
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 42-1, Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted property means any property adversely affected by detrimental environmental conditions, topographic problems, uncontrolled vegetation, inaccessibility or substandard structures.

Citizen advisory council (CAC) refers to an advisory group consisting of a representative from each neighborhood improvement association and three (3) at large members appointed by the mayor that provides advice to the department of housing and neighborhood development as to neighborhood and community needs and the allocation of city, federal and Topeka housing trust funds.

Dilapidated home means a substandard dwelling, the repair of which would cost more than 50 fifty percent (50%) of the replacement cost of the structure.
Extremely low income means the household annual adjusted income is thirty percent (30%) or less of the area median income as determined by HUD.

Homeowner means a person whose customary and usual abode is in a dwelling to which such person has title, a life estate or is buying under a land sales contract.

Housing and neighborhood development shall include the terms and programs associated with community development, housing development, neighborhood development, economic development or any other term or program utilized with the intent of improving any aspect of the City of Topeka.

HUD means U. S. Department of Housing & Urban Development.

Low and moderate income (LMI) means the household annual adjusted income exceeds 50-percent but does not exceed eighty percent (80%) of the area's median income.

Low income means household annual adjusted income does not exceed fifty percent (50%) of the area's median income but is above thirty percent (30%) of the area median income.

Low-moderate area benefit activity (LMA) is an activity, which is available to benefit all residents of an area, which is primarily residential, where at least 51% of the residents are low-moderate income (LMI) persons. In order to qualify on an area benefit basis, an activity must meet the identified needs of low-moderate income persons residing in an area. (LMA benefit activities are subject to other applicable HUD rules, regulations and guidelines)
Low-moderate income household is established by, the combined income of all persons residing in a housing unit to determine, using Section 8 income guidelines, if the household income meets the HUD Median annual family income limits. *(LMI households are subject to other applicable HUD rules, regulations and guidelines)*

Low-moderate income housing activity (LMH) is an activity, which assists in the acquisition, construction, or improvement of permanent residential structures (including homeownership) only to the extent that a LMI household occupies the housing unit. The housing unit may be occupied by either owner or renter upon completion and may be either one family or multi-unit structures. *(LMH benefit activities are subject to other applicable HUD rules, regulations and guidelines)*

Low-moderate income job activity (LMJ) is an activity, which creates or retains jobs for low-moderate benefit, only three ways: Be located in a predominantly LMI Area and serve LMI income residents; or involves facilities designed for use by predominantly LMI persons; or involves the employment of persons, either to create or retain jobs, principally for LMI persons. *(LMJ benefit activities are subject to other applicable HUD rules, regulations and guidelines)*

Low-moderate income limited clientele activity (LMC) is an activity, which provides benefit to a specific group of persons rather than everyone in an area generally. It may benefit persons without regard to the area in which they reside. To qualify under this activity clientele must meet one of the following: Benefit a clientele who are generally presumed, by HUD, to be principally LMI persons; or be of such nature and in such location that it may be concluded that the activity’s clientele will be LMI persons; or
The activity removes architectural barriers to the mobility or accessibility of elderly or severely disabled persons; or The activity requires information on family size and income, as to determine LMI status. *(LMC benefit activities are subject to other applicable HUD rules, regulations and guidelines)*

**Neighborhood improvement association (NIA)** means an organization whose boundaries include a census block group or multiple census block groups where at least fifty-one percent (51%) of the household annual incomes are at or below eighty percent (80%) of the area median income as determined by the United States Census. The mayor must certify these boundaries before the NIA can receive funding from the department of housing and neighborhood development.

**Rehabilitation** means repair of a substandard dwelling to conform to the minimum code or property rehabilitation standards established for community housing and neighborhood development purposes.

**Substandard home** means a dwelling which does not conform to the city's minimum housing code.

**Very low income** means household annual adjusted income does not exceed fifty percent of the area's median income.

**Section 2.** That City of Topeka Code § 42-2, Department of community and economic development, is hereby amended to read as follows:

**Department of community—and—economic housing and neighborhood development.**

There is hereby created a department of community-and-economic **housing and**
neighborhood development (HND). The functions of the department shall be as follows:

1. To administer all programs undertaken by the city pursuant to the Community Development Act of 1974 (Public Law 93-383), as amended.

