



REBUILD FLORIDA HOUSING REPAIR & REPLACEMENT PROGRAM

RENTAL HOUSING GUIDELINES

This document provides the housing guidelines for implementation of the rental portion of the Housing Repair and Replacement Program administered by the State of Florida Department of Economic Opportunity (DEO). This program is funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) allocation as described in Public Laws 115-56 and 115-123.

VERSION HISTORY

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9/27/19	Added Appendix D – Pilot Program Methodology

VERSION POLICY

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table.

Policy changes within this document will result in the issuance of a new primary version number with a publish date clearly noted. For example, a change in eligibility criteria to the program would warrant issuance from Version 1.0 to Version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.



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1.0 Program Overview

1.1 Purpose of the Program

1.1.1 Introduction

The Florida Department of Economic Opportunity (DEO) Office of Disaster Recovery (ODR) is the administrator of a Community Development Block Grant—Disaster Recovery (CDBG-DR) program funded by the U.S. Department of Housing and Urban Development (HUD) under Public Laws 115-56 and 115-123. DEO is the agency responsible for the administration of disaster funds allocated to housing, economic development, and infrastructure activities. DEO is administering the Housing Repair and Replacement Program (HRRP) directly.

The DEO HRRP will provide housing assistance to those affected by Hurricane Irma in September 2017. This will include single family owner occupants, owners of rental properties and Public Housing Authorities (PHAs). The intent of the program is to address remaining unmet housing needs. DEO has developed these Rental Housing Guidelines for the HRRP based on the information gathered during the unmet needs analysis and subsequent project descriptions created in the *2018 State of Florida Action Plan for Disaster Recovery (Action Plan)*.

DEO initially allocated \$273,329,800 in CDBG-DR funding for HRRP. Based on data obtained during the action planning process, DEO projected that 6,000 properties would be rehabilitated, reconstructed or replaced. HUD then approved a substantial amendment to the *Action Plan*, increasing the HRRP allocation to \$346,186,147 with a projection of 7,150 homes that will be rehabilitated, reconstructed or replaced.

DEO has established two objectives for the HRRP. First, recognizing that the \$346 million allocation for housing repair will not meet all needs, DEO will prioritize assistance for at-risk and vulnerable populations. Second, to increase resiliency and protect human life, DEO is requiring the implementation of construction methods that emphasize quality, durability, energy efficiency, sustainability and mold resistance.

The HRRP is a centralized housing repair or replacement program intended to benefit Low- and Moderate-Income (LMI) families impacted by Hurricane Irma. The program will manage and complete the construction process to repair, replace or reconstruct damaged homes for eligible applicants. With the assistance of staff and vendors, the state will work with a pool of qualified contractors assigned to repair, reconstruct or replace damaged rental properties. Applicants will not select their own contractors and will not contract directly with the construction contractor. No payments will be made to the property owner directly. Applicants will be required to enter into agreements with the state setting forth the terms and conditions of the program.

The Rental portion for the HRRP, addressed in this document, is open to owners of single family rental properties and Public Housing Authorities (PHAs). This means that single family structures and multifamily structures may be eligible under the Rental portion of the program.

If any housing unit assisted under this program is currently occupied by tenants, the tenants will have the opportunity to move back into the unit(s) that are rehabilitated or reconstructed using CDBG-DR funds. Displacement of such tenants will result in the application the Uniform Relocation Act (URA) and all associate requirements, restrictions, and/or waivers outlined in the governing Federal Register Notice(s), federal guidance and the URA itself.

The Federal requirements for the delivery of the HRRP are complex and will require a multi-step process (see Figures 1 and 2 below) to comply with all the regulations and requirements that are tied to the funding source.

The process includes initial documentation and verification requirements that result in an award of benefits to eligible rental property. The result of the initial documentation phase is the signing of a contract and award agreement.

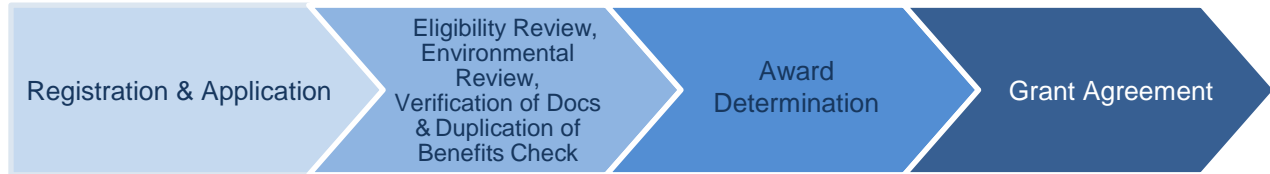


Figure 1: Initial Application and Documentation Steps

The construction and compliance phase, as shown in Figure 2, is when repair, replacement or reconstruction assistance is provided to the landlord property owner through direct construction activities performed by the program and the result is a market-ready affordable housing unit. After the verification of tenant income and the completion of the affordability period for single family rental units, which is a minimum of one year, the grant will be closed assuming the property owner has remained in compliance throughout the term of the affordability period.



Figure 2: Construction and Compliance

The rehabilitation or reconstruction of multifamily rental projects with five or more units will require an affordability period for a minimum of 15 years, as shown in Figure 3:

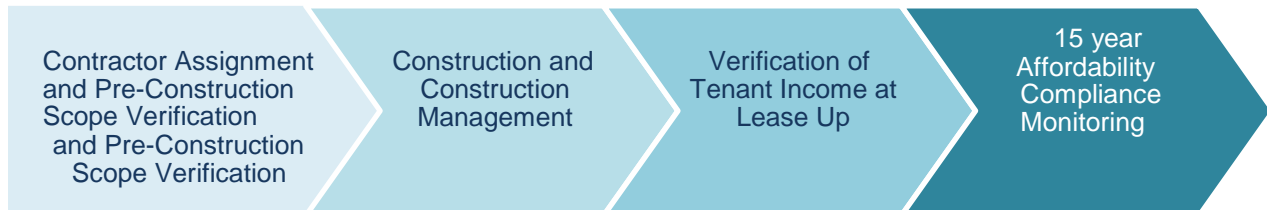


Figure 3: Multifamily Construction and Compliance

1.1.2 Purpose

The goal of the rental program is to help repair, replace or reconstruct existing homes and to increase the affordable rental stock in the communities impacted by Hurricane Irma. This is a construction program that will provide construction assistance to qualifying property owners. The program will provide construction management and quality assurance services throughout construction activities. The program will review and verify contractor invoices and disburse payment to contractors. All funds will be paid by the program, on behalf of the property owner, to a program-assigned construction contractor at pre-determined construction intervals. No payments will be made to the property owner directly.

The primary focus of the HRRP for rental properties is to provide funds for the repair, replacement or reconstruction of affordable rental housing units in areas impacted by Hurricane Irma. The following objectives are provided for the implementation and administration of the rental program:

1. Provide safe, resilient rental housing options in Hurricane Irma impacted areas of Florida.
2. Ensure that housing needs of vulnerable and Low- to Moderate-Income (LMI) households are met.

All HRRP assisted rental units must be restricted during the established affordability period. The affordability period for single family rental units will be a minimum of 1 year. Rehabilitation or reconstruction of multifamily rental projects of five or more units will require an affordability period for a minimum of 15 years. The purpose of affordability periods is to keep the rental properties affordable for LMI persons. The rents, at a minimum, must comply with High HOME Investment Partnership (HOME) Rents. Rents may not exceed 30% of the monthly income for a household earning 80% or less of the Area Median Income (AMI).

1.1.3 National Objective and Eligible Activities

The National Objective that is approved for the HRRP is benefit to Low- to Moderate-Income (LMI) households. The governing Federal Register Notices, [Vol. 83, No. 28, February 9, 2018](#) and [Vol. 83, No. 157, August 14, 2018](#) (FR-6066-N-01 and 6109-N-01) require that 70% of program funds meet the LMI National Objective and that 80% of all funds be expended in the HUD-designated Most Impacted and Distressed (MID) communities, as identified in the Federal Register Notice(s). Eligible activities under the rental portion of HRRP include:

1. Repairs to, reconstruction or replacement of housing units damaged by Hurricane Irma, including:
 - a) Individual Mitigation Measures to mitigate against future storm impacts; and
 - b) Elevation.
2. The completion of work to homes that have been partially repaired.
3. Temporary Relocation Assistance based on individual tenant needs and their participation in the Housing Repair and Replacement Program. Temporary relocation assistance will be provided consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, 42 U.S.C. 4601 et seq., the regulations at 49 CFR 24, 70 FR 589, HUD guidance and associated waivers in the applicable Federal Register Notices for Hurricane Irma recovery.

1.1.4 Definitions

100-year floodplain: The geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year.

Affordability Period: To ensure that the CDBG-DR investment in rental properties yields affordable housing, HRRP is imposing rent and occupancy requirements over the length of a compliance period, known as the affordability period. All HRRP-assisted rental units must be restricted during the affordability period for Low- to Moderate-Income (LMI) persons. The rents, at a minimum, must comply with High HOME Investment Partnership (HOME) Rents. Rents may not exceed 30% of the monthly income for a household earning 80% or less of the Area Median Income (AMI). For rehabilitated or reconstructed single family rental units and multifamily rental units with four units or less, affordability periods will be a minimum of 1 year. Multifamily rental housing with five or more units will be restricted for 15 years.

Area Median Income (AMI): The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban

Development (HUD). Once household income is determined, it is compared to HUD's income limit for that household size.

Applicant: Any individual who submits an application for assistance to the Rebuild Florida Housing Repair and Replacement Program.

Base Flood Elevation (BFE): Base Flood Elevation as determined by the Federal Emergency Management Agency (FEMA) uses the relationship between the BFE and a structure's elevation to determine flood insurance premiums. The Federal Register sets the minimum elevation requirements for homes that will be assisted with CDBG-DR funding and which require elevation. HUD has determined that structures designed principally for residential use and located in the 100-year floodplain that receive assistance for new construction repair of substantial damage or substantial improvement must be elevated with the lowest floor, including the basement, at least two feet above the BFE.

CDBG-DR: Community Development Block Grant-Disaster Recovery.

Common Area Under Roof: The total area under the common roof is primarily interior, conditioned spaces, and for single-story homes, equal to the footprint of the house. The term is also synonymous with the eligible area. In addition, exterior spaces such as detached porches and garages are not considered in the eligible area.

Completed Repairs Estimate (CRE): The CRE is used to verify Hurricane Irma damages to the property and determine repairs that have already been completed. This estimate may be used to verify the appropriate use of funds received from insurance or other federal disaster recovery assistance for repair and be used to reduce Duplication of Benefits (DOB), in the absence of receipts.

Damage Assessment: The initial opportunity for a Program inspection of the Hurricane Irma-damaged structure in which all damages repaired at the time, and damages still to be repaired, are officially documented in an estimating software that allows monthly market pricing and local sales taxes to be applied to Program-eligible materials and labor in a consistent report format. The Damage Assessment will contain a detailed sketch of the structure along with exterior and interior photos.

Demolition: Clearance and proper disposal of dilapidated buildings and improvements.

Disability: For the purposes of the program, "disability" is consistent with federal law under The Social Security Act, as amended, 42 U.S.C. §423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12102(1)-(3), and in accordance with HUD regulations at 24 CFR §§5.403 and 891.505.

Duplication of Benefits: A Duplication of Benefits will occur if the Rebuild Florida Housing Repair and Replacement Program provides assistance to a property owner for the same purpose (repair, replacement or reconstruction) as any previous financial or in-kind assistance provided to a property owner for the repair, replacement or reconstruction of his/her home. Rebuild Florida is prohibited from providing such as Duplication of Benefits by the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) and therefore, these other sources of funds must be deducted from any potential award.

Elevation: All structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1% annual (or 100-year) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b) (10), must be elevated with the lowest floor, including the basement, at least two feet above the 1% annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1% annual floodplain, must be elevated or flood-proofed, in accordance with FEMA flood-proofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 1% annual floodplain. Elevation will be conducted by means of pier and beam construction. Fill to achieve proper elevation height will not be eligible.

Environmental Review: All qualified projects must undergo an environmental review process. This process ensures that the activities comply with the National Environmental Policy Act (NEPA) and other applicable state and federal laws.

Family: A household composed of two or more related persons. The term “family” also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well-being.

Federal Register: Is the official journal of the Federal government of the United States that contains government agency rules, proposed rules, and public notices. It is published daily, except on federal holidays. A Federal Register Notice (FRN) is issued for each CDBG-DR funded disaster. The FRN outlines the rules that apply to each allocation of disaster funding.

FEMA-Designated High-Risk Area: Areas designated by FEMA as vulnerable to significant wind and/or storm surge damage and areas located in 100-year flood zones. Properties located in these areas will be identified during the environmental review process.

Flood Hazard Area: Areas designated by FEMA as having risk of flooding.

Flood Insurance: The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

Floodplain: FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area.

- **100-year floodplain:** The geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year.

Green Building Standards: All rehabilitation that meets the definition of substantial improvement, reconstruction, or new construction must meet an industry-recognized standard that has achieved certification under at least one of the following programs: (1) ENERGY STAR (Certified Homes or Multifamily High-Rise), (2) EPA Indoor Air Plus (Energy Star a prerequisite), (3) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), or (4) ICC–700 National Green Building Standard.

Household: A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test to meet the Low- to Moderate-Income objective is based on the LMI of households.

Housing Quality Standards (HQS): The HQS establish certain minimum standards for buildings. This includes new single family homes and multifamily housing as outlined in [24 CFR 982.401](#). The HRRP uses these standards as a guideline to identify basic living quality deficiencies that should be addressed during the construction process when there is other identifiable Irma-related storm damage. The HRRP does not conduct a certified HQS inspection.

HUD: United States Department of Housing and Urban Development.

Increased Cost of Compliance (ICC): Structures damaged by a flood may be required to meet certain building requirements to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the National Flood Insurance Program (NFIP) includes Increased Cost of Compliance coverage for all new and renewed Standard Flood Insurance Policies. ICC is a Duplication of Benefits if a structure owner requests reimbursement or additional assistance for elevation, demolition,

flood proofing or relocation—one of the four options available under ICC—and has already received an ICC benefit under the NFIP.

Mitigation Measures: Activities designed to mitigate and/or reduce risk beyond the pre-disaster condition of a housing unit when the activities are above and beyond federal, state, or local construction or code requirements. In accordance with HUD's guidance, repair of housing units and the payment of flood insurance are not Individual Mitigation Measures. Examples of Individual Mitigation Measures include: elevation above the base flood elevation level, or the addition of storm shutters, disaster proof windows, etc., as long as those improvements are not required to comply with local code requirements and did not exist on the housing unit prior to the disaster damage. However, mitigation measures are not eligible as standalone activities. They must be incorporated as part of a project that is otherwise addressing eligible repairs that are necessary as a result of Hurricane Irma.

Low- to Moderate-Income (LMI) National Objective: Activities which benefit households whose total annual gross income does not exceed 80% of the Area Median Income (AMI), adjusted for family size. Income eligibility will be determined and verified in accordance with HUD Guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

1. **Very Low:** Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size.
2. **Low:** Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size.
3. **Moderate:** Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.

Mobile/Manufactured Housing Unit (MHU): A structure, transportable in one or more sections which, in the traveling mode is 8-body-feet or more in width or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, and is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. This can sometimes be referred to as mobile homes. A MHU is built to the specifications required in the Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 70 § 5401 et seq. MHUs display a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

Modular Housing: A home built in sections in a factory to meet federal, state, or local building codes. Once assembled, the modular unit becomes permanently fixed to one site. The program will treat modular homes as traditional, site or stick-built construction.

Most Impacted and Distressed (MID) Areas: Areas of most impact as determined by HUD or the state using the best available data sources to calculate the amount of disaster damage. The HUD-designated MID areas include Brevard, Broward, Clay, Collier, Duval, Hillsborough, Lee, Miami-Dade, Monroe, Orange, Osceola, Palm Beach, Polk, St. Lucie, Volusia counties; 32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 33935, 34266 zip codes. The state-identified MID areas also include those counties that received both Individual Assistance (IA) and Public Assistance (PA) through the Federal Emergency Management Agency (FEMA).

Multifamily: Residential structures containing five or more units or multifamily residential structures located on adjacent lots.

NFIP: National Flood Insurance program.

Not Suitable for Rehabilitation: DEO defines “not suitable for rehabilitation” as one of the two following definitions:

1. Residential properties that have experienced repetitive losses under FEMA’s National Flood Insurance Program (NFIP).
2. Dwellings that are considered substandard and do not meet the recovery program’s housing repair standards and/or federal, state, local code requirements will not be deemed suitable for rehabilitation, as determined by the program and consistent with program guidelines. A structure is not suitable for rehabilitation if the cost of repair is unreasonable based upon program standards.

