

RESOLUTION NO. 2016-13

**RESOLUTION ENACTING CERTAIN POLICIES PERTAINING TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT
FOR THE MOOSE TRACKS &
D.D. BULLWINKEL'S OUTDOORS PROJECT**

WHEREAS, the City of Brevard must enact and adhere to certain policies to ensure compliance with Federal and State regulations associated with the community development block grant program.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that:

Section 01. Brevard City Council hereby adopts and enacts the following policies:

Exhibit A. Equal Opportunity Plan

Exhibit B. Residential Antidisplacement & Relocation Plan

Exhibit C. Anti-Displacement Certification

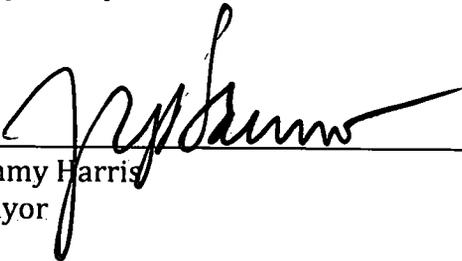
Exhibit D. Fair Housing Complaint Procedure, English

Exhibit E. Fair Housing Complaint Procedure, Spanish

Exhibit F. Section 3 Plan

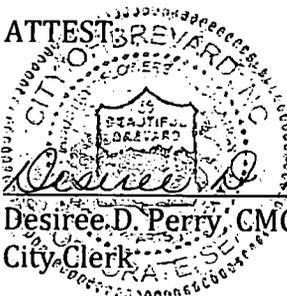
Exhibit G. Recipient's Plan to Further Fair Housing

Approved and adopted this the 16th day of May, 2016.



Jimmy Harris
Mayor

ATTEST:




Desiree D. Perry, CMC, NCCMC
City Clerk

**RESOLUTION NO. 2016-13
EXHIBIT A**

City of Brevard, North Carolina

**Equal Opportunity Plan
For
Community Development Block Grant _____ - _____
Moose Tracks & D.D. Bullwinkel's
May 16, 2016 - May 16, 2019**

A. Equal Housing Opportunity Plan

Civil Rights Act of 1964

The Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property.

The Fair Housing Act

The Fair Housing Act declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

Executive Order 12892, Equal Opportunity in Housing

Executive Order 12892, as amended (Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities.

The City of Brevard, North Carolina, shall eliminate housing discrimination, and achieve diverse, inclusive communities by leading Brevard in the enforcement, administration, and public understanding of federal fair housing policies and laws.

The City of Brevard shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG documents intended to be shared with the public.

The City of Brevard shall post in public buildings and the CDBG project area the Equal Housing Opportunity posters and/or additional information the local government has prepared to inform the community with the Equal Housing Opportunity policies and laws.

The City of Brevard shall inform housing providers, real estate professionals, property management firms, and the community at large of Equal Housing Opportunity policies, laws and responsibilities through placement of notices upon the City of Brevard's Facebook page, through the City's newsletter, and through direct mailings to firms and organizations.

B. Equal Employment Opportunity Plan

The City of Brevard maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the City of Brevard prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City of Brevard shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the following individual to assist in the implementation of this policy statement:

Joshua Freeman, AICP, CFM
Community Development / Special Projects Director
City of Brevard
95 West Main Street
Brevard, NC 28712
Email: jfreeman@cityofbrevard.com
Telephone: 9828) 885-5601

The City of Brevard shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to Brevard City Council. Records presented to Brevard City Council shall be maintained in the files and will be provided to the State as needed.

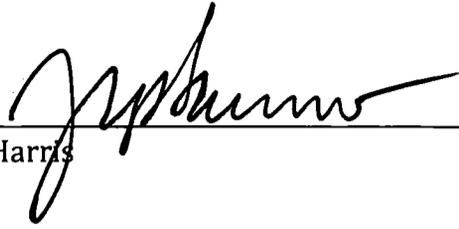
The City of Brevard is committed to this policy and is aware that with its implementation, the City of Brevard will receive positive benefits through the greater utilization and development of all its human resources.

