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The applicant hereby assures and certifies that:

1. It possesses legal authority to apply for the grant, and to execute the proposed program.

2. It has provided opportunities for citizens to comment on the proposed activity, the amount of funds needed to complete the activity, and the plan to obtain such funds.

3. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

4. Its chief executive officer:

    a. Consents to cooperate with the South Dakota Governor's Office of Economic Development in the latter's responsibility to comply with provisions of the National Environmental Policy Act of 1969, insofar as the provisions of such Act apply to 24 CFR Part 570;

    b. Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of these responsibilities regarding environmental clearances of local projects.

5. It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archeological and Historical Data Act of 1966 (16 U.S.C. 469A-1, etc. seq.) by:

    a. Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity, and

    b. Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.

6. The recipient agrees to assume all the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to section 104(g) of title I of the Housing and Community Development Act of 1974 and published in 24 CFR Part 58.

7. It will comply with the regulations, policies, guidelines and requirements of 2 CFR 200 as they relate to the application, acceptance, and use of Federal funds under this Part.

8. It will administer and enforce the labor standards requirement set forth in 570.603 and HUD regulations issued to implement such requirements.

9. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards, Executive Order 11990 relating to evaluation of wetlands and Executive Order 11288 relating to the prevention, control, and abatement of water pollution.

10. It will require every building or facility (other than a privately-owned residential structure) designed, constructed, or altered with funds provided under this Part to comply with the Rehabilitation Act of 1973 as amended. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

11. It will comply with:
    a. South Dakota Codified Law 20-13 which prohibits discrimination because of race, color, creed, religion, sex, ancestry, disability or national origin. The Act also makes it illegal for any person to discriminate against someone because he or she has filed a complaint with the Division of Human Rights, has testified on a matter before the Division, or has assisted the Division to carry out the purposes of the Act.

    b. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

    c. Title VIII of Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provisions of brokerage services.

    d. Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.602), which provides that 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 provided under this Part.

    e. Executive Order 11063 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance.

    f. Section 503 of the Rehabilitation Act of 1973, as amended, which prohibits contractors and subcontractors from discriminating in employment against individuals with disabilities and requires employers take affirmative action to recruit, hire, promote, and retain these individuals.

    g. The Vietnam Era Veterans' Readjustment Act of 1974, Section 402 34.1. The recipient shall comply with the provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 402, as amended. Section 402 prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam-era veterans and qualified special disabled veterans. ***Protected veteran*** means specifically, a veteran who may be classified as a "disabled veteran," "recently separated veteran," "active duty

wartime or campaign badge veteran," or an "Armed Forces service medal veteran," as defined in 41 CFR 60-300.2(q).

h. The Violence Against Women Act Reauthorization Act of 2022, including the right to report crimes and emergencies protections at 34 U.S.C. § 12496.

12. It will comply with Section 3 (24 CFR Part 75) of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible, the Grantee provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons.

13. It will, to the greatest extent practicable under State law, comply with Sections 301 and 302 of Title III (Uniform Real Property Acquisition Policy) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will comply with Sections 303 and 304 of Title II, and HUD implementing instructions at 24 CFR Part 42 and 24 CFR Part 570.488:

    a. It will inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 24 CFR Part 42 and 570.606;

    b. It will minimize displacement, and to the greatest extent possible, comply with Title II (Uniform Relocation Assistance) of the Uniform Relocation Assistance and Real Acquisition Policies Act of 1970 and HUD implementing regulations at 24 CFR Part 42 and 570.606;

    c. It will provide relocation payments and offer relocation assistance as described in Section 205 of the Uniform Relocation Assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the Community Development Block Grant program. Such payments and assistance shall be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex, or source of income;

    d. It will assure that, within a reasonable period of time prior to displacement, comparable, decent, safe, and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, or source of income; and

    e. It will inform affected persons of the relocation assistance, policies and procedures set forth in regulations at 24 CFR Part 42 and 570.606.

14. It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

15. It will comply with the provisions of the Hatch Act which limits the political activity of employees.

16. It will give HUD and the State through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.

17. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program area not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

18. It will comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973. Pub. L. 93-234, 87 Stat. 975, approved December 21, 1973. Section 103(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area, that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

19. It will develop a community development and housing plan to identify needs; including the needs of low and moderate-income persons, and activities to be undertaken to meet such needs.

20. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low and moderate income persons unless: (A) CDBG funds are used to pay the proportion of such assessment that relates to non- CDBG funding; or (B) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low and moderate income persons who are not very low income,

    that the local government does not have sufficient CDBG funds to comply with the provision of (A) above.

21. It will identify and establish the necessary fees or other income sources to cover the cost of operation, maintenance and repair of the item, facility or project being supported in whole or in part by CDBG funds.

22. It will comply with all applicable laws and regulations of the State of South Dakota in carrying out the stated purposes of the project construction.

23. It will comply with the citizen participation plan requirements as defined in 24 CFR Part 570.486.

24. It will comply with the requirements of section 109 of Public Law 100-202 concerning the award of certain contracts and subcontracts to foreign countries identified by the United States Trade Representatives.

25. It will adopt and enforce a policy that will prohibit use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in a non-violent civil rights demonstration.

26. It will comply with 24 CFR Part 87 regarding government wide restrictions on lobbying.

27. It will comply with the Build America, Buy America Act (BABAA) requirements under Title IX of

the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget's Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18, 2022.

28. As expressed in Executive Order Ending Illegal Discrimination and Restoring Merit-Based Opportunity, as a condition of grant award, each recipient must agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code and that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.

29. The recipient shall not use grant funds to promote "gender ideology" as defined in Executive Order (E.O.) 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.

30. The recipient agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the U. S. Government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.

31. The recipient certifies that it does not operate any programs that violate any applicable Federal anti-discrimination laws, including Title VI of the Civil Rights Act of 1964.

32. The recipient shall not use any grant funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.

33. This grant shall not be governed by Executive Orders revoked by E.O. 14154, including E.O. 14008 or requirements implementing Executive Orders that have been revoked.

34. The recipient must administer its grant in accordance with all applicable immigration restrictions and requirements, including the eligibility and verification requirements that apply under title IV or the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended (8 U.S.C. 1601-1646) (PRWORA) and any applicable requirements that HUD, the Attorney General, or the U.S. Citizenship and Immigration Services may establish from time to time to comply with PRWORA, Executive Order 14218, or other Executive Orders or immigration laws.

35. No state or unit of general local governments that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or shields illegal aliens from deportation, including by maintaining policies or practices that materially impede enforcement of federal immigration statutes and regulations.

36. The recipient must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.

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37. Faith-based organizations may be subrecipients for funds on the same basis as any other organization. Recipients may not, in the selection of subrecipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

38. The recipient shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport, or highway projects as well as utility projects that benefit or serve the general public (including energy, communication, water, and wastewater related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulations and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. Law No. 107-118) shall be considered a public use for purposes of eminent domain.

39. The recipient or unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Housing and Community Development Act of 1974.

40. Under 42 U.S.C. § 5305(a)(17), CDBG funds may not be provided to a for-profit entity unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR § 570, Guidelines and Objectives for Funding Project Costs and Financial Requirements.

I declare that I am duly authorized to make these certifications on behalf of the Applicant and certify that the above actions have or will be taken.

_____ _____

Title of Project Grant Number

_____ _____

Chief Elected Official Name Chief Elected Official Signature

_____

Date