



Rebuild Florida Hometown Revitalization Program Guidelines

PROGRAM GUIDELINES

This document provides guidelines for implementation and requirements for the Rebuild Florida Hurricane Sally Hometown Revitalization Program administered by the State of Florida Department of Economic Opportunity (DEO). This program is funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) allocation as described in *Supplemental Appropriations for Disaster Relief Act, 2022* (Public Law 117-43).

VERSION 1.0

February 8, 2023

VERSION HISTORY

Version Number	Change Date	Summary of Changes
1.0	2/8/23	Original

VERSION POLICY

Version history is tracked in the Version History Table with notes regarding version changes. Dates of each publication are also tracked in this table.

Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0, an increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

POLICY CHANGE CONTROL

Policy review and changes for the State of Florida Sally Community Development Block Grant - Disaster Recovery Program are considered through a change-control process. Policy clarifications, additions, or deletions are needed during the course of the program to more precisely define the rules by which the Program will operate. Program staff will document policy-change requests that will be tracked in the program files. Requests are compiled and brought before supervisory staff in a policy meeting. Subject matter experts working in a particular policy area or task area that will be affected by the policy decision may be invited to assist in policy evaluation, if necessary. Policy meetings will be held as frequently as is necessary to consider policy decisions critical to moving the Program forward in a timely manner. Policy decisions will be documented and will result in the revision of the document in question.

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1.0 Definitions and Acronyms

Action Plan – Community Development Block Grant-Disaster Recovery Action Plan for Disaster Recovery provides the high-level strategy to carry out strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters. The Action Plan also describes the opportunity to improve state and local planning protocols and procedures.

Acquisition – The acquiring of real property, in whole or in part, by the recipient, or other public or private nonprofit entity through purchase, long-term lease, donation, or otherwise for any public purpose, subject to the limitation of 24 CFR 570.207. Real property includes air rights, water rights, rights-of-way, easements, and other interests therein (24 CFR 570.201).

Allocable Costs – Costs assigned to a Community Development Block Grant-Disaster Recovery eligible activity with a methodology for clear determination of where to attribute costs.

Allocation Announcement Notice (AAN) – Publication announcing the Community Development Block Grant-Disaster Recovery allocations for specific disasters and including waivers and alternative requirements specific to the Appropriations Act that allocated the funding.

Allowable Costs – Costs deemed allowable under the Community Development Block Grant-Disaster Recovery rules and regulations and 2 CFR 200 Subpart E.

Applicant – Any entity that submits a response to the request for applications for potential funding through the Community Development Block Grant-Disaster Recovery program.

Area Median Income (AMI) – The median household income for an area adjusted for household size as published and annually updated by the U.S Department of Housing and Urban Development. Once household income is determined, it is compared to the U.S Department of Housing and Urban Development's income limit for that household size.

CBDO – Community Based Development Organization.

CDD – Community Development District.

CFR – Code of Federal Regulations.

Community Development Block Grant (CDBG) – Supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.

Community Development Block Grant-Disaster Recovery (CDBG-DR) – The Community Development Block Grant Disaster Recovery Program, administered by the U.S. Department of Housing and Urban Development, as authorized under Title I of the Housing and Community Development Act of 1974, as amended. These funds are provided as a last resort to help cities, counties, and states to recover from Presidentially declared disasters.

Consolidated Notice – The U.S. Department of Housing and Urban Development's Community Development Block Grant-Disaster Recovery Consolidated Notice, Appendix B of Federal Register Vol. 87, No. 23. The Consolidated Notice governs all Office of Long-Term Resiliency Community Development Block Grant-Disaster Recovery grants beginning with 2020 disasters (Hurricane Sally) and includes amended requirements from previous Federal Register Notices and Community Planning and Development Notices that have regulated Community Development Block Grant-Disaster Recovery funds in the past. The Consolidated Notice includes waivers and

alternative requirements, relevant regulatory requirements, the grant award process, criteria for action plan approval, and eligible disaster recovery activities.

Contractor – An entity competitively selected to provide clearly-specified goods or services meeting the procurement requirements at 2 CFR 200, Section 287.055, Florida Statutes, and Section 255.0525, Florida Statutes.

Corrective Action – Steps required to be taken to resolve findings and/or concerns identified in the Department of Economic Opportunity’s Office of Long-Term Resiliency monitoring report.

CPD – Community Planning and Development

CRA – Community Revitalization Agency

Davis-Bacon and Related Acts (DBRA) – Federal law requiring contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair of public buildings or public works to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

Direct Cost – Any project cost or project delivery cost that is identified specifically with completing an activity or product such as materials and labor. Costs identified specifically within a contract are direct costs of that contract. Administrative expenses are not generally considered direct costs.

Duplication of Benefits (DOB) – When a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose within the same time period, and the total assistance received for that purpose is more than the total need for assistance.

Federal Register (FR) – The official journal of the Federal Government of the United States that contains government agency rules, proposed rules, and public notices issued by federal administrative agencies.

FEMA – Federal Emergency Management Agency

Florida Department of Economic Opportunity (DEO) – Administrator of the Community Development Block Grant-Disaster Recovery and Community Development Block Grant-Mitigation programs funded by the U.S. Department of Housing and Urban Development. DEO is the governor-designated state authority responsible for administering all long-term disaster recovery funds awarded to Florida from the U.S. Department of Housing and Urban Development. As used in this document, “the Department” refers to the Florida Department of Economic Opportunity.

