

STATEMENT OF ASSURANCES

The borrower hereby assures and certifies that:

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| (A) It possesses legal authority to apply for the funds under the HOME Investment Partnerships Program (the “HOME Program”) and to execute all documents in connection therewith. | <i>LEGAL
AUTHORITY</i> |
| (B) It has duly adopted a resolution authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the general partner/corporate officer as the official representative of the borrower to act in connection with the application and to provide such additional information as may be required. | <i>OFFICIAL
RESOLUTION</i> |
| (C) It will comply with all applicable program requirements described in the HOME Program regulations published in the Federal Register on December 16, 1991 (24 CFR Part 92) and any amendments hereafter and final regulations for the program. The housing project described in the application will benefit low and very-low income families in accordance with the requirements set forth in 24 CFR Parts 92.203, 92.216, 92.251, 92.252, and 92.253, as applicable. | <i>PROGRAM
PRIORITIES</i> |
| (D) It will comply with: | |
| (1) Title VI of the Civil Rights Act of 1964, P.L. 88-352 (42 U.S.C. 2000d et seq.) and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no persons in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the borrower receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided with the aid of Federal financial assistance extended to the borrower, this assurance shall obligate the borrower or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits. | <i>CIVIL
RIGHTS/EEO</i> |

Title VI also states that:

“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or

activity receiving Federal financial assistance.”

Section 1.4b(2)(i) of the regulations issued pursuant to the Title VI requires that:

“A recipient in determining the types of housing accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, the class of persons to whom, or the situations in which, such housing, accommodation, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin or have the effect of defeating or substantially impairing accomplishments of the objectives of the program or activity as respect to persons or a particular race, color, or national origin.”

24 CFR 92.202 states that:

HOME-funded programs must be administered in a manner that provides housing that is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of the Title VI of the Civil Rights Act of 1964, the Fair Housing Act, E.O. 11063, and HUD regulations issued pursuant thereto; and promotes greater choice of housing opportunities. In carrying out these requirements with respect to new construction, the borrower must follow 24 CFR Part 882.708(c).

- (2) Title VIII of the Civil Rights Act of 1968, as amended by Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100, which states that no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions; and requires that borrower manages and operates the project in a manner to affirmatively further fair housing. Actions that the borrower undertakes to affirmatively fund fair housing will be consistent with actions identified in any locally adopted fair housing analysis.

FAIR HOUSING

Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1958-1963 Comp., p. 652 and 3 CFR 1980 Comp., p. 307)

- and the regulations contained in 24 CFR Part 107 requires that all action necessary and appropriate be taken to prevent discrimination because of race, color, religion (creed), sex, or national origin in the sale, rental, leasing, or other disposition of residential property and related facilities or in the use or occupancy thereof where such property or facilities are owned or operated by the Federal Government or provided with Federal assistance by HUD and in the lending practices with respect to residential property and related facilities of lending institutions insofar as such practices relate to loans insured, guaranteed or purchased by the Federal Government.
- (3) Age Discrimination Act of 1975, P.L. 94-135 (42 U.S.C. 6101-07) implementing regulations at 24 CFR Part 146. *AGE*
- (4) Section 504 of the Rehabilitation Act of 1973, P.L. 95-602 (29 U.S.C. 794) and HUD implementing regulations at 24 CFR Part 8. *HANDICAPPED PERSONS*
- (5) Executive Order 11246, (3 CFR 1964-65, Comp., p. 339) Equal Opportunity in Federal Employment, September 24, 1965 (30 FR 12319), as amended by Executive Order 12086, October 5, 1978 (43 FR 46501), and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or Federally assisted construction contracts. Contractors and subcontractors on Federal and Federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.
- (6) Executive Order 11625, October 13, 1971 and Executive Order 12432 which prescribe additional arrangements for developing and coordinating a national program for Minority Business Enterprise (36 FR 19967); and 24 CFR 85.36(e) which describes actions to be taken to assure that minority business enterprises are used when possible in the procurement of property and services.
- (7) Executive Order 12138, May 18, 1979 (44 FR 29637) which creates a National Women's Business Enterprise Policy; and 24 CFR 85.36(e) which describes actions to be taken to assure that minority business enterprises are used when possible in the procurement of property and services.
- (8) Pennsylvania Human Relations Act of October 27, 1957, P.L. 744,

