DRAFT Amendment 17 (Substantial)

Substantial Amendment 17, Approved by HUD 9/24/2021			
Previous Page #	**New Page #**	**Section**	**Change/Addition/Deletion**
9	N/A	II. Unmet Needs Assessment	Updated mention of six years to expend CDBG-DR funds, as this timeframe was extended to seven years in 85 FR 50042 due to the COVID-19 pandemic.
78	N/A	III. General Action Plan Requirements	Updated maximum amount of CDBG-DR assistance available for any single housing unit under Hurricane Irma recovery programs from $150,000 to $350,000 except for Monroe County which will have a maximum assistance amount of $650,000. Updated $150,000 cap to $350,000.
85	N/A	IV. Projects and Activities	Updated Program Budget to reflect the transfer of $170M from Infrastructure and Voluntary Home Buyout budgets to Housing budget. Changed Housing Repair Program total budget from $346,186,147 to $516,832,357.53 and the 80%/20% MID Budget Breakdown figures to $413,465,886.02 and $103,366,471.51, respectively. Changed Voluntary Home Buyout total budget from $44,117,239 to $43,663,617.33 and the 80%/20% MID Budget Breakdown figures to $34,930,893.86 and $8,732,723.47, respectively. Changed Maximum Award amount in Housing Repair program from $150,000 to $350,000 and Monroe County $650,000.
86	N/A	IV. Projects and Activities	Changed Infrastructure Repair Program Competitive Application Cycle total from $226,889,503 to $56,696,914.14 and the 80%/20% MID Budget Breakdown figures to $45,357,531.31 and $11,339,382.83, respectively. Updated maximum estimated award from $150,000 to $350,000. Removed Round I and Round II Maximum Award and replaced with N/A.
87	N/A	IV. Projects and Activities	Updated the Amended Program Budget table to show the amount adjusted in the Infrastructure, Voluntary Home Buyout and Housing Repair and Replacement budgets.
88	N/A	IV. Projects and Activities	Removed “Revision Number” from justification language for Substantial Amendments 11 and 14 to streamline references to the Action Plan Amendments.

N/A	88-89	IV. Projects and Activities	Added justification language for Amendment 17.
96	N/A	IV. Projects and Activities	Updated maximum amount of CDBG-DR assistance available to a single housing unit under the Housing Repair program from $150,000 to $350,000 except for in Monroe County which will have a maximum assistance amount of $650,000.
97	N/A	IV. Projects and Activities	Updated Housing Repair and Replacement allocation to $516,832,357.53. Removed language that may have been confusing regarding eligibility for HRRP and replaced with language stating that individuals that make above 120 percent the Area Median Income are not eligible for the HRRP. Updated **Maximum Award (per unit):** $150,000* to $350,000 except for Monroe County, which will have a maximum assistance amount of $650,000. Updated $150,000 cap to $350,000. Replaced Hurricane Michael with "recent national disasters" to avoid confusion.
105	N/A	IV. Projects and Activities Voluntary Home Buyout	Split existing information under "Voluntary Home Buyout" into separate paragraphs, for clarity.
106	N/A	IV. Projects and Activities Voluntary Home Buyout	Inserted text stating that all activities undertaken by the Voluntary Home Buyout program must meet the requirements of the Housing and Community Development Act of 1974. Clearly listed national objective criteria as stated by HUD in 83 FR 5864. Separated existing language into separate paragraphs, for clarity. Added language regarding maximum housing incentive amounts. Moved phrase regarding DEO's prioritization of projects meeting the LMA benefit.
106	N/A	IV. Projects and Activities	Separated existing information into separate paragraphs, for clarity. Replaced two instances of "resettlement incentives" with "housing incentives" for consistency with national objective criteria language.

			Updated Voluntary Home Buyout allocation to $43,663,617.33.
107	N/A	IV. Projects and Activities	Added LMHI benefit to the eligibility criteria. Removed language regarding a review of eligibility for projects, as the newly added national objective language (above) states this requirement. Added the word “units” in item one under “Affordability Periods,” for clarity.
110		IV. Projects and Activities	Removed initial allocation amount from the first sentence under “Infrastructure Repair Program” and made minor edits to accommodate this change Inserted language explaining the sequence of CDBG-DR allocations received by DEO for Hurricane Irma, and the funds allocated to Infrastructure.
111		IV. Projects and Activities	Updated allocation amount for Infrastructure Repair Program to reflect the reallocation of funds.
N/A	191	IX. APPENDICES AND SUPPORTING DOCUMENTATION	Inserted “Appendix 18: 30 – day Public Comment Period for Substantial Amendment 17” to provide a summary of public comments received.

Substantial Amendment Introduction

The substantial amendment modifies The State of Florida Action Plan for Disaster Recovery. In an effort to serve additional applicants who are considered the most vulnerable population in the Hurricane Irma Housing Repair and Replacement Program, the Florida Department of Economic Opportunity (DEO) is transferring $170,192,588.86 from the Hurricane Irma Infrastructure Repair Program and $453,621.67 from the Voluntary Home Buyout program to the Housing Repair and Replacement Program. Secondly, it increases the maximum assistance provided to applicants through the Housing Repair and Replacement Program from $150,000 to $350,000, with the exception of Monroe County, which will have a maximum assistance amount of $650,000.

<u>Housing Repair and Replacement Program Allocation</u>

DEO has allocated more than $346 million to the Housing Repair and Replacement Program.

As of September 2021, DEO has awarded more than 4,000 Single Family/Small Rental Housing Projects. DEO has projected and forecasted approximately 5,000 Single Family/Small Rental Housing Projects and nearly 100 Multi-Family Rental Projects will be completed through the Hurricane Irma Housing Repair and Replacement Program.

Additional factors, such as rising costs of materials and construction due to the industrial impacts of recent national disasters, as well as COVID-19 related production issues, have resulted in the original allocation of funding to the Housing Repair and Replacement Program being less efficacious than originally anticipated. It is estimated the current Housing Repair and Replacement Program allocation of $346,186,147 is projected to fall short by more than $170,000,000.

