



Policy Change Alert – Program Reconsideration Requests, Appeals, and Complaints

Issued: August 06, 2020

Effective: August 06, 2020

Functional Area(s): Case Management

Overview

The DEO Housing Repair and Replacement Program has approved the implementation of Reconsideration Requests as of the date of this publication. This Reconsideration Request policy allows for applicants who have not already executed a homeowner grant agreement with the Program to request the program to reconsider their 1) Duplication of Benefits (DOB) Gap; and/or 2) Damage Assessment Scope of Work (SWE); and/or 3) Damage Assessment Completed Repair Estimate (CRE) within 30 calendar days from the date of their Award Acknowledgement Letter.

Should an applicant disagree with the result of a request for reconsideration, they will be provided with a notice of administrative rights to appeal and instructions for the program's appeal process.

The intent of this policy change alert is to articulate the reconsideration, appeals, and complaints process in its totality as a go-to resource for internal program staff.

Policy Summary

The following information provides a brief summary of reconsideration requests, appeals, and complaints from the program's perspective.

Reconsideration Requests are limited to an applicant's submission of a Notice of Reconsideration Request Form (**Appendix A**) within 30 calendar days from the date of an Award Acknowledgement Letter and before execution of a homeowner grant agreement, whichever occurs first, for one or more of the following program decisions; essentially to formally request a recalculation of dollar amount determinations:

- Reconsideration of my Duplication of Benefit (DOB) Gap
- Reconsideration of my Damage Assessment Scope of Work Estimate
- Reconsideration of my Damage Assessment Completed Repair Estimate

DEO Informal Appeals are limited to an applicant's submission of a Notice of Informal Appeal Form (**Appendix B**) within 30 calendar days from the date of the Eligibility Determination Letter and before execution of a homeowner grant agreement, whichever occurs first. Informal appeals are requests to redetermine a final decision or determination based on new or previously erroneously analyzed evidence. Informal appeals may be lodged only upon the deliverance of an adverse program decision regarding eligibility or closure of an application, and only within the parameters set by the Appeals procedure. Applicants may not appeal program policy or statutory and regulatory requirements /



guidelines. Closure of an application for unresponsiveness may be appealed once. Applicants may request a DEO Informal Appeals for one or more of the following:

- Denial of application based on eligibility requirements
- Denial of application based on damage assessment
- Denial of application based on environmental review
- Other (please specify)

Complaints may be lodged regarding any and all concerns that applicants may have with the procedures followed and services provided by HRRP.

The following sections in its entirety is to be included in the HRRP Guidelines and all applicable program documentation.

Reconsideration Requests, Appeals, and Complaints

In accordance with 24 CFR 91 Citizen Participation Plan and 24 CFR 570.486(a) (7), the HRRP has developed the reconsideration, appeals and complaints process. Through the reconsideration process, applicants have a mechanism for requesting further review on a decision made on their file. Once exhausting the reconsideration process, should an applicant disagree with the result of the request for reconsideration, the decision of the HRRP can be further reviewed through an agency informal appeals process. Program policies are not appealable. In addition, citizens may file complaints- both formal and informal- which will be responded to in 15 working days.

Information about the right and how to file a reconsideration request, agency informal appeal and complaint will be printed in all guidelines and posted on the Rebuild Florida website, www.rebuildflorida.gov, in all local languages, as appropriate and reasonable. Complaints regarding fraud, waste or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov).

DEO Requests for Reconsideration

Throughout the process, decisions will be made on an application and/or project to be delivered. The decisions are made based on statutes, codes of federal regulation, local administrative code, state and local guidelines as they are interpreted by the Program. This policy guides the process for an applicant or contractor requesting program reconsideration of decisions made by the HRRP.

Grounds to request reconsideration of a decision. Applicants who have applied for funding for disaster recovery may only request reconsideration of the disposition of a program decision on one or more of the following:

1. Duplication of Benefits (DOB) Gap
2. Scope of Work
3. Completed Repair Estimates (CRE)

Reconsideration request of local program decision. A party requesting reconsideration must file a written request for reconsideration with the HRRP to request a review within (30) calendar days of the date of



the Award Acknowledgement Letter and before execution of a homeowner grant agreement, whichever occurs first. The written request must include specific information relating to the reconsideration of the HRRP decision. HRRP will acknowledge receipt of the request. HRRP will respond in writing to the request no later than 15-working days after the date of receipt of the request. The response may take one of the following actions:

1. Acknowledgment of receipt of the request for reconsideration and notification that the review of the applicant file may take longer than 15 working days;
2. Request for additional supporting documentation or information from the applicant;
3. Status of the investigation and estimated timeframe for decision; or
4. Final determination of the issue to:
 - a. Concur with the request and make the appropriate adjustments to the staff member's decision; or
 - b. Disagree with the request and provide the basis for rejecting the request for reconsideration to the party.

