

RESOLUTION NO. 1000

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND CLACKAMAS COUNTY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PROGRAM YEARS 1994 - 1996.

WHEREAS, the City of Wilsonville has historically participated with Clackamas County and received block grant funds from a Community Development Block Grant Program; and

WHEREAS, Block Grant funds funded the construction of the Wilsonville Community Center and improvements to the City's infrastructure in "Old Town"; and

WHEREAS, in order for the City to receive Block Grant funds, it must identify housing, neighborhoods, community facilities and public improvement projects that would benefit low to moderate income people in those respective areas; and

WHEREAS, Clackamas County will receive approximately \$5.5 million dollars for the 1994-1996 Block Grant Program funding cycle, a portion of which the City could apply for; and


WHEREAS, upon review by the County's Community Development Division staff and the Community Block Grant Policy Advisory Board and Citizens Advisory Board, projects will be recommended to the Board of County Commissioners for approval of funding.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. That staff is authorized to enter into an intergovernmental agreement between the City of Wilsonville and Clackamas County for a Community Development Block Grant Program for the program years 1994 - 1996, a copy of which is marked Exhibit "A", attached hereto and incorporated herein.

2. That staff is authorized to review areas of the City that might qualify for a Community Development Block Grant under HUD regulations and submit requests to Clackamas County for consideration of funding.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17th day of May, 1993 and filed with the Wilsonville City Recorder this date.


GERALD A. KRUMMEL, Mayor

ATTEST:


VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>
Councilor Carter	<u>ABSENT</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

TO: HONORABLE MAYOR & CITY COUNCILORS
FROM: DEE MORRISON, VOLUNTEER & SENIOR SERV. DIR.
SUBJECT: INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
WILSONVILLE AND CLACKAMAS COUNTY
DATE: MAY 17, 1993

The proposed resolution approves the intergovernmental agreement between the City and County for a Community Development Block Grant Program for program years 1994-1996.

For the City to receive Block Grant funds it must identify housing neighborhoods, community facilities and public improvement projects that would benefit the low to moderate income people in those respective areas.

This year Clackamas County will receive approximately \$5.5 million dollars for the 1994-1996 funding cycle. The various applications from the different cities and county agencies will be reviewed initially by the county's Community Development Division staff to determine that the applications do meet the requirements of the federal HUD regulations. The applications are forwarded to the Community Block Grant Policy Advisory Board and Citizens Advisory Board. It is the job of these two boards to review the applications, listen to the applicants' presentations and submit their list of recommended projects to the Board of County Commissioners for approval of funding.

HISTORY: The City has participated with the County and received block grant funds in former three year cycles. These funds paid for the construction of the Wilsonville Community Center and improvements to the City's infrastructure in "Old Town".

RECOMMENDATION: Adopt Resolution No. _____ to enable the staff to review areas of the city that may qualify under HUD regulations and make requests to Clackamas County for consideration of funding.

INTERGOVERNMENTAL AGREEMENT

CLACKAMAS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROGRAM YEARS 1994 - 1996

This Agreement is entered into between Clackamas County (COUNTY), a political subdivision of the State of Oregon, and the City of Wilsonville (CITY), a municipal corporation of the State of Oregon within Clackamas County, for the cooperation of units of local government under the authority of ORS .190.010.

The circumstances surrounding the making of this Agreement are as follows:

- A. The Congress of the United States has enacted the Housing and Community Development Act of 1974, as amended, and the Department of Housing and Urban Development has adopted regulations pursuant thereto (hereinafter jointly referred to as the "Act"); and
- B. The Congress has found and declared that the Nation's cities, towns, and small urban communities face critical social, economic, and environmental problems; and
- C. The Congress has further found and declared that the future welfare of the nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities;
- D. The primary objective of the Act is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income.
- E. The CITY and the COUNTY desire to provide decent housing and a suitable living environment and to expand economic opportunities principally for persons of low and moderate income through Community Development Block Grant (CDBG) funding and the HOME Investment Partnership program pursuant to the Act.
- F. Title I of said Act provides that urban counties may, under some circumstances, receive Community Development Block Grant funds in the same manner as larger cities; and
- G. One of the criteria for urban county eligibility is a county population of at least 200,000, not including entitlement cities; and

INTERGOVERNMENTAL AGREEMENT

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- H. The COUNTY desires to count the population of the CITY in order to receive CDBG funds; and
- I. The Department of Housing and Urban Development has specified the minimum provisions which must be included within any intergovernmental agreement into which local governments enter to qualify for urban county eligibility;

NOW, THEREFORE, in consideration of the mutual promises made herein and the mutual benefits received hereunder, the parties agree as follows:

1. The CITY and the COUNTY agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing.
2. The CITY authorizes the inclusion of its population for purposes of the Act; and joins together with other units of general local government to qualify the COUNTY as an urban county for Community Development Block Grant and HOME Investment Partnership funds.
3. The COUNTY has final responsibility for selecting projects and annually filing Final Statements with HUD and assumes all other obligations of an applicant as specified in the Act and the regulations thereunder for Community Development Block Grant activities which will be funded from Federal Fiscal Years' 1994, 1995, and 1996 appropriations and from any program income generated from the expenditure of such funds.
4. The COUNTY is prohibited from funding activities in or in support of the CITY if the CITY does not affirmatively further fair housing within its own jurisdiction or if it impedes the COUNTY's actions to comply with its fair housing certification.
5. Pursuant to 24 CFR 570.501(b) the CITY is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.
6. For the purposes of developing the Three-Year Community Development Plan and Annual Final Statement as required by the Act, the CITY and the COUNTY agree to cooperate in the continuation of the presently established Policy Advisory Board which shall advise the COUNTY on program policies, priorities, and project selection.
7. The COUNTY and CITY agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.

