

**AMENDMENT No. 1 to JOINT EXERCISE POWERS AGREEMENT AND
COOPERATION AGREEMENT TO UNDERTAKE OR TO ASSIST IN THE UNDERTAKING OF ESSENTIAL
ACTIVITIES PURUSANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS
AMENDED, FOR THE PERIOD OF OCTOBER 1, 2017 TO SEPTEMBER 30, 2020 AND SUBSEQUENT
AUTOMATIC RENEWALS UNLESS TERMINATED**

This Amendment No.1 is entered into by and between the County of Santa Clara (“County”) and the City of “City Name” (“City”) as of August __, 2023 (the “Effective Date”) in order to amend that certain above referenced Joint Exercise of Powers Agreement and Cooperation Agreement dated [July 19, 2017] (the “Agreement”).

The County and the City hereby agree that Section 10 of the Agreement is amended by deleting the entirety of Section 10 in the original Agreement and replacing it with the following:

Section 10. ORIGINAL

10. Compliance with Legislation and Regulations.

City and County agree, pursuant to 24 CFR 570.501(b) that cities are subject to the same requirements applicable to subrecipients, including the requirement of a written agreement between the County and the City specific to the proposed Proposal as set forth in 24 CFR 570.503. City understands and agrees that should it fail to comply with such requirements or with the terms of this Agreement, that funds which may be allocated to City during the term of this Agreement may be terminated or reduced or otherwise limited in accordance with the Urban County Program and Regulations.

City and County agree to undertake, or assist in the undertaking, community renewal and lower-income housing assistance activities.

County and City shall comply with all applicable requirements of the Urban County Program and associated regulations, in utilizing grant funds under legislation that created and govern these grants, and shall take all actions necessary to assure compliance with the urban county's certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1, and the Fair Housing Act, and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. (See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152, available at .) County and City shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968. The County and City shall comply with all other applicable laws.

The City agrees that use of Urban County Program funding for activities in or in support of City is prohibited if City does not affirmatively further fair housing within its own jurisdiction as defined by Federal law or impedes County actions to comply with its fair housing certification included with the Annual Action Plan. **If requested, the City shall execute assurances and certifications in HUD 424-B** to demonstrate how it complies with the fair housing requirement.

Furthermore, City hereby covenants by and for itself, its successors and assigns, and all persons claiming under or through it that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any project funded by Urban County Program funds, nor shall City itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in any project funded as a result of this Agreement.

The City hereby covenants has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. Furthermore, the City has adopted and is enforcing 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 such jurisdictions.

Except as herein modified, all other provisions of the Agreement, including any subsequent amendments thereto, shall remain in full force and effect.

IN WITNESS THEREOF, the parties have by their duty authorized representatives executed this Amendment effective as of the Effective Date.

[insert signature blocks]