

City of Pompano Beach
CDBG/HOME RFP Scoring Committee Member
FY 2021-2022 Conflict of Interest Acknowledgement

The City of Pompano Beach is an entitlement community administered by the City's Office of Housing and Urban Improvement that administers HUD Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds. HUD regulations and the City of Pompano Beach do not allow persons who participate in the decision-making process or gain inside information regarding these programs to obtain a financial interest or benefit from them. Therefore, it is necessary for you to acknowledge the following:

Conflicts Prohibited. I will not obtain a financial interest or benefit from the City of Pompano Beach CDBG or HOME Programs in any contract, subcontract, or agreement with respect to the Programs, or with respect to any proceeds of the Programs, either for myself or those with whom I have business or immediate family ties during my tenure on the City of Pompano Beach FY 2021-2022 RFP Scoring Committee or for one year thereafter.

Persons Covered. I understand that this conflict of interest restriction also applies to me as an employee, agent, consultant, officer, or elected official or appointed official of a City of Pompano Beach CDBG or HOME Program recipient, or of any designated public agencies, or of persons receiving such funds.

Exceptions. Upon the written request of the recipient of a prohibited financial interest or benefit as described above, HUD may grant an exception on a case-by-case basis when it has satisfactorily met the threshold requirements below, taking into account their cumulative effects. HUD will consider an exception only after the recipient has provided the following documentation:

- a) A disclosure of the nature of the conflict, accompanied by an assurance that has been public disclosure of the conflict and a description of how the public disclosure was made; and
- b) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

In determining whether to grant a requested CDBG conflict exception, HUD will take into account the cumulative effect of the following factors, as applicable:

- a) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- b) Whether an opportunity was provided for open competitive bidding or negotiation;
- c) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- d) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
- e) Whether the interest or benefit was present before the affected person was in a position as described in the first paragraph of this acknowledgement.
- f) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- g) Any other relevant considerations.

Similar and additional factors apply in considering factors for exceptions in the case of HOME conflicts:

- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- (2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;

(5) Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict.

(6) Any other relevant considerations.

(f) *Owners and Developers.* (1) No owner, developer or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor) whether private, for profit or non-profit (including a community housing development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

(2) *Exceptions.* Upon written request of a housing owner or developer, the participating jurisdiction (or State recipient, if authorized by the State participating jurisdiction) may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether to grant a requested exception, the participating jurisdiction shall consider the following factors:

(i) Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(ii) Whether the person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted housing in question;

(iii) Whether the tenant protection requirements of § 92.253 are being observed;

(iv) Whether the affirmative marketing requirements of § 92.351 are being observed and followed; and

(v) Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

Acknowledged Karen L. Smith
Committee Member

Date 5/18/2021

Witness _____