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Purpose
This Policies and Procedures Manual for the Department of Economic Opportunity (DEO), Office of Disaster Recovery (ODR) is intended to assist the ODR management and program staff in developing, implementing and administering, the CDBG-DR Hurricane Michael grant program. The manual provides program guidance regarding the general requirements that apply to ODR’s Regulatory processes, Administrative and Financial responsibilities, the implementation of the Rebuild Florida Housing and Replacement Program (HRRP), and the administration of the Voluntary Home Buyout, Infrastructure Repair and Economic Development subrecipient programs. It is the responsibility of the ODR disaster recovery staff to ensure that subgrantees and subrecipients comply with all provisions of this manual, state and federal rules and regulations, and the grant award agreement. Subgrantees and subrecipients must also carry out proper and efficient grant administrative practices. To ensure consistent application of the procedures outlined in this manual, it is the intent of ODR to provide a clear and concise understanding of the responsibilities associated with each CDBG-DR program. It is anticipated that circumstances will arise that will require deviations from the processes outlined in this manual. In those instances, the reason for the deviations need to be clearly documented and included in the subgrantees or subrecipients file. In some cases, these circumstances will require amending the Policies and Procedures Manual to include new or revised policies or procedures to accommodate these situations.

If there are any questions, subgrantees and subrecipients should contact the Florida Department of Economic Opportunity’s Office of Disaster Recovery at:

Florida Department of Economic Opportunity
Office of Disaster Recovery
107 East Madison Street
Caldwell Building, MSC 400
Tallahassee, FL 32399
(850)-717-8474
Introduction

The U.S. Department of Housing and Urban Development (HUD) provides supplemental Community Development Block Grant (CDBG-DR) funds appropriated by Congress to assist in the recovery of areas declared by the President of the United States as disaster areas. The public notice regarding supplemental appropriations is included in the Federal Register and specifies the disaster or the time period of the disaster declaration(s) for which funding is available, as well as any special provisions that will apply. Grant funds are generally based on unmet disaster recovery needs and made available to states and units of general local government, Indian tribes, and insular areas, unless otherwise specified in the supplemental appropriation legislation. HUD generally awards noncompetitive, nonrecurring disaster recovery grants by a formula that considers the amount of damage received by the area and the amount of unmet need that remains after considering other federal disaster assistance programs.

Grant recipients receiving funding directly from HUD, must prepare an Action Plan that outlines the overall plan for recovery, the proposed use of the funds, how the funds will be distributed, and how the grant will be administered.

Disaster Recovery grants often supplement disaster programs of the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA) and the U.S. Army Corps of Engineers (Corps). In addition, Home Investment Partnership (HOME) funds can provide an important resource for providing affordable housing to disaster victims. The HOME program is administered by the Florida Housing Finance Corporation.

Eligible activities must meet at least one of three program national objectives: (1) benefit persons of low- to moderate-income, (2) aid in the prevention or elimination of slum or blight, or (3) meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial resources are not available. Unless otherwise restricted by statute or provided by waiver, the funds may be used for any activity eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended, that meets a national objective under Section 104(b) (3) of the Act, and the activities must be related to the covered disaster. Generally, at least 51 percent of the beneficiaries are to be persons of low- to moderate-income.

Typically, grantees (DEO), subgrantees and subrecipients may use CDBG-DR funds for recovery efforts involving housing, economic development, infrastructure repair, and prevention of further damage to affected areas. Eligible activities must be specified in DEO’s Action Plan and funded activities cannot duplicate funding available from other sources such as FEMA, SBA, insurance, or any other sources of public or private funding that is available to undertake the same activity. Examples of eligible activities include:

1. Buying damaged properties in a flood plain and relocating residents to safer areas;
2. Relocation payments for people and businesses displaced by the disaster;
3. Debris removal not covered by FEMA;
4. Rehabilitation of homes and buildings damaged by the disaster;
5. Buying, constructing, or rehabilitating public facilities such as streets, neighborhood centers, and water, sewer, and drainage systems;
6. Homeownership activities such as down payment assistance, interest rate subsidies and loan guarantees for disaster victims;
7. Public services;
8. Helping businesses retain or create jobs in disaster impacted areas; and
9. Planning and administration costs.
Federal requirements state that the funds can be used only for disaster relief and long-term recovery in communities affected by the specified disaster(s) and directed to areas with the greatest unmet need. Funds cannot be used for a project or activity that was underway prior to the Presidential Disaster Declaration. All projects must be directly related to one or more of the disaster events defined in the Presidential Disaster Declaration. Activities that are reimbursable by the FEMA, the National Flood Insurance Program (NFIP), private insurance, private or public donations, dedicated tax revenues, or available through the SBA cannot be reimbursed with these funds.
## Version History

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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.

This manual will be updated monthly to incorporate changes based on information obtained from attending CDBG-DR and program-related training workshops, seminars, webinars, and other resources, including changes in federal and state laws, rules, regulations and program policies and procedures. In addition, information obtained at the training sessions and an overview of the training sessions will be provided to all staff in the Office of Disaster Recovery that did not attend the training as part of a continuous education program. Updated guidelines specific to each program will also be posted on the Office of Disaster Recovery webpage. Information about DEO’s Office of Disaster Recovery can be found at: www.floridajobs.org/CDBG-DR.
Definitions and Acronyms

**Activity/Project/Program** - The housing, infrastructure, economic development, or planning endeavor undertaken by the subgrantee.

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

**Allocable Costs** – Allocable costs must be clearly allocated, meaning the cost is assigned to a CDBG-DR eligible activity with a methodology for determining where to attribute costs.

**Allowable Costs** – Allowable costs under the CDBG-DR rules and regulations and under 2 CFR 200 Subpart E.

**AP** – CDBG-DR Action Plan

**Appraisal** - A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

**Bid** - An offer by a company, firm or individual to provide goods or services submitted in response to solicitation for those goods or services.

**Business concern** - a business entity formed in accordance with state law, and which is licensed under state, county or municipal law engaging in the type of business activity for which it was formed. A business concern that provides economic opportunities for low-and very low-income persons.

**Cancelled Loans** - The borrower has entered a loan agreement, but for a variety of reasons, all or a portion of the loan amount was not disbursed and is no longer available to the applicant. The loan cancellation may be due to default of the borrower, agreement by both parties to cancel the undisbursed portion of the loan, or expiration of the term for which the loan was available for disbursement.

**CDBG-DR** - The Community Development Block Grant-Disaster Recovery program.

**CDBG-MIT** – The Community Development Block Grant-Mitigation (CDBG-MIT) program.


**Change Order** – Work that is added or deleted from the original contract activities to be performed and changes the original contract amount and/or the completion due date. The change order must be approved by the Department of Economic Opportunity Office of Disaster Recovery, homeowner, subgrantee, contractor, subcontractor, and project architect and/or engineer, as appropriate, prior to being implemented.

**Concern** - An issue identified in the Department of Economic Opportunity’s monitoring report sent to the subgrantee and/or subrecipient that, if not addressed or corrected, may result in a finding in a future monitoring report.

**Corrective Action** - Required steps to be taken to resolve findings and/or concerns identified in the DEO’s Office of Disaster Recovery.
**Cost Reimbursement** - Payment made to the subgrantee and/or subrecipient after a request for funds has been submitted along with proper supporting documentation and approved by DEO. In CDBG-DR grant agreements, the subgrantees and or subrecipients are required to pay in advance for all completed work that is associated with the deliverables set forth in the subrecipient agreement and is reimbursed based on the invoice and supporting documentation submitted to DEO.

**Declined Loans** - Declined loan amounts are loan amounts that were approved or offered by a lender in response to a loan application, but were turned down by the applicant, meaning the applicant never signed loan documents to receive the loan proceeds.

**Deficiency** - An inadequacy based on a federal or state statutory, regulatory or program requirement.

**DEO** - Florida Department of Economic Opportunity.

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

**DR** – Disaster Recovery

**DRGR** – Disaster Recovery Grant Reporting System, HUD’s web-based reporting and grants management system.

**ERR** – Environmental Review Record – The environmental file and documents associated with the activities to be undertaken with CDBG funds.

**FACTS** – Florida Accountability Tracking System is an online tool managed by the Department of Financial Services developed to make the government contracting process in Florida more transparent through the creation of a centralized, statewide reporting system.

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

**FEMA** – Federal Emergency Management Agency, a federal agency.

**Finding(s)** – A specific issue of noncompliance with federal or state regulatory requirements, including the CDBG subrecipient/subgrant agreement provisions, that is identified in a monitoring report produced by the Department of Economic Opportunity sent to the subrecipient/subgrantee.

**FLAIR** – Florida Accounting Information Resource system is the state of Florida’s official statewide accounting system managed by the Department of Financial Services.

**Grantee** – As used in this manual, the State of Florida, DEO’s Office of Disaster Recovery as recipient of disaster recovery CDBG funds from the U.S. Department of Housing and Urban Development.

**HRRP** - Housing Repair and Replacement Program managed by the DEO Office of Disaster Recovery.

**HUD** – U.S. Department of Housing and Urban Development

**Indirect Cost** – Any cost not directly identified with a cost objective, such as a specific project, facility, or function. Indirect costs include administration, personnel, and security costs.
Invitation to Bid (ITB) – a written or electronically posted solicitation for competitive sealed bids.

Invitation to Negotiate (ITN) – a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

Low- to Moderate-Income (LMI) Household – Means a household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.

Low- to Moderate-Income Resident/Person/Individual – Means a person whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.

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

New Hires – Full-time employees for permanent, temporary or seasonal employment opportunities.

Offer – A response to a solicitation that, if accepted, would bind the offer. Responses to an Invitation to Bid (ITB) are offers called “bids” or “sealed bids”.

Office of Disaster Recovery (ODR) – The Florida Department of Economic Opportunity’s long-term disaster recovery office.

Private Loans – A loan that is not provided by or guaranteed by a governmental entity, and that requires the CDBG–DR applicant (the borrower) to repay the full amount of the loan (principal and interest) under typical commercial lending terms, e.g., the loan is not forgivable.

Program Income – Gross income received by the subgrantee and/or subrecipient directly generated from the use of Disaster Recovery CDBG funds. [Revenue that is received by a state, unit of general local government or subrecipient as defined at 24 CFR 570.500.]

Project Cost – Direct costs of undertaking a CDBG-DR project and which can be tied to a final cost objective and eligible activity. The project costs can count towards meeting the overall LMI benefit requirements.

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

Project/Program/Activity – The housing, infrastructure, economic development, or planning endeavor undertaken by DEO, the subgrantee and/or subrecipient using CDBG-DR funds.

QPR – The CDBG-DR Quarterly Performance Report that is required to be uploaded quarterly in the DRGR system for HUD’s review of Florida’s disaster recovery programs.

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

Reasonable Costs – Costs that do not exceed what a prudent person would incur under similar circumstances as demonstrated by the market price for comparable goods and services. For contracted work, you should conduct an independent cost estimate to establish cost reasonableness.
**Real Property** – Land, including all the natural resources and permanent buildings on it. Real property includes air rights, water rights, rights-of-way, easements, and other interests therein. (24CFR 570.201)

**Request for Proposals (RFPs)** – A solicitation, often made through a bidding process, by an agency to communicate an entity's requirements for goods or services to prospective contractors.

**Request for Quote (RFQs)** – An oral, electronic, or written request for written pricing or services information from a Florida state term contract vendor for commodities or contractual services available on state term contract from that vendor.

**RFF** – Request for Funds – Subgrantee and or subrecipient request for funds from DEO.

**ROF** – Release of Funds – HUD’s or DEO’s granting approval to use CDBG-DR funding. This approval, or authority to use grant funds, is executed through HUD form 7015.16. The authority to use CDBG-DR funds usually occurs after the project environmental review is completed and approved by DEO.

**RROF** – Request for Release of Funds - A subgrantee and or subrecipient request for a release of funds. This request is executed through HUD Form 7015.15.

**SBA** – Small Business Administration, a federal agency.

**Subsidized Loans** - Subsidized loans (including forgivable loans) are loans other than private loans. Both SBA and FEMA provide subsidized loans for disaster recovery.

**Sealed bid** – A method of contracting that employs competitive bids, public opening of bids, and awarding the bid.

**Section 3** – Means Section 3 of the Housing and Community Development Act of 1968, as amended, and the implementing regulation, 24 CFR Part 135, relating to employment and other economic opportunities for low- and very-low income persons.

**Section 3 Resident** – A public housing resident or an individual residing in a metropolitan area or a non-metropolitan county who meets the definition of a low-income or very low-income person.

**Section 3 Business or Business Concern** – As related to Section 3 of the of the HUD Act of 1968, as amended:

- A business that is 51 percent or more owned by Section 3 residents; or
- Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or
- 25 percent of subcontracts committed to Section 3 businesses.

**Section 3 Covered Contracts** – A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

**Section 3 Covered Non-Construction Project** – A project associated with the Section 3 Covered Project such as maintenance contracts, re-painting, routine maintenance, HVAC servicing, and professional services (architectural, engineering, legal services, accounting, marketing, etc.)
**Section 3 Covered Project** – The construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction such as roads, sewers and community centers, and buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

**SERA** – “Subrecipient Enterprise Resource Application” is DEO’s web-based reporting and grants management system. This system is used by CDBG-DR vendors, subgrantees and subrecipients to submit invoices and supporting documentation to be reimbursed for goods and services. The transactions in this system are linked to the state’s FLAIR system as well as HUD’s DRGR system.

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

**Solicitation** – Any request to submit offers or quotations to the local government. Solicitations under sealed bid procedures are called “invitations for bids”. Solicitations under negotiated procedures are called “requests for proposals.” Solicitations under simplified acquisition procedures may require submission of either a quotation or an offer.

**Subcontract** – As used in this manual, any contract as defined above as a “Contract” entered into by a subcontractor to furnish supplies or services for performance of a prime contract, or another subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.

**Subcontractor** – As used in this manual, any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a subrecipient. As related to Section 3 of the HUD Act of 1968, as amended, any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor’s obligation for the performance of work generated by the expenditure of Section 3 covered assistance or arising in connection with a Section 3 covered project.

**Subgrantee** – As used in this manual, a recipient that demonstrated its abilities to carry out competitive applications due to their expertise related to goals of the program. For example, Florida Housing Finance Corporation.

**Subrecipient** – A competitively-selected recipient, usually a local government, that is provided CDBG-DR funds from DEO, to agreed-upon eligible disaster recovery activities documented in a Subrecipient Agreement.

**Subgrant Agreement** – An agreement between DEO and the subgrantee to undertake the activities the subgrantee will undertake using CDBG-DR funds.

**Subrecipient Agreement** – An agreement between DEO and the subrecipient to undertake the activities the subrecipient agreement will undertake using CDBG-DR funds.

**URA** – Uniform Relocation Assistance and Real Property Acquisition Policies Act.

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

**Waiver** – A revision to the standard CDBG-DR regulations, requirements, and activities, granted by HUD.
Executive Summary

On October 10, 2018, the state of Florida was subjected to the powerful destructive force of Hurricane Michael (DR-4399). In the wake of this natural disaster, Florida came together to recover and rebuild, but significant unmet needs still remain. Recognizing this, Congress appropriated and the U.S. Department of Housing and Urban Development (HUD) allocated a total of $735 million in funding to support long-term recovery efforts following Hurricane Michael through the Florida Department of Economic Opportunity’s (DEO) Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. This funding is designed to address needs that remain after other assistance has been exhausted, including federal assistance as well as private insurance. The Florida Department of Economic Opportunity (DEO) is the responsible entity for administering the CDBG-DR funds allocated to the state.

DEO recognizes its fiscal and regulatory responsibility to administer these funds consistent with all federal and state requirements. DEO’s initial step toward securing this funding on behalf of the state of Florida was the successful creation and submission of the State of Florida CDBG-DR Action Plan (Action Plan), which HUD approved on June 26, 2020.

In order to ensure that the funds assist the most impacted areas, 80 percent must be expended on disaster recovery in HUD-identified “most impacted and distressed” areas for eligible disaster-related activities. The unmet needs assessment evaluates three core aspects of recovery – housing, infrastructure and economic development – as the basis for the Rebuild Florida Program framework.

This Office of Disaster Recovery Policy Manual is intended to identify applicable federal regulations that govern CDBG-DR funds, provide individual program summaries with program-specific policies and procedures referenced in appendices, and delineate state-level responsibilities for DEO Office of Disaster Recovery programs and staff members from subrecipient program and staff responsibilities. DEO will provide technical assistance for each subrecipient applying for disaster recovery assistance funding and will monitor those subrecipients who are successful in obtaining funding.

This manual supports DEO’s ability to help homeowners, owners of rental housing, and communities achieve long-term recovery goals by providing compliance requirements that will keep Florida in good standing with HUD while delivering services to Floridians. It is intended to provide for consistent and efficient application of procedures across all disaster recovery activities relating to Hurricane Michael, regardless of where and by whom these activities are conducted.

DEO anticipates that circumstances will arise where the application of the policies and procedures outlined in this manual may lead to an unintended consequence and that some circumstances may not fit within the policy and procedure framework. In these cases, deviations may be justified and necessary. Any deviation from policies and procedures must be clearly documented and included in the specific file for the project requiring such deviation.
Part 1. Overarching Regulatory and CDBG-DR Specific Processes

1.1 Overview

CDBG-DR ultimately falls under the regulatory umbrella of the Community Development Block Grant (CDBG). The federal government uses CDBG-DR as a tool to provide aid in the wake of a disaster because it is a proven method of assisting communities that can be adapted to disaster recovery with relative ease. Unless there are specific waivers granted, it is safe to assume all the same rules apply to the Rebuild Florida programs.

The CDBG program has layers of regulations that have an impact on CDBG-DR program processes and activities. These regulations exist alongside administrative and programmatic requirements and have serious implications for activities undertaken through CDBG-DR. State staff charged with oversight of CDBG-DR directly implement these processes and provide guidance to subrecipients to ensure a basic knowledge of CDBG-DR regulations and processes.

1.1.1 Acceptance of HUD’s Funding Allocation

1. HUD notifies the Governor’s office of the funding allocation.

2. The Governor’s office notifies DEO’s Executive Director, the Office of Disaster Recovery Director and Policy unit.

3. Upon receiving the notification of HUD funding, the Policy Unit reviews the letter and the HUD Funding Approval/Agreement form (HUD Form 7082).

4. The Policy Unit completes HUD Form 7082 and a transmittal letter to HUD for the DEO Executive Director to sign. HUD Form 7082 is routed through the Policy Manager to the ODR Director, and then to the Executive Director.

5. The Executive Director reviews and signs the grant agreement form and transmittal letter and returns the signed grant agreement and letter to the Policy Unit. The Policy Unit then mails and emails to HUD’s Disaster Recovery and Special Issues Division (DRSI).

6. The Policy Unit forwards copies of the signed grant agreement form and letter to DEO’s Bureau of Financial Management, the Office of General Counsel, Office of Disaster Recovery director, Bureau Chiefs, and other essential personnel. A copy is placed in the files maintained by the Policy Unit.

7. Once the signed grant agreement is received by the Bureau of Financial Management, information from the approved Action Plan is entered into HUD’s DRGR system creating a DRGR Action Plan for HUD’s review and approval

8. Once HUD approves the DRGR Action Plan, the Hurricane Michael CDBG-DR funds will be made available for DEO to draw down.

9. The Bureau of Financial Management will create grant codes specifically for the CDBG-DR Hurricane Michael grant and enter them in the Florida Accounting Information Resource (FLAIR) system to capture all state expenditures allowable under the grant for reimbursement.

As a recipient of a federal financial assistance award over $25,000, the Department of Economic Opportunity is subject to the requirements of Public Law 109-282, the Federal Funding Accountability and Transparency Act of 2006 as amended (FFATA). Public Law 109-282 requires disclosure of all entities and organizations receiving federal funds through a single publicly accessible website, USAspending.gov. Pursuant to these requirements, information on the CDBG-DR allocation provided to DEO by HUD is available at https://www.usaspending.gov/#/award/ASST_NON_DW327461960A12_1630.
1.1.2 Action Plan Development

Action Plan Substantial Amendment

1. The AP substantial amendment is prepared by the policy unit in coordination with the applicable program area.

2. Once completed by the policy unit, the draft AP substantial amendment is routed to the applicable bureau chief, the ODR and DEO finance units if there is a financial impact, the ODR director and finally, the ODR communications office.

3. Once final approval is given by ODR director, the draft substantial amendment is submitted to translation services. Once translated, both versions (English and translated) are sent to ODR communications to be posted on the DEO website for 30 days public comment period as required.

4. After the 30-day public comment period ends, the policy unit incorporates any public comments and drafts response(s) to public comments incorporating the responses into the final version of the substantial amendment. Once draft is completed, it once again follows the previous route for final approval.

5. The approved final version of the substantial amendment is transmitted to the appropriate HUD office for review and approval. HUD has 45 days to review and approve the substantial amendment. Once the substantial amendment is approved by HUD, it becomes effective.

6. The substantial amendment is published on the website for the public to view and is incorporated into the Hurricane Michael Action Plan.

Action Plan Non-Substantial Amendment

1. The AP non-substantial amendment is prepared by the policy unit in coordination with the applicable program area.

2. The draft AP non-substantial amendment is routed to the applicable program bureau chief, depending on content other offices if needed, the ODR director and ODR communications for final edits and approval.

3. Once the division director approves the draft non-substantial amendment, HUD is notified of the non-substantial amendment via email.

4. The amendment becomes effective 5 working days after HUD acknowledges receipt.

5. The amendment is then translated and published on the website for the public to view and is incorporated into the Consolidated Hurricane Michael Action Plan.

1.2 Duplication of Benefits (DOB)

Many federal and state agencies are involved in responding to presidentially declared major disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (the “Stafford Act”). Under Stafford Act requirements, Congress instituted a goal to achieve greater coordination and responsiveness of disaster preparedness and relief programs. Accordingly, Stafford Act duplication of benefits (DOB) requirements apply to all federal agencies, including HUD, administering a disaster recovery program.
providing financial assistance for emergency response and long-term recovery. The CDBG-DR grants are subject to these requirements.

Section 312(a) of the Stafford Act requires the Federal Government to assure that no person receiving Federal financial assistance receives funds for any part of a loss already paid by insurance or any other source. Section 312(c) makes any person receiving duplicative assistance liable to the Federal Government for the duplicative amount and states that “the agency which provided the duplicative assistance shall collect [it] from the recipient when the head of such agency considers it to be in the best interest of the Federal Government” (42 USC 5155(c)). Additionally, Section 312(b) of the Act permits the payment of assistance to someone who is or may be entitled to future payments from insurance or another source “if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance” (42 USC 5155(b)).

The Stafford Act requirements are reinforced by other requirements on the use of CDBG-DR. Public Laws governing each of the allocations require the HUD Secretary to certify in advance of making grant awards that grantees have adequate procedures to prevent any duplication of benefits. To support the Secretary’s certification, grantees must certify that they have “established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act.”

Additionally, the Appropriations Act, regulations, and cost principles within uniform administrative requirements applicable to all CDBG-DR grantees require that costs are necessary and reasonable (24 CFR part 570 and Uniform Requirements at 2 CFR part 200). “A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost” (2 CFR 200.404).

DOB verification is most often a complex compliance requirement for housing activities, but it also applies to public facilities and businesses, depending on the activity. Fundamentally, the state and subrecipients must prove that they have accounted for private insurance, SBA, NFIP, FEMA and/or any other funding an applicant has received for the same purpose as the CDBG-DR grant, prior to expenditure of CDBG-DR funds.

DEO staff has coordinated with FEMA, NFIP and SBA to establish a process whereby information can be obtained to determine if applicants, especially housing rehabilitation applicants seeking disaster recovery funding assistance, have applied for or received funding from either of these two agencies. DEO currently has secured data sharing agreements with FEMA and SBA to ensure the most recent assistance data is used in confirming other federal assistance. In addition, DEO has secured data from the National Flood Insurance Program (NFIP).

The Stafford Act directs administrators of Federal assistance to ensure that no person, business, or other entity will receive duplicative assistance and imposes liability to the extent that such assistance duplicates benefits available to the person for the same purpose from another source. The amount of the duplication is the amount of assistance provided in excess of need. The Stafford Act requires that recipients of federal disaster recovery funding make certain that no "person, business concern or other entity" will receive duplicative assistance. A Duplication of Benefits (DOB) occurs when:

- A beneficiary receives assistance, and
- The assistance comes from multiple sources (e.g., private insurance, FEMA, NFIP, non-profits, etc.), and
- The total assistance amount exceeds the need for a particular recovery purpose.
Eligible applicants may have previously received assistance from other sources. Under the requirements of Stafford Act (42 U.S.C. 5121, et seq.), as interpreted and applied by HUD, the Program must take into account certain aid received by applicants in determining the amount of assistance which can be granted. In accordance with the Stafford Act, all projects, both directly and subrecipient administered, must perform due diligence to identify potentially duplicative sources of funding, analyze whether the source is duplicative, and include duplicative sources in an assessment that is deducted from the project’s need-based award determination.

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:

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),
6. Any other funding source available to the homeowner for the same purpose as a 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 homeowner’s home will reduce the amount of disaster assistance if the evidence of expenditures at least equals the amount of assistance provided from the source(s). Documentation must be provided demonstrating the cost and type of repair conducted.

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.

For additional information on duplication of benefits see the following Federal Register Notices 76 FR 71060, 84 FR 28836, and 84 FR 28848 available on the HUD Exchange website.

**HUD’s Duplication of Benefits Guidance**

<table>
<thead>
<tr>
<th>Federal Register Notice</th>
<th>Publication Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>84 FR 28836</td>
<td>June 20, 2019</td>
<td>June 2019 Duplication of Benefits Notice</td>
</tr>
<tr>
<td>84 FR 28848</td>
<td>June 20, 2019</td>
<td>June 2019 Duplication of Benefits Implementation Notice</td>
</tr>
<tr>
<td>76 FR 71060</td>
<td>November 16, 2011</td>
<td>Duplication of Benefits</td>
</tr>
</tbody>
</table>

On June 20, 2019, HUD issued two Federal Register notices applicable to duplication of benefits, 84 FR 28836 and 84 FR 28848. Federal Register 84 FR 28836, entitled “Updates to Duplication of Benefits Requirements under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grants,” outlines the new DOB requirements consistent with the Disaster Recovery Reform Act of 2018 (DRRA) as provided in division D of Public Law 115-254. Federal Register 84 FR 28848, entitled “Applicability of Updates to
Duplication of Benefits Requirements under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees” provides implementation considerations for 84 FR 28836. The 2019 DOB Notices, 84 FR 28836 and 84 FR 28848, are applicable to any new activities the grantee submits to HUD on or after the applicability date of June 25, 2019. The Rebuild Florida Program and CDBG-DR subrecipient programs most adhere to the 2019 DOB notice.

DRRA, 84 FR 28836 and 84 FR 28848 apply so that a non-profit could provide funds to a homeowner, impacted by major disaster or emergency declared between 2015 and 2023, to address a Duplication of Benefit (DOB) gap by structuring the assistance as a zero-interest forgivable loan.

1.3 Environmental Review Record (ERR)

1.3.1 Overview
The National Environmental Policy Act of 1969, as amended (NEPA), established national policies, goals, and procedures for protecting, restoring, and enhancing environmental quality. It requires the evaluation of environmental impacts of proposed federally funded projects and identification of mitigation measures to minimize or prevent adverse impacts. All State- or Subrecipient-managed projects funded by HUD CDBG-DR funds will require an Environmental Review Record (ERR) to be completed by the Responsible Entity (RE) in compliance with NEPA, Council on Environmental Quality (CEQ) regulations 40 CFR Parts 1500–1508, HUD 24 CFR Part 50, 51, 55, and 58, and all applicable state and local regulations.

1.3.2 Environmental Review Record and Responsible Entity
An Environmental Review Record (ERR) is a written record of the environmental review undertaken by the Responsible Entity (RE) for each project and must be available for public review upon request. The RE can be the State or a unit of general local government (also known as the Grantee or Subrecipient) as defined in 24 CFR 58.2(a)(7). The RE is responsible for developing the project description, determining the level of environmental review, preparing and maintaining the ERR, submitting the ERR for review to the State’s Certifying Officer for approval, and performing monitoring, inspection, and enforcement actions to assure that decisions adopted through the environmental review process are carried out during project development and implementation. The Grantee must designate a Certifying Officer as the responsible Federal official to assume legal responsibility for certifying that the Grantee or Subrecipient followed all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in §58.5.5. The Subrecipient must designate a Certifying Officer as the responsible Federal official to assume legal responsibility for certifying that the Grantee or Subrecipient has complied with the requirements that would apply to HUD under these laws and authorities and must consider the criteria, standards, policies and regulations of these laws and authorities. The ERR must provide a comprehensive project description and evidence of the process from start to finish, including environmental review documents, public notices, and written determinations or environmental findings as required by 24 CFR Part 58. The three basic steps of environmental reviews are the following:

- **Project Aggregation** – The Responsible Entity should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. The project scope should include any related activities necessary to accomplish the project.

- **Determine the Level of Review** – The Responsible Entity must determine which level of environmental review is appropriate for each identified activity within the project scope.

- **Documentation** – The Responsible Entity must complete all documents necessary for the appropriate level of environmental review as the process is comprehensive and detailed. The amount of information needed to complete the review depends on the type of project the Responsible Entity is proposing. All ERRs must be submitted to and approved by the State’s Certifying Officer prior to expending funds on the project.
1.3.3 Environmental Review Record Procedure

The process for completing the ERR in compliance with 24 CFR Part 58 includes the following:

**Step 1: Designate Responsible Entity**

The Responsible Entity (RE) is the State or a unit of general local government (also known as the Grantee or Subrecipient) responsible for the preparation of the ERR, environmental decision-making, designating a Certifying Officer, establishing a Subrecipient Agreement, and all environmental actions. The RE must be knowledgeable, qualified and have the experience necessary to prepare and evaluate ERR documents for conformance with NEPA and 24 CFR Part 58.

**Step 2: Develop Project Description**

The project description is critical in determining the level of environmental review required. A reader should clearly understand the scope, scale, nature and extent of the proposed project from the description. At a minimum, the project description should contain the following:

- a. ALL proposed project activities by all funding sources, described in detail.
- b. Entire project scope and all phases of the project from beginning to end.
- c. Exact project location(s)/area(s), supported by a locational map.
- d. Color photographs, site plans, project plans, and maps (e.g., topographic, aerial).
- e. Total project costs by all funding sources.
- f. Existing environment on and around project site and how it is expected to change as a result of the project.
- g. Temporary impacts anticipated by construction activities and a timeline for construction.
- h. Other information as recommended by environmental agencies and project professionals.

**Step 3: Determine Activity Classification**

The Responsible Entity must ensure the level of environmental review per 24 CFR Part 58 is appropriate for the proposed project in order to correctly complete the necessary documentation. Determining the activity classification is the responsibility of the Responsible Entity. To do this, the RE or Grant Administrator must list all activities associated with the project and match the activities to the appropriate classification. The five environmental classifications are:

- Exempt § 58.34
- Categorically Excluded Not Subject to § 58.5 (CENST)
- Categorically Excluded Subject to § 58.5 (CEST)
  - Tier I (also known as a Broad Review or Tiered Unspecified Site Strategy)
  - Tier II
- Environmental Assessment § 58.36 (EA)
- Environmental Impact Statement § 58.37 (EIS)

**Examples of Typical Disaster Recovery Projects**

<table>
<thead>
<tr>
<th>Proposed Project</th>
<th>Level of Environmental Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development</td>
<td>Exempt</td>
</tr>
<tr>
<td>Repair of Single-Family Home</td>
<td>Tier I and Tier II</td>
</tr>
<tr>
<td>Reconstruction of Single-Family Home</td>
<td>Tier I and Tier II</td>
</tr>
</tbody>
</table>
If the proposed activities qualify under multiple level of review classifications, the Responsible Entity must follow the review steps listed under the most stringent classification.

**Exempt Activities**

A proposed activity is Exempt when there are no anticipated effects on the physical environment. In general, qualifying activities are associated with Administration and Planning activities, such as studies and design. The complete list of exempt activities is available in 24 CFR 58.34. If the proposed project consists only of exempt activities, the RE will need to complete the HUD Exemption Form. A Notice of Intent/Request for Release of Funds (NOI/RROF) is not required.

**Categorically Excluded Not Subject to (CENST) § 58.5 Activities**

Proposed activities that qualify as Categorically Excluded Not Subject To (CENST) are activities that would not alter any conditions that would require a review or compliance determination under 24 CFR 58.5. In general, these activities are associated with financial assistance, support services, and operating and maintenance costs. The complete list of CENST activities is available in 24 CFR 58.35(b). If the proposed project consists only of qualifying CENST activities, the RE will need to complete the HUD CENST Form, which is the same as the Exemption Form. A Notice of Intent/Request for Release of Funds (NOI/RROF) is not required.

**Categorical Excluded Subject to § 58.5 (CEST) Activities**

Proposed activities that qualify as Categorically Excluded Subject To § 58.5 (CEST) are activities that are not expected to require an Environmental Assessment or Environmental Impact Statement except under extraordinary circumstances. These activities are associated with (1) acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent; (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons; (3) Rehabilitation of buildings and improvements when conditions are met; (4) An individual action on up to four dwelling units where there is a maximum of four units on any one site, or an individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site; or (5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use. A complete list of CEST activities is available in 24 CFR 58.35(a). If the proposed project consists only of qualifying CEST activities, the RE will need to complete the HUD CEST Form. The proposed project may benefit from a Tiered approach if activities are repetitive. Please see DEO Environmental Review forms in the Appendices regarding Environmental Review for information regarding the Tiered Approach. A Notice of Intent/Request for Release of Funds (NOI/RROF) is required.

