

Disaster Recovery Initiative

U.S. Department of Housing and Urban Development (HUD)

[Docket No. FR-5256-N-01]

Federal Register / Volume 74, Number 29, dated February 13, 2009

[Docket No. FR-5337-N-01]

Federal Register / Volume 74, Number 156, dated August 14, 2009

2008 Supplemental CDBG Appropriations for the Disaster Enhancement Recovery Fund

Florida Department of Community Affairs

Action Plan Amendment for the Use of 2008 Disaster Recovery Funds



Thomas G. Pelham, AICP

Secretary

Florida Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

<http://www.floridacommunitydevelopment.org/disasterrecovery.cfm>

TABLE OF CONTENTS

	PAGE
THE IMPACT OF THE STORMS AND FLORIDA' S RECOVERY NEEDS	3
FEDERAL AND STATE RESPONSE	3
FEDERAL DISASTER DECLARATIONS	3
FEDERAL APPROPRIATIONS	4
OVERALL PLAN FOR RECOVERY AND PROPOSED USE OF FUNDS	4
How Funds Will Address Florida's Unmet Needs	4
Anticipated Accomplishments	4
Activities	5
Waivers	7
National Objective	7
Citizen Participation and Public Comment	7
Recovery Planning	8
Quality Construction	8
Special Needs Population	8
Reporting	8
Certifications and Documentation	8
METHOD OF ALLOCATION	9
General Information	9
Match Requirements	9
Allocation of Funds	9
Application Threshold Factors	12
METHOD OF ALLOCATION FOR DISASTER RECOVERY ENHANCEMENT (DREF) FUNDS	
General Information	13
Match Requirements	13
Allocation of Funds	13
GRANT ADMINISTRATION	15
Sources of Administrative Information for State and Subgrantee Administration	15
State Administration and Staffing	15
Administrative Costs	16
Amendments to Award Agreements	16
Anti-Displacement and Relocation	16
Citizen Complaints	16
Definitions	16
Duplication of Benefits	16
Environmental Review	17
Buyouts	17
Housing Assistance	17
Pre-award Agreement Costs	17
Monitoring	18
Fraud, Waste and Abuse	18

Program Income	19
Timeframe for Completion	19
Technical Assistance	19
APPENDIX A: CERTIFICATIONS	20
APPENDIX B: SUMMARY OF PUBLIC COMMENTS ON DRAFT ACTION PLAN	22
APPENDIX C: FEMA PRELIMINARY DAMAGE ASSESSMENTS	24

THE IMPACT OF THE STORMS AND FLORIDA' S RECOVERY NEEDS

Tropical Storm Fay impacted the State from August 18, 2008 through August 27, 2008. Governor Crist and the President declared a state of emergency. Federal aid to supplement state and local response efforts due to the emergency conditions resulting from Tropical Storm Fay was provided. Although other states suffered greater loss due to storms in 2008, many of Florida's counties were impacted by flooding and other damages.

- ▽ Individual assistance was made available to Alachua, Baker, Bradford, Brevard, Charlotte, Clay, Collier, Duval, Gadsden, Glades, Hendry, Jefferson, Lake, Lee, Leon, Liberty, Madison, Marion, Martin, Nassau, Okeechobee, Orange, Polk, Seminole, St. Lucie, Taylor, Volusia, and Wakulla Counties.

- ▽ Hazard Mitigation assistance was also made available to state and local governments and certain private nonprofit organizations for repair or replacement of disaster-damaged public facilities in Alachua, Baker, Bradford, Brevard, Calhoun, Clay, Collier, Dixie, Duval, Flagler, Gadsden, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Jefferson, Lake, Lee, Leon, Liberty, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Osceola, Palm Beach, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Suwannee, Taylor, Union, Volusia, and Wakulla Counties. All counties were eligible to apply for Hazard Mitigation grant funds.

Hurricane Ike, which impacted the State on September 5, 2008, resulted in Governor Crist and the President declaring a disaster due to damage to public facilities, infrastructure, and homes. Federal aid was made available to the State to supplement state and local response efforts due to the emergency conditions. The disaster declaration covered Monroe County.

Hurricane Gustav, which impacted the State from August 31, 2008 through September 7, 2008, resulted in Governor Crist and the President declaring a disaster due to damage to public facilities, infrastructure, and homes. Six counties received FEMA public assistance (Bay, Escambia, Franklin, Gulf, Okaloosa and Santa Rosa). All counties were eligible to apply for Hazard Mitigation grant funds.

FEDERAL AND STATE RESPONSE

Both Governor Crist and the President immediately responded with state and federal disaster declarations. State Emergency Response Teams and FEMA were immediately on site to inspect damages and set up disaster relief centers.

FEDERAL DISASTER DECLARATIONS

Declarations by number and date that applied to the storms are listed below:

FEMA-3288-DR dated August 21, 2008
Tropical Storm Fay (August 18 – and continuing)

FEMA-1785-DR dated August 24, 2008
Tropical Storm Fay (August 18 – September 12, 2008)

FEMA-3293-DR dated September 7, 2008
Hurricane Ike (September 5, 2008 and continuing)

FEMA-1806-DR dated October 27, 2008
Hurricane Gustav (August 31, - September 7, 2008)

FEDERAL APPROPRIATIONS

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110-329, approved September 30, 2008) appropriated \$6.5 billion for recovery from 2008 disasters. Funds must be used only for disaster relief, long-term recovery, and restoration of infrastructure, housing and economic revitalization in areas affected by hurricanes, flooding and other natural disasters that occurred during 2008, for which the President declared a major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.)

Under the Act, Florida will receive a total of \$81,063,855, of which at least \$9,079,866 must be used to address affordable rental housing. However, the State plans to use up to fourteen percent (14%) for affordable rental housing. The amount that must be spent for housing represents the State's relative share of estimated unmet housing needs for property owners experiencing serious damage to their homes.

OVERALL PLAN FOR RECOVERY AND PROPOSED USE OF FUNDS

Applications from eligible recipients, representing unmet needs in jurisdictions impacted by the 2008 storms, will be considered the State's overall plan for recovery. The State understands that local communities are in the best position to develop recovery plans for their jurisdiction and believes that it is in the best interest of communities for the State to allow subgrantees to undertake activities that will address their special needs as long as they are implemented within the parameters of this Action Plan and related rules and regulations.

How Funds Will Address Florida's Unmet Needs

Federal requirements clearly state that the funds can be used only for disaster relief and long-term recovery in communities affected by the specified disasters. Funds will be directed to areas with the greatest need. Counties would apply for funding, unless the county designates a municipality that received the greatest damages. Award recipients cannot use this disaster assistance for a project or activity that was underway prior to the Presidential disaster declaration, with the specified time period in the appropriations act, unless the disaster directly impacted the project. Elements of activities that are reimbursable by FEMA or available through the Small Business Administration (SBA) cannot be undertaken with these funds.

Damage assessment reports indicate that there is unmet need in three main areas: public assistance (infrastructure and public facilities), business (commercial revitalization), and housing. The allocation method is based on compilation of damage assessment data provided by FEMA and is designed to meet the unmet needs reflected by the damage assessment data. Damage assessment data relating to individual and public assistance was provided to the Department by the State's Division of Emergency Management. It should be noted that damage assessment is at the county level.

Anticipated Accomplishments

The State expects to make repairs and related improvements to housing and public facilities and if needed, for economic recovery activities, particularly restoration of commercial areas. The majority of the beneficiaries of the funds will be low- and moderate-income (LMI) residents. All housing activities must meet the LMI national objective under the State's plan. Applications for the funds will be required to specify proposed activities, proposed units of accomplishment, and beneficiaries in the application. These anticipated accomplishments will be reported by the Department to HUD during the first quarter of reporting using the online Disaster Recovery Grant Reporting System (DRGR).

Recognizing that many local governments in Florida are already administering large amounts of federal dollars, should a subgrantee not be able to expend all funds in a timely manner or not apply for their full allocation, the State will reallocate the funds to jurisdictions that have unmet need and can use the funds within the established timeframe. Deobligated funds may be used in the same manner.

Activities

This Action Plan outlines the State's framework for allocating funding. However, eligible subgrantees are being provided, and are encouraged to read, the requirements set out in the Federal Register (Volume 74, No. 29 and Volume 74, Number 156). Unless otherwise stated in the Federal Register, statutory and regulatory provisions governing the Community Development Block Grant (CDBG) program for states, including 24 CFR part 570 subpart I, apply to the use of these funds.

The Department will limit new construction or new development to the expansion of facilities that serve the community or the replacement of storm-damaged housing that cannot be adequately brought up to safety and health standards (building codes). Funds will be used for repairs and long-term recovery. At least fifty percent (50%) of the funds must benefit low- and moderate- income persons. The LMI National Objective must be met for all housing activities.