- (43 P.S. 951-963) which provides that no employee, applicant for employment, independent contractor, or any other person shall be discriminated against because of race, color, religious creed, ancestry, national origin, age, or sex.
- (E) It will comply with the affirmative marketing requirements of 24 CFR Part 92.351. *AFFIRMATIVE ACTION*
- (F) It will comply with Section 3 of the Housing and Urban Development Act of 1968, P.L. 90-448, (12 U.S.C. 1701(u)), as amended, and the implementing regulations at 24 CFR Part 135, requiring that to the greatest extent feasible opportunities for training and employment be given to low and moderate income residents of the county in which the project is located and contracts for work in connection with the project be awarded to eligible business concerns. *EMPLOYMENT*
- (G) It certifies that it has developed and adopted a residential antidisplacement and relocation assistance plan in accordance with 24 CFR 92.353(e). *DISPLACEMENT*
- (H) It will comply with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, as amended by (42 U.S.C. 4601-4655) and the regulations at 42 CFR Part 24, Subpart B which apply to the acquisition of real property for a project assisted with HOME funds and to the displacement of any family, individual, business, nonprofit organization or farm that results from such acquisition; and *ACQUISITION/RELOCATION*
- It will comply with Section 104(d) of the Housing and Community Development Act of 1974, as amended which requires that (i) reasonable relocation assistance be provided (at a minimum, the assistance shown in 24 CFR Part 570.488(c) shall be provided) to persons displaced as a result of the use of HOME funds or optional relocation costs eligible under 24 CFR 92.353(d) and (ii) will develop, adopt and provide to persons to be displaced a written notice of the relocation assistance for which they are eligible; and

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| (I) It will comply with the following regulations issued under the following Acts and other federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), as applicable: | <i>LABOR
STANDARDS</i> |
| (1) The Davis-Bacon Act, P.L. 86-624, (40 U.S.C. 276a-5), as amended. | |
| (2) Contract Work Hours & Safety Standards Act, P.L. 87-581 (40 U.S.C. 327-332.). | |
| (3) Copeland “Anti-kickback” Act (40 U.S.C. 276c). | |
| (4) Department of Labor Regulations at 29 CFR Parts 1, 3, 5, 6 and 7 implementing (1), (2) and (3) above. | |
| (J) It will comply with the environmental laws and authorities at 24 CFR Parts 50 and 58 and will (i) supply PHFA with information necessary for it to perform any necessary environmental review of each property; and (ii) carry out mitigating measures required by PHFA or select alternate eligible property; and (iii) not acquire or otherwise carry out any project activities with respect to any eligible property until PHFA approval is received. | <i>ENVIRONMENTAL
CLEARANCE</i> |
| (K) It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of a project are not listed in the Environmental Protection Agency’s (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for the listing by the EPA. | <i>VIOLATING
FACILITIES
LIST</i> |
| (L) It will comply with the conflict of interest provisions of 24 CFR Section 92.356 regarding the procurement of property and services as well as the proposed regulation prohibiting an owner, employee, agent consultant or officer or developer, whether private, for profit, or nonprofit, of a project assisted with HOME funds from occupying a HOME assisted affordable housing unit in the project. | <i>CONFLICT OF
INTEREST</i> |
| (M) It will comply with Section 102 of the HUD Reform Act of 1989, P.L. 101-235 (December 15, 1989). | <i>SECTION 102, AS
APPLICABLE</i> |

