

**STATE OF GEORGIA
ACTION PLAN FOR CDBG SUPPLEMENTAL
DISASTER RECOVERY
FUNDS**

Pursuant to:
U.S. Department of Housing and Urban Development
Docket No. FR-5256-N-01
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Authorized By:
The Supplemental Appropriations Act, 2008 (Public Law 110-329, approved
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INTRODUCTION

The State of Georgia is required to publish an Action Plan for Disaster Recovery (Action Plan) that describes the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 (Public Law 110-329, approved September 30, 2008) (The CSDAC Act). The Act provides for disaster relief of unmet needs resulting from severe weather in the state that occurred during 2008, for which the President declared a major disaster under Title IV of the Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.). The HUD guidance for the funding was published February 13, 2009 in the Federal Register as Docket Number FR-5256-N-01.

This document will describe 1) the eligible affected areas and eligible applicants; 2) the methodology to be used to distribute funds to those areas and applicants; 3) activities for which funding may be used; 4) citizen participation procedures; and 5) grant administration standards.

This Action Plan will be used by the state to guide the distribution of the initial allocation of \$4,570,779 of CDBG Disaster Recovery Funding toward meeting unmet housing, infrastructure, and economic revitalization needs in counties designated as Presidential Disaster Areas during 2008, as further directed by Public Law 110-329 and HUD's Notice of Funding Availability provided in Federal Register Volume 74, Number 29, Docket No. FR-5256-N-01 published on February 13, 2009 (The Notice).

(A) GENERAL PROVISIONS

(1) The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (CSDAC Act) includes a nationwide appropriation for Community Development Block Grants (CDBG) to be granted to eligible local governments for long-term recovery activities consistent with Title I of the Housing and Community Development Act of 1974, as amended (The HCD Act). A total of \$4,570,779 will be available for Georgia's entitlement and non-entitlement communities within federally designated eligible areas. Please note that this document and other details on the State's Action Plan for the CDBG disaster monies will be posted at www.dca.ga.gov/communities/CDBG/programs/cdbg2008disaster.asp.

(B) CONSULTATION WITH LOCAL GOVERNMENTS

(1) The Department has solicited feedback from local governments through its development and publication of a "CDBG 2008 Disaster Supplemental Funding" web page which included the publication of an "Notice of Intent to Publish an Action Plan" which was published and posted on February 27, 2009 and followed up with an email to eligible jurisdictions. An automated comment email link was established to chronicle and catalog comments. In addition, the Department solicited cooperation and comments through the Georgia Emergency Management Agency who worked through their network and local government contacts for suggestions and comments. All suggestions and comments were considered before publishing this Action Plan on 4/10/2009 for further comment prior to submitting the Plan to HUD.

(C) FEDERALLY DESIGNATED AREAS ELIGIBLE FOR ASSISTANCE

(1) The 2008 federally designated areas eligible for assistance include the counties (and cities within eligible counties) designated pursuant to FEMA designation 1750 (3/20/08) for severe storms and tornadoes which include Bartow, Burke, DeKalb, Floyd, Fulton, Jefferson, and Polk Counties and FEMA designation 1761 (5/23/08) for severe storms and flooding which include Bibb, Carroll, Crawford, Douglas, Emanuel, Glynn, Jefferson, Jenkins, Johnson, Laurens, McIntosh, Treutlen, Twiggs, and Wilkinson Counties. Details on these disaster declarations can be viewed at www.fema.gov/news/event.fema?id=9550 and www.fema.gov/news/event.fema?id=9848.

(D) SHORT AND LONG TERM RECOVERY NEEDS

(1) *Short Term Actions* -- The State of Georgia short term disaster recovery needs were addressed through a mechanism coordinated through the Georgia Emergency Management Agency (GEMA). GEMA assisted the local jurisdictions who were responsible for first response to the emergency by coordinating with FEMA to supplement the efforts of the local teams through the establishment of Joint Field Offices. For Individual and Public Assistance, GEMA and other state agencies coordinated teams that included staffs from various state and federal agencies that assist citizens, businesses, local governments and other entities impacted by the disasters to provide immediate assistance with their short term needs.

For the March 20th disaster the amounts of short term assistance were \$1,289,547 for the Individuals & Household Program, \$1,712,000 for SBA Disaster Assistance loans for a combined total of \$3,001,547 which assisted over 1,800 individuals and businesses with their short term recovery needs. Details are available at www.fema.gov/news/newsrelease.fema?id=47718.

For the May, 23rd disaster the amounts of short term assistance were \$1,992,664 for the Individuals & Household Program, \$1,961,500 for SBA Disaster Assistance loans for a combined total of \$3,954,164 which assisted individuals and businesses short term recovery needs. Details are available at www.fema.gov/news/newsrelease.fema?id=45197.

