

## **CDBG Compliance Requirements**

**504 ADA Grievance Procedure** – Policy for the public to make claims of discrimination due to disability with regards to the denial of participation in a CDBG project.

**Local Economic Benefit for Low- and Very Low-Income Persons Plan (Section 3 Plan)** – The Plan states that the CDBG recipient will make a good faith effort to fill needed positions for CDBG construction projects with lower-income residents of the project area. Contractors and subcontractors have to adopt similar plans.

**Procurement Policy** Policy the CDBG recipient is to follow in the procurement of Grant Administrative Services, Engineering Services, and Contractors for a project using CDBG funding.

**Code of Conduct** Policy assuring that no member of the elected governing body, anyone in a decision making position, or their immediate family will *personally or financially* gain from a project using CDBG funding.

**Residential Anti-displacement and Relocation Assistance Plan** – Plan outlining the relocation procedures for those homeowners displaced by a project using CDBG funds.

**Optional Coverage Relocation Plan/Resolution** – The plan is adopted as an alternative to the Uniform Relocation Act. This allows the CDBG recipient to be more flexible in the assistance provided to those homeowners relocated because of participation in a CDBG project.

**Citizen Participation Plan** – Procedures for providing access to project information to the public. It includes the process for properly advertised public hearings in an accessible forum. Also included in the plan is a complaint procedure.

**Project Ordinance** – This ordinance provides the CDBG funding breakdown of the project. It alerts the CDBG recipient's finance office of the accounting requirements of the funding and how the funds should be tracked.

**Equal Employment and Procurement Plan** – The plan assures that CDBG recipients will not discriminate on the basis of religion, race, color, creed, sex, national origin, disability, or age as it pertains to their hiring practices of employees.

**Complaint Procedure** - The Procedure for the public to submit complaints to the governing body with regards to the current Scattered Site Housing Program.

**Language Access Plan (LAP)** – The procedure the County will follow to assist those citizens/applicants with Limited English Proficiency (LEP).

## **Fair Housing**

**Fair Housing Plan** – Plan outlines a list of quarterly activities to promote Fair Housing through the life of the project.

**Fair Housing Resolution** – Policy prohibiting the practice of discrimination on the basis of religion, race, color, creed, sex, national origin, disability, or age as related to the purchase or rental of housing within the Town/County. The resolution also urges businesses and citizens to comply.

**Fair Housing Complaint Procedure** – The Procedure for the public to submit complaints to the governing body with regards to Fair Housing.

**Fair Housing Analysis of Impediments** – Report analyzing the fair housing impediments of the Town/County.

# **YANCEY COUNTY**

## **SECTION 504 ADA GRIEVANCE PROCEDURES**

WHEREAS, the Board of Commissioners of Yancey County, North Carolina is committed to complying with the Americans with Disabilities Act; and

WHEREAS, the Board of Commissioners of Yancey County, North Carolina recognizes the potential for complaints regarding compliance.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of Yancey County, North Carolina does adopt and will adhere to the following Yancey County ADA Grievance Procedure.

Yancey County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

Complaints shall be addressed to the County Building Inspector, (828) 682 7833, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violations of the regulations.
2. A complaint should be filed within thirty days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the County Building Inspector and the Chairman of the Board of Commissioners. These rules assume informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Under the Department of Justice regulations, Yancey County needs not process complaints from applications for employment or from applications for admission to post-secondary educational institutions.

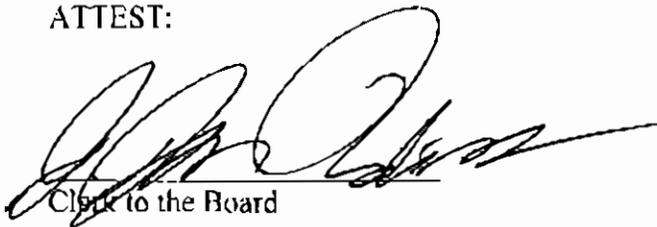
4. A written determination as to the validity of the complaint and a description of the Resolution, if any, shall be issued by the County Building Inspector and a copy forwarded to the complainant no later than thirty days after its filing.

5. The ADA coordinator shall maintain files and records of Yancey County relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty days to the members of the Board of Commissioners.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Yancey County complies with the ADA implementing regulations.

ADOPTED AND APPROVED this 7<sup>th</sup> day of August, 2012.

  
Chairman, Board of Commissioners

ATTEST:

  
Clerk to the Board

## YANCEY COUNTY CITIZEN PARTICIPATION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

The Yancey County will provide citizens with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning implementation, and assessment of CDBG programs. The procedures for ensuring this are outlined below.

- (1) Citizen participation in the application process. The County shall
  - (A) Solicit and respond in a timely manner to views and proposals of citizens, particularly low-and moderate-income persons, members of minority groups, and residents of blighted areas where activities are proposed. The County shall respond in writing to written citizens comments. Responses shall be made within ten calendar days of receipt of the citizen comment.
  - (B) Provide technical assistance to facilitate citizen participation, where requested. The technical assistance shall be provided to groups representative of persons of low-and moderate-income that request such assistance in developing proposals. The level and type shall be determined by the County.
  - (C) Provide adequate notices of public hearings in timely manner to all citizens and in such a way as to make them understandable to non-English speaking persons. Non-English speaking persons should request assistance in a timely manner prior to the hearing by notifying the office of the County Manager. Hearings will be held at times and locations convenient to potential or actual beneficiaries and with accommodations for the handicapped. A notice of the public hearing shall be published at least once in the nonlegal section of a newspaper having general circulation in the area. The notice shall be published no less than ten days nor more than 25 days before the date fixed for the hearing. The notice of public hearing to obtain citizens' views after the application has been prepared, but prior to the submission of the application to the NC Community Investment & Assistance (CI) shall contain a description of the proposed project(s) including the proposed project location, activities to be carried out, and the total costs of activities.
  - (D) Schedule hearings to obtain citizens' views and to respond to citizen proposals at times and locations that permit broad participation, particularly by low-and moderate-income persons, members of minority groups, handicapped persons, and residents of blighted neighborhoods and project areas.
  - (E) Conduct one public hearing during the planning process to allow citizens the opportunity to express views and proposals prior to formulation of the application.
  - (F) Conduct one public hearing after the application has been prepared but prior to submission of the application to CI.

(2) Submitting objections to the NC Community Investment & Assistance (CI).

(A) Persons wishing to object to the approval of an application by the Yancey County shall submit to CI their objections in writing. CI will consider objections made only on the following grounds.

- (i) The applicant's description of the needs and objectives is plainly inconsistent with available facts and data.
- (ii) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant, and
- (iii) The application does not comply with the requirements of CI or other applicable laws.

(B) All objections shall include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objection shall include the facts and data upon which the objection is based.

(C) The address of the NC Community Investment & Assistance is attached to this plan.

(3) Submitting objections to the County.

(A) Persons wishing to object directly to the County please refer to the complaint procedures established by the Yancey County that is attached.

(4) Citizen participation is provided for in the program amendment process, if the County proposes an amendment that would require prior North Carolina Department of Economic and Community Development (NCDIED) approval. The County will:

- (A) Will conduct one public hearing prior to the submission of the amendment to CI in the same manner as in Part (1), (A),(B),(C),(D), of this plan.
- (B) Will respond to citizen's objections and comments in the same manner as in (2) (A),(B),(C) and (3) (A).

(5) Submitting Objections to the NC Community Investment & Assistance (CI).

(A) Persons wishing to object to the approval of an amendment by CI shall make such objection in writing. CI will consider objections made only on the following grounds:

- (i) The recipient's description of needs and objectives is plainly inconsistent with available facts and data.

- (ii) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the recipient, and
  - (iii) The amendment does not comply with the requirements of applicable laws and regulations.
- (B) All objections shall include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the objection shall include the facts and data upon which the objection is based.
- (6) Citizen participation in the program closeout process.
- (A) Recipients shall conduct one public hearing to assess program performance during the grant closeout process and prior to the actual closeout of the grant in the same manner as in Part (1)(A)(B)(C) of this plan.
  - (B) Recipients shall continue to solicit and respond to citizen comment in the same manner as in Part (2),(A),(B),(C) and (3)(A). of this plan until such time as the grant program is closed.
- (7) Persons may submit written comments to CI at any time concerning the applicant's or recipient's failure to comply with the requirements contained in this plan.
- (i) All records of public hearings, citizens' comments, responses to comments and other relevant documents and papers shall be kept in accordance with Rule .0911 the program regulations. All program records shall be accessible to citizens in accordance with Rule .0911(b) of the program regulations.

The Yancey County Complaint Procedure Process  
Community Development Block Grant (CDBG) Program

Persons wishing to object to the Yancey County's Community Development Block Grant Program shall submit a complaint in writing. The objection shall be addressed to the County Manager, 110 Town Square, Room 11, Burnsville, NC 28714. A citizen may contact the office of the manager by telephone at (828) 682-3971 for clarification or further information on the complaint process.

The County will respond within fifteen (15) calendar days of receipt of the complaint. The County will consider objections made on the following grounds:

- a.) the recipient's description of needs and objectives is plainly inconsistent with available facts and data, and
- b.) the activities undertaken are plainly inappropriate to meeting the needs and objectives identified by the recipient.

All objections shall include an identification of requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available data and facts, the objection shall include the facts and data upon which the data is based.

Additionally, the complaint shall contain:

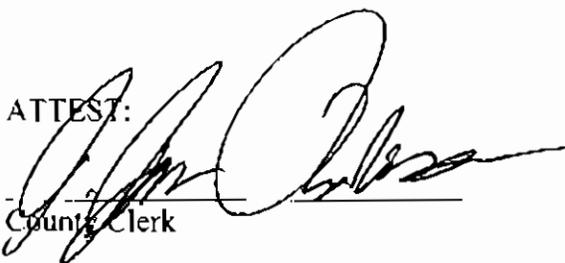
- a. The name and signature of the complainant.
- b. The address to which the County's response should be mailed.
- c. A telephone number where the complainant, or an individual knowledgeable about the substance of the complaint, can be reached during daytime hours.
- d. The nature of the complaint, including any relevant information or documentation.
- e. A recommendation concerning how the complainant wishes to have the matter resolved.

**Note:** In the case of a handicapped person who is unable to prepare a written response, a phone call to the office (828) 682-3971 (*Relay NC may be used by calling 711 or (877) 735-8200 for those who have a hearing or speech disability*) will be sufficient for such persons to initiate the complaint process. The County will make every reasonable effort to provide a written response to a complainant within fifteen (15) days of its receipt or, if the complaint is about work presently occurring at a property, an "action" response within two (2) days of receipt of notice, followed up by a written response will occur. The County will indicate its position on the matter and the action it proposes to take. The County will not be obligated, however, to respond to any anonymous or fictitious complaints.