The City of Brevard shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

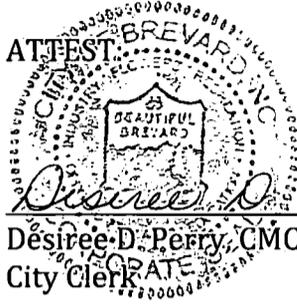
The City of Brevard shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The City of Brevard shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

Approved and adopted this 16th day of May, 2016.



Jimmy Harris
Mayor




Desiree D. Perry, CMC, NCCMC
City Clerk

**RESOLUTION NO. 2016-13
EXHIBIT B**

**RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN
CITY OF BREVARD, NORTH CAROLINA**

**FOR
COMMUNITY DEVELOPMENT BLOCK GRANT _____ - _____
MOOSE TRACKS & D.D. BULLWINKEL'S
MAY 16, 2016 - MAY 16, 2019**

This Residential Antidisplacement and Relocation Assistance Plan is prepared by the City of Brevard in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, by the City of Brevard will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

A. Relocation Assistance to Displaced Persons

The City of Brevard will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The City of Brevard will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375. Before entering into a contract committing City of Brevard to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Brevard will make public by advertisement in the Transylvania Times and submit to State CDBG Program(s) at the North Carolina Department of Commerce, the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See also 24 CFR 42.375(d).*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling 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 lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Brevard will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

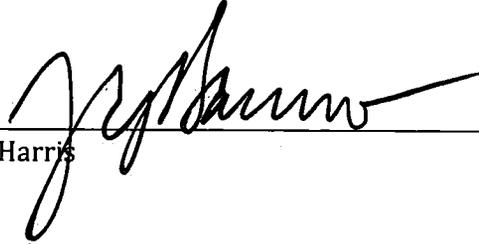
Under 24 CFR 42.375(d), the City of Brevard may submit a request to the State (NCDC) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The following City of Brevard Staff member is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period, and for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use:

Joshua Freeman, AICP, CFM
Community Development / Special Projects Director
City of Brevard
95 West Main Street
Brevard, NC 28712
Email: jfreeman@cityofbrevard.com
Telephone: 9828) 885-5601

Approved and adopted this 16th day of May, 2016.



Jimmy Harris
Mayor



Desiree D. Perry
Desiree D. Perry, CMC, NCCMC
City Clerk



The City of
Brevard
North Carolina

**RESOLUTION NO. 2016-13
EXHIBIT C**

**Residential Anti-Displacement and
Relocation Assistance Certification**

I hereby certify that the City of Brevard, North Carolina, has adopted and is following a written Residential Anti-Displacement and Relocation Assistance Plan that conforms with the Requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Jimmy Harris, Mayor

Name and Title of Certifying Official



Signature of Certifying Official

May 16, 2016

Date



Desirée D. Berry
Desirée D. Berry, CMC, NCCMC
City Clerk

**RESOLUTION NO. 2016-13
EXHIBIT D**

**CITY OF BREVARD, NORTH CAROLINA
FAIR HOUSING COMPLAINT PROCEDURE**

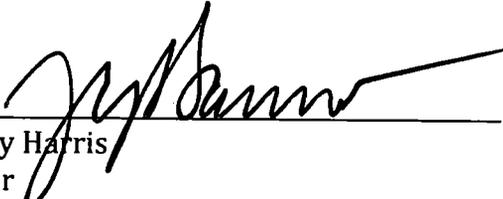
The City of Brevard has Community Development Block Grant (CDBG) projects currently in progress. The CDBG program requires that a Fair Housing plan and complaint procedure be adopted by the City.