**Tiered Approach**

Tiering is a method for streamlining the environmental review process and increasing efficiency by enabling the Environmental Officer to “eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review” (40 CFR 1502.20). The Tier approach can be applied to proposed activities that qualify for CEST and EA level environmental reviews and consists of two
phases: Broad Review (Tier I) and Site-specific Review (Tier II). Collectively, the Broad Review and Site-specific Review satisfy ERR requirements under 24 CFR Part 58. Proposed rehabilitation and reconstruction activities of Single-Family (four units or less) Homes participating in Rebuild Florida’s Housing Recovery Program qualify CEST-level environmental review using the Tiered approach. Rebuild Florida’s Housing Recovery Program Broad Reviews were completed at the County level and Site-specific Review will be completed for each property once Eligibility and the Pathway Determination are made.

**Broad (Tier I) Review**

Broad Reviews encompass geographical areas or neighborhoods often with similar environmental characteristics. During the Broad Review, the RE must consider all environmental laws and authorities that require compliance. If the proposed activities can be determined to have no adverse impact on an environmental resource and comply with the associated environmental law/authority, then environmental resource can be cleared during the Broad Review.

When proposed activities have the potential to adversely impact environmental resources or compliance with the associated environmental law/authority cannot be determined, then a protocol for compliance must be included in the Broad Review. The protocol will establish parameters to achieve compliance for each unresolved environmental resource during the Site-Specific Review.

If the proposed project consists only of qualifying CENST or EA activities, the RE will need to complete the HUD **Broad Review Form**. A Notice of Intent/Request for Release of Funds (NOI/RROF) is required.

**Site-Specific (Tier II) Review**

The Tier II Site-Specific Review will address all outstanding potential impacts to environmental resources and assess compliance with the associated environmental law/authority as determined by the Broad Review. If the additional proposed activities are consistent with the activities covered within the Broad Review, then the RE may proceed and will need to complete the DEO generated Tier II Site-Specific Checklist. Supporting documentation, at a minimum should include:

1. Photographs;
2. Property Tax Card;
3. Maps produced using ArcGIS from data feeds from state or federal agencies that were utilized to perform the desktop review;
4. Toxic and/or Hazardous Sites Spreadsheet;
5. Coordination or exemption letters from state or federal agencies; and
6. Any other supporting documentation.

**Environmental Assessment**

A project that cannot be classified as Exempt or Categorically Excluded will require the completion of an Environmental Assessment (EA) under 24 CFR 58.36. These activities are usually those that have a greater potential for a direct impact on the physical environment. Example activities include:

1. A change in use;
2. Any new construction;
3. Major rehabilitation;
4. A change in size or capacity by more than 20%;
5. New single-family housing in which 5 or more homes are located within 2,000 feet of one another.

If the proposed project consists only of qualifying EA activities, the RE will need to complete the HUD [EA Form](#). A Finding of No Significant Impact/Request for Release of Funds (FONSI/RROF) is required.

**Environmental Impact Statement**

If the proposed project is determined to have a potentially significant impact on the physical and/or human environment, an Environmental Impact Statement (EIS) is required. This determination is based upon the environmental responses collected from the applicable agencies.

In the event this situation does occur, the Responsible Entity must use the recommended format of the CEQ regulations (40 CFR 1502.10).

The [EIS Notice of Requirements for Responsible Entities Memo](#) details the Public Notice requirements for EIS.

**Step 4: ERR Agency Coordination**

A. Contact appropriate federal, state and local agencies.

- Provide a minimum 30-days from the date of receipt for agency comments or concerns. Some agencies may require 45-60 days.
- It is suggested letters mailed are sent by “certified mail, return receipt”.
- Letters included within an email shall request a delivery and read receipt.
- Only the Responsible Entity may formally contact and consult with the State Historic Preservation Office (SHPO) and the Native American Indian Tribes. Letters sent to these agencies must be on the Responsible Entity’s official letterhead and signed by the Responsible Entity; (e.g. Mayor).
  - If a response regarding a project raises concerns or requires further documentation and/or study, it is the Responsible Entity’s responsibility to address the issue and to obtain the necessary documentation, clearances and/or permits prior to submitting the ERR to DEO.
    - Example: SHPO may require a Cultural Resource Survey to be performed in an undisturbed area where construction is proposed. In this event, the Responsible Entity must complete the survey and receive clearance from SHPO.

B. Complete all requirements of Part 58 associated with the project or activity; (e.g. conduct the 8-Step Decision Making Process under 24 CFR Part 55 for projects located in a floodplain and/or wetland).

C. All maps should be in color and include the project location; (e.g. FIRM or floodplain map).

D. Provide a detailed scope of work. This should include all HUD and non-HUD funded portions of a project or activity and the associated cost for each.

E. At the conclusion of the environmental review, the Responsible Entity will certify the project meets the appropriate level of review; (e.g. Categorically Excluded Subject To or Environmental Assessment), and the RE’s certifying officer will sign the ERR. For Subrecipients, the complete and signed ERR should then be submitted to DEO to be assessed by the Environmental Team and the State’s Certifying Officer for completeness. If any deficiencies are noted from the State’s environmental review, the Subrecipient must provide any additional documentation requested and revise the ERR to include requested revisions. After the Environmental Team has reviewed the ERR or a Revised ERR for an EA, EIS, or a Tier I review, then the Subrecipient must publish a NOI-RROF or
a Combined/Concurrent Notice of Finding of No Significant Impact (FONSI) and NOI/RROF. Note that DEO should have completed review of an ERR prior to receiving a related RROF.

F. Provide the appropriate public notice based on the review conducted. Ensure the public was allowed the required period of time to comment/respond based on the type of notice.

G. The Request for Release of Funds (7015.15) form is signed by the Responsible Entity.

H. Environmental review is complete. Submit the ERR to DEO.

I. DEO public comment period begins the date the ERR is received. DEO will date stamp the ERR upon arrival.

J. The Responsible Entity will be notified by DEO if additional information is needed as a result of the ERR review.

K. When the ERR has been cleared by DEO and any public comments addressed, DEO will issue the Authority to Use Grant Funds (7015.16) form to the Responsible Entity. HUD or non-HUD funds may not be spent on a project until this document is received by the RE.

L. For housing projects in which a site-specific environmental review is required, an additional clearance must be received from DEO prior to expenditure of funds on the individual project.

M. For projects in which the Authority to Use Grant Funds (7015.16) was previously issued but the scope of work has changed, compliance with 24 CFR 58.47 must be met. An updated ERR is to be submitted to DEO and clearance received on the new scope of work prior to funds committed on the new project area.

1.3.4 Public Notices
The required public notice affords the public the opportunity to be informed of the upcoming project or activity. Notices which are published must be in a news medium that reaches the local community in which the project will be located. The publication of notices shall be followed by a comment period counted in calendar days. A comment period may not end on a weekend or holiday. If this occurs, the official last day to comment is moved to the next weekday.

A. Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain or Wetland
   • Public Comment Period: 15- days (publication required)

B. Final Notice and Public Review Explanation of a Proposed Activity in a 100-Year Floodplain or Wetland
   • Public Comment Period: 7-days (publication required)

C. Notice of Intent to Request Release of Funds (NOI-RROF)
   • Public Comment Period: 7-days (published); 10-days (posted)

D. Concurrent Notice – Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds
   • Public Comment Period: 15-days (published); 18-days (posted)

The ERR is to include a copy of the public notice and a notarized statement from the news medium verifying the date of publication. Notices which are posted must be located in multiple locations (e.g. post office, community center, government offices, etc.) and include a notarized statement verifying the locations posted.
The environmental review must be completed prior to the submission of the ERR to DEO. The type of project a Responsible Entity is completing will determine the level of review and the necessary documentation that will be required.

1.3.5 Procedures for Making Determination on Floodplain and Wetland Management

Projects located within a floodplain or within a designated wetland are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively. HUD regulations describe measures for protecting floodplains and wetlands. The required 8-Step Process is explained below:

**Step 1:** Determine whether the proposed action is located in a 100-year floodplain and/or wetland. This is determined by FEMA Floodplain Maps the Wetlands Maps. If no maps are available, use the best available information. If the proposed action would not be conducted in one of those locations, then no further compliance with this part is required. Categorically Excluded projects are NOT excluded from this process.

**Step 2:** Notify the public at the earliest possible time of a proposal to consider an action in a floodplain and/or wetland and involve the affected and interested public in the decision-making process. This is accomplished by publishing the Early Public Review Notice.

a. The public notices required in this section may be combined with other project notices wherever appropriate. All notices must be published in an appropriate local printed news medium.

b. Notices must be bilingual if the affected public is largely non-English speaking. All notices must be published in an appropriate local printed news medium.

c. Notices must be sent to federal, state, and local public agencies, organizations and individuals known to be interested in the proposed action.

d. A minimum of 15 calendar days shall be allowed for comment on the public notice.

e. A notice under this paragraph shall state: the name, proposed location and description of the activity, the total number of acres of floodplain and/or wetlands involved, and the name of the Chief Elected Official (CEO), and phone number to contact for information. The notice shall indicate the hours of operation for the Unit of Local Government (ULG’s) at which a full description of the proposed action may be reviewed.

**Step 3:** Identify and evaluate practical alternatives to locating the proposed action within the floodplain and/or wetland.

a. The consideration of practical alternatives to the proposed site or method may include:

   i. Locations outside the floodplain and/or wetlands;

   ii. Alternative methods to serve the identical project objective; and

   iii. A determination not to approve any action.

b. In reviewing practical alternatives, the Responsible Entity shall consider feasible technological alternatives, hazard reduction methods and related mitigation costs, and environmental impacts.

**Step 4:** Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain and/or wetland.

**Step 5:** Where practical, design or modify the proposed action to minimize the potential adverse impacts within the floodplain and/or wetland and to restore and preserve its natural and beneficial
values.

**Step 6:** Re-evaluate the proposed action to determine:

a. Whether it is still practical in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains and/or wetlands, and its potential to disrupt floodplain and/or wetland values; and

b. Whether alternatives preliminarily rejected at Step 3 of this section are practical in light of the information gathered in Steps 4 and 5 of this section.

**Step 7:** Publish the Final Notice of Explanation.

a. If the re-evaluation results in a determination that there is no practical alternative to locating the proposed project in the floodplain and/or wetland, the Responsible Entity shall publish the Final Notice of Explanation that includes:
   i. The reasons why the project must be located in the floodplain and/or wetland;
   ii. A list of the alternatives considered; and
   iii. All mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values.

b. Notices must be sent to federal, state, and local public agencies, organizations and individuals known to be interested in the proposed action.

c. In addition, a minimum of 7 calendar days shall be provided for public comment before the approval of the proposed action. This notice may be run concurrent with either the (FONSI/RROF) or the NOI/RROF.

**Step 8:** Upon completion of the decision-making process in Steps 1 through 7, the implementation of the proposed action will proceed. There is a continuing responsibility to ensure that the mitigation measures identified in Step 7 are executed.

1.3.6 Re-Evaluation of Previously Clear Projects (24 CFR 58.47)

Sometimes projects are revised, delayed or otherwise changed such that a re-evaluation of the environmental review is necessary. The purpose of the re-evaluation is to determine if the original findings are still valid. If the original findings are still valid, but the data and conditions upon which they were based have changed, the Responsible Entity must update their ERR by including this re-evaluation and its determination based on the changed circumstances. The re-evaluation is to be submitted to the State for clearance and should include:

- A written statement, on the Responsible Entity letterhead, explaining why the re-evaluation must occur and how it was conducted.
- Reference the original ERR and the issuance of funds (7015.16).
- Describe the new project activities.
- Provide maps delineating both old and new project areas.
- Include all correspondence when agencies are contacted and associated documentation.
- Cost of the project and funding source(s).
- Determine if the original FONSI is still valid [see 24 CFR 58.47 (b)(1)].
- Indicate whether comments or concerns were received during the initial environmental review.
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- Statutory Worksheet or Environmental Assessment documents may be utilized.
- The written statement is signed and dated by the Responsible Entity.

If it is determined that the original findings are no longer valid, and the re-evaluation indicates potentially significant impacts, the Responsible Entity must prepare an Environmental Assessment or EIS.

Every project undertaken with CDBG-DR funds and all additional activities related to that project are subject to environmental review and the provisions of NEPA, as well as to HUD environmental review regulations at 24 CFR Part 58.

An environmental clearance must be obtained for each project prior to the firm commitment of federal funds, even if non-federal funds are also being used. No work may start on a proposed project prior to completion of the environmental review. A violation of this requirement will jeopardize all federal funding for the project and all costs that were incurred before the completion of the environmental review will be disallowed.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. The environmental review includes an evaluation of potential adverse effects and mitigation related to: noise abatement and control; historic preservation; coastal zone management; the Clean Air Act; environmental justice; airport clear zones; floodplains; wetlands; sole-source aquifers; wild and scenic rivers; explosives and flammable operations; hazards, toxics, and radioactive material substances; endangered species; and farmland protection.

All CDBG-DR-funded projects and activities must have documentation that they are in compliance with NEPA and all other environmental requirements. The purpose of this section of the manual is to provide guidance in the ERR process to meet NEPA and environmental requirements.

1.3.7 Lead-based Paint, Asbestos, and Mold Inspections

Requirements pertaining to the health and well-being of families and children must be evaluated in conjunction with building rehabilitation or repair and demolition projects.

Lead-based Paint

The presence of lead-based paint in housing units constructed prior to January 1, 1978, is a concern in any housing rehabilitation or demolition project and must be addressed. Housing units assisted with disaster recovery funding must comply with the federal regulations in 24 CFR Part 35 and be addressed as part of the environmental review of the project. Subrecipients are required to include an assessment of the presence of lead-based paint in their environmental documentation submitted to DEO. If lead-based paint is present, the safe containment, mitigation or removal and disposal of the lead-based paint must be addressed.

The subparts of 24 CFR 35 that apply to the disaster recovery program are:

- Subpart A—Disclosure of Known Lead-based Paint and/or Lead-based Paint Hazards Upon Sale or Lease of Residential Property;
- Subpart B—General Requirements and Definitions;
- Subpart J—Rehabilitation;
- Subpart K—Acquisition, Leasing, Support Services, or Operation; and
- Subpart R—Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities.

Exemptions to 24 CFR 35 Subparts B, L, K and R are described in 24 CFR 35.115:

- Residential construction that was completed on or after January 1, 1978;
- A zero-bedroom dwelling unit, including a single room occupancy dwelling unit;
• Housing exclusively for elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the dwelling unit;

• Residential property in which all lead-based paint has been identified, removed, and clearance has been achieved in accordance with the requirements outlined in 24 CFR 115(5);

• An unoccupied dwelling unit or residential property pending demolition that will remain unoccupied until demolition;

• Property or a part of a property that will not be used for human residential habitation, except entryways, hallways, corridors, passageways or stairwell serving both residential and nonresidential uses in a mixed-use property shall not be exempt;

• Any rehabilitation that does not disturb painted surfaces;

• Emergency actions immediately necessary to safeguard against imminent danger to human life, health, or safety, or to protect property from further damage (occupants must be protected from exposure to lead in dust and debris generated from the emergency actions to the extent practical); or

• Property seized by a federal law enforcement agency, which the agency has owned for less than 270 days.

In addition:

• Subpart K does not apply if assistance being provided is for emergency rental assistance or foreclosure prevention assistance. This exemption expires no later than 100 days after initial payment or assistance.

• Required evaluation or lead-based paint hazard-reduction or lead-based paint abatement on an exterior painted surface is delayed due to weather conditions or unsuitable conventional construction activities.

• If requested by the State Historic Preservation Office, property is listed or has been determined to be eligible for listing on the National Register of Historic Places or contributing to a National Register Historic District, interim controls and maintenance and reevaluation must be conducted as required in 24 CFR 35.115(13).

For more information, please review 24 CFR 35.115.

Subparts B, J, K, and R are referred to as the Lead Safe Housing Rule. The Lead Safe Housing Rule requires different approaches to addressing lead-based paint hazards in different housing rehabilitation projects based on the amount of funding assistance. The funding levels are: up to and including $5,000 per unit, more than $5,000 up to and including $25,000 per unit and more than $25,000 per unit. The method for calculating these threshold amounts can be found in 24 CFR 35.915 and the applicable evaluation and hazard reduction requirements are located in 24 CFR 35.930.

More information on monitoring for lead-based paint is available in HUD’s CPD Monitoring Handbook (6509.2).

Asbestos

Subrecipients are required to address asbestos in their environmental evaluation of a housing rehabilitation or demolition project in the environmental documentation submitted to DEO. HUD does not have specific regulations related to asbestos as it does for lead-based paint. Nonetheless, to ensure housing units are decent, safe and sanitary, which is a HUD requirement, housing rehabilitation and demolition projects need to determine if asbestos is present, especially in structures built before 1978. Federal requirements that apply to asbestos removal and safe disposal of asbestos containing materials can be found in the U.S. Environmental Protection Agency’s air pollution standards, particularly Clean Air Act and Occupational Safety and Health Act requirements.
In addition to the federal regulations discussed above, asbestos-abatement requirements are located in Chapter 469, Florida Statutes. A qualified asbestos inspector must be used to undertake a comprehensive evaluation of the housing unit for the presence of asbestos.

**Mold**

HUD does not have specific regulations related to mold. Nonetheless, to ensure housing units are decent, safe and sanitary, which is a HUD requirement, housing rehabilitation projects need to determine if mold is present. Mold can be a significant problem in homes that receive water damage due to a qualifying storm event. The United States Environmental Protection Agency has published two useful guides on mold and cleanup: “A Brief Guide to Mold, Moisture and Your Home” and “Mold Remediation in Schools and Commercial Buildings.”


Further information about DEO's Environmental Review processes are available in the following resources:

- Steps for Unspecified Site Strategy Form
- Certification of Categorical Exclusion Form
- Categorically Excluded Not Subject to Form
- Documentation of Compliance with 24 CFR Part 58
- Unspecified Site Strategy Form
- Steps for Unspecified Site Strategy for Housing Form
- Statutory Worksheet
- Certificate of Exemption
- Categorically Excluded Subject to 58.5
- Environmental Assessment Form
- Site Specific Checklist (Disaster Recovery Only)
- Categorically Excluded Statutory Checklist
- Environmental Assessment Checklist
- Hurricane Michael Site-Specific Checklist
- Rebuild Florida Bald Eagle Protocol
- Approval Letter with SHPO
- Environmental Assessment Checklist
- Authority to Grant Funds

**1.4 Acquisition and Relocation**

**1.4.1 Overview**

Displacing residents from their homes is a serious undertaking that requires advance planning and careful consideration of the law. Undertaken with proper care, the Uniform Relocation Act (URA) process provides valuable guidance and financial assistance to people whose homes are being renovated or acquired. The state
and its subrecipients plan to minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds.

It is the responsibility of the DEO Disaster Recovery Subgrantee manager to coordinate with the Subgrantee to ensure that any activities undertaken meet the applicable URA requirements. DEO’s Office of Disaster Recovery will request URA training from HUD and will schedule this training as soon as possible after receiving the disaster recovery funding for distribution.

A useful guide to URA requirements and their applicability is HUD’s “Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)”, located at:

1.4.2 One-for-One Replacement Housing, Relocation, Real Property Acquisition Waivers & Requirements

Activities and projects undertaken with CDBG–DR funds are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) (“URA”) and section 104(d) of the Housing and Community Development Act (HCD) Act (42 U.S.C. 5304(d)) (Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C. For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD is waiving the following URA and section 104(d) requirements with respect to the use of CDBG–DR funds allocated under Federal Register Notice (FRN) 83 FR 5844 dated February 9, 2018. All language referencing waivers is taken directly from Federal Register Notice (FRN) 83 FR 5844.

Conversion of LMI Units, 24 CFR 42 Requirements

Section 104(d) One-for-One Replacement

One-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and (d)(3) of the HCD Act and 24 CFR 42.375 are waived in connection with funds allocated under FRN 83 FR 5844, published February 9, 2018 for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. The section 104(d) one-for-one replacement requirements generally apply to demolished or converted occupied and vacant occupiable lower-income dwelling units. This waiver exempts disaster-damaged units that meet the grantee’s definition of “not suitable for rehabilitation” from the one-for-one replacement requirements. Before carrying out activities that may be subject to the one-for-one replacement requirements, the grantee must define “not suitable for rehabilitation” in its action plan or in policies/procedures governing these activities. A grantee with questions about the one-for-one replacement requirements is encouraged to contact the HUD regional relocation specialist responsible for its jurisdiction.

HUD is waiving the section 104(d) one-for-one replacement requirement for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because it does not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Further, the requirement may discourage grantees from converting or demolishing disaster damaged housing when excessive costs would result from replacing all such units. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization. Grantees should reassess post-disaster population and housing needs to determine the appropriate type and amount of lower-income dwelling units to rehabilitate and/or rebuild.

Grantees should note that the demolition and/or disposition of PHA owned public housing units is covered by section 18 of the United States Housing Act of 1937, as amended, and 24 CFR part 970.

Relocation Assistance
The relocation assistance requirements at section 104(d)(2)(A) of the HCD Act and 24 CFR 42.350 are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified by FRN 83 FR 5844, for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation). Both FEMA and CDBG-DR funds are subject to the requirements of the URA; however, CDBG-DR funds are subject to section 104(d), while FEMA funds are not. The URA provides at 49 CFR 24.402(b) that a displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months. By contrast, section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months. This waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under the Federal Register Notice. If CDBG-DR is matched with any other HUD funding sources, it will be subject to standard URA or Section 104(d) of the Housing and Community Development Act requirements.

Overview
The requirements of 24 CFR 42 are applicable to CDBG-DR funded programs or activities when lower income (i.e., low- or moderate-income [LMI]) housing units, whether occupied or vacant, are demolished or converted to a use other than LMI dwelling units. It is not anticipated that CDBG-DR funding for Hurricane Michael will result in the conversion of LMI dwelling units. In the event that LMI dwelling units are demolished, the state or subrecipient is responsible for replacing the dwelling unit with an equivalent unit in the same neighborhood.

The requirements include:

1. The demolished or converted units must be replaced on a one-for-basis with comparable lower-income dwelling units.
   a. The replacement units must be located in the subgrantees’ jurisdiction and to the extent possible, within the same neighborhood.
   b. The replacement units must be of sufficient number and size to house the number of occupants who could have occupied the units that are being demolished or converted. Replacement housing cannot be smaller than the units they are replacing (e.g., replacing two-bedroom units with one-bedroom units), unless it is demonstrated that the smaller units are consistent with the Unmet Needs Assessment in the Action Plan. For non-entitlement, local governments that do not have a consolidated plan, must make available public information demonstrating that the replacement housing is consistent with the housing needs of lower-income households in its jurisdiction.
   c. The units must be in standard condition. Replacement housing can be obtained from substandard units improved to standard condition provided:
      i. No person was displaced from the unit, and
      ii. The unit was vacant for three months before an agreement was executed with the property owner.
   d. Units must initially be made available for occupancy at any time during the period beginning one year before the Subgrantee makes public the information demonstrating that replacement housing is not required (see item b above) and ending three years after the completion of the demolition or rehabilitation related to the conversion.
   e. The units must remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement housing may include public housing or existing housing receiving Section 8 project-based assistance.
2. Before the Subgrantee enters into a contract to provide funds to demolish or convert lower-income dwelling units, the Subgrantee must make available to the state disaster recovery CDBG program:
   a. A description of the proposed assisted activity.
   b. A map of the location and identify the number of dwelling units by size (number of bedrooms) that will be demolished or converted.
   c. A time schedule for the commencement and completion of the demolition or conversion.
   d. A map of the location and the number of dwelling units by size (number of bedrooms) that will be provided as replacement units. If the information is not available, include the general location on a map, identify the approximate number of dwelling units by size, and provide information as to when the specific location and number of units by size will be submitted and disclosed to the public.
   e. The source of funding and the time schedule for providing the replacement units.
   f. The basis for concluding the replacement units will be available to lower-income households for at least 10 years from the date of initial occupancy.
   g. Information demonstrating that any proposed smaller units used as replacement units are consistent with the Unmet Needs Assessment in the Action Plan. For non-entitlement, local governments that do not have a consolidated plan, make available to the public information demonstrating that the replacement housing is consistent with the housing needs of lower-income households in its jurisdiction.

3. Replacement housing is not required if the HUD field office determines, based on objective data, that there is an adequate supply of vacant lower-income units in standard condition and available on a non-discriminatory basis within the area. The Subgrantee must submit the required information to the disaster recovery CDBG-DR program staff to support the conclusion the replacement housing is not required. The submitted information must be made public and inform interested parties they have 30 days from the date of submission to provide the state opposing information. If the state agrees with the request, the state must provide its recommendation and supporting information to the field office. Similar requirements must be met if the state intends to demonstrate that replacement housing is not required.

Anyone who disagrees with a displaced person determination or the amount of relocation assistance received can file a written appeal with the Subgrantee. If the appeal is not resolved with the Subgrantee, the individual may submit a written request for the state to review the determination. Similarly, in the instance where the state has directly undertaken an activity that results in an individual that disagrees with the state’s displaced person determination or the amount of relocation assistance provided, a written appeal can be filed with the state. If the appeal is not resolved with the state, the individual may submit a written request for HUD to review the determination. If the full relief is not granted, the individual must be advised, by the Subgrantee or the state, as appropriate, of his or her right to seek judicial review.

1.4.3 URA Regulation, 49 CFR 24 Requirements
Tenant-Based Rental Assistance
The requirements of sections 204 and 205 of the URA, and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee’s replacement housing payment obligation to a displaced tenant by offering rental housing through a tenant based rental assistance (TBRA) housing program subsidy (e.g., Section 8 rental voucher or certificate), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Failure to grant this waiver would impede disaster recovery whenever TBRA program
subsidies are available but funds for cash replacement housing payments are limited and such payments are required by the URA to be based on a 42-month term.

Arm’s Length Voluntary Purchase
The requirements at 49 CFR 24.101(b)(2)(i) and (ii) are waived to the extent that they apply to an arm’s length voluntary purchase carried out by a person who uses funds allocated under FRN 83 FR 5844 and does not have the power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. Given the often-large-scale acquisition needs of grantees, this waiver is necessary to reduce burdensome administrative requirements following a disaster. Grantees are reminded that tenants occupying real property acquired through voluntary purchase may be eligible for relocation assistance.

Overview
Title 49 CFR Part 24 consists of Subparts A through G and applies across the government, including HUD-funded programs such as CDBG, CDBG-DR, and HOME. Handbook 1378 provides an excellent overview of 49 CFR 24 as it applies to HUD programs.

Subpart A establishes the purpose of the regulations are to ensure owners of real property acquired for federal or federally-assisted projects and persons displaced as a result of these projects are treated fairly and consistently. In addition, the purpose of the regulations is to ensure that agencies that implement the regulations do so in a manner that is efficient and cost effective.

Subpart A: General Requirements
In addition to the purpose above, this subpart includes:

1. Definitions and acronyms
   1. Prohibits a person from receiving URA payments if payments are received under federal, state, or local laws or insurance that are determined to have the same purpose and effect as a URA payment.
   2. Requirements that the state must provide assurances that it will comply with the URA if a project is undertaken with federal assistance that will result in acquisition of real property or displacement, is subject to monitoring by HUD, and must take measures to minimize fraud, waste, and mismanagement.
   3. Requirements for information to be contained in notices and how those notices are to be written and delivered.
   4. Guidelines for administration of jointly-funded projects when two or more federal agencies provide financial assistance to a non-federal agency.
   5. Authority for a federal agency to waiver regulations.
   6. Lists of other federal laws and regulations with which the implementation of the URA must ensure compliance with.
   7. Requirements for record keeping in sufficient detail to demonstrate compliance with the URA requirements, three-year retention, confidentiality of records, and submitting reports every three years or as the URA requires on real property acquisition and displacement activities. NOTE: DEO’s CDBG-DR program requires records retention for six years.
   8. Appeal procedures.

Subpart B: Real Property Acquisition Requirements
1. Applicability of acquisition requirements.
9. Basic acquisition policies.
12. Acquisition of tenant-owned improvements.
13. Expenses incidental to transfer of title to the Agency.
15. Donations

**Subpart C: General Relocation Requirements**

This subpart addresses relocation payments and other relocation assistance to displaced persons as defined in 49 CFR 24.2(a)(9) including:

1. Relocation notices.
2. Availability of comparable replacement dwelling before displacement.
3. Relocation planning, advisory services, and coordination.
4. Eviction for cause.
5. General requirements—claims for relocation payments.
6. Aliens not lawfully present in the United States.
7. Relocation payments not considered as income.

**Subparts D and E: Requirements Paying Moving and Related Expenses and Replacement Housing**

**Subpart F: Mobile homes, Mobile Home Site, and the Partial Acquisition of a Mobile Home Park**

**Subpart G: Certifications to Allow a State Laws and Regulations to Fulfill URA Requirements**

**1.4.4 Minimizing Displacement, 24 CFR 570.606 Requirements**

**Optional Relocation Policies**

The regulation at 24 CFR 570.606(d) is waived to the extent that it requires optional relocation policies to be established at the grantee level. Unlike the regular CDBG program, States may carry out disaster recovery activities directly or through subrecipients, but 24 CFR 570.606(d) does not account for this distinction. This waiver makes clear that grantees receiving CDBG–DR funds under FRN 83 FR 5844 may establish optional relocation policies or permit their subrecipients to establish separate optional relocation policies. This waiver is intended to provide States with maximum flexibility in developing optional relocation policies with CDBG-DR funds.

**Overview**

This regulation establishes HUD’s policy that efforts are to be taken to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities undertaken with CDBG funds. It also provides that relocation assistance will be provided to a displaced person based on the requirements in 49 CFR 24. In the discussion that follows, it is important to remember the grantee is the State of Florida CDBG-DR program and the Subgrantee is the local government that receives a sub-grant agreement from the state under the disaster recovery program.

A displaced person is defined in 24 CFR 570.606(2) as “any person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition, acquisition for any activity assisted under this part”. The criteria for determining if a move is permanent and involuntary includes a permanent move from real property:
1. That occurs after notice from the grantee or sub-grantee to move permanently from the property and the move will occur after the initial official submission to HUD or the grantee, as applicable, for a grant, loan, or loan guarantee funds under the CDBG-DR program.

2. That occurs after a notice by the property owner to move permanently from the property and the move will occur after the date of submission of a request for financial assistance by the property owner or person in control of the site and is later approved for the requested activity.

3. Before the dates established in 1 or 2, above, and the grantee determines that the displacement directly resulted from acquisition, rehabilitation, or demolition for the requested activity.

4. After the “initiation of negotiations”, if the displaced person is a tenant-occupant and one of the following apply:
   
   a. The tenant has not been provided a reasonable opportunity to occupy a unit in the same building or complex at a monthly rent and estimated utility cost prior to the initiation of negotiations or 30 percent of the household’s average monthly gross income. Or
   
   b. The tenant is required to relocate temporarily but is not offered payment for all reasonable out-of-pocket expenses in connection with the move, including the cost of moving and any increased housing costs or other reasonable conditions and the tenant does not return to the building or complex. OR
   
   c. The tenant is required to move to another unit in the building or complex but is not offered reimbursement for all reasonable out-of-pocket expenses related to the move.

Initiation of negotiation is defined in 24 CFR 570.606(3) to mean: “if the displacement is the direct result of a privately undertaken rehabilitation, demolition, or acquisition of real property, the term “initiation of negotiations” means the execution of the grant or loan agreement between the [State or Subgrantee, as applicable] and the person owning or controlling the real property.”

A displaced person does not include:

22. A person evicted for cause.

23. A person who moves into the property after the date of one of the notices described in items 1 and 2 in the displaced person discussion above but did receive a written notice about the expected displacement before occupancy.

24. A person who is not displaced as described in 49 CFR 24.2(g)(2).

25. A person the grantee determines in not displaced as a direct result of the acquisition, rehabilitation, or demolition for the assisted activity and the decision is approved by HUD.

Other provision in 24 CFR 570.606 include:

26. The state or Subgrantee may request HUD to determine whether a person is a displaced person.

27. Compliance with the residential anti-displacement and relocation assistance plan requirements in 24 CFR part 42, subpart B.

28. An opportunity to develop policies to provide optional relocation assistance.

29. A reference that the acquisition of real property is subject to 49 CFR part 24, subpart B.

30. Appeals.

31. Establishes that the state is responsible for ensuring compliance with 24 CFR 570.606.

32. Provides that the cost of assistance may be paid from local public funds, funds provided under 24 CFR 570.606, or from other sources.
33. The state or Subgrantee, as applicable, must maintain records in sufficient detail to demonstrate compliance with 24 CFR 570.606.

34. 

1.5 System of Record
The Department’s Subrecipient Enterprise Resource Application (SERA) has been enhanced to provide an integrated System of Record (SoR) to support the Community Development Block Grant Disaster Recovery (CDBG-DR) programs and activities. The SoR provides both a user platform for the case management and administrative functions associated with the processing of Housing recovery applications and a reporting environment for the purposes of management, oversight, and performance reporting of CDBG-DR programs and activities.

1.6 Labor Standards and the Davis-Bacon Act
The Davis-Bacon Act (DBA) applies to all construction contracts greater than $2,000 unless the program’s authorizing legislation contains exceptions. It requires that all workers or mechanics working on projects covered by the act be paid minimum hourly wages and fringe benefits according to the wage decision(s) applicable to that contract. If any portion of a contract requires DBA, then all work performed under the contract is subject to DBA. In the CDBG-DR program, only rehabilitation of residential property containing less than eight housing units is exempt from DBA. Work done by a local government’s employees (force account) is not subject to DBA.

