

WORKSHOP QUESTIONS

THE FOLLOWING QUESTIONS WERE ASKED DURING THE DISASTER APPLICATION WORKSHOP OR IMMEDIATELY THEREAFTER.

GENERAL INFORMATION

Q HOW WILL DCA DETERMINE THAT A PROJECT IS RELATED TO HURRICANE DAMAGE?

A BY SUBMITTING THE APPLICATION, THE CHIEF ELECTED OFFICIAL IS CERTIFYING THAT THE DAMAGE IS RELATED TO THE HURRICANE(S). SHOULD IT LATER BE FOUND NOT TO BE HURRICANE RELATED, CDBG FUNDS EXPENDED COULD BE REQUIRED TO BE RETURNED.

THE BURDEN OF PROOF RESTS WITH THE LOCAL GOVERNMENT. LOCAL OFFICIALS SHOULD NOT SIGN AN APPLICATION FOR FUNDING A PROJECT UNLESS THEY ARE SURE THAT IT IS DIRECTLY RELATED TO THE EFFECTS OF THE HURRICANE(S). MITIGATION THAT INCLUDES REPAIRS OR UPGRADES OF SYSTEMS THAT ARE KNOWN TO FAIL DURING TIMES OF FLOODING OR STORMS IS PERMISSIBLE.

Q WHAT ACTIVITY SHOULD OUR COMMUNITY FOCUS ON?

A FOCUS ON THE HIGHEST PRIORITY FOR WHICH THERE IS NO OTHER SOURCE OF FUNDING AVAILABLE.

Q CAN A PROJECT THAT WAS STARTED PRIOR TO THE HURRICANE(S) BE COMPLETED WITH CDBG FUNDS?

A NOT UNLESS IT IS TO REPAIR DAMAGES FROM THE HURRICANE(S).

Q SHOULD A LOCAL GOVERNMENT REQUEST A WAIVER FROM HUD?

A A LOCAL GOVERNMENT THAT THINKS A WAIVER OF A FEDERAL OR STATE REGULATION IS NEEDED SHOULD CONTACT THE DEPARTMENT. DCA WILL SUBMIT ALL WAIVER REQUESTS TO HUD.

Q WHAT HAPPENS IF NOT ALL THE FUNDS ARE APPLIED FOR IN A COUNTY? WILL THE NEXT HIGHEST RANKED COUNTIES THEN BECOME ELIGIBLE?

A DCA ANTICIPATES THAT FUNDS ALLOCATED TO THE HARDEST HIT AREAS WILL BE FULLY UTILIZED.

Q WHAT CONSTITUTES HEALTH AND SAFETY DOCUMENTATION?

A DOCUMENTATION WOULD INCLUDE OFFICIAL CORRESPONDENCE FROM ANY FEDERAL OR STATE AGENCY, OR A LOCAL CODE ENFORCEMENT OFFICIAL, THAT INDICATES THAT THE SYSTEM (WATER, SEWER, ETC.) OR BUILDING (HOUSING UNIT, OFFICE BUILDING, ETC.) IS UNSAFE OR A THREAT TO THE PUBLIC HEALTH.

Q MUST A SEPARATE BUDGET AND SCOPE OF WORK PAGE BE COMPLETED FOR EACH SERVICE AREA?

A ALTHOUGH THERE IS NO SPECIFIC REQUIREMENT THAT YOU DO SO, HAVING SEPARATE BUDGET AND SCOPE OF WORK PAGES FOR DIFFERENT SERVICE AREAS WILL ASSIST IN TRACKING THE PROJECT. EACH SERVICE AREA SHOULD BE SEPARATELY DESCRIBED IN THE NARRATIVE.

Q WILL THE LOCAL GOVERNMENT BE ABLE TO RETAIN PROGRAM INCOME THAT IS REALIZED AFTER THE GRANT IS CLOSED?

A PROGRAM INCOME GENERATED DURING THE LIFE OF THE GRANT MAY BE RETAINED BY THE LOCAL GOVERNMENT FOR THE SAME GENERAL USE (WITH NOTIFICATION TO DCA). PROGRAM INCOME FUNDS GENERATED AFTER THE GRANT IS CLOSED MAY ALSO BE RETAINED AT THE LOCAL LEVEL.

Q IN AN APPLICATION FOR EXPANSION OF A SEWER SYSTEM THAT WILL ADD ADDITIONAL USERS, SHOULD JUST THE ADDITIONAL OR NEW USERS BE COUNTED AS BENEFICIARIES?

A ALL USERS THAT WILL BE CONNECTED TO THE SYSTEM MUST BE COUNTED AS BENEFICIARIES, EXISTING AS WELL AS NEW USERS.

Q CAN FUNDS BE DIRECTED TO A SUB-RECIPIENT TO CARRY OUT ACTIVITIES?

A YES, BUT THE LEGAL RESPONSIBLE RESTS WITH THE LOCAL GOVERNMENT OR ENTITLEMENT TO WHOM THE AWARD WAS MADE.

CITIZEN PARTICIPATION / PUBLIC NOTICE

Q WILL THE DEPARTMENT PROVIDE A SAMPLE OF A PUBLIC NOTICE?