- ▽ Infrastructure and public facility projects may include, but are not limited to, repairs and improvements to streets, water and sewer systems, and drainage facilities.
- ▽ Business assistance may include, but is not limited to, repairs and improvements to buildings in commercial or business areas and related activities.
- ▽ Housing activities may include rehabilitation and replacement of housing for low- and moderate-income persons where rehabilitation that will bring the unit up to local and state building code cannot be accomplished. Local governments may also buyout residential properties located in floodplains and relocate the occupants; moreover, all improvements on the acquired property must be demolished and the property converted to its natural state with deed restrictions that will prevent all future development except for minor structures that may be needed for parks and other public recreational areas. The purpose of the buyout must be to move a household out of a repeatedly flooded area and to convert the land to its natural state for perpetuity.

The State is required to use at least \$9,079,866 for activities that address affordable rental housing (housing rehabilitation, replacement, temporary or permanent relocation, buyout of housing units in the floodplain, etc.). The State will target fourteen percent (14%) of its funds for affordable rental housing activities to ensure that the federal requirement is met. Subgrantees are encouraged to work with Public Housing Authorities or other qualified nonprofits to accomplish this requirement.

Should an applicant wish to pursue an activity that is not listed in the action plan or application, the local government must contact the Department for approval prior to undertaking such activity. Eligible activities must focus on housing assistance, public infrastructure destroyed or damaged, and assistance for commercial areas impacted by the storm.

Listed below are eligible activities that may be undertaken by subgrantees:

CATEGORY IP-Infrastructure or Public Facility BC-Business or Commercial, H-Housing	ELIGIBLE ACTIVITIES
IP, BC, H	Acquisition for rehabilitation
IP, BC, H	Acquisition in 100 year flood plain, acquisition (in support of), acquisition of real property, land, building, easement or right-of-way
IP, BC, H	Administration, Planning and Management
IP, BC, H	Asbestos removal / lead based paint abatement
IP, BC, H	Clearance and Demolition
H	Code enforcement
H	Demolition of vacant dilapidated housing units
IP, B	Demolition of vacant dilapidated structures (other than housing)
IP, B	Engineering
I	Fire protection, fire hydrants, water facilities, lines, tank, treatment, well
I	Fire station, equipment
I	Flood & drainage, storm drains, catch basin, retention pond, curb & gutter
H	Housing rehab plumbing
I	Open space parks, playgrounds, recreational facilities
B	Other Commercial/Business Assistance
IP, B	Other commercial/industrial improvements
IP, B	Parking facilities, spaces
IP, BC, H	Permanent relocation as part of hazard mitigation, permanent relocation, temporary relocation
I	Potable well & septic system installation
I	Public facilities & improvements (OTHER)
I	Recreation/neighborhood center, senior center
H	Rehab, multi unit residential
B	Rehab, public/private owned commercial/industrial
H	Rehab, single unit residential
IP, B	Rehabilitation of commercial buildings, facade, section 504 compliance, correction of code violation, building rehab by owner/tenant
B	Relocation of commercial facility
I	Relocation of utilities to underground
IP, B	Removal of architectural barriers in public buildings
H	Replacement housing
I	Sewage treatment plant, sewer lines & components, sewer line replacement, other sewer facilities force sewer main, gravity sewer main, treatment, pump/lift stations
IP, B	Sidewalks and pedestrian malls when related to Commercial improvements
I	Solid waste disposal improvements
I	Street improvements, resurfacing
B	Tree planting
I	Utility hookups
H	Water and/or sewer hookups for housing units
I	Water facilities, water & sewer improvements in general

Waivers

The State will make use of waivers provided by HUD in the Federal Register notice as necessary for the successful implementation of the funded activities. Subgrantees should refer to the Federal Register notice for information on waivers.

National Objective

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, primarily benefit LMI persons). Up to 50 percent (rather than the 30 percent allowed by regular program regulations) of the State's grant may fund activities under the "urgent need" or "prevention or elimination of slums and blight" national objectives. At least 50 percent (rather than the 70 percent required under regular program regulations) must be utilized to serve LMI beneficiaries. All housing activities must meet the LMI national objective.

Citizen Participation and Public Comment

State Efforts

The State published a notice in the Florida Administrative Weekly (FAW) on September 2, 2009, announcing the availability of the funding, the development of a draft Action Plan, and the application cycle. The notice appeared in the FAW on September 11, 2009. The information was also emailed to all local governments and posted to the Department's website. Comments from the public on the Action Plan were accepted from September 11, 2009 until September 26, 2009. Appendix B is a summary of public comments received. The funding cycle will open on October 27, 2009, and close on December 15, 2009. (The Department anticipates that the Action Plan will be approved by HUD within approximately 15 days of submittal. However, should the Department become aware of any issue that could affect the application cycle, the closing date will be extended and notification will be provided to all local governments. Such notification will also be posted to the Department's website.) In addition, the Department will make information available to other agencies and nonprofit organizations by publishing notices in the FAW and on its website.

Local Efforts

Cities and/or Counties to receive funds must consider the needs of all municipalities (and Federally Recognized Indian Tribes) within the incorporated as well as unincorporated area of the county (and reservations contiguous to the county). Local governments must provide the Department with documentation that all parties were allowed an opportunity to discuss unmet needs and the best use of the funding.

Because damage assessment data is available only at the county level, the unmet need data cannot be further broken down by jurisdictions within the county. Therefore, counties eligible to receive funds must consider the needs of all municipalities (and Federally Recognized Indian Tribes) within the incorporated as well as unincorporated area of the county (and reservations contiguous to the county). Counties should also consult with local housing providers regarding funding for affordable rental housing needs related to the storms. Counties must provide the Department with documentation that all parties were allowed an opportunity to discuss unmet needs and the best use of the funding. Counties may elect to have a municipality apply for and administer the funds if such municipality has the capacity, the greatest unmet need, and the majority of the funds will be expended within its jurisdiction. In all other cases, the county will be the applicant and will administer funding for projects located in affected municipalities as well as the unincorporated area.

Applicants will not be required to conduct public hearings or meetings to receive comments from residents of the community. Applicants will be 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, a date by which public comments must be made, and who to contact for a copy of the proposed application (i.e., name or office and telephone number). This notice, which must provide for a 10-day comment period, must be published prior to the submission of the application.

The State, local governments and Federally Recognized Indian Tribes receiving awards must allow citizens access to grant information pursuant to Florida's Government in the Sunshine Law as well as federal requirements. Records should be made available for public inspection during normal business hours. In addition, if possible, information should be posted to websites. Upon request, information must be provided in a format accessible to persons with disabilities. Retention of records must meet existing public record requirements.

Recovery Planning

The State encourages its subgrantees to implement short- and long-term recovery planning and to make sound decisions that result in appropriate land-use, responsible flood plain management, removal of regulatory barriers to reconstruction, and coordination with other state and federal programs and entities.

Quality Construction

The State will encourage construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistant residential, commercial, and other buildings. The State requires that all housing units assisted with these disaster recovery funds be brought up to state and local building codes and Section 8 Housing Quality Standards, including appropriate energy conservation measures (i.e. energy efficient appliances, windows, doors, etc.). Efforts to mitigate flood risk through construction and elevation should be undertaken.

Special Needs Population

The State encourages grant recipients to provide adequate, flood-resistant housing for all income groups within the disaster-affected areas. Subgrantees must describe in their application how they will attempt to address emergency shelter and transitional housing needs of homeless individuals and families (including subpopulations) to prevent low-income individuals and families with children (especially those with incomes below 30 percent of median) from becoming homeless, to help homeless persons make the transition to permanent housing and independent living, and to address the special needs of persons who are not homeless identified in accordance with 24 CFR 91.315(d). An explanation of how a subgrantee will attempt to address the special needs population must be incorporated into existing Housing Assistance Plans if the Plan does not already contain such language.

Reporting

The State will report on funds expended as well as accomplishments and beneficiaries in HUD's online Disaster Recovery Grant Reporting (DRGR) system. Funds will be drawn for payments by the Department using this system. Each subgrantee must report on a quarterly basis (on a form provided by the Department) on the status of the activities undertaken. Quarterly status reports will be due to the Department within 15 calendar days following the end of the quarter. The State will then report to HUD using the online DRGR system.

Certifications and Documentation

The use of the disaster funding is contingent upon certain requirements, and both the State and local governments will be expected to certify that these requirements will be met or carried out. Applicable federal and state laws, rules and regulations are listed in the application form, and the chief elected official, or designee authorized by the local governing authority, of the local government applying for funds will be required to certify in writing that the grant will be carried out in accordance with the stated requirements. These requirements will also be a part of the Award Agreement between the Department and its subgrantees.

In addition, local governments will be required to submit or maintain documentation that fully supports the application that is submitted to the Department. Requirements relating to documentation are set out in the application form. Failure to document that a project is needed as a result of the disaster(s) or to mitigate the effects of future disasters will result in an application being declared ineligible.

