



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

**BILL NO. 090437
(As Amended, 6/4/09)**

Introduced May 21, 2009

Councilmember Tasco

**Referred to the
Committee on Finance**

AN ORDINANCE

Authorizing the Director of Housing, on behalf of the City, to file applications with the United States Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG); to participate in the HOME Investment Partnership program and the Emergency Shelter Grant (ESG) program; and for a Housing Opportunities for Persons with AIDS (HOPWA) grant; and to file applications with the Commonwealth to obtain grants under the Act of April 12, 1956, P.L. 1449, Section 4, as amended, to prevent and eliminate blight; authorizing the Director of Housing and Director of Commerce to file applications to obtain other grants from the Commonwealth; authorizing the Director of Commerce to use the Section 108 Loan Guarantee Program; and authorizing the Director of Housing and the Director of Commerce to enter into all understandings and assurances contained in such applications and take all necessary action to accept the grants; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Director of Housing, on behalf of the City, is hereby authorized to file an application with the United States Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) in an amount up to fifty-two million two hundred seventy thousand seven hundred ninety-four dollars (\$52,270,794) under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, including all understandings and assurances therein.

SECTION 2. The Director of Housing is hereby designated as the authorized representative of the City to act in connection with the application and is hereby directed to provide such additional information as may be required by HUD, to take such additional actions as may be required to complete the application, and to accept the grant.

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SECTION 3. The provision in the application providing for the use of up to thirty million dollars (\$30,000,000) for interim construction financing is approved subject to the provision that the amount of fifty-two million two hundred seventy thousand seven hundred ninety-four dollars (\$52,270,794) contained in the CDBG Application is awarded.

Further, said monies shall only be made available for obligation upon certification by the Director of Finance that unexpended CDBG funds are available for Interim Construction Assistance and that any amounts made available are guaranteed by an irrevocable Letter of Credit or other security acceptable to the Director of Finance. At such time the Director of Finance may authorize amounts to be provided from this appropriation which amounts shall be financed by CDBG revenues. Amounts which are repaid shall be credited as program income to finance Community Development activities.

SECTION 4. In accordance with the application, the Director of Finance is specifically authorized, with the concurrence of HUD to, as of June 30, 2008, transfer all unliquidated encumbrances and other available balances for Community Development Program Year XXXII to Program Year XXXIII. Further, any questioned cost items from Program Year XXXI which are determined by HUD to be ineligible costs shall be transferred to Program Year XXXIII, after such costs are removed. Program regulations governing such transferred funds shall be determined by HUD. The Director of Finance shall notify the Clerk of Council periodically concerning Program Year XXXIII transfers.

SECTION 5. The Director of Housing is hereby authorized, on behalf of the City, to file an application, including all understandings and assurances therein, with HUD for up to sixteen million five hundred forty-five thousand three hundred ninety-two dollars (\$16,545,392) under the HOME Investment Partnership program under Title II of the National Affordable Housing Act of 1990 (P.L. 101-625), to enter into an agreement with HUD to implement the HOME Investment Partnership program, and to take any and all other action necessary to complete the application, participate in the HOME Investment Partnership program, and otherwise carry out the purposes of this Ordinance.

SECTION 6. The Director of Housing is hereby authorized, on behalf of the City, to file an application, including all understandings and assurances therein, with HUD for up to eight million seven hundred sixteen thousand three hundred seventy-six dollars (\$8,716,376) under the AIDS Housing Opportunity Act (42 U.S.C. 12901) for a Housing Opportunities for Persons with AIDS (HOPWA) grant, to enter into an agreement with HUD to implement the HOPWA program, and to take any and all other action necessary to complete the application, participate in the HOPWA program, and otherwise carry out the purposes of this Ordinance.

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SECTION 7. The Director of Housing is hereby authorized, on behalf of the City, to file an application, including all understandings and assurances therein, with HUD for up to two million three hundred three thousand four hundred six dollars (\$2,303,406) under Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (P.L. 102-550), for an Emergency Shelter Grant (ESG), to enter into an agreement with HUD to implement the ESG program, and to take any and all other action necessary to complete the application, participate in the ESG program, and otherwise carry out the purposes of this Ordinance.

SECTION 8. The applications for CDBG, HOME, HOPWA and ESG funding which the Director of Housing is authorized to file shall be substantially in the form set forth in Exhibit "A" hereto and known as the *Year 35 Consolidated Plan* ("Plan"). The Chief Clerk of the Council shall keep copies of Exhibit "A" on file and make them available for inspection and review by the public.