A AN EXAMPLE HAS BEEN POSTED TO THE WEBSITE.

Q HOW DETAILED DOES THE PROJECT INFORMATION NEED TO BE IN THE NOTICE, AND HOW LONG SHOULD THE COMMENT PERIOD BE?

A GENERAL INFORMATION SHOULD BE PROVIDED IN THE NOTICE, AND A MINIMUM OF SEVEN DAYS SHOULD BE ALLOWED FOR THE PUBLIC COMMENT PERIOD.

Q IF A LOCAL GOVERNMENT ADVERTISES A "PROPOSED" PROJECT AND SUBSEQUENTLY DECIDES TO CHANGE IT, SHOULD IT PROVIDE PUBLIC NOTICE?

A YES, YOU SHOULD POST/PUBLISH A REVISED PUBLIC NOTICE WITH THE CORRECT INFORMATION.

Q MUST THE CITIZENS ADVISORY TASK FORCE (CATF) REVIEW THE APPLICATION, OR IS IT SUFFICIENT FOR THE LOCAL GOVERNING BODY TO APPROVE THE APPLICATION? WILL A BOARD/COUNCIL MEETING SUFFICE AS A PUBLIC COMMENT OPPORTUNITY?

A THE NOTICE REGARDING THE PROPOSED APPLICATION THAT IS POSTED AND/OR PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION MUST PROVIDE FOR A MINIMUM COMMENT PERIOD OF SEVEN CALENDAR DAYS. THIS IS THE PUBLIC COMMENT OPPORTUNITY. ALL COMMENTS MUST THEN BE CONSIDERED AND, IF APPROPRIATE, THE APPLICATION SHOULD BE MODIFIED. THE LOCAL GOVERNMENT CAN APPROVE THE SUBMISSION OF THE APPLICATION WITH OR WITHOUT A CATF. THE FEDERAL REG DOES ENCOURAGE LOCAL GOVERNMENTS TO CONDUCT THEIR PROGRAM IN THE CONTEXT OF ONGOING CDBG PROGRAMS TO THE EXTENT POSSIBLE AND THAT COULD INCLUDE USING THE CATF IF IT WOULD NOT HINDER THE PROCESS.

INTERLOCAL AGREEMENTS

Q UNDER WHAT CIRCUMSTANCES ARE INTERLOCAL AGREEMENTS NECESSARY?

A IF A NON-ENTITLEMENT LOCAL GOVERNMENT INTENDS TO CONDUCT WORK IN THE JURISDICTION OF ANOTHER LOCAL GOVERNMENT, AN INTERLOCAL AGREEMENT MUST BE SIGNED BY BOTH LOCAL GOVERNMENTS. IF AN ENTITLEMENT APPLIES FOR FUNDING ON BEHALF OF THE LOCAL GOVERNMENTS THAT IT NORMALLY SERVES, NO INTERLOCAL AGREEMENT IS NEEDED.

Q IF AN INTERLOCAL AGREEMENT CANNOT BE COMPLETED PRIOR TO THE APPLICATION DEADLINE DATE, CAN THE APPLICATION STILL BE SUBMITTED?

A YES. BE SURE TO INDICATE IN THE APPLICATION THAT YOU ARE ENTERING INTO AN INTERLOCAL AGREEMENT WITH ANOTHER LOCAL GOVERNMENT IN ORDER TO APPLY FOR, ADMINISTER OR CARRY OUT THE PROJECT ACTIVITIES AND ATTACH A STATEMENT IN APPENDIX J THAT STATES THAT SUCH AN AGREEMENT WILL BE PROVIDED PRIOR TO FUNDS BEING REQUESTED. THIS WILL THEN BECOME A COMPLETENESS ISSUE AND/OR A SPECIAL CONDITION OF THE CONTRACT.

PROCUREMENT

Q OMB CIRCULAR 85.36 (4) (I) (B) STATES THAT PROCUREMENT BY NONCOMPETITIVE PROPOSALS MAY BE USED ONLY WHEN THE AWARD OF A CONTRACT IS INFEASIBLE UNDER SMALL PURCHASE PROCEDURES, SEALED BIDS OR COMPETITIVE PROPOSALS AND ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:

- A. THE ITEM IS AVAILABLE ONLY FROM A SINGLE SOURCE;
- B. THE PUBLIC EXIGENCY OR EMERGENCY FOR THE REQUIREMENT WILL NOT PERMIT A DELAY RESULTING FROM COMPETITIVE SOLICITATION.

DOES THIS MEAN THAT WE DO NOT HAVE TO FOLLOW CDBG PROCUREMENT PROCEDURES?