Property Casualty Insurance: Insurance that covers structural repairs to a home as a result of wind, fire, hail, wind-driven rain, tornado, hurricane, or natural disaster, other than flood.

Reconstruction: The demolition, removal, and disposal of an existing housing unit and the replacement of that unit on the same lot, and in the same footprint, with a new unit that complies with the International Residential Codes (IRC), as required by the Florida Code. The number of units on the lot may not increase and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded; however, the number of rooms in a unit may be increased or decreased.

Reconstruction Scope of Work Estimate (RSWE): The Damage Assessor will develop in Xactimate®, a RSWE when a property has been demolished, condemned, or is unsafe to enter at the time of the Damage Assessment. If the property is no longer present, the Damage Assessor will interview the Applicant to confirm the living area’s square footage and other general features of the property such as the foundation, exterior, interior, and systems.

Registrant: Any individual that registers with the program.

Registration: The initial step a property owner must take to seek benefits under the program. Registration will result in prioritization of a registrant for application if basic eligibility requirements are met. This is distinct and separate from application.

Rehabilitation: Repair or restoration of housing units in the disaster-impacted areas to applicable construction codes and standards.

Replacement: Demolition, removal and replacement of a damaged MHU with a new MHU in substantially the same footprint or at a new location if the original damaged unit was on leased land and the MHU owner must relocate to a new property. Relocation of a new MHU will require additional environmental review.

Residential Valuation Report (RVR): A RVR will be developed by the Quality Control Team in Xactimate® for all properties in an effort to determine feasibility of rehabilitation versus reconstruction. The RVR will detail replacement cost including all applicable permits, fees, overhead, profit, and sales tax. The replacement costs figure represents the average estimated cost to rebuild the structure after a total loss and includes such things as labor and materials to meet current building codes and general contractor profit, and overhead for the location. The actual reconstruction costs for the building may differ from the estimated replacement cost due to changes in economic conditions, building contractor availability, and specific building contractor attributes. The Xactimate® estimated replacement cost does not include costs for such items as excavation, land value, detached structures, or demolition of the Hurricane damaged property.

Rental Activity: Repair of affordable rental housing resulting in structures where at least 51% of units are occupied by LMI persons. Income and rent restrictions apply to the rental units assisted with CDBG-DR funds.

Scope of Work Estimate (SWE): A SWE is used to verify Hurricane Irma damages to the property and determine the estimated scope of work to complete the repairs to the property and bring the property up to program standards.

Second Home: Properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for repair assistance or housing incentives. A second home is defined as a home that is not the primary residence of the owner, a tenant or any occupant at the time of the storm or at the time of application for assistance. HUD has established an alternative requirement for second homes that may allow assistance in limited circumstances coordinated with HUD.

Statement of Work: The scope of work awarded to a contractor via a competitive bid process containing the repairs identified in the SWE.

Stick built home: A home that has been built on-site using traditional construction materials and methods.

Subrogation: Subrogation is a legal doctrine that allows one person to take on the rights of another. In the context of disaster recovery grants, a property owner must enter into a subrogation agreement where the funding agency (DEO) obtains the right to collect any additional disaster recovery or insurance payouts the property owner receives for Irma damages after the property owner has entered into a grant agreement for HRRP benefits.

Substantial Completion: The completion of the Statement of Work awarded to the contractor.

Substantial Damage: Based on the flood provisions of the Florida Building Code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The determination is only made by the local jurisdiction. The program will abide by these determinations.

Substantial Improvement: As defined in 24 CFR 55.2(b) (10) and as applicable to the HRRP, substantial improvement means any repair, reconstruction, modernization or improvement of a structure whereby , the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement determinations are only made by the local jurisdiction. The program will abide by these determinations.

1.1.5 DEO Housing Program Administration and Implementation

DEO is undertaking several housing initiatives under the umbrella of the Rebuild Florida brand. DEO will administer all programs pursuant to the grant agreement between DEO and HUD. The table below is presented to assist the public with an understanding of each of the other programs that will support Florida’s recovery from the impacts of Hurricane Irma.

Program Name	Activity Name	Implementation
Housing Repair and Replacement	Single Family Owner Occupied & MHU	Direct
	Small Rental	Direct
	Multifamily	Direct
	Temporary Housing Assistance	Direct
Workforce Affordable Rental New Construction	Leveraging CDBG-DR Funds with Other Sources of Financing	Subrecipient
	Funding for Small Rental Developments	Subrecipient
	Land Acquisition for Workforce Affordable Rental Program	Subrecipient
Voluntary Home Buyout	Voluntary Home Buyout	Subrecipient

The Program Name column designates the name of the program, as it corresponds to the activities outlined in the Action Plan. The Activity Name column designates any sub-category of activity within the program. The Implementation Column identifies whether the program and activity will be directly implemented by DEO or a subrecipient.

Each program will have its own implementing guidelines. For example, this document is entitled the “Single Family Owner-Occupied Housing Guidelines” and contains the policy guidelines for implementation of the Single Family housing repair and replacement program, inclusive of traditionally constructed site built homes, manufactured homes and mobile home units.

Within DEO, directly administered programs are supported by contracted service providers who augment DEO’s staffing capacity and professional services that are not typically within DEO’s staffing plan. Contracted service providers also provide technical assistance related to program design and federal rules and requirements. The table below illustrates the roles and responsibilities for the Rebuild Florida Housing Repair and Replacement Program activity specific tasks.

Task	Responsibility
Registration System	IEM
Registration Activities	IEM
Application System	DEO
Policy and Procedure Technical Assistance	IEM
Policy and Procedure Approval/Finalization	DEO
Case Management	IEM
Application Completion	IEM
Damage Assessment Production	IEM
Environmental Review Production	IEM
Environmental Review Approval	DEO
Initial DOB/VOB Review	IEM
File 1 st Level QA/QC at task level	IEM
File 2 nd Level QA/QC for Eligibility Recommendation	IEM (separate team)
Final File Eligibility Review QA/QC Determination	DEO
Ineligible Notification	DEO
Appeals	DEO
Benefit Determination Letter Issuance	IEM
Award Calculation	DEO
Award Notification Letter Issuance	DEO
Generation of Grant Agreement Closing Package	DEO
Schedule and Close Grant Agreements	IEM
Collect DOB Gap Payments and Deposit to DEO Account	IEM
Maintain DOB Gap Payment Accounts and Financial Draw Down	DEO
Construction Bid Package Development, Issuance and Bid Selection	DEO
Issuance of Notice to Proceed	DEO
Issuance of Notice to Construct	DEO
Construction Progress Inspections	IEM
Construction Final Inspections	IEM
Construction Payment Request Review	DEO
Construction Payment	DEO
Initial Closeout Review	IEM
QA/QC Closeout Review	IEM (separate team)
Final Closeout QA/QC and Approval	DEO

1.1.6 Pilot Program

In an effort to balance competing responsibilities of conserving federal dollars and providing swift housing results, DEO has undertaken a pilot initiative to examine the potential time savings and additional expenses that may result from a concurrent processing model, rather than a linear processing model.

The Application Pilot is a method of identifying a cohort of applicants in each impacted area that can be deliberately observed through the full HRRP process to identify and resolve issues prior to the bulk of the applicants getting into the full process. The close observance of the pilot cohort is intended to test initial process design and yield informed decisions to improve efficiencies as the rest of the applicant population comes into the workflow.

The Application Pilot is also intended to test a concurrent task methodology that is known to expedite applicant processing, but which may have additional cost. The pilot cohort will be processed concurrently for application, eligibility, damage assessment and environmental review prior to the feasibility, duplication of benefits and award steps. The simultaneous processing of these tasks will be allowed as activity delivery costs for the pilot group.

This dual-tracked process that results in the flagging of applications as either part of the Application Pilot or non-pilot contributes to DEO's ability to perform a real-time test of the program. The identified pilot cohort will have no impact on other applicants' progress through the process. Any issues that DEO finds can be addressed and resolved to ensure smooth processing of the bulk, average and more complicated applications.

Applicants that are outside of the pilot group will also be processed at the same time the Application Pilot files are moving through the system. However, the applicants that are outside of the pilot group will follow the linear process path which requires completion of application prior to initial eligibility review, clearance of eligibility review prior to damage assessment, clearance of damage assessment prior to environmental review, clearance of environmental review prior to feasibility, duplication of benefits and award. The pilot is intended to gauge the benefits and identify issues associated with a concurrent processing method. It will support an analysis of whether the most conservative linear model, the concurrent model, or some combination of the two processes will provide the best results for the Department of Economic Opportunity (DEO) and our Irma-affected citizens.

1.1.6.1 Pilot Selection Process

At the initial stage of applicant invitation, a group of applicants were randomly selected within the Priority 1 invitation group based on property characteristics identified in **Section 1.6 Priority Schedule**. DEO processed these applications by conducting the application completion, initial eligibility, damage assessment and environmental review steps at the same time. The rest of the Priority 1 population continued normal processing under the linear model, which required each step to be completed prior to the next step starting. This allowed DEO to maintain compliance with the stated prioritization schedule, as described in this Action Plan, while testing alternatives that could result in a reduced overall processing time.

From January 4 to January 11, 2019, program staff analyzed the registrant and applicant information to identify an initial group for the pilot cohort. There were 5,888 registrants qualified for Phase I, 1,745 applications started and 599 completed applications available for selection in the pilot cohort. The initial goal was to identify 10-20 cases from each of the original HUD-designated MID communities and ultimately 220 were selected. On January 11, 2019, DEO expanded the pilot cohort criteria to test ability to motivate applicants who had started, but not yet completed their application and including applicants in Monroe County, a designated floodplain. At this time there were 5,989 Phase 1 registrations, 1904 applications started and 770 applications completed. An additional 200 applicants fitting this criterion were added to the cohort to test whether the simultaneous application, eligibility, damage assessment and environmental review process would expedite completion of the application and eligibility processes.

The only screening criteria used for the pilot cohort are those listed. No other attribute of the property or applicant were used to screen for pilot selection. Registrant and applicant IDs were selected at random as long as the criteria listed were met, which maintained the integrity of the prioritization requirements outlined in the Action Plan.

Established conditions and assumptions underlying the test of the initial cohort:

- Only phase I registrants are invited to apply
- Motivated registrants will complete their applications early
- Identified local VOADs will assist applicants to speed up their completion

Cohort screening criteria:

- From the original 10 counties or 4 ZIPs (Monroe, Miami-Dade, Duval, Lee, Polk, Collier, Brevard Broward, Orange and Volusia counties; 32068, 34266, 32136, and 32091 zip codes) (Tier 1 ERR complete)
- Insurance \$0, FEMA \$1-15000, SBA \$0, NFIP \$0 benefits
- Not in flood plain
- House built after 1978
- No Letter of Substantial Damage /No condemnation letter (Add into damaged section of application)
- Repair program

The Application Pilot project timeframe is defined by the substantial completion of the pilot application group's environmental review and submission of that documentation to the Department of Economic Opportunity. It began January 14, 2019 and was completed April 5, 2019. For a full review of the Pilot Program, please see Appendix

1.2 HUD Income Limits

Unlike the single-family owner-occupied housing portion of HRRP, the rental program within HRRP does not require the property owner to have a household income that is 120% or less of the Area Median Income (AMI). Instead, the rental program qualifies landlord property owners based on the LMI status of current and future tenants.

Applicants receiving CDBG-DR funds to repair, reconstruct or replace damaged properties under this rental program must currently lease or agree to lease the rental units to Low- and Moderate-Income households (80% of Area Median Income or less) at restricted rents. Rents must, at a minimum, comply with the High HOME Investment Partnership (HOME) Rents. The affordability period for single family rental units and multifamily rental units of four or less will be a minimum of 1 year. Multifamily rental housing with five or more units will have an affordability period of 15 years.

1.3 Program Requirements

1. All housing activities for the HRRP will meet the National Objective required under the authorizing statute of the CDBG program that benefits Low- to Moderate-Income (LMI) persons, where at least 70% of the funds will benefit these populations as defined in the [Housing and Community Development Act \(HCDA\), Section 104 \(b\)\(3\)](#).
2. Property owners applying for disaster assistance are processed by priorities based on the prioritization criteria outlined in these guidelines in Section 1.6.
3. The property must meet certain eligibility standards to qualify for assistance. Eligibility standards are discussed in Part 2 of this document.
4. For assistance activities, it must be demonstrated that the damage to structures was the direct result of Hurricane Irma. Damage details are noted in Part 2 of this document.

5. Rents may not exceed 30% of the monthly income for a household earning 80% or less of the AMI and comply with the High HOME Investment Partnership (HOME) Rents.
6. The property must pass a federally required environmental review. No construction may be undertaken until the environmental review is complete.
7. A damage assessment/Scope of Work Estimate (SWE) inspection must be conducted on both the interior and exterior of the structure to observe and record damages. The damage assessment must be completed in sufficient detail to obtain bids or cost estimates. The damage assessment checklist is included in this document as Appendix C. This requires an inspector to have full access to the property for the documentation process. The project costs must be reasonable and typical in the current marketplace for projects of similar scope.
8. The project must comply with all applicable federal, state and local requirements.

1.4 Registration

Registration is the first step an individual can take toward seeking benefits under the HRRP. Registration will be open for a minimum 90-day intake period. Note that registration is not an application. Regardless of the number of rental properties a rental property owner wishes to register, there may only be one registration per property owner. The registration process will allow a rental property owner to register multiple damaged rental properties to the owner's registration account. Duplicate registrations will be closed so that only one registration per property owner remains active.

The initial outreach period for registration was undertaken from September 24, 2018 through December 23, 2018. The Program extended the registration period through March 29, 2019, at a minimum. Additional outreach activities will be undertaken in the additional five counties and 8 ZIP codes added to the HUD-designated MID areas under [Federal Register Notice Vol. 83, No. 157, August 14, 2018](#).

A Strategic Communication Plan will designate how populations will be targeted for outreach and registration. If the 90-day window is not sufficient to obtain the registration volume necessary to satisfy the number of prioritized applications required to expend the funds, DEO may extend the outreach period for an additional period. Any extension of the outreach and intake period beyond 90 days will be announced via the Rebuild Florida website at www.rebuildflorida.gov and as outlined in a revision to the Strategic Communications Plan.

Registration requires the submission of basic information about the registrant and his or her damaged property or properties. For rental properties, this also includes information about the tenant households. The registration process allows DEO to evaluate the potentially eligible population and begin the prioritization process. Once a sufficient number of registrants have been prioritized, DEO will begin to invite registrants to provide more information to the program through an application process. Prioritized registrants will be invited to apply before non-prioritized registrants.

All interested individuals who wish to seek assistance through the HRRP must first register. An individual may register for the program by:

1. Contacting the Rebuild Florida call center at 1-844-833-1010;
2. Going online to www.RebuildFlorida.gov;
3. Visiting a housing assistance center; or
4. Attending an outreach event, when available, in the local community.

Housing assistance center locations and hours of operation will be advertised through outreach materials and posted on the Rebuild Florida website. Outreach and intake will be open for a 90-day registration period. Outreach events will be advertised on the Rebuild Florida website and announced through local media affiliates and partners. Closing of the registration period will be advertised on the program website, at a minimum.

1.5 Applications

1. Only completion and submission of the official Rebuild Florida HRRP application form, including the submission of all supporting documentation, will be considered as application for program benefits.
2. Anyone who has submitted a prior application for disaster recovery assistance through a non-profit organization, federal, state or local agency will need to submit a separate application specifically for Rebuild Florida HRRP.
3. Submission of a public comment form or other written documentation of damage during public meetings or hearings does not constitute application to the Rebuild Florida HRRP.
4. Qualification for assistance will be certified by program staff prior to the commitment of any funds to an activity or beneficiary.
5. Registrants and applicants are not guaranteed assistance but will be served based on availability of funds and qualification for benefits.

Anyone who makes an inquiry about the program will be provided assistance to register for the program during the open registration period. Registrants will be invited to apply on a priority basis as described in Section 1.6. Applications will only be accepted from registrants who have been invited to apply. At this time, there is no application deadline; however, the Program will establish application deadlines in the future. Such deadlines will be publicized on the [Rebuild Florida Webpage](#) and program communications directed toward invited applicants who have not completed an application. These guidelines will be revised to include any future deadlines.

An applicant may request to voluntarily withdraw from the program at any time before construction begins. Should an applicant request to withdraw after program funds have already been invested into the damaged property, the applicant will be responsible for the repayment of all program funds through a recapture process.

1.6 Priority Schedule

Recognizing that the \$346 million allocated for owner-occupied housing and rental properties will likely not address all needs, at-risk and vulnerable populations with the greatest needs will be prioritized. At a minimum, 70% of program funds must meet a Low- and Moderate-Income national objective.