Additionally, contractors must comply with the Contract Hours and Safety Standards Act (CWHSSA) and the Copeland Anti-Kickback Act (Copeland Act). CWHSSA requires that, for any project in which the prime contract exceeds $100,000, workers be paid one-and-one-half times their normal hourly rate for any hours worked in excess of 40 hours weekly, based on a work week of seven (7) consecutive days. The Copeland Act prohibits any person from inducing a worker on a federally funded project to give up any part of the compensation to which the worker is entitled. No payroll deductions are permitted that are not specifically listed in the Copeland Act unless the contractor has obtained written permission from the employee as specified in 29 CFR 3.5 for otherwise permissible payroll deductions.

Davis Bacon does not apply to single-family scattered site rehabilitation and reconstruction programs.

1.6.1 Construction Categories
Under DBA, construction work is categorized as residential, building, heavy or highway work. Wage decisions are based on the category (or categories) of work to be performed. Each construction contract to which DBA applies must contain the wage decision(s) for the appropriate category (or categories) of work. A separate wage decision for a category is not required if the value of work (as bid) in that category does not exceed 20 percent of the total “as bid” construction cost. The actual bid cost, not the estimated project cost, determines whether a separate wage decision is used. If more than one wage decision is used, payrolls must reflect which wage decision is applicable unless all workers are paid at least the highest hourly rate possible under either wage decision.

1.6.2 Wage Decisions
After determining the proper labor categories, the local government should request a wage decision by submitting a wage decision request form to the DEO disaster recovery grant manager. A copy of this form is available on the DEO disaster recovery website. Since wage decisions are subject to modification, the wage decision request should not be submitted earlier than 45 days prior to advertisement of the project.
If more than one wage decision is used, bidding instructions must identify which portions of the work are covered by each wage decision. It is not the responsibility of the contractor to make this determination. Lack of guidance or improper guidance may result in the local government being liable for any wage restitution.

The DEO disaster recovery program tracks wage decisions through the bidding and contract award phase to determine if a modification of a wage decision occurs. DEO will advise the local government if a modified wage decision may be required. The applicability of a wage decision modification is dependent on the bid opening date and the date the local government accepts the bid (i.e., the date the local government awarded the bid). Ten days prior to bid opening, the subrecipient must check to determine if the wage decision has been modified. If it has been modified, all potential bidders must be notified. If a contract has been awarded but construction has not been initiated within 90 days of the award, the subrecipient must determine if any modifications have been issued. If so, the contractor must be notified and adhere to the modified wage decisions.

The Bidding Information and Contractor Eligibility form advises DEO of the bid date for review of wage decision validity. A contract should not be awarded prior to DEO’s verification that the contractor is eligible to participate in a federally funded contract. After contract execution and issuance of a notice to proceed, the local government should submit a copy of the notice and the minutes from the meeting at which the contract was awarded. A copy of the Bidding Information and Contractor Eligibility form is included on the DEO disaster recovery website.

1.6.3 Monitoring Construction Activities and Labor Standards
During project construction, the local government must monitor compliance with DBA, CWHSSA and the Copeland Act by reviewing contractor and subcontractor payrolls. DBA applies to laborers and mechanics working on any project when the primary contract exceeds $2,000. It does not apply to supervisory staff if 80 percent of their time during the work week is spent performing supervisory duties. Supervisory personnel who fall below the 80 percent threshold are subject to DBA for non-supervisory hours worked during that particular work week.

“Self-employed owners” are not exempt from DBA and must submit a payroll report reflecting the hours worked on the project, the type of work performed and that they are the owner of their business. Hourly rates need not be reported if this information is not known, but the amount of the subcontract should be indicated.

Supply contracts are not subject to DBA. A supply contract is one that furnishes equipment, materials or supplies, with no (or only “incidental”) construction activities performed at the project site. Construction is “incidental” if it does not exceed 13 percent of the contract or subcontract price. There must be documentation to support this percentage.

During project construction, the local government must also conduct interviews with the contractors’ and subcontractors’ workers to verify the accuracy of payroll information. Interviews must cover a representative sample of each classification used by the contractor/subcontractor. On-site interviews should be conducted whenever possible, but mail interviews are acceptable if on-site interviews cannot be performed. Discrepancies between information gained in the interviews and payroll data must be resolved in a timely manner. Additionally, interviews and resolution of discrepancies should be conducted in such a manner as to shield the identity of the worker(s).

If a contractor or subcontractor is required to pay a cumulative total of more than $100 in back wages during the contract period, the local government must submit an enforcement report to the Office of Disaster Recovery. Any corrective actions by a contractor must be documented in the project files. For back wages over $10, there must be a copy of the front of the wage restitution check and a signed acknowledgment from
the worker stating the amount of the check and that it was received. If there are overtime violations, the local government must assess the contractor liquidated damages of $10 per day/per worker for those who should have received overtime. Restitution is also required. The contractor may request waiver of liquidated damages through DEO.

DEO will monitor compliance with labor standards until the project is complete. A Labor Standards Monitoring Checklist is available on the DEO Disaster Recovery website on the Subrecipient Compliance Resource page. During monitoring visits, special attention will be given to the following:

- Ensuring payroll information is being submitted and reviewed in a timely manner.
- Ensuring all labor classifications are included in the wage decision or have been conformed and/or added with DEO approval.
- Ensuring trainee and apprentice labor classifications are applied in accordance with regulations for those titles.
- The helper, trainee or apprentice program must be certified by the Florida Office of Apprenticeship and Training. If trainees or apprentices are used, the contractor must provide a copy of the state certification to the subrecipient and the DEO disaster recovery grant manager.
- Ensuring signed authorizations are on file for any employees with “other” payroll deductions.
- Ensuring interviews have been conducted with the prime contractors and any subcontractor’s employees. HUD Form 11 can be used for interviews.
  
  In the case of multiple wage decisions, investigating payrolls to ensure that they distinguish which was applied to each worker.
- Posting the wage-rate decision in a conspicuous location at the project site and posting a copy of “Notice to All Employees Working on Federal or Federally Financed Construction Projects” (a copy of this poster and other required posters are available at http://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf).

Typical findings from past monitoring activities include the following:

- Inappropriate use of the apprentice and trainee classifications;
- Use of a classification that is not in the wage decision or is vague (i.e., “operator”);
- Failure to obtain subcontractor payrolls;
- Lack of signed authorizations from workers with “other” deductions;
- Lack of interviews, including not covering enough classifications or not interviewing subcontractors;
- “Salaried” workers covered by DBA not treated as hourly workers for regular and overtime purposes;
- Using one wage decision when two are required based on the type of work in each category; and
- Payrolls failing to reflect which wage decision(s) is applicable to which worker, particularly if two wage decisions are used, and workers are not paid the highest hourly rate possible for that classification.

1.6.4 Restitution
Prime contractors must be notified in writing of any underpayments found during the review of payrolls or other reviews. The prime contractor has 30 days to correct the under payments and make restitution. Wage restitution must be for the full amount due, less any permissible and authorized deductions. The employer is
required to report the restitution on a corrected certified payroll. A signed Statement of Compliance must be attached to the corrected payroll signed by the employee that has received the restitution.

In the event that restitution is due to an employee(s) who cannot be located, the prime contractor is required to place the amount of restitution due in an escrow account at the end of the project. The subrecipient should continue to attempt to locate the employee(s) for three years after the completion of the project. After three years, the amount of restitution still available in the escrow account should be sent to HUD.

1.6.5 Semi-Annual Reports
Every six months, the DEO CDBG-DR program must report to HUD on all covered contracts awarded and on all compliance actions taken. The Semi-Annual Report form (HUD-4710) and instructions for the form (HUD-4710i) are available on HUD’s website at https://www.hudexchange.info/resources/documents/HUD-Form-4710-Semi-Annual-Labor-Standards-Enforcement-Report.pdf

Additional labor standards information can be found in these HUD publications:

- Basically CDBG for States (https://www.hudexchange.info/resource/269/basically-cdbg-for-states/)

1.6.6 The Wage Request Process
This process may begin before or after the environmental review of the project.

- The subrecipient submits the Wage Decision Request(s) to DEO.
- Program staff gets the wage decision(s) from the U.S. Department of Labor website.
- Program staff prepares and signs the letter to the chief elected official informing the subrecipient of the wage decision(s).
- Program staff routes the wage decision letter to supervisory staff for their review and approval.
- After approval of the letter, program staff provide a copy for the grant file and mails the original letter to the subrecipient.
- The program staff enters a comment in the SERA system acknowledging the approval of the wage decision and includes the date the letter was mailed.
- If the wage decision changes, the program staff sends a letter to the subrecipient notifying the subrecipient of the change in the wage decision.
- The subrecipient must notify all potential bidders of a wage determination that occurs 10 days prior to bid opening. If a contract has been awarded but construction has not been initiated within 90 days of the award, the contractor must be notified and adhere to the modified wage decisions.
1.7 Civil Rights

Recipients of CDBG-DR funds must comply with federal and state civil rights, fair housing, equal opportunity and equal employment opportunity regulations and requirements. These laws are designed to ensure that members of protected groups are treated fairly by avoiding discrimination, providing equal opportunity and taking affirmative action to correct past discrimination based on race, color, religion, gender, national origin, age, sex/gender, disability and/or family status.

By signing the assurances in the CDBG-DR application and the sub-grant award agreement, the subrecipient agrees to:

- Comply with civil rights laws and conduct the CDBG-DR program in a non-discriminatory manner.
- Take affirmative action, where discrimination has been found in the past, to overcome its effects.
- Ensure equal opportunity in employment and contracting opportunities connected with the CDBG-DR program.
- Maximize choice within the community’s total housing supply; lessen racial, ethnic, and economic concentrations of housing; and administer the CDBG-DR program in a manner that affirmatively furthers fair housing.
- Develop/maintain records of efforts undertaken to ensure fair housing and conduct four quarterly activities each year to further fair housing.
- Facilitate desegregation and racially inclusive patterns of occupancy and use of public facilities.

The Civil Rights Checklist is used to monitor the subrecipient for compliance with the civil rights issues discussed in this section. A Civil Rights Checklist is available on the DEO Disaster Recovery website on the Subrecipient Compliance Resource page.

1.7.1 Civil Rights Requirements: Laws, Statutes, and Executive Orders

Civil rights laws applicable to Florida CDBG-DR programs are set forth in the following statutes and Executive Orders:

- **Title VI of the Civil Rights Act of 1964**: This act states that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of race, color, or national origin.

- **Section 3 of the Housing and Urban Development Act of 1968, as amended**: To the greatest extent feasible, employment and other economic opportunities, should be directed to low- and very low-income persons and business concerns which provide economic opportunities to low- and very low-income persons.

- **Title VIII of the Civil Rights Acts of 1968, as amended (Fair Housing Act)**: This act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin. It also requires HUD to administer its programs in a manner that affirmatively promotes fair housing.

- **Section 504 of the Rehabilitation Act of 1973, as amended**: This act states that no otherwise qualified individual shall, solely by reason of his or her handicap, be excluded from participation (including employment), denied program benefits, subjected to discrimination.

- **Section 109 of the Housing and Urban Development Act of 1974, as amended**: This act states that, under any program or activity funded in whole or in part under Title I or Title II of the act (regardless of a contract’s dollar value), no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin, or sex.
1.7.2 Fair Housing

The first step in developing a fair housing program is to determine the needs of the community. This can be done by preparing the HUD required Analysis of Impediments to Fair Housing Choice. The State of Florida has prepared an Analysis of Impediments to Fair Housing Choice that is currently in effect. The analysis identified potential impediments to fair housing choice and includes actions to be undertaken to help overcome these impediments. The potential impediments include, but are not limited to:

- Local planning and zoning and land use controls.
- Lending practices of financial institutions serving the community.
- Real estate sales and rental practices within the community.
- Areas of minority population concentrations.
- Quality of services provided to areas with high concentrations of minority persons.

Fair housing activities that can be taken by the Subgrantee depend on the type and the fair housing needs in an area, but consideration should be given to:

- Adopting a local fair housing ordinance that is equivalent to the federal fair housing law and include enforcement provisions.
- Revising formal and informal policies and practices of the local housing authority.
- Modifying local planning, zoning, and land use laws to permit construction of multi-family housing and less expensive single-family housing.
- Revising zoning ordinances and comprehensive plans to insure they promote de-concentration of assisted housing units.
- Creating a local housing authority.
- Advertise the community as a “fair housing community”.
- Developing a public information and education program to promote fair housing and a fair housing assistance program for special needs populations such as minorities, single women, the disabled, and large family households.
- Provide information concerning housing services and activities that can be disseminated through agencies and organizations which routinely provide services to protected groups.
• Meeting with community financial institutions to encourage broad lending practices.

• Working with developers and residents to ensure that new assisted housing is located outside areas of minority or low-income concentrations.

• Assisting local housing developers in developing outreach programs to attract minorities and woman-owned businesses.

• Working with real estate brokers to promote non-discriminatory practices in real estate transactions.

• Include a “fair housing” logo on community stationary.

• Sponsoring fair housing seminars and campaigns.

Recipients of CDBG-DR grants will be required to undertake at least four fair housing activities each year (one activity per quarter) to affirmatively further fair housing within the community during the time the subrecipient agreement is open. The subrecipient will need to carefully document these activities because documentation will be required to demonstrate these activities were undertaken during monitoring visits.


HUD also has many excellent Fair Housing resources that can be found at https://www.hud.gov/fairhousing. State and subrecipient staff may use this resource to download print-ready posters, brochures and other written materials.

1.7.3 Equal Employment Opportunity

Equal Employment Opportunity is a family of laws that prohibit discrimination of various kinds against protected classes of people. The laws include the following:

• Title VII of the Civil Rights Act of 1964

• The Pregnancy Discrimination Act

• The Equal Pay Act of 1963

• The Age Discrimination in Employment Act of 1967

• Title I of the Americans with Disabilities Act

• Sections 102 and 103 of the Civil Rights Act of 1991

• Sections 501 and 505 of the Rehabilitation Act of 1973

• The Genetic Information Nondiscrimination Act of 2008

The State, unit of general local government (UGLG) or State subrecipient should strive to set a high community standard for providing equal employment opportunities. The State, unit of general local government (UGLG) or State subrecipient must maintain records documenting compliance with fair housing, equal opportunity and civil rights requirements.

Suggested actions for furthering such opportunities at the local level include:

• Preparing accurate job descriptions for basing all employment selection and testing criteria.
• Establishing a network of contacts, including workforce boards, newspapers, and radio and television stations, and notifying them of all CDBG-related position openings and requesting assistance in the recruitment process.

• Distributing recruitment literature to women and minority organizations, and organizations that assist the disabled and older workers, and where appropriate, translating the materials into other languages.

• Identifying minority, women, and disabled staff to assist with applicant interviews; and providing them with training in proper interviewing techniques.

• Encouraging employees to refer qualified minority and women candidates for job openings, training, promotions, and transfers.

• Evaluating local recruitment, hiring, and other personnel policies and materials to ensure that they do not contain or perpetuate discriminatory intent, practices, or procedures.

• Reviewing job turnover to determine vacancy patterns and to plan appropriate recruiting efforts.

• Establishing entry-level professional positions to provide career opportunities for employees, particularly for minorities and women.

• Working with the private sector to fill job openings that result from economic development activities, establishing procedures that facilitate nondiscrimination and increased opportunities for women, minorities, disabled, and lower-income residents.

• Taking affirmative action to overcome the effect of past discrimination.

• Advertising as an equal opportunity employer in bid solicitations.

• Soliciting bids from minority, women and locally owned businesses.

• Maintaining a list of locally owned businesses that were awarded contracts.

• Informing contractors of equal opportunity requirements at the pre-construction conference or through other means of notification.

• Monitoring contractor compliance at work sites.

1.7.4 Section 3

Section 3 Compliance

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires DEO to ensure that employment and other economic and business opportunities gendered by HUD financial assistance, to the greatest extent feasible, are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low-income persons.

It is the policy of the Florida Department of Economic Opportunity’s (DEO) Office of Disaster Recovery (ODR) to ensure that economic opportunities generated from U.S. Department of Housing and Urban Development (HUD) funded projects, to the greatest extent feasible, will be directed to low and very low-income persons, particularly those receiving assistance for housing, and the businesses that provide economic opportunities to these persons. ODR will utilize its policies with the intent to direct opportunities to local residents and businesses by requesting all contractors and subrecipients to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran’s or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.
ODR implements this policy through the awarding contracts to contractors, vendors, professional service providers, consultants and suppliers, to create employment and business opportunities for residents in in disaster declared areas throughout Florida and other qualified low- and very low-income persons. ODR hopes to strengthen local economies and level the playing field for Section 3 residents and businesses who are most vulnerable post-disaster.

This policy will ensure that, in good faith, ODR will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 residents and other eligible persons and Section 3 business concerns working on contracts partially or wholly funded with the HUD monies. ODR shall examine and consider a contractor’s professional service provider, consultant or vendor’s potential for success by providing employment and business opportunities to Section 3 residents and business concerns prior to acting on any proposed contract award.

ODR will encourage any entity receiving assistance through the CDBG-DR will comply with Section 3 requirements. These entities could be units of local government, public housing authorities, Indian tribes, or other public or private nonprofit organization. Housing and community activities related to Section 3 are housing construction, rehabilitation and/or other public construction activities.

**Section 3 Thresholds**

Compliance with Section 3 is required for a recipient of Housing and Community Development Assistance of at least $200,000. Contractors or subcontractors that receive awards in excess of $100,000 are also subject to Section 3 requirements. Section 3 requirements apply for projects involving housing construction, demolition, rehabilitation or other public construction activities (e.g., roads, sewer, water, community centers) and the completion of these projects creates the need for new employment, contracting or training opportunities.

DEO will incorporate Section 3 in its existing policies and adopt a Section 3 contracting policy to be included in procurements with HUD funding. Neither Section 3, nor 24 CFR 135, supersedes the general requirement that all procurement transactions be conducted in a competitive manner. However, Section 3 allows geographic preference to be a consideration when evaluating a bid or proposal.

A person seeking preference under Section 3 has the responsibility to provide evidence (if requested) of eligibility for the preference. A Section 3 resident must meet the minimum qualifications of the positions to be filled and a Section 3 business that seeks preference must document (if requested) that it qualifies as a Section 3 business. A Section 3 business concern must have the ability to and capability to perform successfully under the term and conditions of the proposed contract. As appropriate, all contractors seeking Section 3 preference must complete certifications as acknowledgement of the Section 3 contracting and employment provisions required by this section.

DEO and each covered contractors, subcontractors, professional service providers, consultants or subrecipients will in good faith comply with the requirements of Section 3 for new employment, training, or contracting opportunities resulting from the expenditure of HUD funding. Additionally, DEO’s existing Procurement Policy contains an effort to promote contracts to Minority and Women Business Enterprises.

**Section 3: Good Faith Effort**

At a minimum, the following tasks must be completed to demonstrate a good faith effort with the requirements of Section 3. ODR and each contractor, subcontractor, professional service provider, vendor or supplier seeking to establish a good faith effort as required should be filling all training positions with persons residing in the target area.
1. Send notices of job availability subcontracting opportunities subject to these requirements to recruitment source, organizations and other community groups capable of referring eligible Section 3 applicants.
2. Include in solicitations and advertisements a statement to encourage eligible Section 3 residents to apply.
3. When using a newspaper of major circulation to request bids/quotes or to advertise employment opportunities to also advertise in minority-owned newspapers.
4. Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such persons, if otherwise eligible and if a trainee position exits. If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy. A list of eligible applicants will be maintained for future vacancies.

Any construction contractor, professional services provider, vendor or supplier must certify that any vacant employment position, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed were not filled to circumvent the contractor’s obligation under 24 CFR Part 135.

**What is a Section 3 Resident?**
Section 3 Residents are:

1. Residents of public or Indian housing; or
2. Individuals that reside in the metropolitan area or nonmetropolitan country in which the Section 3 covered assistance is expended and whose income does not exceed the HUD income limits set forth for low- or very low-income households.

DEO will certify Section 3 program participants who reside in disaster-declared areas and are seeking preference in training and employment by completing and attaching adequate proof of Section 3 eligibility.

**What is a Section 3 Business Concern?**
Section 3 Business Concerns are:

1. 51 percent of more owned by Section 3 Residents, or
2. At least 30 percent of employed staff are currently Section 3 Residents or were Section 3 residents within three years of the date of first employment, or
3. 25 percent or more of subcontracts committed to Section 3 Business Concerns

**Section 3 Goals**
DEO has established employment and training goals that contractors and subcontractors should meet in order to comply with Section 3 requirement. To the greatest extent feasible, ODR will comply with the minimum numerical goals of:

- 30 percent of new hires annually
- 10 percent of the total dollar amount of covered construction contracts
- 3 percent of the total dollar amount of covered non-construction contracts

It is the responsibility of contractors, professional service providers, consultants, vendors and suppliers to implement progressive efforts to attain Section 3 compliance. Any agency that does not meet the Section 3 numerical goals must demonstrate why meeting the goal was not feasible.
Section 3 Residents Recruitment, Training, Employment
DEO will develop resources to provide training and employment opportunities to Section 3 program participants by implementing the following:

- Promoting outreach to recruit Section 3 residents through local community action agencies;
- Endorsing outreach to recruit residents in receipt of public housing assistance;
- Advocating outreach to recruit Section 3 business concerns;
- Coordinating outreach with Public Housing Agencies, Chambers of Commerce, community organizations, Small Business Administration and other local stakeholders;
- Encouraging training and employment of Section 3; and
- Documenting actions taken to comply with Section 3.

DEO will also provide contractors with a directory of Section 3 certified businesses.

Section 3: Developers and Contractors Obligations
Under ODR’s Section 3 policy, funded subrecipients and vendors will have the following responsibilities:

1. Conduct employment outreach to Section 3 eligible business concerns and Section 3 residents for sub-contracting and business opportunities.
2. Accept and give preferential business engagement consideration to Section 3 business concerns.
3. Document outreach efforts related to eligible business concerns and Section 3 residents.
4. Maintain proper documentation of utilization of Section 3 eligible business concerns.

Section 3 Reporting
Annual Section 3 reports are submitted through the Section 3 Performance Evaluation and Reporting System (SPEARS) and are due by January 10th of each year. The report measures ODR’s effort in meeting the minimum numerical goals.

Section 3: Roles and Responsibilities
The Section 3 Coordinator will be responsible for ensuring compliance by:

- Identifying programs, projects and activities which may trigger Section 3 compliance for ODR as the recipient of HUD funds
- Ensuring all Section 3 Clauses are in each Program’s Contractor agreements
- Assisting in training the ODR Programs to ensure they understand their responsibility concerning Section 3
- Monitoring each Program to assure they are assisting contractors where necessary
- Collecting required reports from Programs
- Reporting all annual DR program accomplishments regarding employment and other economic opportunities provided to low and very low-income persons under Section 3, to the Bureau Chief of Finance and Administration

Program Staff responsibilities include:

- Notifying Section 3 residents about training and employment opportunities and Section 3 businesses about contracting opportunities
- Inserting Section 3 Clauses into all Bid Documents (monitor if they are awarding funds to a subrecipient to carry out the Section 3 covered project)
- Inserting Section 3 Contract Clauses into contracts for Section 3 covered activities (monitor if they are awarding funds to a subrecipient to carry out the Section 3 covered project)
• Informing contractors or subrecipients of the language necessary to include in their agreements with all lower tiered contracts for Section 3 covered projects
• Annually updating Section 3 compliance documents with HUD Section 8 income limit
• Serving as point of contact for information regarding Section 3 compliance, reporting, business certification process and all other related matters
• Refraining from entering into contracts with contractors that fail to comply with Section 3
• Obtaining information necessary for the ODR Section 3 Coordinator to submit the required HUD 60002 Form to HUD
• Attending scheduled pre-bid, pre-construction, bid opening and construction meetings for all Section 3 covered projects that they are implementing directly and be available to attend when requested by a subrecipient when feasible
• Promoting outreach to recruit Section 3 residents through local community action agencies
• Endorsing outreach to recruit residents in receipt of public housing assistance
• Advocating outreach to recruit Section 3 business concerns
• Coordinating outreach with Public Housing Agencies, Chambers of Commerce, community organizations, Small Business Administration and other local stakeholders
• Encourage training and employment of Section 3
• Documenting actions taken to comply with Section 3 requirements, results of actions taken, and impediments, if any

Contractors’ responsibility for Section 3:

• Meeting Numerical Goals
  o 30 percent of the new hires
  o 10 percent of the total dollar value of the construction contracts to Section 3 Business
  o 3 percent of the non-construction contract value
• Conducting employment outreach to Section 3 eligible business concerns and Section 3 residents for sub-contracting and business opportunities
• Accepting and giving preferential business engagement consideration to Section 3 business concerns
• Documenting outreach efforts related to eligible business concerns and Section 3 residents

1.7.5 Records Keeping
Local governments must maintain records documenting compliance with fair housing, equal opportunity, and civil rights requirements. Documentation must be obtained concerning:

• Employment in each local government operating unit which performs CDBG-DR funded projects.
• The local government’s affirmative actions to further fair housing.
• For direct benefit activities, records relating to persons who have participated in any CDBG-DR funded program.
• For area-wide activities, information on the area and the services provided and the race and ethnic character of the service area.
• Race, ethnic character, age, handicapped status, gender of heads of households, and number of elderly people benefiting from the project.
• Race and ethnic character of households and handicapped status of persons displaced as a result of CDBG-DR activities.
• Actions undertaken to meet Section 3 requirements and the written Section 3 Plan.
• Information on the racial/ethnic character of each business that receives a contract or subcontract of $10,000 or more paid with CDBG-DR funds, including identification of women-owned businesses.
• The affirmative actions the local government has taken to overcome the effects of prior discrimination in administering a CDBG-DR funded program.

1.8 Constituent Management Services

1.8.1 Constituent Complaints and Inquiries Procedures

All complaints and inquiries that are brought forward to DEO 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 state must provide a response to all inquiries and complaints within 15 working days of receipt. Following the initial response, the state will make every effort to provide a resolution to complaints within the 15-working day period. If a resolution cannot be reached within the 15-working day period, the complainant/inquirer will receive a status update on the issue(s) and, if possible, a timeframe for when a resolution can be reached. Constituent Management Services Lead will monitor response times to ensure compliance and will adjust timeframes for additional responses as needed.

The aim of the state will be to always attempt to resolve complaints in a manner that is both sensitive to the complainant’s concerns and appropriately addresses their needs, while complying with Program requirements as well as state and federal regulations.

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 DEO’s website by visiting the Rebuild Program website to complete an online complaint form at: [http://floridajobs.org/rebuildflorida/rebuild-florida-homeowner-complaint-form](http://floridajobs.org/rebuildflorida/rebuild-florida-homeowner-complaint-form)
   b. Via U.S. mail to:

   Attention: Constituent Services Management
   Florida Department of Economic Opportunity
   Division of Community Development

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2. Directly to a program-level representative:
   a. Via calling the Rebuild Florida customer service center to receive assistance from a call center agent.
   b. In-person at a Rebuild Florida Center to receive assistance from a Rebuild Florida Specialist.

4A Complaint Log of all filed complaints at the Program level, with an Intake Specialist, the call center or other on-the-ground program representative is located on SharePoint under Departments > Applicant Relations > Complaint Tracker.

1.8.2 Anti-Fraud, Waste, and Abuse (AFWA)
The Florida Department of Economic Opportunity’s (DEO) Office of Disaster Recovery (ODR) is the recipient of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the United States Department of Housing and Urban Development (HUD) to support long-term disaster recovery needs for housing, infrastructure and economic development. As a steward of public funds, ODR is actively working to combat fraud, waste and abuse in its programs.

This policy is directed specifically to ODR’s Community Development Block Grant-Disaster Recovery (CDBG-DR) programs and is intended to establish procedures and processes that will aid in the detection and prevention of fraud, waste, and abuse in the CDBG-DR programs.

This policy applies to all DEO employees, providers, vendors, contractors, consultants, partners, citizens, applicants, external departments and agencies doing business with ODR, as well as, beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR programs.

Scope

Fraud is the intentional (willful or purposeful) deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person. There are many forms of fraud.

Waste includes over-utilizing ODR’s services, supplies or equipment, or causing unnecessary costs through carelessness or inefficiency.

Abuse includes activities that result in unnecessary costs to the ODR. Note that this is financial abuse, not physical or emotional abuse of a person. Physical and emotional abuse of a person should be reported to the police.

Examples of fraud include, but are not limited to, misrepresentation of:

- Income (Unreported or under-reported)
- Household composition
- Financial resources (transferred or hidden resources)
- Residency
- Citizenship status

Other types of fraud include, but are not limited to:
• Using another person’s identification
• Forging signatures or documents
• Concealing access to duplicate funding
• Misrepresenting a medical condition to obtain additional benefit
• Misusing funds (diverting them for an unintended use)

Other actions constituting fraud, waste and abuse include, but are not limited to:
• Any dishonest or fraudulent act
• Misappropriation of funds, supplies or assets
• Impropriety in handling or reporting money or financial transactions
• Profiting as a result of insider knowledge
• Unauthorized disclosure of confidential or private information
• Accepting or seeking anything of material value from contractors, vendors or any person that seeks a beneficial decision, contract, or action from ODR
• Accepting or seeking anything of material value from contractors, vendors or any person that is providing services for CDBG-DR activities
• Unnecessary cost or expenditures
• Diversion of program resources

Anti-Fraud, Waste, and Abuse Complaint Process
DEO’s Office of Disaster Recovery constituents, employees and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste or Abuse online form (http://floridajobs.org/rebuildflorida/report; all contact information fields are optional to allow for anonymity) or by sending an e-mail to cdbg-dr_antifraudwasteabuse@deo.myflorida.com.

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

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the 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) and DEO’s HUD Community Planning and Development (CPD) Representative.

Fraud, Waste, and Abuse Prevention Measures
ODR’s Compliance and Reporting Unit is responsible for ensuring that DEO’s CDBG-DR programs comply with all federal and state regulations as well as recommending improvements that enhance programmatic efficiency, effectiveness, and documented results. Below are the main critical responsibilities of this unit:

• Ensure ongoing compliance with federal, state, and local regulations through review of the policies and procedures, applicant eligibility and award determinations, and program activity files.
• Conduct regular internal monitoring of DEO’s CDBG-DR programs and report results to program managers and ODR Director.
• Identify and assist with investigations of potential fraud, referring cases to DEO’s OIG as appropriate.
- Oversee and coordinate all reporting for DEO’s CDBG-DR programs, including federal reporting requirements, data analysis, and providing data dashboards for agency leadership.
- Provide oversight monitoring for DEO’s CDBG-DR prime contractors.
- Provide technical assistance to program areas regarding compliance issues and questions, as well as monitoring findings.

Confidentiality
Complainants reporting fraud, waste and misuse of federal resources, or other program irregularities may remain anonymous. All information received about suspected fraud, waste and abuse will be treated confidentially. Furthermore, all investigative materials developed, and interviews conducted to substantiate the allegations of fraud, waste or abuse will be treated confidentially.

Information will only be disclosed on a need-to-know basis to appropriate law enforcement authorities. No information about the status of an investigation will be shared outside of the Constituent Management Services Lead, Policy Manager, Compliance and Reporting Manager, and CDBG-DR Program Director and authorized ODR staff members, except with the State or HUD OIG upon conclusion of the investigation or with law enforcement or legal counsel, in the event legal action should be needed.

Whistle-blower’s Act of 1986
ODR understands that confidentiality is important to avoid retaliation against reporting individuals. Florida’s Whistle-blower’s Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to a person or agency designated by the statute (see next paragraph below) violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], that create a substantial and specific danger to the public’s health, safety or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

Violations of this act should be reported in accordance with Section 112.3187, Florida Statutes. Any employee who has a complaint should immediately contact the Department head, Office of the Inspector General, the Governor’s Office of the Chief Inspector General, the Florida Commission on Human Relations, or the state’s whistle-blower’s hotline at (800) 543-5353. [Section 112.3187, Florida Statutes]

Cooperation with Official Department Investigations
DEO employees are required to maintain high standards of honesty, integrity, and impartiality and to place the interests of the public ahead of personal interests. When allegations of violations of these standards are received, full and accurate information must be obtained so management may respond appropriately. Toward this end, employees of the Department must cooperate with duly appointed investigators from the Office of Inspector General to uncover the facts surrounding possible violations in an official investigation.

Failure to comply as specified above without a valid mitigating reason, such as exercising a right protected by federal or state law, will constitute a violation of this policy and subject the employee to appropriate disciplinary action up to and including dismissal.

Fraud Related Training
All applicable ODR staff and all subrecipients shall attend fraud related training provided by HUD OIG to assist in the proper management of CDBG–DR grant funds.
Administration

This AFWA policy will be reviewed annually and revised as necessary to comply with Federal and State requirements. ODR’s Compliance and Reporting Manager is responsible for the administration, revision and application of this policy.

1.8.3 Public Records Request

Pursuant to Article 1, Section 24, Florida Constitution and Chapter 119, Florida Statutes, the Department of Economic Opportunity is subject to the Florida Public Records Law. Accordingly, unless an exemption exists, all records produced or received pursuant to law or in connection with the official business of the Department can be requested and provided for inspection. All Public Records requests will be processed in accordance with DEO Administrative Policy 1.06, Processing Public Records Requests.

A Public Records Request may be verbal or take any form (e.g., email, written correspondence, in-person). The Public Records Act does not require that requests be in writing, comply with a certain form or have any specific content. A public records request may come from a member of the media, the general public, an employee, or any other individual. DEO cannot mandate receipt of the name of the requestor or purpose of the request in order to fulfill the Public Records Request.

A Public Record is defined as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance, or in connection with the transaction of official business by any agency.