SECTION 9. The Director of Housing, on behalf of the City, is hereby authorized to file an application or applications and, if an application or applications are accepted, to execute a contract or contracts with the Commonwealth of Pennsylvania, to obtain a grant or grants for a blight prevention program under the Act of April 12, 1956, P.L. 1149, as amended, to prevent and eliminate blight in an activity(ies) as identified, determined and authorized by the *Year 35 Consolidated Plan* for housing and community development purposes in an amount not to exceed nine million dollars (\$9,000,000). The Director of Housing is further authorized to provide additional information and to furnish any documents as may be required by the Commonwealth of Pennsylvania and to act as the authorized correspondent of the City. Concurrent with the filing of any application with the Commonwealth, copies shall be provided to the Chief Clerk of Council, who shall keep the application on file and make it available for inspection and review by the public.

SECTION 10. The City, through the Office of Housing and Community Development, will comply with laws and regulations dealing with the grant request for a State-Local blight prevention grant as stated in the Act of April 12, 1956, P.L. 1449, as amended; further, the City will assume the full local share of project costs; and further, the City will reimburse the Commonwealth for the State's share of any expenditure found by the Commonwealth to be ineligible.

SECTION 11. The Director of Housing, on behalf of the City, is hereby authorized to file an application or applications and, if an application or applications are accepted, to execute a contract or contracts with the Commonwealth of Pennsylvania to obtain a grant or grants from the Elm Street Program administered by the Department of Community and Economic Development in an amount not to exceed one million three hundred thousand dollars (\$1,300,000). The Director of Housing is further authorized to provide additional information and to furnish any documents as may be required by the

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Commonwealth of Pennsylvania and to act as the authorized correspondent of the City. Concurrent with the filing of any application with the Commonwealth, copies shall be provided to the Chief Clerk of Council, who shall keep the application on file and make it available for inspection and review by the public. The City will assume the full local share of project costs; and further, the City will reimburse the Commonwealth for the State's share of any expenditure found by the Commonwealth to be ineligible.

SECTION 12. The Director of Commerce, on behalf of the City, is hereby authorized to file an application or applications and, if an application or applications are accepted, to execute a contract or contracts with the Commonwealth of Pennsylvania to obtain a grant or grants from the Main Street Program administered by the Department of Community and Economic Development in an amount not to exceed one million three hundred thousand dollars (\$1,300,000). The Director of Commerce is further authorized to provide additional information and to furnish any documents as may be required by the Commonwealth of Pennsylvania and to act as the authorized correspondent of the City. Concurrent with the filing of any application with the Commonwealth, copies shall be provided to the Chief Clerk of Council, who shall keep the application on file and make it available for inspection and review by the public. The City will assume the full local share of project costs; and further, the City will reimburse the Commonwealth for the State's share of any expenditure found by the Commonwealth to be ineligible.

SECTION 13. The Director of Housing, on behalf of the City, is hereby authorized to file an application or applications, including all understandings and assurances therein, and, if an application or applications are accepted, to execute a contract or contracts with the Commonwealth of Pennsylvania to obtain a grant or grants from the Neighborhood Stabilization Program administered by the Department of Community and Economic Development in an amount not to exceed six million dollars (\$6,000,000). The Director of Housing is further authorized to provide additional information and to furnish any documents as may be required by the Commonwealth of Pennsylvania and to act as the authorized correspondent of the City. Concurrent with the filing of any application with the Commonwealth, copies shall be provided to the Chief Clerk of Council, who shall keep the application on file and make it available for inspection and review by the public. The City will assume the full local share of project costs; and further, the City will reimburse the Commonwealth for the State's share of any expenditure found by the Commonwealth to be ineligible.

SECTION 14. The Director of Commerce is hereby authorized, on behalf of the City, to file an application or applications, including all understandings and assurances therein, with HUD to use the Section 108 Loan Guarantee Program at a level up to twenty million dollars (\$20,000,000); to enter into an agreement with HUD to implement the loan guarantee program pursuant to such application; to pledge CDBG funds (including program income derived from such funds) which the City of Philadelphia is

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entitled to receive pursuant to Section 108 of the Act or other adequate security as determined by HUD and the City including but not limited to a promise to repay by the City as security for the repayment of loans guaranteed under the Section 108 Loan Guarantee Program; to execute notes evidencing the City's obligation to repay such loans; to act as the authorized representative of the City in connection with the application(s); and to take any and all other action necessary to complete the application(s), participate in the Section 108 Loan Guarantee Program and otherwise carry out the purposes of this Ordinance.

SECTION 15. The City Solicitor shall include in the grant applications and agreements referred to herein such other terms and conditions as she deems necessary or desirable to protect the best interest of the City.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

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