

## Section 570.303(b) Certification

February 10, 1987

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C. 20410-0500

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM FOR: Jeremy F. Beitz, Chief Counsel  
Milwaukee Office, 5.3G

FROM: Vincent R. Landau, Assistant General Counsel Block Grants Division, GCB

SUBJECT: Milwaukee Final Statement, Section 570.303(b) Certification

This is the written confirmation you requested of my telephone advice last Thursday, regarding the Mayor's authority to execute and submit a final statement. The Mayor apparently insists he has the sole authority to take such action without the consent or authority of the governing body. The governing body disagrees. At the time of our telephone conversation you indicated the Mayor's attorney confirmed the Mayor's position and that a request by the City Council for a legal opinion on the matter from the City Attorney's office was still pending.

As we discussed, the relevant certifications are those required by § 570.303(a) and (b) which, in effect, represent that the final statement, in the forms submitted, constitutes a legally authorized act by the City grantee to receive and use its entitlement grant in accordance with the final statement. In our opinion, a dispute as to what is legally required to make the submission an authorized act by the City is entirely a matter of local law which must be resolved at the local level. In this connection, the provisions of § 570.304(a)(3) apply. The regulations state that the final statement and certifications will be accepted by HUD unless it is determined that independent evidence tends challenge in a substantial manner the certifications. In such event, such further information or assurances as the Secretary may consider warranted or necessary in order to find the grantee's certifications satisfactory may be required.

In the instant case, you should await receipt of the requested opinion of the City Attorney. If the opinion settles the matter to the satisfaction of the disputing parties, you should be certain that the submission is in accordance with it. If you are notified that either party is challenging the opinion and expects to legally pursue the matter further, please notify this office of the circumstances and request a determination of the conditions under which the final statement and certifications will be acceptable.