Public records include all things made or received in connection with DEO business. All such materials, electronic and on paper, regardless of whether they are in draft or final form, are open to public inspection unless exempt or confidential.

A revision to Chapter 119 went into effect on July 1, 2020 per Senate Bill 966 from the 2020 Florida State Legislature regular session that directly effects the Department of Economic Opportunity and its disaster recovery programs.

As a general matter, all Program related information is subject to Florida’s public records laws, which may be viewed by anyone upon request. There are limited exemptions to Florida’s public record laws. The following list of exemptions are applicable to the Rebuild Florida Program:

- Social security numbers; and/or
- Bank account numbers; and/or
- Documentation related to ongoing litigation and legal negotiations; and/or
- Limited proprietary information; and/or
- Certain persons in qualifying categories, E.G. active or former sworn or civilian law enforcement personnel; current or former firefighters certified in compliance with s. 633.408; current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors.

Senate Bill 966 retained the above exemptions, and expanded exemptions to include the following “Other Personal Information” relative to information held by the Department of Economic Opportunity, et al:
• Medical history records and information related to health; and/or

• Information related to property insurance; and/or

• Property photographs; and/or

The above items, personal identifying information (information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual), are considered confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution per Senate Bill 966.

To read Senate Bill 966 in its entirety, go to: https://www.flsenate.gov/Session/Bill/2020/966/BillText/er/PDF

As an agent of DEO and all subcontractors and employees are subject to Florida Public Record laws. All project documents and communications, even in draft form, are considered public records including, but not limited to, policies, training material, letters, emails, memos and texts. Any document or communication related to the project, that are not exempt, is a public record.

The Public Record Coordinator is the person appointed by DEO charged with the responsibility of maintaining the Office of Public Records, including processing and tracking public record requests. The Public Records Coordinator is responsible for overseeing DEO’s compliance with public record/open government requirements and maintains a complete record of all DEO public record requests and corresponding disclosures. The Public Records Coordinator also serves as the primary liaison between DEO and the Office of Open Government in the Executive Office of the Governor.

The Office of Disaster Recovery’s Constituent Services Management Lead will act as a Public Record Division Liaison and is the primary contact for all public record requests regarding the Office of Disaster Recovery/Rebuild Florida Program. The Office of Disaster Recovery’s Public Record Division Liaison will coordinate with the respective managers of each program to determine (1) what is and what is not a responsive record; and (2) where to find all responsive records.

**Public Records Request Procedure**

**B. Intake and Processing**

1. When an Employee receives a Public Records Request:
   a. All employees who receive a Public Records Request will immediately forward the request to the Public Records Coordinator (PRRequest@deo.myflorida.com) for acknowledgement and tracking.
   b. Employees should then immediately notify their supervisor and Division Liaison regarding the request.
   c. Any Employee receiving a Public Records Request will immediately coordinate with a supervisor and the Division’s Public Records Liaison regarding questions pertaining to the request such as: (i) what is and what is not a responsive record; and (ii) where to find all responsive records.
   d. Employees will diligently and expediently work with their Division Liaison to gather all responsive records to provide to the Public Records Coordinator, however collaboration with the Public Records Coordinator is expected throughout the process.
   e. The Public Records Coordinator will remain, at all times, the point of contact between the requestor and DEO.
2. When a Division Liaison receives a Public Records Request:
   a. Division Liaisons will immediately forward the request to the Public Records Coordinator (PRRequest@deo.myflorida.com) for acknowledgement and tracking.
   b. Division Liaisons will then work with staff in their Division to expeditiously gather all responsive records to provide to the Public Records Coordinator.
   c. The Public Records Coordinator will remain, at all times, the point of contact between the requestor and DEO.

3. When the Public Records Coordinator receives a Public Records Request:
   a. The Public Records Coordinator will communicate with the requestor to acknowledge receipt of the public record request by email, letter, or facsimile, as appropriate.
   b. The Public Records Coordinator will then work with Division Liaisons to gather all responsive records to complete the request.
   c. If the request is from a member of the media, the Public Records Coordinator will immediately forward the request to the Office of Communications and External Affairs (media@deo.myflorida.com). The Office of Communications and External Affairs will acknowledge all media Public Records Requests. The Public Records Coordinator will be informed of all responses to media that include public records.

4. Estimates
   a. The Public Records Coordinator will communicate in writing with the requestor to provide the actual cost and an estimate of the special service charge, if applicable.
   b. Payment of the estimated costs is required prior to processing the records for production.

5. Review and Redaction
   a. Once the requested materials have been gathered by the Division, the Division will redact confidential and exempt information before releasing the records to the Public Records Coordinator for transmittal.
   b. The Division will specify and provide all citations for any redactions.
   c. The Liaison and/or Division employee will consult with OGC as necessary regarding redactions.
   d. Each Division is responsible for redacting records with redaction tape or electronically and, if necessary, must be prepared to assume the cost of paper copies used in the redaction process. Do not redact with a marker.

C. Production of Records to Requestor
   1. Responses to Public Records Requests will be made within a reasonable time taking into account the extent and nature of the request.
   2. Copies of the request, acknowledgment, response, invoice, records produced, or a record of what was produced, any related correspondences, and payments will be maintained by the Public Records Coordinator.
   3. When the requestor requests in-person inspection of the records, and all necessary fees have been paid, the Public Records Coordinator and the Division Liaison, if necessary, must supervise the inspection of records to ensure confidential information is protected.

D. Public Record Requests for Email Correspondences
1. The Public Records Coordinator will review the request and consult with the requestor and Liaison as necessary, to determine possible search terms and time frames to obtain the information requested.

2. The Public Records Coordinator will provide the request for emails to IT with search terms and time frames.

3. Once emails have been retrieved by IT, an estimate will be transmitted by the Public Records Coordinator, if applicable, including the cost of retrieval and review of the emails for exempt or confidential information.

4. Upon retrieval and payment of necessary costs by requestor, the Public Records Coordinator will provide the emails to the Division Liaison for review and redaction (if required), and then provide all responsive documents to the requestor.

1.8.4 Appeals

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.

**Housing Repair and Replacement Appeals (Program Reconsideration)**

Throughout the process, decisions will be made on an application and/or project to be delivered. The decisions are made based on statutes, codes of federal regulation, local administrative code, state and local guidelines as they are interpreted by the Program. This policy guides the process for an applicant or contractor requesting program reconsideration of decisions made by the HRRP.

Applicants have a right to participate in the process, and where they believe that a mistake has been made regarding their file, the Program includes a reconsideration process to provide the applicant with a mechanism for requesting further review on a decision made on their file at the time the applicant is notified of their eligibility in their award letter. Program policies are not appealable.

**Grounds to Request Reconsideration**

Applicants who have applied for funding for disaster recovery may only request reconsideration of the disposition of a Program decision on one or more of the following:

1. The type of benefit the applicant is eligible to receive.
2. Duplication of Benefits estimates.
3. Scope of work
4. Completed Repair Estimates (CRE)

A contractor may only request reconsideration for the issues related to draw payment or failure to meet benchmark construction deadlines.

**Reconsideration Request of Local Program Decision**

A party requesting reconsideration must file a written request for reconsideration with the HRRP to request a review not later than 30 days after the date the action to be reconsidered has occurred or when notice has been provided. The written request must include specific information relating to the challenge of the HRPP decision. HRRP will acknowledge receipt of the request. HRRP will respond in writing to the request no later than 30 working days after the date of receipt of the request. The response may take one of the following actions:

1. Acknowledgment of receipt of the request for reconsideration and notification that the review of the applicant file may take longer than 30 working days;
2. Request for additional supporting documentation or information from the applicant;
3. Status of the reconsideration and estimated timeframe for decision; or
4. Final determination of the issue:
   a. Concur with the request and make the appropriate adjustments to the staff member’s decision; or
   b. Disagree with the request and provide the basis for rejecting the request for reconsideration to the party.

Should an applicant disagree with the result of a request for reconsideration, the applicant will be provided with a notice of administrative right to appeal and instructions for the appeal process.

In order to request a reconsideration, please submit a written notice to CDBG-DR.Reconsiderations@deo.myflorida.com or submit by postal mail to the following address:

Attention: Office of Disaster Recovery, Reconsiderations
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street, Caldwell Building, MSC 400
Tallahassee, Florida 32399

Appeals Process
Informal Appeal

There are two cases in which an Informal Appeal can be filed by the applicant: (1) following a determination of ineligibility, or (2) after exhausting the Reconsiderations process.

1. In the case that an applicant is deemed ineligible, the applicant will be notified of their status in an Eligibility Determination Letter from the DEO Appeals team. Should the applicant disagree with the determination, they may file an Informal Appeal resulting in a process to further review the HRRP decision.

2. An Informal Appeal may also be filed in the case that an eligible applicant has submitted a request for reconsideration and disagrees with the results. The applicant will be provided with a notice of their right to appeal, and instructions for the process of filing an Informal Appeal.

A party requesting a DEO informal appeal must file a written request for informal appeal not later than 30 days after the date of the decision of reconsideration request or when notice has been provided.

The written request for an informal appeal can be sent via email, fax or mail:

   CDBG-DRAppeals@deo.myflorida.com

Attention: Office of Disaster Recovery, Appeals Team
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street Caldwell Building, MSC 400
Tallahassee, Florida 32399

1. The Hearing Officer will date stamp the written request for an informal appeal upon receipt.

2. The Hearing Officer will prepare and mail a Notice of Hearing to the applicant using delivery confirmation within 15 days of receiving the request for an informal appeal.
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a. The Notice of Hearing will include the date and time of the hearing as well as the issue to be addressed during the hearing.

   i. The hearing will be scheduled no fewer than 10 business days in advance of occurrence.

b. The applicant will have the option to forward additional documentation to the Hearing Officer prior to the hearing, if applicable.

   i. Any additional documentation received by the Hearing Officer will be date stamped and must be received at least 24 hours prior to the hearing.

3. The hearing will be held telephonically on the date and time listed on the Notice of Hearing. The hearings will be recorded using the digital recording system (TBD) or a handheld recording device.

   c. The hearing officer will dial the number for the applicant listed on the Notice to Appeal.

   i. At least two attempts should be made to contact the applicant.

   d. The hearing officer will validate the delivery confirmation as to when the applicant received the Notice of Hearing on the record.

4. During the hearing, the Hearing Officer will establish the record addressing any issues of ineligibility, review all additional documents with the applicant and allow for testimony of the applicant.

5. Following the conclusion of the hearing, a final written decision will be issued by the Hearing Officer based on the merits of the case, testimony of the applicant, additional documentation and program policy and procedure.

   e. The final decision will be mailed using delivery confirmation to the applicant within 30 days following the hearing.

6. The Hearing Officer will update the applicant’s record and eligibility status in SERA to approve or reject the applicant from moving forward in the process.

If the applicant is dissatisfied with the final decision of the Hearing Officer, the applicant has the ability to appeal with the Florida Division of Administrative Hearings (DOAH).

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 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.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either sections 120.569 and 120.57(1), Florida Statutes, or sections 120.569 and 120.57(2), Florida Statutes. Pursuant to section 120.573, Florida Statutes, and Chapter 28-106, Part IV, Florida Administrative Code, mediation is available to settle administrative disputes. Any petition must be filed with the Agency Clerk within 30 calendar days of receipt of DEO’s determination.

If an applicant files a request for reconsideration or informal appeal, the requirement to timely file a petition challenging agency action will be tolled until a decision under either method 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 reconsideration or request for informal appeal.

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

1.8.5 Uniform Relocation Act (URA) Appeals  
Tenants may appeal in any case in which he or she believes that the Program 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 Program decisions related relocation assistance within 30 days of receiving a written determination from the Program outlining the program’s decision related to his or her eligibility for benefits or amount of benefits. The URA appeals process will be governed by DEO’s administrative appeals process.

1.8.6 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:

CMS@deo.myflorida.com  
Phone: (850) 717-8474

1.8.7 Citizen Participation Plan  
Florida values citizen and stakeholder engagement. Florida has developed a Citizen Participation Plan in compliance with 83 Fed. Reg. 5844, 83 Fed. Reg. 40314, § 24 CFR 91.115 and applicable U.S. Housing and Urban Development (HUD) requirements to set forth the policies and procedures applicable to citizen participation. This plan is intended to maximize the opportunity for citizen involvement in the planning and development of the Rebuild Florida recovery program.

In order to facilitate citizen involvement, Florida has identified targeted actions to encourage citizen participation and allow equal access to information about the Rebuild Florida program. Florida intends to focus its outreach efforts to facilitate participation from individuals of low-and moderate-income, those living in slums and blighted areas, those living in areas identified for recovery through Rebuild Florida, non-English speaking persons and other disadvantaged populations. Florida will publish its action plan in Spanish and English.


1.8.8 Client and Public Outreach and Communication  
The public outreach strategy used to market the Rebuild Florida Program is complex and multifaceted. It is outlined in detail within a separate Strategic Communications Plan and requires all external communications
to be sent to DEO for approval prior to usage. The activities to be undertaken include paid print and digital media advertising, door-to-door canvassing operations, outbound call campaigns, mobile outreach events utilizing communications-equipped buses and community engagement outreach events hosted through partner organizations and agencies.

DEO’s Rebuild Florida Outreach and Communications Plan for Hurricane Michael recovery can be accessed on the Hurricane Michael section of the ODR website at the following link: http://floridajobs.org/docs/default-source/office-of-disaster-recovery/hurricane-michael/ rf-hurricane-michael-outreach-and-communications-plan.pdf?sfvrsn=ef6e46b0_6.

1.8.9 Management of the Website
Introduction and Purpose
DEO manages a set of disaster recovery webpages and a set of webpages devoted to Rebuild Florida programs that serve as the primary repository of information for the state of Florida’s disaster recovery and mitigation actions and resources. See http://www.floridajobs.org/CDBG-DR and http://www.floridajobs.org/rebuildflorida/. The website contains links to all Action Plans, Action Plan Amendments, quarterly performance reports (QPRs), the Citizen Participation Plan, procurement policies, procurement notices and/or advertisements, executed contracts, activity/program information for activities described in the Action Plan and other information relevant to CDBG-DR program funds.

Action Plan
DEO will make available via its CDBG-DR website its initial Action Plan, all amendments to the initial Action Plan, and a master version of the Action Plan, which will be inclusive of all amendments. In addition, DEO will provide for the ability for the public to submit comments relative to the items covered in the initial Action Plan and subsequent amendments.

a. Initial Action Plan
The initial Action Plan for CDBG-DR activities will be posted to DEO’s website and made available for the public’s review in accordance with federal regulations. Once the public comment period has expired, the Action Plan will be submitted to HUD for review and approval. Upon receiving approval from HUD, the date of approval will be clearly indicated on DEO’s website.

b. Amendments
Substantial amendments to the initial Action Plan (i.e. those that result in a change in program benefit or eligibility criteria, the allocation or re-allocation of more than $1 million, or the addition or deletion of an activity) will be posted to DEO’s website and made available for the public’s review in accordance with federal regulations. Once the public comment period has expired, the amendment will be submitted to HUD for review and approval.

All substantial amendments will be translated into Spanish—the language identified by DEO’s language analysis of Limited English Proficient (LEP) Floridians in impacted areas. 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). DEO’s website features embedded technology to provide accessibility to the visually impaired and includes an Interpretive Translation Notice informing citizens in 15 different languages that translation services are available upon request.

DEO will notify HUD of non-substantial amendments to the initial Action Plan but will not post them to the DEO’s website for public comment. Once HUD has acknowledged receipt of a non-substantial
amendment or after five days have elapsed since the submission to HUD, DEO will post the non-substantial amendment to its website.

All amendments (substantial and non-substantial) will be numbered sequentially and incorporated into DEO’s Master Action Plan.

c. Master Action Plans
DEO will maintain Master Action Plans that will serve as a single point of reference with regards to its plans for utilizing the CDBG-DR appropriations. The CDBG-DR Master Action Plans will incorporate all amendments and will be made available to the public via DEO’s website.

d. Public Comments
In accordance with federal regulations and in the interest of ensuring that the public is afforded ample opportunities to provide feedback to DEO on its plans for the recovery effort, DEO will make available multiple methods by which public comments can be submitted:

Florida Department of Economic Opportunity
Office of Disaster Recovery
The Caldwell Building
107 East Madison Street, MSC-400
Tallahassee, FL 32399
CDBG-DR@deo.myflorida.com

The website will clearly identify the individual serving as the primary point of contact for all public comment related communications.

e. Link to Public Notices
Links to HUD’s webpage containing all of the applicable Public Laws, Federal Register Notices, and other related materials will be included in the Action Plan section of the CDBG-DR websites.

Reporting
As required by HUD and furthering DEO’s commitment to transparency, DEO will complete a Quarterly Performance Report (QPR) detailing the expenditures, accomplishments, and beneficiaries associated with the appropriation of funding over each quarter. All quarterly reports are due to HUD on the 30th of each month after a quarter ends. DEO will post the each QPR when it is submitted to HUD. Initially, the report will be labeled as “Pending HUD Approval” until DEO receives notification from HUD that the QPR has been reviewed and accepted.

Grants Management
DEO will post the policies and procedures that govern its management of the CDBG-DR funding in order to ensure that all individuals are afforded an opportunity to gain an understanding of how the Department manages the recovery and mitigation dollars.

DEO’s Office of Disaster Recovery (ODR) Policy Manual sets forth the policies and procedures by which DEO manages its recovery and mitigation funding – with respect to ensuring compliance with applicable local, state, and federal rules and regulations. The manual will be updated on an as needed basis and DEO will ensure that the latest version of the manual is available on its website.

b. Internal Controls
In addition to the topics covered in the DEO’s Policy Manual, DEO will post to its website additional documents that address the various internal controls put in place to ensure the appropriate use and management of the CDBG-DR funds:

- Compliance Monitoring Plan
- Purchasing Policy
- Purchasing and Contracting Guidelines
- Anti-Fraud, Waste and Abuse policy

Policy Unit staff of the DEO’s Office of Disaster Recovery coordinates reviews with staff from relevant bureaus/units on a quarterly basis to ensure that DEO’s Policy Manual and the documents that address the internal controls accurately describe DEO’s administrative and program operations at any given point in time. At a minimum, Policy Unit staff will make changes to the policies and procedures on an annual basis; however, changes determined to be of critical importance or that address or cause a substantive change to the ODR’s operations will be made within 30 days of the change being approved.

c. Contracts
ODR will post to its website copies of all executed contracts as well as a list of all ODR and subrecipient contracts updated on a monthly basis. In addition, any substantial amendments to those contracts (e.g., contract value is increased, or scope of services is revised) is posted to the ODR website.

Further, ODR will make available information (via a link to DEO’s Purchasing Department webpage) on the status of services or goods currently being procured. Information on the phase of the procurement, requirements for proposals, winning bidder, etc. will be included.

d. Points of Contact
An organizational chart depicting ODR leadership and the personnel responsible for managing the CDBG-DR funding will be posted to DEO’s website. Contact information for key personnel will be included as well. If a material staffing change occurs, ODR will update the applicable item(s) within 30 days of the official change.

Accessibility of Information
DEO strives to implement an all-inclusive recovery and mitigation strategy that recognizes the diversity of the citizens of the state of Florida. To that end, DEO will translate all vital program documents into Spanish (as determined by the completion of a Limited English Proficiency analysis) and make available staff members that are able to communicate effectively with non-English speakers.

In addition, the DEO’s CDBG-DR websites will utilize features allowing for automatic translation into the language of the reader’s choice via Google translation services and for the adjustment of font size in order to accommodate the visually impaired.

Website Maintenance Procedures
The ODR’s Communications Unit directs and supervises the content of the website. Staff within the Communications Unit develops the narrative and visual content. The Communications Specialist is responsible for updating the website, on a monthly basis at minimum, with information they receive from CDBG-DR staff members within ODR and from other areas of DEO (e.g., Finance, Purchasing, etc.).

Florida Department of Economic Opportunity
Office of Disaster Recovery

Florida Department of Economic Opportunity
Office of Disaster Recovery
DEO also maintains a separate website created specifically for the Rebuild Florida programs (www.RebuildFlorida.gov).

1.9 Reporting, Records Management and Retention
DEO will maintain Program records in accordance with DEO policies and procedures for records retention. Regarding Program records that relate to individual property activities, applicant files will be maintained within the DEO System of Record. The DEO System of Record is built on the Salesforce platform. The System of Record has been built by and will be maintained by DEO-procured resources. Salesforce should be designed to maintain project/applicant files that document the activities undertaken with respect to specific individual beneficiaries, property owners and/or properties. Any paper records produced during the course of Program implementation will be turned over to DEO for DEO retention upon contract closeout.

DEO requires subrecipients to maintain all program- and project-related documentation such as financial records, supporting documents, and statistical records. Per 24 CFR 570.490, these records must be retained for a period of not less than five (5) years after grant closeout with HUD, whichever is longer. The subrecipient will be provided with guidance and technical assistance regarding establishment of a filing system to keep records that is easy to use while providing an accurate account of activities for examination and review by the DEO disaster recovery grant manager, auditors, and local subrecipient staff. CDBG-DR records are subject to the Freedom of Information Act and relevant state laws regarding public availability. The filing system should be established on a project basis. Files should, to the extent possible, be maintained in a central location.

1.9.1 Personally Identifiable Information
ODR shall safeguard the confidentiality of all personally identifiable information (PII) reviewed during any monitoring event. PII is defined under 2 CFR 200.79 and 2 CFR 200.82. For the purposes of this Monitoring Plan, PII includes without limitation, names, credit card numbers, social security numbers, biometric data, bank account numbers, passport numbers, computer passwords, or any other health, financial, or employment information.

ODR shall not appropriate for its own use or disclose any PII except to those persons directly concerned with the PII and only to the extent necessary to comply with Federal regulations.

ODR may not store PII on computers, mobile devices, cellular telephones, and/or personal digital assistants, servers, and/or storage devices, including removable media, unless required for the performance of monitoring under this Monitoring Plan.

1.9.2 File Security
All records will be maintained in an electronic format. File security is defined between DEO and the System of Record vendor.
1.9.3 Record Retention

Records are maintained to document compliance with Program requirements and federal, state, and local regulations and to facilitate an audit review by HUD. Records are maintained in accordance with 24 CFR 570.90, which states they must be maintained for a period of five years following the closeout of HUD’s grant agreement with the State. Proper records management ensures that:

1. The State complies with all requirements concerning records and records management practices under Federal and state regulations;
2. The State has the records it needs to support and enhance ongoing business and citizen service, meet accountability requirements and community expectations;
3. These records are managed efficiently and can be easily accessed and used for as long as they are required; and
4. These records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner based on HUD Handbook 2225.6, Records Disposition Schedules and HUD Handbook 2228.2.

1.9.4 Housing Program Applicant Files

The Program must maintain electronic files for each applicant funded through Rebuild Florida. Each file must contain at a minimum the following information:

- Verification of Program eligibility.
- Determination that the National Objective has been met (can be LMI or Urgent Need in some cases and should be noted in each file).
- Repair/construction related items.
- Award calculation and supporting documentation.
- Duplication of benefits calculations.
- Grant recapture documents.
- Environmental clearance.
- Grant agreement documents.
- Monitoring QA/QC.
- Appeals, if applicable.
- Correspondence, notes.
- Supporting documentation and forms.
- Procurement Information for Construction Contract.

1.9.5 Reporting Requirements for Housing Programs

The Program will maintain accurate files and records on each homeowner and will retain all pertinent documentation for the grant between HUD and DEO. Compliance will be maintained in accordance with the reporting requirements as outlined in the DEO policies and procedures. This includes all information and reports as required under the DEO contract with HUD and demographic data and other information on homeowner households and awardees. The reporting requirements will include, but are not limited to the following:

For each program activity requiring a direct application by an individual or non-institutional entity:

- Homeowner household’s income.
• Household’s income as a percentage of area median income as defined by HUD.
• The race and ethnicity of the head of household.
• The household’s familial status.
• The presence or non-presence of a household member with a disability.

For each activity providing housing or housing assistance that is not directly linked to a specific beneficiary:

• The cost of the housing unit to the homeowner and to the occupant.
• The maximum qualifying household income as a percentage of area median income as defined by HUD.
• Restrictions regarding the age or familial status of occupants.
• The presence or absence of designs or services that make the housing unit accessible to an individual with a disability and the number of fully accessible units.

All official records on programs and individual activities are maintained for a five-year period, beyond the date of grant closeout.

1.10 Compliance Monitoring
A separate document titled Compliance Monitoring Plan (CMP) provides a series of systematic procedures and activities that will ensure compliance with CDBG-DR requirements. The CMP provides an overall summary of grant activities throughout the life cycle of the grants that ensure programs are compliant with state and federal requirements and meet programmatic objectives. The plan outlines the duties and responsibilities of DEO for Hurricane Michael disaster recovery programs as they relate to:

• Reporting (financial, monthly direct, and monthly subrecipient);
• State and federal audits;
• Cross-cutting requirements;
• Monitoring;
• Technical assistance and training;
• Records management and retention;

1.10.1 DEO Monitoring for Civil Rights Requirements
Following a grant award, the State, unit of general local government (UGLG) or State subrecipient is required to adhere to and monitor performance relating to civil rights requirements. The areas of the review include the following:

• Current employment and personnel policy;
• Civil rights profile;
• Job advertisements;
• Employment discrimination complaints;
• Employment data that indicates that persons are not being denied benefits or treated differently because of their race, color, sex/gender, national origin, or disability status;
• Documentation of steps taken to further fair housing during the year and the annual fair housing activity;
• Housing discrimination complaints and documentation describing the process used to handle such complaints;
• Board minutes indicating when the local fair housing ordinance was adopted; and
• The title of the civil rights compliance officer.
1.10.2 Quality Assurance/Quality Control (QA/QC) Procedures

Quality Assurance/Quality Control (QA/QC) review is an independent and objective activity intended to add value and improve the Florida Department of Economic Opportunity (DEO) Office of Disaster Recovery (ODR)’s Community Development Block Grant Disaster Recovery (CDBG-DR) operations while reducing risks of HUD and program nonconformance. To achieve these objectives, ODR will:

- Exercise impartial, unbiased professional care when completing QA/QC reviews.
- Exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information, findings, and conclusions about the processes and data being examined.
- Ensure a balanced assessment of each file review by not being unduly influenced by their own interests or by others in forming judgments.

ODR’s QA/QC plan was developed to outline a formal process to identify potential compliance issues and implement best practices for disaster recovery. More specifically, this plan and review checklists will assist ODR in complying with program monitoring requirements and:

- Perform file reviews and utilize data collected during the desk review process to improve program processes and procedures.
- Monitor programs that are operating within the terms of the Action Plan, approved by HUD, and program guidelines established by ODR.
- Confirm that program expenditures/draw requests are eligible based on applicable laws and CDBG regulations.
- Report exceptions and concerns to reduce HUD monitoring concerns, findings, and/or repayment.
- Follow-up with identified compliance issues, initiate corrective actions, and implement program controls, as necessary.
- Implement continuous process improvement.

Housing Repair and Replacement Program (HRRP) QA/QC Plan

Strategy

Desk reviews will be performed on all portions of selected Homeowner Grant Agreements. These desk reviews will utilize standardized checklists and will be conducted in a progression that moves along a contract’s life cycle for critical core components as outlined below:

- **Phase I: Applicant Eligibility and Benefit Determination Checklist**

  Phase I of the QA/QC review will ensure that applicants qualify for program assistance, have received all required program notifications, and confirm that Duplication of Benefit (DOB) procedures were properly implemented prior to the signing of a Grant Agreement with the program. Areas of review will include:

  - Distribution and documented receipt of ODR/HUD Required CDBG-DR Notifications
  - Intake and Applications for Assistance
  - Applicant Eligibility Determinations
  - Duplication of Benefits (DOB) Analysis
  - Uniform Relocation Act (URA) Applicability and Notifications
  - National Objective Determination
  - Prioritization for Assistance
• **Phase II: Pre-Construction**

Phase II of the review process will ensure that all pre-construction requirements are met prior to the issuance of a Notice to Proceed for construction work on an applicant’s home. Areas to be reviewed for program compliance and necessary and reasonable costs are:

  - Tier II Environmental Review Record/Clearance
  - Damage Assessment
  - Scope of Work
  - Grant Award Calculation and Agreement
  - Subrogation Agreement
  - Property Covenant
  - Temporary Relocation Assistance
  - Vendor Selection

• **Phase III: Construction**

Phase III ensures that the construction phase is being implemented in accordance with the requirements of the program and the construction contract. QA/QC areas to be reviewed for the construction phase include:

  - Contract Compliance to include on-sit inspection
  - Lead-Based Paint Mitigation
  - Progress Inspection
  - Change Order Verification

• **Phase IV: Post-Construction**

When construction is complete, a QA/QC review will be conducted to ensure that all paperwork and documentation related to the rehabilitation or reconstruction of the applicant’s home is uploaded to their file prior to making a final payment to the contractor. Areas to be reviewed are:

  - Contractor Eligibility and Licensure
  - Project Bundling Process
  - Construction Contract and Change Orders
  - Interim Property Inspections
  - Environmental Remediation and Notifications
  - Compliance with URA
  - Reassessment of Duplication of Benefits
  - Cost Reconciliation

• **Phase V: Closeout**

Prior to close out of the applicant’s file, a final QA/QC review will take place upon expiration of the one-year warranty period. Areas to be reviewed are:

  - Final Acceptance of Work and Payment (including reconciliation of all project costs)
  - Repair Warranty Notifications and Completion of Work
  - Compliance Status of the Applicant

• **Phase VI: Appeals and Ineligible Applications**
In addition to the previous phases that follow the lifecycle of the program, additional testing will be performed related to the appeal process and applicant disqualifications. A sample of applications from each will be reviewed to verify that the applications were processed in accordance with established procedures and that the determination made regarding the application’s status is appropriately documented and supported.

**Sampling**

At this time, it is anticipated that 10% of all applicant files will be reviewed for compliance with federal, state, and local regulations and program policies. When a level of confidence in program outcomes has been achieved, ODR may elect to adjust the sample size. The use of effective QA/QC sampling procedures will be necessary to increase the coverage, focus, and efficiency of QA/QC reviews.

If the program elects to employ a sampling methodology, the QA/QC Team Lead must follow best practices when selecting samples for QA/QC review and should confirm that each sample is statistically significant to the overall population or the sub-population being assessed. In advance of selecting the statistically significant samples, the QA/QC Team Lead must define the population or sub-population to ensure that the sample is selected from the appropriate data set and can adequately represent the QA/QC sample.

With a statistically significant sample, the QA/QC Team Lead can project the results of the sample to the population or sub-population with a method of projection consistent with that used to select the sample. The projection of the sample may involve estimating probable errors or deviations in the population. Consideration should also be given as to whether the use of sampling has provided a reasonable basis for conclusions about the population tested.

The QA/QC Team Lead also may utilize various sampling methodologies to ensure that the integrity of the sample selection remains intact and offers confidence in the results or findings. For this reason, it is important that the QA/QC Plan utilizes industry accepted guidance and standards on sampling along with the specific design of the QA/QC function to confirm the appropriate sampling technique is used.

Techniques for QA/QC sampling that may be deployed in subsequent reviews are varied. Sampling techniques that may be used on ODR QA/QC reviews may include but are not limited to:

1. **Random Sampling**: Selection is not governed by predetermined considerations; every unit in the population has equal opportunity of being selected.

2. **Monetary Unit Sampling**: Used to identify monetary random values. For example, in using this approach, the QA/QC Team can select every 10,000th dollar of scope of works to review and extrapolate findings and/or exceptions across the population.

3. **Attribute Sampling**: Used to determine the characteristics of a population being evaluated.

4. **Variable Sampling**: Designed to predict the value of a given variable for a population.

5. **Discovery Sampling**: Used where evidence of a single error or instance would call for intensive investigation.

6. **Stratification Sampling**: The process of segregating a population into homogenous subpopulations explicitly defined so that each sampling unit can belong to only one subpopulation depending on the criteria used for stratification.

Using a variety of techniques, the QA/QC Team Lead can analyze possible sample errors to validate that errors exist and determine the nature and cause of the errors. When errors are assessed, additional testing may be required.
Findings/Reporting/Issue Resolution Process

Before a QA/QC finding is presented to the appropriate program leadership, all initial review findings should be validated by a secondary QA/QC review conducted by the QA/QC Team Lead. Exception findings should be classified according to their impact on the outcome of an application as follows:

- **Observations/Concerns**: Findings that do not impact the outcome of the application’s eligibility, grant award amount, or program/HUD compliance.

- **Findings/Material Exceptions**: Findings that are likely to result in a HUD finding, program sanctions, and/or monitoring findings that require repayment of federal funds.

The QA/QC Team Lead will maintain a complete and accurate record of both Observations/Concerns and Findings/Material Exceptions. All exceptions (Observations/Concerns and Findings/Material Exceptions) will be reported to the appropriate program managers and bureau chiefs so corrective measures can be taken, and if necessary, new process controls can be implemented to prevent future exceptions.

The QA/QC Team Lead will maintain a record of all applications reviewed, which will be the basis for reporting to the appropriate program managers and bureau chiefs. The QA/QC Team Lead will prepare exception reports detailing the applications reviewed, exceptions identified, and the type of review(s) conducted.

The communication of the QA/QC Observations/Concerns and Findings/Material Exceptions to program vendors and contractors will be the responsibility of the appropriate CDBG-DR staff. The forum, frequency, and detail of discussions for QA/QC findings will be at the discretion of the Bureau Chief of Finance and Administration and the Deputy Director of the Office of Disaster Recovery.

All Findings/Material Exceptions and Observations/Concerns that are systemic in nature will require the responsible vendor(s) to provide a corrective action plan.

