

II. General Action Plan Requirements

Draft Non-Substantial Amendment 1			
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4	N/A	II. General Action Plan Requirements	Updated "Office of Disaster Recovery" to "Hurricane Michael"
40	41	V. Citizen Participation	Updated "Office of Disaster Recovery" to "Disaster Recovery Programs"
45	46	V. Citizen Participation	Updated "Office of Disaster Recovery" to "Disaster Recovery Programs"
146	147	Appendix 4. Summary of Public Comments	Updated "Office of Disaster Recovery" to "Rebuild Florida"
150	151	Appendix 4. Summary of Public Comments	Updated "Office of Disaster Recovery" to "DEO's Rebuild Florida"
1-163	1-162	Entire Document	Made minor formatting changes throughout the document (i.e. removed excessive line spaces, justified some margins) shifting the document from a total of 163 pages to 161 pages.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, DEO will take the following steps to minimize the direct and indirect displacement of persons from their homes: (DEO will determine the full list of actions it will take based on local needs and priorities and will develop the Residential Anti-displacement and Relocation Assistance Plan (RARAP) at a later date in accordance with the [HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition](#).)

- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation;
- The affordability periods for single family rental units will be a minimum of five years, unless local governments have established longer affordability periods;
- Ensuring that rehabilitated or reconstructed multifamily rental housing with eight or more units remains affordable for a minimum of 15 years; and
- Where feasible, rehabilitate housing, as opposed to demolition, to avoid displacement.

4. Maximum Assistance and Cost Reasonableness Assessment

DEO follows a cost analysis process as part of standard contracting procedures, which includes a review of each cost element to determine allowability, reasonableness and necessity. Maximum assistance available to housing beneficiaries, as well as cost-effectiveness relative to other means of assistance, will be outlined in the DEO Disaster Recovery Program Housing Guidelines. Maximum assistance per beneficiary for infrastructure will be set by the applicant jurisdictions as part of the project submittal to DEO and will be considered by DEO upon review.

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

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

The policy exception process is detailed in the [Hurricane Michael](#) policies and procedures manual. The DEO Policy Exceptions Review Panel can only review and allow/refuse alternate documentation supporting eligibility or award issues. The panel cannot circumvent program policy or requirements and therefore, any file submitted where policy clearly addresses the issue raised will be rejected by the DEO Policy Exceptions Review Panel.

V. Citizen Participation

The Citizen Participation Plan for the Hurricane Michael allocation will provide a reasonable opportunity of at least 30 days for citizen comment and ongoing citizen access to information about the use of grant funds. Before DEO adopts this action plan or any substantial amendment to this plan, DEO will publish the proposed plan or amendment on www.floridajobs.org/cdbg-dr, DEO's main website. DEO and/or subrecipients will notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, newsletters, contacts with neighborhood organizations and/or through social media. DEO will ensure that all citizens have equal access to information about the programs, including persons with disabilities (vision and hearing impaired) and limited English proficiency (LEP). A Spanish version of the State Action Plan will be available. DEO's website includes an Interpretive Translation Notice informing citizens in 15 different languages that translation services are available upon request. DEO consulted the "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," published on January 22, 2007, in the Federal Register (72 FR 2732), in order to comply with citizen participation requirements. Upon subsequent publication of the State Action Plan or substantial amendments, DEO will provide a reasonable opportunity of at least 30 days and have a method for receiving comments.

DEO will take comments via mail or email at:

Attention: Rebuild Florida Constituent Management Services
 Florida Department of Economic Opportunity
Disaster Recovery Programs
 107 East Madison Street
 The Caldwell Building, MSC 400
 Tallahassee, Florida 32399-2100
cdbg-dr@deo.myflorida.com

Publication

Before its adoption, the proposed State Action Plan was published on the DEO website, www.floridajobs.org/CDBG-DR, for a 30-day citizen comment period. DEO incorporated and addressed citizen comments received during that period into the final Action Plan.

1. Public Website

DEO has a public website providing access to information and programs administered by the state. DEO has a separate and distinct webpage on its website entitled "Disaster Recovery Programs" at www.floridajobs.org/cdbg-dr that includes information on disaster recovery activities assisted with CDBG-DR and CDBG-MIT funds. The creation and maintenance of the public website is one component of HUD's certification that DEO has proficient financial controls and procurement processes as required in the Federal Register.

The Disaster Recovery Programs' webpage will include links to action plans, action plan amendments, citizen participation requirements, and activity/program information for activities described in the action plan, including details of all contracts and ongoing procurement policies. It will also store every HUD Quarterly Performance Report (QPR), with information accounting for how funds are being used and managed.

3. The allocation or reallocation of more than 25 percent of the total current allocation(s) from HUD.

Citizens will be provided 30 days to review and provide comments on proposed substantial changes. A summary of all comments received will be included in the final Substantial Amendment submitted to HUD for approval.

DEO will notify HUD, but is not required to undertake public comment, when it makes any plan amendment that is not substantial. HUD will be notified at least five business days before the amendment becomes effective.