In order to mitigate the rising cost of construction projects and serve more constituents through the Housing Repair and Replacement Program, DEO will be moving a large portion of Irma Infrastructure Repair Program projects to DEO's Community Development Block Grant—Mitigation (CDBG-MIT) General Infrastructure Program. Projects identified for the CDBG-MIT General Infrastructure Program Round III were originally evaluated and ranked for the CDBG-DR Irma Infrastructure Repair Program. All projects transferred were competitively selected through the CDBG-DR Irma Infrastructure Repair Program process. The threshold requirements include meeting all CDBG-MIT General Infrastructure Program eligibility criteria. DEO will then reallocate funds from Hurricane Irma Infrastructure Repair Program to the Hurricane Irma Housing Repair and Replacement Program.

DEO has also identified other programs that were undersubscribed and will be reallocating funding from these programs to Housing Repair and Replacement Program.

DEO has identified $170,192,588.86 for re-allocation from the Infrastructure Repair Program activity and $453,621.67 from the Voluntary Home Buyout program to the Housing Repair and Replacement Program activity to assist with the increased housing program forecast.

In total, DEO will be reallocating $170,646,210.53 to the Housing Repair and Replacement Program.

<u>Maximum Assistance</u>

The Housing Repair and Replacement Program is designed to assist homeowners within the Hurricane Irma Most Impacted and Distressed (MID) areas. When initially created, Florida's Action Plan limited the maximum housing assistance available to be provided to $150,000. At that time, construction costs were comparable to this amount. However, due to rising construction costs and unforeseen construction challenges, such as elevation standards, many projects are exceeding the originally proposed amount.

Currently the Housing Repair and Replacement Program has 279 project files with Scope of Work Estimate and/or Amended Award Amount that exceeds the current cap of $150,000, excluding projects in Monroe County. These projects produce an overall total Amended Award Amount sum of $78,413,211.71, which produce an average Amended Award Amount of $281,050.94 per project.

In Monroe County, there are 24 project files with a Scope of Work Estimate and/or Amended Award Amount that exceeds the current cap of $150,000, which produce a total Amended Award Amount sum of $13,615,192.66, which produce an average Amended Award Amount of $567,299.69 per project. Out of the 24 projects that exist within Monroe County, there are 14 that exceed or are projected to exceed $600,000.00.

With the costs of construction continuing to rise, DEO determined to place the maximum assistance cap at $350,000, except for in Monroe county, which will have an increased maximum assistance cap of $650,000.

Voluntary Home Buyout—Low and Moderate Housing Incentive (LMHI)

In order to serve as many low- to moderate-income (LMI) individuals as possible, the Voluntary Home Buyout program has included Low and Moderate Housing Incentives (LMHI) as a National Objective criteria in addition to low- to moderate-income area (LMA). This will provide additional opportunities for local government partners (subrecipients) to meet unmet buyout needs for interested/participating program applicants.

COVID-19 One Year Extension

Due to COVID-19, on August 17, 2020, an extension of **one** year was awarded in FR Vol 85, No.159.

II. UNMET NEEDS ASSESSMENT

Section 1: Introduction

This unmet needs assessment covers Florida's housing, infrastructure and business damage and recovery efforts in the wake of Hurricane Irma (September 2017). Irma was a devastating Category 4 hurricane that made initial landfall in the middle Keys, secondary landfall near Marco Island in southeast Florida and then moved up the center of the state, bringing strong winds, rain, storm surges and tornados.

As the State continues its long-term recovery efforts from this storm, a focus on identifying impacts and addressing unmet needs is key. State and local government agencies, as well as civic organizations and community leaders will continue to address the challenges from these events for years to come.

Background

The Supplemental Appropriations for Disaster Relief Requirements, 2017 (Pub. L. 115-56, approved September 8, 2017) (Appropriations Act) appropriates federal funds to states or units of general local government (UGLGs) for disaster recovery efforts.

A $7.39 billion appropriation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds will be distributed to the various states that received a presidential disaster declaration in 2017, including Texas, Florida, Puerto Rico and the U.S. Virgin Islands. These funds are to be used in order to satisfy a portion of unmet needs that still remain after other federal assistance, such as the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA) or private insurance has been allocated. The Florida Department of Economic Opportunity is the lead agency and responsible entity for administering the CDBG-DR funds allocated to the state.

The U.S. Department of Housing and Urban Development (HUD) uses the best available data to identify and calculate unmet needs for disaster relief, long-term recovery, restoration of infrastructure and housing and economic revitalization. Based on this assessment, HUD notified the state of Florida that it will receive an allocation of $615,922,000 in disaster recovery funds to assist in recovery from the hurricane.

On April 10, 2018 HUD notified the state that it would receive an additional $791 million to address remaining unmet needs and mitigation.

The Disaster Relief Appropriations Act requires that the state or local government must expend the funds within six years of the executed agreement between HUD and the grantee unless an extension is granted by HUD. In response to the COVID-19 pandemic, on August 17, 2020, a **one**-year extension of the previously established expenditure deadline was awarded by HUD in 85 FR 50042. In order to ensure that the funds assist the most impacted areas, 80 percent must be expended on disaster recovery in HUD-identified "most impacted and distressed" areas. All of the allocated funds must be used for eligible disaster-related activities. To ensure that fraud, waste, and misuse of funds does not occur, effective controls must be in place and monitored for compliance.

The unmet needs assessment, which evaluates the three core aspects of recovery – housing, infrastructure and economic development - forms the basis for the decisions outlined in the action plan. This assessment was developed with the help of many state and local stakeholders as well as the public, through county and local risk assessments and the public comment period, to determine how unmet needs can be addressed with these limited federal funds.

beneficiaries, as well as cost- effectiveness relative to other means of assistance, will be outlined in the DEO Disaster Recovery Program Housing Guidelines. Maximum assistance per beneficiary for infrastructure will be set by the applicant's jurisdiction as part of the project submittal to DEO and will be considered by DEO upon review.

