



**U.S. Department of Housing and Urban Development**

**Philadelphia Regional Office  
The Strawbridge's Building  
801 Market Street  
Philadelphia, Pennsylvania 19107-3380**

February 26, 2024

Via email: [salberts@upperdarby.org](mailto:salberts@upperdarby.org)

Mr. Scott Alberts  
Director of Administrative Services  
Upper Darby Township  
Municipal Building, Room 109  
100 Garrett Road  
Upper Darby, PA 19082-3135

RE: Program Year Review Letter  
Township of Upper Darby  
Program Year 2022 (October 1, 2022 through September 30, 2023)

Dear Mr. Alberts:

We want to thank you and your staff for all you are doing to serve the CPD program needs of your community during these unprecedented times. The provisions of the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, require the annual submission of performance reports by grant recipients receiving federal assistance through programs covered under these Acts. Additionally, these Acts require that a determination be made by the Secretary of the U.S. Department of Housing and Urban Development that the grant recipient is in compliance with the statutes and has the continuing capacity to implement and administer the programs for which assistance is received.

The Consolidated Plan regulations at 24 CFR 91.525 require the Department to evaluate and report to the public on a community's overall progress in the management of its program funds, compliance with the Consolidated Plan, the accuracy of performance reports, and the extent to which progress has been achieved toward the statutory goals identified in Section 91.1. This letter serves to apprise you of our assessment of the Township of Upper Darby's overall progress.

In making our evaluation, we relied primarily upon the township's submission of the Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2022. This report summarized accomplishments made with funds provided from the Community Development Block Grant (CDBG) program. This letter is a summary of our review of the township's overall performance.

Under the Part 91 Consolidated Planning regulations, all Annual Action Plans and CAPERs are required to include performance measures as part of annual reporting. The Office of Management and Budget has deemed this information necessary to validate the continued funding of HUD programs. The township provided performance measures as required by this guidance.

### **CARES Act Program Accomplishments**

Upper Darby Township received an allocation of \$1,568,434 of CDBG CARES Act funds for use preparing for, preventing, and responding to COVID-19. The township has expended \$1,433,856.40 of CDBG-CV CARES Act funds to date. In Program Year 2022, the funds were spent on the following activities: touchless restrooms in libraries, bike racks for mobility improvements, street and walkway widening for pedestrian social distancing and provision of vehicles to aid in delivery of meals to senior citizens who are unable to leave their homes. The township also utilized CDBG-CV funding to provide households who lost income as a direct result of the pandemic, with rental, mortgage, or utility assistance payments to prevent homelessness. We appreciate all that the township has done to serve the needs of its community during these difficult times and to adapt to the many operational challenges that COVID-19 has presented.

### **Annual Program Accomplishments**

#### **CDBG Program:**

The CDBG timeliness requirement is that a community may have no more than 1.5 times its most recent annual grant remaining in the line of credit 60 days prior to the end of its program year. When the 60-day timeliness test was conducted on August 2, 2023, it was calculated that the township had an adjusted for program income balance in its line of credit of 1.49 times its annual grant, which is in compliance with the 1.5 timeliness standard.

During the 2022 program year, the township reports that it expended 98.35 percent of its CDBG funds for activities benefiting low- and moderate-income persons, which meets the primary objective of the Housing and Community Development Act of 1974. In addition, the township spent 7.89 percent of its funds on public service activities, which is below the 15 percent regulatory cap. The township obligated 7.89 percent of its CDBG funds to planning and administration, which is below the 20 percent regulatory cap and in compliance with the *program year obligation* test at 24 CFR 570.200(g)(2).

The grant-based accounting interim rule at 24 CFR 570.200(g)(1) requires that, for 2015 and subsequent CDBG grants, a grantee may not expend more than 20 percent of any year grant for planning and program administrative costs. As a result, beginning with 2015 CDBG grants, grantees must ensure compliance with this new *origin year grant expenditure* test. In review of the township's origin year expenditures, HUD has determined that the township is in compliance with the origin year expenditure test for its 2015 grant— the grant is fully expended, and 11.21 percent of the grant was expended for planning and administrative costs. Though not fully expended, currently the township has expended 8.06 percent of its 2016 grant, 9.79 percent of its

2017 grant, 15.74 percent of its 2018 grant, 9.69 percent of its 2019 grant, 8.47 percent of its 2020 grant, 7.35 percent of its 2021, and 8.83 percent of its 2022 grant on planning and program administrative costs. The township's final compliance with the 2016, 2017, 2018, 2019, 2020, 2021, and 2022 origin year expenditure tests will be assessed once the grants are fully expended.

