

# Ordinance No. 135-2023 AS AMENDED

By Council Members Hairston and Griffin  
(by departmental request)

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for PY2023 under the Title I of the Housing and Community Development Act of 1974, for the 2023 Federal HOME Investment Partnerships Act Program, Emergency Solutions Grant Program, and the Housing Opportunities for Persons with AIDS Program; and authorizing contracts and other expenditures.

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WHEREAS, the City of Cleveland desires to apply for and accept various grants from the U.S. Department of Housing and Urban Development; and

WHEREAS, the U.S. Department of Housing and Urban Development requires the the City of Cleveland to maintain written policies and procedures for the effective administration and transparency of these federal Entitlement allocations overseen by the Department of Community Development; and

WHEREAS, the Department of Community Development Manual fulfills this requirement; and

WHEREAS, the U.S. Department of Housing and Urban Development requires that the City of Cleveland is presented with the updated Department of Community Development Manual on an annual basis; and

WHEREAS, this Council supports adoption of the current Department of Community Development Manual, as amended by the Director of Community Development for the purpose of maintaining a compliant federal Entitlement program for the benefit of Cleveland; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Community Development is authorized to apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) in the following estimated amounts: \$23,237,665 to conduct the PY2023 Community Development Block Grant (CDBG) Program; \$5,864,922 to conduct the Federal HOME Investment Partnerships Act (HOME) Program; \$2,523,867 to conduct the Emergency Solutions Grant (ESG) Program; and \$2,350,189 for the Housing

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Opportunities for Persons with AIDS (HOPWA) Program, for the purposes and uses set forth in the budgets and in compliance with the requirements of Title I of the Housing and Community Development Act of 1974 and applicable rules and regulations. That the Director of Community Development is authorized to act as the City's Authorized Representative to file all papers and execute all documents necessary to receive the funds under the grants, administer funds under the grants, and to effect compliance with any and all requirements, and that the funds are appropriated for the purposes set forth in this ordinance.

Section 2.    2023 Programs.

That the Director of Community Development is authorized to conduct the Programs listed in this ordinance with the entities listed, as described in File No. 135-2023-A.

Section 3.    That the Director of Community Development is authorized to expend the amounts shown in this section, plus program income and any other prior year balances and the amounts are appropriated for the following purposes:

## 1. 10-YEAR HOUSING PLAN

### A. Strategic Initiatives

	<b>Funding</b>	<b>Est. 2023 Allocation</b>	<b>RLA</b>
Neighborhood Initiative	CDBG	-	
Middle Neighborhoods	CDBG	-	
Lead Safe Coalitions Efforts	CDBG	\$200,000	RQS 8006 RLA 2023-0019
FHAct 50 – Clark/Fulton	CDBG	-	
Neighborhood Revitalization Strategy			
Area Housing Initiatives	CDBG	\$800,000	RQS 8006 RLA 2023-0023
Abatement, Demolition, and Board-Up	CDBG	\$150,000	RQS 8006 RLA 2023-0004
Project Clean	CDBG	\$1,210,000	RQS 8006 RLA 2023-0005
Citywide Grants	CDBG	\$150,000	RQS 8006 RLA 2023-0006
CDC Activity Grants	CDBG	\$1,200,000	RQS 8006 RLA 2023-0006
CD Planners	CDBG	-	

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## B. Safe Housing Initiatives

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
Housing Rehab Prgms. – SHAP/RAH	CDBG/HOME	\$2,328,538	RQS 8006 RLA 2023-0016
Competitive Lead Grants	CDBG	-	RQS 8006 RLA 2023-0019
Citywide Grants	CDBG	\$150,000	RQS 8006 RLA 2023-0006
Housing Rehab Administration	CDBG	-	

## C. Affordable Housing Expansion and Preservation

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
Housing Trust Fund	CDBG/HOME	\$4,158,049	RQS 8006 RLA 2023-0017
CHDO Set Asides	HOME	\$668,000	RQS 8006 RLA 2023-0017
Citywide Grants	CDBG	\$150,000	RQS 8006 RLA 2023-0006
Fair Housing Administration	CDBG	-	
Housing Devlp. Office Administration	CDBG/HOME	-	

## D. Supporting Housing Infill Development

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
Land Bank Housing Development Initiatives	CDBG	\$150,000	RQS 8006 RLA 2023-0020
Citywide Grants	CDBG	\$150,000	RQS 8006 RLA 2023-0006

## 2. ECONOMIC OPPORTUNITY

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
<b>A. Storefront Renovation</b>	CDBG	\$367,000	RQS 8006 RLA 2023-0007
<b>B. Land Bank Economic Development Initiative</b>			
Neighborhood Revitalization Strategy Area Programs	CDBG	-	
<b>C. Economic Development Section 108 Initiatives</b>	CDBG	-	
<b>D. Public Service Economic Opportunities Initiatives</b>	CDBG	-	

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### 3. ENDING POVERTY AND RACIAL DISPARITIES

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
<b>A. Support the City/County Continuum of Care</b>	CDBG/ESG	\$2,443,867	RQS 8006 RLA 2023-0012
ESG Administration	ESG	-	
<b>B. Public Services Addressing Neighborhood Revitalization Strategy Area</b>	CDBG	-	
Systemic Poverty	CDBG	\$1,000,000	RQS 8006 RLA 2023-0009
Youth Violence	CDBG	\$150,000	RQS 8006 RLA 2023-0009
Poverty and Accessibility Among Elderly	CDBG	\$200,000	RQS 8006 RLA 2023-0009
Other Public Services	CDBG	\$200,000	RQS 8006 RLA 2023-0009
<b>C. Housing for Persons with HIV/AIDS</b>	HOPWA	\$2,350,189	RQS 8006 RLA 2023-0013
<b>CDBG AIDS Prevention</b>	CDBG	\$284,000	RQS 8006 RLA 2023-0010
<b>D. Land Bank Permanent Supportive Housing Initiatives</b>	CDBG	-	