INTERGOVERNMENTAL AGREEMENT

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8. This agreement shall remain in full force and effect from September 4, 1993 through July 1, 1997, inclusive, provided that the COUNTY qualifies as an urban county under, and block grant funding is allocated to the COUNTY pursuant to, the Act.
9. This agreement will automatically be renewed at the end of the three-year qualification period, unless one of the following events occur: (1) changes to the agreement are required by HUD that would require the execution of a new agreement; (2) failure by either party to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year qualification period, and to submit the amendment to HUD as required; (3) the COUNTY or CITY provides written notice it elects not to participate in a new qualification period by the date specified in HUD's urban county qualification period. The COUNTY will notify the CITY in writing of its right to make an election not to participate in a new qualification period by the dates specified in HUD's urban county qualification notice for the next qualification period. This agreement also remains in effect with respect to all CDBG and HOME funds and income allocated during the three-year qualification period until such funds are expended and the funded activities completed.
10. The CITY may not apply for grants under the small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program;
11. The CITY may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation.
12. The COUNTY and CITY may not terminate or withdraw from the agreement while it remains in effect.
13. The CITY has adopted and is enforcing:
 - A. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - B. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within the CITY.

INTERGOVERNMENTAL AGREEMENT

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IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this 7th day of June, 1993

CLACKAMAS COUNTY, OREGON

City of Wilsonville

Michael F. Swanson
Chief Executive Officer

By: Gerald A. Krummel
Gerald A. Krummel

Mayor
Title

In our opinion, the terms and provisions of this Intergovernmental Agreement are fully authorized under State and local law, and the agreement provides full legal authority for the COUNTY to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing.

Scott Parker, Counsel for Clackamas County, Oregon



CLACKAMAS COUNTY

CITY OF WILSONVILLE

MAY 18 1993

RECEIVED

Department of Human Services
Community Development Division

April 30, 1993

GARY DICENZO
DIRECTOR

Ms. Dee Morrison
Administrative Assistant
City of Wilsonville
30000 SW Town Center Loop E.
Wilsonville, OR 97070

Dear Ms. Morrison:

Enclosed is the new Three Year Intergovernmental Agreement which Clackamas County must execute with all cities participating in the Community Development Block Grant (CDBG) Program.

Since 1978, CDBG funds have been used for a variety of housing, neighborhood improvement, community facility, and public improvement projects for low and moderate-income people in cities and communities throughout the County. These agreements are required by HUD and will allow the County, in partnership with the cities, to apply for and receive approximately \$5.5 million of CDBG funds over the next three program years (1994-1996).

I would appreciate having the agreement signed and returned to me by Friday, June 18, 1993. I also need a copy of your Council's minutes or resolution showing authorization to sign the agreement.

To assist in your review of the agreement, I am enclosing a copy of the previous agreement your city executed in 1990 and HUD's instructions pertaining to this new one. Some of the language included in the agreement is somewhat confusing. Nonetheless, the wording is mandated by HUD as you can see in the instructions.

Thank you for your continued participation in this important program. If you have any questions about the Intergovernmental Agreement or the CDBG program, please don't hesitate to contact me at 655-8267 or Doug Youngsma at 655-8591.

Sincerely yours,

Gary DiCenzo, Director
Community Development Division

enclosures



U.S. Department of Housing and Urban Development

Portland Office, Region X
520 Southwest Sixth Avenue
Portland, Oregon 97204-1596

MAR 23 1993

RECEIVED MAR 25 1993

Gary DiCenzo, Director
Clackamas County Community Development
112 11th Street
Oregon City, OR 97045

Dear Mr. Dicenso:

SUBJECT: Instructions for Urban County Qualification for
Participation in the Community Development Block
Grant (CDBG) Program for Fiscal Years 1994-1996

The enclosed notice establishes requirements, procedures, and deadlines to be followed in the Urban County Qualification process for Fiscal Years (FY) 1994-1996 as well as information concerning special considerations and responsibilities for urban counties. Special attention should be directed to the deadlines. Delay in establishing the participating population in just one urban county may result in delays in final allocations of CDBG funds for all entitlement and state CDBG grantees.

This will advise you that HUD has made the determination that the county may undertake essential community development and housing assistance activities in jurisdictions defined in Section IA of the enclosed notice. Should you disagree with this determination, please provide us your written disagreement, including opinion of counsel and any appropriate documentation, within 10 days of the above date.

Please pay particular attention to Section II and the Schedule included, so we can adhere to the timeframes necessary to complete this process in a timely manner. Also, please note Section III and the actions you are to take to complete your part of this process.

The CDBG Urban County Qualification process for the Fiscal Year 1994-1996 qualification period will start March 24, 1993, and run through September 10, 1993. This will provide HUD ample time before the September 30, 1993, deadline for FY 1994 funding under the HOME Program to notify counties that they qualify as urban counties under the CDBG Program.

The National Affordable Housing Act of 1990 imposed two new requirements that affect urban counties. First, to receive FY 1994 CDBG funds, all urban counties must certify that they are following a Comprehensive Housing Affordability Strategy (CHAS) as promulgated in 24 CFR Parts 91 and 570.306.

Specific CHAS guidance where the urban county is in a HOME consortium is provided. Second, specific language must be contained in the cooperation agreement requiring urban counties and participating units of government to adopt and enforce a policy prohibiting excessive force within their jurisdictions, and to enforce state and local laws against physically barring entrance to or exit from facilities subject to nonviolent civil rights demonstrations. See Section V., paragraph I., page 12).


The 1990 Act also provides for urban counties that otherwise would lose their entitlement status due to loss of population or that qualified for entitlement status under Section 102(a)(6)(A), (C), or (D) of the Act to retain their entitlement status if they have been classified as an urban county for two years.