Owners of rental properties who rent the property to tenants who have incomes higher than 120% of AMI will not be eligible for this program. Landlords who currently rent or will rent to residents with one or more of the following characteristics, designated by the program as vulnerability factors, will be prioritized and processed in the order that they complete an application:

- Households with seniors age 62 and older.
- Households with children under the age of 18.
- Households with special needs or special accommodation requirements (disabled).
- Persons who have been displaced from Puerto Rico and the U. S. Virgin Islands and are permanently resettling in Florida

The three phases of priority are:

- Phase 1: Applicant is in a HUD- or state-designated Most Impacted and Distressed (MID) Area, is Low- to Moderate-Income (LMI), and has one or more vulnerability factors;
- Phase 2: Applicant is in HUD- or state-designated MID area and is LMI; and

- Phase 3: Applicant is in HUD- or state-designated MID area and has a household income between 80 percent and 120 percent AMI.

As grant agreements approach full obligation of program funds, DEO will analyze the remaining potential eligible applicant pipeline and may choose to re-allocate funds from one program to another or place remaining applicants on hold until priority applicants are fully processed. As program application intake production is monitored, DEO may choose to adjust the percentage of funding or re-allocate additional funding from other programs with less participation to maximize assistance for priority applicants eligible and seeking HRRP assistance.

1.7 Program Education

Program education will be provided to all applicants to explain the details of the program, the application process, qualification and prioritization criteria, impacts of accepting an award, requirements for compliance after completion of activities, and long-term obligations incurred because of this funding. Program education is provided through one-on-one interactions between property owners and program staff members.

1.8 Eligible Structures

1. Traditional stick-built dwellings containing one to four units, multifamily dwellings containing five or more units, and Mobile/Manufactured Housing Units (MHUs).
2. Attached structures are eligible if they are under the common roof of the damaged single structure and permanently affixed to the structure.
3. Mobile homes or manufactured homes may be eligible for repair under this program. However, to be cost effective, the mobile home to be repaired must be no more than 5 years old at the time of assistance and the necessary repair costs must not exceed \$15,000 (hard and soft construction costs).

Any mobile/manufactured home that is older than 5 years old or has an estimated repair cost greater than \$15,000 will require the mobile/manufactured home to be replaced with another mobile/manufactured home. If repaired, the mobile home must meet program standards upon completion. Replacement mobile homes will meet applicable Green Building Standards. Local zoning and code requirements will be observed by the program.

- a) A structure where any portion of the dwelling is composed of a MHU, no matter how extensive the additions or modifications are, will be considered for repair or replacement on a case-by-case basis.
 - b) MHUs may only be replaced with another MHU where land use restrictions do not prohibit replacement of the MHU.
4. Condominiums, townhomes, duplexes, triplexes and quadplexes and other units that share a common wall (with a total of four housing units or less) may be eligible structure types. However, there may be additional restrictions related to common areas in such structures. Additionally, structures with common walls/areas may only be repaired if repair costs are cost reasonable. HRRP will not reconstruct these structure types.
 5. Public Housing Authority apartment complexes may be eligible for repair. HRRP will not reconstruct these structure types.
 6. Homes that are used for both residential and commercial purposes will be considered for eligibility on a case-by-case basis; however, if the structure is approved, repairs may be limited to the residential portion.

Ineligible structures:

1. Garages, sheds and outbuildings, not attached to the main dwelling unit, are not eligible for repair. Improvements must be physically attached to the house and be permanent in nature.
2. Recreational Vehicles and camper trailers used as a residence are not eligible for the program.
3. Houseboats used as a residence are not eligible for the program.
4. Second homes may be eligible under the rental program only if the second home is converted to affordable rental housing subject to the requisite affordability period. This limited exception will be evaluated on a case-by-case basis and will require HUD approval.
5. Seasonal, short-term and vacation rental properties are not eligible for assistance.
6. Housing units located where federal assistance is not permitted by federal regulation, including floodways, or within runway clear zones of either a civil or military airport are not eligible.

1.9 Type of Assistance Offered

Repair may be offered to applicants based on the extent of damage to the housing unit. Replacement of Mobile/Manufactured Housing Units (MHUs) will be limited to situations where local zoning/building permits, or federal requirements, such as environmental regulations, will allow the replacement of the original, hurricane-damaged structure with a like structure. Structures with common walls and areas, such as condominiums and multifamily apartment complexes, may only be eligible for repair assistance.

Understanding that it may be necessary for tenants to vacate their rental unit during the period of repair, DEO will provide relocation assistance as may be required by the Uniform Relocation Act (URA). See Tenant Relocation Assistance policy in Section 1.10.

This program does not pay for like for like replacement of materials and amenities. The program will offer standard, basic amenities to make a rental home decent, safe and sanitary and all improvements will be assessed for compliance with HUD Section 8 Existing Housing Quality Standards (HQS), and local building codes. Standard appliances that are not functioning at the time of inspection such as refrigerators, stoves and/or ovens may be replaced. Luxury items, including but not limited to, granite (or other high-end) countertops, high-end appliances, stone flooring, garage door openers, security systems, swimming pools, fences and television satellite dishes are not eligible under the HRRP. Washing machines and dryers are not eligible for replacement.

Examples of allowable, eligible repair expenses include, but are not limited to:

- Structure repairs (e.g., roof, foundation, electrical, plumbing, and windows).
- Limited debris removal necessary for access to the home or repair area.
- Mold remediation.
- Labor, material, and equipment rental to permanently or temporarily repair the damaged residence (carpeting, cabinetry, appliances, flooring, fixtures, doors, walls, and ceilings).
- Demolition costs.
- Installation of wells, septic tanks, electricity, HVAC and plumbing.
- Grading or leveling of property.
- Rental of Disposal and Removal Equipment (backhoes and dumpsters).
- Other costs or expenses associated with repairing, stabilizing, or reconstructing the property.

- Tree/shrub removal if tree/shrub blocked access to the home or presented a safety hazard.
- The following more specific examples are allowable activities:
 - Tarps.
 - Building Supplies.
 - Siding.
 - Sewer/Septic.
 - Paint.
 - Weather stripping.
 - Water heater.

Where replacement of a MHU or modular home is indicated, standard floor plan options will be offered. If a replacement home is provided, the original MHU or modular home must be demolished and removed from the site prior to the replacement of that structure. Size of the replacement unit will be determined using information related to the damaged structure's size.

Additional improvement parameters include:

1. Cost effective energy measures and improvements that meet local zoning and code, Decent Safe and Sanitary (DSS) or required Housing Quality Standards (HQS), especially those improvements which add enhanced resilience, such as elevation of major electrical components, roof strapping and other items are eligible.
2. Lead-based paint testing, mitigation or stabilization, as needed. If a home is going to be replaced or reconstructed, lead-based paint testing will not apply. The replacement/reconstruction of the property will automatically result in the removal of any potential previous hazard.
3. Asbestos testing, mitigation or encapsulation, as needed.
4. Mold testing and remediation, as needed.
5. Section 106 Architectural History compliance requirements imposed by the Florida Division of Historical Resources, as needed.
6. Accessibility features for documented special needs. Rental units inhabited by special needs or elderly (age 62 or older) persons may be analyzed as to the special physical needs of such persons. Improvements such as widened doorways, ramps, level entry and doorways and grab bars in bath areas may be installed, if appropriate. Hearing and sight impaired adaptations should also be considered. All special needs requirements must be documented prior to approval.
 - Landlord property owners committing to serving disabled tenant populations may qualify for the installation of accessibility features in their damaged rental properties.
 - Landlord intent to rent to elderly or disabled individuals/households will be documented via the owner's signed intent to market to elderly and disabled tenants.
7. Standard appliances, limited to refrigerator and stove/oven, if they are not in working order at time of inspection. Though replacement appliances may be of standard, not luxury quality, they will be EnergyStar® rated, if available.
8. Ventilation and energy efficiency items such as ceiling fans, window screens, and screen doors if missing or not functional at time of inspection.
9. Elevation height above BFE is governed by the applicable Federal Register Notice [Vol. 83, No. 28, February 9, 2018](#), which requires elevation of the bottom of the first finished floor to be at least two feet above the base flood elevation.

10. All electrical components must be inspected including service, meter, wiring and fixtures even if no electrical work is being specified. Unsafe components must be replaced. All exposed wiring, switches, and light bulbs in living areas must be encased.
11. All homes must be equipped with smoke and carbon monoxide detectors installed in conformity with code requirements.
12. Additional related costs such as green building and mitigation requirements, insurance, accessibility modifications, repair or replacement of water, sewer and utility connection needs may be included.

1.10 Tenant Relocation Assistance

Priority will be placed on the rehabilitation of housing, as opposed to demolition, where feasible, to avoid displacement. All tenants will be provided with the requisite notices under the Uniform Relocation Act (URA) and at the timing intervals specified in the Act. All tenants to be displaced because of HRRP shall be offered, at a minimum, relocation advisory assistance as outlined in 49 CFR Part 24.205, including assistance in filing claims and appeals.

If the HRRP determines that it is necessary to temporarily relocate tenants in a building being repaired, replaced or reconstructed, the tenant is eligible for:

1. Referral to decent, safe, and sanitary temporary housing;
2. Reasonable, out of pocket moving expenses;
3. Any increase in housing costs for the time the person is away from the building, including any increase in rent and utilities;
4. Utility disconnects and reconnects, as necessary; and
5. The right of first refusal to move back into the unit the tenant previously occupied.

In no case will tenants be required to relocate for a period to exceed 12 months. If the time away from a unit exceeds one year, the tenants shall be contacted and offered the choice to wait longer or be treated as a permanently displaced person and as such, will be provided full coverage and assistance as a permanently displaced tenant under the URA.

The HRRP will review all claims for relocation assistance in an expeditious manner. The claimant will be promptly notified of any additional documentation that is required to support the claim. Payment of the claim shall commence within 30 days following receipt of documentation to support claims.

If a person demonstrates need for an advance relocation payment to avoid or reduce hardship, the person will be issued the needed portion of the payment, subject to safeguards as appropriate, to ensure that the objective of the payment is accomplished.

In general, citizens and individuals with qualified alien status are eligible for benefits under the URA and illegal residents are not entitled to such benefits. In cases where there are one or more legal residents in the household, benefits can only be provided on a pro-rata basis in some cases, and only if it determined that displacement would cause an extreme hardship if the assistance is not provided (49 CFR 24.208). However, any displaced tenant, regardless of his or her status shall be offered the right of first refusal to move back into the repaired rental unit at affordable rents, as defined in these guidelines.

No person shall be denied eligibility for URA benefits to which he or she otherwise would be entitled solely because the person is unable to meet the occupancy requirements set forth in the URA regulations for a reason beyond his or her control, including:

1. A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal Agency funding the project, or the displacing Agency; and

2. Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay, as determined by the HRRP.

There is a prohibition against the HRRP making a payment to a person under the URA regulations that would duplicate another payment the person receives under Federal, State or local law. The HRRP is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the HRRP's knowledge at the time a payment is computed.

Each applicant must provide information on the current occupants of their property, if any, on their application. Applicants must also provide the occupant information for all occupants in tenancy on the date of the disaster.

Landlords must not evict or otherwise force the displacement of current tenants to apply for this program. Doing so will:

- a. Make the owner landlord ineligible to receive benefits from the program;
- b. Result in legal penalties; and
- c. Trigger permanent relocation assistance to the tenant, for which the landlord will be responsible. The landlord will be required to reimburse the program for all relocation expenses (temporary or permanent) associated with the displacement of tenants if the program is forced to handle these costs. These costs may include increased housing costs, moving expenses and necessary out-of-pocket expenses for the displaced tenants or other housing assistance payment costs mandated by the URA.

Properties may not be rented subsequent to the date of application for assistance and prior to construction completion resulting in the issuance of a Certificate of Occupancy (COO).

If at any time tenants are forced to move out, relocation policies will be followed.

Tenants who were displaced on September 10, 2017 as a direct result of Hurricane Irma may be eligible for relocation assistance under URA. The program will perform its due diligence to locate displaced tenants and offer the required assistance.

Detailed supplemental policies and procedures will be developed by HRRP to govern the implementation of the URA requirements.

1.11 Construction Standards

The HRRP will implement construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance, as required in [Federal Register, Vol. 83, No., 28, February 9, 2018](#). All repair, reconstruction and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation against the impact of future disasters. HRRP will implement and monitor construction results to ensure the safety of residents and the quality of homes assisted through the program. All housing units repaired or replaced must comply with program standards. These include the following minimum standards:

1. Construction standards will be based on the Florida Building Code (FBC) and must meet or exceed applicable requirements.
2. Construction will comply with the Florida Green Building Standard for all new construction of residential buildings and for all replacement of substantially damaged residential buildings (i.e., where repair costs exceed 50% of replacement cost as determined by the local jurisdiction),
3. For repair projects, the state will follow the HUD Green Building Retrofit Checklist to the extent feasible and applicable to the repair work undertaken. This will include the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the repair work, repair is required to use ENERGY STAR-labeled, WaterSense-labeled,

or Federal Energy Management Program (FEMP)-designated products and appliances, or other equivalent, when feasible. The HUD Green Building Retrofit Checklist is available at <https://www.hudexchange.info/resource/3684/guidance-on-the-cpd-green-building-checklist/>.

4. Housing units assisted with CDBG-DR funds must meet all applicable local and state codes, repair standards, ordinances, and zoning ordinances at the time of project completion. All deficiencies identified in the final inspection must be corrected before final payment is released.

1.12 Accessibility Standards

Properties that are or will be rented to physically disabled tenants or tenants with a disabled household member may be entitled to additional construction considerations such as roll-in showers, lowered countertops, pedestal sinks, bathroom grab bars, widened doorways, accessible toilets or other accessibility features that will assist with the individual's functional needs. The program will assess eligibility for these features on a case-by-case basis. Property owners may point out these needs during the damage assessment inspection by speaking with the program's assigned inspector.

1.13 Allocation and Housing Assistance Caps

A total of \$346,186,147 has been set aside for the HRRP. This allocation may be increased or decreased based on the demand for the program and with an amendment to the *Action Plan*, as well as approval by HUD. Assistance for each property is capped at \$150,000.00, less any Duplication of Benefits. All construction costs (hard and soft costs), mitigation measures, elevation costs, site improvements, and construction standard conditions (dumpsters, on-site toilets, permitting, variances) are included in the cap. Exceptions will be considered on a case-by-case basis. Rental properties that contain five or more units will undergo an additional feasibility analysis to determine the cost reasonableness of the project.

Projects may fail to move to completion for a variety of reasons, including but not limited to, property owner withdrawal from the program and owner refusal of benefit. Should a property undergo environmental review and hazard testing, but then fail to make it through construction, these costs (as well as any other project delivery costs expended) will remain project delivery costs.

1.14 Feasibility of Repair Analysis

As a recipient of Federal funds, DEO is charged with ensuring that the costs of its activities are reasonable and necessary. Therefore, each property assessed under the HRRP will be analyzed for feasibility. The preliminary budget, called the Scope of Work Estimate (SWE), will be prepared to indicate the potential cost of demolition, elevation, and repair or replacement, as appropriate. The SWE will include the costs for all additional mitigation and accessibility requirements.

Properties with repair and/or elevation cost estimates that meet or exceed 75% of a comparable replacement house, as determined by the program, will be reconstructed or replaced. They will not be repaired. Properties with repair and/or elevation cost estimates that meet or exceed a comparable reconstruction or replacement house will be limited to reconstruction or replacement as a more cost reasonable option. Situations where replacement, reconstruction and/or elevation will be required include:

1. Homes that have already been demolished may be replaced or reconstructed.
2. Homes that are condemned (red tagged) by the local jurisdiction may be replaced or reconstructed.
3. Homes that are structurally unsafe or that have other conditions that make interior inspection by program staff unsafe or impossible may be replaced or reconstructed.

4. As stated in the *Action Plan*, repair of a Mobile/Manufactured Housing Unit (MHU) greater than 5 years old and/or with more than \$15,000 worth of Hurricane Irma repairs is not feasible and replacement is warranted.
5. If a local jurisdiction has issued a substantial damage determination for a slab-on-grade residential structure located inside the 100-year floodplain, the structure will be reconstructed and elevated. Repair is not an option. A pier and beam structure will be reviewed for repair and elevation on a case-by-case basis.
6. If the local jurisdiction has issued a substantial improvement determination for a residential structure located inside the 100-year floodplain, the structure must be elevated.
7. Mobile home units that will require elevation above the standard installation height will be replaced with a modular housing unit elevated to program standards.

