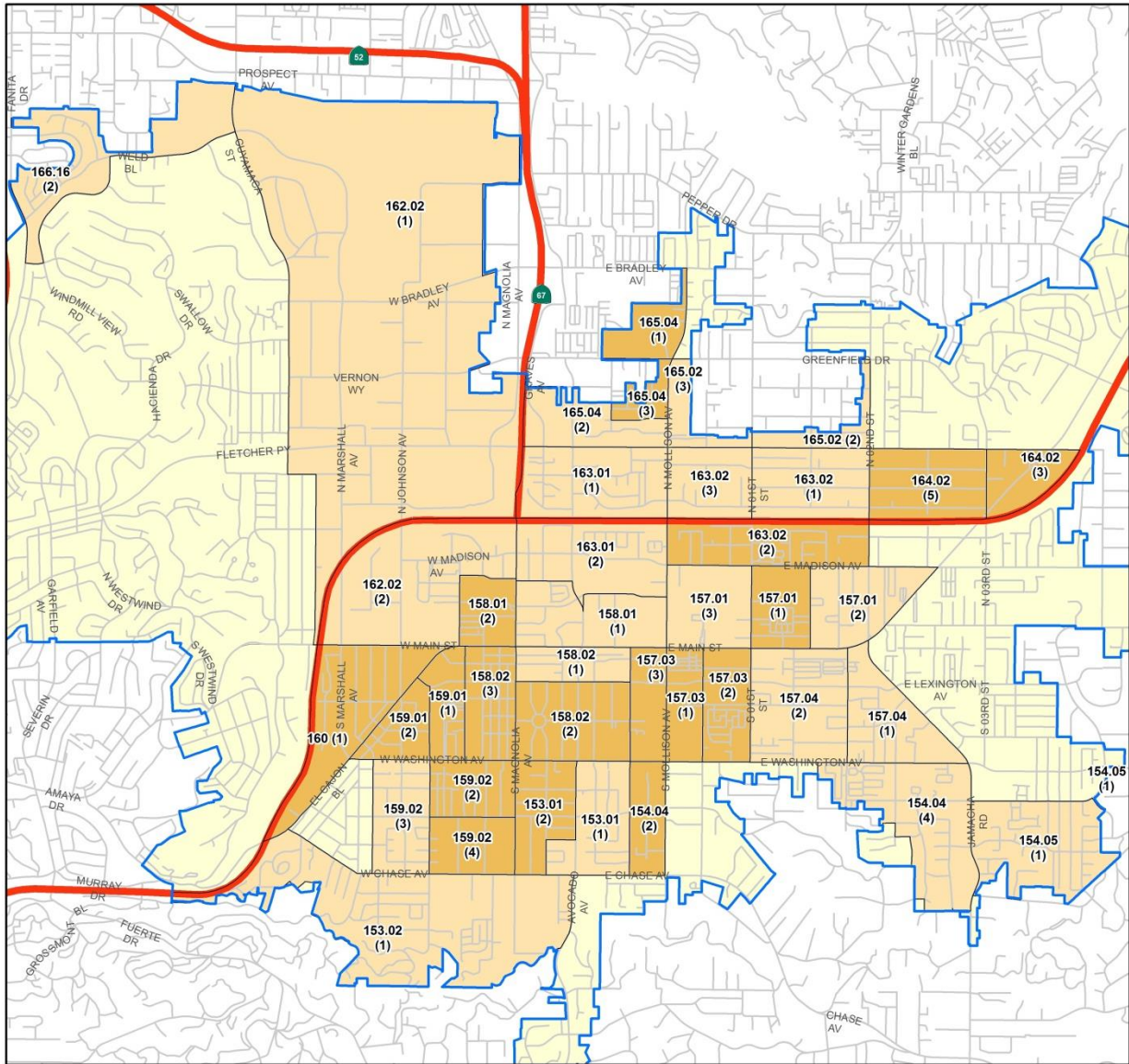
| | |
|-----------------------------------|---|
| November 6, 2014 | “Notice of Funding Availability” published in the newspaper and mailed to interested parties’ list. |
| November 10, 2014 | APPLICATIONS FOR CDBG FUNDING AVAILABLE. |
| November 10- December 18, 2014 | Technical Assistance is available upon request. Call the Housing Division at (619) 441-1786 for assistance via telephone or to set an appointment. |
| December 18, 2014 | DEADLINE FOR SUBMITTAL OF PROPOSALS/APPLICATIONS FOR CDBG FUNDING. Applications must be received in the Housing Division, 200 Civic Center Way, Third Floor, El Cajon, CA 92020 by 5:00 p.m. |
| January 29, 2015 | Applicants will be notified regarding eligibility. |
| February 5 and 12, 2015 | “Notice of First Public Hearing” to be published in newspaper. |
| February 24, 2015 | FIRST PUBLIC HEARING at 7:00 p.m. to solicit public input and to allocate FY 2015-2016 CDBG funds. |
| March 5, 2015 | “Notice of 30-day Public Review Period and Second Public Hearing” to be published in newspaper. Notice includes full listing of approved projects, amounts and regulatory citations, and seeks public input. Draft of Action Plan is available at the Housing Division Counter, 200 Civic Center Way, El Cajon. |
| April 28, 2015 | SECOND PUBLIC HEARING at 3:00 p.m. to solicit public input and final adoption of FY 2015-16 One-Year Action Plan. |
| April 29, 2015 | Begin contract negotiations with selected CDBG subrecipients and initiate environmental reviews. Agreements targeted for execution on or before June 30, 2015. |
| May 14, 2015 | One-Year Action Plan and Five-Year Consolidated Plan submitted to HUD for approval. |
| May 21, 2015 | “Notice of Submittal of One-Year Action Plan” published in newspaper. |
| May 15 – June 30, 2015 | HUD review period of One-Year Action Plan. |
| July 1, 2015 | Begin Fiscal Year 2015-2016. |