2. To develop and prepare the community development application each year consolidated action plan each year and a five (5) year consolidated plan and other reports and submissions as required by HUD.

3. To mobilize resources for housing, neighborhood, community and economic development purposes, including but not limited to community development block grant funds, HOME Investment Partnership, American Dream Downpayment Initiative, Shelter + Care, emergency shelter grants and other public and private sources.

4. To develop, negotiate and monitor all contracts made in furtherance of the city's housing, neighborhood, community and economic development program.

5. To promulgate regulations, subject to all applicable city ordinances, federal legislative and administrative requirements and state statutes, with the approval of the mayor and chief administrative officer, who govern the activities of the program.

6. To perform such other duties and functions related to housing, neighborhood, community and economic development as the mayor and chief administrative officer may, from time to time, assign to the department.

7. To work closely with the U.S. Department of Housing and Urban Development in the administration of the City's housing and neighborhood development programs.
8. To administer all social service and related programs funded and assigned
by the city council.

Section 3. That City of Topeka Code § 42-3, Director of community and
economic development, is hereby amended to read as follows:

Director of community and economic housing and neighborhood
development.

a1. Job classification established. The job classification of director of
community and economic housing and neighborhood development (HND) is hereby
established, which position shall be considered a department head for all purposes.

b2. Duties. The director of community and economic development HND shall,
under the administrative direction of the mayor or chief administrative officer, perform
work of considerable difficulty in the direction and administration of the city's housing,
neighborhood, community and economic development program, and perform related
work as required.

c3. Responsibilities. The director of community and economic development
HND shall be responsible for supervision and direction of the department of community
and economic development HND. The director shall supervise the preparation of the
annual application for assistance under the community development act; shall be
responsible for developing a coordinated approach to housing, neighborhood,
community and economic development in the city; shall maintain all required records;
and shall attend meetings of the community development advisory council and other
community meetings as required. The director shall supervise the directors of the city-
county metropolitan planning agency and the city housing authority represent the city in public and private meetings pertaining to housing, neighborhood, community and economic development. The director shall work under the administrative direction of the mayor and chief administrative officer.

4. Qualifications. Desirable qualifications for the director of community and economic development HND are as follows:

1a. Training and experience. Bachelor's degree in urban planning, public administration, or a related field; and at least three (3) years' experience in the field of planning, public administration or federal housing, housing and neighborhood development related programs, one (1) of which must have been in an administrative or supervisory capacity. Each year of experience in the areas of housing or community development may be substituted for a year of formal education.

2b. Knowledge, abilities and skills. Comprehensive knowledge of housing, neighborhood, community and economic development programs and federal requirements; comprehensive knowledge of planning, research and physical program development; ability to supervise housing, neighborhood, community and economic development programs and staff; ability to analyze data and other information; ability to communicate both orally and in writing; ability to maintain an effective working relationship with city officials, private agencies and the community at large.
Section 4. That City of Topeka Code § 42-4, Community development advisory council, is hereby amended to read as follows:

Community-development Citizen advisory council.

a1. There is hereby established a community-development citizen advisory council (CAC) consisting of persons representing broad community interests. No less than 51 percent of such members shall be low or moderate income individuals. The CAC will provide recommendations to the department of housing and neighborhood development (HND) on issues described in the CAC bylaws. The CAC shall consist of one (1) member elected by each certified neighborhood improvement association (NIA) and Nine three at-large members. of the council shall be appointed for two—(2)—year terms by the mayor and shall advise the community and economic development director concerning activities of the department relating to community development. In addition to the nine at-large members, two representatives from each certified neighborhood improvement association (NIA) within the community development target area shall be elected annually at the same time the NIA holds its annual election of officers. Such election shall follow public notice prior to the date of the election. The officers shall be elected by the council. The community and economic development director shall serve as an ex officio member of the council. The NIA representatives must be eligible voting members of the NIA they represent. The NIA representative members will have three (3) year terms. No person can be the NIA representative on the CAC for more than two (2) consecutive terms. NIA representatives to the CAC shall be elected at NIA annual meetings. An NIA may also elect an alternate CAC representative who may represent
the NIA in the event the NIA's CAC representative cannot attend a CAC meeting. Except, in the event a representative cannot complete their entire term, a substitute can be elected at any regular NIA meeting.