Grantee – As used in this document, the grantee is the State of Florida Department of Economic Opportunity’s Office of Long-Term Resiliency as recipient of Community Development Block Grant-Disaster Recovery funds from the U.S. Department of Housing and Urban Development.

Household – All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

HQS – Housing Quality Standards

HRP – Hometown Revitalization Program

HUD – The United States Department of Housing and Urban Development

IA – (Federal Emergency Management Agency) Individual Assistance

Income – Annual income as reported under the United States Census long-form for the most recent available decennial U.S. Census. This definition includes:

- Wages, salaries, tips, commissions, etc.;
- Self-employment income from own nonfarm business, including proprietorships and partnerships;
- Farm self-employment income;
- Interest, dividends, net rental income, or income from estates or trusts;
- Social Security or railroad retirement;
- Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;
- Retirement, survivor, or disability pensions; and
- Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

Low-to-Moderate Income (LMI) Household – A household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by the Department of Urban and Housing Development.

- LMI 30 refers to those individuals/families making less than 30 percent of the Area Median Income.
- LMI 50 refers to those individuals/families making less than 50 percent of the Area Median Income.
- LMI 80 refers to those individuals/families making less than 80 percent of the Area Median Income.
- Above LMI 80 refers to those individuals/families making more than 80 percent of the Area Median Income.

Low-to-Moderate-Income (LMI) National Objective – Activities that benefit households whose total annual gross income does not exceed 80 percent of Area Median Income, adjusted for family size. Pursuant to federal statute, the grantee is required to expend 70 percent of Community Development Block Grant-Disaster Recovery funds to meet the Low-to-Moderate-Income National Objective.

Low-to-Moderate Income (LMI) Resident/Person/Individual – A person whose annual income does not exceed 80 percent of the median income for the area as most recently determined by the U.S. Department of Housing and Urban Development.

Most Impacted and Distressed (MID) Areas – Areas of most impact as determined by the U.S. Department of Housing and Urban Development or the state using the best available data sources to calculate the amount of disaster damage.

Necessary Costs – Community Development Block Grant-Disaster Recovery funding will fill a necessary gap to address an unmet need that cannot be filled by another funding source. This is demonstrated by conducting a duplication of benefits analysis calculation for each activity.

NGO – Non-governmental organizations

Office of Long-Term Resiliency (OLTR) – The Florida Department of Economic Opportunity's office dedicated to the administration of Community Development Block Grant-Disaster Recovery and Community Development Block Grant-Mitigation funded programs and activities.

PA – (Federal Emergency Management Agency) Public Assistance

Project Cost – Direct costs of undertaking a Community Development Block Grant-Disaster Recovery project and which can be tied to a final cost objective and eligible activity. The project costs can count towards meeting the overall Low-to-Moderate Income benefit requirements.

Project Delivery Cost – Costs used specifically to meet the requirements to complete a particular project, especially as it applies to meeting Community Development Block Grant requirements.

Project/Program/Activity – The housing, infrastructure, economic development, or planning endeavor undertaken by the Department, the subgrantee and/or subrecipient using Community Development Block Grant-Disaster Recovery funds.

Real Property – Land, including all the natural resources and permanent buildings on it. Real property includes air rights, water rights, rights-of-way, easements, and other interests therein, as defined in 24 CFR 570.201.

Reasonable Costs – Costs that do not exceed what a prudent person would incur under similar circumstances, as demonstrated by the market price for comparable goods and services. For contracted work, the Responsible Entity should conduct an independent cost estimate to establish cost reasonableness as outlined in 2 CFR 200.

Rebuild Florida – A disaster recovery program created by the Florida Department of Economic Opportunity to help Florida’s long-term recovery efforts from disasters that have impacted the citizens of Florida.

REDI – Rural Economic Development Initiative

SAM –System for Award Management

SBA – The United States Small Business Administration, a federal agency.

SBDC – Small Business Development Corporation

Section 3 –Section 3 of the Housing and Urban Development Act of 1968, as amended, and the implementing regulations at 24 CFR Part 135 and 24 CFR Part 75, as applicable, relating to employment and other economic opportunities for low and very low-income persons.

Service Area – The total geographic area to be directly or indirectly served by a subgrant project that addresses the Low-to-Moderate Income National Objective, in which at least 51 percent of the residents are low-to-moderate income persons. A service area must include all, and only those, beneficiaries who are reasonably served or would be reasonably served by the activity.

Slums and Blight – A blighted area or structure characterized by one or more of the conditions listed in Section 7056(b)(3) of the Community Development Block Grant regulations and as documented under the U.S. Department of Housing and Urban Development regulations specified in the Code of Federal Regulations, Title 24, part 570.483(c).

Subrecipient – A competitively-selected recipient, usually a local government, that is provided Community Development Block Grant-Disaster Recovery funds from the Department of Economic Opportunity to agreed-upon eligible disaster recovery activities documented in a Subrecipient Agreement.

Subrecipient Agreement – An agreement between the Department of Economic Opportunity and the subrecipient for the subrecipient to undertake activities using Community Development Block Grant-Disaster Recovery funds.

Subrogation – A legal doctrine that allows one entity to take on the rights of another. In the context of Disaster Recovery grants, a subrecipient must enter into a subrogation agreement in which the funding agency (the Department of Economic Opportunity) obtains the right to collect any additional disaster recovery payments the entity obtains for the same purpose after the entity has received disaster recovery benefits.

