

CERTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY RULE FILED WITH THE

DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in promulgation of this emergency rule were fair under the circumstances and the rule otherwise complies with subsection 120.54(4), Florida Statutes. The adoption of the rules was authorized by me as the head of the agency and this rule is hereby adopted upon its filing with the Department of State, pursuant to the provision of section 120.54(4)(d), Florida Statutes.

Rule No. 9BER10-1

Under the provision of section 120.54(4)(d), Florida Statutes, this rule takes effect upon filing unless a later time and date less than 20 days from filing is set out below:

Effective Date: _____
(month) (day) (year)

Thomas G. Belham

Signature, Person Authorized to Certify Rules

Secretary _____
Title

2 _____
Number of Pages Certified

FILED
2010 APR 14 PM 3:37
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The expenditure of the funds in the declared disaster areas where housing, infrastructure, and businesses were severely damaged or destroyed is essential to the health, safety and welfare of the public.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of Rule Chapter 9BER10-1, using emergency rule procedures, is the only available mechanism that adequately provides for the expeditious disbursement and use of the federal funds to provide disaster relief, long-term recovery and infrastructure restoration.

SUMMARY: : This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: : Jacquelyn Dupree, Manager, Florida Small Cities CDBG and Disaster Recovery Programs, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850) 922-1879.

FILED
2010 APR 14 PM 3:37
TALLAHASSEE, FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

Rule Title:

Rule No:

Community Development Block Grant Disaster Recovery Initiative

9BER10-1

FILED
MAY 14 2010
MONTGOMERY COUNTY
DEPARTMENT OF COMMUNITY AFFAIRS

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER10-1 Community Development Block Grant Disaster Recovery Initiative.

(1) All portions of Rule Chapter 9B-43, F.A.C., are waived by this emergency rule except the following: Rule 9B-43.0031 (Definitions) and Rule 9B-43.0051 (2), (3), (4), and (8) (Selected portions of Grant Administration and Project Implementation).

(2) The State's Action Plan, incorporated herein by reference, reflects the activities that are eligible for funding under this rule. All activities must be eligible under 24 CFR 570, Subpart I, and must meet one of three national objectives: activities principally benefiting low and moderate income persons; activities which aid in the prevention or elimination of slums or blight; activities designed to meet community development needs having a particular urgency for which no other funding is available.

(3) The funds are to be used only to address damage and destruction directly resulting from the declared storms, to mitigate future damage, and to alleviate conditions that pose a serious and imminent threat to the health and safety of the citizens of the communities.

(4) The amount of funds awarded to eligible local governments shall be limited to that amount necessary to address the disaster recovery unmet need.

(5) All definitions in Rule 9B-43.0031 apply, except that service area means the total geographical area to be served by an eligible activity. A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by such activity.

(a) "Action Plan" is the plan submitted by the Department of Community Affairs and approved by the U.S. Department of Housing and Urban Development (HUD) in response to Federal Register Notice Volume 74, Number 29 published Friday, February 13, 2009, incorporated herein by reference, and Federal Register Notice Volume 74, Number 156 published Friday, August 14, 2009 which outline basic requirements relating to the allocation of the disaster recovery funding, incorporated herein by reference.

(b) "Award Agreement" means the contract, incorporated by reference, that will be executed between the Department of Community Affairs and the local government recipient of the funds which will specify state administrative requirements that will apply to the funding.

(c) Other definitions may be found in 24 CFR 570, Rule 9B-43.0031, Florida Administrative Code, and the Action Plan.

(6) Eligible subgrantees may use up to 2.5% of their total grant award for administrative costs as defined in 24 CFR 570.206 and the Action Plan applicable to this rule.

(7) "Expenditures and Limitations." In order to meet the HUD requirement that at least \$9,079,866 of the \$81,063,855 be used for affordable rental housing, the State must use at least 14% of their allocation for affordable rental housing.

(8) The Federal regulations (Volume 74, Number 29, published Friday, February 13, 2009 and Volume 74, Number 156, published Friday, August 14, 2009), the Action Plan, the Application instructions, the Award Agreement and any adopted policy statements or procedures are incorporated by reference as a part this rule.

(9) Local governments must take the necessary steps to ensure that the public is made aware of the funding and the purposes for which the funding may be used. The State Action Plan outlines the minimum requirements for public notification.

(10) Local governments will be required to comply with the Environmental Assessment procedures set out in 24 CFR 58 prior to obligating or expending more than \$15,000 in administrative funding.

(11) Communities conducting projects located within a floodplain and identified by FEMA as nonparticipating, noncompliant communities under the National Flood Insurance Program are not eligible for these funds.

(12) Allocation of funds was determined by the Department of Community Affairs based upon damage assessment data.

(13) Additional guidance regarding grant administration, procurement, monitoring, reporting and closeout requirements will be set forth in the contract.

Rulemaking Authority: 290.048, FS. Law Implemented: 290.0401-.048, FS. History -- New _____.

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Division of Housing and Community Development

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