***All dates listed herein are approximate and are subject to change.** Persons relying on this Schedule must contact the Housing Division at (619) 441-1786 or jkasviki@cityofelcajon.us to confirm the actual date of each event as the timeframe nears.

ATTACHMENT B – AREA MEDIAN INCOME LIMITS FOR SAN DIEGO COUNTY
(subject to annual revisions)

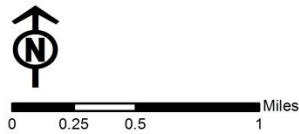
| ELIGIBLE INCOME LIMITS CHART 2014 | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| HOUSEHOLD SIZE | | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 30% | Extremely low | \$0 to \$16,600 | \$0 to \$18,950 | \$0 to \$21,300 | \$0 to \$23,650 | \$0 to \$25,550 | \$0 to \$27,450 | \$0 to \$29,350 | \$0 to \$31,250 |
| 50% | Low | \$16,601 to \$27,650 | \$18,951 to \$31,600 | \$21,301 to \$35,550 | \$23,651 to \$39,450 | \$25,551 to \$42,650 | \$27,451 to \$45,800 | \$29,351 to \$48,950 | \$31,251 to \$52,100 |
| 80% | Moderate | \$27,651 to \$44,200 | \$31,601 to \$50,500 | \$35,551 to \$56,800 | \$39,451 to \$63,100 | \$42,651 to \$68,150 | \$45,801 to \$73,200 | \$48,951 to \$78,250 | \$52,101 to \$83,300 |
| Income Limits effective December 18, 2013 | | | | | | | | | |

ATTACHMENT C – CENSUS TRACT MAP OF LOW AND MODERATE-INCOME AREAS OF THE CITY OF EL CAJON



City of El Cajon
Low and Moderate Income Areas
 (Effective July 1, 2014)

Overall Low/Mod Percentage for the City of El Cajon : 58.6%
 Source:
<https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-overall> (FY 2014 Presentations)



Low / Mod Income Percentage (LMI%)

- < 51% LMI Population
- 51.1 - 71.0% LMI Population
- > 71.0% LMI Population
- Roads
- El Cajon Municipal

158.01 - Census Tract Numbers
 (1) - Block Group Numbers

ATTACHMENT D - REPORTING REQUIREMENTS FOR FUNDED AGENCIES

Applicants receiving FY 2015-2016 City of El Cajon Community Development Block Grant (CDBG) funding must be aware of the following additional reporting requirements.