Additionally, the Florida State Housing Initiatives Partnership program (SHIP), provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. Many local governments have participated in the program and have established local housing assistance plans, which include items such as housing incentive strategies, local policies to implement the incentive strategies, and partnerships to reduce housing costs[41]. In order to ensure that housing assistance amounts are cost reasonable, the maximum amount of CDBG-DR assistance available for any single housing unit under Hurricane Irma recovery programs is $350,000, except for in Monroe County, which will have a maximum assistance amount of $650,000. In cases of demonstrable hardship or where local housing markets warrant an increase of the cap, beneficiaries may propose an alternative cap to DEO for review and approval. An increased cap may also be used to provide funding for difficult or unexpected repairs above and beyond the housing caps. DEO will establish methods of cost reasonableness by conducting research on the services sought and procured. DEO will consult industry accepted trade organizations, past programs, and other regional grantees for input on costs for services being procured.

DEO will define "demonstrable hardship" as exceptions to program policies for applicants who demonstrate undue hardship. Applicants in this situation will be reviewed on a case by case basis to determine whether assistance is required to alleviate such hardship. Demonstrable hardship may include, but is not limited to, excessive amounts of debt due to a natural disaster, disability, etc. With documentation, DEO may allow for persons with disabilities to exceed the $350,000 cap on a case by case basis and if cost reasonable.

5. Elevation Standards

DEO will develop and implement resilient home construction standards, including design standards for all structures designed principally for residential use and located in the 100-year (or 1 percent annual chance) floodplain that receive assistance for new construction, repair of substantial damage or substantial improvement, as defined at 24 CFR 55.2(b)(10).DEO will require elevation of these structures such that the lowest floor, including the basement, is at least two feet above the base flood elevation which is the minimum height requirements set forth in the February 9, 2018, Federal Register Notice. DEO will comply with local building codes where higher elevation standards are required. DEO may elevate up to 3 feet above the base flood elevation for the subject property so that it qualifies for NFIP flood insurance premium discounts when it is cost reasonable for the state to do so and when it does not create other conflicts.

Mixed use structures with no dwelling units and no residents below two feet above the 1 percent annual floodplain must be elevated or flood proofed in accordance with FEMA flood-proofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 1 percent annual floodplain.

Property owners assisted through the recovery program will be required to acquire and maintain flood insurance if their properties are located in a FEMA designated floodplain. This requirement is mandated to protect safety of residents and their property and the investment of federal dollars. Florida will ensure adherence to Section 582 of the National Flood Insurance Reform Act regarding the responsibility to inform property owners receiving disaster assistance that triggers the flood insurance purchase requirement that they have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance, and that the transferring owner may be that at least 70 percent of the entire CDBG Disaster Recovery grant award will be used for activities that benefit low- and moderate-income persons.

2. Program Budget

DEO is the lead agency and responsible entity for administering $812,235,745 in Community Development Block Grant Disaster Recovery (CDBG-DR) funds allocated to the state for recovery. In accordance with the Federal Register, DEO's aggregate total for indirect costs, administrative and technical assistance expenditures will not exceed 5 percent of the total grant ($40,611,787.25) plus program income. DEO will limit spending to a maximum of 20 percent of its total grant amount on a combination of planning, indirect and program administration costs. DEO's total budget for administration costs is $38,679,900 and $1,912,300 for planning costs. Planning costs subject to the 15 percent cap are those defined in 42 U.S.C. 5305(a)(12). State and local administration costs are capped at 5 percent in aggregate by federal regulations. The state will provide additional guidance to subrecipients regarding the amount of administrative funds available to them. Eligible project delivery costs are presumed included as a portion of the overall CDBG-DR grant funding allocation provided to each subrecipient. Subrecipients will be responsible for properly tracking and monitoring these expenses that may not be included as part of the overall grant award to each individual project or individual applicant as applicable.

The program budget outlined is as follows:

Program Budget									
Program	Total Budget	MID Budget Breakdown		Min Set-Aside for Keys	Min Set-Aside for New MIDs	Estimated LMI Benefit	Maximum Award	Average award per unit	Estimated # of Units**
		80%	20%						
HOUSING Budget									
Housing Repair Program	$516,832,357.53	$413,465,886.02	$103,366,471.51	$50,000,000	$51,856,347	90%	$350,000 $650,000 in Monroe County	$45,000	5,100
Workforce Affordable Rental New Construction Program: Leveraging Other Sources of Financing	$120,000,000	$96,000,000	$24,000,000	$35,000,000	N/A	100%	$8,000,000	$60,000	1,670
Workforce Affordable Rental New Construction Program: Small Rental Developments	$20,000,000	$16,000,000	$4,000,000	$0	N/A	100%	$5,000,000	$125,000	160
Voluntary Home Buyout Program	$43,663,617.33	$34,930,893.86	$8,732,723.47	$10,000,000	N/A	50%	$5,000,000	$225,000	300

ECONOMIC REVITALIZATION Budget									
Recovery Workforce Training	$14,450,656	$11,560,524.80	$2,890,131.20	N/A	N/A	100%	N/A	N/A	N/A
INFRASTRUCTURE Budget									
Infrastructure Repair Program Competitive Application Cycle	$56,696,914.14	$45,357,531.31	$11,339,382.83	N/A	*these are included in the 80%	25 %	N/A	N/A	N/A
STATE AND LOCAL ADMINISTRATION									
Administration (5%)	$38,679,900	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Planning	$1,912,300	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	$812,235,745	$617,314,836	$154,328,709	$95,000,000	$51,856,347				

Eighty percent of each program allocation listed above will be spent within HUD-identified most-impacted and distressed communities. Funding included as a minimum set-aside for Monroe County is a subset of the 80 percent that will be spent in most-impacted and distressed communities. The remaining 20 percent will be spent in state-identified most-impacted and distressed communities, which are listed in the table above.