As a result of a recommendation from the Paperwork Reduction Task Force, a provision has been added to allow cooperation agreements with participating units of government to be automatically renewed at the end of the three-year qualification period, unless changes to the agreement are required by HUD that would require the execution of a new agreement. Whenever cooperation agreements without end dates are executed, the urban county will be required to notify participating units of government that the agreement will be automatically renewed unless the agreement is specifically terminated in writing before the end of the county's qualification period. Urban counties that use an agreement with an automatic renewal must include a provision that the agreement remains in effect until CDBG (and HOME, where applicable) funds and income received with respect to the three-year qualification period are expended and the funded activities completed. The county and participating unit of general local government may not terminate or withdraw from the agreement while the agreement remains in effect (See section V., paragraph E., page 11.).

A new provision is required in the cooperation agreement that covers both the CDBG and HOME programs, where applicable.

If we can provide assistance in any way, please contact your CPD Representative at 326-7012.

Sincerely,


R. C. Brinck
Manager

Enclosure

U.S. Department of Housing and Urban Development
Community Planning and Development

NOTICE CPD 93-13

All Regional Administrators
All Regional CPD Directors
All Field Office Managers
All CPD Division Directors

Issued: March 19, 1993
Expires: March 19, 1994

Supersedes CPD 92-16

SUBJ: Instructions for Urban County Qualification for
Participation in the Community Development Block
Grant (CDBG) Program for Fiscal Years 1994-1996

INTRODUCTION

This Notice establishes requirements, procedures and deadlines to be followed in the urban county qualification process for Fiscal Years 1994-1996 as well as information concerning special considerations and responsibilities for urban counties. Special attention should be directed to the deadlines. Delay in establishing the participating population in just one urban county may result in delays in final allocations of CDBG funds for all entitlement and State CDBG grantees. Therefore, HUD Field Offices and urban counties are expected to adhere to the deadlines in this Notice.

Basically, this Notice provides guidance for counties wishing to qualify or requalify for entitlement status as urban counties as well as existing urban counties that wish to include previously non-participating communities.

Beginning this qualification period, the schedule for qualifying urban counties is accelerated in order to be able to operate both the CDBG and HOME programs using the same urban county configurations. The CDBG urban county qualification process for the FY 1994-1996 qualification period will start March 24, 1993, and run through September 10, 1993. This will provide HUD ample time before the September 30 deadline for FY 1994 funding under the HOME Program to notify counties that they qualify as urban counties under the CDBG Program.

CGBE: Distribution: W-3-1, W-1, W-2, R-1, R-6, R-3-1 (CPD, Adm)
Special (CPD Regional and Field Directors)

The National Affordable Housing Act of 1990 imposed two new requirements that affect urban counties. First, to receive FY 1994 CDBG funds, all urban counties must certify that they are following a Comprehensive Housing Affordability Strategy (CHAS) as promulgated in 24 CFR Parts 91 and 570.306. Specific CHAS guidance where the urban county is in a HOME consortium is provided. Second, specific language must be contained in the cooperation agreement requiring urban counties and participating units of government to adopt and enforce a policy prohibiting excessive force within their jurisdictions, and to enforce state and local laws against physically barring entrance to or exit from facilities subject to non-violent civil rights demonstrations (See section V., paragraph I., page 12).

The 1990 Act also provides for urban counties that otherwise would lose their entitlement status due to loss of population or that qualified for entitlement status under Sec. 102(a)(6)(A), (C), or (D) of the Act to retain their entitlement status if they have been classified as an urban county for two years.

As a result of a recommendation from the Paperwork Reduction Task Force, a provision has been added to allow cooperation agreements with participating units of government to be automatically renewed at the end of the three-year qualification period, unless changes to the agreement are required by HUD that would require the execution of a new agreement. Whenever cooperation agreements without end dates are executed, the urban county will be required to notify participating units of government that the agreement will be automatically renewed unless the agreement is specifically terminated in writing before the end of county's qualification period. Urban counties that use an agreement with an automatic renewal must include a provision that the agreement remains in effect until CDBG (and HOME, where applicable) funds and income received with respect to the three-year qualification period are expended and the funded activities completed. The county and participating unit of general local government may not terminate or withdraw from the agreement while the agreement remains in effect (See section V., paragraph E., page 11.).

A new provision is required in the cooperation agreement that covers both the CDBG program and HOME program, where applicable.

This Notice should be provided to all presently qualified urban counties, to each county that can qualify or requalify for Fiscal Years 1994-1996, and to each state administering the State CDBG program which includes a potentially eligible urban county.

3.

This Notice includes five attachments which identify currently qualified urban counties, counties that can qualify or requalify this qualification period, counties that can requalify in FY 1995 and FY 1996, and currently qualified urban counties that can add nonparticipating units of government.

Any questions from Field Offices related to this Notice should be directed to the Data Systems Division at (FTS) 202-708-0790 or to the Entitlement Communities Division at (FTS) 202-708-1577. The TDD number for both divisions is (202) 708-2565.

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COMMUNITY DEVELOPMENT BLOCK GRANT
URBAN COUNTY QUALIFICATION
Fiscal Years 1994-1996

I. GENERAL REQUIREMENTS

A. Threshold

In order to be considered for urban county status, a county must generally have a total population of 200,000 or more (excluding metropolitan cities). This population is derived from the sum of the county's population in its incorporated and unincorporated areas. Once the county meets this minimum population threshold, it may qualify as an urban county by either:

1. Having a total combined population of 200,000 or more (excluding metropolitan cities) from the unincorporated areas and participating incorporated areas; or
2. Having a total combined population of at least 100,000 but less than 200,000 from the unincorporated areas and participating incorporated areas, provided that, in the aggregate, those areas include the majority of persons of low and moderate income that reside in the county (outside of any metropolitan cities). Under this provision the county itself must still have a minimum population of 200,000 (excluding metropolitan cities).

In addition the county must have the authority to undertake essential community development and housing activities in its unincorporated areas and in those areas which are not excluded or for which cooperation agreements have been signed.