Why Accurate Reports are Necessary:

CDBG funds are allocated to projects and programs throughout the City of El Cajon; however the funds originate at the federal level, through the U.S. Department of Housing and Urban Development (HUD). The City of El Cajon is required to report to HUD the accomplishments of each grant given to agencies.

How long will CDBG-Funded Agencies be required to report:

Agencies funded for Public Services programs: Agencies will be required to submit Quarterly and Annual performance reports on forms provided by the City **for the entire fiscal year in which the program is funded.**

Agencies funded for Public Facility improvement projects: Pursuant to the CDBG regulations, any real property acquired or improved in whole or in part with CDBG funds in excess of \$25,000 shall be used to meet one of the national objectives (benefit low/moderate income persons) **until five years after expiration of the contract with the City.** Therefore, agencies receiving this category of funding will be required to submit Quarterly and Annual performance reports on forms provided by the City **for five years after completion of the project.**

What reports will be required of CDBG-Funded Agencies:

All projects that provide benefit to LMI residents (except those providing an Area Benefit) will be required to collect, and keep records of specific demographic data about their program participants, and to report that data quarterly and annually on forms provided by the City (the Periodic Performance Report). Intake and/or qualification procedures must be in place (or be developed) to capture demographic data and other information from **each participant**. Required report measures include:

- The number of persons assisted;
- Income levels of all persons assisted (30, 50, or 80% of the median income, adjusted for household size; see Attachment B – Area Median Income Limits table);
- Race and ethnicity of the persons assisted;
- The number of persons assisted that are homeless;
- The number that are disabled; and
- The number that female heads-of-household.

In addition, a narrative report must accompany each Periodic Performance Report and can be tailored to report progress on the objectives of the contract with the City, as well as analyze the benefits of the program to the community. Report measures will be negotiated and may include:

- The progress of the activity (progress of construction, % of completion, etc.);
- Amount of Other funds leveraged for the program (how and to what extent CDBG funds were helpful in attracting other grant or donor funds);
- Additional measures of success that were volunteered in the original project Application to attract CDBG funding (number of parents attending meetings, number of new jobs created, etc.)

ATTACHMENT E - INSURANCE REQUIREMENTS FOR PUBLIC SERVICE PROPOSALS

If the Application is funded, the agency will enter into a contract with the City of El Cajon. All City contracts require insurance and indemnification language so that the responsibility for paying claims is established with the agency and ensures that financial resources are available to pay claims. The subrecipient shall agree to provide an acceptable certificate of insurance and endorsements evidencing coverage as specified in El Cajon City Council Policy D-3, Insurance Requirements which is available from the Housing Division, by calling (619) 441-1786, and is made a part of these Guidelines. The insurance requirements listed are minimum requirements and the City in no way warrants that the minimum limits are sufficient to protect the agency from liabilities that might arise from carrying out the funded program. The agency is free to purchase additional insurance, as they deem necessary.

Depending upon the program activities and the program beneficiaries, several types of insurance coverage will be required. This information is provided to help in the development of the overall operating cost of the proposed program and to ensure sufficient funds are set aside for insurance.

Minimum Scope and Limits of Insurance - coverage with limits of liability not less than those stated below are required for funded CDBG Public Service programs.

Commercial General Liability

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

Automobile Liability - Combined Single Limit \$1,000,000

- Required only if activities involve the use of transportation in the provision of services
- Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this Contract.

Worker's Compensation and Employers' Liability

- Workers' Compensation
- Statutory
- Employers' Liability
- Each Accident \$100,000
- Disease – Each Employee \$100,000 Disease - Policy Limit \$500,000

Professional Liability - Errors and Omissions Liability

- Required only if activities involve providing professional services
 - Each Claim \$1,000,000
 - Annual Aggregate \$2,000,000

NOTICE OF CANCELLATION: Insurance policies must be the appropriate coverage for and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits.

