

MEMORANDUM

TO: Erin Stwora and Tom Donely
FROM: Maggie Dykes, Asst. Director of Community & Economic Development
DATE: June 24, 2025
RE: **CDBG, HOME, and ESG Certifications**

I am providing you responses from the CDA regarding the following certifications that are identified as part of CDBG, HOME and ESG funding from the U.S. Department of Housing and Urban Development (HUD).

1. **Affirmatively Further Fair Housing.** Dakota County complies with the Fair Housing Act and other civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. To promote compliance with these fair housing related acts and laws Dakota County participates in the Fair Housing Implementation Council (FHIC). The FHIC is a collaborative group representing the Twin Cities metropolitan area entitlement jurisdictions and other governmental agencies. The purpose of the FHIC is to facilitate and initiate implementation of affirmative activities having metro-wide significance identified in the Regional Analyses of Impediments to Fair Housing Choice (AI).

In 2017, the FHIC completed an Addendum to the FHIC's 2014 Regional AI (AI Addendum). The AI Addendum specifically addresses housing discrimination, gentrification and displacement, barriers to housing choice, and the conditions of segregation and integration in the seven-county area that includes Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties in Minnesota.

2. **Anti-Displacement and Relocation Plan.** A copy of the 2025 Dakota County Residential Anti-Displacement and Relocation Assistance Plan has been completed by the CDA and is included as an attachment in the County RBA. It is Appendix D in the Action Plan.
3. **Drug Free Workplace.** The CDA includes this provision in its Personnel Policies & Procedures Manual with corresponding programs.
4. **Anti-Lobbying.** The CDA is not aware of any lobbying that meets definitions listed as #1 and #2 in the attached Certifications document. Furthermore, these provisions are included in award documents and contracts.

5. **Consistency with Plan.** All housing and community development activities undertaken with CDBG and HOME funds are consistent with the 2025-2029 Consolidated Plan for Dakota County.
6. **Section 3.** On behalf of Dakota County, the CDA complies with Section 3 of the Housing and Urban Development Act of 1968 related to employment and training opportunities for low-income persons. The CDA submits an annual report to HUD with required information on contracts over \$200,000.
7. **Citizen Participation.** A copy of the 2025 Citizen Participation Plan for the Dakota County Consortium is included as an attachment in the County RBA. This same document is Appendix A in the Action Plan.
8. **Community Development Plan.** The 2025-2029 Consolidated Plan for Dakota County identifies needs and specifies objectives as required.
9. **Following the Plan.** The Dakota County Board is scheduled to review and adopt the 2025-2029 Consolidated Plan on June 24, 2025. Resolution will follow.
10. **Use of Funds.** On behalf of Dakota County, the CDA ensures that the use of CDBG funds complies with priorities identified in the Annual Action Plan, overall benefit criteria, and special assessment provisions.
11. **Compliance with Anti-Discrimination Laws.** CDBG and HOME grant funds are administered in compliance with Title VI of the Civil Rights Act of 1964.
12. **Lead-based Paint.** On behalf of Dakota County, the CDA administers all CDBG and HOME-funded programs in compliance with Part 35, Subparts A, B, J, K and R of Title 24.
13. **Compliance with Laws.** On behalf of Dakota County, the CDA is in compliance with all applicable laws.
14. **Specific HOME Certification.** On behalf of Dakota County, the CDA certifies compliance with: (a) tenant based rental assistance; (b) eligible activities and costs; and (c) subsidy layering as listed in the Specific HOME Certifications document.
15. **Specific ESG Certifications.** On behalf of Dakota County, the CDA certifies compliance with the items listed in the ESG Certifications document.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, 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 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 this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing

Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

Signature of Authorized Official

Date

Mike Slavik, Chair, Dakota County Board of Commissioners
Print Name/Title

SPECIFIC COMMUNITY DEVELOPMENT BLOCK GRANT CERTIFICATIONS

The Entitlement Community certifies that:

Citizen Participation – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan – Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan – It is following a current consolidated plan that has been approved by HUD.

Use of Funds – It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).
2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year 2025, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made

against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force – It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws – It will comply with applicable laws.

Signature/Authorized Official

Date

Mike Slavik, Chair, Dakota County Board of Commissioners
Print Name/Title

SPECIFIC HOME CERTIFICATIONS

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance – If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs – It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering – Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

Signature/Authorized Official

Date

Mike Slavik, Chair, Dakota County Board of Commissioners
Print Name/Title

EMERGENCY SOLUTIONS GRANT CERTIFICATIONS

The Emergency Solutions Grants Program recipient certifies that:

Major rehabilitation/conversion/renovation – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for these individuals.

Matching Funds – The recipient will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence

shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

Discharge Policy – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official

Date

Mike Slavik, Chair, Dakota County Board of Commissioners
Print Name/Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

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.



Office of the
DAKOTA COUNTY SHERIFF

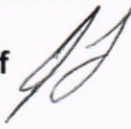
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1580 Highway 55
Hastings, MN 55033

Memorandum

TO: Erin Stwora, Assistant Director
Dakota County Physical Development

FROM: Joe Leko, Dakota County Sheriff 

DATE: April 22, 2025

RE: Sheriff's Certification of Use of Force Policy

Excessive force certification for CDBG/HOME is true and the Dakota County Sheriff's Office has a current policy regulating the use of force by all members of the department. Our policy regarding the use of force is titled, "Dakota County Sheriff's Office Policy 300, Use of Force."

It is, therefore, appropriate for the Chairperson to sign this document.

JWL



MEMORANDUM

Dakota County Attorney's Office

Kathryn M. Keena
County Attorney

Email: attorney@co.dakota.mn.us
P: 651-438-4438, F: 651-438-4499

DATE: May 2, 2025

TO: Erin Stwora, Assistant Physical Development Director

FROM: Thomas R. Donely, First Assistant County Attorney *TRD*

SUBJECT: 2025 CDBG and HOME Certifications
Our File No. CV-25-308

The purpose of this Memorandum is to certify that the Dakota County 2025-2029 Consolidated Plan and the 2025 Action Plan is authorized under State law and local law and that Dakota County currently possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

TRD/jr

C: Maggie Dykes, Assistant Director of CED, Dakota County CDA