A PROCUREMENT REQUIREMENTS WERE NOT WAIVED. HOWEVER, LOCAL GOVERNMENTS MAY USE THE SERVICES OF A GRANT ADMINISTRATOR ALREADY UNDER CONTRACT TO PREPARE THE DISASTER GRANT APPLICATION. LOCAL GOVERNMENTS MUST FOLLOW THE ESTABLISHED CDBG PROCUREMENT PROCEDURES TO HIRE A CONSULTANT TO ADMINISTER THE GRANT ONCE IT IS AWARDED OR TO PERFORM OTHER PROFESSIONAL SERVICES. PROCUREMENT PROCEDURES ARE RELATED TO EQUAL OPPORTUNITY REQUIREMENTS, SO A FAIR AND EQUITABLE PROCESS MUST BE FOLLOWED.

Q IF A LOCAL GOVERNMENT IS NOT GOING TO USE CDBG FUNDS FOR APPLICATION PREPARATION COSTS, DOES IT MATTER HOW THEY SELECT, WHO WILL PREPARE, THE APPLICATION?

A NO, NOT IF NO CDBG FUNDS ARE INVOLVED. HOWEVER, ADMINISTRATION OF THE GRANT MUST BE PROPERLY PROCURED TO SELECT A FIRM TO ASSIST THE LOCAL GOVERNMENT IN ADMINISTERING THE GRANT.

FAIR HOUSING

Q CAN TWO OR MORE CITIES ARE IN THE SAME COUNTY CONDUCT A JOINT FAIR HOUSING WORKSHOP FOR PROFESSIONALS FOR APPLICATION POINT PURPOSES?

A YES.

Q WHAT IS THE MINIMUM NUMBER OF DAYS FOR NOTIFICATION OF FAIR HOUSING TRAINING SESSIONS?

A SEVEN DAYS. NOTICE SHOULD BE PUBLISHED IN A NEWSPAPER OF LOCAL DISTRIBUTION.

Q CAN A SUB-RECIPIENT PROVIDE THE TRAINING FOR FAIR HOUSING?

A YES; IF THERE IS LOCAL GOVERNMENT PARTICIPATION, IT WILL BE ACCEPTABLE FOR CLAIMING POINTS UNDER THIS CRITERIA.

LMI BENEFIT

Q WHY ARE POINTS ASSOCIATED WITH LMI BENEFIT IN THE APPLICATION?

A THE FEDERAL REGULATION REQUIRES THAT 50% OR MORE OF THE FUNDS MUST SERVE LMI PERSONS.

Q IS THERE A REQUIREMENT THAT 50% OR MORE OF A LOCAL GOVERNMENT'S AWARD MUST BENEFIT LMI?

A NO, WE ARE NOT MAKING IT A REQUIREMENT THAT 50% OR MORE OF EACH AWARD SERVE LMI BENEFICIARIES. SOME COMMUNITIES MAY HAVE LESS THAN 50% BENEFIT TO LMI, BUT OTHERS WILL HAVE MORE THAN 50%. WHEN ALL APPLICATIONS ARE RECEIVED AND REVIEWED, IF THE FEDERAL REQUIREMENT THAT 50% OR MORE OF THE FUNDS BENEFIT LMI HAS NOT BEEN MET, WE WILL WORK WITH LOCAL GOVERNMENTS TO ACHIEVE IT.

Q SHOULD A LOCAL GOVERNMENT DOCUMENT LMI DATA?

A YES. THE USE OF CENSUS DATA WILL EXPEDITE THIS REQUIREMENT, BUT SURVEYS MAY ALSO BE CONDUCTED. HOUSING BENEFICIARY DATA CAN BE COLLECTED IN THE SAME MANNER AS THE REGULAR PROGRAM, BUT IF YOU INTEND TO CLAIM POINTS FOR ADDRESSING LMI YOU MUST DOCUMENT IT.

SURVEYS

Q HOW CAN I ACCESS CENSUS DATA?

A CENSUS DATA HAS BEEN POSTED TO THE CDBG DISASTER RECOVERY WEBSITE:
[HTTP://WWW.FLORIDACOMMUNITYDEVELOPMENT.ORG/DISASTERRECOVERY.CFM](http://www.floridacommunitydevelopment.org/disasterrecovery.cfm)

IT IS ALSO AVAILABLE ON THE HUD'S WEBSITE:
[HTTP://WWW.HUD.GOV/OFFICES/CPD/SYSTEMS/CENSUS/INDEX.CFM.](http://www.hud.gov/offices/cpd/systems/census/index.cfm)

Q IF A LOCAL GOVERNMENT HAS A POPULATION THAT IS DOCUMENTED BY CENSUS INFORMATION TO HAVE GREATER THAN 51% LMI, MUST THEY CONDUCT A SURVEY?

A NO SURVEY IS NEEDED AS LONG AS THE ACTIVITY PROVIDES CITY-WIDE BENEFIT.

Q SHOULD A LARGE CITY CONDUCT A CITY WIDE SURVEY? WILL DCA ACCEPT CENSUS DATA FOR A CENSUS TRACT OR BLOCK GROUP THAT TOTALLY INCLUDES THE SERVICE?

A INSTEAD OF SURVEYING, LOCAL GOVERNMENTS MAY USE CENSUS TRACT/BLOCK GROUP INFORMATION (OR OTHER CENSUS DESIGNATION THAT PROVIDES INCOME DATA) IF THE DATA CONTAINS CORRESPONDS TO THE SERVICE AREA.

