

MEMO

APPROVED
7/24/2023



DATE: July 19, 2023

FROM: Lisa Moore
Assistant Procurement Director 

TO: Board of County Commissioners

SUBJECT: Agreement – U.S. Department of Housing and Urban Development

Submitted for your approval and execution is the attached agreement between the Board of County Commissioners of Tulsa County and the U.S. Department of Housing and Urban Development for funding approval and agreement for the HOME Investment Partnership program for the fiscal year 2023 in the amount of \$1,243,349.00 as further described in the attached.

Respectfully submitted for your approval.

SUBMITTED FOR: The July 24, 2023 BOCC meeting agenda.

CMF# 20231284



a voluntary association of local governments serving Creek, Osage, Rogers, Tulsa and Wagoner Counties

2 West 2nd Street, Suite 800 Tulsa, Oklahoma 74103-3123 918.584.7526 www.incog.org

MEMORANDUM

TO: Tulsa County Board of Commissioners

FROM: Claudia Brierre, Grant Administrator

DATE: July 14, 2023

RE: HUD AGREEMENT FOR FY2023 HOME INVESTMENT PARTNERSHIP PROGRAM

Attached for your approval is the Funding Approval and Agreement for the HOME Investment Partnership program. This Agreement constitutes the contract between Tulsa County and the Department of Housing and Urban Development for the FY2023 HOME program grant funds.

The funding amount for the HOME program totals \$1,243,349.00. This is a decrease of \$36,746 from the amount the Consortium received last year.

The program year for the grant began July 1, 2023. The Funding Approval and Agreement was received from HUD on July 12, 2023.

Request for Action: We request that the Board of County Commissioners:

1. Approve the Funding Approval and HOME Agreement for FY2023 in the amount of \$1,243,349.00 and authorize execution by the Chairman.

FOR MONDAY, JULY 24, 2023 COMMISSION AGENDA

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

| 1. Grantee Name (must match the name associated with 3b.) and Address County of Tulsa 500 South Denver Ave Tulsa, OK 74103 | | 2. Grant Number (Federal Award Identification Number (FAIN)) M23DC400205 | | | | | | | | | | | | | | | | |
|---|--------------------|--|--|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|--|
| 218 W. 6th St., 9th Floor Tulsa, OK 74119 | | 3a. Tax Identification Number 736006419 | 3b. Unique Entity Identifier (formerly DUNS): K52TL8NF5BK6 | | | | | | | | | | | | | | | |
| 4. Appropriation Number 86 3/6 0205 | | 5. Budget Period Start and End Date FY 2023 through FY 2031 | | | | | | | | | | | | | | | | |
| 6. Previous Obligation (Enter "0" for initial FY allocation) | | | \$0 | | | | | | | | | | | | | | | |
| a. Formula Funds | | \$ | | | | | | | | | | | | | | | | |
| b. Community Housing Development Org. (CHDO) Competitive | | \$ | | | | | | | | | | | | | | | | |
| 7. Budget Approved by the Federal Awarding Agency/Current Transaction (+ or -) | | | \$1,243,349.00 | | | | | | | | | | | | | | | |
| a. Formula Funds | | \$1,243,349.00 | | | | | | | | | | | | | | | | |
| 1. CHDO (For deobligations only) | | \$ | | | | | | | | | | | | | | | | |
| 2. Non- CHDO (For deobligations only) | | \$ | | | | | | | | | | | | | | | | |
| b. CHDO Competitive Reallocation or Deobligation | | \$ | | | | | | | | | | | | | | | | |
| 8. Revised Obligation | | | \$ | | | | | | | | | | | | | | | |
| a. Formula Funds | | \$ | | | | | | | | | | | | | | | | |
| b. CHDO Competitive Reallocation | | \$ | | | | | | | | | | | | | | | | |
| 9. Special Conditions (check applicable box) <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Attached | | 10. Federal Award Date (HUD Official's Signature Date) (mm/dd/yyyy) 7/6/2023 | | | | | | | | | | | | | | | | |
| 11. Indirect Cost Rate* <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Administering Agency/Dept.</th> <th style="text-align: left; border-bottom: 1px solid black;">Indirect Cost Rate</th> <th style="text-align: left; border-bottom: 1px solid black;">Direct Cost Base</th> </tr> </thead> <tbody> <tr> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>---</td> <td>---</td> <td>---</td> </tr> </tbody> </table> | | Administering Agency/Dept. | Indirect Cost Rate | Direct Cost Base | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | 12. Period of Performance Start and End Date Date in Box #10 - 09/30/2032 | |
| Administering Agency/Dept. | Indirect Cost Rate | Direct Cost Base | | | | | | | | | | | | | | | | |
| --- | --- | --- | | | | | | | | | | | | | | | | |
| --- | --- | --- | | | | | | | | | | | | | | | | |
| --- | --- | --- | | | | | | | | | | | | | | | | |
| --- | --- | --- | | | | | | | | | | | | | | | | |

* 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.

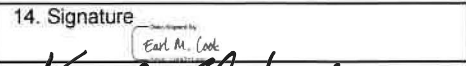

This Agreement between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Grantee's approved Consolidated Plan submission/Application, the HUD regulations at 24 CFR Part 92 (as 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 1st of the 5th 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.

| | | |
|--|---|-----------------------------|
| 13. For the U.S. Department of HUD (Name and Title of Authorized Official) Earl M. Cook, CPD Director | 14. Signature  | 15. Date 7/6/2023 |
| 16. For the Grantee (Name and Title of Authorized Official) | 17. Signature  | 18. Date / / 7/24/2023 |

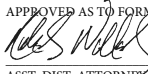
19. Check one: **Initial Agreement** Amendment #

20. Funding Information:

| Source Year of Funds | Appropriation Code | PAS Code | Amount |
|----------------------|--------------------|----------|-----------------------|
| 2023 | 86 3/6 0205 | HMF (M) | \$1,243,346.00 |
| 2016 | 86X0205-16 | HMF | \$ 3.00 |
| Total | | (D) | \$1,243,349.00 |

Attest: 
 Michael Willis, County Clerk



APPROVED AS TO FORM

 ASST. DIST. ATTORNEY



U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT
Oklahoma City Field Office, Region VI
Community Planning and Development Division
301 NW 6th Street, Suite 200
Oklahoma City, OK 73102-2807
Phone (405) 609-8509

July 12, 2023

Kelly Dunkerley
Chairman
Tulsa County Board of Commissioners
218 West 6th Street
Tulsa, OK 74119

SUBJECT: Fiscal Year 2023 Grant Agreement Transmittal

Mr. Dunkerley:

The Oklahoma City 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) | \$1,457,941.00 |
| HOME Investments Partnerships (HOME) | \$1,243,349.00 |
| Total FY 2023 Award | \$2,701,290.00 |

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 |
|--|--|---|---|---|
| CDBG Formula Grants | 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 |
| Choice Neighborhood, Lead Hazard Reduction, and Healthy Homes Production Grants | 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 |
| Recovery Housing Program (RHP) Grants | 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 |
| All HUD FFA except HOME, Housing Trust Fund, and Public Housing FFA used for maintenance projects | 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 |
| All HUD FFA | 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.

Executing the Grant Agreement

Please execute each Grant Agreement with electronic signature and date and return to this office to the attention of Earl N, Cook, 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 Tulsa County on its 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 Jackie McBride, Senior CPD Representative at (405) 896-8086 or Jackie.mcbride@hud.gov.

Sincerely,

Earl M Cook

Earl Cook
Director
Community Planning and Development

Digitally signed by: Earl M Cook
DN: CN = Earl M Cook email = Earl.M.Cook@hud.gov, C = AD O = U.S. Department of Housing and Urban Development OU = CPD Director
Date: 2023.07.12 10:58:57 -05'00'