Adopted this the 7<sup>th</sup> day of August, 2012.

  
Chairman, County Commissioners

ATTEST:

  
County Clerk

## Code of Conduct Resolution County of Yancey

WHEREAS, the Community Development Block Grant – U.S. Housing and Urban Development Programs of the Federal and State Governments requires Yancey County to maintain a written Code of Conduct for public officials (elected and appointed), officers, employees or agents engaged in the award or administration of contracts supported by federal funds; and

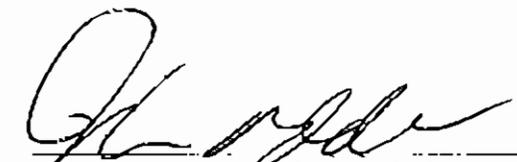
WHEREAS, no public official, employee, official, officer or agent of Yancey County shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved; and

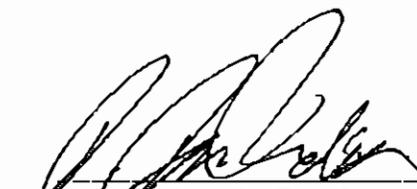
WHEREAS, Attachment O Circular No. A-102 of the Code of Federal Regulations, section 7, entitled "Code of Conduct" defines such a conflict of interest that would involve a financial or other interest, real or apparent, is involved; and

WHEREAS, North Carolina General Statutes Chapter 14, Article 31, entitled "Misconduct in Office" provides standards, regulations, and penalties for violation of state and local laws by public officials, officers, and employees;

NOW, THEREFORE, BE IT RESOLVED that North Carolina General Statutes, Chapter 14, Article 31, entitled "Misconduct in Office" shall govern the code of conduct required by the Code of Federal Regulations, Attachment O, and Circular No. A-102, as set forth heretofore.

Adopted this 27<sup>th</sup> day of August, 2002.

  
Chairman, Board of Commissioners

  
Clerk to the Board

# YANCEY COUNTY COMPLAINT PROCEDURE

Yancey County has Community Development Block Grant (CDBG) projects currently in progress.

The County has put in place the following procedure to handle complaints regarding their ongoing CDBG program(s).

During the Application Process:

If an applicant feels that his/her application was not fairly reviewed and would like to appeal the decision made concerning it, he/she should contact the CDBG Administrator within 5 days of the initial decision and voice their concern.

If the applicant remains dissatisfied with the decision, a detailed complaint should be submitted in writing within 10 days of the initial decision made on the application. Yancey County will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

During the Rehabilitation Process:

If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and CDBG Administrator. The CDBG Administrator and Yancey County Grants Coordinator will inspect the work in question consulting the Yancey County Building Inspector as necessary.

If the work is found to not be in compliance with the work write-up, the CDBG Administrator will review the work write-up with the contractor to remedy the situation. In the event the problem persists, a mediation conference between the homeowner and the contractor will be convened by the CDBG Administrator and the Grants Coordinator and facilitated by the County Manager.

Should the mediation conference fail to resolve the dispute, the County Manager will render a final written decision. If the CDBG Administrator and Grants Coordinator find the work is being completed according to the work write-up, the complaint will be noted. Then the CDBG Administrator will discuss the concern and the reason for the County Manager's decision with the homeowner.

If you have any questions about the complaint procedure or would like to register a complaint, please contact The Yancey County Manager at (828) 682-3971 or for TDD assistance call 711 or (800)735-2962 for Relay NC.

ADOPTED, this 7<sup>th</sup> day of August, 2007

By:

  
Chairman, County Commissioners

ATTEST:

  
Clerk

SEAL

## EQUAL EMPLOYMENT AND PROCUREMENT PLAN

The Yancey County 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 is a bona fide occupation qualification for employment.

In furtherance of this policy the County prohibits any retaliatory action of any kind taken by any employee of the County 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 County shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, 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 County Manager and/or other persons designated by the manager or Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal Employment Opportunity and Affirmative Action will be presented to the Board of Commissioners by the County Manager.

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

Adopted this 7<sup>th</sup> day of August, 2012.

ATTEST:

  
Clerk

  
Signature of Chairman

# YANCEY COUNTY FAIR HOUSING COMPLAINT PROCEDURE

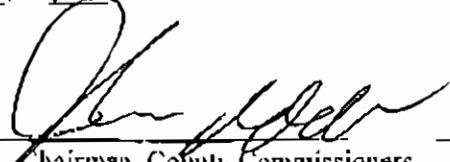
Yancey County has Community Development Block Grant (CDBG) projects currently in progress. The CDBG program requires that a Fair Housing plan and complaint procedure be adopted by the County.

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, Yancey County 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 Yancey County may do so by informing the Yancey County Manager of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the Yancey County Manager shall inform the North Carolina Human Relations Commission (Commission) about the complaint. The Yancey County Manager 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 Yancey County Manager shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints, which are based upon events occurring in Yancey County.
4. The Yancey County Manager shall publicize within Yancey County area that the Yancey County Manager is the local official to contact with housing discrimination complaints based upon events occurring in Yancey County;
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 Yancey County Manager at (828) 682-3971 or for TDD assistance (800) 735-2962.

ADOPTED, this 7<sup>th</sup> day of August, 2012

By:   
Chairman, County Commissioners

## Recipient's Plan to Further Fair Housing

**Grantee:** Yancey County

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**Recipient's Address:** 110 Town Square, Room 11, Burnsville, NC 28714

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**Contact Person:** Nathan Bennett

**Contact Phone #:** (828) 682-3971

**Contact Email:**

**TDD #:** (800) 735-2965

nathan.bennett@yanceycountync.gov

**NC Relay # :** (877) 735-8200

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**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)**

The primary obstacles to affirmatively furthering fair housing in Yancey County are the following:

1. A large number of people within the community are unaware of the existence of fair housing laws;
2. Many residents do not understand the rights and responsibilities of individuals covered by fair housing laws;

**III. Will the above activities apply to the total municipality or county?**

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: Yancey County**

<b>Quarterly Fair Housing Activity</b>	<b>Months</b>	<b>Year</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>
Adopt FH policy, Complaint Procedure	July-Sept.	2012	\$0.00	
Provide County buildings with landlord/tenant information.	Oct. – Dec.	2012	\$10.00	
Provide area realtors and local lenders with HUD homebuyer information.	Jan. – Mar.	2013	\$75.00	
Provide FH brochures in County buildings.	Apr. – June	2013	\$10.00	
Provide local Cooperative Extension office with HUD homebuyer materials.	July – Sept.	2013	\$10.00	
Replenish landlord/tenant information as needed in County buildings.	Oct.-Dec.	2013	\$10.00	
Conduct a FH fair, workshop, or expo, in conjunction with an ongoing event if possible, to promote fair housing in Yancey County.	Jan.-Mar.	2014	\$150.00	
Post Current FH Complaint Procedure on County website.	Apr.-June	2014	\$0.00	
Provide County buildings with FH brochures and post FH posters.	July-Sep.	2014	\$10.00	
Post FH Complaint Procedure in County buildings	Oct.-Dec.	2014	\$5.00	
Provide HUD homebuyer information in County buildings.	Jan. – Mar.	2015	\$10.00	
Replenish FH brochures as needed in County buildings.	Apr.-June	2015	\$10.00	

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 Yancey County may do so by informing the County Manager of the facts and circumstance of the alleged discriminatory acts or practice.
- 2) Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint within 10 days in writing and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
- 3) The County Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in Yancey County.
- 4) The County Manager shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Approved By:

Johnny Riddle, Chairman  
Name and Title of  
Chief Elected or Executive Officer

  
Signature

8-2-12  
Date

# FAIR HOUSING RESOLUTION

WHEREAS, Yancey County seeks to protect the health, safety and welfare of its residents; and

WHEREAS, citizens seek safe, sanitary and habitable dwellings in all areas of the County; and

WHEREAS, the County finds the denial of equal housing opportunities because of religion, race, creed, color, sex, national origin, handicap or age legally wrong and socially unjust; and

WHEREAS, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and

WHEREAS, the County finds the practice of discrimination against any citizen in housing a denial of his equal opportunity to seek better living conditions and to develop community pride;

NOW, THEREFORE, BE IT ORDAINED, by the County Commissioners of Yancey County, North Carolina, that:

Section I. The County Commissioners of Yancey County have declared it an official policy of the County government that there shall not be discrimination in the terms and conditions for buying or renting housing in Yancey County.

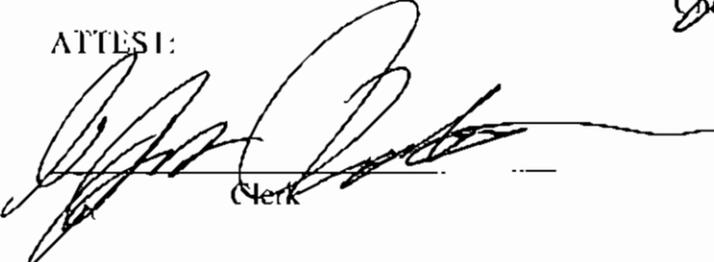
Section II. All business groups and individual citizens of Yancey County are urged to respect and implement this policy.

Section III. The Chairman or his or her designate, is the official authorized to (1) receive and document complaints regarding housing discrimination in Yancey County; and (2) refer such complaints to the North Carolina Human Relations Commissioners for investigation, conciliation and resolution.

ADOPTED, this 7<sup>th</sup> day of August, 2002

By:   
Chairman, County Commissioners

ATTEST:

  
Clerk

**OPTIONAL COVERAGE RELOCATION BENEFITS POLICY**  
**FOR**  
**YANCEY COUNTY, NORTH CARONINA**

**YANCEY COUNTY**  
**CDBG PROGRAMS**  
August 7, 2012

## **1. Organization and Administration**

High Country Council of Governments will administer and coordinate all relocation activities (temporary or permanent) resulting from Community Development activities. Relocation assistance and payments will be provided to individuals and families displaced as a result of Community Development housing code enforcement, Voluntary Demolition, or other Community Development Activities that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (hereinafter referred to as the "Uniform Act").

## **2. Eligibility**

Individuals and families residing in the Community Development Block Grant Project Area, that are displaced as a direct result of housing activities or other community development activities and which have unmet, long-term, relocation needs are eligible to receive assistance. In addition, eligibility of the individual or family must have been established and documented prior to the provision of financial assistance under this plan. Families who are permanently displaced due to unanticipated events such as fires, floods, or other man-made or natural disasters may also be eligible if they resided in the Community Development Block Grant Project Area identified in the application for grant assistance at the time of the disaster.

## **3. Authority**

Optional relocation benefits are authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the interim rule which describes the "Act".