(2) *Long Term Recovery Needs* -- In addition to the areas' short term needs which were generally addressed as outlined above, the affected jurisdictions also have long term recovery needs in the areas of unmet housing, infrastructure and economic revitalization needs which can be partially solved and leveraged through an emphasis on the CDBG activities outlined in the February 13, 2009 Notice. Based on the Notice and information received through eligible local governments planning documents and GEMA, the Department's Action Plan contains an emphasis on eligible CDBG activities that "support the repair, rehabilitation, and reconstruction of affordable rental housing stock" sufficient to meet the prorated threshold requirement of at least \$485,736. As outlined below in Section I, applicants are encouraged to include eligible activities in their applications that addresses the federal requirement to support affordable rental housing. In addition, other eligible activities may be undertaken that assist in the alleviation of unmet infrastructure and economic revitalization needs. The details are included in the rating and selection criteria.

(E) GEORGIA PLANNING REQUIREMENTS FOR LOCALITIES THAT ASSIST RECOVERY

(1) The State promotes sound short- and long-term planning of future growth at both the state and local levels through the Georgia Planning Act of 1989. Each local government Comprehensive Plan contains a Natural Resources element that identifies 'flood plains' and other natural systems that each local government must take into consideration in planning its future. Additionally, as a county or city Comprehensive Plan is being updated, other neighboring local governments, and potentially affected parties (e. g. local development authorities, Regional Development Centers, etc.) are afforded an opportunity to review the draft Plan and provide comments, suggestions etc. to the local government authoring the Plan. (FYI - Failure of a Georgia county/city to prepare or maintain their Comprehensive Plan results in a loss of that local government's eligibility for State grant and loan funding. Therefore, all 159 counties and 538 cities in the State have a Comprehensive Plan. The Planning Act and the various elements contained within individual and regional plans encourage responsible land-use decisions that reflect responsible flood plain management, removal of regulatory barriers to reconstruction, and coordination of individual planning requirements (transportation, water, sewer, housing, etc.) of other state and federal programs and entities. For details on the status of individual plans for each jurisdiction eligible for assistance see www.dca.gov/development/PlanningQualityGrowth/programs/currentplans.asp.

(2) The State requires construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance through the enactment and enforcement of building codes that deal with all aspect of building construction. These include modifications to building codes in potential high wind corridors where structures are more at risks from hurricanes and other coastal storms. The State operates under the Uniform Construction Codes Act of 1988. Under the provisions of this Act, the Department of Community Affairs (DCA) is charged with the responsibility of adopting and maintaining eight (8) mandatory construction codes (e. g. Energy Conservation, National Electric, International Building, One & Two Family Dwelling, Plumbing, Mechanical, Fuel Gas, and Fire Codes) that have statewide application. All eight of these codes are 'in effect' throughout the state even if a local government elects not to establish a local code enforcement program. Each of these eight codes is updated every three years by DCA to ensure they are maintained in accordance with the highest applicable national standards. See the details at www.dca.gov/development/constructioncodes/programs/codes2.asp

(3) The State will encourage the provision of adequate, storm and flood resistant housing for all income groups that lived in the disaster-affected areas through the planning and building code details contained in Sections E(1) and E(2) above. In addition, where unique or severe redevelopment needs occur and where state resources allow, the Department provides communities specialized technical assistance and workshops that assist in the application of not only the broad planning but also with the

“tactical” planning needed for small area or neighborhood redevelopment. The State has recently been particularly aggressive in passing legislation that encourages incentives for both public and private sector redevelopment projects. These initiatives when leveraged with CDBG, HOME and other federal initiatives can have dramatic results in improving the housing and quality of life for all income groups.

(4) The Department is currently in the process of expanding its initiatives aimed at supporting activities to address emergency shelter and the permanent supportive housing needs of homeless individuals and families and helping homeless persons make the transition to permanent housing and independent living, and to address the special needs of persons who are not homeless identified in accordance with 24 CFR 91.315(d). The details on those programs can be viewed at http://www.dca.ga.gov/communities/CDBG/programs/downloads/NSP/Flex_Pool/NSP_PSHP_Program_Description.pdf and www.dca.ga.gov/housing/SpecialNeeds/index.asp.