UGLG – Unit of General Local Government

Urgent Need – A recent need that poses a serious and immediate threat to the health or welfare of the community.

USACE – U.S. Army Corps of Engineers

VBS – Vendor Bid System

Vendor – An entity competitively selected to provide clearly-specified goods or services meeting the procurement requirements at 24 CFR 85.36, 2 CFR 200, Section 287.055, Florida Statutes, and Rule 73-23.0051(3), Florida Administrative Code. In accordance with 24 CFR 85.36(c), such procurement actions must be conducted in a manner that provides for free and open competition.

Very Low-Income (VU) Household/Family – A household whose annual income does not exceed 30 percent of the median income for the area as most recently determined by HUD.

Very Low-Income (VU) Person or Individual – A person whose annual income does not exceed 30 percent of the median income for the area as most recently determined by HUD.

Waiver – A revision to the standard Community Development Block Grant-Disaster Recovery regulations, requirements, and activities, granted by the U.S. Department of Housing and Urban Development.

2.0 Introduction

Hurricane Sally brought heavy rainfall and flooding, causing damage to housing, businesses, and infrastructure in Northwest Florida, east of where the storm made initial landfall. After sweeping over parts of Southern Florida and the Florida Keys as a tropical storm, Hurricane Sally (FEMA 4564), a Category 2 hurricane, made landfall on September 16, 2020, in Gulf Shores, Alabama, west of Pensacola. However, due to the storm’s asymmetrical structure, several communities in Northwest Florida suffered the brunt of the storm.

Small businesses are the lifeblood of local economies throughout Florida. This can include typical small shops and restaurants in communities’ commercial districts, often the central hub of small and rural communities. Impacts on specific businesses may filter throughout the commercial area, as a few businesses unable to reopen after the disaster may reduce visitors to the commercial district, which then impacts the viability of the remaining businesses. Supporting the recovery of commercial areas is essential to ensuring that commercial tenants, customers, and jobs are restored. By facilitating the return of commercial districts and businesses to profitability, jobs will be created or retained within the community and residents will continue to have access to the products and services they need within their local community.

Utilizing data from the unmet needs assessment and research on economic disaster recovery programs in other states, the Florida Department of Economic Opportunity’s (the “Department’s”) Office of Long-Term Resiliency (OLTR) developed the Rebuild Florida Hometown Revitalization Program (HRP) for communities impacted by Hurricane Sally. The program’s goal is to support the recovery of economic activity in commercial areas of impacted towns and cities, facilitating the return and recovery of businesses, jobs, and provision of goods and services to the community.

The Department has allocated \$13,513,850 in funding for HRP through the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program by the U.S. Department of Housing and Urban Development (HUD) to address unmet disaster recovery needs related to damage from Hurricane Sally. These guidelines describe applicant and project eligibility, program guidelines, and application procedures for the funding.

Eligible applicants in the following counties may apply for funding based on the terms and conditions in this application:

Eligible Counties that Experienced Storm Damage	
Bay	Santa Rosa*
Escambia*	Walton
Okaloosa	

* HUD Most Impacted and Distressed Counties

State Agencies as defined in section 20.04 F.S., counties and municipalities, as defined in section 180.01 F.S., located in the HUD and State designated MID areas that experienced Hurricane Sally storm damage are eligible to apply for funding based on the terms and conditions in this application. Applicants must provide a detailed description of damage caused by Hurricane Sally. Applications should include plans to mitigate against future damage and show how the proposed project will assist the community in rebuilding after Hurricane Sally.

The Department encourages all prospective applicants to read the Hurricane Sally State Action Plan for Disaster Recovery (Action Plan) located at: www.FloridaJobs.org/CDBG-DR/Hurricane-Sally/.

3.0 Background

Following a major disaster, Congress can appropriate funds through the CDBG-DR program to satisfy a portion of unmet need that remains after other federal assistance such as the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA), or private insurance have been allocated. The Department is the lead agency and responsible entity for administering the CDBG-DR funds allocated to the State of Florida.

HUD uses the best available data to identify and calculate unmet needs for disaster relief, long-term recovery, restoration of infrastructure, housing, and economic revitalization. Based on this assessment, HUD announced that the State of Florida would receive an allocation of \$187,383,000 in disaster recovery funds to assist in the long-term recovery from the hurricane.

To ensure the funds assist the most impacted areas as outlined in Appendix B of [Federal Register Vol. 87, No. 23](#) (the “Consolidated Notice”), 80 percent of funding awarded to the state will go to the HUD-identified Most Impacted and Distressed (MID) counties. The remaining 20 percent of funding may be awarded to state-designated MID areas.

During the implementation process, program funding will be provided to subrecipient awardees. Subrecipients must develop and implement policies, procedures, and processes to deliver and maintain projects. Projects may be provided by the subrecipient directly or in partnership with governmental, private sector, or non-profit partners. At the end of the term specified in the Subrecipient Agreement, the grant will be closed. The Department, with the support provided by its designated partners, will monitor subrecipients throughout the life of the project.