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| (N) It will comply with Title IV of the Lead Based Paint Poisoning Prevention Act, P.L. 91-695, as amended, (42 U.S.C. 4821 et seq.) and the regulations issued pursuant thereto (24 CFR Part 35). | <i>LEAD BASED
PAINT</i> |
| (O) It will comply with the minimum housing quality standards in 24 CFR Part 882.109, Cost Effective Energy Conservation and Effectiveness Standards, P.L. 95-557 (42 U.S.C. 1425(b)) and the regulations issued pursuant thereto (24 CFR Part 39); and the current edition of the Model Energy Code published by the Council of American Building Officials, as applicable pursuant to 24 CFR Part 92.251. | <i>ENERGY
CONSERVATION</i> |
| (P) It will comply with the Pennsylvania Steel Products Procurement Act of March 3, 1978, P.L. 6, No. 3, Section 1 (73 P.S. Section 1881 et seq.). | <i>STEEL
PRODUCTS</i> |
| (Q) It will comply with the Pennsylvania Flood Plain Management Act 166 (32 P.S. Section 697.101-679.601) and the regulations issued pursuant thereto at Title 16, Chapter 38. | <i>FLOOD PLAIN</i> |
| (R) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 grant, 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, in accordance with 24 CFR Part 87. | <i>LOBBYING</i> |

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence and 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, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreement) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance

was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- (S) It shall not discriminate against any employee, applicant for employment, independent contractor or any other person because of race, color, religious creed, ancestry, national origin, age or sex. It shall take affirmative action to insure that applicants are employed and that employees or agents are treated during employment without regard to their race, color, religious creed, handicap, ancestry, national origin, age or sex. Such affirmative action shall include but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training. It shall post in conspicuous places available to employees, agents, applicants for employment and other persons, a notice to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

*NON
DISCRIMINATION*

It shall state in advertisements or requests for employment placed by it or on its behalf, that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, handicap, ancestry, national origin, age or sex.

It shall send each labor union or worker's representative with which it has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or worker's representative if its commitment to this nondiscrimination clause.

It shall be no defense to a finding of noncompliance with this nondiscrimination clause that the borrower had delegated some of its employment practices to any union, training program or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that the borrower was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.

Where the practices of a union or any training program or other source of recruitment will result in the exclusion of minority group persons so that the borrower will be unable to meet its obligations under this nondiscrimination clause, the borrower shall then employ and fill vacancies through other nondiscriminatory employment procedures.

It shall comply with all state and federal laws prohibiting discrimination in hiring or employment opportunities. In the event of the borrower's noncompliance with this nondiscrimination clause or with any such laws, the contract may be terminated or suspended, in whole or in part. It may be declared temporarily ineligible for further contracts with the Commonwealth of Pennsylvania, and other sanctions may be imposed and remedies invoked.

It shall furnish all necessary employment documents and records to, and permit access to its books, records and accounts by, the contracting agency for purposes of investigation to ascertain compliance with the provisions of this clause. If the borrower does not possess documents or records reflecting the necessary information requested it shall furnish such information on reporting forms supplied by the contracting agency.

It shall actively recruit minority and women subcontractors or subcontractors with substantial minority representation among their employees.

It shall include the provisions of this nondiscrimination clause in every subcontract so that such provisions will be binding upon each subcontractor.

The borrower's obligations under this clause are limited to its facilities within Pennsylvania or, where the contract is for purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

- (T) The application does not request any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing. [24 CFR 92.150(c)(1)]
- (U) The borrower and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or involuntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency. It will include the certification in DCA-BHD-177 in any proposal submitted in connection with the lower tier transactions.
- (V) It will not provide HOME funds to primarily religious organizations, such as churches, for any activity including secular activities in accordance with 24 CFR 92.257.
- (W) It has made reasonable efforts to maximize participation by the private sector in the development of the housing project described in the application.

CERTIFICATIONS

- (X) It has complied with the Governor's Executive Order 1997-6 on preserving the Commonwealth's agricultural land.

Borrower:

By:

Title:

Date:
