

AMENDMENT NO. 2

**SUBRECIPIENT AGREEMENT
No. SA-CDBGDR(HA)-001-2019**

**APPENDIX D: PROJECT AGREEMENT NO.:
H-PAHD-VIHA-DONOE REDEVELOPMENT LMI**

between

The VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

and

The VIRGIN ISLANDS HOUSING AUTHORITY

This Amendment No. 2 ("Amendment ") is made this 17th day of August, 2021 by and between the Virgin Islands Housing Finance Authority ("VIHFA") and the Virgin Islands Housing Authority ("VIHA").

WHEREAS, on May 24, 2019, the Virgin Islands Housing Finance Authority ("VIHFA") and the Virgin Islands Housing Authority ("VIHA") entered into a Subrecipient Agreement under the Public and Affordable Housing Program; and

WHEREAS, on November 19, 2019, the VIHFA and the VIHA entered into a project agreement ("Project Agreement")(Project Agreement No.: H-PAHD-VIHA-DONOEREDEVELOPMENT LMI) to rebuild eighty-four (84) rental units, which is attached to the Subrecipient Agreement as Appendix D to the Subrecipient Agreement; and

WHEREAS, Federal Register Notice 83 FR 5844, page 5848 provides that all beneficiaries agreements must include specific language warning against making a false claim; and

WHEREAS, the Subrecipient and Appendix D - Project Agreement(s) are also updated to identify the Small Business Administration ("SBA"), any insurance proceeds, and other funding sources as additional resources that constitute Duplication of Benefits for public housing agencies; and

WHEREAS, the parties wish to amend the Subrecipient and Project Agreement(s) accordingly .

NOW THEREFORE, in consideration of the mutual covenants herein contained and intending to be legally bound by this Agreement, the parties hereto do covenant and agree as follows:

- (A) Section 7 of the Subrecipient Agreement is amended by adding the following phrase "Small Business Administration ("SBA"), any insurance proceeds, or other funding sources" to the last sentence of the paragraph to read as follows:

This includes programs or activities administered by, but not limited to, the Federal Emergency Management Agency ("FEMA"), the United States Environmental Protection Agency ("EPA"), the United States Department of Transportation ("DOT"), or the U.S. Army Corps of Engineers ("USACE") or Small Business Administration ("SBA"), any insurance proceed, or other funding source.

- (B) Section 7 of the Subrecipient Agreement is amended by adding the following language, as a second and third paragraph, to read as follows:

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

The Subrecipient is also required to include the above warning in its vendor contracts and/or agreements that are executed pursuant to this Agreement.

- (C) Section 5 "Project Budget" of Appendix D, Project Agreement, is amended by adding the following phrase "Small Business Administration ("SBA"), any insurance proceeds, or other funding source" to the last sentence of the paragraph to read as follows:

This includes programs or activities administered by, but not limited to, the Federal Emergency Management Agency ("FEMA"), the United States Environmental Protection Agency ("EPA"), the United States Department of Transportation ("DOT"), or the U.S. Army Corps of Engineers ("USACE") or Small Business Administration ("SBA"), any insurance proceeds, or other funding source.

- (D) This Amendment may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document.
- (E) All other requirements and provisions of the Subrecipient Agreement between the VIHFA and VIHA shall remain in full force and effect.

SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties intending to be legally bound hereby, caused these presents to be executed as of the day and date first above written.

WITNESS:



(Name)

VIRGIN ISLANDS HOUSING
AUTHORITY




Robert Graham, CPM
Executive Director

DATE: 7/20/2021

DATE: 7/20/2021

WITNESS:



(Name)

DATE: 7/20/2021

Reviewed for Legal Sufficiency:


Denise Rhymer, Esq.

Dated: 12th day of August, 2021

VIRGIN ISLANDS HOUSING
FINANCE AUTHORITY



Daryl Griffith, Executive Director

WITNESS:

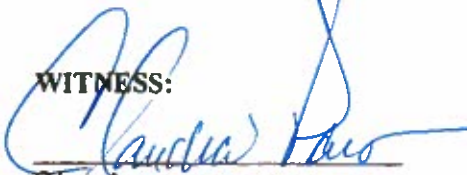


(Name)

DATE: 08/17/2021

DATE: 8/17/2021

WITNESS:



(Name)

DATE: 8/17/2021