Within thirty (30) days of the effective date of this section, each NIA shall meet to elect a representative to the transition CAC for the remainder of calendar year 2004. The term for members of the transition CAC will expire on December 31, 2004, and will not be considered in determining term limits for NIA representatives on the CAC.

The three (3) at-large members of the CAC shall be appointed for three (3) year terms by the mayor with confirmation by the city council. The at-large members will have three (3) year terms. One (1) at-large member must come from a low and moderate income (LMI) area not represented by a certified NIA or be a LMI citizen of Topeka not residing in an NIA area and two (2) at-large members must come from disciplines such as construction trades, architecture, appraising, real estate sales, public finance, mortgage lending, legal, real estate development, residential property management, commercial banking construction material suppliers, fund raising, neighborhood planning, zoning, engineering or other disciplines relevant to housing and neighborhood development.

At the first annual meeting of the CAC the voting members will elect a chair to conduct the meetings in accordance with Roberts Rules of Order. The director of housing and neighborhood development (HND) will establish bylaws and, in consultation with the CAC chair, prepare the agenda for each meeting. The CAC will meet quarterly each year unless a special meeting is requested by the director of HND.
or the city council. A quorum of the CAC shall consist of those voting members present, and a simple majority of voting members present shall decide any question. HND staff shall keep attendance records and minutes of each meeting.

Voting rights will be distributed evenly among each of the NIAs within a district according to the number of NIAs. Each at-large member will have voting rights throughout their term.

b. The community development advisory council shall notify the mayor or the NIA, whichever applies, of appointees with excessive absences and any information pertinent to the absence. Any decision of action related to excessive absences shall rest solely with the appointing authority.

c. A quorum of the community development advisory council shall consist of those members present, and a simple majority shall decide the question. Attendance records and minutes shall be kept of each meeting.

The purpose of the CAC is to advise HND of the community needs as they relate to the allocation of city, state, federal and Topeka housing trust funds.

Section 5. That City of Topeka Code § 42-5, Neighborhood improvement associations, is hereby amended to read as follows:

**Neighborhood improvement associations.**

a1. The following method is established for the establishment, creation, expansion and certification of neighborhood improvement associations (NIAs):
4a. Persons interested in forming an NIA shall set a time and place for an organizational meeting and notify all residents of this meeting, either by mail or by hand-delivered flier.

2b. At the organizational meeting, potential boundaries for the NIA shall be determined identified, officers shall be elected, and a date, time and place for regular future meetings shall be set. NIAS shall have boundaries that do not overlap with another NIA and there should not be a NIA within a NIA.

3c. At the organizational meeting, a petition shall be signed by at least twenty-five (25) residents, property owners, businesses and persons having a definable interest, as defined in the next section, in the area requesting certification.

4d. A letter requesting certification and the signed petition shall be submitted to the department of housing and neighborhood development (HND) for review. If found to be properly requested and eligible, the request will be forwarded to the mayor for approval certification.

5e. The association Each NIA shall meet during the month of April January each year to elect a president, vice-president, secretary and treasurer or other officers as dictated by the NIA's bylaws or rules of operation.

6f. A quorum for the transaction of this particular business shall be those members present.

7g. If an NIA wishes to extend its boundaries, each resident of the area to be included in the expansion shall be notified of the proposed expansion and
given the opportunity at the NIA meeting to express their approval or disapproval.

The lesser of fifty percent (50%) or twenty-five (25) signatures of residents requesting inclusion from the area to be added to the expanding NIA area must be obtained. The request will then be processed like an original request for establishment of a NIA.

b2. Each year, on or prior to May 1, the chief administrative officer shall designate certain census tracts or portions thereof within the city as the community development (CD) target area. Neighborhood improvement associations may be established within the target area. They shall be established as set out in subsection (a) of this section. The responsibilities of these CD target area NIA’s shall be as follows:

Once certified by the mayor, a NIA must adhere to the following conditions in order to be certified annually as a recognized NIA. Without initial and annual certification, a NIA will not be eligible to access NIA operational, dumpster and communications funds administered through HND and will not have the opportunity to have a representative on the citizen advisory council.

