



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Text File

Introduced: 10/28/2008

Bill No: 2008-0873, **Version:** 1

Committee: Committee on Land Use and
Economic Development

Status: Passed Finally

Resolution authorizing the Mayor, on behalf of the City of Pittsburgh, to enter into an agreement with the Urban Redevelopment Authority of Pittsburgh, whereby the City and the Authority will set forth a single, uniform and readily administered set of requirements concerning the Authority's retention and use of the Urban Development Action Grant (UDAG) Loan repayment proceeds.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Mayor is hereby authorized to enter into an Agreement, attached hereto as Exhibit A, with the Urban Redevelopment Authority of Pittsburgh, whereby the City and the Authority will set forth a single, uniform and readily administered set of requirements concerning the Authority's retention and use of the Urban Development Action Grant (UDAG) Loan repayment proceeds. The Agreement shall be in a form approved by the City Solicitor.

EXHIBIT A

AGREEMENT RELATING TO UDAG LOAN REPAYMENT PROCEEDS

MADE and entered into on _____, 2008

BY AND BETWEEN

CITY OF PITTSBURGH, a municipal corporation of the Commonwealth of Pennsylvania (the "**City**")

AND

URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH, a redevelopment authority organized and existing under the Urban Redevelopment Law, 35 P.S. §1701 et seq. (the "**Authority**")

WITNESSETH:

WHEREAS, the U.S. Department of Housing and Urban Development ("**HUD**") has from time to time awarded the City various UDAG Grants (hereinafter referred to as the "**Grants**");

WHEREAS, pursuant to the Redevelopment Cooperation Law, Act of May 24, P.L. 982, as amended, the City has entered into various Cooperation Agreements (the “**Cooperation Agreements**”) with the Authority which have designated the Authority as the City's agent to administer the Grants including, where appropriate, the structuring of Grant repayment agreements pursuant to which the recipients of funding are obligated to repay the Grants to the Authority (the “**UDAG Loans**”);

WHEREAS, the Authority has received and in the future may continue to receive proceeds of the repayment of the UDAG Loans;

WHEREAS, the Cooperation Agreements have provided a variety of directions with respect to the use of the proceeds of repayment of UDAG Loans, generally requiring that such proceeds be used for community and economic development activities eligible for assistance under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, as amended; and

WHEREAS, the City and the Authority desire to set forth a single, uniform and readily administered set of requirements concerning the Authority's retention and use of the UDAG Loan repayment proceeds;

NOW, THEREFORE, intending to be legally bound, the parties agree as follows:

1. Pursuant to the Redevelopment Cooperation Law, 35 P.S. §1741 *et seq.*, and other application laws, the City hereby designates the Authority as its continuing agent for administration and implementation of the Grants including, as more specifically set forth herein, the responsibility for retention and use of all UDAG Loan repayment proceeds (the “**UDAG Proceeds**”) whether previously received or received in the future.

2. The City hereby authorizes the Authority to retain in a separate fund all UDAG Proceeds which may be drawn and used solely for the following purposes:

(a) to fund by loan, grant or a combination of loan and grant, community and economic development activities eligible for assistance under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, as amended; and

(b) to pay to the Authority an administrative fee to the extent permitted by federal regulations relating to use of “program income” included in the fund balance from time to time, but only to the extent that other sources of funding for the Authority's board approved administrative budget, are insufficient to cover the administrative expenses of the Authority.

3. To the extent that any UDAG Proceeds are used to fund loans which, in turn, generate repayment proceeds, such repayment proceeds shall be deemed to be UDAG Proceeds and shall be held and used by the Authority subject to the requirements Section 2 hereof.

4. The Authority agrees to keep and maintain the following records or information on the Programs and to provide City Council with annual reports: (a) number of loans/grants; (b) amount of each loan/grant; (c)

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name and address of each borrower/grantee; (d) the community and economic development purpose of the loan/grant; (e) all amounts drawn by the Authority for administrative budget support; (f) all UDAG Proceeds received and (g) the beginning and ending balance of the fund.

5. This agreement shall supersede any contrary provisions concerning UDAG Proceeds contained in the Cooperation Agreements;

6. The Authority shall comply with the applicable sections of the Pittsburgh Code: Title Six - Conduct, Article V - Discrimination, and any amendments thereto.

7. Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(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 an 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 cooperation 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 to any officer 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.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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

IN WITNESS WHEREOF, the City of Pittsburgh has caused this Agreement to be executed by its Mayor and its official seal to be impressed hereon pursuant to Resolution No. ____, effective _____, 2008, and the Urban Redevelopment Authority of Pittsburgh has caused this Agreement to be executed by its Executive Director and its official seal to be impressed hereon pursuant to Resolution No. 116, duly adopted by its Board on _____, 2008.

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ATTEST:

CITY OF PITTSBURGH

Secretary to Mayor

By:
Mayor

EXAMINED BY:

APPROVED AS TO FORM:

Deputy City Solicitor

City Solicitor

COUNTERSIGNATURE:

City Controller

ATTEST:

URBAN REDEVELOPMENT AUTHORITY
OF PITTSBURGH

Assistant Secretary

By:
Rob Stephany
Executive Director

APPROVED AS TO LEGAL FORM:

Attorney