B. CHAS

In order to receive an Entitlement Grant, an urban county must have an approved Comprehensive Housing Affordability Strategy (CHAS). This includes urban counties newly qualifying during this qualification period; urban counties that continue to include the same communities previously included in the urban county; and those urban counties that are amending their urban county configuration to add communities that chose not to participate previously. Where an urban county is a joint recipient with a metropolitan city (See section VIII., page 15.), only a single CHAS is required which includes the metropolitan city as a part of the urban county.

The CHAS final rule calls for submission by October 1, 1993, but no later than December 31, 1993, to cover the period of October 1, 1993, through September 30, 1994. (Any newly qualified urban county, that is not a member of a HOME consortium or is not eligible to be designated a participating jurisdiction in the HOME program and that is not notified of its CDBG entitlement status for a fiscal year by April 1 of the preceding fiscal year, will be permitted for that year only to submit its CHAS after the December 31 deadline. However, the CHAS must be submitted and approved by HUD in time for the urban county to submit its CDBG Final Statement on or before the first working day in September of the fiscal year for which it is first funded.) The CHAS must meet all requirements of 24 CFR Part 91, including all required certifications, and cover a five-year period, with annual updates.

If the urban county configuration should change during the five-year CHAS period (e.g., a non-participating jurisdiction should choose to join the urban county), the CHAS must be amended.

CHAS REQUIREMENTS WHERE THE URBAN COUNTY IS IN A HOME CONSORTIUM

Where units of general local government form a "consortium" to receive HOME funding, only the consortium submits a single consolidated CHAS. An urban county which is a member of a consortium therefore does not submit its own CHAS, but the consortium's CHAS must include a separate investment

plan for the CDBG entitlement grantee, i.e., the urban county, pursuant to the CHAS regulations (See 24 CFR 91.23.). If the urban county is also a joint recipient with a metropolitan city under a joint request (See section VIII.), the separate investment plan must cover the joint recipient. (If either the metropolitan city or urban county is not a member of the consortium, in such cases, the HUD Office of Affordable Housing in Washington should be contacted for information on the CHAS requirements.)

II. QUALIFICATION SCHEDULE

The following schedule will govern the procedure for urban county qualification for Fiscal Years 1994-1996. Unless noted otherwise, deadlines may only be extended by prior written authorization from Headquarters. Deadlines in paragraphs D, E, and G may be extended by the Field as specified below. However, no extension may be granted by the Field if it would have the effect of extending a deadline that the Field is not authorized to extend.

- A. By March 24, 1993, the HUD Field Office shall notify counties that may seek to qualify or requalify as an urban county of HUD's Determination of Essential Powers as certified by the Field Office Counsel.
- B. By April 9, 1993, counties must notify split places of their options for exclusion from or participation in the urban county.
- C. By April 9, 1993, counties must notify each included unit of general local government in which the county is authorized to undertake essential community development and housing assistance activities without the consent of the governing body of the locality of its right to elect to be excluded from the urban county, and the date by which it must make such election (See paragraph D, below.). Included units of government must also be notified that they are not eligible to apply for grants under the Small Cities or State CDBG programs while they are part of the urban county, and that in becoming a part of the urban county they are also participating in the HOME program if the urban county receives HOME funding. A county, which is already qualified as an urban county in FY 1994, may elect to notify nonparticipating units of government that they now have an opportunity to join the urban county for the remainder of the urban county's qualification period (See paragraph F. below.).

- D. By May 21, 1993, any such included unit of general local government that elects to be excluded from an urban county must notify the county and HUD, in writing, that it elects to be excluded. Any extension of this deadline must be authorized in writing by the Field Office. An extension of more than seven days requires notification of Headquarters by telephone.
- E. By May 21, 1993, any unit of general local government that meets "metropolitan city" status for the first time and wishes to defer such status and stay with or to accept such status and become a joint recipient with the urban county must notify the county and the HUD Field Office in writing that it elects to defer its metropolitan city status or to accept its status and join with the urban county in a joint agreement. Any metropolitan city that had deferred its status previously or had accepted its status and entered into a joint agreement with the urban county, and wishes to maintain the same relationship with the county for this next qualification period, must notify the county and the HUD Field Office in writing by this date. Any extension of this deadline must be authorized in writing by the Field Office. An extension of more than seven days requires notification of Headquarters by telephone.
- F. By May 21, 1993, any unit of general local government that is not currently participating in an urban county and chooses to participate for the remaining 2nd or 3rd year of the county's qualification period, must notify the county and HUD in writing that it elects to be included. The county may allow additional time provided any such extension does not interfere with the county's ability to meet the deadline in paragraph G.
- G. By July 16, 1993, any county seeking to qualify as an urban county or that is including any previously non-participating units of general local government into its configuration must submit to the appropriate HUD Field Office all qualification documentation described in section IV., page 8. Any extension of this deadline must be authorized in writing by the Field Office, and should not interfere with the Field Office's ability to meet the deadline in paragraph H.

Headquarters should be notified by telephone if an extension of more than seven days is provided.

- H. By August 6, 1993, Field Office Counsel should complete the reviews of all cooperation agreements and related authorizations and certify that each cooperating agreement meets the requirements of section V.; page 10. Any delay in completion of the review must not interfere with the Field Office's ability to meet the deadline in paragraph I. Headquarters should be notified by telephone of any delay in the Field Counsel's review.
- I. By August 20, 1993, Field Offices shall update and complete the worksheet for each county and send a copy of the urban county status worksheet, with revisions as appropriate, concurrently to the appropriate county for verification of data and (via cc:mail) to the CPD Data Systems and Statistics Division in Headquarters. Field Offices shall also concurrently forward to Data Systems and the urban county a memorandum that identifies any urban county already qualified for FY 1994 that is adding any new units of government together with the names of the newly included units of government. THIS DEADLINE MAY NOT BE EXTENDED WITHOUT PRIOR WRITTEN AUTHORIZATION FROM HEADQUARTERS.
- J. By August 31, 1993 (or as soon as possible thereafter), Headquarters will complete its review of the urban county status worksheets and return via cc:mail the updated worksheets to Field Offices with an accompanying memorandum notifying the Field Office of any apparent discrepancies, problems or questions. The Field Office is to verify the data and notify Data Systems within seven days if any problems exist. If there are no problems, Field Offices will notify each county seeking to qualify as an urban county of its urban county status for Fiscal Years 1994 through 1996 by September 10, 1993.