Every amendment to the action plan (substantial and non-substantial) will be numbered and posted on the DEO website.

6. Summary of Public Comments

A summary of public comments submitted on the draft Action Plan, as well as DEO's response to each comment, are included in Appendix 4.

7. Citizen Complaints

DEO will handle citizen complaints received by the state, its subrecipients, vendors and/or other program sources by:

1. Conducting investigations, as necessary;
2. Finding a resolution; or
3. Conducting follow-up actions.

The goal of the state is to provide an opportunity to resolve complaints in a timely manner, usually within 15 business days as expected by HUD, if practicable, and to provide the right to participate in the process and appeal a decision when there is reason for an applicant to believe its application was not handled according to program policies. All applications, guidelines and websites will include details on the right to file a complaint or appeal, and the process for filing a complaint or beginning an appeal.

Applicants can appeal program decisions related to one of the following activities:

1. A program eligibility determination;
2. A program assistance award calculation; and
3. A program decision concerning housing unit damage and the resulting program outcome.

Citizens may file a written complaint or appeal through the Disaster Recovery email at CDBG-DR@deo.myflorida.com or submit by postal mail to the following address:

Attention: Rebuild Florida Constituent Management Services
Florida Department of Economic Opportunity
Disaster Recovery Programs
107 East Madison Street
The Caldwell Building, MSC 400
Tallahassee, Florida 32399

Appendix 4. Summary of Public Comments

Responses to Public Comments

This document describes the comments received from the public following the release of the initial CDBG-DR draft Action Plan. Each section addresses comments and questions that correspond to specific topics mentioned in the draft Action Plan.

- Release Date: March 11, 2020
- Comment Period: March 11, 2020 – April 10, 2020
- Approved by HUD: TBA
- Number of Comments Received: 144¹

Comments were received via e-mail and hard copy mail. The duration of the public comment period as well as instructions for how public comment submissions were posted to the webpage and expressed in a webinar overview of the draft Action Plan. Recordings of all webinars can be found on the CDBG-DR official webpage at www.floridajobs.org/CDBG-DR.

Public Comments Related to Program Oversight and Management

1. How often does DEO anticipate running the program prioritization? For instance, if a program is prioritized high in November, does it retain its priority as other applications are evaluated?

DEO response:

Rebuild Florida's mission is to assist disaster impacted communities to recover from past disasters and to increase communities' resiliency to future disasters. Within each program, priority will be placed on serving the low- and moderate-income populations in the communities served by the program's various activities (i.e. Housing, Infrastructure and Economic Revitalization/Development) while addressing the remaining unmet needs.

2. DEO certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice. How is "timely manner" defined?

DEO response:

HUD requires that 100% CDBG-DR funding be expended within six (6) years of the signing of the grant agreement giving the grantee access to the federal funds. CDBG-DR programs must be carried out in a manner such that all grant close out and audit/verification activities are completed within the six-year period. HUD conducts routine – minimum of two in-person – monitorings of the CDBG-DR grant per year to ensure that the grantee's program is making appropriate progress. Additionally, HUD conducts desk audits of grantees and may conduct audits of subrecipient programs to ensure appropriate progress. In addition to HUD monitoring, DEO conducts monitoring of the program and DEO has contracted with a vendor to provide third party compliance monitoring.

¹ DEO received a total of 144 comments/questions via 34 e-mails and letters

DEO response:

To ensure DEO submits the Action Plan to HUD in a timely manner, DEO will not be extending the public comment period. DEO will continue to work with communities and provide outreach regarding the state's Action Plan and next steps and continue to receive input to best address unmet needs.

If anyone wishes to be added to DEO's distribution list to learn more about upcoming events and announcements, please visit DEO's **Rebuild Florida** webpage at www.floridajobs.org/CDBG-DR.

Public Comment Related to Unmet Needs Assessment

12. Commenters voiced concern regarding the unmet needs assessment. Commenters also asked for clarification as to the source for this information and felt there were some discrepancies within the statistics.

DEO response:

DEO used the best available data in creating the unmet needs assessment for Florida. DEO recognizes the need for preparedness and mitigation as a priority in rebuilding areas that have been affected by Hurricane Michael.

13. Commenters suggested that DEO submit waiver requests to HUD including a request to allow CDBG-DR funds for buildings for the General Conduct of Government, to permit tourism marketing and lowering the LMI rate from 70% to 50%.

DEO response:

DEO appreciates these comments and will carefully take them into consideration.

Public Comments Related to Program Details

14. A commenter requested an explanation of the Green Building Standard.

DEO response:

CDBG-DR grantees are required to adopt a Green Building Standard for:

- All new construction of residential buildings; and
- All replacement of substantially damaged residential buildings (including reconstruction, changes to structural elements).

Green Building Standards include:

- ENERGY STAR;
- LEED;
- Enterprise Green Communities
- ICC-700 National Green Building Standard; and
- Other equivalent comprehensive green building program (approved by HUD).