

July 27, 2023

Board of Commissioners  
Clackamas County

**Approval to accept the HOME Investment Partnerships Grant award. Grant value is \$1,088,143 for 8 years. Funding is through the U.S. Department of Housing and Urban Development (HUD). No County General Funds are involved.**

<b>Previous Board Action/Review</b>	05-02-2023 BCC Issues 05-04-2023 Action Plan HOME Grant Application Approval		
<b>Performance Clackamas</b>	1. Which indicator of success does this item affect? Ensure Safe, Healthy, and Secure Communities		
<b>Counsel Review</b>	N/A	<b>Procurement Review</b>	N/A
<b>Contact Person</b>	Mark Sirois	<b>Contact Phone</b>	503-351-7240

**BACKGROUND:** On June 28, 2023, HUD approved an annual allocation for the CDBG, HOME, and ESG programs for Clackamas County. Annual HOME Grant (HOME) funds provide funding for affordable housing projects and grant administrations throughout Clackamas County. There are no matching funds obligations for this grant.

The Board approved the HOME Grant application on May 4, 2023.

**RECOMMENDATION:** Staff recommends that the Board of County Commissioners take the following actions:

- 1) Place the FY 2023 HOME Grant Award on the consent agenda for approval;
- 2) After approval, sign the HOME grant award required for submittal to HUD.

Thank you.

*Rodney A. Cook*

Rodney Cook,  
Director of Health, Housing & Human Services

*Healthy Families. Strong Communities.*

**Funding Approval and HOME Investment Partnerships Agreement**

**U.S. Department of Housing and Urban Development**

Title II of the National Affordable Housing Act  
Assistance Listings #14.239 - HOME Investment Partnerships Program

Office of Community Planning and Development

<b>1. Grantee Name (must match the name associated with 3b.) and Address</b> County of Clackamas 2051 Kaen Road Oregon City, OR 97045-4035		<b>2. Grant Number (Federal Award Identification Number (FAIN))</b> M23UC410201			
		<b>3a Tax Identification Number</b> 936002286	<b>3b. Unique Entity Identifier (formerly DUNS):</b> NVWKAVB8JND6		
		<b>4. Appropriation Number</b> 86 3/6 0205	<b>5. Budget Period Start and End Date</b> FY 2023 through FY 2031		
<b>6. Previous Obligation (Enter "0" for initial FY allocation)</b>				\$0	
a. Formula Funds		\$			
b. Community Housing Development Org. (CHDO) Competitive		\$			
<b>7. Budget Approved by the Federal Awarding Agency/Current Transaction (+ or -)</b>				<b>\$1,088,143.00</b>	
a. Formula Funds		\$1,088,143.00			
1. CHDO (For deobligations only)		\$			
2. Non- CHDO (For deobligations only)		\$			
b. CHDO Competitive Reallocation or Deobligation		\$			
<b>8. Revised Obligation</b>				\$	
a. Formula Funds		\$			
b. CHDO Competitive Reallocation		\$			
<b>9. Special Conditions (check applicable box)</b> <input checked="" type="checkbox"/> <b>Not applicable</b> <input type="checkbox"/> Attached			<b>10. Federal Award Date (HUD Official's Signature Date)</b> (mm/dd/yyyy) 6/28/2023		
<b>11. Indirect Cost Rate*</b>			<b>12. Period of Performance Start and End Date</b> Ddate in Box #10 - 09/30/2032		
	<u>Administering Agency/Dept.</u>	<u>Indirect Cost Rate</u>	<u>Direct Cost Base</u>		
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\* If funding assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E-Cost Principles, provide the name of the department/agency, its indirect cost rate (including if the de minimis rate is charged per 2 § CFR 200.414), and the direct cost base to which the rate will be applied. Do not include cost rates for subrecipients.


This Agreement between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Grantee's approved Consolidated Plan submission/Application, the HUD regulations at 24 CFR Part 92 (as is now in effect and as may be amended from time to time) and this HOME Investment Partnership Agreement, form HUD-40093, including any special conditions, constitute part of this Agreement. Subject to the provisions of this Agreement, HUD will make the funds for the Fiscal Year specified, available to the Grantee upon execution of this Agreement by the parties. All funds for the specified Fiscal Year provided by HUD by formula reallocation are covered by this Agreement upon execution of an amendment by HUD, without the Grantee's execution of the amendment or other consent, HUD's payment of funds under this Agreement is subject to the Grantee's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.502. To the extent authorized by HUD regulations at 24 CFR Part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Grantee without the Grantee's execution of the amendment or other consent. The Grantee agrees that funds invested in affordable housing under 24 CFR Part 92 are repayable when the housing no longer qualifies as affordable housing. Repayment shall be made as specified in 24 CFR Part 92. The Grantee agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58.

