

**CITY OF ROCHESTER
CONSOLIDATED COMMUNITY DEVELOPMENT PLAN
SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT**

CDBG-R SUBSTANTIAL AMENDMENT

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

*2. Type of Application

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Rochester

*b. Employer/Taxpayer Identification Number (EIN/TIN):
16-6002551

*c. Organizational DUNS:
002465805

d. Address:

*Street 1: 30 Church Street

Street 2: _____

*City: Rochester

County: Monroe

*State: New York

Province: _____

*Country: United States

*Zip / Postal Code 14614

e. Organizational Unit:

Department Name:
Community Development

Division Name:
Bureau of Housing and Project Development

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Bret

Middle Name: _____

*Last Name: Garwood

Suffix: _____

Title: Director of Development Services

Organizational Affiliation:
City of Rochester

*Telephone Number: (585) 428-6150

Fax Number: (585) 428-6229

*Email: garwoodb@cityofrochester.gov

Application for Federal Assistance SF-424

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***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Office of the Assistant Secretary for Community Planning and Development, United States Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.253

CFDA Title:

Community Development Block Grant -Recovery (CDBG-R)

***12 Funding Opportunity Number:**

N/A

*Title:

Community Development Block Grant Program Funding under the American Recovery and Reinvestment Act of 2009

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Rochester, New York

***15. Descriptive Title of Applicant's Project:**

CDBG-R

Application for Federal Assistance SF-424

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16. Congressional Districts Of:

*a. Applicant: 28

*b. Program/Project: 28

17. Proposed Project:

*a. Start Date: June 2009

*b. End Date: April 2010

18. Estimated Funding (\$):

*a. Federal	_____	\$2,585,159
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$2,585,159

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

- Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Robert

Middle Name: John

*Last Name: Duffy

Suffix: _____

*Title: Mayor

*Telephone Number: (585) 428-7045

Fax Number: (585) 428-6059

* Email: duffyr@cityofrochester.gov

*Signature of Authorized Representative: *Robert J. Duffy (PKM)*

*Date Signed: *6/1/09*

Application for Federal Assistance SF-424

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***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

**CITY OF ROCHESTER
CONSOLIDATED COMMUNITY DEVELOPMENT PLAN
SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT**

THE CDBG-R SUBSTANTIAL AMENDMENT

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008.

Jurisdiction: City of Rochester Lead Agency: Department of Community Development Jurisdiction Web Address: www.cityofrochester.gov	CDBG-R Contact Person: Bret Garwood Address: 30 Church Street Rochester, NY 14614 Telephone: (585) 428-6150 Fax: (585) 428-6229 Email: garwoodb@cityofrochester.gov
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Ensuring Responsible Spending of Recovery Act Funds

Funding available under the Recovery Act has clear purposes-to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. Spreadsheet for Reporting Proposed CDBG-R Activities

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD's recovery website at <http://www.hud.gov/recovery>.

B. CDBG-R Information by Activity (Complete for each activity)

1. Activity Name:

- a. EDD Financial Assistance Loan & Grant Program/College Channel
- b. EDD Financial Assistance Loan & Grant Program/Nothnagle Realtors

2. Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence

The Community Development Block Grant (CDBG) program enables local governments to undertake a wide range of activities intended to create suitable living environments, provide decent affordable housing and create economic opportunities, primarily for persons of low and moderate income.

On February 17, 2009 the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-5) was signed into law. The Act provides \$2,585,159 in supplemental CDBG funds to the City of Rochester for housing and community development activities.

Under the Recovery Act, the City of Rochester will give priority to projects and activities that can award contracts within 120 days from the date the funds are made available to the recipients. The projects chosen are poised for rapid implementation and have an accelerated implementation schedule. The City of Rochester is investing funds in economic development activities with the goal quickly spur economic investment and job creation and retention. For infrastructure projects, there is a goal of at least 50% of the funds for activities that can be initiated not later than 120 days after the date of enactment of this act.

To receive the funding, the City of Rochester prepared a substantial amendment to the 2008-09 Consolidated Community Development Plan / Annual Action Plan. The substantial amendment gives the public an opportunity to comment on the proposed use of the supplemental CDBG funding. The substantial amendment also serves as the application for the funding.

Following is a summary:

EDD Financial Assistance Loan & Grant Program (\$2,585,159): Two projects will be funded from the American Recovery and Reinvestment Act supplemental CDBG allocation through the EDD Financial Assistance Loan & Grant Program. Each project is described below:

a. EDD Financial Assistance Loan & Grant Program/College Channel--

The College Channel company was formed in November 2008 by Bob Bartosiewicz for the purpose of launching the College Channel, a 24/7 national multi-media network featuring a host of original programs created by college students using the College Channel's participatory content creation model. Mr. Bartosiewicz is also the President and CEO of CGI Communications

in Rochester New York. Mr. Bartosiewicz moved CGI to Rochester in 2005 with 34 employees and has since grown the company to over 200 employees.