1.15 Resiliency and Mitigation

In compliance with HUD goals, as expressed in [Federal Register Notice Vol. 83, No., 28, February 9, 2018](#), the program has established a Resilient Home Construction Standard to enhance property resistance to future wind-borne disaster. This standard includes resiliency and mitigation measures that are intended to provide enhanced construction materials for specific housing components including roofing, windows and doors. The Resilient Home Construction Standard will be applied to all homes that have verified Hurricane Irma repairs that remain an unmet need and will be repaired by the program. The resiliency and mitigation options will not be available as stand-alone construction benefits, in the absence of other Hurricane Irma damage. See Section 8.2 for additional details about the Resilient Home Construction Standard.

Resiliency and mitigation measures go above and beyond basic unmet housing repair needs in order to meet HUD and DEO housing resiliency standards. DEO has selected these resiliency mitigation measures to provide Florida residents with stronger housing in the face of future disasters. As such, these measures will not be included in the feasibility calculation for determining whether a home should be repaired versus reconstructed.

Feasibility is determined by the application of a cost reasonableness test, as outlined in the *2018 State of Florida Action Plan for Disaster Recovery* and as described in Section 1.14 of this manual. The cost reasonableness test will compare the cost of base repairs (excluding any enhanced resilience measures) to the program-estimated value of the home.

1.16 Applicant Responsiveness

During the application process, a rental property owner is required to respond in a timely fashion with program requests for information/materials to complete the eligibility process. At no time should a request for additional information go unanswered beyond 30 working days. If the rental property owner needs an extension, a clarification, or assistance, they may request assistance within the 30-day window. If the rental property owner fails to provide the requested information/materials or fails to ask for an extension or assistance, their application will be considered on hold until the information is provided.

If a rental property owner becomes unresponsive, the application will be closed. "Unresponsive" is defined as the failure to answer or return three consecutive phone calls, and failure to respond to written requests within program timeframes. Closure of an application for unresponsiveness may be appealed once. If a successful appeal results in the reactivation of an application, subsequent closure for unresponsiveness is not appealable.

1.17 Applicant Responsibilities

Applicants who receive assistance from the HRRP have the following responsibilities:

1. HRRP will not be responsible for lost or damaged belongings of the applicant that have occurred during construction. The applicant must secure or relocate all personal property until construction is complete.
2. The applicant must arrange access to the property for building contractors providing construction services. If reasonable and timely access is denied to a Building Contractor who is making a good faith effort to perform required repairs, the award may be terminated.
3. During construction, the applicant must not interfere in repair areas and must make a reasonable effort to stay away from the construction zone.
4. Upon completion, the property must meet Housing Quality Standards (or current standards), local Florida building code requirements, and benefit Low- to Moderate-Income persons (LMI) earning 80% or less of the AMI as defined by HUD and detailed in the Housing and Community Development Act of 1974 (HCDA) Title I, 105(a).
5. The rent for the unit occupied by the LMI household must be at an affordable rate. The units occupied by LMI households must comply, at a minimum, with the High HOME rent limits published by HUD under the HOME Investment Partnership program through the affordability period. Compliance with rent limits is calculated in the same manner as HUD programs.
6. Property must be used for year-long rental housing and may not be used as a second home or for seasonal rental property.
7. Rental properties vacant at the time of application must be leased to LMI households within 60 days of project completion.
8. Tenant income information must be provided to the program for review and approval prior to executing the lease and/or move-in date. Landlords will solicit and approve their own tenant base and DEO will not make any judgment on the suitability of tenants other than verifying that their income meets program requirements.
9. The property must be retained as an LMI rental property after project completion for rehabilitated or reconstructed single family rental units and multifamily rental units for a minimum period of 1 year if it contains 4 units or less, and a minimum period of 15 years if it contains 5 units or more.
10. Owners must maintain insurance coverage (not less than contract amount) and flood insurance (if applicable). Federal law requires people who live or own residential property in a floodplain to carry flood insurance in perpetuity on that property. A grant agreement, deed restriction, covenant, or similar enforcement vehicle will be required to be placed on the property to ensure that flood insurance be maintained on that property in perpetuity.
 - a) Failure to maintain flood insurance, when required, will result in the applicant and the property being ineligible for future federal disaster relief.
 - b) HRRP will pay for one year of flood insurance if the property owner currently does not have flood insurance and did not receive prior federal assistance. The owner is responsible for obtaining, paying and maintaining all flood insurance premiums after the first year.
 - c) If located in a 100-year floodplain, the applicant will be required to maintain flood insurance in perpetuity and notify future owners of flood insurance requirements.
11. Property owners must keep current on all property taxes.
12. Property owners must meet all requirements agreed upon in the executed legal documents required by the program.
13. All owners should be listed on the program application. Rehabilitation files will only require one owner to sign program forms and execute the grant agreement. Reconstruction and replacement

files will require one owner to sign program forms and the grant agreement; however, any person with an ownership interest in the damaged property will be required to provide his/her/their consent to demolish the damaged structure prior to the execution of the grant agreement. HRRP is not liable for any dispute arising between property owners.

14. All debris, abandoned vehicles and buildings that pose a safety and/or health threat as determined by the local jurisdiction or person qualified to make such a determination, must be removed from the property prior to the start of construction. The property owner will remove derelict personal property. The property owner has 30 days from the date of contract signing to remove all such debris and derelict property from the construction site. Failure to remove such property may result in a reduction in total benefit amount to account for program removal and if such reduction results in a new feasibility determination that the project is no longer feasible, the applicant will be determined ineligible and the application will be closed.

1.18 Complaints/Appeals/Conflict of Interest

A complaint and appeals procedure will be afforded to applicants and tenants. Complaints may be lodged regarding all concerns that arise related to the procedures followed and services provided by HRRP. Appeals may be lodged only upon the deliverance of an adverse program decision regarding eligibility, closure of an application or denial of relocation assistance to a tenant and only within the parameters set by the Appeals procedure. No person may appeal program policy.

An appeals process initiated by the applicant or a tenant will include an informal and formal, written grievance procedure which may include, but not be limited to, informal hearings, third-party review or administrative review. HRRP will render a decision regarding exception reviews and formal appeals. Appeals, grievances, and exceptions will be further explained in the Complaints, Appeals and Exceptions Procedures. See Appendix B Reconsideration/Appeal/Complaint Process.

1.18.1 Fair Housing Complaints

DEO certifies that the HRRP will be conducted and administered in conformity with title [VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000d), the [Fair Housing Act](#) (42 U.S.C. 3601– 3619), and implementing regulations, and that it will affirmatively further fair housing.

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

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

1.18.2 Conflict of Interest

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

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

An exception to the conflict of interest provision may be granted should it be determined that DEO has adequately and publicly addressed all of the concerns generated by the conflict of interest and that an exception would serve to further the purposes of [Title I of the Housing and Community Development Act of 1974](#) and the effective and efficient administration of the program. No party will enter into a conflict of interest until a request for an exception has been granted.

1.19 Anti-Fraud and Compliance Policies

The Office of the Inspector General's Act of 1978 requires policies to prevent waste, fraud, and abuse. DEO has established procedures for verifying the accuracy of information provided by applicants, vendors and subrecipients. The Rebuild Florida HRRP will investigate all allegations regarding eligibility and the disbursement of funds or any other allegations of fraud or noncompliance.

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

Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov).

1.20 Files, Records and Reports

In accordance with [24 CFR 570.490](#), DEO is required to maintain all program and project-related documentation such as financial records, supporting documentation, and statistical records. Records must be retained for a period no less than five (5) years after the physical year of the grant closeout or three (3) years after the grant closeout with HUD, whichever is longer.

At a minimum, the following types of records are required to be established for each subrecipient:

- Records providing full description of each activity;
- Records verifying that activity meets national objectives;
- Records related to demonstrating eligibility of activities;
- Records required to document activity related to real property;
- Records documenting compliance with the fair housing and equal opportunity requirements;
- Financial records and reports required by DEO;
- Performance reports required by DEO; and
- Records supporting any specific requirements of the grant.

1.21 State and Federal Audits

Audit activities are a routine component of CDBG-DR activities and can be conducted by state and/or federal agencies for financial, operational, or programmatic purposes.

The State of Florida has an Auditor General (AG) that acts as independent external auditor. The AG conducts audits of accounts and records of state agencies to determine whether financial resources are

properly accounted for; public officials comply with applicable laws, rules, regulations, and other legal requirements; proper and effective internal controls are in place over entity operations; and assets are properly safeguarded. The State has the right to audit, and all aspects of the HRRP are subject to review and audit.

Additionally, DEO's Office of Inspector General (OIG) has two separate functional areas—one area that conducts audits to add value and to improve an agency's operations and the other area to investigate waste, fraud, and abuse claims and hotline complaints, which can also occur in CDBG-DR programs.

On the federal level, HUD's OIG conducts preliminary research (a survey) and/or audits of disaster recovery programs, which are typically done once programs are underway and funds have been expended by a grantee. Through HUD OIG's audits and evaluative and investigative efforts, the OIG works to ascertain that disaster assistance funds have been expended as Congress intended.

1.22 Procurement Requirements

DEO will abide by the Procurement process mandated by federal and state government codes as they are applicable to the program. The standards and guidelines for procurement of supplies, equipment, construction, engineering, architectural, consulting and other professional services have been established in the DEO Purchasing and Contracting Guidelines that have been developed in compliance with federal and state requirements. The procurement process includes the decision to purchase as well as the process to complete the purchase. The federal government has established a set of procurement rules in 2 CFR Part 200.317-326 that apply to CDBG-funded projects. These rules are in place to ensure that federal dollars are spent fairly and encourage open competition for the best level of service and price. If a conflict between federal and local procurement regulations should occur, the more stringent regulation will be followed.

DEO will establish compliant standards for construction. To ensure full and open competition, construction contractors will be qualified through a competitive solicitation process in accordance with Florida Statutes Chapter 287 and will follow 24 CFR 570.487(g) at a minimum. Contractors will comply with section 3 of the Housing and Urban Development Act of 1968 (12. U.S.C. 1700lu) and implementing regulations at 24 CFR part 153. Contractors selected under DEO will ensure that low and very low-income persons; particularly directing opportunities to local residents and businesses that meet the qualifications of the project. Contractors will make every effort to recruit, target, and direct opportunities to Section 3 residents and businesses as well as notifying Section 3 residents about training opportunities. DEO will provide Contractors with helpful resources to maximize these efforts including, but not limited to, a Section 3 Business Registry, and examples of training and employment opportunities. Additional requirements and clarification on procurement requirements can be found at <http://www.floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-irma/irma-comprehensive-policies-and-procedures-draft-5-3-2019.pdf?sfvrsn=2>

2.0 Single Family Rental Eligibility Requirements

The following are threshold requirements, which must be met for an applicant to be eligible for assistance. Eligibility does not assure assistance, since a prioritization strategy will be required (consistent with program requirements) and it is expected that there will be more eligible applicants than can be served with available funds. Threshold requirements are those that will either allow an applicant to continue to move forward in the program or result in disqualification. Described in more detail below, the threshold criteria for the Rebuild Florida HRRP are:

1. September 2017 storm damage with remaining unrepaired damage;
2. Location of damaged property within HUD- or state-identified Most Impacted and Distressed (MID) areas or a Presidentially-declared disaster area resulting from Hurricane Irma;

3. At least one person on the application with an ownership interest in-part or in-whole on the property must be able to demonstrate U.S. Citizenship or Lawful Permanent Residency;
4. Proof of ownership at the time the disaster damage occurred and maintained ownership;
5. Applicant is current on all loan obligations for the property;
6. Damaged structure is used as long-term rental property and not as a second home or seasonal rental. Alternatively, structure will be converted to long-term rental property;
7. Property taxes are current; and
8. Income of existing or future tenants is or will be Low- to Moderate-Income (LMI).

2.1 Hurricane Irma Damage

The home must have been damaged by or has damage as a result of Hurricane Irma in September 2017 and must have unrepaired damage as of the date of application. Damage to the home not caused by Hurricane Irma may be addressed only on structures that have Irma storm related damage.

Proof of Damage options include:

1. FEMA, SBA or Insurance award letters constitute de facto proof that the home was damaged by Irma.
2. In the event that the above-referenced documentation is not available, an inspection report (complete with photos of the damage and a written assessment of the damage) from a damage assessment conducted by the HRRP that certifies that the damage occurred as a result of the hurricane will be acceptable.
3. In the event that FEMA, SBA or Insurance award letters are not available, and an inspection report is inconclusive as to the cause of the damage, the HRRP may use alternative evidence, such as neighborhood-level media reports or documentation of damage by disaster response/relief organizations on a case-by-case basis.
4. If a property owner was denied assistance by FEMA, assistance through the CDBG-DR program may still be available as long as damages can be tied back to Hurricane Irma. DEO prohibits the denial of assistance by FEMA to be used as a sole basis for the denial of CDBG-DR assistance.

2.2 Location

According to the Federal Register [Vol. 83, No. 28, February 9, 2018](#) and [Vol. 83, No. 157, August 14, 2018](#), the damaged property must be located in the HUD- or state-designated MID areas of: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Union, Volusia counties and 32068, 32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 33935, 34266 ZIP codes. For Mobile/Manufactured Housing Units (MHUs), the damaged MHU must have been located in one of these areas at the time of the storm. Alternatively, the property may be located in a non-MID designated area that received a presidential disaster declaration in response to Hurricane Irma.

2.3 Proof of U.S. Citizenship or Lawful Permanent Resident

The Program will comply with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") in determining eligibility for assistance. U.S. Citizens or Lawful Permanent Residents are eligible to receive benefits under this Program. At least one person on the application with an ownership interest in-part or in-whole on the property, must be able to demonstrate U.S. Citizenship or Lawful Permanent Resident to ensure Program eligibility.

The documentation needed to verify U.S. Citizenship or Lawful Permanent Resident may include, but is not limited to, the following:

- If the applicant, who also appears on ownership documentation, has a valid REAL ID compliant Driver's License or REAL ID compliant Identification Card, the program will consider this validation complete.
- In the event a REAL ID compliant Driver's License or Identification Card is not available, applicants that have confirmed assistance using FEMA IA or SBA data for property assistance will be considered verified using this method since both FEMA and SBA validate legal residency as part of their application process.
- Applicants without a REAL ID compliant Driver's License, REAL ID compliant Identification Card, FEMA IA or SBA assistance, must submit one of the following:
 - Resident Alien Card;
 - U.S. Birth Certificate (verified against government-issued photo ID); or
 - U.S. Passport or Certificate of Naturalization.

2.4 Ownership

The applicant must currently be the owner of the damaged property to be eligible for the program. Applicants in default or foreclosure on the rental property may not proceed.

Applicants with outstanding liens and judgments must clear the liens and judgments to participate in the program. Applicants will have 6 months from the date of application to clear such liens and judgments.

Ownership will be verified through tax records, title searches or applicant provision of warranty deed. The program may consider other proof documentation on a case-by-case basis.

Legal entities, such as LLCs, corporations or businesses, having ownership of the damaged property at the time of Hurricane Irma are an eligible form of ownership. However, the applicant must demonstrate that the entity has approved a resolution to apply for the program.

2.5 Use of Property

Applicant must prove that the property is currently used as a rental property and that it will continue to be used for long-term rental, not vacation or seasonal rental purposes. Alternatively, the applicant must certify that the property will be used for long-term rental once it has been repaired, replaced or reconstructed. A grant agreement, deed restriction, covenant or similar enforcement vehicle will be required and will be placed on the property because of an applicant obtaining assistance from HRRP. HRRP will monitor the marketing of the rental unit for compliance with Fair Housing standards. Rent rolls will be evaluated each year for the term of the applicable affordability period, after construction has been completed, to verify that the property has been rented to LMI individuals/households and that rent rates are in compliance with program requirements.

2.6 Property Taxes

All applicants must be current on their property taxes. HRRP will have the applicant provide documentation from the local Tax Assessor's Office or may obtain such information electronically from a local Tax Collector's Office.

2.7 Property Type

Single family structures and multifamily structures may be eligible. Single Family structures are defined as residential structures containing four or fewer units, and multifamily structures contain five units or more. This includes non-owner-occupied duplexes, tri-plexes and quadraplexes.

2.8 Ineligible Applications

The following types of ownership are ineligible for assistance under this program:

1. Property owners who lost ownership of their homes due to foreclosure are ineligible for assistance.
2. Persons and properties found to be non-compliant with FEMA regulations or failed to comply with the requirements of the National Flood Insurance Reform Act are not eligible for assistance. Noncompliance in this context means a property where the owner failed to obtain and maintain flood insurance after receiving federal funding for a previous disaster.