## **4. Assistance to be Provided**

The following optional relocation coverage relocation policy is to be used during the implementation of the Community Development Block Program. All persons displaced in accordance with this policy shall be provided relocation assistance in accordance with guidelines outlined under 49 CFR 24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Program", except as outlined below:

- a) Displaced Person A displaced individual is someone whose home, which is located within Yancey County, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced as a result of program activities such as housing rehabilitation.

- b) Initiation of Negotiations The term "initiation of negotiations" shall be defined under this policy to mean the date the Notice of Relocation Eligibility is issued to the occupant.
- c) Comparable Replacement Dwelling The term "comparable replacement dwelling", as defined under 49 CFR 24, shall be redefined under this policy to mean a dwelling in which is (1) decent, safe, and sanitary as defined in 49 CFR 24.2(a)(8); (2) functionally equivalent to displacement dwelling; (3) adequate in size to accommodate the occupants; (4) on a site not subject to adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities, and reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements including customary landscaping. The site will not include special improvements such as outbuildings, swimming pools, or greenhouses; (7) currently available to the displaced person in the private market; however, a government subsidized dwelling unit will be considered comparable if it meets standards (1) through (6) above and the displacement dwelling is government subsidized and (8) within the financial means of the displaced person, as defined under 49 CFR 24.29. Circumstances permitting temporary relocation and basic conditions of an emergency move will be followed in accordance with 49 CFR 24.203(c)(4) and 49 CFR 24.204(b) and (c).
- d) Relocation Notices A "Notice of Relocation Eligibility" outlining all information described under 49 CFR 24.203 (a) and (b) will be sent by certified mail or hand delivered to all displaced individuals concurrently with any letter or document initiating negotiations for the displacement dwelling. Additionally the Community Development Administrator will, in all cases, precede the initiation of negotiations with a documented personal interview with the individual to be displaced. Ninety-day notices shall be prepared in issued in accordance with 49 CFR 24.203(c).
- e) Level and amounts of CDBG assistance available to eligible individuals and families shall include the following limits:
- 1) Homeowner Replacement Housing Payment- eligible homeowners, as defined by 49 CFR 24.401(a) may receive a replacement housing payment, as computed in accordance with 49 CFR 24.401
  - 2) Down-payment Assistance – down-payment assistance for eligible tenants or homeowners as defined by 49 CFR 24.402(a) may be received in an amount equal to the relocation benefits, as computed in accordance with 49 CFR 24.402(c), for at tenant or homeowner.

- 3) Rental Assistance -- eligible tenants as defined by 49 CFR 24.402(a) may receive an amount for rental assistance as compute d in accordance with 49 CFR 24.402(b).
- 4) Moving Expenses -- an eligible individual or family may receive moving and related expenses as calculated in accordance with 49 CFR 24.302 (see table1)
- 5) Eligible individuals or families may receive assistance in the form of relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation as deemed necessary and reasonable to support the relocation, assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service and economic assistance programs as they are available.
- 6) Eligible tenants may elect assistance as described in Section 104(d) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and further described in Sections 570.496.a(b) and 570.606(b) of the interim rule. Their rental assistance provided for relocation under this section is a follows:

i. A choice between actual reasonable moving expenses as described in 24 CFR 42.301(b)(1) or a fixed expense as described in 24 CFR 42.302. See Table 1 below for the North Carolina fixed expense schedule as prepared by the US Department of Transportation.

<b>Table 1</b>										
<b>Occupant Owns Furniture</b>									<b>Occupant Does Not Own Furniture</b>	
<b>Number of Rooms of Furniture</b>										
1	2	3	4	5	6	7	8	Each Addn'l Room	First Room	Each Addn'l Room
\$500	\$700	\$900	\$1100	\$1300	\$1,500	\$1,650	\$1,800	\$150	\$350	\$50

- ii. Advisory Services as described in 24 CFR Part 42, Subpart C.
- iii. Reimbursement for reasonable and necessary security deposit and credit checks.
- iv. Replacement Housing Assistance -- A person choosing to rent must be offered either (1) a Section 8 housing voucher/certificate (through the housing authority) and referrals to comparable

replacement dwelling unity where the owner agrees to participate in the Section 8 Program or (2) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwellings.

- f) To prevent “windfall”, rental assistance payments to tenants who pay little or no rent, the following procedure will be utilized:
- 1) Prior to computing rental assistance the Community Development Administrator will determine the fair market rent for the displacement dwelling. If the existing rent is above 75% of the fair market rent the existing rent shall be used to compute the rental assistance payment. However, if the existing rent is less than 75% of the fair market rent, the fair market rent shall be used to compute the rental assistance payment.
  - 2) In situations where fair market rent is utilized to compute the rental assistance payment and the tenant’s non-subsidized total monthly housing cost is not affordable after relocation, the rental assistance payment shall be increased to the extent necessary to insure an affordable monthly housing cost (i.e., total non-subsidized housing costs less than 30% of gross income).
  - 3) Actual rent may be used for tenants paying little or no rent if the use of fair market rent would create an undue hardship and prevent the person from obtaining comparable standard replacement housing.
- g) Owner-occupants of displacement mobile homes situated on a rented site are eligible for down-payment assistance for purchase of a new mobile home site in lieu of a rental assistance payment, in addition to a replacement housing payment, if a comparable rental site cannot be located on a timely or cost-effective basis.
- h) If such assistance as prescribed in the above sections is not sufficient to completely relocate a household in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations (49 CFR 24), the grantee/recipient may provide additional assistance as outline in 49 CFR 24-404, Replacement Housing of Last Resort.

## **5. Affirmative Action For Low Income and Minority Persons**

All Relocation assistance provided under this plan will be undertaken in a non-discriminatory manner. Any Low-income or minority individual or family assisted under this plan shall not be required to move to an area of low-income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocation to a comparable replacement dwelling that is not located in an area of low-income and/or minority concentration, if such opportunities are available.

## **6. Temporary Relocation**

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. Of the two moves involved, (out of and back into the rehabilitated structure) one may be financed under a Fixed Payment for Moving Expenses as described below. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. That is to say, expenses that are directly related to the temporary relocation and which are above and beyond the normal expenses incurred by the relocatee. These would include, but not be limited to, reasonable expenses for lodging for the period of dislocation, travel expenses to and from the lodging or other temporary relocation site, costs for temporary storage of household belongings. This would not include reimbursement for expenses that would otherwise be incurred (meals, normal travel, etc.) Relocatees are required to submit receipts to the County documenting the expenses for which they are requesting reimbursement.

## **7. Relocation Record-keeping**

Complete records, documents, and justification for payments made pursuant to this plan shall be maintained in accordance with the guidelines under 49 CFR 24.9 of the "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs".

## **8. Complaint Procedure**

Yancey County conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, Yancey County solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The County has adopted the following Complaint Procedure:

Citizens may make comments at any point in the program including planning, implementation, and closeout. Yancey County will respond in writing to written citizen comments. Citizen comments should be mailed to the Yancey County Manager, Yancey

County Courthouse, Room 11, Burnsville, NC 28714. The County will respond to all written comments within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a complaint concerning the Yancey County Community Development Block Grant Program, the complaint should first be discussed with the Project Manager. **ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.**

If the complaint cannot be resolved in this manner, a meeting with the Yancey County Manager to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce, Division of Community Assistance (DCA), 4313 Mail Service Center, Raleigh, NC 27699-4313. DCA will respond only to written comments within ten (10) calendar days of the receipt of the comments.

## **OPTIONAL COVERAGE RELOCATION PLAN RESOLUTION YANCEY COUNTY, NORTH CAROLINA**

A Resolution Authorizing the Adoption of an Optional Coverage Relocation Plan for the Yancey County Community Development Block Grant Program.

Be it resolved by the Board of Commissioners of Yancey County, North Carolina, That:

**WHEREAS**, Yancey County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

**WHEREAS**, the relocation of individuals and families is an eligible activity under this program;

**WHEREAS**, Yancey County has been allocated funds under Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, it is the objective, spirit and intent of the Community Development Block Grant to achieve the revitalization of neighborhoods through improvements of housing conditions for low and moderate income citizens; and

**WHEREAS**, the rehabilitation of some dwellings units is so extensive that the work cannot be accomplished without temporarily dislocating the residents from their properties; and

**WHEREAS**, some occupied dwelling units are unfit for human habitation, financially and structurally no feasible for rehabilitation, and require demolition; and

**WHEREAS**, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

**WHEREAS**, Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended, permits a CDBG grantee to design and administer an "Optional Coverage" relocation program which can provide benefits to displaces of dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition), voluntary demolition, or provide assistance to residents that are temporarily dislocated from their properties; and

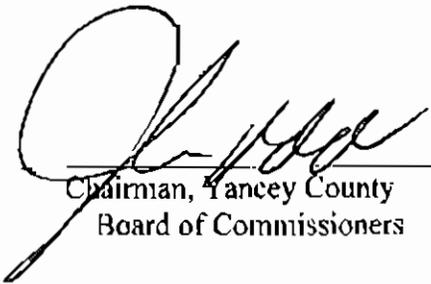
**WHEREAS**, such relocation benefits must be utilized by the qualified recipient to obtain standard housing, cover moving expenses and related costs for those individuals displace by grant activities; and

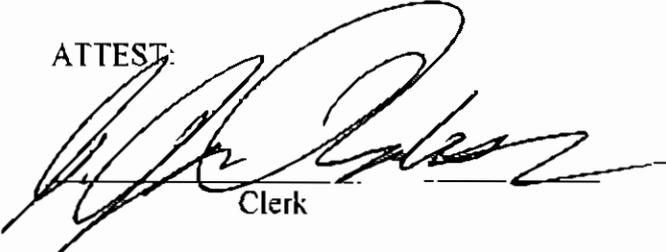
**WHEREAS**, an Optional Coverage Relocation Plan has been prepared and has been reviewed by the Board of Commissioners of Yancey County; and

**WHEREAS**, it is the desire of Yancey County to foster such worthy objectives with the Community Development Block Grant Program.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Yancey County, North Carolina hereby adopt the attached policy of Optional Coverage Relocation Plan, as set forth in Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended. Such plan is to cover any and all financial obligations incurred during any necessary relocation of affected citizens.

Adopted this 7<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Chairman, Yancey County  
Board of Commissioners

ATTEST:  
  
\_\_\_\_\_  
Clerk

**YANCEY COUNTY**  
**Procurement Policy for Recruiting and Selecting Contractors**  
**for CDBG Programs**

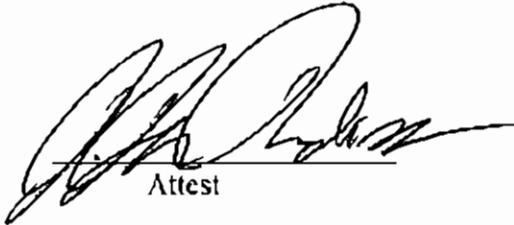
As Administrator for the Yancey County's CDBG Program, the High Country Council of Governments (hereafter called "High Country COG") will adhere to the following policy when recruiting and selecting contractors for the CDBG Scattered Site Housing Program.