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, The City of Brevard has adopted the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the City may do so by informing the City Community Development Director of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the City Community Development Director shall inform the North Carolina Human Relations Commission (Commission) about the complaint. The City Community Development Director shall then assist the Commission and the complainant in filing an official written housing complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII;
3. The City Community Development Director shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints, which are based upon events occurring in City of Brevard.
4. The City Community Development Director shall publicize within Transylvania County area that the City Community Development Director is the local official to contact with housing discrimination complaints based upon events occurring in City of Brevard; and,
5. All complaints shall be acknowledged within ten (10) days of receipt.

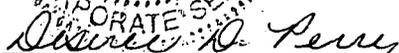
If you have any questions about the complaint procedure or would like to register a complaint, please contact the City Community Development Director at (828) 885-5601 or for TDD assistance (800) 697-4580.

Approved and adopted this 16th day of May, 2016.



Jimmy Harris
Mayor





Desiree D. Perry, CMC, NCCMC
City Clerk

RESOLUTION NO. 2016-13

EXHIBIT E

CIUDAD DE Brevard
FERIA DE VIVIENDA PROCEDIMIENTO DE DENUNCIA

La Ciudad de Brevard ha de Desarrollo Comunitario (CDBG) proyectos actualmente en curso. El programa CDBG requiere que un plan de Equidad de Vivienda y procedimiento de denuncia sea aprobado por la Ciudad.

discriminación en la vivienda está prohibida por el Título VIII de la Ley de Derechos Civiles de 1968 y por la North Carolina State Ley de Vivienda Justa. En un esfuerzo por promover la equidad de vivienda y garantizar que los derechos de las víctimas de discriminación en la vivienda estén protegidos, La Ciudad de Brevard ha adoptado los siguientes procedimientos para recibir y resolver quejas de discriminación en la vivienda:

1. Cualquier persona o personas que deseen presentar una queja por discriminación en la vivienda en la ciudad puede hacerlo informando a la ciudad el director de Planeación de los hechos y las circunstancias del supuesto acto o práctica discriminatoria;
2. Al recibir una queja por discriminación en la vivienda, la Ciudad director de Planeación informará a la de Carolina del Norte Comisión de Relaciones Humanas (Comisión) sobre la queja. El entonces Director de Planificación Municipal asistirá a la Comisión y el denunciante en la presentación de una queja oficial por escrito de vivienda con la Comisión, de conformidad con la Ley de Vivienda Justa del Estado y Título VIII;
3. El director de Planeación de la ciudad deberá ofrecer asistencia a la Comisión en la investigación y la conciliación de todas las quejas de discriminación de vivienda, que se basan en hechos ocurridos en la ciudad de Brevard.
4. El director de Planeación de la ciudad al público folletos en Transilvania zona del Condado que la ciudad es el director de Planeación de las autoridades locales con el contacto con quejas de discriminación basada en hechos ocurridos en la ciudad de Brevard;
5. Todas las quejas deberán ser aceptadas dentro de los diez (10) días siguientes a la recepción.

Si usted tiene alguna pregunta sobre el procedimiento de denuncia o si desea presentar una queja, por favor contacte al Director de Desarrollo de la Ciudad (828) 885-5601 o de asistencia TDD (800) 697-4580.

APROBADO, el día de 16 de Mayo, 2016

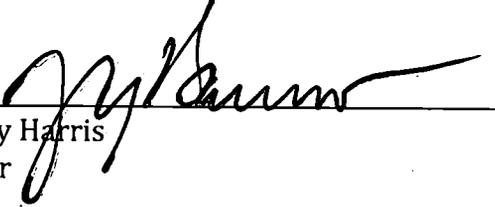
**RESOLUTION NO. 2016-13
EXHIBIT F**

**CITY OF BREVARD, NORTH CAROLINA
LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW
INCOME PERSONS (SECTION 3) PLAN**

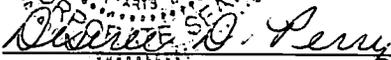
To insure that to the greatest extent possible contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the City of Brevard has developed and hereby adopts the following plan;