CHANGES TO PROJECT ACTIVITIES AFTER AWARD (AMENDMENTS)

Q WHAT IF A LOCAL GOVERNMENT RECEIVES A CDBG DISASTER AWARD BUT GOES BELOW THE 50 POINT MINIMUM SCORE IN SUBSEQUENT CONTRACT MODIFICATIONS?

A DCA WILL ASSIST THE LOCAL GOVERNMENT IN MAKING MODIFICATIONS THAT WILL NOT IMPACT THE SCORE IN THIS MANNER.

Q WHAT'S TO KEEP A LOCAL GOVERNMENT FROM APPLYING FOR INFRASTRUCTURE AND THEN DOING HOUSING AFTER THE CONTRACT HAS BEEN RECEIVED?

A LOCAL GOVERNMENTS MUST REMEMBER THAT GRANTING CONTRACT MODIFICATIONS ARE AT THE DISCRETION OF THE DEPARTMENT AND SHOULD APPLY FOR PROJECTS THAT THEY INTEND TO CARRY OUT.

HOUSING

Q HOW SHOULD LOCAL GOVERNMENTS COMPLETE PORTIONS OF THE APPLICATION RELATING TO HOUSING REHAB/NEW CONSTRUCTION WHEN THE EXACT UNITS THAT WILL BE ASSISTED ARE NOT KNOWN AT THE TIME OF THE APPLICATION?

A INDICATE THE NUMBER OF UNITS THAT WILL BE ASSISTED BY HOUSING REHABILITATION OR DEMOLITION AND REPLACEMENT (COULD INCLUDE NEW CONSTRUCTION). SPECIFY THE AMOUNT OF FUNDS BEING REQUESTING FOR EACH ACTIVITY AND PROVIDE AN ESTIMATE OF THE NUMBER OF UNITS FOR LMI, AS WELL AS NON-LMI (IF ANY). THIS IS PART OF THE SCORING PROCESS AND WILL ASSIST US IN DETERMINING HOW MUCH OF THE OVERALL FUNDING IS GOING TO BENEFIT LMI RESIDENTS. LOCAL GOVERNMENTS WILL BE EXPECTED TO MEET THE LMI BENEFICIARY NUMBER AND PERCENTAGE CLAIMED IN THE APPLICATION. THIS CAN BE ACCOMPLISHED BY YOUR LOCAL HOUSING ASSISTANCE APPLICATION REVIEW PROCESS AND GUIDELINES IN YOUR HOUSING ASSISTANCE PLAN OR OTHER MEANS OF ESTABLISHING YOUR HOUSING ASSISTANCE DISTRIBUTION PROCESS.

Q SINCE MANY OF THE STRUCTURES TO BE ADDRESSED WILL NOT BE IDENTIFIED, AND THE AGE OF THE STRUCTURE MAY NOT BE KNOWN AT THE TIME OF APPLICATION, CAN THE HISTORIC PRESERVATION DOCUMENTATION BE SUBMITTED ON A CASE BY CASE BASIS AFTER THE GRANT AWARD?

A YES.

Q NORMALLY, CDBG CANNOT BE USED TO CONSTRUCT NEW HOUSING UNITS UNLESS AN EXISTING UNIT CANNOT BE REHABILITATED. CAN NEW UNITS BE BUILT EVEN WHERE NONE EXISTED BEFORE?

A THE GOAL OF DISASTER FUNDING IS NOT TO CREATE ADDITIONAL UNITS OF AFFORDABLE HOUSING, BUT TO RESTORE THAT WHICH WAS LOST. THEREFORE, LOCAL GOVERNMENTS SHOULD FOCUS ON REHAB AND REPLACEMENT.

Q IF FUNDS ARE BEING USED FOR REHABILITATION AND THE HOUSING IS NOT IN A FLOOD ZONE AREA, DOES THE RECIPIENT STILL NEED TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM?

A NO. LOCAL GOVERNMENTS DO NOT HAVE TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM UNDER THESE CIRCUMSTANCES.

Q IF A WOOD STRUCTURE HOME WAS DAMAGED BEYOND REPAIR, CAN CDBG DISASTER FUNDS BE USED TO REPLACE THE WOOD STRUCTURE HOME WITH A MOBILE HOME?

A YES. CDBG FUNDS MAY BE USED TO PURCHASE A MOBILE HOME. HOWEVER, IT MUST BE PLACED ON A PERMANENT FOUNDATION.

Q CAN A RENTAL MOBILE HOME BE REPAIR OR REPLACED?

A YES, IF IT WAS ON A PERMANENT FOUNDATION PRIOR TO THE DESTRUCTION. HOWEVER, YOU WOULD NEED TO FIND OUT FROM THE LANDLORD IF THE MOBILE HOME IS COVERED BY INSURANCE AND IF A CLAIM HAS BEEN FILED.

Q CAN A LOCAL GOVERNMENT PUT SHUTTERS ON HOMES OF LMI PERSONS AND WOULD THE HOUSE NEED TO BE BROUGHT UP TO THE MINIMUM BUILDING CODE?