1. High Country COG will identify contractors that will work within the region (Alleghany, Ashe, Yancey, Mitchell, Watauga, Wilkes, and Yancey Counties) by advertising at least once during the lifetime of the project in the local newspaper in order to solicit attention from qualified contractors, as well as, female and minority owned businesses. If interested, they may complete a Contractor Registration form and submit it, along with proof of insurance and a copy of their Lead Based Paint Safe Work Practices certificate, to High Country COG. High Country COG may check their employer, supplier, and personal references before adding them to the approved Contractors List. High Country COG may also verify insurance coverage before adding the contractor to the approved list.
2. High Country COG will follow informal bidding procedures when selecting a contractor from the approved Contractors List to perform rehabilitation work through the CDBG Program.
3. High Country COG will send bid packets to all contractors on the approved Contractors List. The bid packet will consist of at least the following:
  - Address and driving directions to the property (properties) to be rehabilitated;
  - Date, time, and place to meet the Grant Administrator for inspection of units to be rehabilitated and/or contact information for the homeowner for the contractor to schedule an individual inspection of the property;
  - Date, time, and place for bid submission;
  - Date, time, and place for bid opening;
  - Work write-up with a floor plan of the home to be rehabilitated.
4. Every effort will be made to obtain at least three bids prior to the opening. If less than two bids are received, the submission deadline may be extended to allow bidders more time to submit bids. In this instance, the contractor who has submitted a bid will be informed and invited and encouraged to bid again. All bids, regardless of number received, will then be opened.
5. High Country COG will hold a bid opening in Yancey County, witnessed by a representative from the County, and will read the bids aloud before recording them. Bids will not be opened until at least ten (10) days after the contractors are allowed to inspect the unit(s) which are to be rehabilitated.
6. Yancey County has the right to reject any or all bids and reserves the right to award no more than two contracts per bidder at any given time.

7. Yancey County and High Country COG reserve the right to delete any item bid or to add any additional items to the work write-up/ contract.
8. The lowest responsible bidder(s) will be awarded the contract(s) taking into consideration time, quality, and performance. High Country COG reserves the right to reject a bid if its representatives determine that the rehabilitation could not be adequately completed for the proposed price.
9. All successful bidders will be notified within ten (10) days of the opening. All other bidders who did not attend the bid opening will be responsible for contacting High Country COG for the results of the award.
10. Contractors may be removed or suspended from the approved Contractors List for any of the following reasons:
  - a) Notification of the contractor's debarment from receiving any federal or state funds.
  - b) Failure to start and/or finish jobs on time as set forth in the contract documents and established at the pre-construction conference.
  - c) Poor quality of workmanship.
  - d) Neglecting to take care of warranty work promptly and in a satisfactory manner.
  - e) Failure to submit valid bids on a regular basis.
  - f) Falsification of any documents submitted to High Country COG.
  - g) Expiration of or failure to provide proof of insurance.
  - h) Failure to comply with terms and conditions set forth in the rehabilitation contract.
  - i) Failure to promptly pay material and labor bills (i.e. subcontractors, suppliers, and other vendors/creditors involved).
  - j) Consumption of or working under the influence of alcoholic beverages or illegal drugs on the job site by the contractor, his employees, or his subcontractors.
  - k) Making "side deals" (regarding performing the work specified in the work write-up or any additional work) with a CDBG homeowner while work for the CDBG Program is in progress.
  - l) Varying from the work write-up specifications without an approved change order.
  - m) Failure to obtain the homeowner's consent to work on the residence in the homeowner's absence.
11. When selecting contractors for work that falls under the Local Option portion of the project (less than \$5,000), contractors may be procured any one of three ways:
  - 1) Informal estimates will be obtained verbally or in writing;
  - 2) Estimates from local material suppliers are obtained to insure lowest cost when volunteer labor is used;
  - 3) Bids will be solicited in an informal manner as described above.

Yancey County and High Country COG reserve the right to change any of the  
aforementioned requirements. Contractors will be notified prior to the effective date of a  
change.

ADOPTED this day 7<sup>th</sup> of August, 2012.

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Chairman, Board of Commissioners

**Yancey County**  
**Grant Project Ordinance**  
**Scattered Site Housing Program**  
**CDBG #11-C-2330**

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**BE IT ORDAINED** by Yancey Board of Commissioners, pursuant to Section 13.2 of Chapter 159 of the general statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement between this unit and the Department of Commerce.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce and the budget contained herein.

Section 3. The following revenues are available to complete this project:

Community Development Grant	\$400,000
<b>Total</b>	<b>\$400,000</b>

Section 4. The following amounts are appropriated for the project:

Yancey County Scattered Site Housing Rehabilitation CDBG #11-C-2330

Housing Rehabilitation	\$ 320,000
Local Option (Emergency Repairs)	\$ 40,000
Administration and Planning	<u>\$ 40,000</u>
<b>Total Project</b>	<b>\$ 400,000</b>

Section 5. The Finance Officer is hereby directed to maintain within the Grants Project Fund sufficient specific detailed accounting records to provide the accounting to the grant agency required by the grant agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

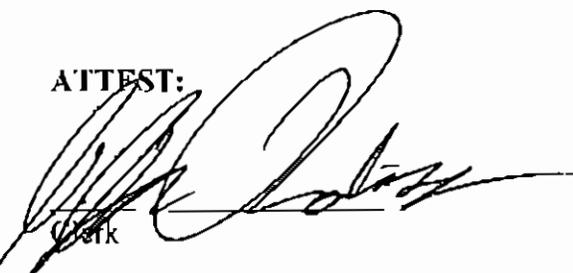
Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this 7<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Chairman

ATTEST:  
  
\_\_\_\_\_  
Clerk

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Yancey County will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24CFR 570.606(c)(2).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expanding funds that will directly result in such demolition or conversion, Yancey County will make public the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of lower-income households in the jurisdiction.

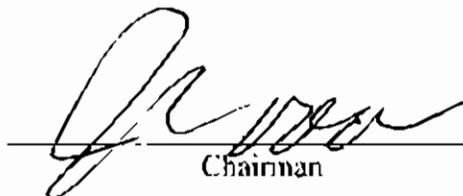
Yancey County will provide relocation assistance, as described in 570.606(c)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling unit to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, Yancey County will take the following steps to minimize the displacement of persons from their homes:

- 1) The County will attempt to renovate deteriorated units instead of demolishing them
- 2) Only units which are beyond economical repair will be demolished.
- 3) Where feasible, the County will seek to locate community facilities and related development activities so as to minimize the impact on low/moderate occupied or vacant occupiable dwellings.

8/7/12

Date



Chairman

**LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME  
PERSONS PLAN**

To insure that 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, Yancey County has developed and hereby adopts the following plan:

1. This Section 3 plan shall apply to services needed in connection with the grant including but not limited to businesses in the field 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 Yancey County.
3. When in need of a service, the County 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 County will include this Section 3 clause in all contracts executed under the CDBG Program. Where deemed necessary, listings from any agency noted in No. 3 above shall be included 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 which will outline his/her work needs in connection with the project. Should a need exist to hire additional personnel, the Yancey County Employment Security Commission shall be notified and referred to the contractor.
6. Each contract for housing rehabilitation, 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 grant office and shall be updated from time to time or as the grant staff may deem necessary.

Adopted this 7<sup>th</sup> day of August, 2012

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Chairman, Board of Commissioners

## Language Access Plan

### Yancey County CDBG Scattered Site Program #11-C-2330

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all CDBG programs or activities administered by Yancey County must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective August 7, 2012 for a period of three (3) years.

#### **I. Scope of Policy**

These requirements will apply to Yancey County (herein referred to as “the agency”) including subcontractors, vendors, and subrecipients specific to CDBG, CDBG-R, and NSP funded programs.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

#### **II. Definitions**

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents (within reasonable notice), fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary, notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

### III. Providing Notice to LEP Individuals

The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

*Jason Robinson  
Yancey County Clerk to the Board  
110 Town Square, Courthouse Room 11  
Burnsville, NC 28714  
(828) 682-3971*

**(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- A. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

Identify areas within the agency where these signs will be posted:

*These signs will be posted on the public bulletin board at the Yancey County Courthouse at the public entrance.*

- B. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).

- C. The agency will also disseminate information in the following manner:

*Printed information will be made available at selected agency owned buildings that explain the rights provided by this policy. In addition, the policy will be accessible on the County's website.*

#### **IV. Provision of Services to LEP Applicants/Recipients**

##### **A. Assessing Linguistic Needs of Potential Applicants and Recipients**

1. The agency will assess the language needs of the population to be served, by identifying:
  - a. the language needs of each LEP applicant/recipient
  - b. the points of contact where language assistance is needed; and
  - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

##### **2. Determining the Language Needs of the Population to be Served**

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
  - i. census data
  - ii. school system data
  - iii. reports from federal, state, and local governments
  - iv. community agencies' information, and
  - v. data from client files
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

##### **3. Determining the Language Needs of Each Applicant/Recipient**

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
  - English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
  - Other ( describe):
- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
  - c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
  - d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
  - e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

**B. Provision of Bilingual/Interpretive Services**

1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by:

*Yancey County has access to a qualified interpreter to be used when necessary. If the interpreter is not able to assist the Limited English Proficient person in a reasonable amount of time, a telephone interpreter service will be used.*

2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

This requirement will be met by:

*At the initial point of contact, it will be determined by the agency or administration staff if the LEP individual is proficient enough in English to request that translation services be provided. If the individual is able to request translation services, their contact information will be taken. Agency staff will contact the LEP individual and provide the required translation services. If neither administration staff nor Yancey County staff is available to provide translation services in a reasonable amount of time, telephone translation service will be provided.*

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
  - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
  - ii. Can accurately and impartially interpret to and from such languages and English
  - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
  - iv. Demonstrates cultural competency
  - v. Understands the obligation to maintain confidentiality
  - vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff

and interpreters:

*Yancey County will ensure that if bilingual interpreters do not have a basic understanding of the CDBG program then a member of the CDBG administrative staff will accompany the interpreter. In addition, Yancey County will ensure that the bilingual interpreter understands the need for confidentiality and cultural competency, and will provide an CDBG administrative staff person to accompany the interpreter to provide more detailed explanations of the CDBG program and requirements should the need arise. When CDBG administrative staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the CDBG administrative staff member will request another interpreter.*

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
3. Using Family Members or Friends as Interpreters
    - a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
    - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness or services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
    - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
    - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.

4. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
  - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
  - d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's

ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:

- a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met:

*Consultants hired by the agency to provide CDBG grant administration will be made aware of, and will be required to attend any training required by DCA concerning this policy. Consultants will then be required*

*to insure compliance with this policy with any engineers or contractors procured to complete CDBG activities.*

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

## **V. Compliance Procedures, Reporting and Monitoring**

### **A. Reporting**

1. The agency will complete an annual compliance report and send this report to DCA.  
(Format will be supplied by DCA)

### **B. Monitoring**

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA .

## **VI. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

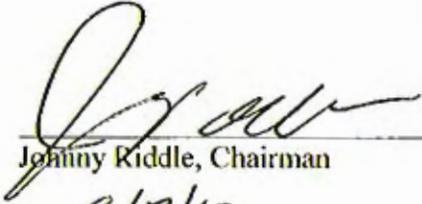
B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

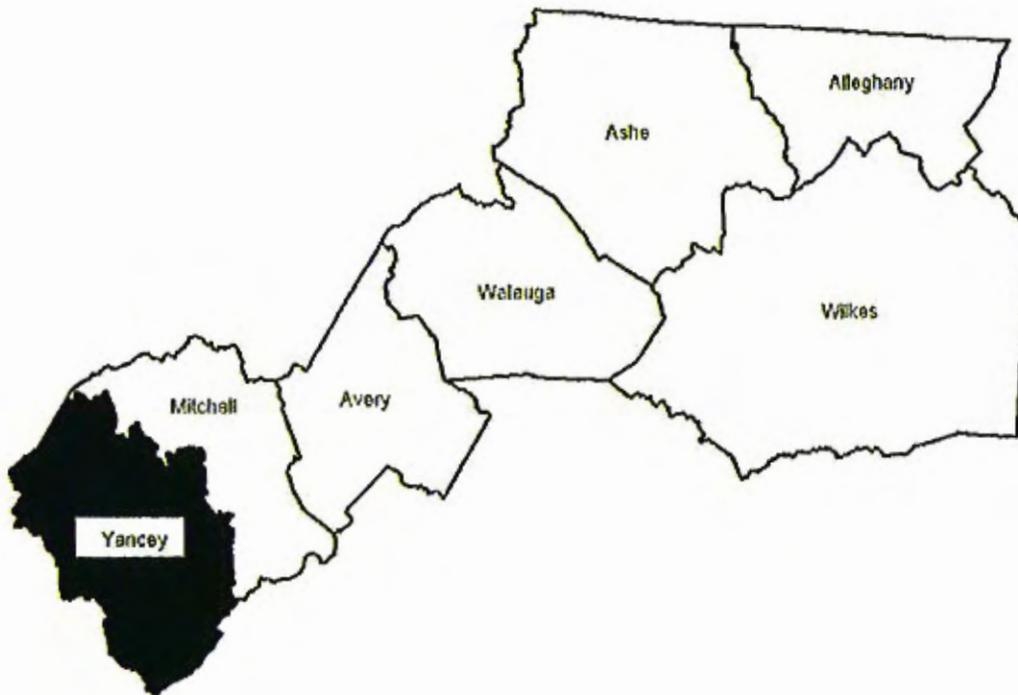
SUBMITTED AND APPROVED BY:

  
\_\_\_\_\_  
Johnny Riddle, Chairman

8/7/12  
\_\_\_\_\_  
Date

# YANCEY COUNTY, NORTH CAROLINA

## Analysis of Impediments to Fair Housing



Prepared By:  
High Country Council of Governments  
468 New Market Center  
Boone, NC 28607  
(828) 265-5434

**August 1, 2012**  
**CDBG Programs**

## **YANCEY COUNTY ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING**

The Department of Housing and Urban Development is committed to eliminating racial and ethnic segregation and other discriminatory practices in housing, and will use all of its programmatic and enforcement tools to achieve this goal. The fundamental goal of HUD's fair housing policy is to make housing choice a reality through Fair Housing Planning. Fair Housing Planning involves three main steps:

1. Conducting an analysis of impediments to fair housing choice within the jurisdiction;
2. taking appropriate actions to overcome the effects of any impediments identified through the analysis; and
3. Maintaining records reflecting the analysis and actions taken.

This report is the analysis of impediments to fair housing. This analysis was completed for active Yancey County CDBG programs on August 1, 2012 and will be incorporated into the Yancey County CDBG Policies and Procedures.

The analysis of impediments (AI) is a review of impediments to fair housing choice in the public and private sector. The AI involves a comprehensive review of the jurisdiction's laws, regulations, policies, procedures, and practices. It involves an assessment of how those laws, etc. affect the location, availability and accessibility of housing. It also includes an assessment of conditions, both public and private, affecting fair housing choice for members of the protected groups.

Specifically, impediments to fair housing choice are any actions, omissions, or decisions, which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The AI includes an analysis of demographic data and a housing needs assessment. It then includes an analysis to determine the nature and extent of discrimination against the protected groups within the jurisdiction. The format used to conduct this analysis is a fair housing planning model developed for use by local government CDBG grantees by the North Carolina Division of Community Assistance.

### Yancey County Background Data

		Number	%
1.	Total Population of Yancey County <sup>1</sup>	17,818	
2.	Total white population <sup>1</sup>	16,967	95.2%
3.	Total black population <sup>1</sup>	145	0.8%
4.	Total Native American population <sup>1</sup>	167	0.9%
5.	Total Hispanic Population <sup>1</sup>	814	4.6%
6.	Total elderly population (65+) <sup>1</sup>	3,672	20.6%
7.	Median household income <sup>2</sup>	\$35,703	
8.	Total population above the poverty level <sup>2</sup>	14,423	81.9%
9.	Total population below the poverty level <sup>2</sup>	3,194	18.1%
10.	Total number of households with 4 or more persons <sup>1</sup>	814	11.0%

In 2000 Yancey County had a population of 17,774. The 2010 Census puts the population at 17,818, an increase of 0.2%. Whites average 95.2% of the population; blacks comprise 0.8%; and Hispanics comprise 4.6%. There are no major concentrations of racial/ethnic populations in Yancey County. (See attached map "Yancey County Population Distributions")

According to the 2010 US Census there are 11,032 housing units in Yancey County 69.3% of which are occupied, 76.4% by owners and 23.6% by renters. The remaining 30.7% of the housing units are vacant the majority, 61.4%, are homes for seasonal, recreational, and/or occasional use; the others are vacant rental units, homes for sale.

Per the US Census, when the occupancy of a home is more than one person per room, overcrowding exists. There is a low occurrence of overcrowding in Yancey County. The average Yancey County household size is 2.38 people per house.<sup>2</sup> The average house in Yancey County has 5.1 rooms<sup>2</sup>, therefore it is estimated that countywide there are 0.47 people/per room.

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Sources: <sup>1</sup>2010 US Census

<sup>2</sup>2006-2010 American Community Survey 5-year estimates

Of the occupied housing units in Yancey County, it is estimated that 14.1% are substandard. These figures are based on the number of homes built before 1940 plus the number of homes that lack complete plumbing and kitchen facilities. Census data does not determine the condition of a housing unit beyond its age, completeness of plumbing and kitchen facilities, type of heat. An older home will need more repairs and updating but may be perfectly suitable for rehabilitation. A home lacking complete plumbing or kitchen facilities may not be cost effective to rehabilitate. Data shows that 0.48%<sup>1</sup> of housing units lack complete plumbing and kitchen facilities.

Based on 2010 estimates from the American Community Survey, median household income in Yancey County is \$35,703. Throughout the county it is estimated that 2,663 households, or 35.5%, earn incomes less than 75% of the median. (See attached Poverty Distribution Map)

The most recent employment data from the NC Division of Employment Security states that Yancey County's non-seasonally adjusted unemployment rate is 11.0% for June 2012<sup>2</sup>. This is a 0.7% increase from May 2012, but a 0.5% decrease from June 2011. In comparison the June 2012 non-seasonally unemployment rate for North Carolina was 9.9% and the U.S. rate was 8.2%<sup>2</sup>. Higher than the state or national average the unemployment situation in Yancey County seems to be holding relatively steady for the past year.

#### **Evaluation of Current Fair Housing Legal Status**

At this time, written policies are in place regarding the Yancey County Scattered Site Program and fair housing complaint procedures instructing persons wishing to file complaints alleging illegal discrimination to first submit their complaint in writing to the Yancey County Manager. If the complaint cannot be resolved at that level, the complainant is referred to the NC Human Relations Commission, which has been charged with investigating Fair Housing Complaints within North Carolina.

In the past ten years there have been no complaints of discrimination or fair housing complaints filed against Yancey County. In addition there have been no complaints filed with the North Carolina Human Relations Commission or HUD against Yancey County regarding fair housing or discrimination.

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Sources: <sup>1</sup>2006-2010 American Community Survey 5-year estimates  
<sup>2</sup>NC Division of Employment Security

## **Fair Housing Education and Outreach efforts**

Yancey County has one radio station WKYK-AM. One local newspaper service the County, The Yancey Common Times published weekly. The County is served regionally by two daily publications, Asheville Citizen-Times and Charlotte Observer. Yancey County is Asheville, NC/Greenville, SC television market. The major affiliates in these areas are WYFF, a NBC affiliate, broadcasting out of Greenville, SC and WLOS, an ABC affiliate, broadcasting out of Asheville.

Fair Housing information, notices, and complaint procedures are posted in County facilities. Notices are also published in the local newspaper and Public Service Announcements (PSA's) are broadcast on the local radio. In addition Fair Housing Materials are distributed in the Yancey County Government Offices and are available to the public. Materials are routinely obtained from NC Human Relations Commission and HUD.

Yancey County conducts fair housing activities quarter during active CDBG Programs. Please see the attached Fair Housing Plan for a list of planned activities through the life of the most current Scattered Site Housing Program. So far the activities have resulted in no response, either positive or negative, from the public.

## **Identification of Impediments to Fair Housing Choice**

### **Zoning & Site Selection**

The Yancey County Scattered Site Housing Program goes to great lengths to make sure the site selection process is fair and impartial. The County Commissioners appoint a committee made up of representatives from Burnsville, the County's only municipality, various agencies within the county (DSS, Building Inspections, Health Department, Law Enforcement, Cooperative Extension, etc.) and at least one representative from the County. At the beginning of each funding cycle this committee meets to create a scoring system for each application submitted by homeowners based on condition of the home; number of people in the home; income; and the presence of children, elderly, or disabled individuals in the home. Each application is scored and ranked by this system. Factors such as location of the home, race, sex, or religion are unknowns and are not considered. Over the years the County has found this system to be very objective.