METHOD OF ALLOCATION

General Information

The Department of Community Affairs will administer the \$81,063,855 allocated by HUD. Entitlement communities, non-entitlement communities, and Federally Recognized Indian Tribes are eligible to apply for assistance. Funds will go “to areas having unmet need,” and at least fifty percent (50%) of the funds must benefit LMI persons. Applicants must certify that no other funding is available to address the need. Eligible applicants may submit multiple projects that will address housing, infrastructure, public facility, or commercial needs. Local governments are encouraged to give special consideration to the unmet needs of the elderly, people with disabilities, and persons living in poverty.

The federal register notice limits administration to five percent (5%) of the overall state allocation. The State anticipates that two percent (2%) of the funding will be used for administrative expenses and an additional half-percent (.5%) for technical assistance to subgrantees. Local governments may use two and one-half percent (2.5%) of the State’s total allocation for administration.

Eligible Applicants

Counties eligible to receive funds must consider the needs of all municipalities (and Federally Recognized Indian Tribes) within the incorporated as well as unincorporated area of the county (and reservations contiguous to the county). Local governments must provide the Department with documentation that all parties were allowed an opportunity to discuss unmet needs and the best use of the funding.

The Department or any county targeted to receive funds may elect to have a municipality apply for and administer the funds if such municipality has the capacity, the greatest unmet need, and the majority of the funds will be expended within its jurisdiction. The Department may contract with one or more municipalities within a county if the Department finds that county does not have the capacity to award and expend the funds in an expeditious manner. Should the Department contract with a municipality, the municipality must consider the needs of other communities within the unincorporated and incorporated areas of the county and may advise the Department of the need to contract with one or more other cities. In all other cases, the county will be the applicant and will administer funding for projects located in affected municipalities as well as the unincorporated area.

Match Requirement

There are no match requirements, but local governments are encouraged to use funds from other sources in combination with these funds.

Allocation of Funds

Data: Preliminary Damage Assessment (PDA) data is collected by the Federal Emergency Management Agency (FEMA) at the county level. The dollar amounts representing damages were the basis of the allocation formula.

Methodology: Counties that experienced damage from Tropical Storm Fay and Hurricanes Ike and Gustav were ranked in order of Total Damage.

Each county's Total Damage (as a percentage of the entire State) was then multiplied by the funds available to calculate a "Simple Allocation."

$$\text{Simple Allocation} = \% \times \$81,063,855$$

The total funds available were limited for statewide distribution; therefore, a Simple Allocation cut-off of \$190,000 was established to ensure significant awards. All allocations not meeting this threshold were re-distributed to those in the top-qualifying tier, distributed by each county's percentage of those within the tier. Allocating the funds in this manner ensures that communities with the greatest need receive an amount significant enough to accomplish measurable repair and recovery.

Simple Allocation by County

COUNTY	PDA TOTAL	TOTAL AWARD	PCT OF TOTAL DMG	SIMPLE AWARD
Leon	\$30,543,181	\$79,037,259	12.73%	\$10,065,128
Collier	\$29,894,993	\$79,037,259	12.46%	\$9,851,525
St. Lucie	\$24,179,628	\$79,037,259	10.08%	\$7,968,097
Escambia	\$21,206,000	\$79,037,259	8.84%	\$6,988,175
Brevard	\$19,643,240	\$79,037,259	8.19%	\$6,473,187
Palm Beach	\$19,603,736	\$79,037,259	8.17%	\$6,460,169
Duval	\$12,831,502	\$79,037,259	5.35%	\$4,228,463
Volusia	\$12,521,000	\$79,037,259	5.22%	\$4,126,141
Gulf	\$7,609,893	\$79,037,259	3.17%	\$2,507,746
Monroe	\$7,468,230	\$79,037,259	3.11%	\$2,461,063
Sarasota	\$7,062,649	\$79,037,259	2.94%	\$2,327,409
St. Johns	\$3,901,684	\$79,037,259	1.63%	\$1,285,752
Bay	\$3,741,814	\$79,037,259	1.56%	\$1,233,069
Putnam	\$3,598,200	\$79,037,259	1.50%	\$1,185,742
Flagler	\$2,611,875	\$79,037,259	1.09%	\$860,711
Nassau	\$2,347,652	\$79,037,259	0.98%	\$773,640
Broward	\$2,293,315	\$79,037,259	0.96%	\$755,734
Martin	\$2,034,336	\$79,037,259	0.85%	\$670,390
Okaloosa	\$2,023,400	\$79,037,259	0.84%	\$666,786
Hardee	\$1,900,000	\$79,037,259	0.79%	\$626,122
Santa Rosa	\$1,740,000	\$79,037,259	0.73%	\$573,395
Marion	\$1,567,415	\$79,037,259	0.65%	\$516,522
Miami-Dade	\$1,515,178	\$79,037,259	0.63%	\$499,308
Calhoun	\$1,501,454	\$79,037,259	0.63%	\$494,786
Alachua	\$1,427,721	\$79,037,259	0.60%	\$470,488
Okeechobee	\$1,412,040	\$79,037,259	0.59%	\$465,320
Wakulla	\$1,378,001	\$79,037,259	0.57%	\$454,103
Seminole	\$1,297,284	\$79,037,259	0.54%	\$427,504
Baker	\$1,187,555	\$79,037,259	0.50%	\$391,344
Franklin	\$900,000	\$79,037,259	0.38%	\$296,584
Lake	\$871,619	\$79,037,259	0.36%	\$287,231
Hendry	\$817,570	\$79,037,259	0.34%	\$269,420
Osceola	\$727,045	\$79,037,259	0.30%	\$239,589
Gadsden	\$725,727	\$79,037,259	0.30%	\$239,154
Bradford	\$649,816	\$79,037,259	0.27%	\$214,139
Highlands	\$621,781	\$79,037,259	0.26%	\$204,900
Clay	\$603,515	\$79,037,259	0.25%	\$198,881
Glades	\$602,881	\$79,037,259	0.25%	\$198,672
Jefferson	\$591,439	\$79,037,259	0.25%	\$194,901
Manatee	\$456,767	\$79,037,259	0.19%	\$150,522
Liberty	\$426,811	\$79,037,259	0.18%	\$140,650
Suwannee	\$414,000	\$79,037,259	0.17%	\$136,429
Dixie	\$387,729	\$79,037,259	0.16%	\$127,771
Hamilton	\$227,641	\$79,037,259	0.09%	\$75,016
Pasco	\$201,810	\$79,037,259	0.08%	\$66,504
Taylor	\$166,323	\$79,037,259	0.07%	\$54,810
Union	\$166,237	\$79,037,259	0.07%	\$54,781
Charlotte	\$160,982	\$79,037,259	0.07%	\$53,050

COUNTY	PDA TOTAL	TOTAL AWARD	PCT OF TOTAL DMG	SIMPLE AWARD
Columbia	\$60,222	\$79,037,259	0.03%	\$19,845
DeSoto	\$20,000	\$79,037,259	0.01%	\$6,591
Citrus	\$0	\$79,037,259	0.00%	\$0
Gilchrist	\$0	\$79,037,259	0.00%	\$0
Hernando	\$0	\$79,037,259	0.00%	\$0
Hillsborough	\$0	\$79,037,259	0.00%	\$0
Holmes	\$0	\$79,037,259	0.00%	\$0
Indian River	\$0	\$79,037,259	0.00%	\$0
Jackson	\$0	\$79,037,259	0.00%	\$0
Lafayette	\$0	\$79,037,259	0.00%	\$0
Lee	\$0	\$79,037,259	0.00%	\$0
Levy	\$0	\$79,037,259	0.00%	\$0
Madison	\$0	\$79,037,259	0.00%	\$0
Orange	\$0	\$79,037,259	0.00%	\$0
Pinellas	\$0	\$79,037,259	0.00%	\$0
Polk	\$0	\$79,037,259	0.00%	\$0
Sumter	\$0	\$79,037,259	0.00%	\$0
Walton	\$0	\$79,037,259	0.00%	\$0
Washington	\$0	\$79,037,259	0.00%	\$0
Totals	\$239,842,891		100.00%	\$79,037,259