A YOU MAY PURCHASE AND INSTALL SHUTTERS WITH CDBG FUNDS. ALTHOUGH THERE IS NOT A FEDERAL REQUIREMENT THAT THE HOUSE BE BROUGHT UP TO THE MINIMUM BUILDING CODE, THE STATE BELIEVES THAT MAKING IMPROVEMENTS TO A SUBSTANDARD HOUSE IS NOT AN EFFICIENT USE OF FUNDS. THE APPLICATION STATES THAT ALL HOUSING UNITS ADDRESSED MUST MEET SECTION 8 STANDARDS.

Q CAN CDBG FUNDS BE USED FOR REHABILITATION, DEMOLITION AND NEW CONSTRUCTION OF HOUSING UNITS FOR NON-LMI PERSONS?

A THESE FUNDS CAN BE USED TO REHAB OR DEMOLISH AND PROVIDE REPLACEMENT HOUSING FOR NON-LMI FAMILIES/INDIVIDUALS AS LONG AS YOU MEET A NATIONAL OBJECTIVE. THE REGULATIONS PROVIDE THIS FLEXIBILITY TO ADDRESS SPECIFIC DISASTER RELATED NEEDS AND SPECIFY THAT AT LEAST 50% OF THE FUNDS BENEFIT LMI PERSONS STATEWIDE. YOU MAY REHABILITATE HOUSING OCCUPIED BY OVER-INCOME FAMILIES/INDIVIDUALS UNDER THE URGENT NEED OBJECTIVE. PLEASE REMEMBER THAT THE PRIMARY PURPOSE OF THE CDBG PROGRAM IS TO PROVIDE BENEFIT TO LMI FAMILIES AND INDIVIDUALS. YOU MUST DOCUMENT THE AMOUNT AND USE OF PRIVATE INSURANCE, AS WELL AS OTHER ASSISTANCE AVAILABLE FROM SHIP, FEMA, SBA, ETC. CDBG FUNDS CANNOT BE USED TO REPLACE OR SUPPLANT ANY OTHER AVAILABLE DISASTER ASSISTANCE FUNDING.

Q CAN VOLUNTEERS BE USED TO COMPLETE THESE PROJECTS?

A YOU MAY USE VOLUNTEERS, BUT NEED TO NOTE WHERE THEY ARE GOING TO BE USED, FOR WHAT PURPOSES, AND MAINTAIN RECORDS OF HOURS THEY WORKED. IN USING VOLUNTEER OR NON-PROFIT ORGANIZATIONS TO DO WORK, SUCH AS HOUSING REHAB, IT IS IMPORTANT TO REMEMBER THE NEED TO PROTECT THE WORKERS AND THE LOCAL GOVERNMENT BY MAKING SURE THEY ARE COVERED BY ADEQUATE INSURANCE. IN ADDITION, PLEASE REMEMBER THE NEED FOR HOMEOWNERS TO HAVE SOME PROVISIONS FOR A ONE YEAR WARRANTY ON HOUSING REHABILITATION. CHANCES ARE THAT THE VOLUNTEER ORGANIZATION WILL NO LONGER BE PRESENT AND THE LOCAL GOVERNMENT MAY HAVE TO STAND BEHIND THE MATERIALS AND WORKMANSHIP FOR THE ONE-YEAR PERIOD (REHAB AND NEW CONSTRUCTION). YOU SHOULD ENSURE THAT VOLUNTEERS ARE SUPERVISED BY LICENSED CONTRACTORS. IT IS RECOMMENDED THAT THE CONTRACTOR BE IN A POSITION TO PULL THE BUILDING PERMITS. NORMALLY, HOUSING REHAB AND NEW CONSTRUCTION ARE HANDLED THROUGH A CONTRACT BETWEEN THE CONTRACTOR

AND THE HOMEOWNER. BE SURE TO PROTECT THE RIGHTS OF THE BENEFICIARIES AS WELL AS THE POTENTIAL LIABILITIES OF THE LOCAL GOVERNMENT.

Q CAN THESE FUNDS PAY THE HOMEOWNERS' DEDUCTIBLE PORTION OF PRIVATE INSURANCE?

A CDBG FUNDS MAY BE USED IN CONJUNCTION WITH INSURANCE, FEMA OR OTHER DISASTER TYPE FUNDS, AS LONG AS IT IS NOT USED TO REPLACE OR SUPPLANT OTHER ASSISTANCE FUNDING AVAILABLE. CDBG MAY BE USED AS "GAP" FUNDING IN THESE INSTANCES WHERE OTHER FUNDS ARE ALSO AVAILABLE.

Q CAN THE FUNDS BE USED TO REHABILITATE RENTAL HOUSING UNITS?

A DISASTER FUNDS MAY BE USED TO REHABILITATE RENTAL HOUSING AS LONG AS YOU DOCUMENT HOW YOU ARE MEETING A NATIONAL OBJECTIVE. IF THE UNITS ARE OCCUPIED OR WILL BE OCCUPIED BY LMI PERSONS, IT IS STANDARD PRACTICE TO OBTAIN AN "AFFORDABILITY AGREEMENT" WITH THE PROPERTY OWNER SO THAT THE UNITS WILL REMAIN AT AFFORDABLE RENTS (SECTION 8) FOR A PERIOD OF FIVE YEARS.