4a. To identify needs, define objectives and express preferences about activities proposed in the community development block grant funding application. At least three (3) regular meetings each year in addition to the annual meeting shall be held. The annual meeting is for the election of officers and is to be held in January of each year. Special and emergency meetings are allowed, provided there is a HND approved notification method.
2b. To act as a vehicle through which individual and group complaints concerning community development program performance are channeled to the community and economic development department. Reasonable efforts must be made to notify all members of all regular, annual, special or emergency meetings.

3c. To develop neighborhood improvement plans and submit such plans to the community development advisory board and director for funding consideration. Names, addresses and telephone numbers of all officers must be submitted to HND within thirty (30) days of election to an office.

4d. To otherwise participate in the development of programs related to community betterment. All proposed changes of NIA bylaws must be submitted to HND in writing at least thirty (30) business days prior to the meeting at which action on the proposed changes is proposed. NIA's are not required to be incorporated. However, a NIA must have bylaws or similar rules of operation and authority that are approved by HND. If not included in the bylaws or similar rules of operation, the NIA shall establish formal policies regarding the following: dispute resolution, procedures for input from residents, procedures for revocation of membership and appeal of such action, and procedures for removal of officers with a conflict of interest. NIA's may designate HND as their resident agent for purposes of communications from the Secretary of State. The director of HND may require that a standard set of bylaws be adopted by all NIA's whether or not
the NIA is incorporated. Variations to the standard set of bylaws, if required by HND, can be obtained from HND.

5e. To annually elect two representatives to sit on and participate in the community development advisory council. Membership shall be open to all who meet the requirements of this section. To be a member of a NIA, one must be eighteen (18) years of age or older and have a definable interest in the NIA. A definable interest includes only the following:

1. Owning a residential property as one’s principal residence within the NIA boundaries.

2. Renting a residential property as one’s principal residence within the NIA boundaries.

3. Owning residential rental property within the NIA boundaries that is occupied.

4. Any church, corporation or other entity conducting business with a physical presence and a business mailing address within the NIA boundaries must submit their list of designated voters who are authorized to cast their one (1) vote in writing to the NIA president prior to any meeting where a vote may be taken. This list of designated voters must be renewed annually.

5. A church member that is representing a church that is physically located within a NIA may be a voting member of that NIA as long as that church member resides within Shawnee County.
6. Landlords or businesses that own multiple rental or commercial properties within a NIA will have only one (1) vote instead of one (1) vote per rental or commercial property.

7. Landlords and business owners that own property within a NIA boundary may be a voting member of that NIA as long as the landlord's or business owner's principal residence is within Shawnee County.

6f. To work directly with the staff of community and economic development on those community development programs existing in the NIA which are funded or sponsored by community development block grant funds. Regardless of the number of ways a person qualifies as an eligible member, he or she will only be able to cast one (1) vote per NIA.

g. NIAs may include associate members in their bylaws. This will allow participation from persons less than eighteen (18) years of age and persons not meeting the criteria of members. Associate members are allowed all of the privileges of members except voting rights, the ability to enter into binding contracts or agreements and the ability to serve on the citizen advisory council.

h. Membership and associate membership in a NIA will be at no charge.

i. Proxy votes will be allowed at the discretion of each NIA. However, if a NIA chooses to allow proxy votes, it must first secure the approval of its proxy
methodology from HND. HND will establish written guidelines for proxy votes prior to acceptance of proxy votes

1. Newsletters or written updates should be published by each NIA at least bi-annually. A HND approved, written process must be developed and maintained to ensure newsletters and written updates are distributed to all eligible members of the NIA. At least one (1) of the newsletters or written updates must be used to notify members of the annual election of officers at least two (2) weeks prior to the election. Keeping the NIA's mailing lists current is a joint responsibility of the NIA and HND. However, HND has the authority to review the mailing list at any time to ensure appropriate distribution. Appropriate distribution includes only members of the NIA and any elected official who represents the NIA area. In addition, a NIA may have additional copies of its newsletters or written updates for personal distribution by hand not to exceed five percent (5%) of its mailing list. A NIA may choose to broaden the distribution of its newsletter at its own expense. Revenues generated through newsletters that are funded by HND are considered program income and must be expended on community development block grant eligible uses.

k. Officers must be elected from members of a NIA. The NIA may utilize a nominating committee if it desires. Newly elected officers must have attended a meeting of the NIA within the prior twelve (12) months. However, newly formed NIAs will not be subject to this requirement for the first (1st) year after initial certification by the mayor. Should an officer move from the NIA area
or otherwise be determined not eligible for membership, he or she must be
replaced within sixty (60) days of the disqualifying event. Officers may hold an
office in one (1) NIA and still be an eligible member of one or more other NIAs.
However, a person who is an eligible member of more than one (1) NIA cannot
be an officer in more than one (1) NIA during the same term. Members cannot
hold the same office in a NIA for more than two (2) consecutive years and cannot
hold multiple offices for more than five (5) consecutive years.