4.0 General Information

The total CDBG-DR funds allocated to the Department for Hurricane Sally recovery were announced in two publications. On October 29, 2021, HUD announced that \$113,191,000 in CDBG-DR funds would be allocated to Florida following Hurricane Sally (2020). The availability of the funding was formally announced by publication in the Federal Register, Vol. 87, No. 23 (February 3, 2022). Then HUD announced in Federal Register Vol. 87, No. 100 (May 24, 2022) that Florida had been awarded an additional \$74,192,000 in CDBG-DR funds. These funds amount to a total of \$187,383,000. The Consolidated Notice governs the use of these funds and requires that funds be used only for disaster relief, long-term recovery restoration of infrastructure and housing, economic revitalization, and mitigation of risk associated with activities carried out for these purposes in communities affected by the specified disaster (Hurricane Sally). Requirements provide that funds be directed to areas with the greatest need. All CDBG-DR funded eligible recovery activities must tie to storm damage as specified in and not prior to the Presidential Disaster Declaration [4564](#) for Hurricane Sally on September 16, 2020. Recovery activities must be directly related to damage caused by Hurricane Sally and recovery activities must provide evidence that documents the damage was caused by Hurricane Sally. CDBG-DR funds cannot be used to replace or reimburse any available funding, such as FEMA Individual and Public Assistance (IA/PA). However, in certain situations, CDBG-DR funds can serve as the local match portion for eligible projects.

HRP is not a direct grant program. No funds will be paid directly to businesses seeking rehabilitation of their physical structures.

5.0 HUD CDBG-DR Program and Project Funding Directives

In response to HUD directives, the Action Plan directs the Department to fund projects and programs that:

1. Provide the maximum feasible priority to activities that will benefit low- to moderate-income (LMI) families.
 - A. The aggregate use of the CDBG-DR funds made available under this application shall principally benefit LMI families in a manner that ensures that at least 70 percent of the grant amount is expended for activities that benefit such persons.
2. Focus first on unmet housing needs.
3. Projects or programs must address a clear unmet need:
 - A. Have demonstrated physical damages or other direct impact from Hurricane Sally, not including economic impacts.
4. Primarily serving LMI populations.
5. Projects must designate a specific, identifiable commercial area as the project location, which must:
 - A. Be located entirely within the applying entity's or entities' jurisdiction;
 - B. Be in one (1) contiguous commercial area;
 - C. Be primarily commercial in nature. Mixed use areas are eligible if commercial uses are the majority (51 percent) of the units within the area; however, HRP funding may only be utilized for the commercial component(s) of the project and may not be used for housing components;
 - D. Include multiple (minimum three) separate commercial businesses within the commercial area.
6. Projects must include a credible financial and development plan for completion and occupancy.
7. Projects must demonstrate ability to utilize the requested funding and complete all components of the project within 24 months of Subrecipient Agreement execution.
8. Projects may not be undertaken for the benefit of any single business; projects must be intended to benefit a diversity of business occupants located within the designated commercial area.
9. Subrecipient must document the general use of each business location/property and the National Objective it expects to meet. The subrecipient of the program must also make a written commitment that each business property will remain under the general use that will meet the specified National Objective as described in the application for the economic development project for a minimum of five years.

6.0 Pre-award and Pre-Construction Costs

HUD eligible pre-award and pre-construction costs may be eligible for reimbursement by the Department provided that all HUD and applicable Florida procurement rules and regulations have been followed and the applicant can demonstrate proper procedure was followed.

7.0 Threshold and Scoring Criteria

The Department will apply a two-phased process to review applications. First, proposals must pass Departmental CDBG-DR Threshold Compliance Criteria. Next, the Department will review and score each proposal based on Scoring Criteria. If a proposal does not meet any of the Threshold Criteria, the Department cannot proceed to score it for funding consideration. The maximum score for Scoring Criteria is 140 points.

Proposed projects must meet the minimum award amount of \$500,000 and may not exceed the maximum award of \$5,000,000.

7.1 Threshold Compliance Criteria

Every project application must meet the following Threshold Criteria to be determined eligible:

- Be located entirely within the applying entity's or entities' jurisdiction;
- Located within an eligible HUD or State designated MID area;
- Benefit to LMI Persons, aid in the prevention or elimination of slums and blight, or meeting a need having a particular urgency (Urgent Need);
- Is an eligible activity under HUD Guidelines;
- Is an eligible activity under the Action Plan; and
- Addresses an unmet need tied to damage caused by Hurricane Sally.

Projects must meet a CDBG-DR National Objective such as:

- Benefit LMI persons;
- Aid in the prevention or eliminations of Slum and Blight; or
- Meet an urgent need.

Hometown Revitalization Projects must be considered as CDBG-DR Eligible Activities.

HRP awards are for the revitalization of a designated commercial district that has been damaged by Hurricane Sally. Projects may focus on the physical revitalization of a commercial district through rehabilitation, reconstruction, or demolition. Eligible uses of funds include, but are not limited to:

- Public facility improvements, including streetscapes, lighting, sidewalks, and other physical improvements to commercial areas;
- Acquisition, demolition, site preparation, or rehabilitation of commercial structures carried out by a unit of local government;
- Assistance to small businesses for rehabilitation and physical improvements to their places of business; and
- Façade improvements to private or public structures in commercial areas.

For more detail see the Housing and Community Development Act (HCDA), Sections 105(a)(1), (2), (4), (14), (15), and (17).

<https://www.hudexchange.info/sites/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Appendix-A.pdf>

7.2 Scoring Criteria

Once a proposal is determined to satisfy CDBG-DR’s Threshold Compliance Criteria, the Department will apply scoring based on the following Scoring Criteria. The maximum Scoring Criteria score is 140.

The following chart further defines each category and lists the maximum point allocation for each scoring category. In the event of a scoring tie, projects that have a higher LMI or are located within HUD designated MID areas will be considered first.