The Grantee must comply with the applicable requirements at 2 CFR part 200 that are incorporated by the program regulations, as may be amended from time to time. Where any previous or future amendments to 2 CFR part 200 replace or renumber sections of part 200 that are cited specifically in the program regulations, activities carried out under the grant after the effective date of the part 200 amendments will be governed by the 2 CFR part 200 requirements as replaced or renumbered by the part 200 amendments.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Universal Numbering System and System for Award Management (SAM) requirements in Appendix I to 2 CFR part 200, and the Federal Funding Accountability and Transparency Act (FFATA) in Appendix A to 2 CFR part 170.

The Period of Performance for the funding assistance shall begin on the date specified in item 12 and shall end on September 1<sup>st</sup> of the 5<sup>th</sup> fiscal year after the expiration of the period of availability for obligation. Funds remaining in the account will be cancelled and thereafter not available for obligation or expenditure for any purpose. Per 31 U.S.C. 1552. The Grantee shall not incur any obligations to be paid with such assistance after the end of the Period of Performance.

The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 U.S.C. 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

<b>13. For the U.S. Department of HUD (Name and Title of Authorized Official)</b> Mark Mitchell, CPD Director	<b>14. Signature</b> 	<b>15. Date</b> 6/28/2023
<b>16. For the Grantee (Name and Title of Authorized Official)</b>	<b>17. Signature</b>	<b>18. Date</b> / /

19. Check one:     **Initial Agreement**     Amendment #

20. Funding Information:

Source Year of Funds	Appropriation Code	PAS Code	Amount
2023	86 3/6 0205	HMF (M)	\$1,088,140.00
2016	86X0205-16	HMF	\$ 3.00
<b>Total</b>		(D)	<b>\$1,088,143.00</b>



**U.S. Department of Housing and  
Urban Development**  
Region X Portland Field Office  
Community Planning & Development Division

1220 Southwest Third Avenue,  
Suite 400  
Portland, OR 97204-2830  
(971) 222-2600  
FAX (971) 222-0357

June 28, 2023

Mark Sirois, Manager  
Clackamas County Health, Housing, and Human Services  
2051 Kaen Road, #245  
Oregon City, OR 97045-1284

**SUBJECT: Fiscal Year 2023 Grant Agreement Transmittal**

Dear Mark Sirois:

The Portland Field Office would like to thank you for your continued partnership in providing quality affordable housing, a suitable living environment, and expanding economic opportunities for low-and moderate-income persons through HUD programs. On Thursday, June 10, 2021, the Department published an interim final rule with a request for comments, titled: *Requesting Affirmatively Furthering Fair Housing Definitions and Certifications* (86 Fed Reg 30779). The effective date for the interim rule is July 31, 2021, and you are encouraged to review the interim rule in developing your programs.

One Grant Agreement is attached for each program awarded as follows:

Community Development Block Grant Program (CDBG)	\$2,203,585
HOME Investment Partnerships (HOME)	\$1,088,143
Emergency Solutions Grant (ESG)	\$193,644
<b>Total FY 2023 Award</b>	<b>\$3,485,372</b>

**Plan Approval**

Transmittal of a grant agreement does not constitute approval of the activities described in your Consolidated Plan. You are reminded that you, as grantee, are responsible for ensuring that all grant funds are used in accordance with all program requirements. An executed Grant Agreement is a legally binding agreement between the Department of Housing and Urban Development and your agency.

Please note the special conditions attached to each Funding Approval/Agreement, including CDBG.

In accordance with the HOME regulations at 24 CFR 92.254(a)(5), a Participating Jurisdiction (PJ) must establish resale and/or recapture requirements that comply with the standards of the regulation. Furthermore, the resale and/or recapture requirements must be set forth in the PJ's Consolidated Plan. HUD must determine if the PJ's provisions comply with the requirements of the regulations and notify the PJ in writing of its determination. HUD has reviewed your resale and/or recapture provisions and has determined that the provisions included in the Plan comply with the requirements at 24 CFR 92.254(a)(5).