2.9 Certification Requirements to Receive Assistance

All applicant(s) must agree to the following to receive assistance:

1. Sign a release so that information provided by the applicant(s) can be shared with state and federal agencies and certain third parties to verify information given to the program. The applicant and co- applicant are required to sign the release (unless one of the eligible owners has provided power of attorney to the other to represent them, then the eligible owner does not need to sign release).
2. Agree to verification of their ownership status, the amount of disaster-related damage to the home and assistance received by all previous sources.
3. Agree to provide tenant income information to the program for review and approval prior to executing the lease and/or move in date.
4. Agree to stop all on-going construction activities at the time of application.
5. Maintain flood insurance on the property in perpetuity if it is located in the 100-year floodplain.
6. Swear to the accuracy and completeness of all information provided to the program under penalty of law.
7. Acknowledge that any overpayment of benefit will be subject to recapture.
8. All applicants must agree to sign a number of documents to receive assistance. These documents are fully explained in later sections and in the legal documents executed at contract signing or closing. This includes revised documents necessary to acknowledge changes post-closing.
9. All HRRP-assisted rental units must be restricted for Low- to Moderate-Income (LMI) persons during the affordability period. The rents, at a minimum, must comply with High HOME Investment Partnership (HOME) Rents. Rents may not exceed 30% of the monthly income for a household earning 80% or less of the Area Median Income (AMI).

Please see Multifamily Rental Eligibility Requirements section located under Part 3 to see eligibility requirements specific to multifamily housing under HRRP.

3.0 Multifamily Rental Eligibility Requirements

Rental properties with five or more units are considered multifamily projects. Multifamily projects will be assigned to the (DEO) Housing Repair and Replacement Program (HRRP) Multifamily Project Manager rather than proceeding through the standard case management process. Applications for multifamily projects will be completed via a manual process and in coordination between the Multifamily Project Manager and the property owner.

Listed below are the threshold requirements that must be met for an applicant with five or more units to be eligible for assistance. Eligibility does not assure assistance since a prioritization strategy will be required (consistent with program requirements) and it is expected that there will be more eligible applicants than can be served with available funds. Threshold requirements are those that will either allow an applicant to continue to move forward in the program or result in disqualification. The threshold criteria for the Rebuild Florida HRRP are as follows:

1. September 2017 storm damage with remaining unrepaired damage;
2. Location of damaged property within HUD- or state-identified Most Impacted and Distressed (MID) areas or a Presidentially-declared disaster area resulting from Hurricane Irma;
3. Proof of ownership at the time of the disaster damage occurred and have maintained ownership;
4. Applicant must be current on all loan obligations for the property;
5. Damaged structure is used as long-term (one year or more) rental property and not as a second home or seasonal rental. Alternatively, the structure will be converted to long-term rental property;
6. Property taxes are current;
7. Property type must be residential structures with 5 or more units, or multiple residential structures located on adjacent lots. All units must be owned by the same owner(s). All units must be utilized for long term rentals;
8. Project requires at least one unit out of two to be occupied by a Low- to Moderate-Income (LMI) household (i.e., at or below 80% AMI). If the structure contains more than two units, at least 51% of the units must be occupied by an LMI household. Mixed income projects may be funded, but only to the extent of the owner's willingness to apply the national objective to all units assisted;
9. Owner can prove financial solvency and that any additional funds required for the completion of the project have already been secured prior to commitment of funding by the HRRP; and
10. Cost reasonableness of the project.

3.1 Hurricane Irma Damage

The property must have been damaged by or has damage as a result of Hurricane Irma in September 2017 and must have unrepaired damage as of the date of application. HRRP will verify by inspection that the property was damaged using a damage verification process.

Proof of damage can be proven by:

1. FEMA, SBA or insurance award letters constitute proof that the property was damaged by Hurricane Irma.

2. In the event the above-referenced documentation is not available, an inspection report (complete with photos of the damage and a written assessment of the damage) from a damage assessment conducted by HRRP that certifies that the damage occurred as a result of Hurricane Irma will be acceptable.
3. If FEMA, SBA or insurance award letters are not available and an inspection report is inconclusive as to the cause of the damage, the HRRP may provide alternative evidence, such as neighborhood-level media reports or documentation of damage by disaster response/relief organizations on a case-by-case basis.

3.2 Location

The damaged property must be located in the HUD- or state-designated Most Impacted and Distressed (MID) areas of: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Union, Volusia counties and the 32068, 32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 33935, 34266 ZIP codes.

3.3 Ownership

The applicant must have owned the property at the time of Hurricane Irma and must currently be the owner of the damaged property to be eligible for the HRRP. Applicants in default or foreclosure on the rental property may not proceed.

Applicants with outstanding liens and judgments must clear the liens and judgments to participate in the program. Applicants will have six months from the date of application to clear such liens and judgments.

Ownership will be verified through tax records, title searches or the applicant's provision of a warranty deed. The program may consider other proof documentation on a case-by-case basis.

Failure to maintain ownership throughout the entire grant period, including the 15-year compliance period, will result in recapture of CDBG-DR funds invested in the property or properties.

3.4 Use of Property

The applicant must prove that the property is currently used as a rental property and that it will continue to be used for long-term rental, not vacation or seasonal rental purposes. Alternatively, the applicant must certify that the property will be used for long-term rental once it has been repaired, replaced or reconstructed. The affordability along with any other deed restrictions, covenants, etc. will be enforced through a regulatory grant agreement that will remain in force for a period of 15 years. The grant agreement will also bind any future owners of the property, including lenders who may acquire a project by foreclosure. HRRP will monitor the marketing of the rental unit(s) for compliance with Fair Housing standards. Rent rolls will be evaluated each year for the term of the applicable affordability period (minimum of 15 years), after construction has been completed, to verify that the property has been rented to LMI individuals/households and that rent rates meet program requirements if applicable.

3.5 Property Taxes

All applicants must be current on their property taxes. HRRP requires that the applicant provide documentation from the local Tax Assessor's Office or obtain such information electronically from a local Tax Collector's Office.

3.6 Property Type

Residential structures with 5 or more units, or multiple residential structures located on adjacent lots may be eligible. All must be owned by the same owners(s). Rental terms must be for long-term (one year or more) tenancy, remain affordable for a minimum 15-year period to LMI households and the property may not be used for a temporary or vacation rental.

3.7 Income Limits for Tenants

A minimum of 51% of the units must be occupied by Low- to Moderate-Income (LMI) households and will be restricted for 15 years to LMI households earning 80% or less of the Area Median Income (AMI) in order to qualify for assistance.

3.8 Financial Solvency of Owner

HRRP will perform a financial review of the property to verify that the owner is financially solvent and current on all obligations. The purpose of this review is to ensure that the project will be maintained as affordable rental housing for the requisite compliance period. This review is also intended to establish proof that any additional funds required for the completion of the project have already been secured by the owner, prior to commitment of funding by the HRRP.

The property owner will be required to provide existing financial statements to include the most current balance sheets equaling a total of six consecutive months. If the multifamily project is owned and operated by a Public Housing Authority (PHA), HRRP will confirm that the PHA is not on the list of 'troubled PHAs' published by HUD.

3.9 Cost Reasonableness of the Project

HRRP will assess the entire project for cost-reasonableness to determine whether rehabilitation or reconstruction of the property is necessary. The property owner may be required to provide additional documentation such as disclosure of planned future development, along with cost projections, engineering reports or other documentation necessary to make this determination. Only projects that can be demonstrated as cost-reasonable may proceed. Assistance for each unit is capped at \$150,000, less any Duplication of Benefits. All construction costs, mitigation measures, site improvements and construction standard conditions (dumpsters, on-site toilets, permitting, variances) are included in the cap.

Projects that are not determined to be cost-reasonable to repair will require reconstruction. If reconstruction is the only option, the owner will be referred to other available programs as HRRP will not reconstruct multifamily projects that consist of multiple units that share common areas and walls. The property owner is responsible for monitoring application periods for any other program that would fund reconstruction or new construction of multifamily housing.

Mobile/manufactured homes must be no more than five years old at the time of assistance and the necessary repair costs must not exceed \$15,000 (hard and soft construction costs), less any Duplication of Benefits. All construction costs (hard and soft cost) are included. Any mobile/manufactured homes that are not determined to be cost-reasonable will be eligible to be replaced with another mobile/manufactured home. The new replacement unit must meet the applicable Green Building Standards.

3.10 Rent Requirements

Under the High HOME Investment Partnership (HOME) Rents, every assisted unit is subject to rent limits designed to help make rents affordable to low-income households throughout the applicable period of affordability. Therefore, for properties with five or more assisted units, at least 51% of the units must have rents which are no greater than:

- 30% of the tenant's monthly adjusted income; or
- 30% of the annual income of a household whose income equals 50% of the area median income; or
- If a project has a federal or state project-based rental subsidy and the tenant pays no more than 30% of his or her adjusted income toward the rent, the maximum rent may be the rent allowable under the project-based rental subsidy program.

Tenants must be given at least 30 days written notice before increases in rent are implemented, and under no circumstances can this increase be implemented until the tenant's lease expires.

3.11 Ineligible Applications

The following types of ownership are ineligible for assistance under this program:

1. Property owners who lost ownership due to foreclosure are ineligible for assistance;
2. Persons and properties found to be non-compliant with FEMA regulations or failed to comply with the requirements of the National Flood Insurance Reform Act are not eligible for assistance. Noncompliance in this context means a property where the owner failed to obtain and maintain flood insurance after receiving federal funding for a previous disaster;
3. Property owners who are in default, but who have not yet gone into foreclosure, are not eligible for assistance;
4. Property owners who cannot demonstrate financial solvency for the project are not eligible;
5. Property owners who do not have financing secured to complete the project, above what the HRRP grant will cover, are not eligible; and
6. Property owners who do not meet any other eligibility criteria.

3.12 Davis-Bacon Act Compliance

All properties with eight or more units will be monitored for compliance with the [Davis-Bacon Act, 40 U.S.C. 3141](#) et seq., requirements related to the construction activities.

3.13 Broadband Infrastructure

All multifamily rental properties will be assessed for feasibility of the installation of broadband infrastructure when the project results in reconstruction or substantial improvement of the property. Substantial improvement is determined by the local jurisdiction.

3.14 Certification Requirements to Receive Assistance

All applicants must agree to the following to receive assistance:

- Sign a release so that information provided by the applicant(s) can be shared with state and federal agencies and certain third parties to verify information given to the program. The applicant and co-applicant are required to sign the release, unless one of the eligible owners has provided power of attorney to the other to represent them, then the eligible owner does not need to sign release;
- Agree to verification of their ownership status, the amount of disaster-related damage to the and property assistance received by all previous sources;
- Agree to provide tenant income, race and ethnicity information to the program for review and approval in connection with reporting and Fair Housing requirements prior to executing the lease and/or move-in date;
- Agree to stop all ongoing construction activities at the time of application;
- Implement an affirmative marketing plan to ensure that marketing practice is in compliance with the Fair Housing Standards;
- Maintain detailed rent rolls;
- Maintain casualty insurance;
- Maintain flood insurance on the property in perpetuity if it is located within the 100-year floodplain;
- Swear to the accuracy and completeness of all information provided to HRRP under penalty of law;
- Acknowledge that any overpayment of benefit will be subject to recapture in accordance with Duplication of Benefits procedures and the [Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 100-707](#), signed into law November 23, 1988; amended the [Disaster Relief Act of 1974, PL 93-288](#); and
- All applicants must agree to sign several documents to receive assistance. These documents are fully explained in later sections and in the legal documents executed at contract signing or closing. This includes revised documents necessary to acknowledge changes post-closing.

3.15 Long Term Compliance Requirements

All applicants must provide the following information on an annual basis, for 15 years:

- Tenant Income;
- Rent rolls (detailed);
- Proof of affirmative marketing practice materials;
- Proof of casualty insurance;
- Proof of flood insurance if property is located within the 100-year floodplain; and
- Proof that leasing practices comply with Fair Housing requirements.

4.0 Duplication of Benefits

4.1 Overview

Eligible applicants may have previously received assistance from other sources for the repair of their storm damaged property. Under the requirements of [The Robert T. Stafford Disaster Assistance and Emergency Relief Act](#) (42 U.S.C. 5121, et seq.), as interpreted and applied by HUD, HRRP must take into account certain aid received by property owners in determining the amount of assistance which can be granted. HRRP will follow [HUD's Duplication of Benefits Guidance](#). The following are sources of funding assistance provided for structural damage and loss that are considered Duplication of Benefits (DOB) and under federal law **must** be deducted from the assistance provided by Rebuild Florida HRRP:

1. FEMA Individual Assistance for Structure (IA);
2. FEMA National Flood Insurance Program (NFIP);
3. Private Insurance;
4. Increased Cost of Compliance (ICC);
5. Small Business Administration (SBA)*; and,
6. Any other funding source available to the applicant for the same purpose as the CDBG-DR grant that may duplicate assistance.

Funds received from any source including flood insurance, FEMA and hazard insurance that were used to cover repair to the property will reduce the amount of disaster assistance if the evidence of expenditures to repair the property at least equals the amount of assistance provided from the source. Documentation must be provided demonstrating the cost and type of repair conducted.

Any additional funds paid to applicants for the same purpose as the HRRP housing assistance award after the State has completed the repair, rehabilitation or replacement of the applicant's housing units must be returned to DEO.

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S. C 287, 1001 and 31 U.S.C. 3729.

*SBA inclusion in DOB may be revised in the future.

4.2 FEMA Disaster Recovery Grants

FEMA disaster recovery grants will be determined and verified by HRRP through the FEMA database. If HRRP is unable to verify the FEMA grant amount through the FEMA database, HRRP will use the payment amount provided by the applicant at the time of application.

If an applicant can provide documentation demonstrating that the FEMA grant amount provided by the FEMA database includes non-structural related amounts, HRRP will use the documentation provided by the applicant to adjust the FEMA grant payout amount. The documentation provided by the applicant must come from FEMA and it will be included in the applicant file.

4.3 FEMA National Flood Insurance Program (NFIP) Insurance

Any payments for loss to the dwelling during Hurricane Irma under NFIP insurance policies may be deducted from the amount the applicant is eligible to receive. Payments for contents or other expenses

are not deducted from the award, as these are not duplicative of payments for structural loss. HRRP will verify payments by reviewing FEMA claim information or by providing a request for verification to FEMA. If an applicant can provide documentation demonstrating that the insurance proceeds amount provided by the FEMA database includes items not related to the structural loss, HRRP will use the documentation provided by the applicant must come from the insurance company which issued the payments and it will be included in the applicant file.

4.4 Increased Cost of Compliance (ICC)

Structures damaged by a flood may be required to meet certain building requirements to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the [National Flood Insurance Program \(NFIP\)](#) includes Increased Cost of Compliance coverage for all new and renewed Standard Flood Insurance Policies. ICC is a duplication of benefits if a structure owner requests reimbursement or additional assistance for elevation, demolition, flood proofing or relocation—one of the four options available under ICC—and has already received an ICC benefit under the NFIP. The program will determine DOB regarding ICC funds for elevation and/or demolition activities. If HRRP is unable to determine the amount/or purpose of the ICC proceeds using documentation provided by the applicant, such documentation will be considered on a case-by-case basis.

4.5 Private Insurance

All private insurance settlement amounts for loss to dwellings are considered a duplication of benefit and may reduce the amount of disaster assistance. Insurance proceeds are often broken into different categories that may cover contents or the structure of the home. Only those proceeds for repair, replacement, or mitigation of the structure will be included in the DOB calculation. Insurance proceeds paid for contents will be excluded from the DOB calculation.

Insurance proceeds are determined and verified by HRRP by contacting the insurance company and verifying proceeds. If HRRP is unable to verify the private insurance proceeds through the insurance company, HRRP will use the claims payout provided by the applicant. If an applicant can provide documentation demonstrating that the insurance proceeds amount provided by the insurance company includes items not covered in the home evaluation or not paid to cover structural loss, HRRP will use the documentation provided by the applicant to adjust the private insurance payout in the DOB calculation.

Mold remediation is not included in the home evaluation for structural loss during insurance claims adjusting procedures. Therefore, insurance payments to cover mold remediation are not deducted from an applicant's funding assistance award. The documentation provided by the applicant must come from the insurance company which issued the payments or an order from an administrative proceeding or court of competent jurisdiction.

4.6 The Small Business Administration (SBA)

If the SBA has approved loan funds, the assistance is considered a DOB, and the amount of the loan must be deducted from the disaster assistance award. Even if the SBA loans offered are rejected by the applicant, the amount of the loans must be deducted from the applicant's award. This is because the SBA assistance has been determined to be available to the applicant for the purpose of rehabilitation by Federal law. In some circumstances, rejection of the SBA loan may be the result of a hardship. HRRP will consider SBA loan rejection based on hardship on a case-by-case basis. If HRRP determines that a loan would create a hardship, the amount of the SBA loan will be excluded from the Duplication of Benefits calculation and will not result in a reduced award.