		Max Points
1	<p>Leverage of Funds:</p> <p>Local funds used to match, in part or whole, the CDBG-DR funding requested in the application. More points awarded based on amount of matching funds.</p>	5
2	<p>Special Designation:</p> <p>Application outlines qualification as a special designation. Rural Economic Development Initiative (REDI) eligible county or community (see section F.S. 288.0656) – 10 points</p>	10
3	<p>Project Readiness:</p> <p>Planning is complete and the project is ready to break ground after the completion of a required HUD compliant environmental review or assessment and funds are available – 10 points</p> <p>Initial planning has been completed and the procurement process is ready to begin – 5 points</p>	10
4	<p>Staffing and Capacity:</p> <p>Staff demonstrate skill and experience necessary for implementing the proposed services and performing all grant functions. Points will be awarded as follows:</p> <p>Staffing (maximum 10 points):</p> <ul style="list-style-type: none"> - 10 points – Over 50% of the identified staff have 5 years or more in leadership, management, and implementation of Community Development Block Grant (CDBG) programs and/or grant management. - 5 points – Between 25 - 50% of the identified staff have 5 years or more in leadership, management, and implementation of CDBG programs and/or grant management. - 0 points – Less than 25% of the identified staff have 5 years or more in leadership, management, and implementation of CDBG programs and/or grant management. <p>Capacity (maximum 5 points):</p> <p>Applicants will be awarded 5 points upon demonstration that the Respondent has the resources and capacity necessary for implementing the proposed services and performing necessary grant functions, including financial management and compliance.</p>	15
5	<p>Project Impact:</p> <p>The impact of the project in expanding permanent employment opportunities, and revitalizing the local economy, including opportunities for LMI individuals.</p>	20

6	<p>Eligible Activities Met</p> <p>The project will receive higher points based on how many eligible activities and businesses are able to receive benefits from the project.</p>	20
7	<p>Overall LMI Benefit (percent LMI benefit of the activity):</p> <p>The LMI score will be determined on the service area the project serves, in order to calculate the LMI score. The applicant should provide their LMI data for the project service area in a percentage form. For example, if the service area LMI is 65%, DEO will multiply by 60 (the maximum number of points) to receive the final LMI score of 36 points.</p> <p>The LMI percentage will be calculated by DEO using the formula outlined on the CDBG LMI Data website: https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/</p>	60
		140

8.0 Eligibility

To be eligible for consideration of funding, applicants must propose programs or projects that align with CDBG-DR and Departmental requirements and priorities as outlined in the Action Plan and the Consolidated Notice, including but not limited to:

- Projects must demonstrate damage tie-back to Hurricane Sally;
- Projects must primarily serve LMI populations; and
- Projects must not duplicate benefits.

8.1 Eligible Applicants

Entities applying to receive assistance through HRP must meet the following eligibility requirements:

- Unit of general local government (UGLG);
- State agency;
- Community revitalization agency (CRA);
- Community development district (CDD);
- Community-based development organization (CBDO); or
- Non-profit primarily engaged in community redevelopment activities that applies in partnership with their local UGLG or a state agency; and
- Must not appear on the Excluded Parties Listing System (EPLS). The EPLS is an electronic directory of individuals and organizations that are not permitted to receive federal contracts or assistance from the United States government. Any company doing business or hoping to do business with the U.S. government or federal agencies must assure that it has no affiliation with excluded parties. For search, go to: <https://sam.gov/SAM/pages/public/searchRecords/search.jsf>

The Department will maintain one Subrecipient Agreement and relationship with the eligible applicant. Applicants may only submit one project per application. Proposals for funding may only serve eligible counties. The Department encourages eligible applicants to form partnerships that provide the necessary capacity to successfully administer the proposed CDBG-DR projects and programs.

If allocated funds by the Department, applicants that are working as a group or in partnership with non-profits, not for profits, non-governmental organizations (NGOs), or other eligible applicants, must have a signed Interlocal Agreement or Memorandum of Understanding between the partnering entities prior to execution of the Subrecipient Agreement with the Department.

To be considered eligible for HRP, subrecipients must comply with the requirements set forth in the HCDA Sections 105(a)(1), (2), (4), (14), (15), and (17), and be able to provide documentation of impacts from Hurricane Sally.

8.2 Eligible Activities

In order to be considered eligible, projects must meet one of the National Objectives set out in the HCDA, with at least 70 percent of funds going towards projects benefiting LMI persons. In HRP, the three National Objectives that will be addressed are:

1. Benefit LMI persons;
2. Aid in the prevention or eliminations of Slum and Blight; or
3. Meet an urgent need.

Examples of potentially eligible activities include:

- Public facility improvements, including streetscapes, lighting, sidewalks, and other physical improvements to commercial areas;
- Acquisition, demolition, site preparation, or rehabilitation of commercial structures carried out by a unit of local government;
- Assistance to small businesses for rehabilitation and physical improvements to their places of business; and
- Façade improvements to private or public structures in commercial area.

8.3 Ineligible Activities

Ineligible activities identified in the Consolidated Notice include:

- The use of CDBG-DR for forced mortgage payoff;
- The use of CDBG-DR funds to provide compensation to beneficiaries for losses stemming from disaster-related impacts;
- Construction of a dam/levee beyond original footprint without obtaining pre-approval from HUD;
- Incentive payments to households that move to disaster-impacted floodplains;
- Assistance to privately-owned utilities;
- Failure to prioritize assistance to businesses that meet the definition of a small business; or
- Assistance for second homes and activities identified in 24 CFR 570.207.