Final Awards after Reallocation of Funds under \$190,000 Threshold

COUNTY	PDA TOTAL	TOTAL AWARD	PCT OF TOTAL DMG	SIMPLE AWARD	PCT OF THRESHOLD GROUP	REALLO-CATION	SIMPLE AWARD PLUS REALLOC
Leon	\$30,543,181	\$79,037,259	12.73%	\$10,065,128	12.88%	\$885,969	\$10,179,232
Collier	\$29,894,993	\$79,037,259	12.46%	\$9,851,525	12.61%	\$885,969	\$9,963,208
St. Lucie	\$24,179,628	\$79,037,259	10.08%	\$7,968,097	10.20%	\$885,969	\$8,058,428
Escambia	\$21,206,000	\$79,037,259	8.84%	\$6,988,175	8.94%	\$885,969	\$7,067,397
Brevard	\$19,643,240	\$79,037,259	8.19%	\$6,473,187	8.28%	\$885,969	\$6,546,571
Palm Beach	\$19,603,736	\$79,037,259	8.17%	\$6,460,169	8.27%	\$885,969	\$6,533,405
Duval	\$12,831,502	\$79,037,259	5.35%	\$4,228,463	5.41%	\$885,969	\$4,276,399
Volusia	\$12,521,000	\$79,037,259	5.22%	\$4,126,141	5.28%	\$885,969	\$4,172,917
Gulf	\$7,609,893	\$79,037,259	3.17%	\$2,507,746	3.21%	\$885,969	\$2,536,175
Monroe	\$7,468,230	\$79,037,259	3.11%	\$2,461,063	3.15%	\$885,969	\$2,488,963
Sarasota	\$7,062,649	\$79,037,259	2.94%	\$2,327,409	2.98%	\$885,969	\$2,353,794
St. John's	\$3,901,684	\$79,037,259	1.63%	\$1,285,752	1.65%	\$885,969	\$1,300,328
Bay	\$3,741,814	\$79,037,259	1.56%	\$1,233,069	1.58%	\$885,969	\$1,247,047
Putnam	\$3,598,200	\$79,037,259	1.50%	\$1,185,742	1.52%	\$885,969	\$1,199,185
Flagler	\$2,611,875	\$79,037,259	1.09%	\$860,711	1.10%	\$885,969	\$870,469
Nassau	\$2,347,652	\$79,037,259	0.98%	\$773,640	0.99%	\$885,969	\$782,410
Broward	\$2,293,315	\$79,037,259	0.96%	\$755,734	0.97%	\$885,969	\$764,301
Martin	\$2,034,336	\$79,037,259	0.85%	\$670,390	0.86%	\$885,969	\$677,990
Okaloosa	\$2,023,400	\$79,037,259	0.84%	\$666,786	0.85%	\$885,969	\$674,346
Hardee	\$1,900,000	\$79,037,259	0.79%	\$626,122	0.80%	\$885,969	\$633,220
Santa Rosa	\$1,740,000	\$79,037,259	0.73%	\$573,395	0.73%	\$885,969	\$579,896

COUNTY	PDA TOTAL	TOTAL AWARD	PCT OF TOTAL DMG	SIMPLE AWARD	PCT OF THRESHOLD GROUP	REALLO-CATION	SIMPLE AWARD PLUS REALLOC
Marion	\$1,567,415	\$79,037,259	0.65%	\$516,522	0.66%	\$885,969	\$522,378
Miami-Dade	\$1,515,178	\$79,037,259	0.63%	\$499,308	0.64%	\$885,969	\$504,969
Calhoun	\$1,501,454	\$79,037,259	0.63%	\$494,786	0.63%	\$885,969	\$500,395
Alachua	\$1,427,721	\$79,037,259	0.60%	\$470,488	0.60%	\$885,969	\$475,822
Okeechobee	\$1,412,040	\$79,037,259	0.59%	\$465,320	0.60%	\$885,969	\$470,595
Wakulla	\$1,378,001	\$79,037,259	0.57%	\$454,103	0.58%	\$885,969	\$459,251
Seminole	\$1,297,284	\$79,037,259	0.54%	\$427,504	0.55%	\$885,969	\$432,350
Baker	\$1,187,555	\$79,037,259	0.50%	\$391,344	0.50%	\$885,969	\$395,781
Franklin	\$900,000	\$79,037,259	0.38%	\$296,584	0.38%	\$885,969	\$299,946
Lake	\$871,619	\$79,037,259	0.36%	\$287,231	0.37%	\$885,969	\$290,487
Hendry	\$817,570	\$79,037,259	0.34%	\$269,420	0.34%	\$885,969	\$272,474
Osceola	\$727,045	\$79,037,259	0.30%	\$239,589	0.31%	\$885,969	\$242,305
Gadsden	\$725,727	\$79,037,259	0.30%	\$239,154	0.31%	\$885,969	\$241,866
Bradford	\$649,816	\$79,037,259	0.27%	\$214,139	0.27%	\$885,969	\$216,566
Highlands	\$621,781	\$79,037,259	0.26%	\$204,900	0.26%	\$885,969	\$207,223
Clay	\$603,515	\$79,037,259	0.25%	\$198,881	0.25%	\$885,969	\$201,136
Glades	\$602,881	\$79,037,259	0.25%	\$198,672	0.25%	\$885,969	\$200,924
Jefferson	\$591,439	\$79,037,259	0.25%	\$194,901	0.25%	\$885,969	\$197,111

PDA= Preliminary Damage Assessment

SIMPLE AWARD is approximately one third of the PDA (because the total funds are one third of the total damage).

SIMPLE AWARD PLUS REALLOCATION is as above, plus a reallocation of funds from all communities at <\$190k SIMPLE AWARD.

Project Selection:

The State believes that local communities can best determine projects that are eligible for funding and for which no other funds are available. Therefore, the Department of Community Affairs will provide a list of eligible activities that local governments may use in developing applications for proposed projects. The State will not carry out any activities other than technical assistance and administration.

Application Threshold Factors

- ▽ All applications must reflect eligible activities, and all activities must meet a national objective.
- ▽ All housing activities must benefit persons at or below eighty percent (80%) AMI (must meet HUD's low- and moderate- income national objective).
- ▽ Applications must meet the federal requirement for affordable rental housing needs.
- ▽ A narrative must describe the overall project and include location, amount of expenditure projected for each activity, and who the anticipated beneficiaries are. The narrative must provide justification for undertaking the activities and describe how they relate to the storms covered by the federal declarations mentioned in this Action Plan. The application must reflect a national objective for each activity and explain how the national objective is being met.
- ▽ Applications must describe how beneficiaries of housing activities are selected or provide a copy of an adopted Housing Assistance Plan that describes beneficiary selection.
- ▽ Applications must specify how special needs populations will benefit as a result of the activities (please note that special needs persons include those who are homeless, elderly, handicapped).

- ▽ Any additional information requested by the Department in order to justify or determine the eligibility of a project must be provided in a timely manner as set out by the Department.

METHOD OF ALLOCATION FOR DISASTER RECOVERY ENHANCEMENT (DREF) FUNDS

General Information

The Federal Register Notice dated August 14, 2009, provided for Disaster Recovery Enhancement Funds (DREF) that may be used for programs to address buyout and individual mitigation measures that may reduce risks associated with future disasters. In September and October 2010, the Department worked with HUD and local governments eligible for funding to identify projects that would be funded from DREF. As a result, the State was awarded \$26,616,675 in funding. The federal register notice states, no additional administrative funds are available to carry out projects funded with DREF. Therefore, this Action Plan is being amended to incorporate DREF funds that are based on the percentage of FEMA damages for each County and applying the percentages to the total amount of DREF funds available. Under this methodology, counties that experienced the greatest percentage of damage, and received funds in the first allocation, will again receive the same percentage of DREF.

Match Requirement

There are no match requirements, but local governments are encouraged to use funds from other sources in combination with these funds.

Allocation of Funds

Data: Preliminary Damage Assessment (PDA) data is collected by the Federal Emergency Management Agency (FEMA) at the county level. The dollar amounts representing damages were the basis of the allocation formula.

Methodology: Counties that experienced damage from Tropical Storm Fay and Hurricanes Ike and Gustav were ranked in order of Total Damage.

Each county's Total Damage (as a percentage of the entire State) was then multiplied by the funds available to calculate a "Simple Allocation."

$$\text{Simple Allocation} = \% \times \$26,616,675$$

Simple DREF Allocation by County

COUNTY	SIMPLE AWARD	TOTAL DREF AWARD	PCT OF TOTAL DREF DMG	SIMPLE DREF AWARD
Leon	\$10,179,231	\$26,616,675	12.88%	\$3,428,509
Collier	\$9,963,208	\$26,616,675	12.61%	\$3,355,749
St. Lucie	\$8,058,428	\$26,616,675	10.20%	\$2,714,192
Escambia	\$7,067,397	\$26,616,675	8.94%	\$2,380,399
Brevard	\$6,546,571	\$26,616,675	8.28%	\$2,204,978
Palm Beach	\$6,533,405	\$26,616,675	8.27%	\$2,200,543
Duval	\$5,127,617	\$26,616,675	6.49%	\$1,727,054