*The estimated number of units is calculated based upon the assumption that the award amount per unit will vary from the average estimated award to a maximum estimated award of $350,000. The estimated number of units have been rounded in this project budget to allow for flexibility and any imprecision in our estimates. Once DEO receives more accurate data, the program budget will be updated to accurately reflect the true cost and units. These adjustments will be included in future action plan amendments. The unmet needs assessment demonstrated that the majority of unmet needs were housing related. Therefore, the largest allocation of funding will address the remaining unmet housing needs.

The program descriptions below will provide further detail on how each program will distribute funding and meet HUD National Objectives. DEO will implement program management, monitoring, and oversight standards necessary to ensure compliance with state and federal requirements.

Program Activity	November 4, 2019 Program Budget	March 6, 2020 Amended Program Budget	June 5, 2020 Amended Program Budget	October 23, 2020 Amended Program Budget	August 5, 2021 Amended Program Budget	Amount Adjusted
Housing Repair and Replacement Program	$ 346,186,147	$ 346,186,147	$ 346,186,147	$ 346,186,147	$516,832,357.53	**+$170,646,210.53**
Workforce Affordable Rental New Construction Program: Leveraging Other Sources of Financing	$ 100,000,000	$ 100,000,000	$ 120,000,000	$ 120,000,000	$ 120,000,000	-
Workforce Affordable Rental New Construction Program: Small Rental Developments	$ 20,000,000	$ 20,000,000	$ 20,000,000	$ 20,000,000	$ 20,000,000	-
Land Acquisition for Affordable Workforce Housing	$ 20,000,000	$ 20,000,000	-	-	-	
Voluntary Home Buyout Program	$ 75,000,000	$ 44,117,239	$ 44,117,239	$ 44,117,239	$43,663,617.33	**- -$453,621.67**
Workforce Recovery Training	$ 20,000,000	$ 14,450,656	$ 14,450,656	$ 14,450,656	$ 14,450,656	-
Business Recovery Grant	$ 66,000,000	$ 39,137,963	$ 40,839,905	-	-	-
Infrastructure Repair Program	$ 85,819,653	$ 149,113,795	$ 186,049,598[1]	$226,889,503	$56,696,914.14	**-$170,192,588.86**
Administration (5%)	$ 38,679,900	$ 38,679,900	$ 38,679,900	$ 38,679,900	$ 38,679,900	-
Planning (5%)	$ 1,912,300	$ 1,912,300	$ 1,912,300	$ 1,912,300	$ 1,912,300	-
Total	**$ 773,598,000**	**$ 773,598,000**	**$ 812,235,745**	**$ 812,235,745**	**$ 812,235,745**	-

Non-Substantial Amendment 8 to the State of Florida Action Plan for Disaster Recovery – Hurricane Irma, submitted to HUD on March 6, 2020, re-allocated $61,592,200 from the Voluntary Home Buyout (VHB), Workforce Recovery Training Program (WRTP), and the Business Recovery Grant Program (BRGP) to the Infrastructure Repair Program in order to address unmet infrastructure needs following Hurricane Irma.

The Infrastructure Repair Program was launched with $85,819,653 to fund infrastructure restoration and improvement projects in communities impacted by Hurricane Irma. Counties, municipalities, water management districts and water authorities located in the most impacted and distressed (MID) areas that experienced Hurricane Irma storm damage are eligible to apply for funding.

During the 90-day initial application period, the Infrastructure Repair Program received 42 applications totaling approximately $175 million in CDBG-DR dollars requested. On January 30, 2020, the Infrastructure Repair Program

[1] On January 27, 2020, HUD released federal guidance for an additional $38,637,745 to Florida through CDBG-DR funds to support long-term recovery from Hurricane Irma. Substantial Amendment 9, submitted to reflect the additional allocation to address unmet infrastructure needs, was approved by HUD on June 1, 2020.

awarded $84.3 million to 21 communities. The Infrastructure Repair Program received applications for storm water projects, sewage projects, and water projects that directly impact housing and residents from the Hurricane Irma impacted communities. One entity that was unable to receive funding has drainage pipes that were clogged by excessive debris from Hurricane Irma as well as damage to sidewalks and fields located within 1.5 miles of 838 HUD-assisted multifamily apartment units.

Due to limited funding, the Infrastructure Repair Program's competitive application cycle restricted each Unit of General Local Government (UGLG) to one application per entity. Consequently, DEO was not able to fund the replacement of one community's walk bridge that elementary school students need to travel across a canal to get to school because the County government submitted an application for another project. With additional CDBG-DR funding, the Infrastructure Repair Program will be able to fund additional projects to support housing, repair damages and create resiliency throughout the Hurricane Irma impacted areas.

The application cycles for the Voluntary Home Buyout (VHB) and Workforce Recovery Training Program (WRTP) were both undersubscribed. The VHB funded all 11 projects submitted for consideration at a total of $44,117,238.92. The remaining $30,882,761 will be re-allocated to the Infrastructure Repair Program to address unmet infrastructure needs following Hurricane Irma. The WRTP will be funding projects totaling $14,450,656 of the $20,000,000 previously allocated to the WRTP. The available $5,549,344 will be re-allocated to the Infrastructure Repair Program.

After receiving feedback from multiple communities expressing a greater need for Infrastructure Repair and Mitigation assistance, the State of Florida wishes to re-allocate a total of $25,160,095 from the Business Recovery Grant Program to the Infrastructure Repair Program.

Non-Substantial Amendment 11 to the State of Florida Action Plan for Disaster Recovery – Hurricane Irma, submitted to HUD on June 5, 2020, re-allocated $20,000,000 from the Land Acquisition for Affordable Workforce Housing Program to the Workforce Affordable Rental New Construction Program: Leveraging Other Sources of Financing. Per HUD guidance following a review of the Hurricane Irma Disaster Recovery Grant Reporting (DRGR) Action Plan, Land Acquisition for Affordable Workforce Housing Program is being removed as a separate program from the Program Budget table. The current land acquisition process occurs as a part of the Workforce Affordable New Construction Program: Leveraging Other Sources of Financing and is not required to be a separate budgeted program.