Any activity that is not authorized under Section 105(a) of the HCDA is ineligible to be assisted with CDBG-DR funds, unless explicitly allowed by waiver and alternative requirement in the Consolidated Notice.

Ineligible uses of HRP funds include, but are not limited to:

- Working capital, operational capital, or startup capital for a business or business incubator;
- New construction of a commercial building(s) that was not present prior to Hurricane Sally;
- Purchase of equipment;
- Inventory, furnishings, equipment, or similar items provided to a business that are not related to improvements of real property;
- Acquisition of property via Eminent Domain;
- Activities relating to a building or portion of a building used for the general conduct of government; and
- General government expenses.

8.4 Business Eligibility

- Business must be located in Florida.
- Business must be owned and controlled by persons who are eligible to work in the U.S.
- Business must have been established prior to September 16, 2020.
- Business must be appropriately registered with the State of Florida, as documented in a certificate of status obtained from the Florida Department of State.
- Business is required to provide the following documentation, if applicable:
 - State Certificate of Status;
 - State/Local Tax Registration or Certificate of Exemption; and
 - State business or professional license.

- Business must currently have a least two (2) full-time employees and must have employed at least two (2) full-time employees prior to September 16, 2020.
- This includes microenterprises. A microenterprise is a commercial enterprise that has five (5) or fewer employees, one or more of who owns the enterprise.

8.5 Business Ineligibility

- A business deriving more than one-third of gross annual revenue from legal gambling activities.
- A business engaged in any illegal activity.
- A business that presents live performances of an indecent sexual nature or derive directly or indirectly more than 2.5 percent of gross revenues through the sales of products and services, or the presentation of any depictions or displays, of an indecent sexual nature.
- A business that has a primary purpose of facilitating polyamorous relationships.
- Massage parlors.
- Hot tub facilities.
- Escort services.

9.0 Environmental Clearance

All CDBG-DR activities are to comply with the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as all HUD environmental regulations provided in 24 CFR part 58. All subrecipients will be responsible for determining the appropriate level of environmental clearance required for the project, conducting the required environmental study, and supplying the information to the Department. The environmental clearance must be completed and approved prior to any release of funds for the project or construction commencing. If an identified environmental condition for a site or project cannot be cleared, the site or project may not be an eligible location for CDBG-DR activities and may be deemed ineligible for funding.

10.0 Duplication of Benefits

Eligible entities may have previously received assistance from other sources for the same purpose as HRP. Under the requirements of The Robert T. Stafford Disaster Assistance and Emergency Relief Act, (the “Stafford Act”) as interpreted and applied by HUD, the Department and its subrecipients must take into account certain aid received by a person or entity in determining the amount of assistance which can be granted. The Department and subrecipients must follow HUD’s Duplication of Benefits (DOB) Guidance. Individual applicants and entities must provide any information on benefits received that may create a DOB during the application process and upon request. The subrecipient must perform due diligence verification of DOB information.

The Supplemental Appropriations Act authoring CDBG funding and the Stafford Act include restrictions on using CDBG-DR program funds to provide assistance when other entities have already funded all or a portion of the activity. The Stafford Act also contains eligibility requirements for recipients who have received prior disaster funding based upon whether or not they are in compliance with requirements associated with receipt of those funds. Where applicable, recipients must be in compliance with these restrictions or funding will be denied. Applicants and partner entities must report all financial assistance, other local, state, or federal programs, private or non-profit charitable organizations and other assistance received for the purpose for which the participant is applying for, and receiving, funding or services.

Funds provided by any federal, state, or local government entity, or non-profit or private source intended for the same purpose as HRP are considered a DOB and under federal law must be deducted from the assistance provided by HRP. Any additional funds paid to entities for the same purpose as HRP after HRP projects are completed must be returned to the Department. Entities in HRP must agree to repay any duplicative assistance considered a DOB.

11.0 Subrogation

Subrogation is a legal doctrine that allows one person to take on the rights of another. In the context of disaster recovery grants, a HRP subrecipient must enter into a subrogation agreement where the funding agency (the Department) obtains the right to collect any additional payments the subrecipient receives for the same purpose after the subrecipient has entered into a grant agreement for HRP benefits.

All duplicative funding received must be remitted to or accounted for by the program, regardless of when it is received by the subrecipient. If a subrecipient receives additional funding for the same purpose as the HRP award, including after the HRP award is executed or HRP services are completed, the subrecipient is required to report the additional funding to the program.

By accepting the award, the subrecipient agrees that they will report any duplicative funds to the program whenever received. Upon receipt of a report that additional benefits have been received, the program will recalculate the subrecipient's award and provide instructions whether the subrecipient's award will be reduced by such amount, or whether the subrecipient must remit such amounts to the program as reimbursement (when additional assistance is received after program disbursements). Each subrecipient will execute and be bound by a subrogation agreement.

Entities listed in the subrecipient application must also agree to subrogate (commit to the state of Florida) any future payments they may receive after award from any sources that represent a potential DOB. The subrogation agreement requires the subrecipient to notify the Department if additional funds are received and to assist the Department in collecting any amounts owed to them from these sources. All parties shall comply with standard anti-fraud measures. The Department will exercise all normal due diligence in collection of amounts owed through contact with awardees and will pursue investigation and collection efforts which may include demand letters, small claims court, filing of judgments, and/or other collection activity. Collection activity following demand letters will be determined in consultation with the Department and/or the Florida Attorney General's Office.