III. ACTIONS TO BE TAKEN BY COUNTY

The following actions are to be taken by the urban county:

- A. Cooperation Agreements/Amendments. Urban counties that must enter into cooperation agreements or amendments, as appropriate (See section V., paragraph E., page 11.), with the units of general local government located in whole or in part within the county must submit to HUD executed cooperation agreements, together with evidence of authorization by the governing bodies of both parties (county and included unit) executed by the proper officials in sufficient time to meet the deadline for submission indicated in the schedule. These cooperation agreements must meet the standards in section V. of this Notice.
- B. Notification of Opportunity to be Excluded. Units of general local government in which counties have authority to carry out essential community development and housing activities without the consent of the local governing body are automatically included in the urban county unless they elect to be excluded at the time of qualification or requalification. Any county that has such units of general local government must notify each such unit that it may elect to be excluded from the urban county. The unit of government must be notified:
1. That if it chooses to remain with the urban county, it is ineligible to apply for grants under the Small Cities or State CDBG programs while it is part of the urban county;
 2. That if it chooses to remain with the urban county, it is also a participant in the HOME program if the urban county receives HOME funding;
 3. That if it chooses to be excluded from the urban county, it must notify both the County and HUD of its election to be excluded by the date specified in the schedule in section II..

Such election to be excluded will be effective for the entire three-year period for which the urban county qualifies, unless the excluded unit specifically elects to be included in a succeeding year for the remainder of the urban county's qualification period. Such notification of election must be provided in writing by the date specified in the schedule.

- C. Notification of Opportunity to be Included. Any currently qualified urban county that has one or more non-participating units of general local government may elect to notify, in writing, any such unit of local government during the second or third year of the qualification period that it has the opportunity to be included for the remaining period of urban county qualification, and of the deadline for such election. Such notification must state that the unit of general local government must notify the county and HUD, in writing, of its official election to be included. In the case where the unit is one for which cooperation agreements are necessary, the unit electing to be included in the county for the remainder of the qualification period must also submit to the county a cooperation agreement meeting the standards in section V., page 10. The agreement must be received by HUD by the date specified in section II of this Notice.
- D. Notification of Split Places. Counties seeking qualification as urban counties and having units of general local government located only partly within the county must notify such units of their applicable rights by the date provided in the schedule. Specifically, the county must notify a split place with any population located in the county of the following:
1. Except for the case described in paragraph 2, below:
 - a. Where it is a split place in which the county has essential powers, unless the jurisdiction elects to be excluded, failure to opt out of the county will include the entire area of that jurisdiction in the urban county for the urban county qualification period; or

- b. Where the split place can only be included in the county upon the execution of a cooperation agreement, the entire area of the jurisdiction will be included in the urban county for the urban county qualification period upon execution of such an agreement; or
- 2. Where the split place is partially located within two or more urban counties, the jurisdiction may choose to be excluded from all urban counties; or it may choose to be entirely included in one urban county and excluded from all other such counties; or it may elect to participate as a part of more than one of the urban counties in which it is partially located provided that no single portion of the split place is included in more than one entitled urban county at a time, and all parts of the split place are included in the urban counties.

IV. DOCUMENTS TO BE SUBMITTED TO HUD

Any county seeking to qualify as an urban county for Fiscal Year 1994 or that wishes to exercise its option to include units of government that are not currently in the county CDBG program must submit to the responsible HUD Field Office:

- A. A copy of the letter notifying applicable units of general local government, if any, of the opportunity to elect to be excluded from the urban county along with a copy of the notification of exclusion submitted to the county by any such units of general local government (See section III., paragraph B. above.). This does not apply to an already qualified urban county adding communities.
- B. A copy of the letter from any unit of general local government joining an already qualified county officially notifying the county of its election to be included.

- C. A copy of the letter, where applicable, from
1. Any city that may newly qualify as a metropolitan city but that wishes to defer that status, or
 2. Any city currently deferring metropolitan city status that wishes to continue to defer such status.
- D. Where applicable, copies of fully executed cooperation agreements between the county and its included units of general local government, including any cooperation agreements from applicable units of general local government covered under section III, paragraph C., page 7, and the opinions of county counsel and governing body authorizations required in section V., paragraph G., page 12.

Where a county has in effect cooperation agreements which provide for automatic renewal of the urban county qualification period as provided under section V., paragraph E., page 11, then at the time of such automatic renewal only copies of executed amendments to such cooperation agreements must be submitted, along with the opinion of county counsel, and if locally required, governing body authorizations.

- E. Any joint request(s) for inclusion of a metropolitan city as a part of the urban county as permitted by section VIII., paragraph A., page 15, along with a copy of the required cooperation agreement(s). Where either the urban county or the metropolitan city would otherwise fall under the exception criteria for activities that benefit low and moderate-income residents of an area, the urban county must notify, in writing, the metropolitan city of the potential effects of such joint agreements on such activities. See section VIII., paragraph A., for further clarification.

V. COOPERATION AGREEMENTS

All cooperation agreements must meet the following standards in order to be found acceptable:

- A. The governing body of the county and the governing body of the cooperating unit of general local government shall authorize the agreement and the chief executive officer of each body shall execute the agreement.
- B. The agreement must contain, or be accompanied by, a legal opinion from the county's counsel that the terms and provisions of the agreement are fully authorized under State and local law and that the agreement provides full legal authority for the county to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing. A mere certification by the county's counsel that the agreement is approved as to form is insufficient and unacceptable.
- C. The agreement must state that the agreement covers both the CDBG Entitlement program and, where applicable (i.e., where urban county receives funding under the HOME program as a participating jurisdiction or as a member of a HOME consortium) the HOME Investment Partnership program.
- D. The agreement must state that by executing the CDBG cooperation agreement that the included unit of general local government understands that it:
 1. may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program; and
 2. may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation.