When selecting homes to be rehabilitated with CDBG funds Yancey County takes into account any zoning regulations that might be applicable to a site. There is no Countywide zoning; however there is limited zoning within the Town limits of Burnsville. The only time zoning might be an issue with the Scattered Site Housing Program would be in the instance a home located in town limits or the ETJ receives reconstruction assistance, (i.e. demolition, clearance, and replacement with a manufactured home). Burnsville has an ordinance prohibiting certain types of manufactured housing. In all cases, Yancey County will adhere to any and all zoning regulations that may apply to an individual home site.

### **Access to Utilities & Transportation**

Yancey County is a relatively small county, with an area of 313 square miles. The county is very rural and has on average approximately 57 people per square mile, compared with the state average of 196 per square mile. Because of its dispersed population, Yancey County has to make an effort to make their services available to everyone. There are no countywide public utilities (i.e. water, sewer, etc.); only those homes located in the town limits and ETJs of Burnsville have those and like services. The rest of the population relies on well water and on-site septic systems.

All citizens in Yancey County have access to public transportation; The Yancey Transportation Authority does not run a regular scheduled list of stops, but anyone call 24-48 hours before the travel need to schedule a pickup. Anyone, regardless of income can ride. Those on Medicare or Medicaid or over 60 can ride for free, everyone else is charged a fee from \$0.70 - \$3.60 for destinations within Yancey County. Charges for trips outside the County, including anywhere in North Carolina or adjacent counties in Tennessee, range from \$17.30 to \$21.60. A shuttle route is run in Burnsville weekdays from 10-2 that includes stops at the local grocery store, pharmacies, and senior center. It maybe due to the rural nature of Yancey County or the limited public transportation, but most people in the county have a personal vehicle. Per the 2010 American Community Survey the percentage of occupied households without cars tend to be greater the older the occupant. (See attached Vehicle Ownership Distribution Map)

### **Public Housing & Section 8**

Yancey County does not have a county public housing authority, nor does it own any public housing. It is served by a regional provider, Northwestern Regional Housing Authority (NWRHA). NWRHA processes all of the county Section 8 claims, as well as, manages four properties, Woodland Apartments with 35 units, Woodland Hills with 32 units, Hawthorne House with 8 units and Forest Hills with 40 units. The majority of the Section 8 recipients live in private housing and use their vouchers to subsidize their rent. The private rental units eligible to use with Section 8 vouchers are scattered throughout the county and seem to be evenly distributed. Since Yancey County does not own any the public housing or Section 8 eligible rentals and therefore has no control over their sale and/or possible displacement of tenants.

### **Property Tax Policies**

The property tax rate for Yancey County is \$0.45 per \$1,000; median for the High Country region and much lower than the state average of \$0.62. The County does offer a tax relief to their disabled and/or elderly property owners. Low -income (under 80% of county median) homeowners over the age of 65 or permanently disabled can apply for an exclusion of the greater of \$25,000 or 50% of the appraised value of the property; disabled veterans can apply for up to \$45,000 of their property value to be excluded from their taxes; and low- and moderate-income (51%-150% of county median income) homeowners over 65 or permanently disabled can apply for discounted tax rate that is guaranteed to be no more than 5% of their annual income.

### **Planning and Zoning Boards**

Yancey County has no zoning and therefore no Planning Board or Board of Adjustments. The Town of Burnsville has a five-member Planning Board, responsible for enforcing ordinances recommending policies, conducting special studies, and for hearing variance cases and issuing conditional use permits.

### **Building Codes**

Yancey County has adopted the North Carolina State Building Code. The Town of Burnsville does not have its own building inspector and defers to the County Building Inspections Office.

### **Private Sector Lending Policies and Practices**

Yancey County is served by 6 different banks, such as, United Community Bank, First Citizens Bank, State Employees Credit Union, and Wells-Fargo Bank. There is only one branch of each bank within the county. All of the banks are located either within or just outside the town limits of Burnsville located in the center of the County.

As for the lending policies and practices of the local banks, the service to the minority or low-income population of Yancey County is impartial and fair. Most lending agencies have strict rules they must follow when lending money which have gotten more stringent with the recent mortgage crisis, but there have not been any official complaints or action taken against any of the local area banks for discrimination or unfair treatment of any certain classes.

### **Fair Housing Enforcement**

The enforcement of Fair Housing in Yancey County is the responsibility of the County Planning Department. The County Manager is the person to respond to any complaints generated. If the County Manager is unable to resolve the issue it is then forwarded to the NC Human Relations Commission for review. To date Yancey County has had no fair housing complaints (See attached Fair Housing Complaint Procedure).

### **Informational Programs**

In conjunction with open CDBG programs Yancey County passes a fair housing plan which has quarterly fair housing activities planned throughout the life of the program. Activities in the past have included publishing fair housing and landlord/tenant information in the newspaper, fair housing mailing to local realtors and banks to distribute to their customers, as well as, providing fair housing pamphlets and brochures in County buildings. (See attached Fair Housing Plan)

## **Assessment of Current Public and Private Fair Housing Programs and Activities in Yancey County**

Currently Yancey County's Fair Housing Program is in conjunction with open CDBG projects, mainly the reoccurring Scattered Site Housing Program. Fair Housing activities are conducted quarterly and information is available anytime in the County Courthouse. Citizens may also be directed to the HUD website for more information. There is no known private Fair Housing Programs being conducted in Yancey County.

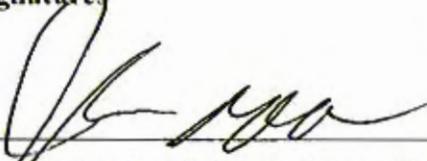
### **Conclusions and Recommendations**

1. **Affordability.** Low-income individuals may see some barriers to homeownership. Since the housing market decline Yancey County seems to have a better supply of affordable homes for sale; however the problems are mainly due the more stringent lending policies in today's market.
  - **Fair Housing activities cannot really affect the affordability of housing in the county.**
2. **Fair Housing Awareness.** Given no complaints have been filed with the NC Human Relations Commission from this area, there could be a need to educate minority and low-income persons about how file complaints when discrimination happens. In addition, realtors, builders, lenders, landlords and property owners need to be better educated about fair housing issues.
  - **Activities planned to increase fair housing awareness include distributing fair housing brochures and posters to banks, Realtors, town and county buildings; also, sponsoring announcements on the local radio station regarding the fair housing laws and complaint procedure; and working with the NC Cooperative Extension on providing them with information for their home buying classes.**
3. **Education.** Persons wishing to buy a home often have difficulty with the process of buying a home. This includes how to buy a home, choosing a Realtor, applying for a mortgage, home maintenance, etc. Also, low-income families need to be made more aware of federal programs that may assist them in buying a home.
  - **The County plans to refer families to the HUD website for additional information. They plan to distribute the web address for HUD along with Homebuyer information, Renter/Tenant information, and Fair Housing Materials in County buildings, as well as area bankers, realtors, and the County Cooperative Extension Office. The County also plans to distribute various HUD 1-800 numbers for those who do not have Internet access.**

4. **Influx of Seasonal Residents.** Yancey County is very rural. Mountain traditions are tightly woven into the everyday life of many residents. Yancey County is proud of their ancestry and many families have lived in the area for generations. However, there has been an increase during the last few decades of seasonal residents and second-home buyers. This has created an economic "gap" between the low-income families, many of which live in the very rural parts of the county, and the high-income individuals, who usually buy property in the upscale resort areas near Mountain Air and Mount Mitchell. The resort areas are not the only areas being affected by the influx of the wealthy. Property throughout the county is being sought after. This in turn has caused property costs to increase. The increase is the reason that full-time, low-income residents are discovering it hard to find affordable housing. Often low-income residents are forced to live in the more rural areas of the county, further away from services and their employment, because the cost of living is more comparable to their means.

- **Fair Housing activities cannot really affect the affordability gap of housing in the county or the influx of part-time residents.**

Signatures

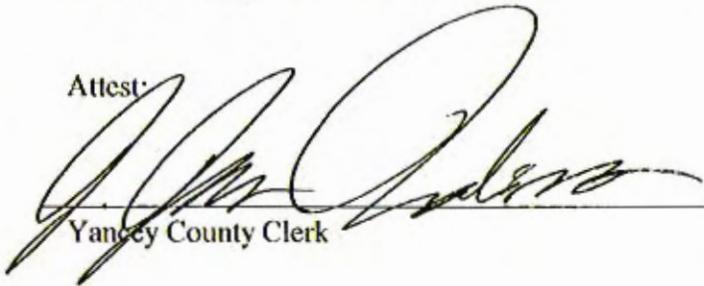


Yancey County Chairman, Johnny Riddle

8-7-12

Date

Attest:



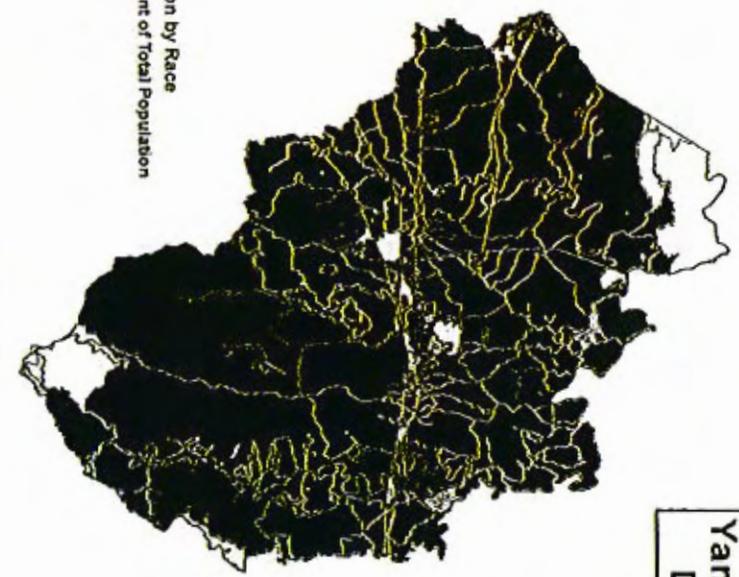
Yancey County Clerk

8/7/12

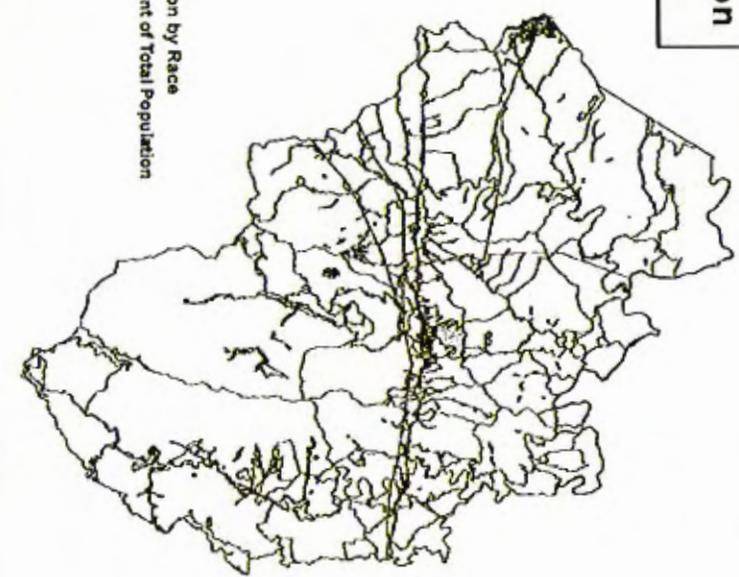
Date

# Yancey County Population Distributions by Race

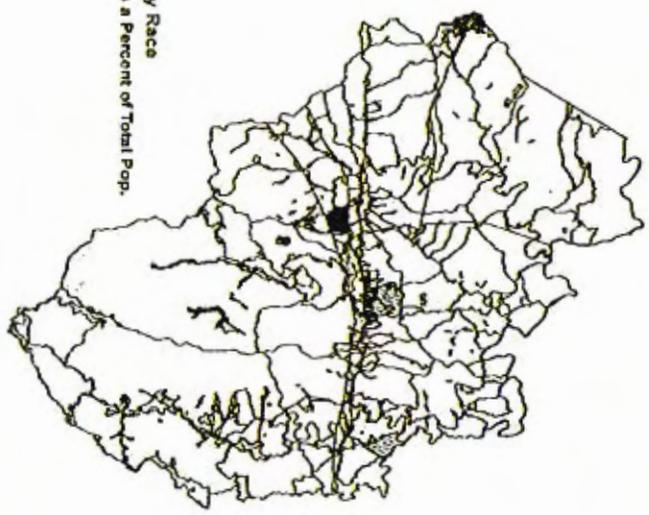
**Population Distribution by Race  
White Alone as a Percent of Total Population**



**Population Distribution by Race  
Black Alone as a Percent of Total Population**



**Population Distribution by Race  
Hispanic or Latino Alone as a Percent of Total Pop.**



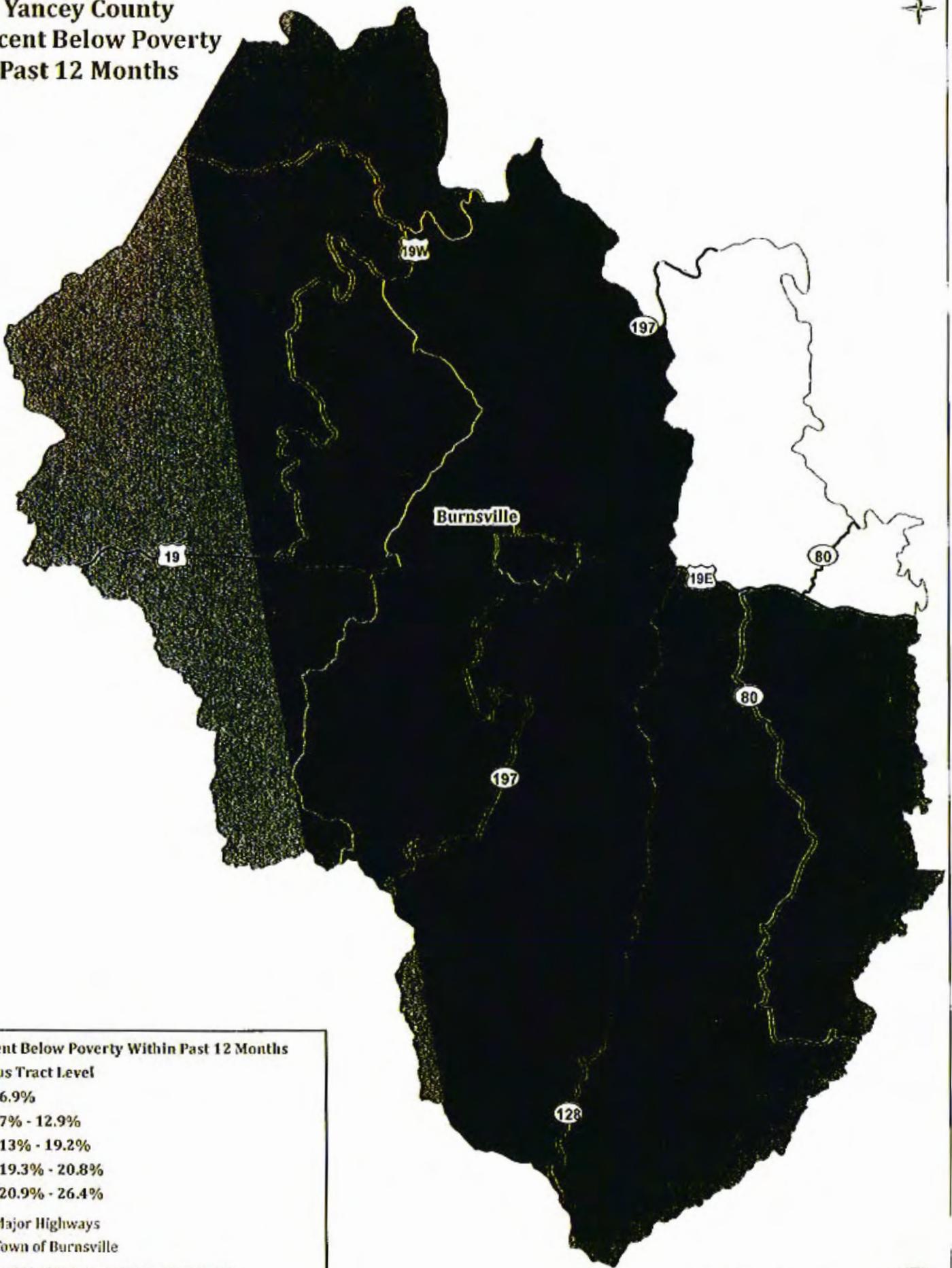
**Population Distribution by Race  
American Indian Alone as a Percent of Total Pop.**



0%  
0.1% - 0.2%  
0.3% - 0.4%  
0.5% - 0.7%  
0.8% - 1%

0%  
0.01%  
0.02% - 0.04%  
0.05% - 0.09%  
0.1% - 0.20%

# Yancey County Percent Below Poverty Past 12 Months



**Percent Below Poverty Within Past 12 Months**  
Census Tract Level

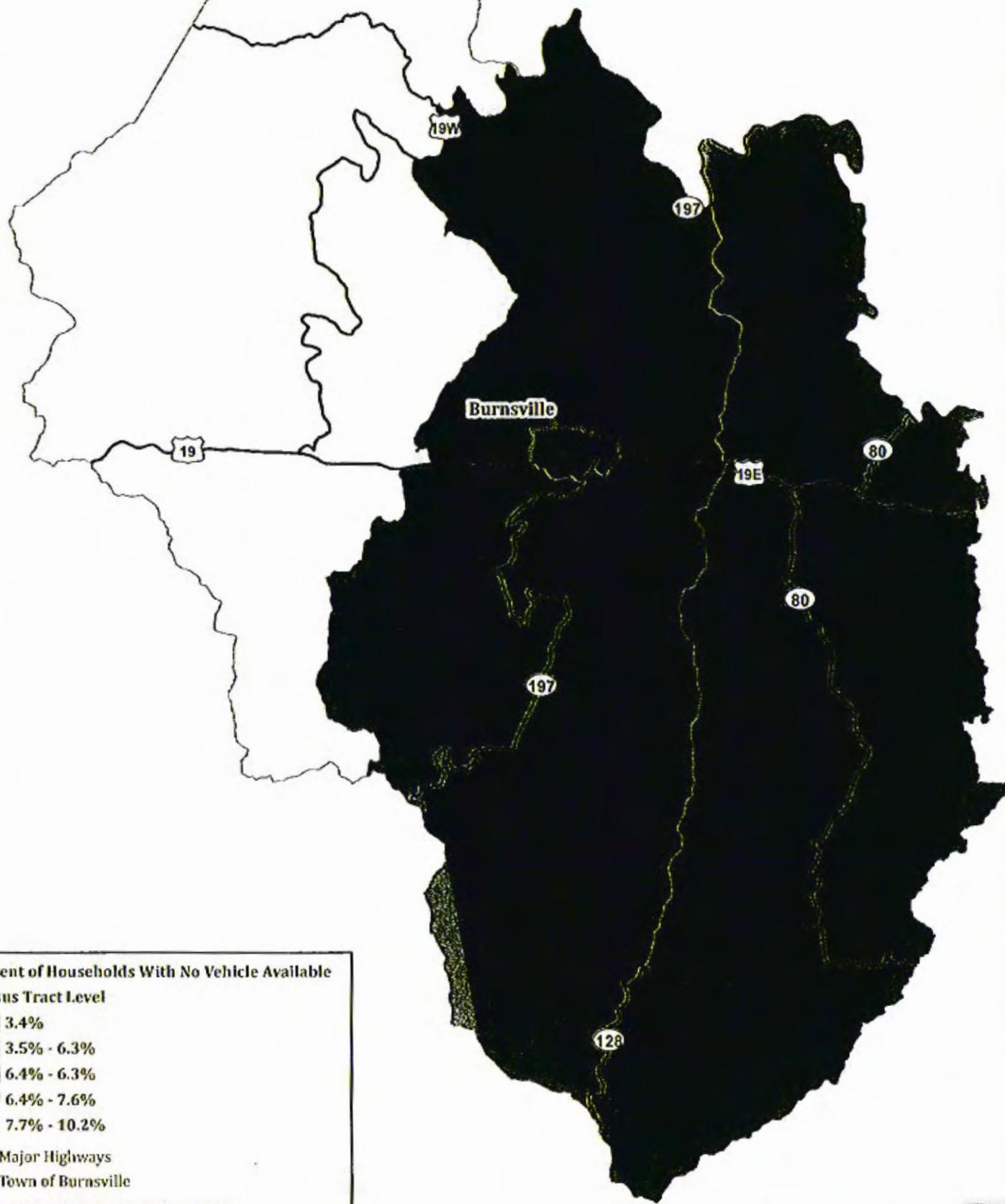
- 6.9%
- 7% - 12.9%
- 13% - 19.2%
- 19.3% - 20.8%
- 20.9% - 26.4%

— Major Highways  
□ Town of Burnsville

Source: 2006-2010 American Community Survey  
5 Year Estimate



# Yancey County No Vehicle Available Per Household



**Percent of Households With No Vehicle Available  
Census Tract Level**

	3.4%
	3.5% - 6.3%
	6.4% - 6.3%
	6.4% - 7.6%
	7.7% - 10.2%

— Major Highways  
□ Town of Burnsville

Source: 2006-2010 American Community Survey  
5 Year Estimate



## YANCEY COUNTY FAIR HOUSING COMPLAINT PROCEDURE

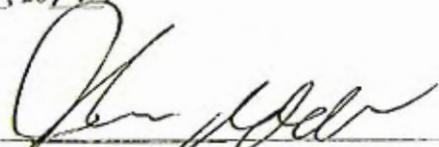
Yancey County has Community Development Block Grant (CDBG) projects currently in progress. The CDBG program requires that a Fair Housing plan and complaint procedure be adopted by the County.