ECONOMIC DEVELOPMENT

Q WITH RESPECT TO ECONOMIC DEVELOPMENT, IS THE FUNDING FOR COMMERCIAL STRUCTURES LIMITED TO CODE VIOLATIONS AND FACADES, OR CAN THE FUNDS BE USED TO REBUILD AN ENTIRE BUSINESS?

A THE INTENT OF THE BUSINESS ASSISTANCE CATEGORY OF FUNDING IS TO ASSIST BUSINESSES THAT WERE FORCED TO CLOSE AFTER THE DISASTER(S) OR THAT EXPERIENCED SIGNIFICANT LOSSES NOT COVERED BY INSURANCE OR ANOTHER SOURCE OF FUNDING OPERATIONAL AGAIN. REPAIR/REHAB OF DAMAGED BUSINESSES/COMMERCIAL STRUCTURES IS PERMISSIBLE AND IS NOT LIMITED TO FACADES.

Q IF A BUSINESS LOCATED WITHIN A JURISDICTION RECEIVED SUCH SIGNIFICANT DAMAGE THAT IT WAS FORCED TO LEAVE THE STATE, COULD CDBG DISASTER FUNDS BE USED TO HELP IT RELOCATE BACK TO THE JURISDICTION?

A YES; THE LIMITED WAIVER OF THE ANTI-PIRATING REGULATION ALLOWS CDBG DISASTER FUNDS TO BE USED FOR THIS PURPOSE.

Q HOW ARE BENEFICIARIES FOR ECONOMIC DEVELOPMENT PROJECTS IDENTIFIED?

A BENEFICIARIES ARE MEASURED IN TERMS OF TOTAL JOBS CREATED OR RETAINED AND JOBS CREATED OR RETAINED FOR LMI HOUSEHOLDS.

Q CAN A LOCAL GOVERNMENT APPLY FOR FUNDS TO DEVELOP PROPERTY IT ALREADY OWNS FOR FUTURE ECONOMIC DEVELOPMENT (PROVIDE WATER, SEWER AND STREETS TO AN AREA IN ANTICIPATION OF FUTURE JOB DEVELOPMENT) IF THEY HAVE NOT IDENTIFIED A PROSPECTIVE BUSINESS YET?

A NO. IT WOULD NOT MEET A NATIONAL OBJECTIVE. JOBS WOULD NEED TO BE CREATED BY A SPECIFIC PARTICIPATING PARTY FOR THIS TO BE ELIGIBLE.

Q UNDER THE CATEGORY OF ECONOMIC DEVELOPMENT, CAN YOU USE CDBG FUNDS TO BUILD OR RECONSTRUCT A BUILDING DAMAGED OR DESTROYED WHERE JOBS WERE LOST?

A ECONOMIC DEVELOPMENT PROJECTS TO RETAIN OR "SAVE" JOBS LOST DUE TO THE STORM ARE ELIGIBLE. NORMALLY, CDBG FUNDS ARE USED TO PROVIDE UTILITIES, SUCH AS WATER, SEWER, GAS LINES AND STREETS, TO A SITE WHERE JOBS WILL BE CREATED. OTHER FUNDS ARE USUALLY AVAILABLE (FROM FEMA OR SBA) FOR SITUATIONS WHERE ASSISTANCE IS NEEDED TO REBUILD OR REPLACE A BUILDING. HOWEVER, WHERE IT IS DOCUMENTED THAT NO OTHER ASSISTANCE IS AVAILABLE, OR OTHER ASSISTANCE IS BEING UTILIZED TO THE MAXIMUM EXTENT AND IS STILL NOT ADEQUATE TO ALLOW THE COMPANY TO RETURN TO OPERATION, REHABILITATION OR NEW CONSTRUCTION OF A BUILDING IS ELIGIBLE. ALSO, AT LEAST 51% OF THE JOBS MUST BE AVAILABLE TO LMI PERSONS IN ORDER TO MEET THE NATIONAL OBJECTIVE. THE BUILDING AND RELATED FACILITIES CAN BE RETURNED TO THEIR ORIGINAL STATE PRIOR TO THE STORMS.

Q GIVE EXAMPLES OF BUSINESS ASSISTANCE OR ECONOMIC DEVELOPMENT PROJECTS?

A ELIGIBLE ACTIVITIES COULD INCLUDE REPAIRS TO AN INDUSTRIAL PARK OR COMMERCIAL AREA THAT EXPERIENCED DAMAGE BY THE HURRICANES; ASSISTANCE TO A BUSINESS THAT CLOSED OR RELOCATED TO ANOTHER STATE DUE TO THE HURRICANES AND WISHES TO RETURN TO THE JURISDICTION; A SMALL BUSINESS THAT EXPERIENCED LOSS OR DAMAGE AND HAD NO OR INSUFFICIENT INSURANCE AND COULD NOT QUALIFY FOR SBA OR OTHER FUNDING.