### **Environmental Review Requirements**

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures). Funds for such activities may not be obligated or expended until HUD has approved the release of funds in writing. A request for release of funds (RROF) must be accompanied by an environmental certification, and until the RROF is approved and notification is received, no HUD funds should be committed. If the project or activity is exempt per 24 CFR 58.34 or categorically excluded (except in extraordinary circumstances), no RROF is required.

### **Build America, Buy America (BABA)**

On November 15, 2021, the Build America, Buy America Act (the Act) was enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58. The Act establishes a domestic content procurement preference, the Buy American Preference (BAP), for Federal programs that permit Federal financial assistance to be used for infrastructure projects. In Section 70912, the Act further defines a project to include "the construction, alteration, maintenance, or repair of infrastructure in the United States" and includes within the definition of infrastructure those items traditionally included along with buildings and real property. Starting May 14, 2022, new awards of Federal financial assistance (FFA) from a program for infrastructure, and any of those funds obligated by the grantee, are covered under the Build America, Buy America (BABA) provisions of the Act, 41 U.S.C. 8301 note. The [waiver, published March 15, 2023](#), establishes a phased implementation schedule for application of the BAP to covered materials and HUD programs.

The BAP is applicable **now** to iron and steel used in covered CDBG projects, i.e. for projects using funds obligated on or after November 15, 2022. For CPD, the BAP will apply next to iron and steel used in covered Recovery Housing Program (RHP) projects for funding obligated on or after August 23, 2023. The Phased Implementation waiver established the following implementation schedule for HUD programs:

BAP will apply to...	Iron and Steel	Specifically Listed Construction Materials	All Other Construction Materials	Manufactured Products
<b>CDBG Formula Grants</b>	All funds obligated on or after November 15, 2022	As of the date HUD obligates new FFA from FY24 appropriations	As of the date HUD obligates new FFA from FY25 appropriations	As of the date HUD obligates new FFA from FY25 appropriations
<b>Choice Neighborhood, Lead Hazard Reduction, and Healthy Homes Production Grants</b>	New FFA obligated by HUD on or after February 22, 2023	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024
<b>Recovery Housing Program (RHP) Grants</b>	New FFA obligated by HUD on or after August 23, 2023	As of the date HUD obligates new FFA from FY24 appropriations	As of the date HUD obligates new FFA from FY25 appropriations	As of the date HUD obligates new FFA from FY25 appropriations
<b>All HUD FFA except HOME, Housing Trust Fund, and Public Housing FFA used for maintenance projects</b>	New FFA obligated by HUD on or after February 22, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024
<b>All HUD FFA</b>	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024

Additional details on fulfilling the BABA requirements can be found at [https://www.hud.gov/program\\_offices/general\\_counsel/BABA](https://www.hud.gov/program_offices/general_counsel/BABA).

### Executing the Grant Agreement

Please execute each Grant Agreement with electronic signature and date, and return to this office to the attention of Mark Mitchell, Director, Community Planning and Development. Please ensure the Chief Elected Official and/or authorized designee electronically signs the CDBG grant agreement in the box directly across from the HUD CPD Director's signature. The CDBG Grant Agreement should **not** be electronically signed in box 12c. Maintain a copy of each agreement with your original signature on-site in your program files.

For additional information and guidance on grant-based accounting, please refer to the HUD Exchange at: <https://www.hudexchange.info/manage-a-program/grant-based-accounting/>.

To establish a Line of Credit for Fiscal Year 2023 grant funds, it will be necessary for your agency to sign, execute and return one (1) copy of each Grant Agreement. If there is a need to add or remove individuals authorized to access the Integrated Disbursement Information System (IDIS), please submit an IDIS Online Access Request Form (HUD 27055), notarize, and return to this office. Additionally, if there is a need to establish or change the depository account where these funds are to be wired, a Direct Deposit Sign-Up form (SF-1199A) must be completed by your financial institution and returned to this office with a copy of a voided check.

HUD congratulates Clackamas County on your grant award, and we look forward to assisting you in accomplishing your programs goals. If you have any questions or need further information or assistance, please contact Toni Strutz, Senior CPD Representative, at 971-222-2618 or [Toni.N.Strutz@hud.gov](mailto:Toni.N.Strutz@hud.gov).

Sincerely,

**MARK  
MITCHELL**

Digitally signed by MARK  
MITCHELL  
Date: 2023.06.27 14:09:28  
-07'00'

Mark Mitchell, PhD, Director  
Office of Community Planning and  
Development

Enclosures