SBA loan amounts will be verified by HRRP through the SBA database. If HRRP is unable to verify the SBA qualifying loan amount through the SBA database, HRRP will use the qualified loan amount

provided by the applicant at the time of application. If an applicant is able to provide documentation demonstrating that the SBA amount provided by the SBA database includes amounts for a purpose other than home repair, HRRP will use the documentation provided by the property owner to adjust the SBA loan amount in the DOB calculation. The documentation provided by the property owner must come from SBA and it will be included in the property owner file.

As of June 29, 2019, HUD has issued new DOB guidance that may impact how and when SBA loans are treated with respect to DOB under the Irma housing repair and replacement projects. DEO will update this section of the guidelines upon final policy determination. Such policy may be retroactive. In the event that the policy would impact applicants whose awards have already been processed at the time of the policy update, DEO may recalculate the previous awards and update award amounts consistent with new policy.

4.7 Allowable Cost of Repairs

Rental property owners who used benefits received from insurance, SBA, and FEMA or other sources to make repairs to their Hurricane Irma-damaged property and can document these expenditures may be able to deduct verifiable amounts of these expenditures from the DOB assessment. This means that the original DOB amount assessed by HRRP can be reduced by the amount the property owner spent on verifiable, eligible repairs.

The property owner will be required to document repairs made to the home with receipts and photographs. Copies of all receipts that support repairs to the home must be provided to the program to document eligible expenditures. HRRP will accept self-certifications when calculating the amount of repairs if the property owner lacks all receipts and all proof of payments to document the total cost of repairs. In instances where home repair receipts do not fully account for the repairs completed, HRRP will evaluate the repairs documented in the Self-Certification of Repairs and determine the value of the storm-related repairs performed by conducting a Completed Repairs Estimate (CRE). For self-certification, the following requirements apply:

1. The property owner must provide a signed self-certified statement that documents, in detail, all labor and/or repairs made to the damaged property following the hurricane.
2. A program inspector must determine, with reasonable assurance, that the repairs were made after the date of the hurricane.
3. Documentation, through photographs, that the repairs were made.

4.8 Contractor Fraud

If an applicant was a victim of contractor fraud, the amount paid to the contractor is not to be counted as a duplication of benefit provided that the applicant filed a police report and made every effort to recover the funds prior to the date of the application.

4.9 Forced Mortgage Payoff

If an applicant's mortgage company placed a force payment on insurance proceeds, the insurance amount may not count as a DOB. In such cases, the amount verified by HRRP that was used for this purpose can be excluded from the DOB calculation if it is supported by appropriate supporting documentation. Such documentation should be in the form of a letter that is on mortgage company letterhead and signed by an authorized mortgage company representative stating the applicant was required to use their disaster assistance funds for mortgage pay down. HRRP will attempt to verify this information with the applicant's mortgage company. The determination of whether the documentation provided is sufficient to be removed from the DOB calculation will be made by the HRRP. Voluntary mortgage payoff, using insurance proceeds, is a DOB that will be counted in an applicant's award calculation.

4.10 Legal Fees

Legal fees that were paid in successfully obtaining insurance proceeds will be credited to the applicant and will be excluded as part of their DOB. Applicants will need to provide evidence of payment and a judgment or settlement document demonstrating applicant success in the legal action. All other legal fees that an applicant may have paid out of any disaster assistance proceeds will be included as part of their DOB.

4.11 Tax Filings

Personal income tax filings related to losses to the home do not affect funding assistance awards and are not considered DOB. Applicants should consult their personal tax consultant to seek guidance regarding any tax related matters.

4.12 Calculating the Amount of DOB Offset

Documented expenses for eligible home repair related to Hurricane Irma will be totaled and considered for credit to the applicant. Acceptable forms of documentation include:

1. Copies of all receipts that support repairs to the home;
2. Self-Certification statement that details home repair expenses and labor;
3. Police reports and all other documentation of attempts to recover funds, filed prior to application, that verify contractor fraud;
4. Invoices confirming legal fees associated with successful insurance proceed collection; and
5. Letter from the applicant's mortgage company or bank confirming a forced mortgage payoff or pay down.

In instances where home repair receipts do not fully account for the repairs completed or the funds received, HRRP will evaluate the repairs documented in the Self-Certification of Repairs and determine the value of the storm-related repairs performed by conducting a Completed Repairs Estimate (CRE). Self-certified statements of applicants must be reviewed in detail by HRRP to determine:

1. Whether the repairs could be reasonably determined as occurring after the hurricane; and
2. A reasonable value of the cost of repairs to the home (including possible labor).

The value of eligible repairs, as determined by HRRP, will be compared to the total amount of DOB. If the DOB amount exceeds the documented amount of repair expenses, then the difference between the two amounts will be deducted from the property owner's award. This is referred to as a DOB gap.

Applicants with DOB gaps must fund the shortfall in order to complete construction. If an applicant elects to fund a shortfall, the applicant must secure the funding before the time of signing the Grant Agreement. Repair expenses in excess of the prior benefits received will not be reimbursed by the program.

4.13 Subrogation

Subrogation is a legal doctrine that allows one person to take on the rights of another. In the context of disaster recovery grants, a property owner must enter into a subrogation agreement where the funding agency (DEO) obtains the right to collect any additional disaster recovery or insurance payouts the property owner receives for Irma damages after the property owner has entered into a grant agreement for HRRP benefits.

All duplicative funding received must be remitted to or accounted for by the program, regardless of when it is received by the applicant. If applicants receive additional funding for the same purpose as the HRRP award (permanent repair to storm damaged home) even after the HRRP award is executed or construction is completed, the applicant is required to report the additional funding to the program.

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

5.0 Inspections and Environmental Reviews

5.1 Overview

All federal regulations regarding procurement, labor standards, and environmental reviews, including lead-based paint requirements, apply to this program. Application may require additional review as issues are resolved, which may extend the review process timeframe.

The program performs an on-site inspection of damages upon completion of all third-party verification required by HRRP, as well as an environmental review. Environmental reviews are required to be performed on each property owner's property to be eligible for the program. Property owners are notified in writing at the application submission stage to cease any work in progress on a damaged residence until the environmental review is complete. This notice is provided in the acknowledgment section of the online application. Property owners who do not cease work may not be eligible for the program. The program inspector must have full access to the property to note any work that has been started and/or completed.

5.2 Initial Inspection and Damage Verification

All property improvements must be for unmet housing needs resulting from Hurricane Irma. Non-hurricane damage may only be addressed on structures that also have hurricane-related damage. Structures built before 1978 must be inspected for lead-based paint hazards. Where such hazards are detected, the applicant(s) will be notified, and appropriate steps will be taken to mitigate dangers from lead-based paint.

Program staff will conduct site visits to observe and record the presence of unrepaired storm damage resulting from Hurricane Irma, to determine the extent of damage and to determine the estimated cost of rehabilitation. The applicant must be present for these site visits. The inspector will be required to inspect the interior of the home to observe and record damages. The inspector will note any environmental concerns on the site or nearby that could affect the evaluation.

The Scope of Work Estimate (SWE) provides a documented line item by line item estimate of the damages observed during an onsite visit to a property owner's property that quantifies the materials and labor necessary to repair observed damages. The SWE is calculated using the classifications defined in the 2018 National Reconstruction Cost Book and incorporates costs necessary to ensure that the property meets the Construction Code – the International Residential Building Code (IRC) as well as meeting HUD HQS. The SWE does not provide an evaluation that takes into account an exact replacement of the applicant's original property. In contrast to insurance estimates that may be based on replacement costs, the SWE evaluation is based on standards for basic livability developed for the program and on costs developed by the construction industry for those items. The methodology used to prepare the SWE is to account for

those scope items that can be counted, measured or observed. No destructive testing is used to create these estimates.

5.3 Eligible and Ineligible Items

Items damaged by Hurricane Irma, including but not limited to, air conditioners, heating systems and water heaters are eligible to be replaced under the HRRP. Appliances and housing components that are not integral to the structure of the home and are not essential to basic health and safety, such as washers, dryers and detached garages and carports are not eligible to be replaced under the HRRP. Luxury items and items with a quality grade above basic standards are not eligible to be replaced in a like-for-like manner.

5.4 Environmental Review

The program will conduct a Broad Environmental Review at the programmatic level Tier I. This will include coordination with federal, state and local agencies where applicable. Additionally, all applications must pass a federally required site-specific Tier II environmental review, which contains a statutory checklist of 15 required review items; some of these items may be deemed to be categorically excluded because they are not applicable to the project, such as Sole Source Aquifers. The categories addressed in Tier I/Tier II include:

1. Historic Preservation, including State Historic Preservation Office and Tribal Reviews and National Historic Landmark;
2. Floodplain Management and Flood Insurance;
3. Wetlands;
4. Coastal Zone Management Act;
5. Sole Source Aquifers;
6. Endangered Species Act;
7. Wild & Scenic Rivers Act;
8. Air Quality;
9. Farmland Protection Policy Act;
10. Environmental Justice;
11. Noise Abatement and Control;
12. Siting of HUD-Assisted Projects Near Hazardous Operations;
13. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances;
14. Airport Clear Zones and Accident Potential Zones; and
15. Coastal Barrier Resources Act/Coastal Barrier Improvement Act. This environmental review will be performed at the program's expense. A site-specific review includes a review of HUD-defined environmental review topics.

Issues identified through the environmental review process will be addressed and, in some cases, mitigation measures will be implemented either before or during the construction process. The program may pay for mitigation of issues identified during the environmental review, such as the identification of asbestos and lead paint, if it is deemed an eligible activity. Property owners will receive all federally required notifications.

The environmental review is a separate and distinct review from any other review. Other previously performed (or property owner-provided) environmental reviews will not satisfy the program's requirements, but they can be taken into consideration in the review process. If an environmental condition identified on a property owner's property cannot be cleared, the property may not be eligible for assistance.

6.0 Award Determination

Awards may include expenses for additional related costs such as green building and mitigation requirements, elevation, insurance, ADA modifications, repair or replacement of water, sewer and utility connection needs. Cost effective energy measures and improvements that meet local zoning and code, required Housing Quality Standards (HQS), especially those improvements which add enhanced resilience, such as elevation of major electrical components, roof strapping and other items are also eligible. Environmental review and determined required remediation for items such as lead-based paint abatement, asbestos abatement or other remediation components will also be eligible.

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

The formula below is how the program will calculate an applicant's award:

1. Identify Eligible Repair Costs,
2. Identify all Potentially Duplicative Assistance (DOB),
3. Deduct Assistance Determined to be Duplicative (DOB),
4. Apply Award Cap of \$150,000, and then
5. Compare Determined Award Value to Cost of Comparable Reconstructed or Replacement Housing to determine if the benefit will be reconstruction, replacement or rehabilitation.

Eligible Repair Costs/Need: The program will determine an eligible repair estimate using information from the inspection. The repair estimate will be valued based on economy/standard grade materials and industry-standard labor costs.

Calculating Potential Duplication of Benefits (DOB): The full DOB will be accounted for at the time of the repair award calculation. The DOB check will be completed during the eligibility review of an applicant's file, prior to the execution of the Grant Agreement and again prior to the processing of the final draw of funds.

All DOB funding must be accounted for prior to the applicant receiving an award. Applicants with a duplication must place all DOB funding in the program's DOB Gap Funding account. Further guidance on DOB Gap Funding accounts will be provided by the program.

7.0 Pre-Construction

7.1 DOB Gap Funding

Applicants must provide funding to cover gaps in the cost of construction if there is a gap in funding caused by a Duplication of Benefits. Additional funds provided by applicants will be deposited into a DOB Gap Funding Account to be used during the construction of the home. Applicants may not utilize DOB Gap Funding for construction activities such as upgrades, additions or other unnecessary activities. Applicant-provided funds that are put into the DOB Gap Funding Account for DOB will count toward the CDBG-DR cap limits. All DOB Gap Funding will be drawn down first, prior to the use of program funds.

There will be three checks for DOB throughout the process: (1) during the eligibility review of a property owner's file, (2) prior to the execution of the Grant Agreement, and (3) prior to the processing of the final draw of funds.

7.2 Lead-Based Paint and Asbestos Hazard Identification

Lead-based paint inspection provides two benefits: (1) the costs of mitigation measures are considerable and must be factored into the cost estimates for repair and (2) the health risks to residents, particularly children and the elderly, may be severe. If the unit to be assisted was built prior to 1978, and will be rehabilitated, the assisted unit will be tested for the presence of lead- dust hazards. If present, the stabilization, encapsulation or removal of lead-based paint will be considered in the costs of rehabilitation. Projects that will be reconstructed will result in the demolition and removal of the structure, and therefore any potential lead hazards associated with the structure. As such, no lead based paint testing will be conducted on reconstruction projects.

Federal asbestos regulations for testing and identification of asbestos apply to "facilities" as defined by those regulations. Housing does not meet this definition and is therefore exempt from the testing and identification requirements. Additionally, the State of Florida does not have any state level requirements for asbestos testing in housing projects. However, federal health and safety standards and materials handling and disposal requirements for asbestos containing materials still apply at the construction phase.

During the environmental review process, DEO has created a special condition for any home that was constructed prior to 1989 that indicates that testing may be required. As this is a very expensive process to undertake as a general condition of housing rehabilitation, the program has determined that asbestos testing, mitigation and air monitoring activities will be undertaken when suspect asbestos containing materials (ACM) will be impacted by the rehabilitation or reconstruction activities only.

For rehabilitation projects, contractors will identify any suspect ACM during construction. If suspect ACM is identified, the contractor will be required to stop work and request a change order for asbestos testing. If asbestos testing results confirm the presence of ACM that will be impacted by the rehabilitation process, the contractor will provide a containment or mitigation plan to encapsulate or remove the ACM in accordance with proper health and safety standards. DEO will approve a change order for the increase in project scope to cover the containment or mitigation work, along with costs for air monitoring/clearance.

For reconstruction projects where the home to be reconstructed was originally built prior to 1989, the demolition of the home and removal of the building materials will result in the removal of any potential ACM. Contractors are to follow all federal requirements for worker and occupant safety, as well as materials handling and disposal.

7.3 Development Costs for Repair Projects

For projects that qualify for rehabilitation, the HRRP will develop site specific sets of plans and specifications that will be used to describe the scope of work to repair and establish the quantities and quality of materials to be used. A dimensioned, floor plan sketch and roof plan of the existing home will be provided for each project. A detailed scope write-up will also be provided.

7.4 Replacement Mobile/Manufactured Housing Units (MHUs)

For Mobile/Manufactured Housing Units (MHUs) greater than 5 years old and/or with more than \$15,000 worth of Hurricane Irma repairs (including hard and soft construction costs) will be replaced. Standard floor plans that meet program standards will be available. Size and configuration of bedrooms will be determined based on size of the damaged structure.

7.5 Reconstruction Determinations and Plan Selection

Reconstruction estimates are based on the total area of the eligible rooms of the home. The total area value is obtained from the repair estimate. It is created by sketching the rooms of the structure that are eligible for repair. The repair estimate process does not sketch porches. They are therefore, automatically excluded. The repair estimate process also excludes carports, unattached structures or structures attached by a breezeway. This process will result in the calculation of the eligible reconstruction square footage.

The program will utilize estimating software and the eligible room dimensions, considering room type, to develop a comparable replacement estimate. This estimate will include standard or builder grade materials and will account for like-for-like replacement.

Reconstruction estimates are performed on all homes and are the only type of estimate performed when a home is unsafe to enter or has been demolished or partially demolished. A separate cost of elevation, when applicable, will be added.

Unsafe Conditions: Unsafe conditions include but are not limited to: structures whose load bearing walls, columns, or other support components have been compromised; structures that have strong industrial or chemical odors or vapors emanating from the home; or structures that have been marked by the local authority as being unsafe to enter. If any of these conditions or similar conditions exist, the Assessor can, upon consultation with a supervisor and documentation in photos and a written description, limit the Assessment to a reconstruction estimate.

Demolished structures: If a structure has been demolished or partially demolished, the Assessor can conduct a reconstruction estimate only. The Assessor takes photos to document the condition and measures the footprint and area eligible for reconstruction. If the area eligible for reconstruction cannot be established by the Damage Assessor (for example a 100% destroyed home with a cleared foundation), the HRRP will work with the applicant to obtain the missing information from:

1. Pre-flood appraisal or real estate sales documents;
2. County Property Appraiser information;
3. Insurance estimates;
4. Photographs; and/or
5. Aerial photographs.

The program may use other approved methods to establish eligible reconstruction area and the reconstruction estimate when documentation from on-site inspection is unavailable. Information collected to verify square footage of homes from sources other than the home estimate must be provided to the program. Collection of the documentation is primarily the applicant's responsibility.

The program makes the final decision on the eligibility of an applicant and, if eligible, the structure type and square footage used for grant calculation. Whether the award will be for reconstruction, replacement or repair is based on the following formula:

(Repair Estimate/Reconstruction Estimate) x 100 = relative percentage of cost of repair to cost of reconstruction

The Repair Estimate value that is used in the formula pertains only to the base repairs, absent any mitigation or resiliency measures. If the relative percentage of the base estimate is equal to or more than 75% of the reconstruction estimate, the program benefit will be reconstruction or replacement.