Should an applicant disagree with the result of a request for reconsideration, the applicant will be provided with a notice of administrative right to appeal and instructions for the appeal process.

In order to request a reconsideration, please submit a written notice to CDBG-DR.Reconsiderations@deo.myflorida.com or submit by postal mail to the following address:

Florida Department of Economic Opportunity
Division of Community Development
Attention: Office of Disaster Recovery, Appeals Team
107 East Madison Street, Caldwell Building, MSC 160
Tallahassee, FL 32399

Appeals

DEO Informal Appeal

The decision of the HRRP can be further reviewed through an agency informal appeals process. Appeals may be lodged only upon the deliverance of an adverse program decision regarding eligibility or closure of an application, and only within the parameters set by the Appeals procedure. A party requesting a DEO informal appeal must file a written request for informal appeal within 30 days of the Eligibility Determination Letter and before the applicant executes a homeowner grant agreement with the Program, whichever occurs first. In an informal appeal, DEO will conduct investigations, as necessary. In addition, an informal appeals hearing will be held, as necessary. The informal appeals hearing will be held by telephone with all involved parties on a conference call. After the request for a DEO informal appeal is filed, the following events will occur:

- 1) A Notice of Hearing will be mailed, listing the date, time and contact information for the scheduled hearing; and
- 2) Once the appeal hearing is complete, a decision of the result will be distributed.



Applicants may file an informal appeal through the Disaster Recovery email at CDBG-DRAppeals@deo.myflorida.com or submit by postal mail to the following address:

Florida Department of Economic Opportunity
Division of Community Development
Attention: Office of Disaster Recovery, Appeals Lead
107 East Madison Street, Caldwell Building, MSC 160
Tallahassee, FL 32399

Formal Appeal / Notice of Administrative Appeals Rights

Any person whose substantial interests are affected by DEO's determination has the opportunity for an administrative hearing with the Division of Administrative Hearings pursuant to section 120.569, Florida Statutes. For the required contents of a petition challenging agency action, refer to rules 28-106.104(2), 28-106.20(2), and 28-106.301, Florida Administrative Code.

Any petition must be filed with the Agency Clerk within 30 calendar days of receipt of DEO's Informal Appeal Determination Letter. A petition is filed when it is received by:

Agency Clerk Department of Economic Opportunity
Office of the General Counsel 107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128

Fax: (850) 921-3230

Email: Agency.Clerk@deo.myflorida.com

If an applicant files a request for a DEO informal appeal, the requirement to timely file a petition challenging agency action will be tolled until a decision is rendered by the Department. At that time, a new appeal window will begin. No applicant will lose their rights under Chapter 120, Florida Statutes, by filing a request for informal appeal.

Uniform Relocation Act (URA) Appeals

Applicants may appeal any case in which he or she believes that HRRP has failed to properly consider his or her application for assistance. This includes, but is not limited to, the applicant's eligibility for, or the amount of, a payment required for relocation assistance. The applicant must appeal HRRP decisions related to relocation assistance within 30 days of receiving a written determination from HRRP outlining the program's decision related to his or her eligibility for benefits or amount of benefits.

DEO Complaints

Citizens may file a written complaint through the Disaster Recovery email at CDBG-DR@deo.myflorida.com or submit by postal mail to the following address:

Florida Department of Economic Opportunity
Division of Community Development
Attention: Rebuild Florida Constituent Services
107 East Madison Street, Caldwell Building, MSC 160
Tallahassee, FL 32399



HUD Complaints

If the complainant is not satisfied with the subrecipient determination or DEO response, the complainant may file a written appeal by following the instructions issued in the letter of response. If after the informal appeals process the complainant has not been satisfied with the response, a formal complaint may then be addressed directly to the HUD regional office at:

Department of Housing and Urban Development Charles E. Bennett Federal Building
400 West Bay Street, Suite 1015
Jacksonville, Florida 32202

The Florida Disaster Recovery Program operates in accordance with the Federal Fair Housing Law (The fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination (phone: 1-800- 669-9777 or online:

www.hud.gov/fairhousing).