Volusia	\$4,172,917	\$26,616,675	5.28%	\$1,405,497
Gulf	\$2,536,175	\$26,616,675	3.21%	\$854,220
Monroe	\$2,488,962	\$26,616,675	3.15%	\$838,318
Sarasota	\$2,353,794	\$26,616,675	2.98%	\$792,791
St. Johns	\$1,300,328	\$26,616,675	1.65%	\$437,969
Bay	\$1,247,047	\$26,616,675	1.58%	\$420,023
Putnam	\$1,199,185	\$26,616,675	1.52%	\$403,902
Flagler	\$870,468	\$26,616,675	1.10%	\$293,186
Nassau	\$670,133	\$26,616,675	0.85%	\$225,710
Broward	\$764,301	\$26,616,675	0.97%	\$257,427
Martin	\$677,990	\$26,616,675	0.86%	\$228,357
Okaloosa	\$674,345	\$26,616,675	0.85%	\$227,129
Hardee	\$633,220	\$26,616,675	0.80%	\$213,277
Santa Rosa	\$579,895	\$26,616,675	0.73%	\$195,317
Miami-Dade	\$504,968	\$26,616,675	0.64%	\$170,080
Calhoun	\$500,395	\$26,616,675	0.63%	\$168,540
Alachua	\$475,822	\$26,616,675	0.60%	\$160,264
Okeechobee	\$470,595	\$26,616,675	0.60%	\$158,503
Wakulla	\$459,251	\$26,616,675	0.58%	\$154,682
Seminole	\$432,350	\$26,616,675	0.55%	\$145,622
Baker	\$395,781	\$26,616,675	0.50%	\$133,305
Franklin	\$299,946	\$26,616,675	0.38%	\$101,026
Lake	\$283,235	\$26,616,675	0.36%	\$95,398
Hendry	\$272,474	\$26,616,675	0.34%	\$91,773
Kissimmee	\$242,305	\$26,616,675	0.31%	\$81,612
Gadsden	\$241,865	\$26,616,675	0.31%	\$81,464
Highlands	\$202,043	\$26,616,675	0.26%	\$68,051
Clay	\$201,135	\$26,616,675	0.25%	\$67,745
Glades	\$200,924	\$26,616,675	0.25%	\$67,674
Jefferson	\$197,111	\$26,616,675	0.25%	\$66,390
Manatee	\$0	\$26,616,675	0.00%	\$0
Liberty	\$0	\$26,616,675	0.00%	\$0
Suwannee	\$0	\$26,616,675	0.00%	\$0
Dixie	\$0	\$26,616,675	0.00%	\$0
Hamilton	\$0	\$26,616,675	0.00%	\$0
Pasco	\$0	\$26,616,675	0.00%	\$0
Taylor	\$0	\$26,616,675	0.00%	\$0
Union	\$0	\$26,616,675	0.00%	\$0
Charlotte	\$0	\$26,616,675	0.00%	\$0
Columbia	\$0	\$26,616,675	0.00%	\$0
DeSoto	\$0	\$26,616,675	0.00%	\$0
Citrus	\$0	\$26,616,675	0.00%	\$0
Gilchrist	\$0	\$26,616,675	0.00%	\$0
Hernando	\$0	\$26,616,675	0.00%	\$0

Hillsborough	\$0	\$26,616,675	0.00%	\$0
Holmes	\$0	\$26,616,675	0.00%	\$0
Indian River	\$0	\$26,616,675	0.00%	\$0
Jackson	\$0	\$26,616,675	0.00%	\$0
Lafayette	\$0	\$26,616,675	0.00%	\$0
Lee	\$0	\$26,616,675	0.00%	\$0
Levy	\$0	\$26,616,675	0.00%	\$0
Madison	\$0	\$26,616,675	0.00%	\$0
Orange	\$0	\$26,616,675	0.00%	\$0
Pinellas	\$0	\$26,616,675	0.00%	\$0
Polk	\$0	\$26,616,675	0.00%	\$0
Sumter	\$0	\$26,616,675	0.00%	\$0
Walton	\$0	\$26,616,675	0.00%	\$0
Washington	\$0	\$26,616,675	0.00%	\$0
Totals				
	\$79,024,817			\$26,616,675

SIMPLE DREF AWARD is a proportion of the Total DREF Award (because the simple awards are a proportion of the total damage).

County	% of Original Threshold Group	Total DREF Award w/o State Admin	Simple DREF Award	% of Group Accepting DREF	Reallocation Amount	Simple DREF Award Plus Reallocation
Leon	12.88%	26,221,828.42	\$3,377,648.43	12.95%	\$17,994.00	\$3,395,642.42
Collier	12.61%	\$26,221,828.42	\$3,305,968.18	12.68%	\$17,994.00	\$3,323,962.18
St. Lucie	10.20%	\$26,221,828.42	\$2,673,928.58	10.27%	\$17,994.00	\$2,691,922.57
Escambia	8.94%	\$26,221,828.42	\$2,345,087.01	9.01%	\$17,994.00	\$2,363,081.00
Brevard	8.28%	\$26,221,828.42	\$2,172,267.75	8.35%	\$17,994.00	\$2,190,261.75
Palm Beach	8.27%	\$26,221,828.42	\$2,167,899.04	8.34%	\$17,994.00	\$2,185,893.04
Duval	6.49%	\$26,221,828.42	\$1,701,433.78	6.56%	\$17,994.00	\$1,719,427.78
Volusia	5.28%	\$26,221,828.42	\$1,384,647.48	5.35%	\$17,994.00	\$1,402,641.48
Gulf	3.21%	\$26,221,828.42	\$841,547.61	3.28%	\$17,994.00	\$859,541.61
Monroe	3.15%	\$26,221,828.42	\$825,881.50	3.22%	\$17,994.00	\$843,875.50
Sarasota	2.98%	\$26,221,828.42	\$781,030.37	3.05%	\$17,994.00	\$799,024.37
St. Johns	1.65%	\$26,221,828.42	\$431,471.77	1.71%	\$17,994.00	\$449,465.77
Bay	1.58%	\$26,221,828.42	\$413,792.19	1.65%	\$17,994.00	\$431,786.19
Putnam	1.52%	\$26,221,828.42	\$397,910.74	1.59%	\$17,994.00	\$415,904.74
Flagler	1.10%	\$26,221,828.42	\$288,836.64	1.17%	\$17,994.00	\$306,830.64
Nassau	0.85%	\$26,221,828.42	\$222,361.95	0.92%	\$17,994.00	\$240,355.95
Broward	0.97%	\$26,221,828.42	\$253,608.56			
Martin	0.86%	\$26,221,828.42	\$224,969.04	0.93%	\$17,994.00	\$242,963.04
Okaloosa	0.85%	\$26,221,828.42	\$223,759.57	0.92%	\$17,994.00	\$241,753.57
Hardee	0.80%	\$26,221,828.42	\$210,113.57	0.87%	\$17,994.00	\$228,107.57

Santa Rosa	0.73%	\$26,221,828.42	\$192,419.39	0.80%	\$17,994.00	\$210,413.39
Miami-Dade	0.64%	\$26,221,828.42	\$167,557.29	0.71%	\$17,994.00	\$185,551.29
Calhoun	0.63%	\$26,221,828.42	\$166,039.89	0.70%	\$17,994.00	\$184,033.89
Alachua	0.60%	\$26,221,828.42	\$157,886.13	0.67%	\$17,994.00	\$175,880.13
Okeechobee	0.60%	\$26,221,828.42	\$156,151.72	0.66%	\$17,994.00	\$174,145.72
Wakulla	0.58%	\$26,221,828.42	\$152,387.58	0.65%	\$17,994.00	\$170,381.58
Seminole	0.55%	\$26,221,828.42	\$143,461.36			
Baker	0.50%	\$26,221,828.42	\$131,327.12			
Franklin	0.38%	\$26,221,828.42	\$99,527.37	0.45%	\$17,994.00	\$117,521.37
Lake	0.36%	\$26,221,828.42	\$93,982.37	0.43%	\$17,994.00	\$111,976.37
Hendry	0.34%	\$26,221,828.42	\$90,411.68	0.41%	\$17,994.00	\$108,405.68
Kissimmee	0.31%	\$26,221,828.42	\$80,401.07	0.38%	\$17,994.00	\$98,395.07
Gadsden	0.31%	\$26,221,828.42	\$80,255.07	0.37%	\$17,994.00	\$98,249.07
Highlands	0.26%	\$26,221,828.42	\$67,041.43	0.32%	\$17,994.00	\$85,035.43
Clay	0.25%	\$26,221,828.42	\$66,740.14	0.32%	\$17,994.00	\$84,734.14
Glades	0.25%	\$26,221,828.42	\$66,670.13	0.32%	\$17,994.00	\$84,664.13
Jefferson	0.25%	\$26,221,828.42	\$65,404.91			
	100.00%		\$26,221,828.42	100.00%		26,221,828.42

GRANT ADMINISTRATION

Sources of Administrative Information for State and Subgrantee Administration

In the administration of these funds, the State will rely primarily on the guidance, including specified requirements and waivers, set out in the Federal Register Notice. The State will also refer to the federal regulations that govern the State-administered Small Cities Community Development Block Grant (CDBG) Program, taking into consideration waivers made by HUD to facilitate the administration of this funding.