ACCEPTABILITY OF INSURERS: Insurance is to be placed with insurers duly licensed or approved unlicensed companies in the state of California and with an "A.M. Best" rating of not less than B+ VI. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect the Agency from potential insurer insolvency.

VERIFICATION OF COVERAGE: The City must receive certificates of insurance (ACORD form or equivalent approved by the City) as required. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage. The City of El Cajon must be listed as an additional insured (to the extent City is indemnified pursuant to the Indemnity Provisions herein) on all certificates of insurance.

PROFESSIONAL LIABILITY INSURANCE: Professional liability insurance protects against losses that occur when a "professional" fails to practice his or her art to the usual and customary standards of that profession.

Therefore, there can be risks to the Agency associated with errors (or allegations of errors) in the professional's work product or judgment. In order to determine if your proposed program will need professional liability insurance, ask yourself:

1. Will the program employ professional licensed or certified workers (i.e. accountants, teachers, medical professionals, psychologists, etc.)?
2. Will the information developed by the professional be used in a decision-making process within the Agency that could create a liability?

If the answer is **yes** to either of these questions, then professional liability insurance would be required.

The types of losses that can occur under such circumstances are often excluded under general liability policies. They can be covered through separate professional liability insurance policies, also known as "**errors and omissions**" (E&O) liability insurance.

Examples of services that would require professional liability coverage include but are not limited to:

| | | |
|-------------|-----------------------|----------------|
| Accountants | Childcare workers | Consultants |
| Auditors | Financial consultants | Teachers |
| Attorneys | Medical professionals | Social Workers |

**Note: See further Insurance Requirements (Council Policy D-3)*

ATTACHMENT F - INSURANCE AND CONSTRUCTION BONDING REQUIREMENTS FOR PUBLIC FACILITY/CAPITAL PROJECTS

If the Application is funded, the agency will enter into a contract with the City of El Cajon. All City contracts require insurance and indemnification language to protect against loss during construction activity. In construction or renovation contracts, the agency is responsible for insuring against direct physical damage to the construction project as well as to construction materials stored at the construction site. Therefore, in addition to the required liability and workers' compensation insurance, the City also requires the agency to provide evidence of property insurance, which will protect the project site against damage while under construction. This is done either through specialized property insurance forms known as "builders' risk insurance" or an "installation floater".

Builders' risk insurance is designed to cover buildings and construction materials while in the course of construction. Builders' risk insurance is a form of property insurance that protects the construction project against loss or damage caused by a variety of perils, i.e. fire, wind, hail, etc.

Installation floaters are similar to builders' risk insurance policies in that they are designed to cover damage to material and equipment to be installed in an 'existing building'. Installation floaters are required from contractors performing a specialized job on an existing building or installing equipment or materials that are *not* included in a construction project contract. An example would be a contract to replace the plumbing/fixtures in a bathroom of an existing building.

INSURANCE REQUIREMENTS FOR PUBLIC FACILITIES PROJECTS

Property Insurance

- The agency must ensure property insurance is carried throughout the term of the Project and all risk property insurance on the building and all improvements for their full replacement value.
- The agency's insurance policy must be endorsed to include the City of El Cajon as a loss payee.
- The agency's insurance policy cannot be cancelled without (30) days prior written notice given to the City.
- The agency is responsible for all policy premiums and deductibles.
- The agency shall furnish the City with a certificate of insurance (ACORD form or equivalent approved by the City) as required by this Contract. A person authorized by that insurer to bind coverage on its behalf must sign the certificate.

Liability Insurance

If funded, the agency shall provide proof of general liability insurance in an amount acceptable to the City throughout the term of the Project. The City of El Cajon must be listed as an additional insured.

CONSTRUCTION, LABOR, AND MATERIAL PAYMENT AND PERFORMANCE BONDS

Prior to the commencement of any rehabilitation, the construction contractor must post a construction labor and material payment bond and performance bond for the total amount of the rehabilitation contract in a form as approved by the City.