12.0 CDBG-DR Compliance

All applicants with proposals approved for CDBG-DR funds under this application must execute a Subrecipient Agreement with the Department which will specify all terms and conditions for successful program and/or project and compliance management of a grant. The DEO Subrecipient Agreement will include, but is not limited to, the following topics:

12.1 National Objectives

All activities must meet one of the National Objectives set out in the HCDA, with at least 70 percent of the dollars going towards projects benefiting LMI persons. In HRP, the three National Objectives that will be addressed are:

- Benefit LMI persons;
- Aid in the prevention or eliminations of Slum and Blight; or
- Meet an urgent need.

Pursuant to the Consolidated Notice, the Urgent Need National Objective criteria in section 104(b)(3) of the HCDA is waived and an alternative requirement has been established for any CDBG-DR grantee using the Urgent Need National Objective. This alternative Urgent Need National Objective is in effect for a period of 36 months following the applicability date of the specified disaster's Allocation Announcement Notice (AAN). After 36 months, the Department will be required to follow the criteria established in section 104(b)(3) of the HCDA and its implementing regulations in 24 CFR part 570 when using the Urgent Need National Objective for any new programs and/or activities added to an action plan.

Pursuant to this alternative requirement, in order to use the Urgent Need National Objective, the Department must:

1. Describe in the impact and unmet needs assessment why specific needs have a particular urgency, including how the existing conditions pose a serious and immediate threat to the health or welfare of the community;
2. Identify each program or activity in the Action Plan that will use the Urgent Need National Objective—either through its initial action plan submission or through a substantial amendment submitted by the grantee within 36 months of the applicability date of the grantee's AAN; and
3. Document how each program and/or activity funded under the Urgent Need National Objective in the action plan responds to the urgency, type, scale, and location of the disaster-related impact as described in the grantee's impact and unmet needs assessment.

If using Urgent Need as a National Objective, the subrecipient will provide the Department written justification in the form of a written urgent need narrative to certify the urgency of the condition. In addition, in the case that a subrecipient is using the Urgent Need National Objective, the subrecipient must document how each program and/or activity responds to the urgency, type, scale, and location of the Hurricane Sally-related impact; this documentation must tie back to an impact identified in the unmet needs portion of the Action Plan. In order to show sufficient tie-back and describe the urgency of the need, the Department will amend the Action Plan using the justification provided by the subrecipient to include in the unmet needs assessment the project identified as having a need with a particular urgency. A project using the Urgent Need National Objective will not be approved until the Action Plan has been amended and approved by HUD.

12.2 Cross-Cutting Federal Regulations

The Department requires projects or programs selected for CDBG-DR funding to meet HUD cross-cutting federal regulations, such as NEPA environmental review, DOB, fair housing, Section 3 employment, Davis Bacon wages, and others which will be specified in the subrecipient funding agreement. For more information please see:

<https://www.hudexchange.info/resources/documents/CDBG-DR-Cross-CuttingTraining-Resources.pdf>

12.3 Citizen Participation Requirements

All applicants must submit evidence of a publicly noticed meeting or public comment period to discuss the proposed project and application for HRP. Counties eligible to receive funds must consider the needs of all municipalities (and federally recognized tribes) within the incorporated and unincorporated area of the county (and reservations contiguous to the county).

The Department is allowing applicants to receive public input on their HRP application by the following meeting formats:

1. Posting information about the project online: An applicant posts the information about the project and the program to its public website and allows for a 14-day public comment period. Please submit a copy of the post and any public comments to the Department as part of the application. In choosing this option for public comment, the entity will still need to follow proper public noticing guidelines such as advertising the posting in a newspaper of general circulation for five days.
2. Virtual public meetings: An applicant would need to supply the same documentation that would normally be required to demonstrate if a meeting was held, including meeting minutes and a public meeting notice.

Evidence of public meeting with city and tribal governments must meet the following requirements:

- Notice of the public meeting must be provided at least five days prior to the meeting.
- Documentation of the meeting must include sign-in sheets and meeting minutes.

Prior to applying for CDBG-DR funding, applicants are required to post a public notice in a newspaper of general circulation and to their website that states the types of projects to be undertaken, the source and amount of funding available for the activities, the date by which comments must be made, and a contact person for a copy of the proposed application. Applicants must provide for a 10-day comment period, which must be published prior to the submission of the application.

Evidence of the public notice must meet the following requirements:

- Documentation of newspaper advertisement;
- Print-out of county webpage showing public notice; and
- Documentation that the needs of non-English speaking citizens have been met where a significant number of non-English speaking citizens can be reasonably expected to participate. In this case, documentation will need to be translated into Spanish.

12.4 Use of CDBG-DR as Match

Funds may be used to meet a matching, share, or contribution requirement for another federal program when used to carry out an eligible CDBG-DR activity. This includes programs or activities administered by 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 by, or for which funds are also made available, by FEMA or USACE.

12.5 System of Record and Compliance Verifications

Subrecipients will be required to submit information and reports in the means, format, and frequency required by the Department.

13.0 Anti-Fraud, Waste, and Abuse

Rebuild Florida constituents, employees, and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste and Abuse online form (<http://floridajobs.org/rebuildflorida/report>; (all contact information fields are optional to allow for anonymity) or by sending an e-mail to CDBGDR_antifraudwasteabuse@DEO.myflorida.com.