1. This Section 3 plan shall apply to services and needed in connection with the grant including but not limited to businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. This Section 3 covered project area for the purpose of this grant shall include the City of Brevard, Transylvania County, and portions of immediately adjacent counties.
3. When in need of a service, the City of Brevard will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.
4. The City of Brevard will include this Section 3 clause in all contracts executed under this CDBG Program. Where deemed necessary, listings from any agency noted in No. 3 above, shall be included as well as sources of subcontracts and suppliers.
5. The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan that will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Transylvania County Employment Security Commission shall be notified and referred to the contractor.
6. Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the office of the City Clerk of the City of Brevard, and shall be updated from time to time or as the grant staff may deem necessary.

Approved and adopted this 16th day of May, 2016.


Jimmy Harris
Mayor




Desiree D. Perry, CMC, NCCMC
City Clerk

**RESOLUTION NO. 2016-13
 EXHIBIT G**

**RECIPIENT'S PLAN TO
 FURTHER FAIR HOUSING**

Grantee: City of Brevard

**Recipient's Address: 95 West Main St.,
 Brevard, NC 28712**

Contact Person: Joshua Freeman

Contact Phone #: 828-885-5622

Contact Email: jfreeman@cityofbrevard.com

TDD #:

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time _____ Past Activities X__

II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)

Note: The following obstacles were found as the main obstacles in the State of North Carolina in the most recent Analysis of Impediments study; please take in account these obstacles for your analysis:

1. Increase system capacity to assess and combat fair housing discrimination in the area
2. Combat discrimination in the rental markets
3. Address constraints in the lending markets
4. Possible barriers in land-use policies/practices

III. Will the above activities apply to the total municipality?

Yes X No _____ If no, provide an explanation.

(Use additional pages as necessary)

IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis. (Use attached table)

Grantee Name: CITY OF BREVARD

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
Publish Fair Housing Complaint Procedure and CDBG Grant Award Information in the Transylvania Times	July to Sept.	2016	250	
Distribute Fair Housing Brochures and Posters to Public Library, Health Department, Social Services Office, and Post is public area in City Hall.	October to Dec.	2016	300	

Review City Ordinances for compliance with Fair Housing and the American with Disabilities Act	Jan. to March	2017	300	
Publish Fair Housing Complaint Procedure in the Transylvania Times	April to June	2017	250	
Present Fair Housing Information to the local Realtors Board	July to Sept.	2017	400	
Distribute Fair Housing Brochures and Posters to Public Library, Health Department, Social Services Office, and Post is public area in City Hall.	October to Dec.	2017	300	
Present Fair Housing Information to Brevard High School Students	Jan. to March	2018	400	
Meet with City Planning Staff to UDO and Rental Housing Standards	April to June	2018	300	
Publish Fair Housing Complaint Procedure in the Transylvanian Times	July to Sept.	2018	250	
Distribute Fair Housing Brochures and Posters to Public Library, Health Department, Social Services Office, and Post is public area in City Hall.	Oct. to Dec.	2018	300	
Coordinate Housing Fair with local Real Estate Firms and Affordable Housing Agencies	Jan. to March	2019	1000	
Publish Fair Housing Complaint Procedure in the Transylvanian Times	April to June	2019	250	

V. Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)

- 1) Any person or persons wishing to file a complaint of housing discrimination in the City may do so by informing the City Manager of the facts and circumstance of the alleged discriminatory acts or practice.
- 2) Upon receiving a housing discrimination complaint, the City Manager shall acknowledge the complaint within **10 days in writing** and inform the North Carolina Department of Environment and Natural Resources (NC DENR) - Division of Water Infrastructure, and the North Carolina Human Relations Commission about the complaint.
- 3) The City Manager shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the City of Brevard.
- 4) The City Manager shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Adopted and approved by Brevard City Council this the 16th day of May, 2016.



Desiree D. Perry
Desiree D. Perry, CMC, NCCMC
City Clerk

Jimmy Harris
Jimmy Harris
Mayor