(F) SPECIAL PROVISIONS OF THE CSDAC APPROPRIATIONS ACT OF 2009

(1) **Priority Activities** - Note that CSDAC Act directs that grantees use CDBG Disaster funds to be used for specific CDBG activities related to disaster relief, long-term recovery, and the restoration of infrastructure, housing and economic revitalization for eligible disasters declared by the President during 2008. In addition to the activities discussed above, the CSDAC also includes an overall priority towards improving affordable rental housing stock. In regards to rental housing stock, the CSDAC Act and the Notice require that at least a minimum prorated threshold of \$485,736 be spent for CDBG activities “to support” the repair and renovation of affordable rental housing. This Action Plan will allow the CDBG activities outlined below which are eligible CDBG activities consistent with the CSDAC’s requirements to address long-term recovery needs and the restoration of infrastructure, housing and economic revitalization for eligible disasters jurisdictions.

(2) **Administrative Costs** - State program administration requirements are modified for this program to be consistent with the CSDAC which allows up to 5 percent of the grant to be used for administrative costs, whether by the state, by entities designated by the state, by units of local government, or by sub-recipients. Pursuant to the Notice, the provisions at 42 U.S.C. 5306(d) and 24 CFR 570.489(a)(1)(i) and (iii) will not apply to the extent that they cap overall state administration expenditures and require a dollar-for-dollar match of state funds for administrative costs.

(a) The State reserves 2.0% of the allocation for its administrative costs and will pass through the balance of any remaining allowable administrative allocations for recipients’ use. Recipients may use up to 3% of any grant for local administrative costs consistent with DCA’s approval.

(3) **Certain Authorized Waivers for Disaster Undertakings** – The following waivers were included in HUD’s Notice and are highlighted here for consideration of applicants as they consider potential projects:

(a) **Public Comment** – Consistent with HUD’s public comment waivers as outlined in the Notice, this Action Plan for Disaster Recovery was published via the usual methods and on the DCA web page for no less than 7 calendar days of public comment. Following the public comment period, copies of public comments and DCA’s response will be located in Appendix (1);

(b) (Reserved)

(c) **Modification of Low-Moderate Income Requirements for Housing Activities** – DCA notes that the CSDAC of 2009 waived 42 U.S.C. 5305(a) requirements to the extent necessary to allow: (i) homeownership assistance for households with up to 120 percent of area median income; (ii) down-payment assistance for up to 100 percent of the down payment (42 U.S.C. 5305(a)(24)(D)); and (iii) to allow new housing construction.

(4) Specific Prohibitions for Duplication of Benefits and Failure to Maintain Flood Insurance

- (a) Specifically Ineligible Disaster Costs – The CSDAC of 2009 specifically prohibits the “duplication of benefits” with CDBG Disaster funds. In general, 42 U.S.C. 5155 (section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act, as amended) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which he has received financial assistance under any other program or from insurance or any other source. Therefore, please note that the Department stipulates that funds may not be used for activities reimbursable by or for which funds have been made available by the Army Corps of Engineers, Federal Emergency Management Agency (FEMA) or the Small Business Administration (SBA).
- (b) Persons Failing to Maintain Certain Flood Insurance -- Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a) prohibits flood disaster assistance to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property if that person at any time has received federal flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable federal law on such property. (Section 582 is self implementing without regulations.)

(G) REQUIREMENT TO MEET CDBG NATIONAL OBJECTIVES

- (1) All individual projects and combinations of activities should meet one of the CDBG National Objectives which include i) benefit to Low and Moderate-Income (LMI) persons; ii) alleviation of slums or blight; and iii) alleviation of Urgent Needs.
- (2) For activities authorized pursuant to the LMI national objective, DCA will take advantage of the Notice’s waiver to allow an overall aggregate activities funded benefit level of 51% benefit low- and moderate-income persons.
- (3) For activities authorized pursuant to the Urgent Need national objective, DCA will take advantage of the Notice’s waiver to allow the State to expend 50 percent (rather than 30%)

(H) ELIGIBLE APPLICANTS

- (1) Eligible applicants are units of general-purpose local government located in the 2008 federally designated disaster counties listed in Section C of this Action Plan, including those cities and counties in designated counties eligible to also participate in the urban counties or metropolitan cities "CDBG Entitlement Program" of HUD.

(I) ELIGIBLE ACTIVITIES

- (1) The CSDAC Act directs that grantees use CDBG Disaster funds to be used for specific CDBG activities related to disaster relief, long-term recovery, and the restoration of infrastructure, housing and economic revitalization for eligible disasters declared by the President during 2008.
- (2) Note that to insure compliance with the statutory requirement to address affordable rental housing needs, the State must insure that at least \$ 485,736 is spent for eligible rental housing needs. Therefore, applicants MUST insure that at least 11.5% of its grant is devoted to activities to support affordable rental housing activities. According to the HUD Notice, these activities include the repair, rehabilitation, and reconstruction of affordable rental housing stock (included public and other HUD-

assisted housing) in the impacted areas. Applicants are encouraged to consider devoting the majority of their request for affordable rental housing activities using the activities described below.