1. All NIA boundary changes must have prior written approval of HND
and the mayor.

m. All NIA name changes must have prior written approval of HND and
the mayor.

n. NIAs shall adopt a formal process for conducting meetings that
ensures orderly input and participation from eligible members.

o. NIAs shall adopt standards of financial accountability.

p. In the event an interpretation for an unusual circumstance is
desired by the NIA, a written request shall be submitted to the director of HND.
The director of HND will act upon this written request within fifteen (15) business
days. Should the NIA not agree with the decision of the director of HND, an
appeal to the mayor or his or her designee may be requested. A request for
appeal shall be submitted in writing to the director of HND who will forward the
appeal to the mayor within thirty (30) days. The mayor's decision will be final.

3. In conjunction with the United States Census, data will be compiled and
HUD will communicate census tracts and census block group data to HND establishing eligibility for area benefit use of federal resources. NIAs may be established within eligible block groups. The responsibilities of NIAs shall be as follows:

a. To participate in identifying needs and in defining objectives and expressing preferences about activities proposed in the city's five (5) year consolidated plan and the annual consolidated action plan.

b. To act as a vehicle through which individual and group concerns regarding housing and neighborhood development program performance are channeled to HND.

c. To participate in the development of neighborhood revitalization plans.

d. To otherwise participate in programs related to community betterment.

e. To participate directly with the staff of HND on those HND programs existing in the NIA which are funded or sponsored by federal, state or city funds.

Section 6. That City of Topeka Code § 42-6, Rehabilitation deferred loans, is hereby amended to read as follows:

Rehabilitation—deferred—loans Neighborhood improvement association districts.

Deferred loans may be made to assist low income homeowners and landlords in rehabilitating their homes and/or rental property. The community and economic
development director shall be the principal administrator and coordinator of the rehabilitation grant and loan programs for the city. Such programs shall be conducted in accordance with guidelines approved by the city council upon recommendation of the mayor.

1. The mayor will establish neighborhood improvement association (NIA) districts for the purpose of assigning rotating voting rights for NIA representatives to the citizen advisory council. Each NIA district will consist of at least two (2) NIAs. To the extent possible, NIA districts will consist of NIAs whose boundaries are contiguous.

Section 7. That City of Topeka Code § 42-7, Acquisition and relocation, is hereby amended to read as follows:

**Acquisition and relocation Topeka housing trust fund.**

It is the policy of the city to acquire dilapidated homes belonging to homeowners. All such acquisitions shall be by negotiation. Families of the lowest income living in the most dangerous and unhealthy housing units shall have first priority. The city or its agent may hold property under this section for public use as determined by the mayor and chief administrative officer or may dispose of the property acquired. Disposal of such property shall be performed consistent with procedures adopted by the council. All property shall be acquired and occupants shall be relocated in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646), as amended. Such program shall be conducted in accordance with guidelines approved by the council upon the recommendation of the mayor. The director of housing and neighborhood development (HND) is hereby authorized to establish the
Topeka housing trust fund. The purpose of the trust fund will be to allow the city to access other resources to address the community, neighborhood, housing and economic development needs of the city that cannot be fully met with federal, state or local funds. Trust fund resources shall be used only for the following purposes: programs, education relating to housing and economic development for citizens and program participants, and, as a last resort, for emergency operations of HND should other sources be discontinued or temporarily unavailable. All expenditure decisions will be made by the city council with recommendations by the director of HND. The director of HND will seek advice from the citizen advisory council on the process for allocating program and education funds.

Section 8. That City of Topeka Code § 42-8, Interim housing rehabilitation assistance, is hereby specifically repealed.

Interim housing rehabilitation assistance.