- E. The agreement must specify the urban county qualification period (the three Federal Fiscal Years for which the urban county is to qualify to receive CDBG entitlement funding or, where applicable, the remaining one or two years of an existing urban county's qualification period). At the option of the county, the agreement may provide that it will automatically be renewed for participation in successive three-year qualification periods, unless the county or the participating unit of general local government provides written notice it elects not to participate in a new qualification period. A copy of the notice must be sent to the HUD Field Office. Where such agreements are used, the agreement must state that by the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right to make such election. A copy of the county's notification must be sent to the HUD Field Office by the date specified in the urban county qualification notice.

Cooperative agreements with automatic renewal provisions must provide that failure by either party to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the urban county qualification notice (See section IV., paragraph D., page 9.), will void the automatic renewal of such qualification period.

- F. The agreement must provide that it remains in effect until the CDBG (and HOME, where applicable) funds and income received with respect to the three-year qualification period (and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed, and that the county and participating unit of general local government may not terminate or withdraw from the agreement while the agreement remains in effect.

- G. The agreement must expressly state that the county and the cooperating unit of general local government agree to "cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing." As an alternative to this wording, the cooperation agreement may reference State legislation authorizing such activities, but only with the approval of the specific alternative wording by HUD Field Counsel.
- H. The agreement must contain a provision obligating the county and all cooperating units of general local government to take all actions necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws. Further, agreements shall contain a provision prohibiting urban county funding for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the entire urban county) which may provide cause for funding sanctions or other remedial actions by the Department.
- I. The agreement must expressly state "that the cooperating unit of general local government has adopted and is enforcing:
1. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions."
- J. The agreement may not contain a provision for veto or other restriction that would allow any party to the agreement to obstruct the implementation of the approved Comprehensive Housing Affordability Strategy (CHAS) during the period covered by the agreement. The county has final responsibility for selecting CDBG (and HOME, where applicable) activities and annually filing the Final Statement with HUD.
 - K. The agreement must contain provisions specifying that, pursuant to 24 CFR 570.501(b), the unit of local government is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.
 - L. A county may also include in the cooperation agreement any provisions authorized by State and local laws that legally obligate the cooperating units to undertake the necessary actions, as determined by the county, to carry out a community development program and the approved CHAS, and/or meet other requirements of the CDBG (and HOME, where applicable) programs and other applicable laws.

VI. PERIOD OF QUALIFICATION

- A. General. Any county that qualifies as an urban county will be entitled to receive funds as an urban county for three consecutive Fiscal Years regardless of changes in its population or boundary or population changes in any communities contained within the urban county during that period. However, during the period of qualification no included unit of general local government may withdraw from the urban county unless the urban county does not receive a grant for any year during such period.

The urban county's grant amount is calculated annually and will reflect the addition of any new units of general local government during the second and third years of the period of qualification.

Any unincorporated portion of the county that incorporates during the urban county qualification period will remain part of the urban county through the end of the three-year period. For example, any unit of general local government that is part of an urban county will continue to be included in the urban county for that county's qualification period, even if it is designated a central city of a metropolitan area or its population surpasses 50,000 during that period. Such an included unit of general local government cannot become eligible for a separate entitlement grant as a metropolitan city while participating as a part of an urban county.

- B. Retaining Urban County Classification. Any county that has been classified as an urban county for at least 2 years, will retain its classification as an urban county, unless the urban county qualified under section 102(a)(6)(A) of the Housing and Community Development Act of 1974, as amended (the Act), and fails to requalify under that section due to the election of a previously participating non-entitlement community to opt out or not to renew a cooperation agreement.
- C. Eligibility for "phase-down" grants. If a county no longer qualifies as an urban county because a previously included unit of government chooses not to be included, the county may be entitled to receive a "phase-down" grant under Section 102(a)(6)(E) of the Housing and Community Development Act of 1974, as amended. If this should happen, the county should contact the Field Office for further guidance.

VII. URBAN COUNTY PROGRAM RESPONSIBILITIES

The county, as the CDBG grant recipient, either for the urban county or a joint recipient (See VIII., paragraph A.), has full responsibility for the execution of the community development program, for following its CHAS, and for meeting the requirements of other applicable laws (e.g., National Environmental Policy Act, Fair Housing Act, and Uniform Relocation Act). The county's responsibility must include these functions even where, as a matter of administrative convenience or State law, the county permits the participating units of general local government to carry out essential community development and housing assistance activities. The county will be held responsible for the accomplishment of the community development program, for following the CHAS, and for ensuring that actions necessary for such accomplishment are taken by cooperating units of general local government.

VIII. SPECIAL CONSIDERATIONS

A. Metropolitan City/Urban County Joint Recipients

Any urban county and any metropolitan city located in whole or in part within that county can request HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing assistance program. HUD will consider approving a joint request only if submitted at the time the county is seeking its qualification as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may be a joint recipient with only one urban county at a time.

Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city becomes a part of the urban county for purposes of program planning and implementation for the entire period of the urban county qualification, and for the CDBG program, will be treated by HUD as any other unit of general local government that is a part of the urban county. When a metropolitan city joins an urban county in this manner, the grant amount is the sum of the amounts authorized for the

individual metropolitan city and urban county. The urban county becomes the grant recipient. A joint request will be deemed approved unless HUD notifies the city and the county otherwise within 30 days following submission of the joint request and a cooperation agreement meeting all of the requirements specified under section V., page 10.