### 4. NEIGHBORHOOD DEVELOPMENT

	<u>Funding</u>	<u>Est. 2023 Allocation</u>	<u>RLA</u>
<b>A. Community Gardens</b>	CDBG	\$126,000	RQS 8006 RLA 2023-0011
<b>B. Improvement and Preservation of Neighborhood Public Facilities</b>			
City Public Facilities North Point & 5 Points	CDBG	\$100,000	RQS 8006 RLA 2023-0021
Other Public Facilities	CDBG	\$300,000	RQS 8006 RLA 2023-0021
<b>C. Land Bank Neighborhood Public Facilities</b>		-	
Park and Greenspace Creation	CDBG	-	
Neighborhood Connections to Create Walkable Neighborhoods	CDBG	-	
<b>Neighborhood Development Grants</b>	CDBG	\$7,600,000	N/A
<b>General Administration</b>	CDBG	\$5,775,000	N/A
	HOME	\$486,000	N/A
	ESG	\$80,000	N/A
<b>Total Estimated Allocation</b>		<b>\$33,976,643</b>	

#### INDIVIDUAL ESTIMATED GRANT TOTALS:

CDBG	\$23,237,665
HOME	\$5,864,922
ESG	\$2,523,867
HOPWA	\$2,350,189
<b>Total</b>	<b>\$33,976,643</b>

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With respect to CDC Activity Grants funding under Part 1.A. above, the Department of Community Development, through its Director, shall not establish a minimum requirement of more than \$2,000 for qualifying substantial home rehabilitation activities nor should it establish any minimum requirement for qualifying home repair activities.

## Section 4. Contracting.

(a) That the Directors of the Departments of Community Development, Public Works, Public Health, Building and Housing, and Aging are authorized to enter into one or more contracts with those entities or individuals described in the file for the applicable Program for the purposes allowed under the applicable Program and following the appropriate federal regulations governing the use of CDBG, HOME, ESG, and/or HOPWA funds.

(b) That the Director of Community Development is authorized to accept monies in repayment under the Programs listed in the file and to utilize repayments for making additional expenditures under the Programs, and the funds are appropriated for that purpose.

(c) That the Director of Community Development is authorized to enter into rebate agreements with those entities and individuals described in the file using CDBG and KIOSK funds.

## Section 5. Purchasing.

(a) That the Directors of Community Development and/or Building and Housing, as appropriate, are authorized to make one or more written standard purchase and/or written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant terms, for each or all of the following items: labor, materials, equipment, supplies, and services needed to implement the grants and for the rental of furniture and other household articles to supply and accommodate displaced persons during any Program performed under the

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grants as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Departments of Community Development and Building and Housing as appropriate. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

(b) That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

(c) That, unless expressly prohibited by the grant agreements, under Section 108(b) of the Charter, purchases or procurements made under the grant agreements may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

(d) That the Directors of Community Development and/or Building and Housing, as appropriate, are authorized to accept monies in repayment under the Programs listed in the file and to utilize repayments for making additional expenditures under the Programs, and the funds are appropriated for that purpose.

(e) That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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Section 6. Consultant and Professional Services.

That the Directors of Community Development and Public Health are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide services needed to assist the City with the Programs listed in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development and/or Public Health, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development and/or Public Health, as appropriate, following applicable federal regulations, for the purpose of compiling a list. The compensation to be paid for the services shall be determined by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Community Development and/or Public Health, as appropriate, and certified by the Director of Finance.

Section 7. Memorandum of Understanding and Reimbursement.

(a) That the Director of Community Development shall enter into a memorandum of understanding prior to expenditure of funding with the following Departments:

Project Clean	Department of Public Works
AIDS Prevention	Department of Public Health
AIDS Related Services	Department of Public Health
Demolition and Board-Up	Department of Building and Housing
SHAP and CHORE	Department of Aging

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(b) That CDBG funds as shown in Section 1 are appropriated from Fund No. 14 SF 049 for costs of the Departments incurred from Fund 15.

(c) That HOPWA funds as shown in Section 1 are appropriated from Fund No. 15 SF 324 for costs of the Department of Health incurred from Fund 15.

(d) That ESG funds as shown in Section 1 are appropriated from Fund 15 SF 325 for costs of the Department of Aging incurred from Fund 15.

## Section 8. Loans.

(a) That the Director of Community Development is authorized to accept monies in repayment of loans and fees authorized in this ordinance and to deposit those monies in Fund Nos. 13, 14, and 15, as appropriate, and to utilize the repayments and other program income in a revolving fund for making additional expenditures under the Programs, and such funds are hereby appropriated for that purpose.

(b) That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under the Programs described in the file.

(c) That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund Nos. 13, 14 or 15, as appropriate. The revenues generated as a result of charging fees are appropriated for additional program and operating expenses for eligible activities.

## Section 9. Neighborhood Development Activities Council Member Written Approval.

That prior to entering into or amending those contracts or memorandums of understanding, or expending any Neighborhood Development Activity funds, the Director

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of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GEP:nl  
1-30-23

FOR: Directors Hernandez, Williams, Margolius, O'Toole, and McNamara

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**REPORT  
after second Reading**

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**READ FIRST TIME**

and referred to \_\_\_\_\_

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by the council \_\_\_\_\_

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CITY CLERK

**REPORTS**

**READ SECOND TIME**

by the council \_\_\_\_\_

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CITY CLERK

**READ THIRD TIME**

by the council \_\_\_\_\_

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PRESIDENT

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CITY CLERK

**APPROVED**

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MAYOR

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