The College Channel will be located in the heart of downtown Rochester the Granite Building: a property listed on the National Register of Historic Places. Mr. Bartosiewicz (CGI) currently own 5 floors in the Granite Building at 130 East Main Street. Mr. Bartosiewicz will acquire an additional 4 floors in building to accommodate the College Channel offices and studios. The College Channel Project will preserve and create jobs and promote economic recovery. The project will create at least 100 permanent jobs in the first year beginning in July 2009 and an additional 100 jobs in the next 12-18 months. These new jobs at the Granite Building will have an immediate positive impact on the on Rochester's downtown through support of nearby retail/commercial/restaurant businesses; increasing the tax base; and more on-street pedestrian activities. It is anticipated that the College Channel will officially be launched to national TV audiences in 2010.

Total investment for the project is \$3,115,000. This investment includes the purchase of 4 additional floors, interior renovation of the Granite Building, purchase of furniture, fixtures and equipment and working capital. The College Channel is also in the process of raising substantial working capital for the actual network launch. The City of Rochester will provide a low-interest loan for the project in the amount of \$2,100,000. This project will have a significant positive impact on the revitalization of Rochester's core downtown office district. It is anticipated that the new company will also attract other media related businesses to the building.

b. EDD Financial Loan & Grant Program/Nothnagle Realtors--

Nothnagle Realtors is one of the most successful real estate companies in upstate New York. The Nothnagle Headquarters is currently spread among four small buildings outside of the city of Rochester. The company is embarking on a new aggressive growth plan by offering franchise opportunities nationally, beginning in Syracuse and Buffalo. They hope to follow similar franchise growth plans undertaken by such national companies as Century 21 and Coldwell Banker. In order to improve efficiencies and accommodate employee growth at the company, Nothnagle must relocate to a larger building with more square footage capacity. Nothnagle has proposed purchasing 217 West Main Street as the preferred location for their new corporate offices. An integral component of the project is acquisition of the adjacent surface parking lot at 179-191 W. Main Street. Nothnagle must have control of the adjacent parking lot for employees and the real estate agents that typically visit the offices daily. Nothnagle has 23 local offices with 644 real estate agents across seven counties in the Rochester region.

The Nothnagle project would be an anchor development for the historic Cascade District neighborhood located at the western gateway of Rochester central business district. The historic building has been 100% vacant for a decade and a blighting influence for the surrounding area. The property, if renovated and occupied by this high-profile tenant, would be a showcase for the City and attract additional investment to downtown's west side. The project will preserve and create jobs and promote economic recovery. Nothnagle will relocate approximately 40 to 50 existing employees to this location and has estimated that up to an additional 35 jobs will be created. These new jobs are being created in an industry that has been severely negatively impacted by the current recession.

The City of Rochester is proposing financial assistance for the project to offset renovation costs for the building and acquisition of the adjacent parking property. The total project cost is \$3,948,405. The City proposes to utilize \$485,159 in American Recovery and Reinvestment Act CDBG funds for the project. The City will provide an additional \$1,114,841 in financial assistance for the project through existing programs. The remaining \$2,348,405 of project costs will be funded through bank financing and owner equity. It is the intent of the owner to begin renovations of the building in summer 2009 and incorporate as much green technology as feasible.

None of the funds will be used for administration and planning.

None of the funds will be used for public services.

At least 70% of the grant amount will benefit persons of low and moderate income.

3. Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).

a. EDD Financial Assistance Loan & Grant Program/College Channel:

Permanent:	Full Time Created	200	Full Time Retained	0
	Part Time Created	0	Part Time Retained	0
Construction:	Full Time Created	5	Full Time Retained	0
	Part Time Created	0	Part Time Retained	0
Temporary:	Full Time Created	0	Full Time Retained	0
	Part Time Created	0	Part Time Retained	0

b. EDD Financial Assistance Loan & Grant Program/Nothnagle Realtors:

Permanent:	Full Time Created	35	Full Time Retained	40-50
	Part Time Created	0	Part Time Retained	
Construction:	Full Time Created	49	Full Time Retained	0
	Part Time Created	26	Part Time Retained	0
Temporary:	Full Time Created	0	Full Time Retained	0
	Part Time Created	0	Part Time Retained	0

4. Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Under the codes of New York State, the buildings shall be reviewed for the regulations of design and construction for the effective use of energy.

5. Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information).

City of Rochester
30 Church Street
Rochester, NY 14614

Bret Garwood, Director of Development Services
(585) 428-6150
garwoodb@cityofrochester.gov

C. Public Comment

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdictions website for no less than 7 calendar days for public comment:

Response:

Citizen Participation Process--The City of Rochester follows an approved Citizen Participation Plan. While HUD eliminated the need to follow the Citizen Participation Plan, the City took the following actions to encourage citizen participation in the substantial amendment:

- Made the substantial amendment available at the Department of Community Development giving citizens 7 calendar days to review and comment.
- A 7-day public notice was published on May 21, 2009 in the legal section of the Democrat and Chronicle advertising that the substantial amendment is available for public review and that a public hearing on the substantial amendment will be held on May 28, 2009. Citizens were invited to submit comments to the Department of Community Development by May 28, 2009.
- The substantial amendment was posted on the City's website for 7 days for review and comment.

No comments were received regarding the substantial amendment.

Amendment Availability:

Copies of the Amendment are available at the following locations which are accessible to the disabled:

Department of Community Development
City Hall, Room 125B
30 Church Street
Rochester, NY 14614

Office of the City Clerk
City Hall, Room 300A
30 Church Street
Rochester, NY 14614

Communications Bureau
City Hall, Room 202A
30 Church Street
Rochester, NY 14614

Rochester Public Library/Rundel Memorial Building
115 South Avenue
Rochester, NY 14604

Public Comment:

Comments on the amendment were to be submitted to Joe Mustico, Assistant to the Commissioner of Community Development, City Hall, Room 125B, 30 Church Street, Rochester, NY 14614 by May 28, 2009.

Public Hearing:

A public hearing on the Substantial Amendment to the 2008-09 Annual Action Plan Community Development Block Grant took place at a meeting of the Council of the City of Rochester to be held in the Council Chambers, Third Floor, City Hall, 30 Church Street, Rochester, NY 14614 on the 28th day of May 2009 at 4:00 PM. The hearing considered the amendment. No public comments were received.

Assisted listening devices and/or alternative formats are available upon request. American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable modifications to City Council meeting policies and or/procedures, such as to assist members of the disabled community who would like to request a disability-related accommodation in addressing the City Council, are available if requested at least three (3) business days prior to the City Council meeting. Later requests will be accommodated to the extent feasible. Please telephone the City Clerk at (585) 428-7421 (voice) or (585) 428-7600 (TTY), from 9:00 AM to 5:00 PM. Monday through Friday.

The City provides bilingual services to the Hispanic community. For assistance, please telephone (585) 428-7711 from 9:00 AM to 5:00 PM Monday through Friday at least three (3) business days prior to the City Council meeting to request these services.

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Rochester Lead Agency: Department of Community Development Jurisdiction Web Address: www.cityofrochester.gov (URL where CDBG-R Substantial Amendment materials are posted)	CDBG-R Contact Person: Bret Garwood Address: 30 Church Street Rochester, NY 14614 Telephone: (585) 428-6150 Fax: (585) 428-6229 Email: garwoodb@cityofrochester.gov
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes X No Verification found on page 15

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes X No Date Spreadsheet was emailed: 6/1/09

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
Yes X No Verification found on page(s) 15
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
Yes X No Verification found on page(s) 15
- the CDBG national objective citation,
Yes X No Verification found on page(s) 15

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
Yes X No Verification found on page(s) 6-7
- projected number of jobs created for each activity,
Yes X No Verification found on page(s) 8
- whether an activity will promote energy efficiency and conservation,
Yes X No Verification found on page(s) 8
- the name, location, and contact information for the entity that will carry out the activity,
Yes X No Verification found on page(s) 9
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes X No Verification found on page (s) 8
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes X No Verification found on page (s) 8
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes X No Verification found on page (s) 8

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction’s usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes X No Verification found on page(s) 9

Is there a summary of citizen comments included in the final amendment?

Yes X No Verification found on page(s) 9

D. CERTIFICATIONS

The following certifications are complete and accurate: Will be signed

- | | | |
|---|-------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes X | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes X | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes X | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes X | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes X | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes X | No <input type="checkbox"/> |
| (7) Section 3 | Yes X | No <input type="checkbox"/> |
| (8) Community development plan | Yes X | No <input type="checkbox"/> |
| (9) Following a plan | Yes X | No <input type="checkbox"/> |
| (10) Use of Funds | Yes X | No <input type="checkbox"/> |

- (11) Excessive Force Yes X No
- (12) Compliance with anti-discrimination laws Yes X No
- (13) Lead-based paint procedures Yes X No
- (14) Compliance with laws Yes X No
- (15) Compliance with ARRA Yes X No
- (16) Project selection Yes X No
- (17) Timeliness of infrastructure investments Yes X No
- (18) Buy American provision Yes X No
- (19) Appropriate use of funds for infrastructure investments Yes X No
- (20) 70% of CDBG-R for LMI Yes X No

Optional Certification

- (21) Urgent Need Yes No X

D. STATE CERTIFICATIONS

The following certifications are complete and accurate: NOT APPLICABLE

- (1) Affirmatively furthering fair housing Yes No
- (2) Anti-displacement and relocation plan Yes No
- (3) Drug-free Workplace Yes No
- (4) Anti-lobbying Yes No
- (5) Authority of State Yes No
- (6) Consistency with plan Yes No
- (7) Section 3 Yes No
- (8) Community development plan Yes No
- (9) Consultation with Local Governments Yes No
- (10) Use of Funds Yes No
- (11) Excessive Force Yes No
- (12) Compliance with anti-discrimination laws Yes No
- (13) Compliance with laws Yes No
- (14) Compliance with ARRA Yes No
- (15) Project selection Yes No
- (16) Timeliness of infrastructure investments Yes No
- (17) Buy American provision Yes No
- (18) Appropriate use of funds for infrastructure investments Yes No
- (19) 70% of CDBG-R for LMI Yes No

Optional Certification

- (20) Urgent Need Yes No

ACTIVITY DATA SPREADSHEET

CDBG-R

Activity Data Spreadsheet

Jurisdiction/Grantee Name: City of Rochester, New York		CDBG-R Formula Grant Amount: \$2,585,159					Date: 5/20/09	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget	
EDD Financial Assistance Loan & Grant Program/College Channel	Involves the purchase of additional floors of the Granite Building at 130 East Main Street, Rochester, interior renovation, purchase of furniture, fixtures and equipment and working capital. The City proposes to provide a low interest loan for the project in the amount of \$2,100,000. The project is expected to create at least 200 jobs over a three year period.	18A ED Direct Financial Assistance to For Profits CDBG Regulation Citation: 570.203(B)	570.208(A) (4) (V)	\$ 2,100,000	\$	\$ 1,015,000	\$ 3,115,000	
EDD Financial Assistance Loan & Grant Program/Nothnagle Realtors	Renovation costs for a vacant historic building downtown and the acquisition of the adjacent parking property. The City proposes to utilize \$485,159 in American Recovery and Reinvestment Act CDBG funds for the project. The project is expected to relocate approximately 40-50 existing employees to this location and has estimated that up to an additional 40 jobs will be created.	18A ED Direct Financial Assistance to For Profits CDBG Regulation Citation: 570.203(B)	570.208(A) (4) (V)	\$ 485,159	\$	\$ 3,463,246	\$ 3,948,405	
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LOCAL LEGISLATION

195, 196

May 27, 2009

TO THE COUNCIL

Ladies and Gentlemen:

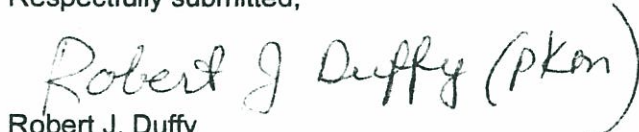
Re: Repealing Ordinance No. 2009-110 and Amending the
2008-09 and 2009-10 Annual Action Plans of the
Consolidated Community Development PlanTransmitted herewith for your approval is legislation related to the Consolidated Community
Development Plans. This legislation will:

1. Repeal Ordinance No. 2009-110 regarding additional Community Development Block Grant funds received through the American Recovery and Reinvestment Act. Additional guidelines issued by HUD since this ordinance was authorized require new legislation.
2. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of \$2,585,159 in Community Development Block Grant funds available under the American Recovery and Reinvestment Act of 2009;
3. Authorize the submission of the amendment to the Development Plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements;
4. Appropriate \$2,585,159 for the EDD Financial Assistance Loan and Grant Program;
5. Authorize the Mayor to enter into agreements for the use of these funds; and
6. Amend the Consolidated Community Development Plan 2009-10 Annual Action Plan to reflect the elimination of \$18,921 in funding for the American Dream Down-payment Incentive (ADDI) Program. The draft plan submitted had estimated the receipt of this amount. This results in a new total of \$841,079 for the Homeownership Fund.

The EDD Financial Assistance Loan and Grant Program provides financial assistance to city businesses and funds the EDD Financial Assistance, EDD Building Renovation Matching Grant, Targeted Business Assistance, Main Street Assistance, and Pre-Development Grant programs.

Public hearings on the action plan amendments are required.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No.

Authorizing An Amendatory 2008-09 Community Development Program Plan, Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009 And Repealing Ordinance No. 2009-110

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds in the amount of \$2,585,159 from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, for the EDD Financial Assistance Loan & Grant Program.

Section 2. The Mayor is hereby authorized to enter into all necessary agreements to enable the City to receive and administer additional Community Development Block Grant funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 3. There is hereby appropriated from the EDD Financial Assistance Loan & Grant Program Allocation of the 2008-09 Community Development Program the sum of \$2,585,159, or so much thereof as may be necessary, to fund the EDD Financial Assistance Loan & Grant Program.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the EDD Financial Assistance Loan & Grant Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2009-110, relating to amendments to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds under the American Recovery and Reinvestment Act of 2009, is hereby repealed.

Section 7. This ordinance shall take effect immediately.

PUBLIC NOTICE

4900

Legals

HEARING NOTICE AND NOTICE OF SUBSTANTIAL AMENDMENT

2008-09 CONSOLIDATED COMMUNITY DEVELOPMENT PLAN/ANNUAL ACTION PLAN AMENDMENT AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Notice is hereby given that a meeting of the Council of the City of Rochester to be held in the Council Chambers, Third Floor, City Hall, 30 Church Street, Rochester, New York, 14614, on the 28th day of May, 2009 at 4:00 P.M., a public hearing will be held upon a substantial amendment to the 2008-09 Consolidated Community Development Plan/Annual Action Plan to enable the City to receive and administer additional Community Development Block Grant funds in the amount of \$2,585,159 from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, for the following purpose:

EDD Financial Assistance Loan & Grant Program-\$2,585,159. These funds will be used for two projects. This program will provide low interest loans and grants to two City projects resulting in the creation of approximately 250 jobs in downtown Rochester. The program will facilitate the renovation and occupation of historic buildings and stabilization of the Central Business District.

1. EDD Financial Assistance Loan and Grant Program/College Channel-Involves the purchase of additional floors of the Granite Building, interior renovation, purchase of furniture, fixtures and equipment and working capital. The City propose to provide a low-interest loan for the project in the amount of \$2,100,000. The project is expected to create at least

4900

Legals

200 jobs over a three year period.

2. EDD Financial Assistance Loan and Grant Program/Nothnagle Realtors-Renovation costs for a vacant historic building downtown and the acquisition of the adjacent parking property. The City proposes to utilize \$485,159 in American Recovery and Reinvestment Act CDBG funds for the project. The project is expected to relocate approximately 40-50 existing employees to this location and has estimated that up to an additional 40 jobs will be created.

Copies of the substantial amendment are available at the Department of Community Development, 125B City Hall, 30 Church Street, Rochester, NY 14614; Office of the City Clerk, 300A City Hall, 30 Church Street, Rochester, NY 14614; Communications Bureau, 202A City Hall, 30 Church Street, Rochester, NY 14614; Rochester Public Library/Rundel Memorial Building, 115 South Avenue, Rochester, NY 14604. These locations are accessible to the disabled. The substantial amendment is also available at www.cityofrochester.gov.

Written comments may be submitted to Joe Mustico, Assistant to the Commissioner of Community Development, 125B City Hall, 30 Church Street, Rochester, NY 14614 by May 28, 2009. Mr. Mustico, the official grantee contact can be reached at (585) 428-6552. For questions relating to the projects, Stephen Golding, Manager of Downtown Development, can be reached at (585) 428-6895.

Assisted listening devices and/or alternative formats are available upon request. American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable modifications to City Council meeting policies and/or procedures, such as to assist members of the disabled community who would like to request a disability-related accommodation in addressing the City Council,

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Legals

are available if requested at least three (3) business days prior to the City Council meeting. Later requests will be accommodated to the extent feasible. Please telephone the City Clerk at (585) 428-7421 (voice) or (585) 428-7600 (TTY), from 9:00 AM to 5:00 PM, Monday through Friday.

The City provides bilingual services to the Hispanic community. For assistance, please telephone (585) 428-7711 from 9:00 AM to 5:00 PM Monday through Friday at least three (3) business days prior to the City Council meeting to request these services.

This substantial amendment will replace the amendment authorized in Ordinance No. 2009-110 to conform to regulations recently issued by the U.S. Department of Housing and Urban Development.

Daniel B. Karin
City Clerk

CSU-1x

CERTIFICATIONS

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- (1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.
- (3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Robert J. Duffy (PkM)
Signature/Authorized Official

6/1/09
Date

Mayor
Title