The State will adopt an emergency rule that will provide authority to award grants to the targeted communities. Administrative requirements pertaining to this allocation of funding will be reflected in the application, the Award Agreement and, in some cases, in other instructions provide to grantees in the form of technical memorandums or other communications. The application and its instructions will specify information that communities applying for funds must provide with the application. The Award Agreement between the State and the subgrantee will also contain special conditions that relate to grant administration.

State Administration and Staffing

The Department plans to hire two additional employees to assist with the administrative functions associated with the funding. An administrative support position and a contract manager position will be added; disaster staff already employed to assist with disaster recovery will assist, as will the Department's regular program staff. Staff is trained to administer CDBG and disaster recovery grants. The relatively small amount of federal funding to be received by Florida will alleviate the need for additional state staff.

Administrative Costs

As stated in the applicable Federal Register Notice, no more than five percent (5%) of the State's total grant award may be used for planning and program administrative costs. The State will use two and one-half percent (2.5%) with the remaining two and one-half percent (2.5%) available for use by subgrantees. The limited amount of administrative funding will require subgrantees to select projects that can be implemented without the need for a large amount of administrative costs.

Amendments to Award Agreements

The Department encourages all applicants to carefully plan projects that meet the stated requirements and to specify activities, associated costs, and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. The Department will award two-year contracts.

The Department will follow its established process for amendments. Local governments should contact the Department prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries, or timeframe for accomplishing the work. Should a proposed amendment result in the need for modification of this action plan, the State will follow the process required by HUD for this disaster recovery funding. Modifications to contracts that would result in the State not being able to meet the affordable housing requirement will not be approved.

Applicants should identify unmet needs within the application. Should a subgrantee not be able to expend all funds in a timely manner or not apply for their full allocation, the State will reallocate the funds to jurisdictions that have unmet need and can use the funds within the established timeframe. Deobligated funds may be used in the same manner.

Anti-Displacement and Relocation

Local governments must minimize displacement of persons or entities and assist any persons or entities displaced in accordance with the Uniform Anti-Displacement and Relocation Act and local policy.

Citizen Complaints

Subgrantees having procedures for dealing with citizens' complaints under the Florida Small Cities CDBG or Entitlement programs must follow such procedures. If procedures do not exist, they must be adopted prior to execution of the Award Agreement with the Department. Subgrantees must provide a written response to every citizen complaint within 15 working days of the complaint, if practicable.

Definitions

The terms and definitions that are normally associated with Community Development Block Grants apply to this funding. This includes the definition of low- and moderate- income, very-low-income, and income limits. In addition, definitions and descriptions contained in the federal register and any subsequent information provided by the Department are applicable.

Duplication of Benefits

In general, 42 U.S.C. 5155 (section 312 of the Robert T. Stafford Disaster Assistance and Emergency

Relief Act, as amended) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which he has received financial assistance under any other program or from insurance or any other source. The Second 2008 Act stipulates that funds may not be used for activities reimbursable by or for which funds have been made available by FEMA or by the Army Corps of Engineers. Local governments must certify that there will be no duplication of benefit. The State will monitor its subgrantees to ensure that no duplication of benefit occurs.

Environmental Review

Applicants must comply with the State's Intergovernmental Coordination and Review process and 24 CFR Part 58, relating to environmental review. Specific instructions concerning this process will be made available to all subgrantees. Some projects will be exempt from the environmental assessment process, but all subgrantees will be required to submit the Request for Release of Funds and Certification (HUD Form 70.15). Funds will not be released for expenditure until the Department is satisfied that the appropriate environmental review has been conducted.

Buyouts

Disaster recovery grant recipients have the discretion to pay pre-flood or post-flood values for the acquisition of properties located in a flood way or floodplain. In using CDBG disaster recovery funds for such acquisitions, the subgrantee must uniformly apply the valuation method it chooses.

Any property acquired with disaster recovery grants being used to match FEMA Section 404 Hazard Mitigation Grant Program funds is subject to section 404(b) (2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, which requires that such property be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. In addition, with minor exceptions, no new structure may be erected on the property and no subsequent application for federal disaster assistance may be made for any purpose. A deed restriction or covenant must require that the property be dedicated and maintained for compatible uses in perpetuity.

Flood insurance is mandated for any assistance provided within a floodplain. The federal requirements set out for this funding provide further guidance on activities that are to be conducted in a flood plain. The Department will provide further guidance regarding work in the floodplain upon request. HUD has provided waivers that may apply to buyout programs implemented by subgrantees. These are spelled out in the federal register notice.

Housing Assistance

The local government must adopt a policy for selecting beneficiaries and housing units for housing assistance if they have not already done so. The local government must follow this policy when selecting beneficiaries, including the special needs population, and housing units to be addressed. Local governments are encouraged to use their existing Housing Assistance Plan. Once the Award Agreement is executed, modifications to the plan can only be made with the Department's approval. Each applicant must submit a copy of their community's Housing Assistance Plan (HAP). The HAP must specifically address disaster recovery funding and the persons to be served by the funds.

Pre-award Agreement Costs

The provisions of 24 CFR 570.489(b) will be allowed so that a subgrantee can reimburse itself for otherwise allowable costs incurred on or after the incident date of the covered disaster. However, the State requires that subgrantees provide the Department with a written request to incur such costs.

Approval of requests will be made on a case-by-case basis.

Monitoring

The Department will utilize its existing monitoring process to ensure that all contracts funded under this disaster recovery allocation are carried out in accordance with federal and state laws, rules and regulations. The Department will monitor the compliance of subgrantees, and HUD will monitor the State's compliance with this requirement. Expenditures may be disallowed if the use of the funds does not address needs directly resulting from the disaster or are clearly not for the greatest needs. In such case, the local government receiving the funding would be required to refund the amount of the grant that was disallowed.

In determining appropriate monitoring of the grant, the Department will consider prior CDBG grant administration, audit findings, as well as factors such as complexity of the project. The Department will determine the areas to be monitored, the number of monitoring visits, and their frequency. All grants will be monitored at least once a year for the duration of project activities. The monitoring will address program compliance with contract provisions, including national objective, financial management, and the requirements of 24 CFR Part 85. The Department will utilize the checklists similar to those used in monitoring regular program activities. The monitoring process typically consists of the following activities:

- The Department determines the schedule for monitoring and the program areas to be monitored.
- The Department contacts the subgrantee by phone to schedule a monitoring visit.
- The date and purpose of the visit is confirmed in writing.
- Staff arrives on the scheduled date and conducts the monitoring.
- Staff prepares and mails to the recipient a written monitoring report within 30 days of the monitoring visit.
- The subgrantee must respond within 35 days. It may request a 15-day extension if it cannot resolve the findings within the 35-day period.
- The Department approves the extension and/or responds to recipient's report on actions taken or to be taken to address grant findings.
- The Department clears the findings or requires further action.
- All findings must be cleared before the grant can be closed.

Fraud, Waste and Abuse

At all phases of grant administration, including application and implementation workshops, technical assistance and monitoring, the Department will review areas and issues where fraud and/or misuse of funds could occur and advise the recipient of the funds of the actions needed to alleviate the possibility for such. A risk analysis will be completed for each subgrantee. The State will give special attention to monitoring and reviewing accounting, financial management (including grant payments), and procurement documents. The State will use technical assistance to increase the capacity of subgrantees as needed. The State will also instruct subgrantees on monitoring work provided by contractors as subrecipients of these funds.

Further, the Department will request that its Inspector General make monitoring visits, review financial documents and provide technical assistance as needed to prevent fraud, waste and abuse. The Department will involve HUD and the HUD Inspector General's Office to further assist if a local government does not immediately take corrective actions when fraud, waste or abuse is suspected. The Department will suspend all funding as soon as the possibility of fraud, waste and abuse of federal

funds is suspected and will not provide additional funding until the matter is resolved. If it cannot be resolved satisfactorily, the subgrantee will be required to repay part of all of the funds received.

Program Income

Any program income earned as a result of activities funded under this grant must be reported to the Department, but may be retained by the local government and used to continue the CDBG disaster recovery activity from which the funds were generated. Instructions will be given to all subgrantees at the grant implementation workshop.

Timeframe for Completion

All grants provided to local governments will be in the form of a two-year contract but the contract may be amended to extend the initial end date for up to 24 months. Where possible, the Department encourages subgrantees to work with qualified nonprofit agencies to ensure the timely completion of housing activities.

Technical Assistance

The State will provide technical assistance to local governments requesting assistance in developing applications for funding under the HUD Disaster Recovery Initiative. At a minimum, this technical assistance will provide information on: the eligible uses of funds, the application or method of fund distribution, and an explanation of rules and regulations governing the grants funded under the Disaster Recovery Initiative. Technical assistance may take the form of workshops, telecommunication, on-site assistance, written correspondence, or manuals and guidebooks.