Q WHAT IS THE SERVICE AREA FOR AN ECONOMIC DEVELOPMENT PROJECT?

A THERE IS NOT A SPECIFIC SERVICE AREA SINCE JOBS ARE FILLED FROM THE LOCALITY AND SURROUNDING AREAS. HOWEVER, YOU MUST INCLUDE A SITE OR PROJECT MAP THAT SHOWS THE BASICS OF THE JOB CREATION OR RETENTION LOCATION, INCLUDING SUCH ITEMS AS THE BUILDING, SUPPORTING UTILITIES SUCH AS WATER AND SEWER, ACCESS ROADS, ETC. THE MAP WOULD NEED TO DEPICT THE ITEMS TO BE PAID WITH CDBG FUNDS.

ELIGIBLE ACTIVITIES

Q DOES WATER/SEWER HOOKUP FOR LOW INCOME RESIDENTS COME UNDER INFRASTRUCTURE OR HOUSING?

A IF YOU ARE APPLYING FOR OTHER WATER AND SEWER ACTIVITIES, YOU MAY LIST THE ACTIVITY UNDER INFRASTRUCTURE. IF NO OTHER ACTIVITIES IN THE APPLICATION RELATE TO WATER AND SEWER SYSTEMS, AND YOU ARE ADDRESSING HOUSING, YOU WOULD LIST THE ACTIVITY UNDER HOUSING.

Q CAN DISASTER IMPACTED COUNTIES THAT EXPERIENCED PROBLEMS WITH WATER AND/OR SEWER SYSTEMS USE CDBG FUNDS TO MAKE REPAIRS TO THE SYSTEMS AND INSTALL PERMANENTLY AFFIXED GENERATORS THAT WILL PREVENT THE PROBLEM WITH THE WATER AND/OR SEWER SYSTEM FROM OCCURRING IN THE FUTURE.

A YES; THIS IS CONSIDERED MITIGATION. PORTABLE GENERATORS ARE NOT USUALLY AN ELIGIBLE EXPENSE.

Q CAN DISASTER FUNDS BE USED TO REPAIR OR REPLACE GOVERNMENT OFFICE BUILDINGS?

A IF THEY ARE PROVIDING SERVICES TO LMI CITIZENS, CDBG FUNDS CAN BE USED. GENERALLY, CITY HALLS DO NOT FIT INTO THIS CATEGORY. GENERATORS MAY ALSO BE PURCHASED FOR BACK UP POWER SUPPLY FOR GOVERNMENT BUILDINGS THAT HOUSE PROGRAMS THAT SERVE LMI RESIDENTS.

Q THE FEDERAL NOTICE DISCUSSES MITIGATION AND LONG-TERM RECOVERY. WHAT DOES THIS REFER TO AND HOW DOES IT WORK UNDER THIS DISASTER FUNDING?

A ALL MITIGATION MUST BE DIRECTLY RELATED TO DISASTER DAMAGE RESULTING FROM ONE OR MORE OF THE HURRICANES. CDBG ACTIVITIES THAT ADDRESS MITIGATION AND LONG-TERM RECOVERY FOR THE AREA ARE ELIGIBLE IF THEY WILL CORRECT A PROBLEM EXPERIENCED DUE A DISASTER OR REPLACE A SYSTEM SO THAT THE PROBLEM WILL NOT CONTINUE TO OCCUR.

Q CAN FIRE STATIONS BE REPAIRED WITH CDBG DISASTER FUNDS?

A YES, FIRE STATIONS ARE CONSIDERED PUBLIC FACILITIES AND/OR PUBLIC INFRASTRUCTURE.

Q CAN A COMMUNITY CENTER THAT IS USED AS A SHELTER BE UPGRADED SO THAT IT CAN SERVE THE SPECIAL NEEDS POPULATION DURING TIMES OF A DISASTER?

A YES. THIS IS ELIGIBLE UNDER THE LOW AND MOD INCOME NATIONAL OBJECTIVE.

Q CAN REPAIRS TO A SEAWALL BE MADE WITH CDBG DISASTER FUNDS?

A YES, A SEAWALL IS CONSIDERED PART OF THE INFRASTRUCTURE AND THE REPAIRS WOULD FALL UNDER HAZARD MITIGATION.

Q CAN WE ADDRESS AN ACTIVITY THAT IS NOT LISTED IN THE APPLICATION?

A LOCAL GOVERNMENT THAT WISH TO USE THE FUNDS FOR AN ACTIVITY NOT LISTED IN THE APPLICATION SHOULD CONTACT THE DEPARTMENT FOR ASSISTANCE.

Q CAN THESE FUNDS BE USED FOR DEBRIS PICKUP THAT IS NOT COVERED BY FEMA FUNDS?

A GENERALLY, FEMA PAYS FOR DEBRIS CLEANUP. HOWEVER, AS LONG AS IT CAN BE DOCUMENTED THAT THE DEBRIS PICKUP IS NOT COVERED BY FEMA OR OTHER FUNDS, THEN DEBRIS REMOVAL IS ACCEPTABLE IF A NATIONAL OBJECTIVE IS NOTED AND LMI DATA PROVIDED.