After reviewing current business data, the State of Florida submitted Substantial Amendment 14 to HUD on October 23, 2020 to remove the Business Recovery Grant Program and re-allocate a total of $40,839,905 to the Infrastructure Repair Program. The Infrastructure Repair Program's Round 2 application cycle was launched with $100,229,945. The Program received 71 applications requesting a total of $304,168,950 in funding (oversubscription of $204,168,950) to repair wastewater treatment and potable drinking water facilities, debris removal from canals, and other projects that directly impact housing and residents from the Hurricane Irma impacted communities. The additional $40.8 million in CDBG-DR funding will allow the Infrastructure Repair Program to fund additional projects to support housing, repair damages and create resiliency throughout the - Hurricane Irma impacted areas.

Substantial Amendment 17 to the State of Florida Action Plan for Disaster Recovery—Hurricane Irma, Submitted to HUD on September 8, 2021 re-allocated $170,192,588.86 from the Infrastructure Repair Program, and $453,621.67 from the Voluntary Home Buyout Program, totaling $170,646,210.53, to the Housing Repair and Replacement Program.

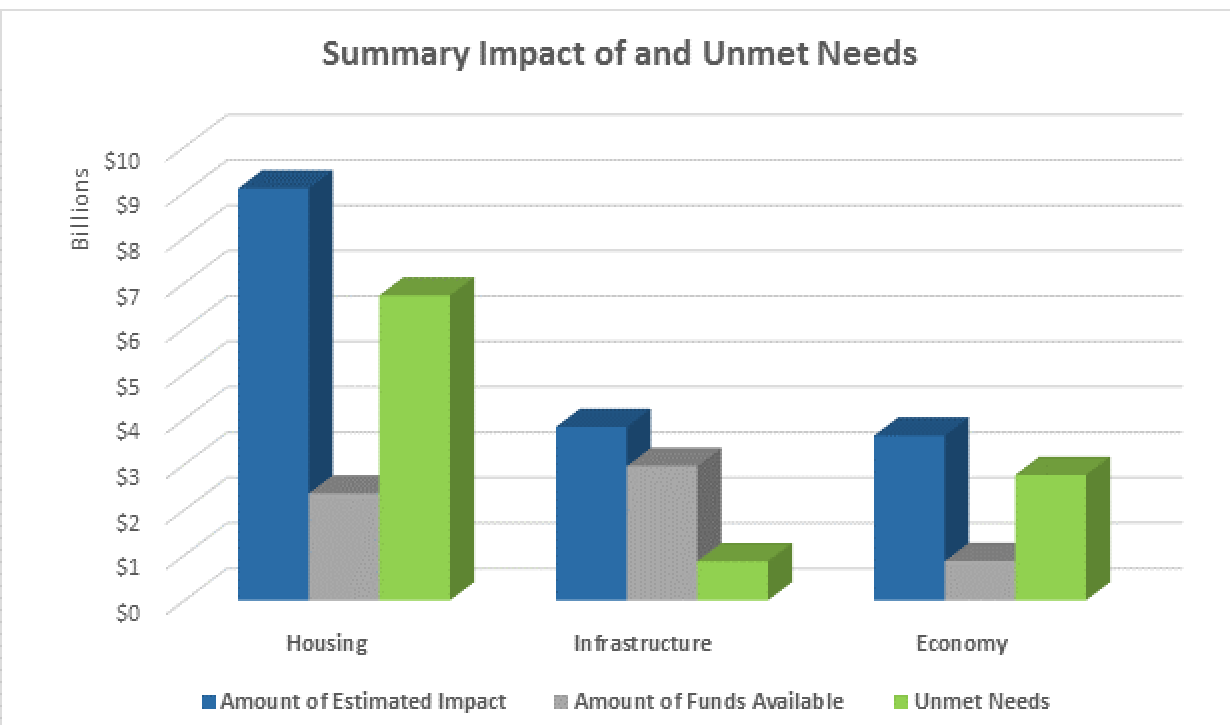
DEO has projected and forecasted that approximately 5,000 Single Family/Small Rental Housing Projects and nearly 100 Multi-Family Rental Projects will be completed through the Hurricane Irma HRRP. Additional factors, such as rising costs of materials and construction due to the industrial impacts of recent national disasters as well as COVID-19 related production issues, have resulted in the original allocation of funding to the HRRP activity being less efficacious than originally anticipated. It is estimated the current HRRP allocation of $346,186,147 is projected to fall short by more than $170,000,000.00.

In order to mitigate rising costs of construction projects and serve more applicants through the HRRP, DEO will be moving a large portion of Irma Infrastructure Repair Program projects to DEO's Community Development Block Grant—Mitigation (CDBG-MIT) General Infrastructure Program. Projects identified for the CDBG-MIT General Infrastructure Program Round III were originally evaluated and ranked for the CDBG-DR Irma Infrastructure Repair Program. All projects transferred were competitively selected through the CDBG-DR Irma Infrastructure program process. The threshold requirements include meeting all CDBG-MIT General Infrastructure Program eligibility criteria.

This program budget reallocation will assist with the increased housing program forecast.

3. Basis for Allocations

In consideration of the unmet needs assessment and HUD requirements and in order to prioritize limited funding in areas with highest damage, DEO disaster recovery program assistance outlined in this Action Plan will be limited to homeowners, small rental property owners, Public Housing Authorities and local governments within counties (and cities within those counties) that received FEMA Individual Assistance (IA) declarations in addition to their Public Assistance (PA) declaration. Program thresholds outlined in Section 16 state that projects or programs must primarily support LMI housing.



The only screening criteria used for the pilot cohort are those listed above. No other attribute of the property or applicant were used to screen for pilot selection. Both owner-occupied as well as rental applicants were included in the screening. Registrant/applicant IDs were selected at random as long as the criteria listed were met, which maintained the integrity of the prioritization requirements outlined in this Action Plan.