Counties and metropolitan cities considering a joint request should be aware that significant effects could occur where either the urban county or the metropolitan city would otherwise fall under the "exception rule" criteria [see 24 CFR 570.208(a)(1)(ii)] for activities that benefit low- and moderate-income residents on an area basis. Joint agreements result in a modification to an urban county's configuration, and since a change in the mix of census block groups in an urban county would likely change the relative ranking of specific block groups by quartile, this may also change the minimum concentration of low- and moderate-income persons under the "exception rule." HUD will make a rank ordering computer run available to counties and metropolitan cities considering joint participation to assist them in determining the possible effects of inclusion and how such agreements may impact their respective programs.

B. Subrecipient Agreements

The execution of cooperation agreements meeting the requirements of section V., page 10, herein between an urban county and its participating units of local government does not in itself satisfy the requirement for a written agreement required by the regulations at 24 CFR 570.503. Where a participating unit of general local government carries out an eligible activity funded by the urban county, the urban county is responsible, prior to disbursing any CDBG funds for any such activity or project, for executing a written agreement with the unit of government containing the minimum requirements found at 24 CFR 570.503. The agreement must remain in effect during any period that the unit of local government has control over CDBG funds, including program income generated by activities of the urban county.

C. Ineligibility for State and Small Cities CDBG Program

An urban county's included units of general local government are ineligible to apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Entitlement CDBG program with the urban county.

D. Eligibility for a HOME Consortium.

When included units of local government become part of an urban county for the CDBG Program, they are part of the urban county for the HOME Program if the urban county receives HOME funding. Therefore, an urban county's included units of general local government may be a part of a HOME consortium only through the urban county, regardless of whether the urban county receives a HOME formula allocation.

ATTACHMENT A.

A. ALL CURRENTLY QUALIFIED URBAN COUNTIES

REGION	STATE	COUNTY
02	New Jersey	Bergen
02	New Jersey	Burlington
02	New Jersey	Camden
02	New Jersey	Essex
02	New Jersey	Gloucester
02	New Jersey	Hudson
02	New Jersey	Middlesex
02	New Jersey	Monmouth
02	New Jersey	Morris
02	New Jersey	Ocean
02	New Jersey	Somerset
02	New Jersey	Union
02	New York	Dutchess
02	New York	Erie
02	New York	Monroe
02	New York	Nassau
02	New York	Onondaga
02	New York	Orange
02	New York	Rockland
02	New York	Suffolk
02	New York	Westchester
03	Delaware	New Castle
03	Maryland	Anne Arundel
03	Maryland	Baltimore
03	Maryland	Montgomery
03	Maryland	Prince Georges
03	Pennsylvania	Allegheny
03	Pennsylvania	Beaver
03	Pennsylvania	Berks
03	Pennsylvania	Bucks
03	Pennsylvania	Chester
03	Pennsylvania	Delaware
03	Pennsylvania	Lancaster
03	Pennsylvania	Luzerne
03	Pennsylvania	Montgomery
03	Pennsylvania	Washington
03	Pennsylvania	Westmoreland
03	Pennsylvania	York

ATTACHMENT A. (continued)

REGION	STATE	COUNTY
03	Virginia	Arlington
03	Virginia	Chesterfield
03	Virginia	Fairfax
03	Virginia	Henrico
03	Virginia	Prince William
04	Alabama	Jefferson
04	Florida	Brevard
04	Florida	Broward
04	Florida	Dade
04	Florida	Escambia
04	Florida	Hillsborough
04	Florida	Lee
04	Florida	Orange
04	Florida	Palm Beach
04	Florida	Pasco
04	Florida	Pinellas
04	Florida	Polk
04	Florida	Sarasota
04	Florida	Seminole
04	Florida	Volusia
04	Georgia	Gwinnett
04	Georgia	Cobb
04	Georgia	DeKalb
04	Georgia	Fulton
04	Kentucky	Jefferson
04	North Carolina	Wake
04	South Carolina	Greenville
04	Tennessee	Knox
04	Tennessee	Shelby
05	Indiana	Lake
05	Illinois	Cook
05	Illinois	DuPage
05	Illinois	Lake
05	Illinois	Madison
05	Illinois	St. Clair
05	Illinois	Will
05	Michigan	Genesee
05	Michigan	Kent
05	Michigan	Macomb
05	Michigan	Oakland
05	Minnesota	Wayne
05	Minnesota	Anoka

ATTACHMENT A. (continued)

REGION	STATE	COUNTY
05	Minnesota	Dakota
05	Minnesota	Hennepin
05	Minnesota	Ramsey
05	Minnesota	St. Louis
05	Ohio	Cuyahoga
05	Ohio	Franklin
05	Ohio	Hamilton
05	Ohio	Lake
05	Ohio	Montgomery
05	Ohio	Stark
05	Ohio	Summit
05	Wisconsin	Milwaukee
05	Wisconsin	Waukesha
06	Texas	Bexar
06	Texas	Dallas
06	Texas	Fort Bend
06	Texas	Harris
06	Texas	Hidalgo
06	Texas	Tarrant
06	Louisiana	Jefferson
07	Missouri	St. Louis
07	Kansas	Johnson
08	Colorado	Adams
08	Colorado	Arapahoe
08	Utah	Salt Lake
09	Arizona	Pima
09	Arizona	Maricopa
09	California	Alameda
09	California	Contra Costa
09	California	Fresno
09	California	Kern
09	California	Los Angeles
09	California	Marin
09	California	Orange
09	California	Riverside
09	California	Sacramento
09	California	San Bernardino

ATTACHMENT A. (Continued)

REGION	STATE	COUNTY
09	California	San Diego
09	California	San Joaquin
09	California	San Mateo
09	California	Santa Clara
09	California	Sonoma
09	California	Ventura
09	Nevada	Clark
10	Oregon	Clackamas
10	Oregon	Multnomah
10	Oregon	Washington
10	Washington	Clark
10	Washington	King
10	Washington	Kitsap
10	Washington	Pierce
10	Washington	Snohomish
10	Washington	Spokane

ATTACHMENT B.