An executive QA/QC quarterly report will identify the number of files reviewed, the number of follow-up reviews, and a summary of exceptions, the exceptions corrected, and additional controls implemented to mitigate risk. The report also will provide a comparison of the reporting quarter’s findings and performance to historical quarters for stakeholders to assess program improvement over time.

Roles and Responsibilities

**QA/QC Team Lead** - Individuals responsible for organizing, conducting and reporting QA/QC results. The QA/QC Team Lead may request that an individual with unique or specific expertise participate as a QA/QC team member.

**QA/QC Reviewer** - Appropriately trained individual not having direct responsibilities in the areas being assessed.

Training

Beyond the recommendations made in compliance review reports, QA/QC can be a valuable tool in educating program staff giving ODR the advantage of reviewing a population of program applications and utilizing these reviews to gain a strong understanding of common, systematic issues.

Gathering information on work product, root cause investigations, and opportunities for improvement, the QA/QC Team Lead will provide supplemental training on those subjects that the Bureau Chief of Finance and Administration believes are necessary for program success.

Conflicts of Interest
Any conflicts of interest encountered during QA/QC reviews will be reported to the Bureau Chief of Finance and Administration and the reviewer will be recused of performing any reviews that may constitute a conflict of interest.

1.10.3 Risk Assessment/Monitoring Procedure

ODR will conduct a risk assessment on all programs in order to identify those entities and programs that are most susceptible to fraud, abuse, or mismanagement. The risk assessment provides critical information to effectively target resources toward entities and programs that pose the greatest risk to the integrity of ODR’s CDBG-DR funding, including identification of the programs to be monitored on-site and remotely, the program areas to be covered, and the depth of the review. This assessment will allow the state to minimize potential risk as it administers its CDBG-DR allocation. The below matrix lists the risk assessment criteria. In addition to the quantitative measures listed in the matrix, qualitative risk factors may also be considered. This will not change the overall risk score but may provide justification for including an entity in the Monitoring Workplan. Such qualitative factors include but are not limited to local media reports, litigation, major new programs undertaken, subsequent disasters, staff turnover, and citizen complaints. ODR may adjust the matrix outlined below to reflect new criteria or risk factors as identified.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
<th>High Risk</th>
<th>Medium Risk</th>
<th>Low Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>Program Administrator’s current staff capacity and its ability to ensure programmatic compliance with the CDBG-DR regulations.</td>
<td>10</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Turnover of at least 1 key person and program complexity is greater than programmatic knowledge and capacity of its staff.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Program complexity is greater than programmatic knowledge and capacity of its staff.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No turnover and program complexity is in line with staff capacity and program knowledge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding</td>
<td>Total funds allocated to the program (including FEMA and other federal and state funds)</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Over $100,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$50,000,000 - $100,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less than $50,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complexity</td>
<td>Type of activities; complexity intake process; applicability of cross-cutting requirements.</td>
<td>10</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4+ activity types; highly complex intake system; many cross-cutting requirements apply.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 or fewer activity types; intake system that may strain resources; some cross-cutting requirements apply.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1-2 activity types; intake system is manageable; little or no cross-cutting requirements applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementation Method</td>
<td>Type of entity carrying out the programs (more layers, more risk)</td>
<td>8</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Subrecipient</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grantee Staff</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vendor Implementation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Relevant Experience</td>
<td>No Experience</td>
<td>1 to 3 Years of Experience</td>
<td>4+ Years of Experience</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>----------------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>The Program Administrator's experience administering CDBG-DR funds</td>
<td>8</td>
<td>5</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Compliance History</th>
<th>No past monitoring or severe deficiencies were revealed</th>
<th>Evidence of prior monitoring; deficiencies noted, but non-severe</th>
<th>Evidence of prior monitoring; no deficiencies noted</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Program Administrator's past compliance with federally funded programs.</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Timeline</th>
<th>Program timeline may not be adequate to complete most/all activities</th>
<th>Program timeline may not be adequate to complete some activities</th>
<th>Program timeline is reasonable to complete all activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>The projected and defined timeline for program completion relative to activities.</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

**Low Risk: 24 or Fewer Points**  **Medium Risk: 25-40 Points**  **High Risk: 41-58 Points**

**1.11 Grant Closeout**

After all the activities are completed and all the subrecipient agreements are closed, the Office of Disaster Recovery can closeout the grant with HUD. The Grant Accounting Office completes and signs Standard Form 424 (Federal Financial Report) and completes HUD Form 40153 (State CDBG-Closeout Checklist). Form 40153 is signed by the DEO Executive Director or authorized designee. These forms, as well as all attachments, are mailed to:

Director, Office of Block Grant Assistance  
U.S. Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

or as specified by HUD
Part 2. Regulatory and CDBG-DR Specific Processes for Subrecipient and Subgrantee Managed Disaster Programs

2.1 Duplication of Benefits

2.1.1 Duplication of Benefits Procedures for Subrecipients/Subgrantees

The DEO DOB review process includes forms to assist subrecipients and program staff in determining the amount of financial assistance that may be available to eligible disaster recovery applicants and to help ensure duplicative benefit is not received by an applicant. Applicants requesting CDBG-DR funds for disaster recovery assistance will be required to submit the following forms for all proposed activities prior to approval:

1. FEMA Declaration and Program Release of Information Form
2. Florida Eligibility Release Form
3. Florida Duplication of Benefits Calculation Form
4. Duplication of Benefits Exception Acknowledgement Form, if applicable
5. Florida Insurance Affidavit
6. Florida Subrogation and Assignment Agreement

Subrecipients will be responsible for obtaining documentation from applicants to determine if they received insurance benefits or other resources and how those funds were used to ensure there are no duplication of benefits issues. Best practice related to DOB analysis is for grantees or subrecipients to coordinate with FEMA, NFIP, and SBA via a Memorandum of Understanding to establish a process to obtain data related to the assistance these agencies have provided.

Subrecipients are required to maintain original completed forms and support documentation in contract and/or beneficiary files, and one copy of completed forms and support documentation are to be submitted to the DEO grant manager assigned to the subgrant agreement. Subrecipients must also address the requirement of these forms within their local CDBG-DR program policies and procedures.

DEO program staff will review subrecipient files during monitoring visits. If a duplicative benefit is discovered after the disaster recovery award was provided, the subrecipient will be required to recapture the amount of duplicative benefits provided and return the duplicative amount to DEO. DEO will withhold payment on any project or suspend activities if a duplicative benefit issue is not resolved. DEO will not complete the subgrant closeout processing until all identified duplication of benefits issues are resolved.

Standardized monitoring checklists are used to evaluate project files and to determine if the subrecipient has adequately reviewed applicants for these activities to prevent a potential duplicative benefit. Monitoring checklists (i.e. Housing Rehabilitation Monitoring Checklist, Infrastructure Activity Monitoring Checklist and Public Facilities Activity Monitoring Checklist) are tailored from the HUD monitoring checks found in the **CPD Monitoring Handbook 6509.2**. Further information on monitoring can be found in the Compliance Monitoring Plan (CMP) located on the Disaster Recovery website.

2.1.2 Duplication of Benefits Process

1. As part of the application review process, the applicant must complete and submit a FEMA Declaration and Release Authorization form, a Florida Eligibility Release form, Florida Duplication of Benefits Calculation form, a Duplication of Benefits Exception Acknowledgement form (if applicable), a Florida Insurance Affidavit form and a Florida Subrogation Agreement form, with original signatures to the subrecipient. These forms will be published on the DEO website: [www.floridajobs.org/CDBG-DR](http://www.floridajobs.org/CDBG-DR). The subrecipient will submit a copy of the forms completed in Step 1 to the DEO office in Tallahassee. If required documents are not submitted or are
incomplete, a request to proceed with the activity will not be processed until the required
documentation is received and approved. The subrecipient will be responsible for determining if
the applicant received any financial assistance from the applicant’s insurance company or from
any other source and include documentation in the applicant’s file.

2. DEO staff will use the submitted information from Step 1 to review FEMA and SBA databases or
through the Freedom of Information Act to determine if the applicant has received any financial
assistance from either of these two agencies. DEO staff will certify the review results to the
subrecipient for the applicant’s file. To contact the FEMA office concerning requests, call 202-
646-3323 or contact the agency electronically at fema-foia@dhs.gov. To contact the SBA office
concerning requests, call 202-401-8203 or contact the agency by email at foia@sba.gov.

3. Upon receipt of the certified letter from DEO, the subrecipient will make the final selection of
beneficiaries that are eligible to receive CDBG-DR funding.

4. The Duplication of Benefits Exception Acknowledgement form can be used if the applicant has
received funding assistance for the repair of a storm damaged home, business, facility or
infrastructure but did not use the funds for making repairs.
   a. Example: An applicant’s cost to fully repair a home is $90,000 based on actual bids or
      program limits, and the applicant received $10,000 from FEMA for housing repairs but
      did not spend the funding on housing repairs. The FEMA assistance must be considered
      a housing benefit received by the applicant, so the net award is $80,000. In HUD
      parlance, this is a non-duplicative benefit. The applicant will then have to fund the
      $10,000 difference themselves.

5. Subrecipients are required to maintain duplication of benefits forms and supporting
documentation in the subgrant and/or beneficiary files. These files will be reviewed by DEO
during monitoring visits. DEO will issue a finding if the subrecipient’s beneficiary files do not
include the required documentation or the appropriate analyses were not conducted to prevent
a duplicative benefit from occurring.

6. If a duplicative benefit is discovered after the disaster recovery award is provided, the
subrecipient will be required to recapture the amount of the duplicative award.

7. The amount of duplicative benefits identified must be refunded. If the subrecipient’s agreement
with DEO is still active, the refund amount must be returned to the subrecipient’s disaster
recovery program. If the subrecipient agreement with DEO is closed, the refund amount must be
returned to:

   Cashier
   Florida Department of Economic Opportunity
   Office of Disaster Recovery
   107 East Madison Street, MSC-400
   Tallahassee, FL 32399

Subrecipients are required to maintain all corresponding financial transactions related to the refund(s) in the
subrecipient agreement and/or beneficiary files and submit one copy of the completed documents and
supporting documentation to the DEO grant manager assigned to the agreement.

DEO will withhold payment on any project or suspend activities if a duplication of benefits issue is not
resolved in a timely manner. DEO will not complete the subrecipient agreement closeout process until all
identified duplication of benefits issues are resolved.

DEO will have more in-depth DOB/VOB process per program. Each program will have its own DOB/VOB
process outlined in its guidelines referenced in the appendices.
2.2 Environmental Review Record Subrecipient/Subgrantee Responsibilities

In response to Hurricane Michael, the state of Florida DEO, as the Grantee, is directly administering the Single-Family Housing Recovery Program and is the Responsible Entity. Economic Development and Voluntary Buyout are Subrecipient projects. The RE for Subrecipient projects may be DEO or the Subrecipient. If the Subrecipient is designated the RE, they will be responsible for completion of the ERR and submittal to DEO for review and acceptance by the Certifying Officer. The five primary responsibilities of Grantees/Subrecipients related to completion of the environmental review record process are:

- Designate an Environmental Officer to conduct the environmental review record process.
- Confirm that the Environmental Officer is provided with guidance and technical assistance during the environmental review process.
- Assure that no CDBG-DR funds (except those that are administration or planning requests) are released until all environmental review record requirements have been satisfied.
- Verify that proper environmental certification has been completed including documentation and public notice and comment periods, if required.
- Conduct re-evaluation of the environmental review record process when there are modifications to proposed project activities that are not exempt.
- Satisfy monitoring requirements, including an examination of the environmental review record process and project specific ERRs.

2.3 Relationship Between the Subrecipient and the State: Managing the Process

2.3.1 Risk Assessment and Management Capacity

The purpose of the risk assessment is to define the scope and focus monitoring efforts, including establishing a framework for determining the appropriate level of monitoring for subrecipients consistent within available resources. The risk assessment documents decisions and recommendations regarding where to apply staff and travel resources for monitoring, training and/or technical assistance to be directed to those subrecipients most in need of assistance to prevent potential problems or to quickly resolve problems that do arise.

DEO will monitor subrecipients throughout the disaster recovery process. Subrecipients will be assessed for capacity, financial controls, and project progress. DEO will monitor subrecipient activities for compliance with federal requirements, terms of the grant agreement, file management and program policies and procedures.

The DEO Risk Assessment is used to determine the risk category as high, medium, or low. Based on the risk assessment, an individual subrecipient monitoring plan is developed that includes the method of monitoring (onsite or desktop review), specific areas of the program to be monitored, frequency of monitoring, and areas where technical assistance and training may be needed.

Each state fiscal year, a risk assessment will be required to be completed on or before June 15 to continually review and identify subrecipients with active agreements and remaining program deliverables. The completed annual assessment will also be used to establish the anticipated monitoring schedule for the ensuing state fiscal year (July 1–June 30).

Risk Assessment/Monitoring Procedure

1. Program staff completes DEO’s New Subgrant Risk Assessment Checklist on the subrecipient.
2. Program staff determines the subrecipient’s risk rating.
3. Program staff forwards the Risk Analysis Checklist and the risk rating to supervisory staff.
4. Supervisory staff reviews subrecipient’s risk rating.
5. Based on the subrecipient risk level, a monitoring plan will be tailored accordingly.
6. Program staff conducts applicable monitoring.
7. Program staff periodically re-evaluates the subrecipient’s risk rating to determine if it has changed as a result of the monitoring.
   a. If the risk rating has not changed, the existing monitoring plan remains in effect, and no other action is needed.
   b. If the risk rating has changed, the program staff informs the supervisory staff.
8. Supervisory staff will determine if the subrecipient’s risk rating should be changed.
   a. If the supervisory staff determines the subrecipient’s risk rating does not need to be changed, the existing monitoring plan remains in effect and no other action is needed.
   b. If the supervisory staff determines the subrecipient’s risk rating needs to be changed, the program staff revises and updates the monitoring plan.
9. The procedure is repeated as necessary.

At least three onsite reviews must be performed for each of the subrecipient’s projects/programs prior to closeout. High- and medium-risk projects/programs will include additional monitoring.

Prior to closeout, at least one onsite review should be conducted of all programs/projects implemented by the subrecipient. Project/program monitoring should occur early enough during the program/project to provide adequate time for technical assistance and/or corrective action to resolve problems.

2.3.3 Monitoring Subrecipients
Monitoring is an important component of grant management. It ensures that activities specified in the subrecipient agreement progress toward timely completion and allows for early identification of potential issues and problems, so they can be prevented or corrected. The DEO CDBG-DR monitoring program includes desk monitoring and onsite monitoring.

Monitoring Process
The monitoring review is broken into 4 stages: planning, fieldwork, reporting, and response.

Planning
Once the workplan has been established, an individual, written monitoring strategy will also be developed to further define the scope and focus each monitoring engagement. In developing the monitoring strategy, the monitoring team will identify key risk factors associated with specific activities to be monitored, the likelihood of noncompliance and the potential impact. This will determine critical risks that should be addressed during the monitoring visit.

The program/entity being monitored will receive a notification letter within 10 business days of the planned monitoring visit detailing the nature and scope of the visit. Preliminary documentation may be requested to facilitate further planning, such as sample selection, prior to the onsite visit. To the greatest extent feasible, documentation on-hand should be reviewed prior to the monitoring engagement to maximize the time available for reviewing documents during the visit. Such documentation may include the following:

- Active written agreements with the Monitored Entity;
• Progress and performance reports;
• Drawdown requests;
• Documentation of previous monitoring(s), including open findings;
• Copies of any audit reports of the entity/program; and
• Any documentation requested and received from the Monitored Entity.

Any potential deficiencies or evidence of non-compliance identified from the review of documentation prior to the engagement will be incorporated into the monitoring strategy.

Fieldwork

During the fieldwork stage, ODR will conduct an entrance conference with the appropriate representatives to explain the purpose of review. During the meeting, ODR Compliance will:

• Explain the purpose, scope and schedule of the Monitoring Event;
• Confirm key personnel that will assist during the monitoring;
• Determine the times for interviews of key personnel, including the times for key personnel to be available to answer questions about files, if necessary;
• Schedule physical inspections, if applicable; and
• Verify the programs to be reviewed and how access to file will be granted.

Thereafter, ODR should receive access to all documents requested in the notification letter and the sample of files selected for review. ODR will use the monitoring checklists identified during the planning phase to perform the review. The checklists will be completed by ODR throughout the monitoring event, including the notes related to the file review and interviews with key personnel.

Throughout the engagement, the monitoring staff will maintain an on-going dialogue with the program/project staff. This communication will keep the ODR staff informed as to how the monitoring is progressing, enable discussion of any problem areas encountered, and provide the program/project team an opportunity to present additional information regarding preliminary findings and concerns. This will also minimize the potential for surprises during the exit conference or in the Monitoring Report.

At the conclusion of the monitoring review, ODR will conduct an exit conference with key personnel to discuss preliminary findings and concerns. This meeting includes the following objectives:

• To present preliminary results of the monitoring visit and establish a clear understanding of the results of the monitoring review and next steps;
• To provide an opportunity for the program/project team to correct any misconceptions or misunderstandings;
• To secure additional information to clarify or support the position of the program/project team; and
• To provide an opportunity for the program/project team to report any steps taken to correct any deficiencies identified throughout the monitoring review.

During the exit conference, the monitoring team will also communicate next steps with the program/project staff and establish timelines for corrective actions, if necessary. All stakeholders should have a clear understanding of the monitoring results at the conclusion of the fieldwork phase. If any additional items are identified after fieldwork is complete that affect the final report, the program/project staff should be made aware prior to the issuance of the report.

Reporting
Once fieldwork is completed, a monitoring report will be prepared summarizing the result of the monitoring review. The report should correspond to items discussed during the exit conference. Monitoring reviews may result in:

- **Findings** – issues that require immediate corrective actions by the program.
- **Concerns** – issues regarding the performance of programs or activities that may result in noncompliance if they are not addressed.
- **Observations** – issues which could lead to a concern or finding if not addressed, but there is not enough evidence at the time of the monitoring that would warrant a concern or finding.

The report will include recommended corrective actions that would remedy the identified deficiency or concern. The tone of the Monitoring Report should be positive and strike a balance between recognizing the common goal of responsibly and effectively implementing CDBG-DR program(s) and reinforcing the needs and requirements to correct any deficiencies. If appropriate, the report should include significant accomplishments or positive changes to establish and/or maintain positive relationships and to recognize the dedication and commitment of the program/project staff to the program mission.

**Response**

The program/project staff have 30 days to respond to all findings in the Monitoring Report, unless an alternate timeline was specified in the report. The management response should include a plan and timeline for completing the required corrective actions, or proposals for alternate actions to remedy the situation. If issues are identified for corrective action, follow-up actions will be scheduled to track and record the progress of the resolution. The timing and frequency of the follow-up communication will be determined at ODR’s discretion and should be based on the severity of the deficiency. All follow-up actions will be documented.

Once all findings and concerns have been remediated, ODR will issue a Clearance Letter to the program/project indicating that the issue has been closed. If in the course of finalizing the Monitoring Report, or during the monitoring visit, there was completion in addressing prior findings, the Monitoring Report may serve as the clearance letter, noting that the prior findings were resolved. All findings must be addressed prior to closure of the program/project.

**Monitoring Priority and Frequency**

Monitoring priority and frequency are based on the results of a risk assessment. A representative sample of the subrecipient’s grant files will be reviewed to draw valid conclusions about performance and capacity.

**Monthly Subrecipient Oversight**

DEO requires subrecipients to demonstrate that progress is being made to complete project activities and expend project funds in a timely fashion pursuant to Activity Work Plans. Completing and submitting Activity Work Plans are requirements of the Subrecipient Grant Agreement executed between DEO and the subrecipient. Subrecipients must also provide DEO with a detailed schedule for completion of activities and an expenditure schedule for grant funds. Subrecipients are also required to submit monthly progress reports to DEO.

DEO Office of Disaster Recovery program staff and/or representatives will use Activity Work Plans, Award Agreement special conditions, subrecipient projected budgets and expenditures, monthly progress reports, and Requests for Funds to monitor subrecipients.

If the subrecipient does not meet project schedules and/or expenditure rates, a justification for the delay and a plan for timely accomplishment shall be submitted to DEO within 21 calendar days of the missed projected milestone. Any project for which the subrecipient has not completed activities and expenditures
listed in the Activity Work Plans may be rescinded unless DEO agrees that the subrecipient provided adequate justification for the delay.

Technical Assistance
When deficiencies are identified as a result of the monitoring, technical assistance may be required to assist in the resolution of the deficiency. The objective of technical assistance is to aid the subrecipient in day-to-day compliance with HUD and state regulations and program requirements as the subrecipient administers its individual programs. The nature and extent of technical assistance should be determined at the discretion of the monitor. Some examples of technical assistance may include verbal or written advice, formal training and/or documentation and guidance.

Follow-up
In the event that deficiencies are identified during the monitoring review, follow-up actions should be scheduled to address the progress of the proposed resolution. Timing and frequency of follow-up communication and activities should be determined at the discretion of the monitor and should be based on the severity of the deficiency. If previous deficiencies remain unresolved or uncorrected, these issues will also require follow-up activity. All follow-up actions should be documented and communicated. Target dates should be assigned for resolution of deficiencies.

2.4 Management of Subrecipient Agreements
The subrecipient agreement management process begins when the agency has posted its Intent to Award and a grant agreement has been drafted and executed. The executed grant agreement is managed by the respective program grant manager.

Responsibilities of the grant manger include:

- Creating and maintaining a subrecipient file.
- Maintaining financial information on all agreements.
- Managing changes to the agreement.
- Serving as a liaison between DEO and the Subgrantee or subrecipient.
- Managing the receipt of commodities and contractual services.
- Conducting cost reconciliation for grants.
- Maintaining a grant agreement management file pursuant to CFO Memo No. 06 (2011-2012).
- The contract file must contain:
  - Original contract/grant
  - Amendments
  - Renewals
  - Bonds
  - Insurance
  - Performance documentation
  - Correspondence
  - Payment documentation
  - Monitoring plan and documentation
  - Deliverables

There may be additional requirements for the contract file. The contract file is the complete history of the contract. It should be organized so that the activities conducted during the contract management process can be reconstructed and understood by someone who is not familiar with the contract. All contract and grant managers will use the agency’s Contract Management File Checklist to maintain the file.
DEO grant managers are responsible for monitoring of subrecipients to ensure the procurement methods and contractual requirements and other reporting requirements are met. Plans and specifications, procurement for professional services and construction procurement will be monitored by the disaster recovery grant manager.

2.4.1 Allocating Funding to Subrecipients: Request for Application, Award, and Subrecipient Agreement

5. ODR program staff who administer any Hurricane Michael CDBG-DR Subrecipient Program such as the Voluntary Home Buyout, Infrastructure Repair Program and Hometown Revitalization program are responsible for drafting Funds will be allocated to subrecipients based on the methodology defined in the Action Plan and associated amendments. for Disaster Recover

6. Each potential subrecipient will complete the application package and submit it to the DEO Office of Disaster Recovery in compliance with the application instructions that have been posted on the DEO website.

7. A panel of three (3) program staff members will perform a completeness review of his or her assigned applications using the application review checklist and verify all state and federal requirements. The application is independently reviewed a second time by a member of the management team in the respective ODR program area. If there are discrepancies in the two independent evaluations, the management team member and program staff will meet to resolve any discrepancies that are identified.

8. If the application for the proposed projects and activities meets the initial threshold requirements prescribed in the RFA and all the proposed activities are eligible for funding, the program staff will begin developing a preliminary list of potential projects that could be funded.

9. Subrecipients may be provided up to 45 days to provide required documentation identified by the ODR program staff during the Site Visit. Application and review procedures are complete after all site visits have been conducted, all appeals that have been filed have been completed and the final list of subrecipients has been determined and routed to the Bureau of Financial Management.

In the event that any deficiencies found in the application are not able to be resolved, the program staff will prepare an official notification to the applicant that the application has been rejected. The letter will include a notice of the applicant’s right to appeal the decision.
2.5 Subrecipient Financial Management

The information provided in this policy and procedures manual is provided as a general guide. Each subrecipient will have their own financial management system which must adhere to federal requirements as outlined in 2 CFR Part 200.

2.5.1 Overview

Financial management of CDBG-DR funds is the responsibility of the Subgrantee or Subrecipient that accepts the funds. This chapter describes the accounting procedures that must be followed to comply with state and federal requirements for financial management. The Subgrantee(s) and Subrecipient(s) are required to have a financial management system that provides:

- Effective control over and accountability for all funds, property, and other assets.
- An accurate, complete, and timely disclosure of the status and financial results in accordance with specified requirements.
- Records that adequately identify (by activity) the source and use of funds for each CDBG-DR project, including the “reasonableness, allowability, and allocability” of costs.
- Procedures to comply with the timely distribution of funds.

The subrecipient’s responsibility is often divided between the local office that has primary responsibility for CDBG-DR program administrative office, and the subrecipient’s finance officer. The subrecipient’s program administrative office is responsible for reviewing and approving all transactions involving CDBG-DR funds before the transactions are processed by the subrecipient’s contract manager. The subrecipient’s finance and administrative office’s responsibilities include:

- Approval of purchase orders and contracts to be paid with CDBG-DR funds.
- Receipt and approval of invoices.
- Assurance that transactions involving CDBG-DR funds are properly coded.
- Review and approval of requisitions for payments involving CDBG-DR funds.

The finance officer is responsible for maintaining the official CDBG-DR financial records and for posting account transactions. Official records may be maintained in either an automated or a manual format. The finance officer’s responsibilities may also include such things as:

- Control of accounting documents once they are approved for processing by the program department.
- Preparation of financial reports (based on accounting records).
- Preparation of Requests for Funds (subject to review by the administration office).
- Entry of transactions into the accounting system.
- Assisting the local government’s auditor in preparing an annual financial audit.

The federal requirements that are applicable to financial management are located in 2 CFR 200, and should be reviewed for additional and more detailed information, including special circumstances.

2.5.2 Internal Controls

Internal controls consist of policies and procedures, job responsibilities, qualified personnel, and records management that are designed to safeguard assets such as cash, property and other assets. DEO has outlined internal controls in the Implementation Plan submitted to HUD and will implement a system of internal controls consistent with its agency policies and procedures. DEO’s internal controls meet the Implementation Plan and consist of the following minimum requirements:
• A single individual must not be allowed to exercise complete control over all phases of any significant transaction. This means, for example, that the same person cannot purchase materials, receive materials, authorize payment and write the check to pay for materials.

• Record keeping must be separate from operations and handling and custody of assets.

• Monthly reconciliation and verification of cash balances with bank statements must be made by employees who do not handle or record cash or sign checks.

• Actual lines of responsibility must be clearly established, and a single person must be identified to assume responsibility for management oversight of the entire financial management system.

• The person who prepares payrolls should not handle related paychecks. If signature stamps are used, they should not be under the control of the same individual who retains blank checks.

An adequate system of internal controls, with specific program and financial management responsibilities, will enable recipients to maintain the books and records necessary to comply with Florida law and federal requirements. Where possible, accounting policies and procedures of the local government should mirror the requirements of the Office of the Auditor General.

2.5.3 Subrogation Agreement

Subrogation Agreement

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

All respective CDBG-DR awardees will be required to enter into a “Subrogation Agreement” with the Florida Department of Economic Opportunity in order to provide for the repayment of CDBG-DR funds.

The CDBG-DR Subrogation Agreement will read as follows:

In consideration of Subrecipient’s receipt of funds or the commitment by DEO to evaluate Subrecipient’s application for the receipt of funds (collectively, the “Grant Proceeds”) under the DEO Community Development Block Grant-Disaster Recovery Program (the “CDBG-DR Program”) administered by DEO, Subrecipient hereby assigns to DEO all of Subrecipient’s future rights to reimbursement and all payments received from any grant, subsidized loan, lawsuit or insurance policies of any type or coverage or under any reimbursement or relief program related to or administered by the Federal Emergency Management Agency (“FEMA”) or the Small Business Administration (“SBA”) (singularly, a “Disaster Program” and collectively, the “Disaster Programs”) that was the basis of the calculation of Grant Proceeds paid or to be paid to Subrecipient under the CDBG-DR Program and that are determined in the sole discretion of DEO to be a duplication of benefits (“DOB”) as provided in this Agreement.

The proceeds or payments referred to in the preceding paragraph, whether they are from insurance, FEMA or the SBA or any other source, and whether or not such amounts are a DOB, shall be referred to herein as “Proceeds,” and any Proceeds that are a DOB shall be referred to herein as “DOB Proceeds.” Upon receiving any Proceeds, Subrecipient agrees to immediately notify DEO who will determine in its sole discretion if such additional amounts constitute a DOB. If some or all of the Proceeds are determined to be a DOB, the portion that is a DOB shall be paid to DEO, to be retained and/or disbursed as provided in this Agreement. The amount of DOB determined to be paid to DEO shall not exceed the amount received from the CDBG-DR Program.
Subrecipient agrees to assist and cooperate with DEO to pursue any of the claims Subrecipient has against the insurers for reimbursement of DOB Proceeds under any such policies. Subrecipient’s assistance and cooperation shall include but shall not be limited to allowing suit to be brought in Subrecipient’s name(s) and providing any additional documentation with respect to such consent, giving depositions, providing documents, producing record and other evidence, testifying at trial and any other form of assistance and cooperation reasonably requested by DEO. Subrecipient further agrees to assist and cooperate in the attainment and collection of any DOB Proceeds that the Subrecipient would be entitled to under any applicable Disaster Program.

If requested by DEO, Subrecipient agrees to execute such further and additional documents and instruments as may be requested to further and better assign to DEO, to the extent of the Grant Proceeds paid to Subrecipient under the CDBG-DR Program, the Policies, any amounts received under the Disaster Programs that are DOB Proceeds and/or any rights thereunder, and to take, or cause to be taken, all actions and to do, or cause to be done, all things requested by DEO to consummate and make effective the purposes of this Agreement.

Subrecipient explicitly allows DEO to request of any company with which Subrecipient held insurance policies, or FEMA or the SBA or any other entity from which Subrecipient has applied for or is receiving Proceeds, any non-public or confidential information determined to be reasonably necessary by DEO to monitor/enforce its interest in the rights assigned to it under this Agreement and give Subrecipient’s consent to such company to release said information to DEO.

If Subrecipient (or any lender to which DOB Proceeds are payable to such lender, to the extent permitted by superior loan documents) hereafter receives any DOB Proceeds, Subrecipient agrees to promptly pay such amounts to DEO, if Subrecipient received Grant Proceeds under the CDBG-DR Program in an amount greater than the amount Subrecipient would have received if such DOB Proceeds had been considered in the calculation of Subrecipient’s award.

In the event that the Subrecipient receives or is scheduled to receive any subsequent Proceeds, Subrecipient shall pay such subsequent Proceeds directly to DEO, and DEO will determine the amount, if any, of such subsequent Proceeds that are DOB Proceeds (“Subsequent DOB Proceeds”). Subsequent Proceeds in excess of Subsequent DOB Proceeds shall be returned to the Subrecipient. Subsequent DOB Proceeds shall be disbursed as follows:

1. If the Subrecipient has received full payment of the Grant Proceeds, any Subsequent DOB Proceeds shall be retained by DEO.
2. If the Subrecipient has received no payment of the Grant Proceeds, any Subsequent DOB Proceeds shall be used by DEO to reduce payments of the Grant Proceeds to the Subrecipient, and all Subsequent DOB Proceeds shall be returned to the Subrecipient.
3. If the Subrecipient has received a portion of the Grant Proceeds, any Subsequent DOB Proceeds shall be used, retained and/or disbursed in the following order: (A) Subsequent DOB Proceeds shall first be used to reduce the remaining payments of the Grant Proceeds, and Subsequent DOB Proceeds in such amount shall be returned to the Subrecipient; and (B) any remaining Subsequent DOB Proceeds shall be retained by DEO.
4. If DEO makes the determination that the Subrecipient does not qualify to participate in the CDBG-DR Program or the Subrecipient determines not to participate in the CDBG-DR Program, the Subsequent DOB Proceeds shall be returned to the Subrecipient, and this Agreement shall terminate.

Once DEO has recovered an amount equal to the Grant Proceeds paid to Subrecipient, DEO will reassign to Subrecipient any rights assigned to DEO pursuant to this Agreement.
Subrecipient represents that all statements and representations made by Subrecipient regarding Proceeds received by Subrecipient shall be true and correct as of the date of the signing of this Agreement.

**Warning:** Any person who intentionally or 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.

The person executing this Agreement on behalf of the Subrecipient hereby represents that he/she has received, read, and understands this notice of penalties for making a false claim or statement regarding Proceeds received by Subrecipient.

In any proceeding to enforce this Agreement, DEO shall be entitled to recover all costs of enforcement, including actual attorney’s fees.

2.5.4 Recapture
An applicant may be required to repay all, or a portion of the funds received. The reasons for recapture include but are not limited to the following:

- An applicant is determined to have provided false or misleading information to the Program;
- An applicant withdraws from the Program prior to completion of the project;
- An applicant does not complete construction; and / or
- An applicant does not report the receipt of additional insurance, SBA, FEMA, non-profit assistance and/or any other duplication of benefits received after calculation of the award.
- An applicant voluntarily or involuntarily relinquishes ownership of the property prior to the successful completion of a final program inspection.

2.5.5 Request for Funds (RFF)
The purpose of the cash draw process is to ensure cash availability as expenditures are recorded for the federal grants assigned to the programs for which DEO has direct oversight. Funds are not invested with the State Treasury, and no interest is earned by DEO.

10. Local Government and DEO vendors upload supporting documentation and submit the payment request in the SERA system.

11. Agreement manager receives a notification email from the SERA system indicating there is a Financial Activity (FA) in their queue that needs to be reviewed and then approved.

12. Agreement manager reviews the package for all required supporting documentation and ensures all requested expenditure reimbursements are eligible under the CDBG-DR or CDBG-MIT grant agreements.