APPENDIX A

CERTIFICATIONS

In accordance with applicable statutes, regulations, and notices:

- a. The state certifies that it will affirmatively further fair housing, which means that it has or will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b) (2))
- b. The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- c. The state certifies its compliance with restrictions on lobbying required by 24 CFR parts 87, together with disclosure forms, if required by part 87.
- d. The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the State, and any entity or entities designated by the State, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- e. The state certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- f. The state certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- g. The state certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- h. The state certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the state in determining the method of distribution of funding.
- i. The state certifies that it is complying with each of the following criteria:
 - (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of natural disasters that occurred and were declared in 2008.
 - (2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

- (3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.
- (4) The State will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- (A) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or

- (B) For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the subgrantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

j. The state certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.

k. The state certifies that it has and that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:

- (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

- (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The state certifies that each state grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the State has a plan to increase the capacity of any state grant recipient or administering entity that lacks such capacity.

m. The state certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA’s most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55.

n. The state certifies that it will comply with applicable laws.

Signed By:

Date:

Thomas G. Pelham, Secretary
Florida Department of Community Affairs

APPENDIX B

**SUMMARY OF PUBLIC COMMENTS ON DRAFT ACTION PLAN
CDBG DISASTER RECOVERY INITIATIVE**

Interested Party	Summary of Comments on Draft Action Plan
<p>Lisa A. Blair, President/CEO Meridian Community Services Group, Inc. 850.877-1908 Tel 07/29/2009</p>	<p>The plan identifies two and one-half percent (2.5%) admin, but seems to be silent on project delivery. Does the Department intend to handle project delivery in the same way as it has in previous DR allocations?</p> <p>Response: Will be handled during contract process.</p>
<p>LaToya G. Ricketts, M.P.A. Disaster Recovery Initiative Specialist Housing and Community Redevelopment Palm Beach County Phone: (561) 233-3606 07/24/2009</p>	<p>Made comment regarding mitigation projects – does a mitigation project have to document that the storms addressed in the action plan caused the effects for which the project is being mitigated against.</p> <p>Response: Funds must address repair and recovery.</p>
<p>Jessica Parrish Housing Manager Community Services Department St. Lucie County Office: 772-462-2375 07/28/2009</p>	<p>Made comments regarding allowable project delivery costs, limitations on infrastructure activities, and income qualifications.</p> <p>Response: Will be handled during contract process.</p>
<p>Janet Gilliard, Director Community Development & General Services Hardee County BOCC 863-773-6349 Office 08/03/2009</p>	<p>Hardee County has an unmet need directly related to the storms (damage to a main roadway); would like methodology to be reconsidered and funds to be reallocated. Would like the fourteen percent (14%) housing set-aside to be removed for counties that didn't sustain any damage to housing.</p> <p>Response: Local government will receive funding.</p>
<p>Andy Easton, AICP Andy Easton & Associates Phone: 850-445-7829 andyeaston2@msn.com 08/03/2009</p>	<p>Question about survey as related to "urgent need." Response: Will be addressed during application process.</p> <p>Question about local government applying for funding as designated by county. Response: Will be addressed during application process.</p> <p>Question about addressing national objectives and the percentages of funds allocated to each one. Response: Has been addressed in Action Plan, further clarification will be addressed in application.</p> <p>Question about public input. Response: Will be addressed in application.</p>
<p>Don Lanham Grants Program Coordinator Leon County (850) 606-1914 08/05/2009</p>	<p>Question about fourteen percent (14%) affordable rental housing activity. Response: Will be addressed in application.</p> <p>Question about specific project and the national objective that it pertains to. Response: Will be addressed in application.</p>

<p>Deborah Belcher Roumelis Planning and Development Services, Inc. (850) 893-0694 09/2 - 4/2009</p>	<p>Question: The plan identifies two and one-half percent (2.5%) admin, but does not mention project delivery. Will the Department provide any detailed guidance about project delivery costs?</p> <p>Response: Will be handled during contract process.</p> <p>Question: What activities will be eligible for the Affordable Rental Housing 14% set-aside amount?</p> <p>Response: Will be addressed in application.</p> <p>Comment: Allowing the CDBG Disaster Recovery funds to be used for new rental development would be a good long-term recovery strategy, as the new housing would be built to current hurricane-resistant standards and could be limited to locations outside 100-year floodplains.</p> <p>Response: Will be addressed in application.</p> <p>Question: If a County/grantee does not have an appropriate rental project for their grant, could they allow the 14% to be deducted from their grant and have DCA put it into a "pool" where other potential grantees could request that money to be added to their grants if needed?</p> <p>Response: Will be addressed in application.</p>
<p>Yvette Lopez, Housing Program Supervisor Broward County 954-765-5383 9/04/2009</p>	<p>Question: What activities will be eligible for the Affordable Rental Housing 14% set-aside amount?</p> <p>Response: Will be addressed in application.</p>
<p>Lisa A. Blair, President/CEO Meridian Community Services Group, Inc. 850.877-1908 Tel 09/18/2009</p>	<p>Question: On the small allocations will DCA require those local governments to spend the 14% set aside? Or, will DCA look at the state aggregately ensuring that the 14% amount is met statewide?</p> <p>Response: Will be addressed in application.</p>
<p>Carlos R. Serrano, Senior Planner Palm Beach County Housing & Community Development West Palm Beach, FL 33406 (561) 233-3608 phone 9/25/2009</p>	<p>Question: The Action Plan states: "Award recipients cannot use this disaster assistance for a project or activity that was underway prior to the Presidential disaster declaration, with the specified time period in the appropriations act, unless the disaster directly impacted the project" (page 3). <u>At what stage is a project considered "underway"</u>: When it is identified in a planning document? When partial funding is budgeted from some source? When a design contract is awarded or when design commences? When a construction contract is awarded or when construction commences?</p> <p>Response: Will be handled during contract process.</p>

APPENDIX C:

FEMA PRELIMINARY DAMAGE ASSESSMENTS*

HURICANE GUSTAV

County	Cat A	Cat B	Cat C	Cat D	Cat E	Cat F	Cat G	Total
Alachua								\$0.00
Baker								\$0.00
Bay		\$2,754,792.00			\$15,000.00		\$972,022.00	\$3,741,814.00
Bradford								\$0.00
Brevard								\$0.00
Broward								\$0.00
Calhoun								\$0.00
Charlotte								\$0.00
Clay								\$0.00
Collier								\$0.00
Colombia								\$0.00
DeSoto								\$0.00
Dixie								\$0.00
Duval								\$0.00
Escambia		\$20,000.00					\$11,750,000.00	\$11,770,000.00
Flagler								\$0.00
Franklin			\$895,000.00				\$5,000.00	\$900,000.00
Gadsden								\$0.00
Glades								\$0.00
Gulf		\$3,894,231.00					\$1,730,769.00	\$5,625,000.00
Hamilton								\$0.00
Hardee								\$0.00
Hendry								\$0.00
Highlands								\$0.00
Hillsborough								\$0.00
Indian River								\$0.00
Jefferson								\$0.00
Lake								\$0.00
Lee								\$0.00
Leon								\$0.00
Levy								\$0.00
Liberty								\$0.00
Manatee								\$0.00
Marion								\$0.00
Martin								\$0.00
Miami-Dade								\$0.00
Monroe								\$0.00
Nassau								\$0.00
Okaloosa							\$2,023,400.00	\$2,023,400.00
Okeechobee								\$0.00
Orange								\$0.00
Osceola								\$0.00
Palm Beach								\$0.00
Pasco								\$0.00
Pinellas								\$0.00
Polk								\$0.00
Putnam								\$0.00
Santa Rosa							\$695,000.00	\$695,000.00
Sarasota								\$0.00
Seminole								\$0.00
St. John's								\$0.00
St. Lucie								\$0.00
Sumter								\$0.00
Suwannee								\$0.00
Taylor								\$0.00
Union								\$0.00
Volusia								\$0.00
Wakulla								\$0.00
State Agencies		\$ 367,468	\$ 164,950					\$532,418.00
Totals	\$0.00	\$7,036,491.00	\$1,059,950.00	\$0.00	\$15,000.00	\$0.00	\$17,176,191.00	\$25,287,632.00

*FEMA public assistance damage assessment eligibility categories are the following. Cat A: Debris removal; Cat B: Emergency Protective measures; Cat C: Road systems and bridges; Cat D: Water control facilities; Cat E: Public buildings and contents; Cat F: Public utilities; Cat G: Parks, recreational, and other.