B. URBAN COUNTIES SCHEDULED TO QUALIFY OR REQUALIFY
IN 1993 FOR FY 1994 - 1996

REGION	STATE	COUNTY
02	New Jersey	Bergen
02	New Jersey	Burlington
02	New Jersey	Camden
02	New Jersey	Essex
02	New Jersey	Hudson
02	New Jersey	Middlesex
02	New Jersey	Monmouth
02	New Jersey	Morris
02	New Jersey	Union
02	New York	Erie
02	New York	Monroe
02	New York	Nassau
02	New York	Onondaga
02	New York	Orange
02	New York	Rockland
02	New York	Suffolk
02	New York	Westchester
03	Delaware	New Castle
03	Maryland	Anne Arundel
03	Maryland	Baltimore
03	Maryland	Montgomery
03	Maryland	Prince Georges
03	Pennsylvania	Allegheny
03	Pennsylvania	Beaver
03	Pennsylvania	Berks
03	Pennsylvania	Bucks
03	Pennsylvania	Chester
03	Pennsylvania	Delaware
03	Pennsylvania	Lancaster
03	Pennsylvania	Luzerne
03	Pennsylvania	Montgomery
03	Pennsylvania	Washington
03	Pennsylvania	Westmoreland
03	Pennsylvania	York
03	Virginia	Arlington
03	Virginia	Fairfax

ATTACHMENT B. (continued)

REGION	STATE	COUNTY
04	Alabama	Jefferson
04	Florida	Broward
04	Florida	Dade
04	Florida	Escambia
04	Florida	Hillsborough
04	Florida	Orange
04	Florida	Palm Beach
04	Florida	Pinellas
04	Florida	Polk
04	Florida	Volusia
04	Georgia	Cobb
04	Georgia	DeKalb
04	Georgia	Fulton
04	Kentucky	Jefferson
04	South Carolina	Greenville
04	Tennessee	Knox*
05	Illinois	Cook
05	Illinois	DuPage
05	Illinois	Lake
05	Illinois	Madison
05	Illinois	St. Clair
05	Illinois	Will
05	Michigan	Genesee
05	Michigan	Kent
05	Michigan	Macomb
05	Michigan	Oakland
05	Michigan	Wayne
05	Minnesota	Hennepin
05	Ohio	Cuyahoga
05	Ohio	Franklin
05	Ohio	Hamilton
05	Ohio	Lake
05	Ohio	Montgomery
05	Ohio	Stark
05	Ohio	Summit
05	Wisconsin	Milwaukee
06	Louisiana	Jefferson
06	Texas	Dallas
06	Texas	Harris
06	Texas	Hidalgo
06	Texas	Tarrant

*Knox County qualified as an urban county under Section 102(a)(6)(D) of the Housing Act of 1974, as amended, and is "grandfathered" under Sec. 102(a)(6)(B) of the Act.

ATTACHMENT B. (continued)

REGION	STATE	COUNTY
07	Missouri	St. Louis
08	Colorado	Jefferson *
08	Utah	Salt Lake
09	Arizona	Maricopa
09	California	Alameda
09	California	Contra Costa
09	California	Fresno
09	California	Kern
09	California	Los Angeles
09	California	Marin
09	California	Orange
09	California	Riverside
09	California	Sacramento
09	California	San Bernardino
09	California	San Diego
09	California	San Joaquin
09	California	San Luis Obispo**
09	California	San Mateo
09	California	Santa Clara
09	California	Sonoma
09	Nevada	Clark
10	Oregon	Clackamas
10	Oregon	Washington
10	Washington	Clark
10	Washington	King
10	Washington	Pierce
10	Washington	Snohomish
10	Washington	Spokane

*The County may request a HUD determination under the fast-growing provision (Sec. 102(a)(6)(C)).

**The County may qualify for the first time under Sec.102(a)(6)(A).

ATTACHMENT C.

C. COUNTIES SCHEDULED TO QUALIFY OR REQUALIFY
IN 1994 FOR FY 1995 - 1997

REGION	STATE	COUNTY
02	New York	Dutchess
03	Virginia	Chesterfield
03	Virginia	Prince William
04	Florida	Brevard
04	Florida	Pasco
04	Florida	Seminole
04	Georgia	Gwinnett
04	North Carolina	Wake
04	Tennessee	Shelby
05	Indiana	Lake
05	Minnesota	Ramsey
06	Texas	Bexar
06	Texas	Fort Bend
07	Kansas	Johnson
08	Colorado	Adams
08	Colorado	Arapahoe
09	California	Ventura
10	Oregon	Multnomah

ATTACHMENT D.

D. COUNTIES SCHEDULED TO QUALIFY OR REQUALIFY
IN 1995 FOR FY 1996 - 1998

REGION	STATE	COUNTY
02	New Jersey	Gloucester
02	New Jersey	Ocean
02	New Jersey	Somerset
03	Virginia	Henrico
04	Florida	Lee
04	Florida	Sarasota
05	Minnesota	Anoka
05	Minnesota	Dakota
05	Minnesota	St. Louis
05	Wisconsin	Waukesha
09	Arizona	Pima
10	Washington	Kitsap

ATTACHMENT E.

E. Counties Qualified through 1994 Or 1995
THAT CONTAIN NON-PARTICIPATING COMMUNITIES

During this qualification period, the following urban counties now have the option to provide an opportunity for an excluded unit of general local government to elect to have its population included in that of the urban county and be eligible to participate in the urban county CDBG program for the remainder of the qualification period.

REGION	STATE	COUNTY
02	New York	Dutchess
02	New Jersey	Gloucester
02	New Jersey	Ocean
04	Florida	Brevard
04	Florida	Pasco
04	Florida	Lee
04	North Carolina	Wake
04	Tennessee	Shelby
05	Minnesota	Dakota
05	Minnesota	St. Louis
05	Wisconsin	Waukesha
06	Texas	Bexar
06	Texas	Fort Bend
08	Colorado	Adams
08	Colorado	Arapahoe