The Application Pilot project timeframe is defined by the substantial completion of the pilot application group's environmental review and submission of that documentation to the Department of Economic Opportunity.

Basis for Calculating Housing Assistance Awards

If eligible and awarded, housing assistance award calculations may be based on the following factors:

1. In order to ensure that housing assistance amounts are cost reasonable, the maximum amount of CDBG-DR assistance available to a single housing unit under the Housing Repair Program is $350,000, except for in Monroe County, which will have a maximum assistance amount of $650,000. In cases of demonstrable hardship or where local housing markets warrant an increase of the cap, DEO may allow projects to proceed that exceed the program cap. This will be determined on a case-by-case basis. The program cap may also be exceeded to provide funding for difficult or unexpected repairs above and beyond the housing cap, when the costs are deemed necessary and reasonable by DEO.

2. A review of all funding received by the applicant from any source to calculate the total previous assistance received by the applicant and to ensure no Duplication of Benefits (DOB);
3. Damage/scope of project work needed; and,
4. Reconstruction or Replacement Value

Housing assistance awards will be determined by first factoring in the inputs listed above and then deducting any duplication of benefits or qualified offsets for eligible repairs already performed. The pre-determined program assistance amount will then be applied. Funds qualified as DOB may be required in support of the overall construction assistance provided. Awards may include expenses for additional related costs such as green building and mitigations requirements, elevation, insurance, ADA modifications, repair or replacement of water, sewer and utility connection needs.

Cost effective energy measures and improvements that meet local zoning and code, Decent Safe and Sanitary (DSS) or required Housing Quality Standards (HQS), especially those improvements which add enhanced resilience, such as elevation of major electrical components, roof strapping and other items are also eligible. Environmental review and determined required remediation for items such as lead-based paint abatement, asbestos abatement, or other remediation components shall also be eligible.

Elevations will be included for applicants that meet requirements determined by the program, including substantially damaged properties as per locally approved floodplain requirements. Elevation will be evaluated on a case by case basis. Elevations will not be conducted on properties outside of the floodplain, with the possible exception where elevation is required by local ordinance. DEO will follow HUD guidance to ensure all structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1 percent annual (or 100-year) floodplain, that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), will be elevated with the lowest floor at least two feet above the 1 percent annual floodplain elevation.

If located in a 100-year floodplain, the applicant will be required to maintain flood insurance and notify future owners of flood insurance requirements. Federal law requires people who live in a floodplain to carry flood insurance in perpetuity on that property. The Robert T. Stafford Disaster Relief and Emergency Assistance Act prohibits the receipt of disaster assistance because of lack of required flood insurance; accordingly, whether a property is subject to this requirement will be reviewed during the eligibility phase of the program. If an applicant is eligible for program assistance, a grant agreement, covenant, deed restriction or similar instrument will be required to be placed on the property requiring that flood insurance be maintained on that property in perpetuity. An award may also include assistance to pay for up to the first two years of flood insurance premiums for eligible program applicants. Such parameters to determine eligibility for assistance with flood insurance premiums shall be further defined in the state's policies and procedures.

Based on the current registration pool, DEO anticipates meeting all remaining unmet housing needs through the Housing Repair and Replacement Program.

Allocation for Activity: $516,832,357.53

Keys Set-aside: $50,000,000

Newly added Most-impacted and distressed communities set-aside: $51,856,347

Eligible Applicants: Homeowners and owners of rental properties, including PHAs, whose primary residence sustained damage from Hurricane Irma and property owners of rental housing.

Eligibility Criteria: The state will prioritize homeowner applicants earning less than or equal to 80 percent AMI and rental property owners whose rental property serves LMI individuals. If this need is fulfilled, DEO may address applicants earning greater than 80 percent AMI. Special consideration may be given to the Florida Keys on a case-by-case basis.

Households that make above 120 percent of the Area Median Income (AMI) will not be eligible for the HRRP.

Maximum Award (per unit): $350,000 except for in Monroe County, which will have a maximum assistance amount of $650,000*

Responsible Entity for Administering: Florida Department of Economic Opportunity

Eligibility: 105(a)(4)

National Objective: Low- and moderate-income benefit or Urgent Need

**DEO may increase the $350,000 cap if construction and elevation cost prove to be higher than originally estimated due to recent national disasters' impact on the market.*

Temporary Housing Assistance Benefit (THAB)

Overview

As a general rule, Rebuild Florida's Housing Repair and Replacement Program (HRRP) will not provide temporary relocation costs to applicants who will be required to vacate their property during construction activities. Since this is a voluntary program and applicants are made aware of program policies at the time of application. The temporary relocation requirement will be the applicant's responsibility.

DEO's Rebuild Florida program recognizes that some HRRP beneficiaries, particularly those of modest means and with vulnerable household members, may face financial cash flow challenges caused by the additional interim housing costs that may be necessary during the repair or reconstruction process. Rebuild Florida will provide temporary rental assistance to homeowner applicants experiencing hardship, on a case-by-case basis following excessive time of displacement or other substantiated extenuating circumstances and approval from the DEO Housing Exceptions Panel. This procedure identifies how this process will be implemented to identify appropriate cases to be temporary housing costs.

Eligible Applicants: Eligible Applicants will include private for-profit and nonprofit housing developers, and public housing authorities with experience developing and managing rental properties in size and scope of the proposed development. Local governments may partner with these entities for funds.