13. Once approved, an email is sent to the next level approver which in most cases is a member of upper management, i.e. Director, Deputy Director, Bureau Chief, etc.

14. Once the second level approval has been submitted, the agreement manager prepares an electronic copy of the financial package to be submitted to the BFM.

15. The RFF packet is distributed to BFM grant manager. The BFM grant manager reviews to ensure the expenditures are allowable and charged to the correct funding source. (If not, the packet is returned to the program area).

16. The BFM grant manager approves the payment request in SERA and submits the package to the Disbursements unit for review and approval as well as sending a copy of the invoice package to the BFM GOC II. Once approved, the accountant in the Disbursements unit records the expenditure in FLAIR for payment. The vendor or subrecipient will receive their payment once the voucher has been processed in FLAIR by the disbursements unit.
17. Once the expenditures have been identified in the FLAIR report, the GOC II enters the expenditure data from the invoice packet into DRGR and attaches the backup documentation to support the draw.

18. Once the data has been entered into the DRGR system an email is sent to the Cash Management unit to make the draw from HUD.

2.6 Subrecipient Financial Systems

2.6.1 Financial Records
In the simplest terms, CDBG-DR financial transactions involve receiving cash (such as contract funds from DEO’s CDBG-DR Program or Program income) and spending cash for eligible activities. Every CDBG-DR financial transaction must be recorded in the accounting records of DEO and, if applicable, the subrecipient, as soon as possible. To do this, there must be appropriate source documents, files and accounting records. Finance and accounting for the Program is governed by the State of Florida Finance and Accounting operating procedures and is managed by DEO’s Division of Finance and Accounting.

Source Documents
Source documents should provide all details of a transaction. The information contained in source documents is necessary for accounting purposes and is recorded in one of the books of original entry before being filed. A variety of source documents and records are needed to properly account for CDBG-DR transactions. Supporting documentation is necessary to show that the costs charged against CDBG-DR were incurred during the effective period of the subrecipient’s agreement with the state, were paid out (or properly accrued), were expended on allowable items, and had been approved by the responsible official(s) in the subrecipient’s organization. These documents include:

- **Purchase Orders** may be prepared in the same format as other purchase orders, except that appropriate CDBG-DR program classification data should be coded on the document. Purchase orders should be approved by the subrecipient’s program office. After approval, one copy should be retained by the program administrative office to verify receipt of goods, and the remaining copies forwarded to the DEO finance officer.

- **Contracts** should be filed in the CDBG-DR program administrative office. Each contract must identify the activity, program, or project to be charged. If multiple contracts are issued for each project, or if non-contractual charges are recorded against a project, a separate record must be maintained for each contract to provide readily available information on contract balances. There should be a separate obligation for each contract relating to the same activity to prevent overpayment of any contract. In addition, a Cash Control Register should be maintained to provide summary information for all CDBG-DR contracts.

- **Vendor Invoices** to be paid with CDBG-DR funds should be referred to the program administrative office, compared to the purchase order, checked for appropriateness and accuracy, approved, and coded as necessary. Approved vendor invoices and appropriate supporting documents may then be forwarded to the finance officer for payment.

- **Time Distribution Sheets** completed by all employees paid from CDBG-DR funds should be included. Employees must complete time sheets that indicate the number of hours worked on CDBG-DR projects, other grant projects, local government activities, and job duties. Time sheets are then referred to the finance department so that charges to the correct programs and projects can be computed and properly charged. Payroll expenses can only be paid from CDBG-DR funds based on time and attendance records.
• **CDBG Financial Files** which demonstrate the program’s financial soundness and regulatory compliance must be included. In order to maintain an orderly record of CDBG-DR transactions that will withstand the scrutiny of an audit, there must be a logical system for maintaining financial files. Two broad categories of files are recommended: process files and permanent files.

• **Space and Utilities**: Space costs must be supported by documentation such as rental or lease agreements. Utility costs will be supported by bills from the utility companies. For subrecipients, both types of expenses will be supported by canceled checks. If the cost of space or utilities is split between the CDBG-DR program and other sources, there must be a reasonable method in place to allocate the charges fairly among the sources.

• **Supplies** documentation would include purchase orders or requisition forms initiated by an authorized representative of the subrecipient, an invoice from the vendor (which has been signed-off by the subrecipient to indicate the goods were received), the canceled check from the vendor demonstrating payment was made, and information regarding where the supplies are being stored and for what cost objective(s) they are being used.

Administrative funds are not available to subrecipients under this program. Therefore, all overhead costs must be allocated to projects. ODR will provide guidance on the exact procedure for allocating costs.

**Process Files**
Process files are working files that are used until source documents are processed and posted. They include the following:

• **Open Purchase Order File**. All purchase orders, which have been issued but not yet filled by vendors, should be filed sequentially by purchase order number. When the goods are delivered, the invoice received, and all the appropriate approvals obtained, the purchase order file should be removed and filed with related invoices and the receiving report in the pending payments file. This file contains encumbrances against the project budget.

• **Pending Payments File**. All source documents that will generate a cash disbursement are stored in the pending payments file and are organized by due date. If a discount is offered for early payment, early payment should be made. A schedule of bills payable from approved invoices, and the account to be charged, is also kept in this file.

• **Pending Receipt File**. This file contains copies of outstanding bills and requests for funds submitted to the CDBG-DR program that have not yet been recorded in the Cash Receipts Journal or posted to the CDBG-DR Cash Control Register.

• **Personnel Payroll File**. This file contains a record for each employee who works on CDBG-DR activities and includes the rate at which the employee’s salary can be charged to the CDBG-DR. Time sheets showing the amount of time each employee spends on CDBG-DR activities must be kept on file. This file is maintained in addition to the local government’s official personnel records.

**Permanent Files**
These files must be maintained for all source documents and other records once they have been processed or posted to books of original entry. Documents removed from process files are placed in the permanent files after all processing is complete (i.e., placing bank verifications or CDBG-DR contract payment transactions in a CDBG-DR Receipt File).

Purchase requisitions, purchase orders, and related invoices are filed together; contracts, related invoices, payment vouchers, and check copies are filed together; grant fund receipt documentation is filed together. The permanent files contain the documents necessary for undertaking an audit of the program. A single individual should be assigned responsibility for file maintenance.
CDBG-DR Accounting Records

CDBG-DR records are used to accumulate CDBG-DR accounting information for financial reporting. The required CDBG-DR accounting records are listed and discussed below.

- **Cash Receipts Journal.** All receipts of cash that are deposited into the CDBG-DR account are recorded in the cash receipts journal. Receipts may include contract payments to the subrecipient from the CDBG-DR programs, receipts from the disposition of land, program income, and any other cash received. The general procedure for using this journal is to record every CDBG-DR receipt by date in the order that it was received, indicate the source of the funds received, an account or activity line item to be credited, a receipt number, and date. A notation regarding final disposition for all funds received must also be included in the journal.

- **Cash Disbursements Journal.** All encumbrances and expenditures for program costs are entered into the cash disbursements journal. Encumbrance is a term used in government accounting that defines a reservation of funds against an appropriation for a future expenditure. An encumbrance is not necessarily an obligation; it is a commitment of funds. While encumbrances are not normally recorded in a disbursements journal, the practice is recommended for the CDBG-DR program to conform to the accrual basis required for reporting information to the CDBG-DR program. When goods or services are received by the local government, an obligation has been incurred. If the local government uses a warrant or other schedule for bills payable, it need not maintain a separate cash disbursements journal, but must maintain copies of individual warrants.

- **Property Register.** This is a listing of all property acquired in part or whole using CDBG-DR. It must be maintained to comply with state and federal standards relating to the acquisition, control, and disposition of real and personal property. Examples of property which would be recorded include both real property and office equipment.

- **Detailed Activity Ledger.** A subrecipient may have several ongoing projects (e.g., Smith Street sewer line installation and Jones Street repaving). To maintain accounting control, a detailed project ledger must be established for each project. All financial transactions relating to a particular project should be recorded in this ledger.

Cash Control Register

In addition to the above control procedures, CDBG-DR financial reporting and control is enhanced by the use of the CDBG-DR Cash Control Register. This register is used to document and control the following:

- State of Florida funds received
- Requests for payment (drawdowns on grant reservation)
- Balance of CDBG-DR cash on hand
- Balance of CDBG-DR grant funds available by line item
- Collections, refunds, and miscellaneous receipts
- Disbursements

The CDBG-DR Cash Control registers summarize the status of CDBG-DR cash on hand. It should be reviewed daily to determine compliance with CDBG-DR rules and regulations relating to cash on hand. The register also serves as a cross-reference to the journal accounts such as cash receipts, disbursements, and the detailed project ledger.

Accounting for Cash Receipts

Cash receipts for the CDBG-DR program come primarily from the state as contract payments based on Requests for Funds. Local sources of cash receipts may include loan repayments, payment for services
provided, rent from CDBG-DR property, and other miscellaneous receipts. Other sources may include federal or state agencies participating in project funding such as Rural Development. All cash receipts must be logged in the Cash Receipts Journal, CDBG-DR Cash Control Register, and detailed Project Ledger.

Accounting for Cash Disbursements
The local government should establish specific days on which it will disburse CDBG-DR funds. The frequency of these payment dates depends on transaction volumes and staff capacity. One payment date every one or two weeks may be sufficient. To allow time for orderly processing and requisitioning of CDBG-DR contract funds, cut-off dates for receipt of invoices to be paid the next pay date should be established. All cash disbursements must be supported by source documentation, such as invoices, time sheets, and payroll vouchers, which fully explain the reason for the disbursement.

Contractor payments should be made only after determining that the contractor is performing in accordance with contract provisions and time schedules and that any problems identified by the subrecipient during compliance monitoring or inspections have been corrected. To facilitate adequate contract management, a CDBG contract management control card should be maintained. All cash disbursements must be entered in the CDBG Cash Disbursements Journal, the CDBG Cash Control Register, and Detailed Activity Ledger.

Allowable Costs
The standards for determining the reasonableness, allowability, and allocability of costs incurred as part of CDBG-DR financed activities are found in 2 CFR 200.403. According to general guidelines contained in 2 CFR 200.403, a cost is allowable if:

1. The expenditure is necessary, reasonable, and directly related to the grant.

19. The cost conforms with any limitations or exclusions established in 24 CFR 200 Subpart E (Cost Principles) or the CDBG-DR award.

20. The expenditure is consistent with policies and procedures that apply uniformly to both federally-funded and other activities of the state or the subrecipient.

21. The cost is accorded equal treatment. For example, a direct cost cannot be assigned if in other similar circumstances the cost was allocated as an indirect cost.

22. It is determined the cost is in accordance with generally accepted accounting principles, except for states and local governments and Indian tribes only, as otherwise provided for in this part [2 CFR 200.416 and 2 CFR 200.417, cost allocation plans and indirect cost proposals; 2 CFR 200.417, Interagency service].

23. The cost is not used to meet cost sharing or matching requirements of any federally-funded program. See also 2 CFR 200.306(b) regarding cost sharing and matching.


For more information about allowable costs see 24 CFR 570 and the HUD’s State Community Development Block Grant Program: Guide to National Objectives and Eligible Activities, December 2014.

Reasonable Costs
Reasonable costs are described in 2 CFR 200.404: “A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.” In determining reasonableness of a given cost, consideration must be given to:

1. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-federal entity or the proper and efficient performance of the federal award.
25. The restraints or requirements imposed by such factors as: sound business practices; arm’s-length bargaining; federal, state, local, tribal, and other laws and regulations; and terms and conditions of the federal award.

26. Market prices for comparable goods or services for the geographic area.

27. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-federal entity its employees, where applicable its students or membership, the public at large, and the federal government.

28. Whether the non-federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost.”

Allocable Costs
Allocable costs are described in 2 CFR 200.405: “A cost is allocable to a particular federal award or other cost objective if the goods or services involved are chargeable or assignable to that federal award or cost objective in accordance with relative benefits received. This standard is met if the cost:

1. Is incurred specifically for the federal award;

29. Benefits both the federal award and other work of the non-federal entity and can be distributed in proportions that may be approximated using reasonable methods; and

30. Is necessary to the overall operation of the non-Federal entity and is assignable in part to the federal award in accordance with the principles in this subpart [2 CFR 200, Subpart E, Cost Principles].”

Program Income
Program income means gross income received by a state, a unit of general local government or a subrecipient of a unit of general local government that was generated from the use of CDBG-DR funds that exceed $35,000 received in a single year [24 CFR 570.489(e)2]. Examples of program income include:

1. Proceeds from the sale or long-term lease of real property purchased or improved with CDBG funds.

31. Proceeds from the disposition of equipment purchased with CDBG funds.

32. Gross income from the use or rental of property acquired by the subrecipient or its subrecipient with CDBG funds, less the costs incidental to the generation of such income.

33. Gross income from the use or rental of property owned by the subrecipient or other entity that was constructed or improved with CDBG funds, less any costs incidental to the generation of such income.

34. Payments of principal and interest on loans made using CDBG funds.

35. Proceeds from the sale of loans made with CDBG funds.

36. Proceeds from the sale of obligations secured by loans made with CDBG funds.

37. Interest earned on program income, pending the disposition of such program income.

38. Funds collected through special assessments made against nonresidential properties owned and occupied by households not of low and moderate income, where such assessments are used to recover all or part of the CDBG portion of a public improvement.

Program income received by a subrecipient must be recorded in the subrecipient’s financial records system and must be recorded in the same activity line item as generated the program income. Program income must be spent first on subsequent expenditures, remaining program income after closeout or generated after closeout is returned to the Office of Disaster Recovery.
2.6.2 Subrecipient Agreement Funding Process

Prior to the transmission of contract funds, the subrecipient must complete and submit to the CDBG-DR program a SERA Access Authorization Form. This form is used to inform the Office of Disaster Recovery of the names of persons permitted to sign Requests for Funds. Requests for Funds forms must be signed by one or more of the authorized individuals identified on the form. The Signature Authorization must identify the financial institution, its mailing address, telephone number, and the account number to which CDBG-DR funds should be transmitted.

There cannot be any erasures or corrections on the SERA Access Authorization Form. Three copies, each having original signatures, must be submitted to the Office of Disaster Recovery. Should it be necessary to change or update information on the Signature Authorization Form, the same instructions apply.

The local government must use a separate NON-INTEREST-BEARING bank account for CDBG-DR funds. Any interest paid on the account must be remitted to the Office of Disaster Recovery by the local government for return to the U.S. Treasury.

A subrecipient cannot expend or obligate more than $15,000 for administration, prior to receiving a Release of Funds from the CDBG-DR program. The release will clearly state that the environmental conditions have been removed and funds have been released for expenditure. Further, a subrecipient cannot draw funds for any activity that has been conditioned in the contract agreement until a Removal of Special Conditions is granted by the Office of Disaster Recovery. Subrecipients should check their contract award agreement for special conditions prior to obligating or requesting funds.

2.6.3 Record Keeping

In the simplest terms, CDBG financial transactions involve receiving cash (such as contract funds from the Office of Disaster Recovery’s CDBG-DR program or program income) and spending cash for eligible activities. Every CDBG-DR financial transaction must be recorded in the accounting records as soon as possible. To do this, there must be appropriate source documents, files, and accounting records. Records must be maintained for three years from the date of the receipt of the audit for the year in which the grant was closed out (2 CFR 200.333).

2.6.4 Common Deficiencies

The most common record keeping deficiencies that are encountered during program audits are:

- Inadequate financial records.
- Inadequate source documentation.
- Inadequate procedures for verification of cost allowability.
- Inadequate procedures for certifying operating agencies’ financial systems.
- Delays between drawdown and expenditure of funds.
- Inadequate process to prevent overpayment of an activity budget line item.
- Inadequate accounting of program income.
- Inadequate or untimely financial reports.

2.7 Subrecipient/Subgrantee Closeout

2.7.1 Closeout Overview

Subrecipients are responsible for timely submission of closeout documents. A subrecipient agreement cannot be closed out until all activities associated with the project have been completed and the National Objective
has been met. For example, a project that provides funds for a new sewage collection and treatment system cannot be closed out until the households are connected to the system and the system is fully functional.

The Office of Disaster Recovery staff coordinate with the subrecipient to ensure appropriate closeout documents are submitted. There are two stages in the closeout process: Administrative Closeout and Final Closeout. Administrative closeout means that the subrecipient has received notice from CDBG-DR staff that all applicable administrative actions and all required work in the subrecipient agreement have been completed, with the exception of the submission and approval of the final audit required under 2 CFR Part 200. Final closeout means that the subrecipient has received notice from CDBG-DR staff that the final audit has been submitted and that there are no outstanding audit issues to resolve or an attestation statement has been submitted that a 2 CFR Part 200 audit is not required.

To complete necessary closeout documents, subrecipients and their subcontractors must closeout any subcontracts or subrecipient agreements associated with the funded activities and settle any outstanding financial claims. Subcontractor(s) should be advised to prepare claims or invoices and submit them to the subrecipient within 30 days of the completion of the project to ensure payment requests are made before the closeout process begins.

The Subgrantee or subrecipient’s Administrative Closeout package must be submitted within 45 days after termination date of the subrecipient agreement or as soon as the project is completed. The closeout package includes data regarding accomplishments and beneficiaries served and documents how federal and local resources were expended in accordance with the current approved budget. The closeout package must be signed by the subgrantees or subrecipient’s chief elected official or by the individual with a designation of signature authority signed by the chief elected official.

After the subrecipient is final closed, the subrecipient must keep all records related to the grant award for a minimum of 6 years after final closeout has been approved or from the end of any audit or legal proceedings involving the subrecipient award.

2.7.2 Closeout Process
The subrecipient must submit a subrecipient agreement closeout report and documentation to the Office of Disaster Recovery within 45 days of the termination of the grant agreement or within 45 days of the completion of all activities. Upon completion of activities contained in the subrecipient agreement, including any amendments, the subrecipient shall submit to the Office of Disaster Recovery a closeout report and documentation (closeout package) that includes the following:

1. The final statement of costs and copies of the final construction invoices;
2. Certification that all construction has been completed, inspected and approved by all parties prior to the sub-grant end date and submission of the administrative closeout;
3. Photos of project activities, maps, and documentation of fair housing activities and resolution of citizen complaints and any outstanding monitoring issues;
4. Certification that all costs including those reflected on the closeout report have been paid;
5. Documentation of the expenditure of any leverage;
6. A report of final beneficiary data and final accomplishments;
7. A list of the homes receiving direct benefit; and,
8. Certification that each housing unit assisted was within the local government’s jurisdiction for housing rehabilitation.
In addition:

1. All funds drawn from the sub-grant award and not expended must be returned to the DEO Office of Disaster Recovery prior to submission of the closeout report.

2. The closeout report must contain original signatures. Facsimile (FAX) and electronic submissions are not acceptable to meet submission requirements.

3. If a Subgrantee or subrecipient fails to meet contractual requirements on time, the DEO shall require that the Subgrantee to financially (not administratively) close out a sub-grant to meet federal requirements for the timely distribution of funds set by HUD.

4. If an audit report is past due, the sub-grant cannot be administratively closed until the past due audit is received. If an audit report is owed but not past due, the administrative closeout can proceed. Final closeout will not occur until all required audits are received.

Upon receipt of a closeout, the staff will complete an examination of the closeout documents:

- Audit Findings (there can be no open audit findings).
- CDBG Funds on Hand (cannot exceed $5,000 and must be properly reflected in the closeout documents).
- Monitoring (there can be no open findings).
- Program Income (if funds returned). Unless otherwise authorized, all program income must be returned to the DEO Disaster Recovery Unit.
- Proper Disposition of Acquired Property.
- Meeting all Special Requirements (i.e., map and certification statement).
- Final Engineering Certification (Certification is required for all public infrastructure activities paid for with CDBG funds. The Certification of Completion must be executed by a licensed professional engineer and must state that the activity meets design specifications as may have been modified by change orders.)

The Office of Disaster Recovery will respond to a closeout request by notifying the subrecipient by mail and identifying any issues that must be resolved before the Office of Disaster Recovery will mail Notice of Outstanding Closeout Issues letter identifying these issues and the actions needed to resolve them.

Upon receipt and acceptance of the subrecipient’s final audit required under 2 CFR Part 200, for a subrecipient that has already been administratively closed, Office of Disaster Recovery will send the subrecipient a Notice of Final Closeout letter. All audits must conform to the provisions of 2 CFR Part 200 and the subrecipient requirements to be accepted by Office of Disaster Recovery. If there are any audit findings related to the CDBG subrecipient, these findings must be resolved before the subrecipient can be final closed.

**Procedure: Final Closeout**

An important part of the final closeout procedure is reviewing the subrecipient’s audit. The subrecipient is responsible for mailing the audit to Office of Disaster Recovery. Once the audit is received, Office of Disaster Recovery staff will review the audit for findings and concerns related to the CDBG program. If there are none, final grant closeout will proceed.

If unresolved findings and concerns are noted in the audit review, Office of Disaster Recovery will contact the subrecipient and coordinate the resolution of the findings and concerns. Only after all findings and concerns are resolved may the final closeout be processed.
2.7.3 Timeliness and Tracking of Expenditures
DEO requires subrecipients to demonstrate that progress is being made to complete project activities and expend project funds in a timely fashion pursuant to Activity Work Plans. Completing and submitting Activity Work Plans are a requirement in the Sub-grant Agreement executed between DEO and the subrecipient. Subrecipients provide a detailed schedule for completion of activities and expenditure of grant funds. If the subrecipient does not comply with the Activity Work Plan schedule, a justification for the delay and a plan for timely accomplishment shall be submitted to DEO within 21 calendar days of discovery of the delay. Any project for which the subrecipient has not completed activities and expenditures listed in the Activity Work Plans may be rescinded unless DEO agrees that the subrecipient provided adequate justification for the delay. DEO will compare the Activity Work Plans submitted as part of the award agreement to Monthly Progress Reports and Request for Funds as additional tools to monitor timeliness.

2.8 Financial Audit
2.8.1 Overview
The Subgrantee and/or subrecipient is responsible for conducting a federal single or program specific audit in accordance with 2 CFR Part 200. A federal Single Audit is required if the Subgrantee and/or subrecipient has expended $750,000 or more in total federal assistance in the fiscal year. The total federal assistance includes all direct or indirect funds received from a federal agency; not just funding from the CDBG-Disaster Recovery program. For subrecipient local governments the fiscal year is from October 1 to September 30. A recipient that expends less than $750,000 in federal or state awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements or Section 215.97, Florida Statutes.

Within sixty (60) calendar days of the close of the fiscal year, on an annual basis, the Subgrantee and/or subrecipient shall electronically submit a completed Audit Compliance Certification to audit@deo.myflorida.com. The subgrantees timely submittal of one completed Audit Compliance Certification for each applicable fiscal year will fulfill this requirement within all agreements (e.g., contracts, grants, memorandums of understanding, memorandums of agreement, economic incentive award agreements, etc.) between DEO and the subrecipient.

The forms referenced are available online at www.FloridaJobs.org/CDBGRecipientInfo or upon request from DEO’s grant manager.

An annual federal Single Audit under 2 CFR 200 must be submitted electronically from each Subgrantee and/or subrecipient by June 30 following the end of each fiscal year in which the Subgrantee had an open CDBG-DR sub-grant to DEO’s grant manager.

Once the subgrantee/subrecipient submits the required Federal Single Audit to the DEO grant manager, an audit review is performed to determine if there are any findings related to the CDBG-DR or CDBG-MIT disaster recovery sub-grant awarded to the local government. If there are any audit findings, the grant manager coordinates with the local government to resolve the findings and issue a management decision letter outlining the corrective actions that need to be taken. The due date for the management decision letter is established by the DEO Office of Financial Monitoring and Accountability. For any audit findings that cannot be resolved in time to meet the management decision due date, the grant manager will coordinate with the ODR Compliance Unit for advice on how to proceed.
Part 3. CDBG-DR Program Overviews

3.1 Overview
All Rebuild Florida programs, funded through CDBG-DR programs, are subject to the requirements provided for in Federal Register Notices Vol. 85, No. 17 (January 27, 2020). DEO will encourage subrecipients to leverage CDBG-DR funds with funding provided by other federal, state, local, private, and nonprofit sources to utilize the limited CDBG-DR funds. However, the leveraged funds must be in accordance with The Robert T. Stafford Act to ensure that no individual receives duplication of benefits for the same purpose and/or effect to recover from Hurricane Michael.

3.1.1 Presidentially Declared County
All activities must be in a Presidentially-declared county that is eligible for assistance under FEMA declaration 4399 for Hurricane Michael as amended in Federal Register, Vol. 85, No. 17, published Monday, January 27, 2020, the Program will use 80 percent of the allocation to address unmet needs within the HUD-identified Most Impacted and Distressed (MID) areas. This 80 percent MID area identified in the first allocation of funding is limited to Bay, Calhoun, Gulf, and Jackson counties; 32321, 32327, 32328, 32346, 32351, 32428 ZIP codes and the jurisdictions within the counties.

3.1.2 Mitigation Measures
DEO will encourage subrecipients to incorporate preparedness and mitigation measures into rebuilding activities. This helps to ensure that communities build back safer and stronger than prior to the disaster. Incorporation of these measures also reduces costs in recovering from future disasters. Mitigation measures that are not incorporated into those rebuilding activities must be a necessary expense related to disaster relief, long-term recovery, and restoration of infrastructure.

3.1.3 Ineligible Activities
Ineligible activities identified in the Federal Register, Vol. 85, No. 17, Monday, January 27, 2020, include the use of CDBG-DR for forced mortgage payoff, construction of a dam/levee beyond original footprint, incentive payments to households that move to disaster-impacted floodplains, assistance to privately owned utilities, not prioritizing assistance to businesses that meet the definition of a small business, or assistance for second homes and activities identified in 24 CFR 570.207. All activities and uses authorized under Title I of the Housing and Community Development Act of 1974 and allowed by waiver.

3.1.4 Use of Urgent Need
The Unmet Needs Assessment documents unmet need in housing, infrastructure, and economy throughout the impacted areas. The state will seek to meet the requirement that 70 percent of funds are utilized for Low-and-Moderate (LMI) income families. Program activities are presumed to meet the use of Urgent Need as a national objective if they occur in the sectors and regions, particularly for housing and infrastructure activities, that were impacted as documented in the Unmet Needs Assessment. However, the state will first seek to determine if the activity meets the LMI national objective before utilizing the Urgent Need national objective.

Pursuant to the Federal Register, Volume 85, No. 17, January 27, 2020 the CDBG certification requirements for documentation of urgent need, located at 24 CFR 570.483(d), are waived and replaced with an alternative requirement. Formal certification statements to qualify an activity as meeting the urgent need national objective is no longer needed. Instead DEO and subrecipients will document how each program and/or activity funded under the urgent need national objective responds to a disaster-related impact.
The Program will ensure, as is required and identified in the Federal Register, that at least 70 percent of the entire CDBG Disaster Recovery grant award will be used for activities that benefit low- and moderate-income persons. Alternatively, the activity may be located in a HUD and State MID designated area that received a Presidential disaster declaration in response to Hurricane Michael.

Once the MID-designated areas funding priorities have been met and should there still be an availability of grant funds, recovery assistance will be made available to other counties (and municipalities within those counties) that received FEMA Individual Assistance (IA) declarations in addition to their Public Assistance (PA) declaration. The following counties received both IA and PA assistance:

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<th>Florida IA and PA Declared Counties</th>
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3.2 Housing Programs

3.2.1 Housing Repair and Replacement Program (HRRP)

National Objective

All program activities must meet one of HUD’s National Objectives. The National Objective for the HRRP are the Low- to Moderate-Income (LMI) and Urgent Need. The LMI National Objective is achieved under HRRP when the benefit is provided to a LMI household. The Urgent Need National Objective is achieved when a benefit is provided to eligible applicants who are above 80% AMI and below 120% AMI.

Responsible Entity for Administering

The Florida Department of Economic Opportunity is the entity responsible for administering the Housing Repair and Replacement Program.

Program Requirements

Eligible applicants include homeowners and owners of rental properties, including PHAs, whose primary residence sustained damage from Hurricane Michael and property owners of rental housing.

The state will prioritize homeowner applicants earning less than or equal to 80 percent AMI and rental property owners whose rental property serves LMI individuals. If this need is fulfilled, DEO may address applicants earning greater than 80 percent AMI.

CDBG-DR assistance is prohibited under Federal Register (FR-6182-N-01) if:

- (a) the combined household income is greater than 120 percent AMI or the national median;
- (b) the property was located in a flood plain at the time of the disaster; and
- (c) the property owner did not maintain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance.

The Housing Repair and Replacement Program will serve primary resident homeowners and owners of rental property in HUD and state-identified most impacted and distressed counties. Property owners must prove Michael storm damage to qualify for repair, reconstruction or replacement assistance. The following additional eligibility criteria apply:
1. Home was impacted by Michael (DR-4399). The property must have documented damage because of the declared disaster. Home repair needs will be documented by FEMA, SBA, and/or a privately contracted inspection.

2. The state will prioritize homeowner applicants earning less than or equal to 80 percent AMI and rental property owners whose rental property serves LMI individuals. If this need is fulfilled, DEO may address applicants earning greater than 80 percent AMI.

3. All applicants must own a single-family home, mobile/manufactured home, or rental property located within Bay, Calhoun, Gulf, and Jackson counties; 32321 (Liberty), 32327 (Wakulla), 32328 (Franklin), 32346 (Wakulla and Franklin), 32351 (Gadsden), 32428 (Washington) ZIP codes and the jurisdictions prior to the Michael storm event. Note that 80% of funding must be spent in the HUD-designated MID counties and ZIP codes. The remaining 20% of the funds may be spent outside of the MID-designated areas that also received a Presidential Disaster Declaration.

4. Households that make above 120 percent of the area median income and are in the flood zone that failed to maintain flood insurance at the time of the hurricane will not be eligible to receive funding to rehabilitate or rebuild their home.

**Types of Assistance Offered**

The Housing Repair and Replacement Program is a centralized housing rehabilitation or replacement program for low-to-moderate income (LMI) families impacted by Hurricane Michael. DEO will manage and complete the construction process for the rehab, replacement or reconstruction of damaged homes on behalf of 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 properties. The program will pay contractors directly and no funds will be paid to homeowners. Applicants will not select their own contractors. Applicants will be required to enter into agreements with the state setting forth the terms and conditions of the program. This program is open to homeowners and owners of rental properties with the condition that it is agreed upon to meet affordability requirements. Rental units must be affordable as prescribed in the Federal Register notice. If currently occupied, the tenants will have the opportunity to move back into the unit or units created with other CDBG-DR activities.

DEO proposes the following housing assistance activities under this program:

- Repairs to, reconstruction or replacement of housing units damaged by Hurricane Michael, which may include bringing the home into code compliance and mitigation against future storm impacts, including elevation;
- The completion of work to homes that have been partially repaired;
- Repairs to, or replacement of, manufactured, modular and mobile homes impacted by Hurricane Michael;
- Temporary Housing Assistance based on individual homeowners needs and their participation in the Housing Repair Program;
- Temporary Housing Assistance based on individual tenant needs and their participation in the Housing Repair and Replacement Program;*
- Title Assistance based on individual homeowners needs and their participation in the Housing Repair and Replacement Program;
- Acquisition of substantially-damaged housing units for housing redevelopment or buyouts of substantially-damaged properties may also be considered.

* The state plans to minimize displacement of persons or entities and assist those displaced as a result of implementing a project with CDBG-DR funds. Should any projects cause displacement, DEO will follow the Uniform Relocation Act (URA) and the Real Property Acquisition Policies Act to ensure tenants are relocated.
to safe and sanitary locations. The state’s policies and procedures plan, which will be updated to reflect Hurricane Michael activities, will ensure that subrecipients will minimize displacement. In the event of a voluntary buyout, when homeowners or tenants are located in a flood plain to prevent future loss, DEO will require subrecipients to develop policies and procedures to make sure this population is relocated into areas outside of floodplain and will receive full benefits as stated in the URA. The URA provides at 49 CFR 24.402(b) that a displaced person is eligible to receive a rental assistance payment that covers a period of 42 months.

In the event that a homeowner requests housing counseling services or displaced tenants wish to become homeowners, housing counseling services will be made available by a HUD-certified housing counseling agency.

DEO will implement construction methods that emphasize quality, durability, energy efficiency, sustainability and mold resistance. All rehabilitation, 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. DEO 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 the current HUD Housing Quality Standards (HQS). The housing assistance provided under the Housing Repair and Replacement Program will be built with emphasis on high quality, durable, sustainable and energy efficient construction methods and materials. These methods and materials will include the following minimum standards:

- Construction standards will be based on the Florida Building Code and must meet or exceed applicable requirements;
- Construction will comply with the 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 percent of replacement cost) under the Florida Green Building Coalition; and
- For rehabilitation construction, the state will follow the Green Building Retrofit Checklist to the extent applicable to the rehabilitation work undertaken, including the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the rehabilitation work, rehabilitation is required to use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances, or other equivalent.

Properties with rehabilitation and/or elevation cost estimates that meet or exceed 75 percent of a comparable reconstruction or replacement house as determined by standard operating procedures and policies will provide homeowners the option to select a reconstructed or replacement house. Properties with rehabilitation 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. Housing Repair Program homeowner-occupant participants household incomes cannot exceed 120 percent Area Median Income (AMI).