HURRICANE IKE

County	Cat A	Cat B	Cat C	Cat D	Cat E	Cat F	Cat G	Total
Alachua								\$0.00
Baker								\$0.00
Bradford								\$0.00
Brevard								\$0.00
Broward								\$0.00
Calhoun								\$0.00
Charlotte								\$0.00
Clay								\$0.00
Collier							\$1,098,517.00	\$1,098,517.00
Colombia								\$0.00
DeSoto								\$0.00
Dixie								\$0.00
Duval								\$0.00
Escambia	\$20,000.00	\$20,000.00					\$9,396,000.00	\$9,436,000.00
Flagler								\$0.00
Gadsden								\$0.00
Glades								\$0.00
Gulf		\$576,923.00					\$1,298,077.00	\$1,875,000.00
Hamilton								\$0.00
Hardee								\$0.00
Hendry								\$0.00
Highlands								\$0.00
Hillsborough								\$0.00
Indian River								\$0.00
Jefferson								\$0.00
Lake								\$0.00
Lee								\$0.00
Leon								\$0.00
Levy								\$0.00
Liberty								\$0.00
Manatee								\$0.00
Marion								\$0.00
Martin								\$0.00
Miami-Dade								\$0.00
Monroe	\$1,137,750.00	\$995,384.56	\$145,000.00		\$232,850.00	\$100,000.00	\$1,436,491.00	\$4,047,475.56
Nassau								\$0.00
Okeechobee								\$0.00
Orange								\$0.00
Osceola								\$0.00
Palm Beach								\$0.00
Pasco								\$0.00
Pinellas								\$0.00
Polk								\$0.00
Putnam								\$0.00
Santa Rosa							\$1,045,000.00	\$1,045,000.00
Sarasota	\$10,000.00	\$40,000.00	\$3,000.00				\$7,009,649.00	\$7,062,649.00
Seminole								\$0.00
St. John's								\$0.00
St. Lucie								\$0.00
Sumter								\$0.00
Suwannee								\$0.00
Taylor								\$0.00
Union								\$0.00
Volusia								\$0.00
Wakulla								\$0.00
South Florida WMD								\$0.00
Southwest Florida WMD								\$0.00
Northwest Florida WMD								\$0.00
St. John's River WMD								\$0.00
Suwanee River WMD								\$0.00
State Agencies	\$ 96,523	\$ 1,635,510	\$ 32,640					\$1,764,673.00
Totals	\$1,264,273.00	\$3,267,817.56	\$180,640.00	\$0.00	\$232,850.00	\$100,000.00	\$21,283,734.00	\$26,329,314.56

*FEMA public assistance damage assessment eligibility categories are the following. Cat A: Debris removal; Cat B: Emergency Protective measures; Cat C: Road systems and bridges; Cat D: Water control facilities; Cat E: Public buildings and contents; Cat F: Public utilities; Cat G: Parks, recreational, and other.

TROPICAL STORM FAY

County	Cat A	Cat B	Cat C	Cat D	Cat E	Cat F	Cat G	Total
Alachua	\$198,000.00	\$403,221.00	\$93,000.00		\$60,000.00	\$653,000.00	\$20,500.00	\$1,427,721.00
Baker	\$100,000.00	\$287,384.00	\$800,171.00					\$1,187,555.00
Bradford	\$58,500.00	\$112,239.00	\$436,077.00		\$14,500.00	\$28,500.00		\$649,816.00
Brevard	\$324,200.00	\$2,351,623.00	\$2,787,496.00	0	\$349,000.00	\$57,000.00	\$13,773,921.00	\$19,643,240.00
Broward		\$588,287.00			\$45,000.00		\$1,660,028.00	\$2,293,315.00
Calhoun			\$1,501,454.00					\$1,501,454.00
Charlotte		\$160,982.85						\$160,982.85
Clay	\$83,177.00	\$235,632.00	\$26,000.00		\$21,900.00	\$194,256.00	\$42,550.00	\$603,515.00
Collier	\$872,740.00	\$1,541,937.00	\$450,620.00		\$1,664,995.00	\$772,423.00	\$23,493,761.00	\$28,796,476.00
Colombia		\$60,222.00						\$60,222.00
DeSoto		\$20,000.00						\$20,000.00
Dixie		\$22,031.00	\$156,262.00		\$2,436.00		\$207,000.00	\$387,729.00
Duval	\$3,413,769.00	\$1,116,727.00	\$529,472.00		\$581,805.00	\$6,621,029.00	\$568,700.00	\$12,831,502.00
Flagler							\$2,611,875.00	\$2,611,875.00
Gadsden		\$99,486.00	\$626,241.00					\$725,727.00
Glades	\$87,000.00	\$154,881.00	\$40,000.00		\$27,000.00	\$280,000.00	\$14,000.00	\$602,881.00
Gulf		\$13,062.00	\$96,831.00					\$109,893.00
Hamilton	\$37,012.00	\$22,663.00	\$159,000.00	966	\$8,000.00			\$227,641.00
Hardee		\$500,000.00	\$1,400,000.00					\$1,900,000.00
Hendry	\$30,000.00	\$294,500.00	\$148,000.00	30000	\$101,284.00	\$213,786.00		\$817,570.00
Highlands	\$3,168.00	\$244,536.00	\$206,500.00		\$26,500.00	\$141,077.00		\$621,781.00
Hillsborough								\$0.00
Indian River		\$0.00						\$0.00
Jefferson	\$21,900.00	\$34,646.00	\$144,685.00		\$30,208.00	\$360,000.00		\$591,439.00
Lake	\$50,188.00	\$308,931.00	\$240,000.00		\$12,500.00	\$200,000.00	\$60,000.00	\$871,619.00
Lee								\$0.00
Leon	\$977,075.00	\$3,566,529.00	\$1,197,000.00	15223777	\$34,000.00	\$9,400,000.00	\$144,800.00	\$30,543,181.00
Levy								\$0.00
Liberty	\$13,480.00	\$12,931.00	\$200,400.00			\$200,000.00		\$426,811.00
Manatee		\$456,767.00						\$456,767.00
Marion	\$485,850.00	\$102,484.00	\$658,934.00	143347	\$175,506.00	\$1,294.00		\$1,567,415.00
Martin	\$16,000.00	\$96,379.00	\$40,000.00		\$66,150.00	\$7,000.00	\$1,808,807.00	\$2,034,336.00
Miami-Dade		\$1,515,178.00						\$1,515,178.00
Monroe	\$337,726.00	\$830,959.00	\$1,091,150.00		\$293,270.00	\$27,000.00	\$840,650.00	\$3,420,755.00
Nassau	\$243,700.00	\$148,622.00	\$1,854,500.00		\$15,500.00	\$10,330.00	\$75,000.00	\$2,347,652.00
Okeechobee	\$875,000.00	\$510,500.00	\$1,540.00		\$25,000.00			\$1,412,040.00
Orange								\$0.00
Osceola	\$11,750.00	\$224,000.00	\$439,800.00	51495				\$727,045.00
Palm Beach	\$1,250.00	\$787,187.00	\$63,500.00	2002000	\$1,432,749.00	\$0.00	\$15,317,050.00	\$19,603,736.00
Pasco		\$201,810.00						\$201,810.00
Pinellas								\$0.00
Polk								\$0.00
Putnam	\$4,500.00	\$132,700.00	\$3,060,000.00			\$401,000.00		\$3,598,200.00
Sarasota								\$0.00
Seminole	\$225,000.00	\$540,826.00	\$239,000.00		\$292,458.00			\$1,297,284.00
St. John's	\$157,000.00	\$1,634,684.00	\$50,000.00		\$30,000.00	\$25,000.00	\$2,005,000.00	\$3,901,684.00
St. Lucie	\$1,127,250.00	\$1,080,430.00	\$3,625,000.00	3790000	\$2,927,000.00	\$150,000.00	\$11,479,948.00	\$24,179,628.00
Sumter								\$0.00
Suwannee	\$50,000.00	\$49,000.00	\$270,000.00			\$45,000.00		\$414,000.00
Taylor		\$16,679.00	\$146,444.00		\$3,200.00			\$166,323.00
Union	\$2,600.00	\$16,983.00	\$146,654.00					\$166,237.00
Volusia	\$607,000.00	\$4,207,000.00	\$7,435,000.00		\$262,000.00	\$7,000.00	\$3,000.00	\$12,521,000.00
Wakulla	\$8,400.00	\$55,000.00	\$1,038,480.00			\$73,121.00	\$203,000.00	\$1,378,001.00
State Agencies	\$ 2,484,615	\$ 19,831,104	\$ 3,462,337	\$ 2,100	\$502,808.00	\$0.00	\$54,309.00	\$26,337,273.00
Totals	\$12,907,850.00	\$44,590,742.85	\$34,861,548.00	\$21,243,685.00	\$9,004,769.00	\$19,867,816.00	\$74,383,899.00	\$216,860,309.85

*FEMA public assistance damage assessment eligibility categories are the following. Cat A: Debris removal; Cat B: Emergency Protective measures; Cat C: Road systems and bridges; Cat D: Water control facilities; Cat E: Public buildings and contents; Cat F: Public utilities; Cat G: Parks, recreational, and other.