It shall be the policy of the city to provide emergency rehabilitation assistance to low and moderate income owner-occupants to provide minor home maintenance and emergency repairs.

Section 9. That City of Topeka Code § 42-9, Community development block grant, is hereby amended to read as follows:

Community development block grant Housing and neighborhood development budget.

Each year on or before February 15, the community and economic development director shall submit a community development block grant budget for the office of...
community and economic development to the mayor's office for review. Such budget
shall detail the costs of the conduct and administration of the department of community
and economic development and shall be submitted in a format consistent with that
generally used by departments within the city in the preparation of the annual budget.
Upon approval of the mayor, such budget shall be submitted to the council for
consideration. Each year on or before August 31, the housing and neighborhood
development (HND) director shall submit a comprehensive budget of all funding sources
for HND to the mayor's office for review. Such budget shall detail the costs of the
conduct and administration of HND and shall be submitted in a format consistent with
that generally used by departments within the city in the preparation of the annual
budget. Upon approval of the mayor, such budget shall be submitted to the city council
for consideration. The annual budget for HND will be presented and adopted
concurrent with the annual consolidated action plan and the five (5) year consolidated
plan as applicable.

Section 10. That City of Topeka Code § 42-10, Other programs, is hereby
amended to read as follows:

**Other programs Programs and targeting of resources.**

a1. The office department of community and economic housing and
neighborhood development (HND) is hereby authorized to operate programs, which are
consistent with federal, state and local laws and ordinances, in addition to those
specifically set out in this article that are specifically set out in the five (5) year
consolidated plan and the annual consolidated action plan; provided, however, that prior
to the commencement of any such program, specifications which detail such programs, objectives, methodology and costs shall be approved by the city council through its adoption of the annual consolidated action plan and the HND budget. All actions taken by the city council relating to the five (5) year consolidated plan and the annual consolidated action plan are subject to approval by HUD.

b2. The director of community and economic development HND is hereby authorized to develop, negotiate and present for approval by the mayor and chief administrative officer contracts or interagency agreements with other city agencies necessary for the implementation of programs in addition to those specifically set out in this article which are consistent with the Community Development Act (PL 93-383, as amended) and specifically set out in the annual consolidated action plan and the HND budget which are consistent with all federal, state and local laws and ordinances.

3. Topeka’s approved neighborhood plans establish the general framework for which funding decisions are considered. HND will establish written criteria for how a target area should be defined in order to be considered for funding. The criteria shall include, but not be limited to, neighborhood plans, the neighborhood health map as published by the City planning department and the Topeka-Shawnee County Comprehensive Metropolitan Plan - 2025, and any amendments thereto. HND will concentrate resources geographically to maximize collaborative investment from public and private funding sources. The major emphasis of funding decisions will be to promote identifiable impacts and enhance neighborhood wealth. HND shall invest its resources in areas where other recent and ongoing financial investment is present to
further enhance current and future success. To the extent allowable by funding sources, multiple year commitments may be made to address needs identified in the five (5) year consolidated plan or the annual consolidated action plan. The concentration of resources into areas that have a reasonable potential for positive change will be a major consideration for investment strategies that will be outlined in the annual consolidated action plan. In addition, resources will be concentrated in the "intensive care" and "at risk" areas as defined in the neighborhood health map published by the City planning department, as being the areas where the majority of HUD resources will be allocated.

Section 11. That City of Topeka Code § 42-11, Costs, is hereby amended to read as follows:

Costs Program costs and administration fees.

No costs shall be incurred against funds received pursuant to the community development act (Public Law 93-383), as amended, except as provided in this article:

1. No program costs shall be incurred against federal or state funds received except those to be deemed eligible costs by HUD or other appropriate federal or state agency.

2. No identities of interest will be allowed between board members and employees of any nonprofit organization receiving funds through the department of housing and neighborhood development (HND). For purposes of this article, identities of interest are those created by blood, marriage or adoption including grandparents, parents, brothers, sisters, aunts, uncles, nieces, nephews, sons, daughters, grandsons.
granddaughters, and in-laws of any type. Board members or employees of a nonprofit organization that receives funds through HND shall not receive any personal benefit from the HND funded activities of the nonprofit organization. No person serving on the citizen advisory council, or as an officer of a neighborhood improvement association or neighborhood association may receive a direct personal benefit from any program for which they may provide advice to HND.