Mobile Home Unit Relocation

Overview

Replacement Mobile Home Unit (MHU) relocations are limited to applicants whose damaged MHU is located on leased property and whose (1) landlord/property owner will not allow for a replacement MHU to be placed on that property or (2) leased property is in a floodplain with an elevation requiring a modular home instead of mobile home. Relocation of a replacement MHU is restricted to the installation of a new unit which is outside of a floodway or Special Flood Hazard Area (SFHA, or “floodplain”) at an established mobile home park or other leased land with an existing pad and utility infrastructure within HUD or state identified Most Impacted and Distressed areas.
The program will require documentation that the established mobile home park or leased land has the requisite existing pad and utility requirements. An applicant provided letter from the landlord/property owner noting existing pad and utilities, occupational license, copies of sewage and utility bills, or other permitting issued by the local jurisdiction may serve as verification documentation in conjunction with photographs of the existing pad and utility hookups.

If the new site is located within an established mobile home park, the applicant must provide the program with copies of the park’s covenants and restrictions in addition to the above-mentioned documentation.

Environmental Review Record
An Environmental Review Record (ERR) must be completed on the original damaged site and the new site on which the new unit will be installed for applicants of an MHU relocation. Thus, in addition to the completed ERR on the original damaged site, the Housing Repair and Replacement Program will conduct an environmental review on the newly selected lot. In order for the program to assess the new location the applicant must have one of the following: a lease agreement for leased land or; an agreement to hold the leased lot or; a purchase agreement / deed for owned land in place at the new location. Copies of lease, agreement to hold or ownership documentation must be submitted to the program prior to the program scheduling an ERR at the new site.

Damaged MHU Title Requirement
Damaged Mobile/Manufactured Housing Units (MHUs) eligible for replacement must A) have a title in hand and uploaded to Salesforce and B) the title must be free of liens in order to begin demolition on the damaged mobile home. Contractors are not able to pull a demolition permit on the damaged MHU if there are outstanding liens against the damaged MHU title.

It is ultimately the responsibility of the applicant to ensure that any lien on their mobile home is satisfied (i.e., released by lienholder generally through payment). However, the Program may play a role in assisting applicants in the process by providing a mechanism with which the lienholder can give consent to demolish the damaged mobile home, and the lien will be transferred to the replacement mobile home. This process is guided by the Florida Department of Motor Vehicles under Title Certificates ( Fla. Stat. § 319).

Lien Satisfaction Verification
Intake specialists must conduct due diligence for all MHU titles to ensure the titles are free of liens. This due diligence is completed by reviewing the MHU title on the Florida Department of Highway Safety and Motor Vehicles (DHSMV) website to confirm that no lien exists on the mobile home. Lien satisfaction can be verified on https://services.flhsmv.gov/MVCheckWeb/. Intake Specialist should adhere to the following steps for lien satisfaction verification:

1. Locate the VIN on Title.
2. The intake specialist should visit.
3. Enter the VIN of the MHU and human verification.
4. Verify Lien Status by examining the “Lien Information” box on the website.
   - If the receipt date is present or no information is listed under the lien information name column, then no lien exists on the MHU
   - If lien information but no receipt date is listed, then the MHU has a lien against it.
   - If an applicant presents a “satisfaction of lien” receipt, but the lien information is still present and no receipt date is listed, the lien is still present, according to Program policy. Intake Specialists should advise the applicant to contact their tax collector to update their MHU information. Once updated, the Program can continue with the application.
• Applicant with a lien on their MHU should be processed under the next section, “Lienholder Consent for Lien Transfer.”

5. Save the verification page and upload it to the System of Record.

Lienholder Consent for Lien Transfer
If there is a lien on the MHU that cannot be satisfied, the lien on the title can be transferred only with lienholder consent. The program will not demolish or replace a damaged mobile home without the lienholder’s consent. Applicants should be provided the MHU Lienholder Consent Form to their lienholder (e.g., mortgage company). This form is part of the ownership eligibility requirements for MHU homeowners eligible for replacement with lien(s) on their MHU.

The Consent Form explains the need for the title and requests consent from the lienholder to demolish the damaged MHU. The following information is requested, which will be included on the title for the replacement MHU.

- Lienholder name
- Address
- Phone number
- Lien/Account/Identification/etc.

If the MHU homeowner cannot obtain consent from the lienholder, the lien will have to be satisfied before construction can continue (see previous section on verification of lien satisfaction). Failure to provide a title or receive consent will make the application inactive and lead to eventual closure of the application.

Lien Transfer Responsibility
The contractor assigned to the project will transfer the lien information to the title on the replacement MHU and send the title to the lienholder at the address provided. This is included in the scope of work bid accepted by the Program.

Inactive Status
The construction process will be put on hold until a cleared title is received. Should an applicant never obtain an MHU title free of liens or to submit to the Program, the application will be placed in inactive status and lead to eventual closure of the application following the Program’s due diligence process.

Title Assistance Benefit (TAB)
There is a significant presence of Heirs Property – land that is jointly owned by descendants of deceased persons whose estate was never handled in probate; these descendants (heirs) have the right to use the property, but they do not have clear or marketable title to the property because the estate issues have not been resolved. Homeowners must have sufficient ownership rights in the property to authorize DEO to commence recovery activities on the property. To address the presence of Heirs Property, the Rebuild Florida has developed the Title Assistance Benefit (TAB) to provide additional assistance for homeowners who are experiencing a financial hardship that are participating in the Housing Repair and Replacement Program, where the homeowner would otherwise be eligible for rehabilitation or reconstruction assistance but is unable to move forward due to pending Heirs Property title issues. The TAB provides assistance under the Housing Repair and Replacement Program to resolve Heirs Property title issues, provided the household is at or below 120 percent AMI and is a beneficiary also receiving assistance for the rehabilitation, reconstruction or replacement of their Hurricane Michael damaged property.

The TAB is a housing assistance benefit not directly resulting in the rehabilitation, replacement or reconstruction of a home. Therefore, TAB does not count against the program cap for rehabilitation, replacement or reconstruction of the home. The program construction cap identified in this Action Plan
applies to hard and soft construction costs associated with the Michael repairs. TAB will be capped at a maximum of $25,000.00 in Program sponsored payments.

TAB funds legal services to assist Housing Repair and Replacement Program participants with resolving title issues related to Heirs Property. Reevaluation of assistance to exceed the $25,000.00 cap is available on a case-by-case basis by the DEO Policy Exceptions Review Panel following extenuating circumstances. This may be available for eligible HRRP homeowners who:

1. Have household incomes at or below 120% AMI, and
2. Would be eligible for HRRP services if not for the Heirs Property title issues.

**TAB Eligibility**

In addition to the criteria listed above, the following eligibility criteria also applies:

1. Must be an active applicant in the Housing Repair and Replacement Program (HRRP). “Active” participants are defined as Housing Repair and Replacement Program homeowners who are post-application, meaning the homeowner has provided all the information requested by the application but has an unresolved title interest to the property due to the property being shared Heirs Property.
2. Homeowner cannot receive concurrent legal assistance from other governmental or charitable organization that would cause a duplicative benefit.
3. If the homeowner received any legal assistance from another source, such as a non-profit organization or legal aid, the funding must have been exhausted prior to provision of CDBG-DR TAB funds.
4. Funds must be used for title resolution services related to Heirs Property.

The TAB is not a duplication of benefits to housing rehabilitation, repair or reconstruction funds, as it constitutes a separate and distinct eligible activity.

**Temporary Housing Assistance Benefit (THAB)**

**Overview**

As a general rule, Rebuild Florida’s Housing Repair and Replacement Program (HRRP) will not provide temporary relocation assistance to applicants who will be required to vacate their property during construction activities. This is a voluntary program and applicants are made aware of program policies at the time of application; the temporary relocation requirement will be the applicant’s responsibility.

DEO’s Rebuild Florida program recognizes that some HRRP beneficiaries, particularly those of modest means and with vulnerable household members, may face financial cash flow challenges caused by the additional interim housing costs that may be necessary during the repair or reconstruction process. Temporary housing assistance is not to be offered to applicants; it is available for consideration at the request of an applicant. Rebuild Florida may provide temporary housing assistance to homeowner applicants experiencing hardship, on a case-by-case basis.

Demonstrable hardships may include job loss, failure of a business, divorce, severe medical illness, injury, death of a family member or spouse, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural disaster, etc. None of the listed examples above, individually or taken together, automatically establish a demonstrable hardship, nor is the listing above exhaustive as there may be other factors relevant to the issue of demonstrable hardship in a particular case. If an applicant believes that they are in the state of demonstrable hardship and that the demonstrable hardship causes them to not comply with program policies, then they may present their evidence of a demonstrable hardship to their Intake Specialist and request temporary housing assistance.
The Program will evaluate temporary housing requests on a case-by-case basis after review of all of the circumstances.

This procedure identifies how this process will be implemented to identify appropriate cases for temporary housing assistance.

To avoid displacement and homelessness, the Rebuild Florida has developed the Temporary Housing Assistance Benefit (THAB) to provide additional assistance for homeowners who are experiencing a financial hardship that are participating in the HRRP, where the homeowner has been approved for rehabilitation or reconstruction assistance and the Homeowner Grant Agreement has been signed by the homeowner, until repairs to their damaged homes are completed. The THAB provides assistance under Rebuild Florida’s HRRP for unmet needs related to eligible short-term lodging expenses, for up to 6 months, provided the household is at or below 80% AMI and is a beneficiary also receiving assistance for the rehabilitation, reconstruction or replacement of their Michael damaged property.

The THAB is a housing assistance benefit not directly resulting in the rehabilitation, replacement or reconstruction of a home. Therefore, THAB does not count against the program cap for rehabilitation, replacement or reconstruction of the home. The program construction cap identified in the Action Plan applies to hard and soft construction costs associated with the Michael repairs. THAB will be capped at a maximum of $20,000.00 in Program sponsored payments. Construction delays for which the DEO assigned construction contractor is responsible may result in contractor responsibility for provisions of additional housing assistance, and this additional assistance is not limited by the THAB cap.

Homeowners who choose to stay with friends or family in lieu of staying in a hotel or a short-term leased apartment are not eligible for THAB payments. Further, any homeowner who initially utilizes THAB assistance for hotel and subsequently abandons the temporary housing situation to stay with friends or family will have all future THAB payments terminated.

Temporary Housing Assistance Benefit Policy
The Temporary Housing Assistance Benefit (THAB) allows short-term lodging in the form of temporary hotel assistance for up to 90 days. Reevaluation for continued assistance is available on a case-by-case basis following extenuating circumstances. This may be available for eligible HRRP homeowners who:

1. Have household incomes at or below 80% AMI;
2. Have executed a Rebuild Florida HRRP grant agreement (in Award status) but construction has not been completed;
3. Require temporary housing due to other circumstances of hardship, as approved by the Florida Department of Economic Opportunity (DEO), including temporary displacement that requires that the damaged home be vacated for safety and other reasonable measures during construction; and
4. Will stay in a hotel, motel, or extended stay hotel, unless alternative arrangements are needed due to excessive length of displacement

Eligibility
In addition to the criteria listed above, the following eligibility criteria also applies:

- Must be an active applicant in the HRRP. “Active” participants are defined as HRRP homeowners who are post-closing, meaning have executed their Homeowner Grant Agreement (HGA) grant. This means that the THAB will only be provided for applicants in the active construction phase.
• Homeowner cannot receive concurrent temporary lodging or rental assistance from other
governmental or charitable organization that would cause a duplicative benefit.

• If the homeowner received any rental assistance from FEMA, Tenant-Based Rental Assistance (TBRA),
Project-Based Rental Assistance (PBRA), or Section 8 Housing, the funding must have been exhausted
prior to provision of CDBG-DR THAB funds.

• Funds must be used for lodging and cannot be used for any other purpose.

The THAB is not a duplication of benefits to housing rehabilitation, repair or reconstruction funds, as it
constitutes a separate and distinct eligible activity.

Assistance Types

The THAB is dependent on the homeowner’s needs, which will be identified and confirmed by Rebuild Florida
HRRP intake specialists to determine the best and most reasonable options available to homeowners. The
THAB may be provided in the form of temporary lodging in units such as hotels, motels or extended stay
hotels, intended not to exceed 90 days. The benefit will be calculated based on the Government Services
Agency (GSA) lodging rates for the homeowner’s area. GSA rates can be found at

1. **Temporary Hotel Assistance:** In order to avoid homelessness and undue financial burden, some
homeowners may need temporary hotel assistance (estimated not to exceed 90 days) to complete
construction on their homes. The Program will provide funding to these households for temporary hotel
lodging for up to 90 days until construction is complete.

2. **Extended Temporary Hotel Assistance:** In the event that the construction contractor notifies DEO that
the project will exceed the original schedule and a homeowner will not be able to reoccupy his or her
home due to construction timelines that exceed the initial 90-day assistance, an extension of benefits may
be issued to prevent homelessness or additional undue financial burden. The length of extension will be
determined based on a new estimated timeline from the construction contractor. Extended Temporary
Hotel Assistance requires prior Program approval on a case-by-case basis following substantiated
extenuating circumstances.

3. **Alternative Lodging Assistance:** In cases where the duration of estimated displacement exceeds 90 days
or other extenuation factors, alternative lodging (i.e., lodging alternative to hotel, motel, extended stay
hotel) may be approved on a case-by-case basis.

Maximum Benefit

The THAB covers 100% of the hotel, motel or extended stay hotel daily or monthly rate, as noted below,
without a percentage cost share required from the homeowner. The benefit is capped at a maximum of
$20,000.00. This maximum may be waived in areas with spiking rates, as defined by the General Services
Administration (GSA) publication, with approval on a case-by-case basis.

**Temporary Hotel Assistance:** The maximum benefit amount is calculated based on federal GSA lodging rates
(https://www.gsa.gov/travel/plan-book/per-diem-rates) and subject to the construction contractor’s
estimated project timeline.

• **Hotel, Motel or Extended Stay Location:** Temporary hotel assistance will be located within 15 miles of the
damaged home, unless due to availability or other critical issues, HRRP approves assistance outside 15
miles. The applicant will have the option to choose from up to three (3) hotel locations provided by the
Program.
• **Number of Hotel Rooms**: The appropriate number and type of room(s) will be provided based on household size as indicated on the HRRP application and maximum occupancy per room set by the hotel.

• **Length of Time**: Hotel assistance is limited to the completion of construction activities up to 90 days. Extensions to this time limit will be considered on a case-by-case basis when there are extenuating circumstances.

**Alternative Assistance**: The maximum benefit amount for alternative assistance, if deemed necessary because of excessive time of displacement or other extenuating circumstances, is calculated based on federal guidelines for the selected alternative. All other provisions under temporary hotel assistance, above, apply.

*NOTE: Due to factors such as the percentage of adjustment and the administrative burden of making programmatic adjustments mid-way through a program, DEO may adjust the maximum amount per month a household is eligible to receive if federal rates are adjusted.*

**Accessibility/Disability Accommodations**

Reasonable steps will be taken to accommodate accessibility and other special needs to ensure the placement is appropriate to the homeowner and household members.

The temporary housing process begins when an applicant requests temporary housing assistance due to a demonstrable hardship.

**Temporary Housing Assistance Benefit Process**

*motel or extended stay hotels may be substituted based on length of need.*

*Request for Temporary Housing Assistance Benefit*

THAB is not available nor offered to all applicants. THAB is only available to applicants who are in Award
status and in demonstrable hardship scenarios. THAB is reserved to prevent homelessness during periods of time when household members cannot remain in their homes due to Program construction activities. In the course of establishing a timeline for rehabilitation or reconstruction, the Intake Specialist should inquire whether the applicant has made or can make arrangements for temporary lodging (e.g. friends, family, hotel, etc.), should they be required to vacate the residence.

- If the applicant has made, or is in the process of making, lodging arrangements (e.g., hotel accommodations, staying with friends or family, etc.), then THAB should not be recommended.

- If the applicant cannot make lodging arrangements and describes a hardship scenario, the intake specialist should inform them of the THAB and have them complete page 1 of the Rental Assistance Self-Certification Form for Program consideration. The Rental Assistance Self-Certification Form is located in the appendices of the THAB Standard Operating Procedures.

**Determination of Eligibility**

A Rental Assistance Self-Certification Form must be completed by the applicant with supporting hardship documentation and submitted to the Program for consideration. An Intake Specialist must then save the documentation using the naming convention of `accountID_THAB_SelfCertForm`, upload it to Salesforce, and submit the request to the IEM THAB Lead at temporaryhousing@rebuildflorida.gov for review. The IEM THAB Lead will review the submitted documentation and make an initial eligibility determination (i.e., if the applicant is in award status at minimum).

In Salesforce, this is confirmed by checking the status of the applicant:

![Check status of applicant](https://example.com/check_status)

Once initial eligibility is determined, the IEM THAB Lead will complete the Temporary Housing Assistance Worksheet using the naming convention of `accountID_THAB_THAWksht` and upload it to Salesforce. The Temporary Housing Assistance Worksheet is located in the appendices of the THAB Standard Operating Procedures. All submitted request will be recorded by the IEM THAB Lead on the Temporary Housing Tracking Excel file located in SharePoint > Policies > Temporary Housing.

Completed Rental Assistance Self-Certification Form with attached documents and Temporary Housing Assistance Worksheet will be sent to DEO by the IEM THAB lead for final temporary housing determination.

**Maintenance of THAB Records**

Application and documentation materials sent in request for temporary housing should maintain their proper naming conventions and be maintained by the DEO THAB manager.

**Approval**

Applicants whose requests are denied will be sent a notice outlining reasons for denial along with information
on nonprofit organizations in the area.

Applicants whose requests are approved will be provided with assistance in finding a hotel, motel, or extended stay hotel under the GSA rate and within a 15-mile radius from their damaged homes, if available. Housing will be provided for only the household members listed in the System of Record (SoR) and only for the length of time of required vacancy.

Associated Expenses

Occasionally, an applicant may have difficulty in transporting their personal property out of the damaged property during construction. In this event, the applicant may request assistance in paying “associated expenses.” This is reserved only for cases of extreme hardship.

Associated expenses, once approved, will be paid directly to the transportation company selected by DEO not to exceed $5,000. Associated expenses include moving expenses of property within the damaged property that must be removed prior to construction as well as moving expenses associated with moving property back.

Moving expenses require the applicant provide three quotes from professional moving companies. These quotes will be included with the Relocation Assistance Self-Certification Form and receipts uploaded to the applicant’s folder in the Temporary Housing SharePoint site. This step is done both in moving personal property out of the damaged property as well as moving personal property back into the previously damaged property.

The following steps should be taken:

1. Intake Specialist should not offer this assistance. Just like temporary housing, this benefit has a cap and so should be reserved for only the most in-need.

2. Upon the first request for assistance with associated expenses, the Intake Specialist should send the applicant the RBFL County Resource Sheet from the intake specialist toolkit in SharePoint.

3. Only upon the second request for assistance should the intake specialist send the Relocation Assistance Self-Certification form (Appendix B), which ensures that all efforts to solicit voluntary assistance have been exhausted.
   
   a. This form requires applicants certify that they have attempted to solicit assistance from other, voluntary organizations before requesting assistance from the Program.

   b. It also asks for three quotes for associated expenses. The amounts and company should be entered in the Relocation Assistance Self-Certification form and the quotes attached and sent back to the intake specialist.

4. Completed requests for associated expenses should be forwarded to temporaryhousing@rebuildflorida.gov

5. The THAB Lead will ensure proper completion of request forms and required documentation and forward those requests for associated expenses to the DEO THAB Lead for review and copy the applicant’s IS to act as an intermediary in the decision-making process.
a. The THAB Lead will place requests in the temporary housing request folder for the appropriate applicant in SharePoint or create a new folder, should no temporary housing request be on file.

6. DEO will make the final determination on a case-by-case basis and relay that decision to the Intake Specialist for communication with the applicant.

   a. If approved, the DEO THAB Lead will replace the Relocation Assistance Self-Certification Form with the approved copy (with DEO representative signatures)

      i. DEO will make payments for moving expenses directly to the moving company as chosen by DEO with the approved purchasing card.

      ii. Transportation expenses are not available under this assistance.

7. Upon determination that the applicant may move back into their residence, another three quotes must be provided and emailed to temporaryhousing@rebuildflorida.gov. These will be managed in the same way.

Selection of Hotel

Hotel Requirements:

THAB must be used at a facility doing business as a hotel, motel or extended stay hotel. Payment to a friend, family member or stranger to stay in that person’s home is prohibited. Proof of hotel occupancy will be required/verified.

Program staff will identify three hotels under the GSA maximum rate for the county, and then coordinate with applicants to find the most suitable accommodations within a 15-mile radius from the applicant’s damaged residence. Program staff should then set reservations for the applicant’s selected hotel for the term established based on the contractor’s projected timeline, as described above, using the prescribed purchasing card for payment method (described further below).

Particular considerations should be made for applicants with children in school or applicants who rely on services for transportation and medical services in order to minimize disruption to daily routines.

The three hotel options should be presented to the applicant for final decision. Once the applicant selects the hotel, THAB representative should make the reservation using the approved purchasing card and submit required forms (e.g., hotel credit card authorization form).

Payment Issuance

The short-term lodging assistance received through THAB is paid directly to the hotel, motel, or extended stay hotel and charged by the hotel automatically, based on hotel policy. The total benefit payment amount is calculated based on the hotel nightly rate, including taxes (and other approved fees as required) and the contractor’s projected timeline to completion once the applicant has vacated the property.

Costs included in the temporary housing benefit

Nightly rate of hotel, motel, or extended stay hotel, including taxes, not to exceed GSA rates unless approved on a case-by-case basis.
Costs generally not included, but considered if required
Parking fees, resort fees, and other fees associated with the stay at the hotel should be avoided in the hotel selection process. However, these costs will be considered if all available lodging requires the application of these fees.

Prohibited costs
Additional costs not immediately associated with the applicant’s stay in the hotel will not be covered by temporary housing benefit. These include but are not limited to:
- Room service, food, or beverage chargeable to the room to include mini-bar, snacks, bottled water, etc.
- Early check-in or late check-out fees
- Safe fee
- Wi-Fi fee
- Gym fee
- Gratuity for housekeeping, bell service, spa, etc.
- Telephone surcharge
- Pet fees
- Additional person fee
  *Note: the hotel reservation will be made according to the number of people listed as living in the household at the time of application. No additional persons are permitted to reside in temporary housing.*
- Vandalism/destruction of property Note: this may result in loss of further benefit

THAB funds are only available to assist with lodging costs going forward and may not be used as a reimbursement for previously paid or incurred costs.

*NOTE: Alternative temporary housing may be approved in order to reduce the cost of excessive length of displacement. Payment for alternative housing must be outlined in advance of alternative housing approval, with payment dates detailed in the temporary housing request tracking worksheet.*

Upon approval of THAB request, the homeowner must vacate the damaged home within 14 days.

Managing Housing and Payments
The temporary housing tracking worksheet manages requests, timelines, and payments of requests for THAB. Generally, hotel payments are made directly to the hotel, motel, or extended stay hotel and charged automatically to the approved purchasing card. Therefore, those housing payments do not need to be managed via the temporary housing tracking workbook. However, in the event alternative housing is required where payments are not issued automatically with a purchasing card, the temporary housing tracking workbook should be used to ensure timely issuance of payment.

Extension of Benefit
If the reconstruction or rehabilitation may extend beyond the initial estimate, applicants can apply for an extension of temporary housing. Intake specialists who receive questions about extensions should direct those to temporaryhousing@rebuildflorida.gov.

The Construction Delay or Extension Worksheet will be completed, named accountID_THAB_ConstrExtenWksht and forwarded to DEO for approval. All costs above the $20,000 cap resulting from construction delay will be incurred by the contractor.

Other extension requests, not related to contractor delay will be assessed on a case-by-case basis.
Termination or Discontinuation of Assistance

THAB is only provided to homeowners who have been evaluated and found to be eligible for the Rebuild Florida Housing Repair and Replacement Program. DEO does recognize that there may be unforeseen circumstances that cause a homeowner to withdraw, become inactive or later be disqualified, after the eligibility determination and after the homeowner has agreed to proceed in the program. Though rare, these situations may occur.

- Should an eligible homeowner who has received or is receiving THAB assistance withdraw, become inactive or disqualified, THAB assistance must cease immediately upon such determination by program staff. Additionally, any amount of money paid to the homeowner for THAB assistance must be returned by the homeowner to the Florida Department of Economic Opportunity.

- Acknowledging that there may be extenuating circumstances that result in a homeowner’s withdrawal or inactivity subsequent to his or her eligibility determination and agreement to participate in the program, DEO may allow an exception to the repayment policy with documented proof of and acceptance by DEO of the hardship. Policies and procedures for THAB will be updated, as needed, as the program evolves, and unforeseen situations arise.

- The program will discontinue temporary housing assistance if a homeowner is post-closing (has executed their grant agreement) and fails to move out of the property in a timely manner to allow construction activities to begin.

- If a homeowner fails to check-in to their reservation, the HRRP will attempt to contact the homeowner. If, after 24 hours following contact attempt, the homeowner has not provided a reasonable cause for missing their check-in date/time, the HRRP may terminate assistance. This will be evaluated on a case-by-case basis to mitigate wasteful spending.

- If a homeowner is negligent or causes damage to the temporary lodging, the HRRP will immediately notify the homeowner and terminate assistance. The homeowner will be responsible for the cost of all damages.

- When the homeowner’s home passes final inspection, the homeowner is expected to move out at that time and reoccupy his or her home. No additional payments for THAB will be allowed after the date of a passed final inspection.

- If the homeowner chooses to stay with friends or family in lieu of staying in a hotel, the homeowner is not eligible for THAB payments. Terminating occupancy of a hotel to stay with family or friends will result in termination of payments.

Upon notice of any of the above conditions, THAB recipients should be immediately provided with a Termination of Temporary Housing Notice along with instructions for appeal.

Due Diligence Process

During the application process, a home or rental property owner is required to respond in a timely fashion with program requests for information/documents to complete the eligibility process. The program will make requests via phone, email and/or written correspondence. All attempted points of contact by the program will be memorialized within the system of record. At no time should a request for additional information go unanswered beyond 30 working days. If the homeowner needs an extension, a clarification, or assistance, they may request assistance within the 30-day window. If the homeowner 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 homeowner becomes unresponsive, the application will be moved into inactive status. “Unresponsive” is defined as the failure to answer or return three consecutive phone calls, and failure to respond to written requests within program timeframes. The program will notify an applicant via mail when we have attempted on at least three occasions to reach the applicant for additional information required to process an application or schedule an inspection of their property. The applicant will receive the following:

- 1st letter-Inactive Status Warning Letter
- 2nd letter-Notice of Inactive Status Letter
- Final letter-File Closure of Inactivity Letter

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. An exception to the above is for clearance of title defects, death or illness of a homeowner, and may be determined on a case-by-case basis. Homeowners with title defects are provided up to one year to clear the defect. Monthly status reports of the progress being made to clear title may be requested of the homeowner. All attempts to contact the applicant will be documented in the system of record and each status letter will be uploaded.

**Accessibility/Disability Accommodations**

Applicants with special needs or special accommodation requirements (disabled) are considered a prioritized vulnerability factor within the Program. During eligibility review, applicants must provide documentation substantiating the disability. However, not every disability documented through the disability eligibility threshold actually results in construction scope modification. For example, disability for a heart murmur or mental capacity would not likely result in the need for modified construction scope unless there was some compounding physical disability.

Once a disability is confirmed, the applicant may then request reasonable accommodation modifications. Physically disabled homeowners or homeowners 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 by way of a completed Reasonable Accommodation Healthcare Verification Form and Request for Reasonable Accommodation Form. Awards may include expenses for additional costs related to accessibility modifications for the disabled.

**Disability Eligibility Threshold**

Applicants with a disability (or a household with a person with disabilities permanently residing in the household) must submit verification documentation through the following acceptable methods:

1) Social Security Disability Statement or;

2) Letter from doctor stating household member qualifies as disabled or;

3) Signed verification of disability form or;

4) a disability exemption on homesteaded property per Florida Statute 196.101.

In order to meet the disability eligibility threshold, any household member can qualify as disabled by virtue of the documents listed above. Without those, the Program cannot make a determination to qualify the application as having a disabled household member.

**Request for Reasonable Accommodations**

Once the disability eligibility threshold is established, Intake Specialists must provide applicants with both the Reasonable Accommodation Healthcare Verification Form and Request for Reasonable Accommodation
Form for completion. Intake Specialists must notify specialized teams of reasonable accommodation requests.

**Note:** In the scenarios of an applicant utilizing the program provided Verification of Disability Form, Intake Specialists may provide the Reasonable Accommodation Healthcare Verification Form and Request for Reasonable Accommodation Form at the same time.

Pre-closing files that have not yet closed must be submitted to the Damage Assessment Team. The Damage Assessment Team will review the request and make the necessary edits to the Scope of Work Estimate (SWE). Post-closing files that have closed (signed Grant Agreement) must be submitted to the Construction who will review the request and make the necessary change order submittal. The change orders are subject to review by the DEO Exceptions Panel for a final determination.

**Note:** Please reference the House Repair and Replacement Program guidelines in Appendices A and B for Reasonable Accommodation Request forms.

**Program Resources**

HRRP has a total budget of $246,263,144. DEO has split this budget to account for the most impacted and distressed communities and the remaining state-declared communities. $197,010,516 will be set aside for the MIDs.

Recognizing that the $246,263,144 allocated for owner-occupied housing and rental properties will likely not address all need, at-risk and vulnerable populations with the greatest needs will be prioritized. At a minimum, 70 percent of program funds meet a low-to-moderate-income national objective. Additionally, households with one or more of the below characteristics will be prioritized and processed in the order that they complete an application:

- Households with seniors age 62+;
- Households with children under age of 18; and
- Households with special needs or special accommodation requirements (disabled)

There is a maximum award of $350,000 per applicant. DEO may increase the $350,000 cap if construction and elevation cost prove to be higher than originally estimated due to Hurricane Michael’s impact on the market.

**3.2.2 Voluntary Home Buyout Program**

**National Objective**

The national objective this program is to benefit LMI. Proposed buyout areas will undergo a review of eligibility to ensure that the end use of the properties results in a project service area where at least 51 percent of the residents are LMI.

**Responsible Entity for Administering**

Units of General Local Government (UGLG) are the entities responsible for administering the Voluntary Home Buyout Program.

**Program Requirements**

Eligible Applicants include counties and municipalities within those counties that received a declaration of both FEMA IA and PA after Hurricane Michael.

Buyout areas must result in a feasible project that will meet a Low Moderate Area benefit. The eligible property types are non-commercial properties, which may include owner-occupied structures, residential rental properties, or vacant lots. To be considered an eligible property for the buyout, the property must satisfy at least one of the following requirements:
• The property is located within designated areas,
• The property is located outside of the designated areas and satisfies one of the following requirements:
  • The property is substantially damaged (51% or more of the pre-event market value of the structure is damaged), or
  • The property is considered a health/safety risk, or
  • The property is located within a floodway.

To be eligible, all full fee title of properties must be from a willing, voluntary seller. Committing to use eminent domain should the property owner choose not to participate is prohibited. It must be verified that the property is not needed as part of an intended planned project, such as roadways, flood gates, levees, etc. A property may not be subdivided prior to buyout except for portions outside the identified hazard area, such as a special flood hazard area or any risk zone identified by FEMA.

Types of Assistance Offered
Reducing the risk of flooding in residential areas is a priority for the State of Florida. The Florida Division of Emergency Management (FDEM) has recommended that all counties focus on acquisition of properties without flood insurance in Special Flood Hazard Areas. Recognizing this great need, DEO created a voluntary home buyout program to encourage risk reduction through the acquisition of residential property in high flood risk areas. DEO will hire a contracted team to work with counties who are interested in pursuing the buyout projects to support and provide:

• Appraisals
• Title and legal services
• Homeowner counseling services
• Environmental review, and
• Related buyout processes.

Counties that are interested in participating will have two potential funding options for pursuing home buyout. The first option is to leverage CDBG-DR funding as match for projects that are also eligible for the Hazard Mitigation Grant Program (HMGP). The second option is to work directly with DEO on projects located in low- and moderate-income areas to buyout residential areas in support of permanent open space supporting green infrastructure or other floodplain management systems.

Total Program Budget Breakdown
The Voluntary Buyout Program has a total budget of $27,362,552. DEO has split this budget to account for the most impacted and distressed communities and the remaining state-declared communities. $21,890,057 will be set aside for the MIDs.

There is a maximum award of $5,000,000 per applicant.

Program Resources
Further information about the Voluntary Home Buyout Program and its activities is available in the program specific guidelines such as:

• Voluntary Home Buyout Program Guidelines
3.3 Economic Revitalization Activities

3.3.1 Hometown Revitalization Program

National Objective
The national objective for this program is to benefit LMI, Slum and light and Urgent Need.

Responsible Entity for Administering
The Florida Department of Economic Opportunity and subrecipients are the entities responsible for administering the Hometown Revitalization Program.

Program Requirements
An application process will be used to select projects that will revitalize commercial districts and maximize their economic impact on recovery of the local economy.

Eligible subrecipients include units of general local government (UGLG), state agencies, community revitalization agencies, community development districts, community-based development organizations and non-profits primarily engaged in community redevelopment activities that apply in partnership with their local UGLG or state agencies.

Types of Assistance Offered
Small businesses are the lifeblood of local economies throughout the state. This can include typical small shops and restaurants in communities’ commercial districts, often the central hub of small and rural communities. Wind and flood events can damage structures, destroying the physical location and causing significant financial loss. Impacts on specific businesses may filter throughout the commercial area, as a few businesses unable to reopen after the disaster may reduce visitors to the commercial district, which then impacts the viability of the remaining businesses. Supporting the recovery of commercial areas is essential to ensuring that commercial tenants, customers and jobs are restored. By facilitating the return of commercial districts and businesses to profitability, jobs will be created or retained within the community and residents will continue to have access to the products and services they need within their local community. Recognizing this impact, DEO will create a program for eligible subrecipients to revitalize designated commercial districts damaged by Hurricane Michael. Documentation of impacts from Hurricane Michael will be required to eligible for assistance.