There are occasional exceptions that may convert a repair project to a reconstruction project. For instance, any unforeseen construction conditions identified after execution of the grant agreement may result in a project cost increasing to or above the 75% threshold. If construction has already begun, the threshold will not be recalculated and the project may proceed as a repair project. However, if construction has not begun, the threshold may be re-examined and the project may convert to a reconstruction project. Additionally, structures that have been determined to be substantially damaged or condemned by a governing municipality, or structures that are determined to be unsafe to enter by program staff, may be converted to a reconstruction project. Files that meet any of the aforementioned criteria will be reviewed on a case-by-case basis.

The program will offer standardized new house designs for reconstruction projects. HRRP will not provide customized home designs. The program will determine which floor plan size each application requiring reconstruction is eligible to use by evaluating the original damaged structure's eligible square footage. The program will build the home to the Energy Star Certified Home standard applicable to Florida. Information about these standards are available at: https://www.energystar.gov/newhomes/homes_prog_reqs/florida for new home construction.

7.6 Contractor Assignments and Construction Agreement

Contractor assignments will be issued to a construction contractor from the DEO Contractor pool that was procured to support construction efforts associated with CDBG-DR programs. HRRP will issue assignments to the contractors based on a procurement or bid methodology. Each repair, reconstruction or mobile/manufactured housing unit (MHU) replacement project will be subject to a construction contract or agreement. This agreement will establish performance measures to ensure timely construction.

7.7 Contract Execution Documents

The following documents will be signed by the applicant at the time of contract execution. As required documentation may change, this list will be updated periodically:

1. Property owner Grant Agreement,
2. Agreement to maintain flood insurance and notify future owners (if in 100-year floodplain),
3. Award Acknowledgement Letter,
4. Subrogation Agreement, and
5. Any other documents required by HRRP.

7.8 Notice to Proceed

Notice to Proceed is given after HRRP approves the contract and performs all administrative assignment procedures. This is the point at which the tenant is notified to vacate and remove belongings from the home (if necessary), the contractor obtains necessary permits, and utilities are terminated (if applicable).

Notice to begin construction will be issued to the contractor upon proof that bonds have been provided, permits have been obtained and any other site preparatory conditions have been met. This will constitute the start of the contractual performance period for construction.

7.9 Contractor Requirements

1. All contractors will carry and provide proof of a current general liability policy in at least the aggregate amount of all contracts awarded in this program within 10 business days of award. Failure to do so may result in termination of award.
2. All contractors must secure and provide proof of performance and payment bonds within 10 business days of award. Failure to do so may result in termination of award.
3. Contractors will be responsible for documenting (with photographs and written reports) any pre-existing and pre-storm damage to the property that has not been included in the scope of work.
4. Contractors are responsible to comply with [HUD's Lead Safe Housing Rule](#); [EPA Renovation, Repair and Painting Rule](#); and all other applicable rules and regulations. Project sites are required to be in full compliance at all times.
5. All firms performing, offering or claiming to perform renovations for compensation in target housing must comply with EPA's RRP Rule and EPA's Lead-PreRenovation Education (Lead-Pre) Rule. Regulatory requirements can be found at [40 CFR Part 745 Subpart E – Residential Property Renovation](#). This means that all general contractors participating in this disaster recovery program must be EPA certified. In addition, all individuals performing renovation work on behalf of the firm must be certified renovators.
6. The contractor will be responsible for determining utility needs, providing sanitary facilities and safely operating equipment on site and obtaining any required permits.
7. Contractors should not disturb the site prior to receiving a notice to begin construction.
8. Upon completion, the property must meet applicable program building standards.
9. All work performed by the contractor will be guaranteed for the following periods:
 - 1 Year – general warranty for repairs to the home;
 - 2 Years – electrical, plumbing, and mechanical warranty (if such work is performed); and
 - 10 Years – structural warranty (if structural work is performed).

For the specified period in the warranty, from the time of final inspection, the assisted applicant may require the contractor to correct defects or problems arising from his or her work under this contract. Should the contractor fail to do so, the assisted applicant may take any necessary recourse by contacting HRRP. A reasonable amount of time will be given to correct the problem; however, in no case will such time exceed two weeks to respond.

8.0 Construction

8.1 Overview

Repair is defined as non-emergency repair or renovation of a limited specified area or portion of a housing structure. Repair will also be defined as bringing rehabilitated portions of properties into compliance with local building codes, and the entire structure into compliance with HUD Minimum Property Standards (MPS) (or applicable Building Code being enforced) and Housing Quality Standards (HQS) including compliance with Section 31 of the Federal Fire Prevention Control Act of 1974 and local building codes and standards.

The entire structure must also be in compliance with minimum property standards (MPS) established by the program which are based on HUD's Housing Quality Standards, Florida Green Building Code (where applicable), HUD Green Building Retrofit Checklist (where applicable) and all state and local code requirements.

Repair will be limited to stick built and modular structures that have been deemed feasible for repair or Mobile/Manufactured Housing Units (MHUs) that are less than 5 years old and have less than \$15,000 worth of scope (hard and soft costs combined) necessary to bring the property to program construction standards.

Reconstruction will be defined as the demolition, removal, and disposal of an existing housing unit and the replacement of that unit on the same lot, and in the same footprint, with a new unit that complies with the International Residential Codes (IRC), as required by the Florida Code. The number of units on the lot may not increase and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded, however, the number of rooms in a unit may be increased or decreased.

Replacement is the demolition and removal of a modular or manufactured housing unit followed by the replacement of that unit on the same lot, and in the same footprint as the original unit.

Elevation will be conducted by means of pier and beam construction. Fill to achieve proper elevation height will not be eligible.

8.2 Resilient Home Construction Standards

As stated in Section 1.16, DEO has adopted resiliency and mitigation measures in the form of Resilient Home Construction Standards to further both HUD and Florida's goals of increasing resistance to future disaster. CDBG-DR funding allows this type of activity in conjunction with the repair of remaining storm damage.

The first option is a roofing system. If the existing roof has Hurricane Irma damages that exceed the 20% repair maximum, then the Program will provide funding to remove and replace all roof covering, felt paper, and roof decking. The new shingle and felt paper materials will be selected in accordance with current Florida building code, and the roof decking will be replaced with radiant barrier sheathing, as part of the HUD CPD Green Building Retrofit Checklist, and installed in accordance with current Florida building code. In addition, hurricane straps will be installed in accordance with Florida building code.

The second option is an exterior window and door system. The existing structure is required to have confirmed Hurricane Irma damages, and if built prior to 2003 when widespread wind-rated product usage was implemented across the state of Florida, the home may be eligible for the exterior window and door system. The exterior window materials will be ENERGY STAR® rated, consistent with the HUD CPD Green Building Retrofit Checklist, and include impact resistant laminated glazing, all in accordance with

Florida building code. All new vinyl windows will be installed within the existing window frame to eliminate destruction to exterior and interior finishes. The exterior door materials shall be metal insulated panel style, in accordance with Florida building code, including new exterior locks. All exterior sliding glass doors will be replaced with vinyl sliding doors that include Low-E and impact resistant laminated glazing. If applicable, a garage door is eligible to be replaced with a new impact rated door including the overhead door, track, hardware, and weather stop for the sides and top. Adding or replacing an automatic garage door opener is not eligible under the Program.

8.3 Lead-Based Paint Disturbance and Mitigation

Contractors must ensure the following minimum requirements are met at all times:

1. All sites are clean and protective covering is placed where required by applicable regulations during the renovation, especially when paint disturbing activities are taking place.
2. All workers on site are to have proper certifications with them while on site.
3. The lead renovator's certificate is required on site at all times from the start of the renovation until the final lead clearance has been achieved.
4. Ensure proper techniques are being used when performing paint disturbing activities.
5. At a minimum, the following two items are required to be posted at all times to be seen clearly by anyone approaching the site and all workers until final lead clearance is achieved:
 - Environmental Protection Agency (EPA) RRP required warning signage in English and Spanish:



Example Signage

- Occupational Safety and Health Administration (OSHA) required lead warning signage in English and Spanish:



Example Signage

If site conditions are non-compliant, a stop work order will be issued until all issues are resolved and verified by Program staff. The time the project is on hold will be included when calculating construction duration and is considered fault of the contractor. The stop all work order will also be taken into consideration when determining future assignments and participation in future projects.

8.4 Repair and Reconstruction Progress Inspections

Upon 50% completion of the Statement of Work, the contractor will notify the HRRP and request a 50% inspection of the construction activities completed. The Program's Project Manager will conduct the 50% inspection to evaluate the contractor's progress, confirm that local building codes or standards have been met, and verify that the construction activities have been completed in accordance with the Statement of Work. If the inspection fails, the Contractor must correct any deficiencies and request a re-inspection. In order for the contractor to request a 50% inspection, the following conditions must be met:

- The building shall be in a "dried in" state, meaning windows, doors, roof and siding shall be in place, thus preventing water intrusion into the interior of the house.
- The rough-in plumbing shall be complete.
- The electrical rough-in shall be completed, including, but not limited to, the placement of receptacle boxes, switch boxes and the placement of the circuit breaker box.
- The 50% inspection will be conducted utilizing the Scope of Work Estimate (SWE) provided by DEO.

Upon passing the inspection, including any additional clearances required, the contractor may submit a 50% invoice package for the items completed with all required documentation. Upon successful completion of the 50% invoice package review, payment will be issued to the contractor less a retainage of 10%. The 50% inspection and payment can be waived by the HRRP and contractor, in writing, on a case-by-case basis. Instances in which the 50% inspection and payment can be waived include, but are not limited to:

- Reducing the risk of compromising inspection standards providing a decent, safe and sanitary environment.
- Limited scope of work encompassing primarily roof damage or minor repairs.
- Efforts to expedite project completion to prevent further damage to the property owner's home.

8.5 Substantial Completion Inspection and Warranty Information

Once the contractor has completed all construction activities outlined in the Statement of Work, the contractor will request a Substantial Completion Inspection to guarantee that all work has been:

- Satisfactorily completed according to the appropriate state and local codes and standards,
- Accepted by all appropriate building code enforcement and third-party inspectors, and
- That the home meets HUD Housing Quality Standards (HQS) as defined in the definitions section of this document.

The property owner has the right to sign off on the Substantial Completion Inspection; however, the HRRP reserves the right to waive the applicant's signature if the HRRP deems all repairs have been completed and the applicant delays signing.

During the Substantial Completion Inspection, the DEO Project Manager and contractor will develop a punch list comprised of a listing of items and written as specifications, which constitute the remaining work necessary to complete the project. The punch list will represent work not performed satisfactorily and/or work yet to be done. Once the punch list has been prepared, no other separate work items are expected of the contractor. If the punch list contains more than ten items, the contractor shall be deemed not ready for inspection and will be subject to a re-inspection, where a new punch list will be prepared. For each re-inspection required, a fee not to exceed \$225 shall be assessed.

Contractors must provide all warranties prior to the inspector approving the Substantial Completion Inspection. Photographs will be taken for documentation purposes. At this time, the applicant will be provided instruction booklets and warranty information. The final site visit confirms that all work has been completed and accepted by building code enforcement and/or third-party inspectors including all items on the punch list.

8.6 Re-Inspections

Should the HRRP observe any fault(s) during inspections, the construction contractor will be informed of the fault(s) and be provided a written report of the findings. When the construction contractor has remedied the fault(s), construction contractor may request a re-inspection to be performed at a time no earlier than 48 hours from the request. A re-inspection fee, in an amount not to exceed \$225 per re-inspection, may be assessed and will be the responsibility of the construction contractor.

8.7 Change Orders

Where additional work is necessary to make repairs or to correct unforeseen or dangerous conditions, the contractor will submit to HRRP a Change Order consisting of a detailed description of the work needed, including quantities and location, the cost of such work and the time necessary for such work to be completed. Unless it is determined that an immediate health and safety danger exists, no work shall be authorized until agreed upon in writing by HRRP. All Change Orders will be reviewed for eligibility and cost reasonableness as defined in [2 CFR 200 Subpart E](#).

8.8 Method of Payment/Invoice

Upon passing the 50% and Substantial Completion Inspections, including any additional clearance required, the contractor will submit the appropriate invoice and all required documentation to the HRRP. If the contractor has questions or concerns regarding the invoice, the contractor may contact the Project Manager/Construction lead with questions.

Invoices must contain the contract number, purchase order number, and the appropriate Federal Identification Number (FEID). The HRRP may require any other information from the contractor that the state deems necessary to verify that the goods and or services have been rendered under the contract.

Contractor shall provide complete pricing information for all items. All requests for compensation for services or expenses must be submitted in sufficient detail for a pre-audit and post-audit in accordance with subsection [287.058\(1\)\(a\), Florida Statutes](#).

8.9 Applicant Responsibilities During Construction

The HRRP will not be responsible for lost or damaged belongings of the applicant or tenants that may have occurred during construction. The applicant must secure or relocate his/her and tenant belongings until construction is complete.

1. Upon the signing of the contract, the applicant will have 30 calendar days to move tenants out of the property and store any valuable personal property that might be damaged during construction.
2. The applicant must arrange access to the property for building contractors providing construction services. If reasonable and timely access is denied to a building contractor who is attempting to make a good faith effort to perform required repairs, the applicant will be removed from the program.
3. The applicant is responsible for the security of his/her property and personal belongings. Movement, storage and security of personal property are the applicant's responsibility.
4. During construction, the applicant must not interfere in repair areas and must make a reasonable effort to stay away from the construction zone.
5. All debris, abandoned vehicles, and buildings that pose a safety and/or health threat as determined by the local jurisdiction or person qualified to make such a determination, must be removed from the property prior to the start of construction. Applicants must remove dilapidated personal property.
6. The applicant must provide all existing utilities as needed for use by the building contractor during construction.

9.0 Post Construction

9.1 Affordability Compliance

These requirements include:

1. Maintaining the property as long-term, not seasonal or vacation, rental property.
 - One- to four-unit small rental properties must be maintained as affordable rental units for a minimum period of one year.
 - Multifamily properties with five or more units must be maintained as affordable rental units for a minimum period of 15 years.
2. Leasing all units to tenants who have eligible household incomes (80% AMI or below).
3. Charging rents that are at or below, at a minimum, High HOME rents.
4. Following income certification and verification procedures and keeping records on all tenants' income.
5. Maintaining complete and accurate rent rolls.
6. Providing an annual compliance report to DEO to demonstrate compliance with the grant agreement and restricted use of the property.
7. Renting units in accordance with HUD Fair Housing Standards.

9.2 Closeout Review

Once all construction contractor payments have been issued, the file will move into the closeout review stage. Closeout review is a multi-tiered review that results in a full file, end-to-end verification process. The verification process starts at the case manager level, where the basic file documentation requirements for the program are reviewed and any additional documentation that may be needed is gathered. At this stage, the applicant's Duplication of Benefit information is re-checked against the federal data sources to determine if there has been any disbursement of additional benefits between the point that the applicant signed the award and the construction was completed. Whether a change has occurred and the amount of any change is documented at this step.

Once the initial end-to-end file review is completed by the case manager, the file is routed to the eligibility and DOB/VOB QA/QC team. The QA/QC team may correct any issues with the file, return the file to case management for additional work, or approve the file for routing to DEO for final review and approval.

DEO's eligibility review team will be the final checkpoint on the way to an applicant's individual file closeout. The DEO eligibility review team will review the findings of the case manager and lower level QA/QC team. DEO may return the file for further work, route the file to subrogation/recapture or accept the file for closeout.

The items reviewed for closeout at the case management and first level QA/QC levels include documentation that the applicant file is complete, such as:

1. Applicant eligibility (income, ownership, occupancy, citizenship, etc.)
2. Property eligibility (location, structure type, tie back, remaining unmet need)
3. Applicant certifications (stop work, lead brochure, flood insurance, subrogation, fraud, etc.)
4. Environmental Review signed by Certifying Officer
5. Construction related environmental requirements (lead risk assessment, clearance, elevation, historic, etc.)
6. If tenants, tenant and URA documentation present
7. Duplication of Benefits documentation
 - a. Reassessment of DOB and if new benefits, mark for subrogation
8. Applicant communications
9. Applicant documentation (backup documents, grant agreement, etc.)
10. Construction documentation (inspection reports, change order cost reasonableness, etc.)