3. Administration fees for operation of federal programs shall not exceed the maximum administration fees allowed by HUD or other appropriate federal agency.

4. Administration fees for operation of city-funded programs shall not exceed ten percent (10%) of the aggregate amount allocated by the city council for programs.

5. Administration fees for operation of programs funded by non-city sources shall not exceed the amount allowed by the non-city funding source.

6. HND will not be subject to, or required to pay, expenses based upon any indirect cost rate formulas established by the city.

Section 12. That City of Topeka Code § 42-12, Application of federal and state law, is hereby amended to read as follows:

Application of federal, and state and local laws or ordinances.

This article is subject to all legislative requirements of Public Law 93-383, rules prescribed pursuant thereto and applicable state statutes federal, state and local laws or ordinances applicable to the funded programs or activities.

Section 13. That City of Topeka Code § 42-13, Reserved, is hereby amended to read as follows:
Emergency rehabilitation assistance.

Emergency rehabilitation assistance will be provided subject to authorization and funding appropriations from HUD and approval of the city council.

Section 14. That City of Topeka Code § 42-61, Purpose, is hereby amended to read as follows:

Purpose.

It is hereby declared to be the purpose of this article to require all bids which relate to property for repair and rehabilitation, private and public, assisted by community housing and neighborhood development (HND), to be submitted to the director of community and economic development, 707 SE Quiney, within ten days after the invitation to bid appears in the official city newspaper HND as described in this article.

Section 15. That City of Topeka Code § 42-62, Definitions, is hereby amended to read as follows:

Definitions.

In addition to the definitions found in Article I, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bid means the amount of labor and material required to do a specific contract work by a contractor.

Contractor means the party who is to do the work if the bid is approved that the contractor submits.

Emergency grant means:
(1) If housing conditions are an immediate hazard to the health of occupants due to:

a. A heavy rat or roach infestation that is uncontrollable by ordinary means available to the occupants; or

b. Inadequate, nonfunctional or nonexisting sanitation facilities (such as a broken sewer line, inoperable or nonexisting toilet, or no running water); or

(2) If housing conditions are an immediate hazard to the safety of the occupants due to:

a. Floor or roof supports that have deteriorated to the point where they will no longer withstand a normal living load;

b. Inadequate protection from inclement weather, to the point where the housing structure no longer acts as shelter from rain, sleet, snow or wind; or

c. Electrical wiring, gas supply or heating facilities in such a deteriorated condition as to be hazardous, and possibly cause physical damage or death to the occupants, the emergency grant of $500.00 can be expanded to $1,000.00 with the approval of the director of community and economic development.

*Residential rehabilitation grant* means that residential rehabilitation grant program which provides direct cash grants not to exceed $7,500.00 to low income eligible homeowners to rehabilitate repairable housing units to community development property rehabilitation standards.
Section 312 rehabilitation loan means those funds made available to property owners by HUD through community development. Owners must live in an approved federally-funded urban renewal area, federally-assisted code enforcement area, or a community development block grant area to qualify for a loan. Owners must use the funds to rehabilitate, improve or repair their property, with a maximum loan of up to $17,000.00.

Section 16. That City of Topeka Code § 42-63, Procedure and conditions, is hereby amended to read as follows:

Procedure and conditions.

a1. Sealed bid proposals will be received by the department of community and economic housing and neighborhood development (HND), at the office of community and economic development HND, 707 Quincy, suite 208, until 11:00 a.m., ten days after the invitation to bid has been published in the official city newspaper, for furnishing contractual services as per specifications for such services on file in the office of housing assistance, 128 North Kansas at the time stated in the invitation to bid and in conformance with all requirements of the bid invitation and the project specifications.

b2. Each bidder must submit with such bid the make, model and sufficient explanatory materials upon which the bidder is bidding. HND shall maintain a list of qualified contractors by trade and type of work to whom bid invitations are offered. HND will establish written administrative policies for the acceptance and removal of contractors for purposes of establishing a qualified bidders list.

c3. A bid bond or certified check or cashier's draft payable to the city in an
amount equal to five percent of the net cost to community development must accompany all bids as a good-faith security and guarantee that the bidder will fulfill contractual obligations with the department of community and economic development. No bid bond or deposit is required to be submitted with a proposal, however no advance payments for an awarded contract shall be made. Payments for contract work shall only be made for completed work and acceptably installed material. A retainage may be designated to be withheld from payment to the contractor until final completion of the entire project.