All suspected cases of fraud will be taken seriously, and complaints will be reported to OLTR's Compliance and Reporting Manager and the Department's Office of the Inspector General (OIG) at OIG@DEO.MyFlorida.com. If the Department's OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation.

All substantiated cases of 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), and the Department's HUD Community Planning and Development (CPD) Representative. *OLTR must provide a timely response within 15 working days of the receipt of a complaint, as stated in the Consolidated Noticed.*

OLTR's comprehensive Anti-Fraud, Waste, and Abuse Policy can be found [here](#).

14.0 CDBG-DR Costs Guidance

Applicants in their budget proposals must include all costs related to the construction and ongoing, necessary maintenance of the project.

The Department will apply the following standards in the analysis and ongoing compliance review of allowable costs. Please see <https://files.hudexchange.info/resources/documents/CDBG-DR-Cost-Types-Summary.pdf> for HUD guidance as outlined in 2 CFR 200 Subpart E, all costs must meet four (4) criteria:

- **Necessary:** CDBG-DR funding will fill a necessary gap to address an unmet need that cannot be filled by another funding source. This is demonstrated by conducting a DOB analysis and calculation for each activity.
- **Reasonable:** Costs do not exceed what a prudent person would incur under similar circumstances as demonstrated by the market price for comparable goods and services.
- **Allowable:** Costs must be allowable under CDBG-DR rules and regulations and under 2 CFR 200 Subpart E. Some costs such as lobbying, entertainment, and alcohol are never allowed under any circumstances.
- **Allocable:** Costs must be clearly allocated, meaning the cost is assigned to a CDBG eligible activity with a methodology for determining where to attribute cost.

Activity delivery costs must be tied to the time staff and contractors dedicate to a specific project. Applicants must show how the proposed activity delivery costs are or will be cost reasonable through procurement of professional services and/or cost of in-house staff to provide program or project related services. All activity delivery costs must be included as part of the total project costs in a request for CDBG-DR funding. Please include a cost reasonable estimate for all administrative costs associated with the proposed project.

14.1 Conflict of Interest

State officials and employees, Department employees, subrecipients, contractors, and consultants who exercise function with respect to CDBG-DR activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, are prohibited from receiving any benefit from the activity either for themselves or for those with whom they have family or business ties, during their tenure.

For purposes of this section, “family” is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), and children of an official covered under the conflict of interest regulations at 24 CFR 570.489(h).

An exception to the conflict of interest provision may be granted should it be determined that all the concerns generated by the potential conflict of interest have been adequately and publicly addressed and that an exception would serve to further the purposes of Title I of the HCDA and the effective administration of the program. No party will enter into a conflict of interest until a request for an exception has been granted by the Department.

14.2 Public Records

Pursuant to Article 1, Section 24, Florida Constitution, and Chapter 119, Florida Statutes, the Department is subject to Florida’s public records laws. Accordingly, unless an exemption exists, all records produced or received pursuant to law or in connection with the official business of the Department can be requested and provided for inspection. Subrecipients participating in HRP are also subject to Florida’s public records laws. All public records requests made to the Department will be processed in accordance with DEO Administrative Policy 1.06, Processing Public Records Request. Public records held by subrecipients may be requested by contacting the relevant subrecipient.

15.0 Application Procedures

The application submission cycle will officially open on February 14, 2023 and will close on April 30, 2023.

All eligible applicants are invited to visit the Hurricane Sally Rebuild Florida HRP webpage and click on “Online Application” or visit the page directly at <https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative/hurricane-sally/rebuild-florida-hurricane-sally-hometown-revitalization-program>.

Applicants will be prompted to provide contact information and an email address. Once registered, the applicant will receive an individualized application link via the provided email.

All eligible applicants will be expected to complete and submit all required attachments to the application which are listed below. The Department may request additional supporting documents during the application review period and site visit period.

The required documentation includes, but is not limited to:

- Cover letter detailing the project and the importance to the community that the project will serve.
- Project budget estimates. Please include all estimates for administration of the grant in the budget. If an applicant is attempting to leverage funds from another program or is committing additional local funds, please clearly list these funds on the budget worksheet.
- Projected project work plan, including which segments of the project are expected to be carried out by contractors or applicant staff.
- Organization Chart or Schedule of Team Roles, such as staff, contractor, vendor, and community partners illustrating their roles and responsibilities as it relates to the proposed project.
- Public Meeting Notice, which includes meeting agenda, meeting minutes, and any received public comments pertaining to the proposed project.
- Maps illustrating the following:
 - Total service area;
 - Proposed project area;
 - Zoning of proposed project area; and
 - Most recent flood plain map of the proposed project area.
- Pictures of damage caused by Hurricane Sally and the current condition. Applicants will have the ability to upload up to 10 pictures of the damage caused to the project/project area and the current conditions of the project/project area.
- Documentation of REDI eligibility.
- List of businesses to be assisted in proposed project. Also, include FEIN for each business.

The Department will score each proposed project separately based on information provided in the application packet. The Department reserves the option to fund none, a selection of, or all of the project proposed by an applicant.

The Department will conduct site visits and reserves the opportunity to interview applicants and request follow-up clarification information.

If an applicant is planning to submit more than one project proposal, please fill out a different application packet for each of the proposed projects.

15.1 Technical Assistance for the Application Process

The Department will host a live webinar to provide an overview of the application process and answer questions. Additionally, the Department will take questions about HRP throughout the application process. Please email any questions regarding the application to: OLTR-ER@DEO.MyFlorida.com.