The items reviewed for closeout at the DEO level include documentation proving, at a minimum:

1. National Objective
2. Eligible Activity
3. Verification of case management findings for items listed above
4. Verification that DOB gap payments were drawn down prior to program funding
5. Verification of recommendations for subrogation
6. Copy of Bid Documents
7. Copy of Construction Contract
8. Copy of Change Orders
9. Proof of Final Construction Payment

10. Appeals process complete, if applicable
11. Copy of any complaints received and result

9.3 Subrogation

When an applicant receives benefits from federal disaster assistance sources, non-profits or their insurance after the award determination is made and prior to the file closeout DOB re-assessment, these funds may be owed by the applicant to the program. Applicants are made aware of this at the application stage, through program reminders and at award closings where the grant agreement is executed. As part of the grant agreement process, applicants also sign a subrogation agreement.

If during the closeout review process the DOB reassessment results in a finding that additional duplicative funds were provided to the applicant, DEO will notify the applicant of the duplicative funding amount. This letter will include demand for payment of the funds that must be subrogated to the program. The applicant must submit these funds via certified check to DEO.

9.4 Recapture

DEO may expend funds on applicant projects where the applicant fails to maintain compliance with program policies and procedures. In some instances, DEO may be able to work with the applicant to bring the applicant back into compliance, but in others, the violation will result in disqualification. Should DEO expend funds on an applicant project that becomes non-compliant, and which cannot be remedied, the applicant may owe the funding expended on the project back to DEO. This is known as recapture of funding.

The higher risk of recapture will be seen with the rental housing repair and reconstruction projects. These projects will have a one-year monitoring period post construction (1-4 units) or a 15 year compliance period (5+ units). The properties must be restricted to LMI tenants and rents must be restricted to approved rates that preserve affordable housing options. DEO will monitor for compliance via rent rolls, lease agreement review, and other supporting documentation on a yearly basis. Rental applicants have an ongoing obligation to comply with monitoring and meet compliance requirements during this period. Failure to rent the assisted property to LMI individuals at restricted rates will result in recapture of the total amount of funding provided by DEO for the construction of the project.

Appendix A: Affirmative Marketing Plan

The program is committed to affirmatively furthering fair housing through established affirmative marketing policies. Affirmative marketing efforts for the disaster funding will include the following:

- A. This Affirmative Marketing Plan, based on the U.S. Department of Housing and Urban Development (HUD) regulations, outlines the policies and procedures for housing activities. Procedures are established to affirmatively market units financed through the program. The procedures cover dissemination of information, technical assistance to applicants, project management, reporting requirements and project review.
- B. The goal is to ensure that eligible persons from all racial, ethnic, national origin, religious, familial status, the disabled, "special needs," gender groups and populations least likely to apply for assistance are given the opportunity to rehabilitate their rental property, which sustained damages due to Hurricane Irma and/or its after-effects.
- C. In accordance to the affirmative marketing policies and procedures, program participants will be informed about available opportunities and supporting requirements via counselors, printed and electronic materials, publications, direct contact, workshops/seminars, and through the placement of flyers/posters in public facilities.
- D. The HRRP will conduct marketing through widely available media outlets, efforts will be taken to affirmatively market the Rebuild Florida CDBG-DR program as follows:
 - Advertise with media outlets which provide unique access for persons who are considered members of a protected class under the Fair Housing Act.
 - Reach out to public or non-profit organizations and hold/attend community meetings.
 - Other forms of outreach tailored to reaching the eligible population, including door to door outreach if necessary.
- E. Applications and forms will be offered in English and other languages prevailing in the region. In addition, every effort will be made to assist Limited English Proficient potential applicants in the application process.
- F. In addition, measures will be taken to make the program accessible to persons who are considered members of a protected class under the Fair Housing Act by holding informational meetings in buildings that are compliant with the Americans with Disabilities Act (ADA), providing sign language assistance when requested (with 3 day notice), and providing special assistance for those who are visually impaired when requested (with 3 day notice).
- G. Documentation of all marketing measures used, including copies of all advertisements and announcements, will be retained and made available to the public upon request.
- H. HRRP will use the Fair Housing logo in program advertising, post Fair Housing posters and related information, and, in general, inform the public of its rights under Fair Housing regulations.

Appendix B: Appeal/Complaint Process

In accordance with 24 CFR 91 Citizen Participation Plan and 24 CFR 570.486(a) (7), the HRRP has developed the DEO informal appeals and complaints process. Through the informal appeals process, applicants have a mechanism for requesting further review on a decision made on their file. Program policies are not appealable. In addition, citizens may file complaints- both formal and informal- which will be responded to in 15 working days.

Information about the right and how to file a reconsideration request, agency informal appeal and complaint will be printed in all guidelines and posted on the Rebuild Florida website, www.rebuildflorida.gov, in all local languages, s appropriate and reasonable.

Appeals

DEO Informal Appeal: The decision of the HRRP can be further reviewed through an agency informal appeals process. A party requesting a DEO informal appeal must file a written request for informal appeal within 30 days of the reconsideration decision and notice to appeal. In an informal appeal, DEO will conduct investigations, as necessary. In addition, an informal appeals hearing will be held, as necessary. The informal appeals hearing will be held by telephone with all involved parties on a conference call. After the request for a DEO informal appeal is filed, the following events will occur:

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

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

Attention: Office of Disaster Recovery, Special Deputy Myakka Slater
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street
Tallahassee, FL 32399

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

Any petition must be filed with the Agency Clerk within 30 calendar days of receipt of this determination. A petition is filed when it is received by:

Agency Clerk, Department of Economic Opportunity
Office of the General Counsel
107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128
Fax: (850) 921-3230
Email: Agency.Clerk@deo.myflorida.com

If an applicant files a request for a DEO informal appeal, the requirement to timely file a petition challenging agency action will be tolled until a decision is rendered by the Department. At that time, a new

appeal window will begin. No applicant will lose their rights under Chapter 120, Florida Statutes, by filing a request for informal appeal.

Uniform Relocation Act (URA) Appeals

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

Complaints

The goal of the Housing Repair and Replacement Program (HRRP) is to resolve citizen complaints and inquiries in a manner that is both sensitive to the complainants' concerns and to achieve a fair result. The HRRP will treat all citizens with respect and respond to complaints and inquiries within 15 working days, where practicable.

Information on how to file a complaint will be available on the website, at the program offices, and included on printed materials.

Citizen Complaints

All complaints and inquiries that are brought forward will be addressed through the Office of Disaster Recovery's Constituent Management Services staff. Complaints are any verbal or written statement of grievance – including phone calls, emails, faxes, or letters that are received by the state, its contractor, and/or other program sources. Inquiries are requests for information or assistance. All complaints and inquiries that are received will be reviewed by the Constituent Management Services staff for:

1. Investigation, as necessary;
2. Resolution; or
3. Follow-up actions.

Every complaint and inquiry will be included in a tracking system. Constituent Management Services staff will maintain electronic files that include:

- Name of the complainant and contact information
- Date the complaint was received,
- Description of the complaint,
- Name of each person contacted in relation to the complaint,
- A summary of the result and the date of the response to complainant
- Explanation of the resolution of the file.

The Constituent Management Services staff will review these complaints and inquiries at least monthly to determine if there is a pattern developing and, if so, determine if the issue warrants a policy change or further training.

Complaints and inquiries can be submitted in any of the following ways:

1. Directly to DEO:
 - a. Via online by visiting the Program website to complete an online complaint form by going to: [INSERT REBUILD FLORIDA URL HERE WHEN

AVAILABLE FROM DEO]

- b. Via U.S. mail to:

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

- c. Via email to: cdbg-dr@deo.myflorida.com

- 2. Directly to a program-level representative:

- a. Via calling the Rebuild Florida Program hotline at 844-833-1010 to receive assistance from a Call Center Agent.
- b. In-person at an Intake Center to receive assistance from an Intake Specialist

Fair Housing Complaints

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

FairHousing@deo.myflorida.com

Phone: 850-717-8426

Contractor Fraud

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

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

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

Appendix C: Damage Assessment Checklist

Applicant ID:		Company: // Assessor Name:		QC Reviewer:	
DEO Reviewer:				PASS / KICK BACK	
				PASS	
Structure Type	SINGLE				
CRE AMOUNT \$	0.00			SWE AMOUNT \$	0.00
INSURED INFO/PARAMETERS		<input type="checkbox"/>	<input type="checkbox"/>	Comment	
Correct Name		<input type="checkbox"/>	<input type="checkbox"/>		
Correct Address		<input type="checkbox"/>	<input type="checkbox"/>		
Applicant ID		<input type="checkbox"/>	<input type="checkbox"/>		
Correct Pricelist		<input type="checkbox"/>	<input type="checkbox"/>		
Correct Tax Rate		<input type="checkbox"/>	<input type="checkbox"/>		
Date of Loss		<input type="checkbox"/>	<input type="checkbox"/>		
Date Inspected		<input type="checkbox"/>	<input type="checkbox"/>		
Inspector Name		<input type="checkbox"/>	<input type="checkbox"/>		
Correct Type of Loss		<input type="checkbox"/>	<input type="checkbox"/>		
Documents		<input type="checkbox"/>	<input type="checkbox"/>	SWE	Comment
Correct naming conventions used?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWE File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value of SWE displayed matches SWE PDF?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRE File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value of CRE displayed matches CRE PDF?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RSWE File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value displayed matches RSWE File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile Home File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value of MH file displayed matches MH PDF?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RVR File Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value of RVR displayed matches RVR PDF?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Line Items		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWE eligible line items present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correct quantities for scope of work?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Damage Narrative Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XACTIMATE SKETCH		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is Sketch Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Living Square Footage displayed in system?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correct Sketch for structure type (ex: MH, UTE)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sketch matches home?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional Possible Scope		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Environmental Scope Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Lead Mitigation Scope Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Elevation Scope Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Structural Scope Present?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEADER INFO		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correct Coverages (CRE & SWE)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scope item concerns / ROOMS		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix D: Application Pilot Methodology

Purpose

The Application Pilot is a method of identifying a cohort of applicants in each impacted area that can be deliberately observed through the full HRRP process to identify and resolve issues prior to the bulk of the applicants getting into the full process. The close observance of the pilot cohort is intended to test initial process design and yield informed decisions to improve efficiencies as the rest of the applicant population comes into the workflow.

The Application Pilot is also intended to test a concurrent task methodology that is known to expedite applicant processing, but which may have additional cost. The pilot cohort will be processed concurrently for application, eligibility, damage assessment and environmental review prior to the feasibility, duplication of benefits and award steps. The simultaneous processing of these tasks will be allowed as activity delivery costs for the pilot group.

This dual-tracked process that results in the flagging of applications as either part of the Application Pilot or non-pilot contributes to DEO's ability to perform a real-time test of the program. The identified pilot cohort will have no impact on other applicants' progress through the process. Any issues that DEO finds can be addressed and resolved to ensure smooth processing of the bulk, average and more complicated applications.

Applicants that are outside of the pilot group will also be processed at the same time the Application Pilot files are moving through the system. However, the applicants that are outside of the pilot group will follow the linear process path which requires completion of application prior to initial eligibility review, clearance of eligibility review prior to damage assessment, clearance of damage assessment prior to environmental review, clearance of environmental review prior to feasibility, duplication of benefits and award. The pilot is intended to gauge the benefits and risks associated with a concurrent processing method. It will support an analysis of whether the most conservative linear model, the concurrent model, or some combination of the two processes will provide the best results for the Department of Economic Opportunity (DEO) and our Irma-affected citizens.

Application Pilot Selection

From January 4 to January 11, 2019, the HRRP staff analyzed the registrant and applicant information to identify an initial group of applicants for the pilot cohort. There were 5,888 registrants qualified for Phase I, 1,745 applications started and 599 completed applications available for selection in the pilot cohort. The initial goal was to identify 10-20 applicants from each of the original HUD-designated MID communities and ultimately 415 applicants were selected.

Established conditions and assumptions underlying the test of the initial cohort:

- 1) Only phase I registrants are invited to apply
- 2) Motivated registrants will complete their applications early
- 3) Identified local VOADs will assist applicants to speed up their completion
- 4) Applications must be complete from applicants' requirements

Cohort screening criteria on completed applications:

- 1) From the original 10 counties or 4 ZIPs (Monroe, Miami-Dade, Duval, Lee, Polk, Collier, Brevard Broward, Orange and Volusia counties; 32068, 34266, 32136, and 32091 zip codes) (Tier 1 ERR complete)
- 2) Insurance \$0, FEMA \$1-15000, SBA \$0, NFIP \$0 benefits
- 3) Not in flood plain
- 4) House built after 1978
- 5) No Letter of Substantial Damage /No condemnation letter (Add into damaged section of application)

6) Repair program

On January 11, 2019, DEO expanded the pilot cohort criteria to test ability to motivate applicants who had started, but not yet completed their application and including applicants in Monroe County, a designated floodplain. At this time there were 5,989 Phase 1 registrations, 1904 applications started and 770 applications completed. An additional 200 applicants fitting this criterion were added to the cohort to test whether the simultaneous application, eligibility, damage assessment and environmental review process. The only screening criteria used for the pilot cohort are those listed above. No other attribute of the property or applicant were used to screen for pilot selection. Registrant and applicant IDs were selected at random as long as the criteria listed above were met.

Application Pilot Timeframe

The Application Pilot project timeframe is defined by the substantial completion of the pilot application group's environmental review and submission of that documentation to the Department of Economic Opportunity. It began January 14, 2019 and was completed April 5, 2019.

Application Pilot Results

The tables below show the pilot population and the non-pilot populations as of April 5. A comparison of both tables clearly demonstrates that non-pilot applications continued to be processed for initial eligibility review at the same time as the pilot applications resulting in 99.3% of available non-pilot completed applications having been processed through that step at the same time that 100% of the pilot applications had achieved this status.

Table 1: Pilot Applicant Status as of April 5, 2019

Task	Completed
Phase 1 Registrations (In Pilot)	415
Applications Started	369
Applications Completed	327
Withdrawn	38
Applications Not Complete	50
Initial Eligibility Review Completed	354
Ineligible	4
Pending Documents	257
Verified Complete	93
Withdrawn	0
Damage Assessments Ordered	415
Damage Assessment Completed	369
Environmental Review Ordered	415
Environmental Review Submitted to DEO	339
DOB Complete	154
Award Processing Status	10
Benefit Determination Notification	3
Contractor Procured	0
Award Calculation & Notification	0
Construction NTP Issued	0
Construction Complete	0
Closeout	0

Table 2: Complete Population Status as of April 5, 2019

Task	Completed
Phase 1 Registrations	8, 656
Applications Started	3,097
Applications Completed	2,267
Withdrawn	38
Initial Eligibility Review Completed	2,251
Ineligible	41
Pending Documents	1628
Verified Complete	581
Withdrawn	1
Damage Assessments Ordered	563
Damage Assessment Completed	490
Environmental Review Ordered	415
Environmental Review Submitted to DEO	339
DOB Complete	154
Award Processing Status	10
Benefit Determination Notification	3
Contractor Procured	0
Award Calculation & Notification	0
Construction NTP Issued	0
Construction Complete	0
Closeout	0

The final number of applicants that remained in the pilot program as of April 5 was 369. All 369 of these applicants participating have had the damage assessment and environmental review completed for submission to DEO. Of these 369 applicants, 45 still need to complete the application and 257 require additional documentation.

The average completion of both the damage assessment and environmental review was 15 days and 45 days respectively. This represents the gross calculation including scheduling delays with applicants. By removing scheduling delays (time necessary to contact applicant, applicant time needed prior to appointment) and assessing the net time for each task, damage assessments were completed within seven days and environmental reviews were completed within 25 days¹ of applicant appointment.

The pilot process has shown that applicants who have not completed their applications were more apt to complete their applications when damage assessment and environmental review inspections were scheduled, keeping applicants engaged. By running these processes concurrently, the total processing time through environmental review had a gross average of 45 days to move into the next steps of DOB and feasibility. However, application completion is stymied by the need for additional documentation.

The eligibility, benefit determination, award calculation and notification processes have demonstrated to be relatively swift processes, each taking about one day to complete. Likewise, the procurement process has proven efficient with a contractor procurement turnaround timeframe of just 10 days.

Applicants that are moving through the linear process also have similar rates of completion for damage assessment with an average net of seven days from inspection to completion of that work, but scheduling coordination for this step remains consistent with pilot applications resulting in a gross timeframe of 15 days. The verification required in the linear process, prior to ordering an environmental review is averaging 10 days. Based on this information, that is still limited at this time, the linear process is estimated to take an average of 75 days from application completion to submission of the environmental review, an increase of 30 days over the pilot group. The remaining processes are exactly the same for the non-pilot group as the pilot group and therefore are expected to yield similar results to the pilot applications that have moved through these processes.

¹ Fifteen days is the average net time achieved for applicants that did not require coordination with the State Historic Preservation Office (SHPO). The average for those requiring SHPO coordination was 45 days, which included preparation of the file for coordination and SHPO's 30 day response window.