d4. Should the bidder fail to perform the obligations as set forth in the bid, the department of community and economic development at its option may cause the good faith deposit to be forfeited as liquidated damages. Bidders shall have in force adequate liability and workers' compensation insurance coverage as determined by HND in consultation with the risk management officials of the city.

e5. Good-faith securities required by in-taking bids and making contracts shall be held for the two lowest and best bidders until the department of community and economic development has consummated the order or contract, after which the good faith security of the second bidder will be returned, and provided that the good-faith security of the winner of the award be held until its return is authorized by the department of community and economic development with the approval of the city attorney. The awarding of a contract can only be made jointly by HND and the property owner.

f6. Each bidder must furnish HND accurate current information as to name,
residence, post office address and a resume of prior work done by the bidder federal tax
identification number. Failure to furnish keep this information current may be taken as
sufficient cause for the rejection of a bid removal from the qualified contractor's list.

7. Unit prices or lump sum bids as well as amounts deducted for trade-in
equipment must be clearly and legibly entered as required in the bid, and erasures or
alterations which may be made may be considered cause for rejection of bids if the
intent of the bidder is not clear. The HND director may provide for a method of
probationary inclusion of contractors on the qualified contractor list due to a contractor's
lack of experience in certain types of work or shortcomings in completing work.

8. The right is reserved by the council to reject any or all bids and to waive
defects in bids or, if necessary, to make other adjustments which the director of HND
may deem advisable within the limits of the law. The department of community and
economic development HND reserves the right to reject bids received by persons or
firms who may be in arrears to the city or who may be otherwise legally obligated and
raise legitimate questions as to their ability to fulfill a contract.

9. Bidders are invited to be present at the opening of bids. All bids are made
with the understanding that the bidder must accept the terms and conditions contained
in the contract documents.

10. The department of community and economic development HND also
retains the right to delay the awarding of contracts, sufficient in time to make a thorough
investigation of equipment and material to be purchased or the subcontractors to be
used.
k11. Bids must be made on the blanks forms supplied by the department of
community and economic development HND, unless otherwise indicated in the
invitation for bids published in the official city newspaper.

12. The department of community and economic development is exempt from
state sales tax and federal excise tax. Contractors shall be required to provide lien
waivers or other acceptable evidence of payment to subcontractors and material
suppliers as determined by HND.

13. Except as specifically modified by this section, all bids and contracts
referred to herein shall comply with the City of Topeka purchasing regulations as
established by Chapter 2, Article VII of the Code of the City of Topeka.

(m) If the bid provides for trade-in as part payment of new equipment, such
trade-in may be examined at a location designated by the department of community and
economic development.

Section 17. That City of Topeka Code § 42-64, Exception to bid procedure and
condition, is hereby amended to read as follows:

Exception to bid procedure and condition.

Due to the nature of the emergency grant and purposes of the various housing
assistance programs provided (e.g., emergency assistance, assistance to persons with
disabilities and other limited assistance activities) the director of community and
economic development HND reserves the right to follow informal bid procedures if
because of the nature of the emergency grant, the formal bid procedure and condition
could cause injury or death to occupants in the structure in order to prevent
unnecessary delay in providing assistance, undue hardship to the program recipients, unnecessary administrative costs or the continued detrimental health and safety conditions for the applicant, neighbors or the city.

Section 18. That City of Topeka Code § 42-65, Incorporation of affirmative action, is hereby amended to read as follows:

Incorporation of affirmative action.

The department of community and economic housing and neighborhood development adopts and incorporates by reference all affirmative action procedures required for public contracts.

Section 19. That City of Topeka Code § 42-66, Powers of director of community and economic development, is hereby amended to read as follows:

Powers of director of community and economic housing and neighborhood development.

The director of community and economic housing and neighborhood development is acting within the powers of section City of Topeka Code § 42-2 for the purposes of this article.


Section 21. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.
PASSED AND APPROVED by the Council of the City of Topeka  

JUN 08 2004

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 7/10/04 BY RV
TO BE CODIFIED
NOT TO BE CODIFIED