The township received a CDBG grant of \$1,665,717 for Program Year 2022 and expended \$1,301,395.79 of CDBG funds during this period. Resources were devoted to activities in geographic areas consisting primarily of low- and moderate-income residents throughout the township.

The types of activities undertaken with these funds include park and playground improvements in low/mod neighborhoods; assistance to low- and moderate-income residents through its rehabilitation program; providing handicap curb cuts and also providing community assistance through local nonprofits. The township also completed a Historic Preservation Project.

In Program Year 2022, through its First Time Home Buyers Downpayment Assistance Program, Upper Darby provided first-time homebuyers up to \$6,000 toward their downpayment/closing costs. This program is one of the township's most successful programs. It also helps the community due to the fact that a lot of the homes being purchased were vacant. The amount of the purchase price was increased this year in order for first-time homebuyers to keep up with the current competitive real estate market. Funding was also provided to the Delaware County Action Agency for homeless assistance.

Grantees were required to expend all 2016 CDBG funds by September 30, 2023. The township expended all of its 2016 funds in compliance with this requirement. Any unexpended 2017 funds that the township may have available must be expended by September 30, 2024.

HUD acknowledges the township's accomplishments during the program year. Based on our review we have concluded that the township has the capacity to carry out its CPD programs and has met its reporting requirements.

### **Affirmatively Furthering Fair Housing**

The township also included in its CAPER its efforts to affirmatively further fair housing and identify impediments to fair housing. Fair housing efforts assisted a number of low- and moderate-income individuals with educational training and landlord eviction issues. We commend you for these efforts.

U.S. Department of Housing and Urban Development program participants are reminded that the legal obligation to affirmatively further fair housing remains in effect under the Fair Housing Act; Title VI of the Civil Rights Act; Section 109 of the Housing and Community Development Act; and other civil rights related authorities.

Please be aware that a jurisdiction could be subject to a compliance review to determine whether, as a recipient of HUD funds, it is in compliance with applicable civil rights laws and their implementing regulations if its certification to affirmatively further fair housing is in question.

The Office of Fair Housing and Equal Opportunity (FHEO) initiates most compliance reviews based on risk analyses, issues raised during a limited monitoring review, or when a civil rights problem is detected through HUD program monitoring. FHEO is available to provide technical assistance regarding affirmatively furthering fair housing upon your request. Should you have any questions, we encourage you to reach out to Carolyn Punter, FHEO Program Center Director, at [Carolyn.K.Punter1@hud.gov](mailto:Carolyn.K.Punter1@hud.gov).

We ask that you review our assessment of your performance and provide any comments that you may have within 35 days of the date of this letter. Upon receipt, we will evaluate your comments and make any revisions that are deemed appropriate. If you do not have any comments, we request that you formally notify us of that fact within the 35-day timeframe. Where no comments are received within the designated timeframe, our initial letter will serve as our final assessment of the township's performance for this program year.

To facilitate and expedite citizen access to our performance letter, we request that you inform the general public and interested citizens' organizations and non-profit entities of its availability. If, for any reason, the township chooses not to do so, please be advised that our office is obligated to make the letter available to the public. We appreciate your cooperation in this matter.

We look forward to continuing to work with you and members of your staff to accomplish Departmental goals and mutual objectives to develop viable urban communities. We would also be pleased to provide you with any information on resources that may be available to your community. If you need assistance, or if you have any questions concerning the content of this letter please contact Michelle Patterson, Senior Community Planning and Development Representative at (215) 861-7665, or by email, at [michelle.patterson@hud.gov](mailto:michelle.patterson@hud.gov). Our telephone text (TTY) number for the hearing impaired is (800) 877-8339.

Sincerely,

Mandy Wampler  
Acting Director  
Office of Community Planning  
and Development