Fair Housing Complaints

Persons alleging a violation of fair housing laws will be referred to DEO's local contact to file a complaint. DEO will retain a log and record of all fair housing inquiries, allegations, complaints and referrals. In addition, DEO will report suspected non-compliance to HUD. The contact for DEO's Fair Housing Complaints is:

CMS@deo.myflorida.com
(850) 717-8426

Contractor Fraud

If any construction contractor or other individual directly contacts an applicant fraudulently claiming to be associated with the Rebuild Florida program, the applicant should not provide any identifying information. Rebuild Florida representatives will have official badges with his or her photograph and name, and applicants will receive official communications from Rebuild Florida before anyone arrives at his or her home. Should an inspector or contractor arrive at an applicant's address unexpectedly, the applicant should reach out to the Program immediately by calling 844-833-1010.

In addition to contacting the Rebuild Florida program, an applicant is encouraged to contact the Attorney General's Office directly regarding contractor fraud by either of the following options:

1. Call 1 (866) 9NO-SCAM (866-966-7226) or;
2. Submit a contractor fraud complaint electronically at MyFloridaLegal.com by clicking on "General Complaints" on the home screen and following the instructions.



Appendix A: Notice of Reconsideration Request Form



RebuildFlorida.gov
844-833-1010

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
REBUILD FLORIDA HOUSING REPAIR AND REPLACEMENT PROGRAM
NOTICE OF RECONSIDERATION REQUEST

Applicant ID #	
Property Owner Name	
Damaged Property Street Address	
City, State, Zip Code	
Mailing Address (if Different)	
Phone Number	
Email Address	

Reconsideration Request: As an applicant in the Rebuild Florida Housing Repair and Replacement Program (HRRP), I am requesting reconsideration of the benefits described in the Award Acknowledgement Letter. I would like the Department to review my case regarding the following:

- Reconsideration of my Duplication of Benefits (DOB) Gap
- Reconsideration of my Damage Assessment Scope of Work
- Reconsideration of my Damage Assessment Completed Repair Estimate (Please send all receipts, invoices, and proof of payment for eligible repairs already completed. Acceptable forms of proof of payment include copies of checks, credit card statements and bank statements showing a payment that matches the receipts and/or invoices for repairing these items. We are unable to accept cash receipts.)

Additional documents supporting my reason(s) for reconsideration are attached (if applicable).

Note: Reconsideration requests must be filed within 30 calendar days from the date of the Award Acknowledgement Letter and before execution of a homeowner grant agreement, whichever occurs first. The date of filing will be based on the postmark or the date the reconsideration request is received by DEO. Reconsideration requests should be emailed to: CDBG-DR.Reconsiderations@deo.myflorida.com or submitted by postal mail to the following address:

Florida Department of Economic Opportunity
Division of Community Development
Attention: Office of Disaster Recovery, Appeals Team
107 East Madison Street, Caldwell Building, MSC 160
Tallahassee, FL 32399

Applicant Signature

Date



Florida Department of Economic Opportunity | Caldwell Building |
107 E. Madison Street | Tallahassee, FL 32399
| www.FloridaJobs.org | www.twitter.com/FLDEO
| www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to Individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.





Appendix B: Notice of Informal Appeal Form



RebuildFlorida.gov
844-833-1010

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
REBUILD FLORIDA HOUSING REPAIR AND REPLACEMENT PROGRAM
NOTICE OF INFORMAL APPEAL

Applicant ID #	
Property Owner Name	
Damaged Property Street Address	
City, State, Zip Code	
Mailing Address (if Different)	
Phone Number	
Email Address	

Informal Appeal Request: Please accept my request for an informal appeal to the Rebuild Florida Housing Repair and Replacement Program. I would like the Department to review my case regarding the following:

- _____ Denial of application based on eligibility requirements
- _____ Denial of application based on damage assessment
- _____ Denial of application based on environmental review
- _____ Other (please specify): _____
- Attached/Uploaded are the following documents supporting my reason for appeal (if applicable)

Note: Informal appeals must be filed within 30 calendar days from the date of the Eligibility Determination Letter and before the applicant executes a homeowner grant agreement with the Program, whichever occurs first. The date of filing will be based on the postmark or, if faxed, the date the informal appeal is date-stamped received by DEO. Informal appeals should be emailed to: CDBG-DRAppeals@deo.myflorida.com or submit by postal mail to the following address:

Attention: Office of Disaster Recovery, Appeals Lead
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, FL 32399

Homeowner Signature

Date



Florida Department of Economic Opportunity | Caldwell Building |
107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to Individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