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, Yancey County 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 Yancey County may do so by informing the Yancey County Manager of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the Yancey County Manager shall inform the North Carolina Human Relations Commission (Commission) about the complaint. The Yancey County Manager 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 Yancey County Manager shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints, which are based upon events occurring in Yancey County.
4. The Yancey County Manager shall publicize within Yancey County area that the Yancey County Manager is the local official to contact with housing discrimination complaints based upon events occurring in Yancey County;
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 Yancey County Manager at (828) 682-3971 or for TDD assistance (800) 735-2962.

ADOPTED, this 7<sup>th</sup> day of August, 2012

By:   
Chairman, County Commissioners

**Recipient's Plan to Further Fair Housing**

**Grantee:** Yancey County

**Recipient's Address:** 110 Town Square, Room 11, Burnsville, NC 28714

**Contact Person:** Nathan Bennett

**Contact Phone #:** (828) 682-3971

**Contact Email:**

**TDD #:** (800) 735-2965

nathan.bennett@yanceycountync.gov

**NC Relay # :** (877) 735-8200

- 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)**

The primary obstacles to affirmatively furthering fair housing in Yancey County are the following:

1. A large number of people within the community are unaware of the existence of fair housing laws;
2. Many residents do not understand the rights and responsibilities of individuals covered by fair housing laws;

- III. Will the above activities apply to the total municipality or county?**

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: Yancey County**

<b>Quarterly Fair Housing Activity</b>	<b>Months</b>	<b>Year</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>
Adopt FH policy, Complaint Procedure	July-Sept.	2012	\$0.00	
Provide County buildings with landlord/tenant information.	Oct. – Dec.	2012	\$10.00	
Provide area realtors and local lenders with HUD homebuyer information.	Jan. – Mar.	2013	\$75.00	
Provide FH brochures in County buildings.	Apr. – June	2013	\$10.00	
Provide local Cooperative Extension office with HUD homebuyer materials.	July – Sept.	2013	\$10.00	
Replenish landlord/tenant information as needed in County buildings.	Oct.-Dec.	2013	\$10.00	
Conduct a FH fair, workshop, or expo, in conjunction with an ongoing event if possible, to promote fair housing in Yancey County.	Jan.-Mar.	2014	\$150.00	
Post Current FH Complaint Procedure on County website.	Apr.-June	2014	\$0.00	
Provide County buildings with FH brochures and post FH posters.	July-Sep.	2014	\$10.00	
Post FH Complaint Procedure in County buildings	Oct.-Dec.	2014	\$5.00	
Provide HUD homebuyer information in County buildings.	Jan. – Mar.	2015	\$10.00	
Replenish FH brochures as needed in County buildings.	Apr.-June	2015	\$10.00	

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 Yancey County may do so by **informing the County Manager** of the facts and circumstance of the alleged discriminatory acts or practice.
- 2) Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint **within 10 days in writing** and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
- 3) The County Manager shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in Yancey County.
- 4) The County Manager shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Approved By:

Johnny Riddle, Chairman  
Name and Title of  
Chief Elected or Executive Officer

  
Signature Date 8-7-12

*Attachment C*

**AGREEMENT**

**Between the**

**High Country Council of Governments and Yancey County**

**For the Provision of**

**GRANT MANAGEMENT ASSISTANCE**

**SCATTERED SITE REHABILITATION**

**July 1, 2012 – December 31, 2014**

This Agreement, entered into by and between the High Country Council of Governments (hereinafter called the "Planning Agency") and Yancey County, North Carolina (hereinafter called the "Local Government"), WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide planning assistance by the North Carolina General Statutes. Planning assistance shall consist of the provision of grant management assistance regarding Yancey County's CDBG Scattered Site Rehabilitation Project Number 11-C-2330, more fully described on Attachment A to this Agreement; and

WHEREAS, the Local Government has requested the Planning Agency to provide such grant management assistance to the Local Government; and

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- 1) That during the period of the Contract, the Planning Agency will furnish the necessary trained personnel approved by the Local Government. The personnel will charge the exact number of hours worked on behalf of the Local Government on his normal time sheet of the Planning Agency.
- 2) *Compensation* - The Local Government will pay the Planning Agency \$52,000 (fifty-two thousand dollars) for the satisfactory performance of all services related to the administration of the project, as defined in the attached scope of services (Attachment A). It is expressly understood that the total compensation shall not exceed the maximum sum specified without prior approval of both agencies.

- 3) *Time performance* - The Planning Agency shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning July 1, 2012 and ending December 31, 2014.
- 4) *Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials* - no member, officer, or employee of the Planning Agency, or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
- 5) *Nondiscrimination Clause* - No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
- 6) *Age Discrimination Act of 1975, as amended* - No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- 7) *Section 504, Rehabilitation Act of 1973, as amended* - No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- 8) *Access to Records and Record Retainage* - All official project records and documents must be maintained during the operation of this project and for a period of five years following closeout, in compliance with 04 NCAC 19L Rule .0911, Record keeping. The North Carolina Department of Commerce, the North Carolina Department of Treasurer, U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Planning Agency which are pertinent to the execution of this Agreement, for the purpose of making audits, examination, excerpts, and transcriptions in compliance with 04 NCAC 19L Rule .0911, Record keeping.

- 9) *Termination of Agreement for Cause* - If, through any cause, the Planning Agency shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violate any of the covenants, conditions, or stipulations of this Agreement, the Local Government shall thereupon have the right to terminate this Agreement by giving written notice of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared under this Agreement shall, at the option of the Local Government, become its property, and the Planning Agency shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials in direct proportion to the extent of services actually completed.
- 10) *Grantee Assurances* - In the performance of this Agreement, the Planning Agency shall comply with all applicable Federal rules and procedures outlined on the attached pages as E.O. 11246 Clause and the Section 3 Clause (Attachment B)
- 11) *Remedies/Sanctions or Breach of Contract Terms* - In accordance with 24 CFR 85.36, upon written notice, the Local Government may withhold payments to the Planning Agency if the Planning Agency shall fail to fulfill in a timely and proper manner its obligations to the Local Government under this contract, or if the Planning Agency shall violate any of the conditions of this contract. The Local Government shall in its written notice to the Planning Agency fully describe the nature of failure or violation by the Planning Agency, the corrective action required of the Planning Agency, and the Local Government shall allow the Planning Agency thirty (30) days from the date of the notification to correct such failure and/or violation. If such failure or violation is corrected by the Planning Agency within thirty (30) days from the date of notification, then the Local Government shall process payment(s) to the Planning Agency. If such failure or violation is not corrected within thirty (30) days from the date of the notification, then the Local Government may proceed to terminate this contract.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of August 7, 2012.

**For the Local Government**

**For the Planning Agency**

**COUNTY OF YANCEY**

**HIGH COUNTRY  
COUNCIL OF GOVERNMENTS**

By: 

By: 

**Chairman Yancey County  
Board of Commissioners**

**Executive Director**





**Attest**

**Attest**

# ATTACHMENT A

## Scope of Services Yancey County Scattered Site Rehabilitation Project

### Scope of Services/Staff Assignment

The Scope of Services includes activities associated with the project administration and service delivery. The High Country Council of Governments will assign Michelle Ball, High Country Community Development Planner, the responsibility of administering the Yancey County Scattered Site Project CDBG #11-C-2330. Phillip Trew, Director of Planning and Development will provide overall supervision of this project. The scope of services will include the following:

- 1) Maintain on file all correspondence, agreements, and documentation relating to project activities.
- 2) Maintain documentation on the use of all project funds.
- 3) Process the Requisition for CDBG funds as necessary.
- 4) Complete all environmental review procedures.
- 5) Prepare all required public notices for publication, including request for Release of Funds.
- 6) Prepare project amendments, if needed.
- 7) Verify homeowner's income.
- 8) Coordinate with local health department to obtain well and septic permits.
- 9) Perform work write-ups on the homes scheduled for rehabilitation.
- 10) Perform initial rehabilitation inspection, interim inspections and final inspection.
- 11) Coordinate relocation activities including clearance of existing home and selection and set up of new home.
- 12) Maintain complete files on each rehabilitation and relocation job with all documentation required by program regulations.
- 13) Submit reports to the NC Department of Commerce (Community Investment and Assistance) in a timely manner.
- 14) Assist the Local Government in closeout procedures.
- 15) Submit quarterly progress reports to the local government which would include; list of all project activities, expenditures, units accomplished, description of work in progress and information on any problems with the grant.
- 16) Perform other activities deemed necessary for the success of the project.

**Time of Performance**

The High Country Council of Governments proposes to complete all activities involved in administration of the Yancey County CDBG Scattered Site Project in a 30-month period beginning July 1, 2012 through December 31, 2014.

**Cost**

**Administrative Budget**

The High Country Council of Governments will provide the above services, which includes project administration and services associated with the housing rehabilitation and relocations for a fee of \$52,000. The budget is broken down as follows:

Administration*	\$48,000
Travel	4,000
<i>Total</i>	<i>\$52,000</i>

\* includes salaries, fringe benefits, and indirect costs

**Assurances**

Assurances are attached as a part of the contract.

**Amendments**

This scope of services and budget may be amended as desired by mutual consent of the Local Government and Planning Agency.

**Schedule**

Time spent on project – 35.5 hours/month on average

Time spent in Yancey County – 15 hours/month on average

## ATTACHMENT B

### Assurances of Compliance

#### Executive Order 11246

During the performance of this Contract, the contractor agrees as follows:

- 1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. The contractor 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, age, or national origin. Such action shall include, but not be limited to the following: recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- 2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex age, or national origin.
- 3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- 4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- 5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- 6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulation, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- 7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

### **Section 3 Clause**

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties of this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment and training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice of knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors or assigns to those sanctions specified by the grant or loan agreement of contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

### **Lobbying Clauses**

#### **Required by Section 1352, Title 31, U.S. Code**

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

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