Uses of funds may include, but may not be limited to:

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

Total Program Budget Breakdown
The Hometown Revitalization Program has a total budget of $60,406,429.

There is a minimum award of $250,000.

There is a maximum award of $15,000,000.
Program Resources
Further information about the Hometown Revitalization Program and its activities is available in the program specific guidelines such as:

• Hometown Revitalization Program Guidelines

3.3.2 Workforce Recovery Training Program

National Objective
The national objective for this program is to benefit LMI.

Responsible Entity for Administering
The Florida Department of Economic Opportunity and subrecipients are the entities responsible for administering the Workforce Recovery Training Program.

Program Requirements
DEO will select entities to deliver workforce training services through a competitive application cycle. DEO will seek proposals from eligible Local Workforce Development Boards, educational institutions, and technical centers, who will describe the services they can provide in the impacted communities. This program is not a direct grant program. No funds will be paid directly to individuals seeking job training.

Eligible subrecipients include Local Workforce Development Boards, educational institutions and technical center.

Types of Assistance Offered
Hurricane Michael had a significant impact on the housing supply, creating an increased demand for new construction and home repair activities, with additional impact on commercial construction and repair activities. By addressing the unmet needs in the construction trades, Florida can provide a new labor force to support the increased demands for post-disaster construction, as well as support Floridians looking for new employment in the post-disaster economy. To ensure that there are resources to support the remaining recovery needs, DEO will implement a workforce recovery training program that may include, but may not be limited to, the areas of:

• Roofing
• Masonry
• Carpentry
• Concrete finishers
• Plumbing
• HVAC (heating, ventilation, and air conditioning)
• Electricity
• Heavy equipment operations
• Flooring installation/Carpet laying
• Glass/window installation
• Plastering
• Welding; and

Customized training tailored to the specific economic revitalization needs of a particular region.
Total Program Budget Breakdown
The Workforce Recovery Training Program has a total budget of $8,000,000.

There is a minimum award amount of $200,000.

There is a maximum award amount of $3,000,000.

Program Resources
Further information about the Workforce Recovery Training Program and its activities is available in the program specific guidelines such as:

- Workforce Recovery Training Program Guidelines

3.4 Infrastructure Activities
3.4.1 General Infrastructure Program

National Objective
The national objective for the program is low- and moderate-income benefit and urgent need.

Responsible Entity for Administering
The Florida Department of Economic Opportunity and subrecipients are the entities responsible for administering the General Infrastructure Program.

Program Requirements
Competitive Application Cycle Applicants will select projects or programs to propose to DEO for funding in accordance with DEO thresholds and objectives. These thresholds are:

- Projects must demonstrate tie-back to Hurricane Michael; and
- Projects must not duplicate benefits.

DEO will also consider to what extent proposed projects or programs support the following objectives:

- Projects must support LMI housing needs;
- Projects must primarily serve LMI populations; or
- Demonstrate an urgent need in the community.

DEO will first consider LMI as the national objective for infrastructure projects. The urgent need national objective will only be used if the project is not LMI but is needed to alleviate emergency conditions. When using urgent need as a national objective, DEO will obtain justification from the local government or municipality to certify the urgency of the condition.

Applicants may pursue a range of eligible activities as allowed under CDBG-DR regulations for this appropriation, so long as they are in accordance with DEO threshold requirements and the requirements for the applicable activity as outlined in the State Action Plan and Federal Register. Applicants will be required to meet HUD regulations, such as environmental, duplication of benefits, fair housing and others.

Types of Assistance Offered
Eligible activities within this program may include, but are not limited to the following:

- Restoration of infrastructure damaged by Hurricane Michael (such as water and sewer facilities, streets, removal of debris, drainage, bridges, etc.);
Demolition and rehabilitation of publicly or privately owned commercial or industrial buildings;
Re-nourishment of protective coastal dunes systems and state beaches;
Repairs to damaged buildings that are essential to the health, safety and welfare of a community when repairs to these buildings constitutes an urgent need (this can include police stations, fire stations, parks and recreational centers, community and senior centers, hospitals, clinics, schools and educational facilities, and other public properties); and
Repairs to water lines and systems, sewer lines and systems, drainage and flood mitigation systems.

**Total Program Budget**
The Infrastructure Repair Program has a total budget of $242,032,145.

There is a minimum award amount of $250,000.

There is a maximum award amount of $242,032,145.

### 3.4.2 Critical Access Hospital Program

Critical Access Hospital is a designation given to eligible rural hospitals by the Centers for Medicare and Medicaid Services (CMS). Congress created the Critical Access Hospital (CAH) designation through the Balanced Budget Act of 1997 ([Public Law 105-33](https://www.govinfo.gov/content/pkg/PLAW-105publ33/html/plaw-105publ33.pdf)) in response to a string of rural hospital closures during the 1980s and early 1990s.

The CAH designation is designed to reduce the financial vulnerability of rural hospitals and improve access to healthcare by keeping essential services in rural communities.

Eligible hospitals must meet the following conditions to obtain CAH designation:

- Have 25 or fewer acute care inpatient beds
- Be located more than 35 miles from another hospital
- Maintain an annual average length of stay of 96 hours or less for acute care patients
- Provide 24/7 emergency care services

The Calhoun-Liberty Hospital, a designated Critical Access Facility, sustained significant damage due to Hurricane Michael. The hospital lost 15 of its 25 beds after 80 percent of the roof was torn off due to the extreme winds. The extent of the damage resulted in a mandate by local building officials that the building must be brought back to code, which is cost prohibitive. The cost to repair exceeds the value of the current building, which requires a new facility be constructed.

Without the hospital, residents in the community would have to travel 50 - 65 miles to receive emergency care. The facility is extremely important to the healthcare of Calhoun and Liberty Counties as well as portions of Jackson and Gulf Counties. In addition to healthcare access, Calhoun-Liberty Hospital is an economic driver in the area. Over 500 healthcare related jobs alone directly and indirectly depend on the operation of the hospital.

**National Objective**
The national objective for the program is urgent need.

**Responsible Entity for Administering**
The Florida Department of Economic Opportunity and Calhoun-Liberty Hospital.
Total Program Budget
The Critical Access Hospital Program has a total allocation of $10,000,000.

3.4.3 Use of CDBG-DR as HMGP Match

National Objective
The national objective for the program is Low- and Moderate-Income (LMI) Direct Benefit, LM-Buyout, LMI Area Benefit, and Urgent Need.

Responsible Entity for Administering
The Florida Division of Emergency Management (FDEM) is the entity responsible for administering the Use of CDBG-DR as HMGP Match Program.

Program Requirements
Any match funding activities must meet CDBG-DR and FEMA eligibility requirements. DEO will coordinate with FEMA and HUD to ensure all eligibility requirements are met for all project applications submitted for Global Match.

Activities may include but are not limited to: buyouts, structural elevation, localized flood risk reduction, infrastructure retrofit, and post-disaster code enforcement. Applicants are required to submit applications to the FDEM for the HMGP. Projects must meet both FEMA and HUD requirements to be eligible for funding.

Eligible subrecipients include Units of General Local Government located in HUD MID and State MID counties.

Types of Assistance Offered
Long-term resilience measures and infrastructure improvements are critical to the ongoing recovery of the state of Florida following Hurricane Michael. To fortify infrastructure with resilience measures, it will be the utmost importance to leverage CDBG-DR dollars in conjunction with other funding streams.

DEO will maximize the benefit achieved through the expenditure of CDBG-DR funds by allocating $109,000,000 of the General Infrastructure Repair Program’s budget to match the FEMA’s Hazard Mitigation Grant Program (HMGP) to complete resilience projects. These funds will be administered by the Florida Division of Emergency Management (FDEM) with oversight by the Florida Department of Economic Opportunity.

Total Program Budget
The Use of CDBG-DR as HMGP Match program has a total budget of $109,000,000.
Part 4. Regulatory and CDBG-DR Specific Processes for State Managed Disaster Recovery Programs

4.1 Housing Repair and Replacement Program – Duplication of Benefits/Verification of Benefits Policy

Housing Repair and Replacement Program specific procedures are further explained in the program guidelines available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Michael Housing Repair and Replacement Program

Any additional funds paid to homeowner awardees for the same purpose as the Rebuild Florida Program housing assistance award after the State has completed the repair, rehabilitation, or replacement of the homeowner’s housing units must be returned to DEO as detailed in the subrogation agreement.

4.1.1 FEMA Individual Assistance (FEMA IA)
FEMA IA will be determined and verified by HRRP through a third-party verification process. If HRRP is unable to verify the FEMA IA amount through the verification process, HRRP will use the payment amount provided by the homeowner at the time of application, unless the amount is determined to be inaccurate through the verification process, in which case the Program will use the third-party verification source as the amount provided by FEMA.

If a homeowner is able to provide documentation demonstrating that the FEMA IA amount provided by the FEMA database includes non-structural related amounts, HRRP will use the documentation provided by the homeowner to adjust the FEMA IA payout amount. The documentation provided by the homeowner must come from FEMA and it will be included in the homeowner file.

4.1.2 FEMA National Flood Insurance Program (NFIP) Insurance
Any payments for loss to the dwellings during Hurricane Michael under NFIP insurance policies may be deducted from the amount the homeowner is eligible to receive. Payments for contents or other expenses are not deducted from the homeowner’s 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 a homeowner is able to 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 homeowner to adjust the insurance payout within the DOB calculation. The documentation provided by the homeowner must come from the insurance company which issued the payments and it will be included in the homeowner file.

4.1.3 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 homeowner.
4.1.4 Private Insurance

All private insurance settlement amounts for loss to dwellings are considered a DOB 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 and recoverable depreciation 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 homeowner. If a homeowner is able to 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 homeowner 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 a homeowner’s funding assistance award. The documentation provided by the homeowner must come from the insurance company that issued the payments or an order from an administrative proceeding or court of competent jurisdiction.

4.1.5 Small Business Administration (SBA)

As described in HUD’s Duplication of Benefits Guidance as written in Federal Register, Vol. 84, No. 119, June 20, 2019, the full amount of an SBA loan available to an applicant for the same purpose as HRRP assistance is assistance that must be included in the DOB calculation, unless one of the exceptions in Section V.B.2. of 84 FR 28836 applies. An SBA loan is available when it is accepted, meaning that the Borrower (applicant) has signed a note or other loan document that allows the lender (SBA) to advance loan proceeds.

The approved SBA loan for repair of the damaged dwelling will be counted as a duplication of benefits, except in the following circumstances:

- **Declined Subsidized Loans.** If an applicant (borrower) was approved for a loan but did not execute a loan agreement (applicant never signed loan documents to receive the loan proceeds), the offered loan amount will be considered declined and not considered a duplication of benefits.
  - Declined loans must be documented through the SBA data feed (absent an LAA Date) in conjunction with written communication from the lender (SBA).

- **Cancelled Subsidized Loans.** The applicant (borrower) has entered a loan agreement, but for a variety of reasons, all or a portion of the loan amount was not disbursed and is no longer available to the applicant. The loan cancellation may be due to default of the borrower, agreement by both parties to cancel the undisbursed portion of the loan, or expiration of the term for which the loan was available for disbursement. The cancelled loan amount is the amount that is no longer available to the applicant. If an applicant cancels all or a portion of an SBA loan related to the repair of the dwelling, only the accepted loan amount will be considered a duplication of benefits.
  - Cancelled loans that were never drawn must be documented through the SBA data feed demonstrating the $0 draw in conjunction with written communication from the lender (SBA).
• Cancelled loans that had a portion of the loan drawn, but the remainder cancelled must be verified in the SBA data feed in conjunction with written communication from the lender (SBA). The accepted current loan amount will be considered a duplication of benefits.

• **Accepted but Undisbursed Loan Amounts.** This situation is similar to cancelled loans, but no formal action was taken by the applicant (borrower) or lending agency (SBA) to formally cancel the loan. Accepted but undisbursed subsidized loan amounts are not considered a DOB but are subject to further requirements. The undisbursed loan amount will not be considered a DOB; however, applicants may not request subsequent draws from the undisbursed portion of the loan.

A written agreement will be required between the applicant and DEO. The applicant must agree, in writing, that he/she will not pursue future draws against any open SBA loans or reinstate declined, cancelled or expired loans.

  • Accepted but undisbursed loans that were never drawn must be documented through the SBA data feed demonstrating the $0 draw in conjunction with written communication from the lender (SBA).

  • Accepted but undisbursed loans that had a portion of the loan drawn, but the remainder never disbursed must be verified in the SBA data feed in conjunction with written communication from the lender (SBA). The disbursed loan amount will be considered a duplication of benefits.

If necessary, the HRRP will revise DOB calculations retroactively to be consistent with this policy in order to address cases where SBA loans were counted as DOB prior to the issuance of 84 FR 28836 and 84 FR 28848. Further, all future calculations of DOB will exclude SBA loans that meet the parameters of this policy.

4.1.6 Allowable Activities

Any portion of DOB funds that has been determined to have been spent by the applicant on allowable activities may be used to reduce the amount considered to be a DOB. The amount of allowable activities that are allocated to the specific Program award to offset the DOB is determined based on the percentage of specific Program DOB of the total DOB. This percentage method is used in lieu of allocating the total of allowable activities to only one of the Program’s awards. The applicant will be responsible for accurately reporting the specific amounts spent on the Allowable Activities and providing the acceptable level of supporting documentation for the exclusion of the cost from the DOB calculation. Unsupported costs will be included, and cannot be excluded, in the analysis.

**Allowable Cost of Repairs**

Homeowners who used benefits received from insurance, SBA, and FEMA or other sources to make repairs to their Hurricane Michael-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 homeowner spent on verifiable eligible repairs.

The homeowner will be required to document repairs made to the home with receipts and photographs. Copies of all receipts that support repairs to the home, proof of payments in chronological order to match submitted receipts must be provided to the program to document eligible expenditures. Cash is not an acceptable proof of payment. HRRP will accept self-certifications when calculating the amount of repairs if the homeowner lacks all receipts and all proof of payment 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 homeowner must provide a signed self-certified statement that documents, in detail, all labor and/or repairs made to the damaged property following the hurricane.

39. A program inspector must determine with reasonable assurance that the repairs were made after the date of the hurricane.

40. Photographs documenting that the repairs were made.

4.1.7 Contractor Fraud
If a homeowner was a victim of contractor fraud, the amount paid to the contractor is not to be counted as a DOB provided the homeowner filed a police report and made every effort to recover the funds prior to the date of the application.

4.1.8 Forced Mortgage Payoff
If a homeowner’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 homeowner was required to use disaster assistance funds for mortgage pay down. HRRP will attempt to verify this information with the homeowner’s mortgage company. Voluntary mortgage payoff, using insurance proceeds, is a DOB that will be counted in a homeowner’s award calculation.

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

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

4.1.11 Calculating the Amount of DOB Offset
Documented expenses for eligible home repair related to Hurricane Michael will be totaled and considered for credit to the homeowner. The cost of interim housing (rent, hotel payments, RV purchase, motor home purchase, travel trailer purchase) while the damaged home was unlivable can be excluded from the DOB amount.

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 homeowners must be reviewed in detail by HRRP to determine:

1. Whether the repairs could be reasonably determined as occurring after the hurricane.

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 home repair expenses, then the difference between the two amounts will be deducted from the homeowner’s award. This is referred to as a DOB gap.

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

4.1.12 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 homeowner must enter into a subrogation agreement where the funding agency (DEO) obtains the right to collect any additional disaster recovery or insurance payouts the homeowner receives for Michael damages after the homeowner 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 homeowner. If homeowners 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 homeowner is required to report the additional funding to the program.

By accepting the award, homeowners 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 homeowner’s award and provide instructions whether the homeowner’s award will be reduced by such amount, or whether the homeowner must remit such amounts to the program as reimbursement (when additional assistance received after program disbursements). Each homeowner will execute and be bound by a subrogation agreement.

4.1.13 Calculating Potential Duplication of Benefits
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 a homeowner’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 homeowner receiving an award. Homeowners with a duplication must place all DOB funding in the program’s DOB Gap Funding account.

**SAMPLE AWARD TABLE**

<table>
<thead>
<tr>
<th>Program Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Income</td>
</tr>
<tr>
<td>Household Members</td>
</tr>
<tr>
<td>AMI Percentage</td>
</tr>
<tr>
<td>Damaged Structure Type</td>
</tr>
<tr>
<td>% Damage</td>
</tr>
<tr>
<td>Benefit</td>
</tr>
<tr>
<td>Construction Bid Amount</td>
</tr>
<tr>
<td>Duplication of Benefits</td>
</tr>
<tr>
<td>FEMA IA</td>
</tr>
<tr>
<td>SBA</td>
</tr>
<tr>
<td>Homeowners Insurance</td>
</tr>
</tbody>
</table>
4.1.14 Zero Award
An applicant can meet the requirements for program eligibility, but not qualify for an award. This is known as a zero award. A zero-award file is identified as a file where an applicant’s total Duplication of Benefits (DOB) exceed the total eligible award amount (remaining Hurricane Michael damage) for a repair, reconstruction, or replacement benefit.

4.1.15 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 (DOB). Additional funds provided by homeowners will be deposited into a DOB Gap Funding Account to be used during the construction of the home. Homeowners may not utilize DOB Gap Funding for construction activities such as upgrades, additions or other unnecessary activities. Homeowner-provided funds that are deposited into the DOB Gap Funding Account for DOB will count toward the CDBG-DR cap limits. Assistance for each property is capped up to $350,000. All DOB Gap Funding will be drawn down first, prior to the use of program funds.

There will be five checkpoints for DOB throughout the process: (1) during the eligibility review of a homeowner’s file; (2) prior to the execution of the Grant Agreement; and (3) prior to the processing of the file closeout.

A duplication of benefits will occur if the Rebuild Florida program provides any assistance to a homeowner for the same purpose previous financial or in-kind assistance was provided for the repair, replacement or reconstruction of his or her home. A Homeowner Grant Agreement must be executed, and all required DOB Gap Funds must be submitted prior to construction beginning on the project. DOB Gap Funds must be submitted within 90 days of the execution of the Homeowner Grant Agreement, otherwise the homeowner’s application will move into an Inactive status.
4.2 DEO Financial and Grant Management

The ODR Financial Management unit works in coordination with DEO’s Division of Finance and Administration to ensure all CDBG-DR grant funding allocated to the State of Florida from the U.S. Department of Housing and Urban Development (HUD) is being used to implement and administer disaster recovery and resiliency programs. The CDBG-DR grant funding is required to be used for expenses related to disaster relief, long-term recovery, restoration of housing, infrastructure and economic development, and mitigation/resiliency against future natural disasters. All CDBG-DR program costs must be necessary, reasonable, allowable and allocable as outlined in 2 CFR 200 Subpart E. The ODR Financial and Grant Management Policy Manual, Section 5.0, details the Financial and Grant Management procedures that DEO has in place to manage the CDBG-DR grant program.

4.3 DEO Procurement Method and Requirements

4.3.1 Overview

The standards and guidelines for procurement of supplies, equipment, construction, engineering, architectural, consulting and other professional services have been established in the Purchasing Policy located in DEO’s Administrative Policy Manual, Policy 4.02. DEO follows the procurement processes and standards of the State of Florida as prescribed in Chapter 287, Procurement of Personal Property and Services and Chapter 67-49, Florida Administrative Code, Procurement of Commodities or Contractual Services. DEO imposes the requirements of 2 C.F.R. 200.326 on its subgrantees and subrecipients.

The following regulations should be reviewed for more detailed information:

- 2 CFR 200, Subpart D (federal procurement regulations)
- 24 CFR 135 (Section 3 of the Housing and Urban Development Act to guide economic development to low- and very-low income local residents and the businesses that hire them)
- Compliance with Minority and Woman-Owned Business Enterprises reporting requirements
- Section 255.0525, Florida Statutes (advertising for competitive bids or proposals)
- Section 287.055, Florida Statutes (Consultants Competitive Negotiations Act)
- Section 287.133, Florida Statutes (public entity crimes)

The ODR Contracts unit works closely with the DEO Procurement office and facilitates the initiation of any ODR procurement that is being sought to provide the implementation and administration of the CDBG-DR program.

### EXAMPLE GRANT CALCULATION

<table>
<thead>
<tr>
<th>Eligible Repair Costs</th>
<th>$95,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplication of Benefits</td>
<td></td>
</tr>
<tr>
<td>• FEMA assistance for structural repairs</td>
<td>$20,000</td>
</tr>
<tr>
<td>• Private Insurance for structural repairs</td>
<td>$35,000</td>
</tr>
<tr>
<td><strong>Total Duplication of Benefits</strong></td>
<td><strong>$55,000</strong></td>
</tr>
<tr>
<td><strong>Maximum Eligible Grant Award</strong></td>
<td><strong>$40,000</strong></td>
</tr>
</tbody>
</table>
4.3.2 Procurement Management Procedure

Procedures for Competitive Solicitations

1. DEO Purchasing Office will hold a preliminary meeting with the contract manager/requestor to review the procurement checklist located on the DEO procurement intranet site and acquire a clear understanding of the solicitation methods and requirements provided in Chapter 287, Florida Statutes.

2. Both the designated purchasing office and the program area contract manager will sign the Procurement Checklist, and a copy of the signed checklist will be provided to the program area contract manager.

3. Both the designated purchasing office staff member and the program area contract manager will determine if the services to be provided meet the statutory definition of an “outsource” activity. The program area shall complete a business case for any outsourcing project that has an expected cost in excess of $10 million within a single fiscal year. The business case shall be submitted pursuant to s. 216.023, F.S. Please contact the DEO Budget Office for further instructions. The business case shall be available as part of the solicitation but is not subject to challenge.

4. When implementing information technology (IT) projects, the program area is required to work with the Division of Information Technology and will use the Florida Information Technology Project Management and Oversight Standards set forth in Section 282.0051(3), F.S., and Chapter 74-1, F.A.C.

5. If applicable, the purchasing office will review and provide the PRIDE and RESPECT purchasing requirements along with a product and service list to the program area prior to deciding on another procurement method. If PRIDE and/or RESPECT product or service will not be utilized, the purchasing office will need to obtain justification from the program area.

6. The program area is required to complete and provide a copy of Conflict of Interest Certification to the purchasing office.

7. The procurement office will setup a physical folder for the solicitation and create a solicitation folder in SharePoint for all documentation related to the procurement. The program area is required to complete the solicitation template, SOW and all other referenced documents as applicable.

8. If contractual services/items are mission critical to the Agency’s maintenance of effort, the solicitation document shall include the emergency preparedness plan language.

9. The procurement office will ensure all IT project related procurements address the standards set forth in Section 282.0051(3), F.S., and Chapter 74-1, F.A.C., and include any Performance Bond Language in the SOW.

10. If a Construction related procurement is equal to or greater than $100,000, then the solicitation includes a bid bond requirement and a requirement for the respondent to provide a letter of intent to provide a performance bond. Also, include the following statement: “Within five (5) days after notification of selection, Contractor shall be required to submit and maintain in effect throughout the life of the contract a performance bond in the amount of 100 percent (100%) of
the contract price. The bond must be issued by a surety company licensed to do business in the State of Florida and must be payable to the Agency.”

11. When the program area has completed the solicitation documents, the documents will be routed through purchasing office, Contracts and Grants Administration (CGA), and the Office of General Counsel (OGC) as applicable for preliminary review in SharePoint. The program area will be notified by email when the documents are ready for review. This process will continue until a final solicitation document is approved.

12. When the final documents are approved, the program area contract manager will route a hard copy of the solicitation document along with a completed procurement routing review form through the established procurement routing review process.

13. Program Area will need to identify the statutory authority on the procurement routing review form.

14. **If the solicitation is not an ITB,** specify the type of procurement that will provide the best value to the State. The program area must provide justification on the Procurement Routing Review Form.

15. **If RFP or ITN,** the program area contract manager will provide a list of recommended Evaluation/Negotiation Team Members on the routing review form.

16. The Procurement Routing Review Form must follow the Delegation of Authority; once final approval is obtained, the solicitation will be released and posted by the Procurement Office to the Vendor Bid System (VBS).

17. The Procurement Officer will print and file the final solicitation documents in the official procurement folder.

18. The Procurement Officer will print the VBS posting, post to bulletin board, and file one copy in the procurement folder.

19. The Procurement Officer will need to send an e-mail to the Office of Supplier Diversity (OSD) advising them of the solicitation and file a copy of the e-mail in the procurement folder.

20. The Procurement Officer will notify the Program Area by email that the solicitation has been posted to VBS.

21. The Procurement Officer will set-up the solicitation “Calendar of Events” in Outlook.

22. The Purchasing Office will facilitate the pre-response conference or site visit, if applicable.

23. Once the Technical Questions are received from prospective Respondents, the Purchasing Office will upload the Technical Questions to SharePoint for the Program Area Contract Manager to respond.

24. Technical Answers will be uploaded to SharePoint by the Program Area Contract Manager for Purchasing and OGC review if applicable.

25. The Procurement Office will post Technical Questions and Answers posted on the Vendor Bid System.
26. The Procurement Officer will notify the Program Area by email that the Technical Questions and Answers have been posted to VBS.

27. The Procurement Office will assist Program area with any Addenda if needed and post any addenda on the Vendor Bid System as well as the bulletin board.

28. (RFP/ITN only) The Procurement Officer will prepare the Evaluator Training PowerPoint presentation, as well as assist the program area in the development of the individual evaluator workbooks.

**RFP/ITN Only**

1. The Procurement Officer will print copies of the Solicitation Receiving Form and put them in the copy room to be used as responses come in.

2. The Public Response Opening will be held by Purchasing (sign-in sheet, evaluation summary sheet will be needed). Purchasing will only announce the names of the vendors at this time.

3. The Procurement Office will perform the Responsiveness and Responsibility Determination.

4. The Procurement Office will verify the vendor’s eligibility status on the Federal Debarment Excluded Parties List and print and place the results in procurement file.

5. For goods or services of $1 million or more, Procurement Officer will verify the Scrutinized Companies List, and print and place the results in procurement file.

6. If less than two responses are received, DEO may determine to negotiate on the best terms and conditions and Program Area Contract Manager must provide justification as to why re-soliciting would not be in the best interest of DEO

**RFP/ITN Procedures for Evaluations, Demonstrations and Negotiations**

1. The Procurement Office will facilitate the Evaluation/Negotiation Training for all evaluators and negotiators.

2. The Procurement Office will obtain the Conflict of Interest Questionnaires and Conflict of Interest Certifications from each Evaluation/Negotiation Team Member.

3. (ITN only) Purchasing Office will obtain the Confidentiality and Non-Disclosure Agreement from each Negotiation Team Member and SME, if applicable.

4. Evaluations completed by Evaluation Team and all Evaluation Material will be returned to the Purchasing Office for the procurement file.

5. The Procurement Office will complete and verify the Evaluation Summary Score Sheet and place in the procurement file.

6. The Procurement Office will post the Vendor Shortlist to Vendor Bid System, if applicable.

7. The Procurement Office will facilitate the Negotiation meetings as applicable.

8. The Procurement Office will facilitate the Public Meeting for the Intent to Award with the Negotiation Team to determine ‘Best Value’ and Award Recommendation.
9. Once the Lead Negotiator has drafted the Recommendation of Award (RFP/ITN), the Procurement Office will route for approval by Agency Head or delegation of authority.

10. The Procurement Office will post the agency decision on the Vendor Bid System.

11. Once the Agency decision has been posted, the 72-hour Protest Period will begin. If a Notice of Intent to Protest is received, the Procurement Officer will forward to Legal and place copy in the procurement file.

12. The Procurement Officer will prepare a bid protest bond letter, have legal review and then send to Respondent, if applicable. A Formal Protest and Bid Bond must be received within 10 days of receipt of the Notice of Intent to Protest.

13. The Protest will either be resolved by DEO Legal, or it will go to Division of Administrative Hearings (DOAH). If resolved with DEO Legal, the Procurement Officer will place Legal approval in procurement file and the completed procurement can proceed with contract development.

14. Procurement Office will ensure all documentation relating to the procurement is filed in the procurement file.

4.4 DEO Contracts Procedures
The ODR Contracts unit works closely with the DEO Contracts and Grants Administration (CGA) Office to provide assistance to management and program contract managers regarding any type of contract or contract amendment. Once contracts or amendments have been finalized and approved by the ODR management team, the ODR Contracts team emails the contract to CGA for the beginning of the DEO review and approval process.

4.4.1 Preliminary Review Phase for Contracts
1. ODR Contracts Analyst will review the draft contract developed by the program area. Email agreement, executive summary and routing review form to “contract number request” inbox for agreement number.
2. Bureau of Financial Management (BFM)/Bureau of Budget Management (BM) assigns agreement number and verifies budget information on the routing review form,
3. BFM/BM emails routing review form to ODR Contract Analyst along with the agreement number.
4. ODR Contract Analyst receives routing review form, prepares packet, and emails to Contracts and Grants’ DEO email inbox
5. Contracts and Grants Administration (CGA) uploads the draft contract packet to SharePoint folder and conducts a preliminary review
6. CGA notifies the Office of General Counsel (OGC) that the contract is ready to review
7. OGC reviews and edits contract in SharePoint
8. CGA reviews contract and notifies program area contract packet is ready for review and finalization
9. Program area will review and finalize contract and notify CGA when the contract is final and ready to route for pre-execution.
4.4.2 Pre-Execution Hard Copy Review Phase
1. CGA will prepare packet/DocuSign envelope and send contract, routing review form and executive summary to BFM
2. BFM reviews and approves agreement packet and sends to CGA
3. CGA routes completed agreement packet according to delegation authority threshold
4. Bureau Chief reviews and approves agreement packet
5. Division reviews and approves according to delegation
6. CGA notifies program contract is ready to send to entity
7. Program area sends package to entity for signature

4.4.3 Final Execution Phase
1. Program receives signed agreement from entity
2. Program area sends signed copy to the ODR Contract team
3. ODR Contract Team sends agreement packet, routing review form and executive summary (hard copy or e-copy) to CGA for execution
4. CGA reviews agreement and routes to OGC
5. OGC reviews, signs for legal sufficiency and notifies CGA
6. CGA sends agreement and obtains appropriate signatures according to delegation of authority for final signature
7. CGA sends executed copy to program area and ODR Contract team.
8. Program sends final copy of contract to entity
9. Program sends FACTS forms to Bureau of Financial Management, copies CGA and DFS Voucher Returns

4.5 DEO Management of Contracts and Grants
The contract management process begins when the agency has posted its Intent to Award and a contract has been executed. The executed contract or grant is transferred to the contract administrator or grant manager.

Responsibilities include:
- Creating and maintaining a contract file.
- Maintaining financial information on all contracts.
- Managing changes to the contract.
- Serving as a liaison between DEO and the Subgrantee or vendor.
- Managing the receipt of commodities and contractual services.
- Conducting cost reconciliation for grants.
- Maintaining a contract management file pursuant to CFO Memo No. 06 (2011-2012).
• Providing written certification that services were performed and completed in accordance with terms and conditions of the contract before requesting payment.

The contract file must contain:

• Original contract/grant
• Amendments
• Renewals
• Bonds
• Insurance
• Performance documentation
• Correspondence
• Payment documentation
• Monitoring plan and documentation
• Deliverables

There may be additional requirements for the contract file. The contract file is the complete history of the contract. It should be organized so that the activities conducted during the contract management process can be reconstructed and understood by someone who is not familiar with the contract. All contract and grant managers will use the agency’s Contract Management File Checklist to maintain the file.

Part 5.

Part 5. Appendices

Appendix 1. Environmental Review Resources

HUD Worksheets

- Part 58 Environmental Review - Exempt or Categorically Excluded (Not Subject to 58.5)
- Part 58 Environmental Assessment Form
- Flood Insurance
- Floodplain Management
- Historic Preservation
- Environmental Review
- Environmental Review Training, Procedures, and Resources
- Overview of Environmental Requirements
- Request for Release of Funds/Certification
- Environmental Impact Statement Notice Requirements for Responsible Entities
- Tiered Environmental Reviews
Appendix 2. Housing Repair and Replacement Program Single Family Guidelines

Guidelines are in development. Once developed, the guidelines will be available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Rebuild Florida Housing Repair and Replacement Program (http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative).
Appendix 3. Housing Repair and Replacement Program Rental Guidelines
Guidelines are in development. Once developed, the guidelines will be available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery> Hurricane Michael > Rebuild Florida Housing Repair and Replacement Program (http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative).
Appendix 4. Voluntary Home Buyout Program Guidelines

Guidelines are in development. Once developed, the guidelines will be available on the DEO website at [www.floridajobs.org](http://www.floridajobs.org) under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Rebuild Florida Voluntary Home Buyout Program ([http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative](http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative)).
Appendix 5. Hometown Revitalization Program Guidelines
Guidelines are in development. Once developed, the guidelines will be available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Rebuild Florida Hometown Revitalization Program (http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative).
Appendix 6. Workforce Recovery Training Program Guidelines
Guidelines are in development. Once developed, the guidelines will be available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Rebuild Florida Workforce Recovery Training Program (http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative).
Appendix 7. General Infrastructure Program Guidelines
Guidelines are in development. Once developed, the guidelines will be available on the DEO website at [www.floridajobs.org](http://www.floridajobs.org) under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery> Hurricane Michael> Rebuild Florida General Infrastructure Program ([http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative](http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative)).
Appendix 8. Use of CDBG-DR as HMGP Match Program Guidelines

Guidelines are in development. Once developed, the guidelines will be available on the DEO website at www.floridajobs.org under Home > Community Planning, Development and Services > Community Development Block Grants > Office of Disaster Recovery > Hurricane Michael > Rebuild Florida CDBG-DR as HMGP Match Program (http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative).