# EXHIBIT 1-Z CDBG FEDERAL REQUIREMENTS

# CITIZEN PARTICIPATION REQUIRED ELEMENTS

encou	ordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further trage citizen participation,Village of Mosquerohas prepared and adopted this Citizen ipation Plan.
Objec	tive A
	/illage of Mosquero will provide for and encourage citizen participation within its area of jurisdiction, with ular emphasis on participation by persons of low and moderate income. <i>Action items:</i>
1.	Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.
2.	Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.
3.	Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.
<u>Objec</u>	tive B
	Village of Mosquerowill provide citizens with reasonable and timely access to local meetings, nation and records relating to the proposed and actual use of CDBG funds. Action items:
1.	Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2.	Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.
3.	Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.
<u>Objec</u>	tive C
	Village of Mosquerowill provide technical assistance to groups and representatives of low and
	rate income persons that request assistance in developing proposals. <i>Note: the level and type of assistance is</i> determined by the county/municipality. Action items:
1.	Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.
2.	Document technical assistance provided to such groups and has documentation available for review.

### Objective D

Village of Mosquero will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:* 

- 1. Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.
- 2. Conduct a minimum of two public hearings:
  - a. One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.
  - b. A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.
- 3. Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.

### Objective E

Village of Mosquero will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:* 

- 1. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- 2. Allow for appeal of a decision to a neutral authority.
- File a detailed record of all complaints or grievances and responses in one central location with easy public access.

### Objective F

Village of Mosquero will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items*:

- 1. Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.
- 2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

# FAIR HOUSING REQUIRED ELEMENTS

	A resolution of the	Village Council	of the	Village
of	Mosquero	,adopting a fair hous	ing policy, making kno	wn its commitment to the
princi	ple of fair housing, and de			
applic	WHEREAS; the Housing cant for Community Develo	•	•	amended requires that all nall affirmatively further
fair ho	ousing; and			
rental provis	_	Act of 1988 declare a na nousing or land to be u	ational policy to prohib sed for the constructio	_
values		e foundation of the An	nerican system and refl	lects traditional American
its pe		ry housing practices ur	dermine the strength a	and vitality of America and
	NOW, THEREFORE, BE R		Village Council	of the Village
of	Mosquero	hereby wish all perso	ons living, working, doin	ng business in or traveling
	gh this Village		rimination in the sale,	
financ	cing of housing or land to b	be used for constructio	n of housing, or in the	provision of brokerage
servic	es on the basis of race, co	lor, religion, sex, handi	cap, familial status or n	national origin is prohibited
by Tit	le VIII of the Fair Housing	Act Amendments of 19	88; and that it is the po	olicy of the Village
of	Mosquero to imple	ement programs, withi	n the constraints of its	resources, to ensure equal
oppor	rtunity in housing for all pe	ersons regardless of rac	e, color, religion, sex, h	nandicap, familial status or
natior	nal origin; and within avail	able resources the	Village of	Mosquero will
assist	all persons who feel they	have been discriminate	ed against in housing is	sues on the basis of race,
color,	religion, sex, handicap, fa	milial status or nationa	I origin to seek equality	y under existing federal
and st	tate laws to file a complair	nt with the New Mexico	Attorney General's O	ffice or the U.S.
Depar	rtment of Housing and Urb	oan Development; and	that the Village	of Mosquero
shall p	oublicize this Resolution ar	nd thereby encouraging	owners of rental prop	erties, developers, builders
and o	thers involved with housin	g to become aware of	their respective respo	nsibilities and rights under
the Fa	air Housing Amendments A	Act of 1988 and any app	olicable state or local la	ws or ordinances; and tha
the	Village of	Mosquero shall	undertake the following	ng actions to affirmatively
furthe	er fair housing:			

identified locations; distributing flyers; sponsoring schools)
Copies of this Resolution will be posted in Village Hall, the United States Postal Office and the Village Website at www.villageofmosquero.com in Mosquero NM.

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at

# RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE **REQUIRED ELEMENTS**

# I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee,  Village of Mosquero must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.
The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps Village of Mosquero will take to minimize displacement.
II. Activities Covered by the Plan
All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.
III. Uniform Relocation Act
The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. <a href="Utilized of Mosquero">Village of Mosquero</a> 's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.
IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

A.	The units must be located within _	Village of Mosquero	to the extent feasible, the
	units shall be located within the sa	me neighborhood as the units	s replaced

- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before Village of Mosquero enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use,

  Village of Mosquero must make public and submit in writing to State of New

Mexico Department of Finance and Administration Local Government Division the following information:

- 1 A description of the proposed assisted activity;
- The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
- A time schedule for the commencement and completion of the demolition or conversion;
- The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
- The source of funding and time schedule for the provision of replacement dwelling units;
- The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

G.	The one-for-one replacement requirements may not apply if HUD determines, based on							
	objective data, that there is an adequate supply of vacant lower-income dwelling units in							
	standard condition available on a non-discriminatory basis within							
	Village of Mosquero In making such a determination, State of New Mexico							
	Department of Finance and Administration Local Government Division will consider such							
	factors as vacancy rates, numbers of lower-income units in Village of Mosquero	and						
	the number of eligible families on the Section 8 waiting list.	_						

# V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
  - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
  - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
  - Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, Village of Mosquero must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the "Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured Village of Mosquero financial institution conducting business within Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under VI. Eligibility for Relocation Assistance A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling. For purposes of this definition, a permanent move includes a move made permanently and: A. After notice by the owner to move from the property, if the move occurs on or after the date Village of Mosquero for CDBG assistance that is of the submission of a request to later approved for the requested activity; or B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or Village of Mosquero C. Before the dates described in A & B above, if or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a

D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

2.

CDBG regulations.

CDBG assisted activity; or

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

- 2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
- 3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

A.	The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and theVillage of Mosquero determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
В.	The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
C.	Village of Mosquero determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

## VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

# VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
  - 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
  - Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by Village of Mosquero \_\_\_\_\_covering the rehabilitation or demolition.

## IX. Grievances

The \_\_\_\_\_\_ village of Mosquero \_\_\_\_\_ will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

# **SECTION 3 PLAN REQUIRED ELEMENTS**

	Act of 19	squero is committed to comply with Section 3 of the Housing and Urban 68. This Act encourages the use of small local businesses and the hiring of low community.
Coordinator, to Section 3 comp implementatio plan is the ultin retained on file	advise a plaints, a n and en mate res e for mon	as the Section 3 as the Section 3 as the Section 3 and assist key personnel and staff on Section 3, to officially serve as focal point for and as the on-site monitor of prime contractors and sub-contractors to insure the forcement of their Section 3 plans. The approval or disapproval of the Section 3 ponsibility of the
Therefore, the	VIIIC	age of Mosquero shall:
1. Hiring	a.	Advertise for allVillage of Mosquero positions in local newspapers
	b.	List allVillage of Mosquero job opportunities with the State Employment Service
	C.	Give preference in hiring to lower income persons residing in the Village of Mosquero . This means that if two equally qualified persons apply and one is a resident of the Village of Mosquero and one is not, the resident will be hired
	d.	Maintain records of Village of Mosquero hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.
2. Contracting		
a.	The located	Village of Mosquero will compile a list of businesses, suppliers and contractors in the Village of Mosquero .
b.		endors will be contacted for bid or quotes whenever the Village of Mosquero s supplies, services or construction.
C.	from a the	nce will be given to small local businesses. This means if identical bids/quotes are received small business located within theVillage of Mosquero and one from outside Village of Mosquero, the contract will be awarded to the business located within munity.

# 3. Training

The	Village of Mosquero		shall	maintain	а	list	of	all	trair	ning <sub>I</sub>	progra	ms d	operate	d by	/ the
	Village of Mosquero	and	its	agencies	ar	nd	will	dir	ect	them	to	give	prefe	renc	e to
	Village of Mosquero	resid	ents.	The	Vi	illag	e of	Mos	quer	о	will	also	direct	all	CDBG
spor	sored training to provide p	refere	nce to	Villag	e o	f M	osqu	iero	r	eside	nts.				

# 4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170lu. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The <u>Village of Mosquero</u> shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.
The Village of Mosquero will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.
LOWER INCOME CLARIFICATION
A family who resides inVillage of Mosquero and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Village of Mosquero Information contained in our Section 3 Plan reflects the status of the Village of Mosquero employees regarding lower income considerations based on their salary paid by the Village of Mosquero
Certification This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3.  TheVillage of Mosquero herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.
PASSED AND ADOPTED BY THE Village Council of the Village  of Mosquero on this 12th days of October 2021
ATTEST:  APPROVED AS TO FOR:
Village Clerk Village Attorney
Plan Adoption Date: Nov. 27, 2018
Adoption Instrument: Resolution 2021-23
Certified By:  Victor R. Vigil  Mayor

Copy to Local Government Division with attachments