Eligibility Criteria: The proposed developments must help address the unmet need in the HUD-identified most-impacted and distressed areas, or other areas impacted by the storms and deemed as a priority by the State

All developments funded will be required to meet the following criteria:

- Green Building Standards
- Energy Efficiency Standards
- Accessibility and Visitability Standards
- Resiliency Standards

Maximum Award: $5,000,000

Responsible Entity for Administering: Florida Housing Finance Corporation

Eligibility: 105(a)(2)

National Objective: Low- and moderate-income benefit

Note: *Florida Housing Finance Corporation may consider increasing the per unit limit amount. To do so, potential applicants must submit sufficient and specific information that justifies the need through public comment. Public comment can be submitted here:* http://apps.floridahousing.org/StandAlone/PublicInquiries/Inquiryform.aspx

Voluntary Home Buyout Program

Reducing the risk of flooding in residential areas is a priority for the State of Florida. The Florida Division of Emergency Management (FDEM) has recommended that all counties focus on acquisition of properties without flood insurance in Special Flood Hazard Areas. Recognizing this great need, DEO will create a voluntary home buyout program to encourage risk reduction through the acquisition of residential property in high flood risk areas. It is the responsibility of subrecipients interested in pursuing the buyout projects to support and provide:

- Appraisals
- Title and legal services
- Homeowner counseling services
- Environmental review, and
- Related buyout processes.

Counties that are interested in participating will have two potential funding options for pursuing home buyout.

The first option is to leverage CDBG-DR funding as match for projects that are also eligible for the Hazard Mitigation Assistance (HMA) grant programs.

The second option is to work directly with DEO on projects located in low- and moderate-income areas to buyout residential areas in support of permanent open space supporting green infrastructure or other floodplain management systems.

The CDBG-DR driven buyout program will meet or exceed its overall Low and Moderate Income National Objective by requiring all activities to meet all requirements of the Housing and Community Development Act of 1974, and one of the following criteria as stated in 83 FR 5864:

1. **Low- and Moderate-income Area benefit (LMA)**: properties acquired through buyouts will be used in a way that benefits a service area where at least 51 percent of the residents are LMI.
2. **Low/Moderate Housing Incentive Criteria (LMHI):** buyout must be of a qualifying LMI household, and a housing incentive is used for the purpose of moving outside of the affected floodplain to an area of reduced flood risk.

DEO will prioritize home buyout projects that focus on the acquisition of property in residential areas that meet low- and moderate-income area requirements.

Cities and counties that are interested in this program will work with the DEO contracted team to determine feasibility of the project. Once a project is determined feasible, it will be eligible for funding in this program. Local governments are encouraged to leverage matching funds under this program and will also be eligible to include homeowner incentives to encourage relocation.

Additional criteria for the both homeowner buyout program options, including a process map for coordination with the Florida Division of Emergency Management will be detailed in Home Buyout Program guidance to be released after the approval of this action plan. DEO will manage subrecipient agreements directly with eligible local governments and coordinate with our partners at FDEM on project application evaluation, required environmental and cultural resource reviews and program implementation, where applicable.

For all properties acquired by subrecipients through the Voluntary Home Buyout Program, a restrictive covenant, in perpetuity (i.e. running with the land), prohibiting all future redevelopment of the site must be recorded upon closing of the transaction. New development would be on an alternative site that is less at risk of flooding and would be built to building code, elevation standards, and meet requirements of CDBG-DR.

Properties that have received rehab or repairs through the Housing Repair Program will not be eligible for assistance under the Voluntary Home Buyout Program. However, on a case-by-case basis, housing units that have been demolished through the Voluntary Home Buyout Program may be eligible for new construction/replacement, in an area other than the buyout zone, through the Home Repair Program at DEO's discretion.

No specific site or property needs to be acquired, although DEO may limit its search for alternative sites to a general geographic area. Where DEO wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly.

The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits. DEO will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing. DEO will inform the owner in writing of what it believes to be the market value of the property. Florida Licensed Real Estate Appraisers will be used to value property in the buyout program. DEO will offer the homeowner the value of the home as appraised prior to the storm.

Additionally, DEO will establish policies on Low-Moderate housing incentives (LMHI). DEO's policies will ensure that its Low-Moderate housing incentives (LMHI) comply with applicable Civil Rights and Affirmatively Furthering Fair Housing requirements and that there is no discrimination against a protected class.

Allocation for Activity: $43,663,617.33

Eligible Applicants: Counties and municipalities within those counties that received a declaration of both FEMA IA and PA after Hurricane Irma.

Eligibility Criteria: Buyout areas that result in a feasible project that will meet a LMA or LMHI benefit.

Maximum Award: $5,000,000

Responsible Entity for Administering: Units of General Local Government (UGLG)

Eligibility: 105(a)(1), 83 FR 5844-35 Housing incentives in disaster-affected communities

National Objective: Low- and moderate-income benefit

Creative compatible reuse of the property

DEO will create guidance and best practices for communities to consider on how property that is acquired through this program can be utilized for public benefit, that meet HUD requirements for permanent green space. This may include creative stormwater design, park space and other examples. Communities that participate in this program will be encouraged to have a plan for how this property will be used in the future to further reduce flood risk and/or serve as a recreational space for the public.

Affordability Periods

Properties seeking assistance through Rebuild Florida's Housing programs listed in the state of Florida's action plan may be required to adhere to affordability period requirements. The affordability requirements are:

1. Rehabilitation or reconstruction multifamily rental projects with five or more units will require the assisted rental property to remain affordable for LMI tenants for a minimum of 15 years. The assistance to public Housing Authorities may fall under this category.
2. New construction multi-family rental projects with five or more units will require the assisted rental property to remain affordable for LMI tenants for a minimum of 20 years.
3. The affordability periods for single family rental units will be a minimum of 5 years. Public Housing Authorities seeking rehabilitation or reconstruction of multifamily housing units must ensure that the assisted rental property remains affordable for LMI tenants for a minimum of 15 years (if eight or more units).
4. Special consideration may be given to rental property owners in the Florida Keys on a case-by-case basis.

Affordable Rent

Properties seeking assistance through Rebuild Florida's Housing programs listed in the state of Florida's action plan may be required to adhere to affordability period requirements. The affordability requirements are:

- The fair market rent for existing housing for comparable units in the area as established by HUD under 24 CFR 888.111; or
- A rent that does not exceed 30 percent of the adjusted income of a family whose annual income equals 65 percent of the AMI, as determined by HUD, with adjustments for number of bedrooms in the unit. The HUD HOME rent limits will include average occupancy per unit and adjusted income assumptions.