Q CAN FUNDS BE USED TO REMOVE VACANT BUILDINGS OR HOUSES?

A THIS IS ELIGIBLE UNDER URGENT NEED OR SLUMS AND BLIGHT IF APPROPRIATE DOCUMENTATION IS PROVIDED. YOU SHOULD REVIEW THE REGULATIONS GOVERNING SPOT SLUMS AND BLIGHT.

Q IS THE DISASTER PROGRAM FLEXIBLE ENOUGH TO PROVIDE GAP FUNDING WHERE SBA FUNDING WAS AVAILABLE TO MEET A PORTION OF THE HOUSING REHAB/REPLACEMENT NEED? THIS COULD INVOLVE SITUATIONS WHERE THE LOCAL GOVERNMENT DOES NOT HIRE THE CONTRACTOR, BUT WOULD REIMBURSE THE HOMEOWNER FOR THAT PART NOT COVERED BY SBA.

A CDBG DISASTER FUNDS MAY BE USED IN CONCERT WITH OTHER FUNDING AS LONG AS CDBG IS NOT USED TO REPLACE OR SUPPLANT OTHER FUNDING RESOURCES, INCLUDING PRIVATE INSURANCE. YOU MUST DOCUMENT THAT A NATIONAL OBJECTIVE IS BEING MET, AS WELL AS OBTAIN AND KEEP ON FILE RECORDS OF ALL OTHER ASSISTANCE OBTAINED. IN ORDER FOR FEMA TO RELEASE CONFIDENTIAL INFORMATION RELATED TO ALL OTHER FUNDING OBTAINED OR IN PROCESS, HOMEOWNERS MUST SIGN A STANDARD RELEASE FORM. ONCE THE FORM IS SIGNED BY THE HOMEOWNER AND RECEIVED BY FEMA, FEMA WILL RELEASE THE INFORMATION. IT IS OUR UNDERSTANDING THAT FEMA AND SBA ALSO MAINTAIN INFORMATION ABOUT PRIVATE INSURANCE AS WELL AS FEMA AND SBA ASSISTANCE PROVIDED.

Q IF A CITY APPLIES FOR FUNDS FOR SEWER SERVICE, AND SOME OF THE LINES ARE OUTSIDE THE CITY, IS THIS A PROBLEM?

A WE TYPICALLY ALLOW ONLY A FEW UNITS TO BE SERVED OUTSIDE A CITY BOUNDARY, BASICALLY THAT ARE INCIDENTAL. IT WOULD BE ACCEPTABLE TO HAVE A FEW HOUSING UNITS SERVED OUTSIDE THE CITY LIMITS, BUT NOT MANY. ON THE OTHER HAND, A COUNTY COULD APPLY FOR LINES TO BE CONSTRUCTED IN THE UNINCORPORATED PORTIONS OF THE COUNTY WHERE THE BASIC SEWER TREATMENT WOULD BE HANDLED BY A CITY. THIS WOULD REQUIRE AN INTERLOCAL AGREEMENT.

Q CAN CDBG FUNDS BE USED TO DO WORK ON GOVERNMENT BUILDINGS?

A NO. THIS PROVISION HAS NOT BEEN WAIVED. OFFICES AND BUILDINGS FOR THE GENERAL CONDUCT OF LOCAL GOVERNMENT ARE NOT ELIGIBLE, BUT BUILDINGS SUCH AS FIRE STATIONS ARE ELIGIBLE. GOVERNMENT BUILDINGS THAT HOUSE PROGRAMS THAT SERVE LMI CLIENTS ON A DAILY BASIS ARE ELIGIBLE.

Q CAN THE FUNDS BE USED TO DEMOLISH AN OLD AND DAMAGED, UNUSED SCHOOL BUILDING?

A YES. THIS WOULD BE ELIGIBLE UNDER THE NATIONAL OBJECTIVE OF URGENT NEED OR SLUMS AND BLIGHT (ON A SPOT BASIS).

Q WHAT CATEGORY WOULD DEMOLITION AND CLEARANCE OF ABANDONED HOUSES AND BUILDINGS IN AN LMI AREA (AND NOT ACQUIRE THE PROPERTY) FALL UNDER?

A TYPICALLY, CLEARANCE OF VACANT STRUCTURES TAKES PLACE IN AN LMI AREA OR A NEIGHBORHOOD THAT HAS A NATURAL SERVICE AREA. CLEARANCE OF VACANT STRUCTURES MAY BE ADDRESSED UNDER THE "SPOT" PROVISIONS OF SLUMS AND. IT MIGHT BE ELIGIBLE UNDER INTERIM ASSISTANCE IF THE LOCAL GOVERNMENT UNDERTAKES A "ONE-TIME" ACTIVITY TO CLEAN UP AN AREA. THE LOCAL GOVERNMENT COULD THEN MAINTAIN THE PROPERTY IN A CLEAR CONDITION THROUGH LOCAL ORDINANCES OR A LOCAL HOUSING CODE.