Infrastructure Repair Program

The Florida Department of Economic Opportunity's (DEO) Rebuild Florida Infrastructure Repair Program was originally launched with $85,819,653 to fund infrastructure restoration and improvement projects in communities impacted by Hurricane Irma and was subsequently increased by an additional $102,432,105. On January 27, 2020, HUD released federal guidance for an additional $38,637,745 to Florida through CDBG-DR funds to support long-term recovery from Hurricane Irma and meet unmet infrastructure needs. Approximately $226 million was identified to be distributed in the Infrastructure Repair Program. However, DEO reallocated $170,192,588.86 from the Infrastructure Repair Program to the HRRP in order to meet unmet housing needs. $56,696,914.14 will be distributed through the Infrastructure Repair program. Hurricane Irma affected many community's infrastructure systems such as damaging roadways, bridges and state beaches. Funding will be dispersed to communities impacted by Hurricane Irma through a competitive application cycle with priority given to projects that can demonstrate urgent need, readiness to proceed, and that benefit LMI. Where possible, DEO will leverage other sources such as FEMA Public Assistance funding to first address remaining urgent and unmet needs in communities.

Eligible activities within this program may include, but are not limited to the following:

- Restoration of infrastructure damaged by Hurricane Irma (such as water and sewer facilities, streets, removal of debris, drainage, bridges, etc.).
- Demolition and rehabilitation of publicly or privately owned commercial or industrial buildings.
- Renourishment of protective coastal dunes systems and state beaches.
- Repairs to damaged buildings that are essential to the health, safety and welfare of a community when repairs to these buildings constitutes an urgent need (this can include police stations, fire stations, parks and recreational centers, community and senior centers, hospitals, clinics, schools and educational facilities, other public properties).
- Repairs to water lines and systems, sewer lines and systems, drainage and flood mitigation systems.

Prior to opening the competitive application cycle for the Infrastructure Repair Program, DEO will send an announcement through its mailing list describing the details of this program as well as an announcement on DEO's webpage which can be found here. DEO will hold a pre-application training to those interested in the program. The pre-application training will go over the full details of the program. This training will also be advertised on the webpage. Then, following a tentative award, DEO will hold another pre-implementation training. This training will cover all materials and expectations for subrecipients. Following an award, DEO will hold trainings, as needed.

<u>Competitive Application Cycle</u>

Applicants will select projects or programs to propose to DEO for funding in accordance with DEO thresholds and objectives. These thresholds are:

- Projects must demonstrate tie-back to Hurricane Irma
- Projects must not duplicate benefits.

DEO will also consider to what extent proposed projects or programs support the following objectives:

- Projects must support LMI housing needs in some way,
- Projects must primarily serve LMI populations, or
- Demonstrate an urgent need in the community

DEO will first consider LMI as the national objective for infrastructure projects. The urgent need national objective will only be used if the project is not LMI, but is needed to alleviate emergency conditions. When using urgent need as a national objective, DEO will obtain justification from the local government or municipality to certify the urgency of the condition.

Applicants may pursue a range of eligible activities as allowed under CDBG-DR regulations for this appropriation, so long as they are in accordance with DEO threshold requirements and the requirements for the applicable activity as outlined in the Action Plan and Federal Register. Applicants will be required to meet HUD regulations, such as environmental, supplication of benefits, fair housing and others.

Allocation for Activity: $56,696,914.14, Competitive Cycle

Maximum Award: Round 1: N/A, Round 2: $140,839,905

Responsible Entity for Administering: DEO

Eligibility: 105(a)(2)

National Objective: Low- and moderate-income benefit or Urgent Need

Use of CDBG-DR as Match

Additionally, funds may be used to meet a matching, share, or contribution requirement for any other federal program when used to carry out an eligible CDBG-DR activity. This includes programs or activities administered by the Federal Emergency Management Agency (FEMA) or the U.S. Army Corps of Engineers (USACE). By law, the amount of CDBG-DR funds that may be contributed to a USACE project is $250,000 or less. Note that the Appropriations Act prohibits supplanting the use of CDBG–DR funds for any activity reimbursable, or for which funds are also made available, by FEMA or USACE.

Ineligible Activities

Ineligible activities identified in the Federal Register, Vol. 83, No. 28, Friday, February 9, 2018, include the use of CDBG-DR for forced mortgage payoff, construction of a dam/levee beyond original footprint, incentive payments to households that move to disaster-impacted floodplains, assistance to privately owned utilities, not prioritizing assistance to businesses that meet the definition of a small business, or assistance for second homes and activities identified in 24 CFR 570.207. All activities and uses authorized under Title I of the Housing and Community Development Act of 1974 and allowed by waiver.

Method of Distribution

DEO has designed this CDBG-DR program in compliance with the National Program objectives and will ensure that assistance is prioritized toward the most disadvantaged populations to address unmet housing needs. Florida intends to spend a minimum of 70 percent of program funds on activities that benefit the Low-and-Moderate Income (LMI) population. LMI status is determined by evaluating income as a percentage of the Area Median Income (AMI) in the region in which the applicant lives.

As stewards of federal CDBG funds, DEO complies with the HUD mission to develop viable communities by the provision of decent housing, a suitable living environment and expanding economic opportunities, principally for LMI persons. To this end, all funded activities administered by the State of Florida will meet one of three named HUD national objectives:

1. Benefitting LMI Persons;
2. Preventing or Eliminating Slum or Blight; or
3. Meeting Urgent Needs.

Appendix 18: 30 – day Public Comment Period for Substantial Amendment 17

Public Comments

This document describes the comments received from the public following the release of the CDBG-DR draft Action Plan Substantial Amendment 17.

- Release Date: August 5, 2021
- Comment Period: August 5, 2021 – September 7. 2021
- Approved by HUD: 9/24/2021
- Number of Comments Received: 0

The duration of the public comment period as well as instruction for public comment submissions were posted to the CDBG-DR official webpage at www.floridajobs.org/CDBG-DR.