(3) Eligible activities include all CDBG eligible activities plus the “new construction” activity authorized pursuant to the HUD “housing waivers” contained on page 7293, item 19 in the Notice. Eligible activities that the Department recommend be considered include but are not limited to the following activities:

- (a) clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements including the reconstruction or rehabilitation of public or privately owned residential properties consistent with the HUD waivers encouraging a focus on affordable rental housing [as authorized pursuant to 42 USC 5305(a)(4) and the Notice];
- (b) activities necessary to develop a policy-planning- management capacity so that the recipients of assistance may more rationally and effectively: i. determine its needs, ii. set long-term goals and short-term objectives, iii. devise programs and activities to meet these goals and objectives, iv. evaluate the progress of such programs in accomplishing these goals and objectives, and v. carry out management, coordination, and monitoring of activities necessary for effective planning implementation as authorized pursuant to 42 USC 5305(a)(12)(B);
- (c) the provision of assistance to private, for-profit entities (*including small businesses and micro-enterprises*), when the assistance is appropriate to carry out an economic development project aimed at long-term recovery (that shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods) that: (i) creates or retains jobs for low- and moderate-income persons; (ii) prevents or eliminates slums and blight; (iii) meets urgent needs; (iv) creates or retains businesses owned by community residents; and (v) assists businesses that provide goods or services needed by, and affordable to, low- and moderate-income residents as authorized pursuant to 42 USC 5305(a)(17) and 42 USC 5305(a)(22)(A).
- (d) the acquisition, construction, reconstruction, or installation of public works, facilities (except for buildings for the general conduct of government), and site or other improvements as authorized pursuant to 42 USC 5305(a)(2);
- (e) the provision of direct assistance to facilitate and expand homeownership among persons of low and moderate income as authorized pursuant to 42 USC 5305(a)(24)(D) and taking full advantage of the HUD “housing eligibility” waivers on page 7248 of the February Notice; and
- (f) the provision of assistance including loans and grants for activities which are carried out by public or private nonprofit entities, including: (i) acquisition of real property; (ii) acquisition, construction, reconstruction, rehabilitation, or installation of public facilities (except for buildings for the general conduct of government); (iii) site improvements; and utilities; and (iv) commercial or industrial buildings or structures; and (v) other commercial or industrial real property improvements as authorized pursuant to 42 USC 5305(a)(14).

(J) METHOD OF DISTRIBUTION AND DEADLINE

(1) Georgia CDBG Disaster funds will initially be awarded in one single round of competition with applications either due in DCA’s central office by 5:00 P.M. on July 31, 2009 or postmarked by the U.S. Postal Service on July 31, 2009. Applications will be reviewed using the competitive criteria outlined in Section L below. Awards will be announced by the Governor or his designee.

(2) Should funds remain following the initial competition, the Department may announce and hold subsequent competitions in accordance with applicable requirements of the February 13, 2009 Federal Register Notice.

(3) In general, only one CDBG Disaster application and subsequent award will be allowed per unit of local government. However, for subsequent competitions where previously awarded recipients propose projects for policy-planning management [see I (3)(b) above] or other activities that address dire needs, the commissioner may grant an exception to this stipulation.

(K) GRANT AMOUNTS

(1) Grant amounts are limited to \$750,000 per award for a single local government. The maximum grant limit for Joint Submissions that include a City or Cities and a County or two or more Counties is \$1,500,000.

(2) Local recipient administrative costs paid with CDBG Disaster funds shall be limited to three percent (3%) of the grant award amount.

(L) DISASTER RECOVERY CDBG APPLICATION PROCEDURES

(1) Only grant applications from eligible applicants submitted by applicable deadlines will be reviewed.

(2) Applications may be submitted individually by one unit of general purpose local government, or jointly, by two (2) or more units of general purpose local government. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The agreement should designate the unit of local government that will serve as the lead applicant.

(3) Applications for the CDBG Disaster funds must be submitted in conformance with the format and applicable instructions specified by DCA. To the extent possible, forms and documentation from the regular annual CDBG competition will be utilized in the CDBG Disaster competition with adjustments made in accordance with the special provisions of CDBG Disaster funding. DCA reserves the right to deny CDBG Disaster applications based on slow performance, unresolved findings, outstanding sanctions, or other reasons that could affect an applicant's ability to successfully complete the implementation of a CDBG Disaster project.

(4) Local Citizens Participation

- a) The Housing and Community Development Act emphasizes efforts to involve citizens, especially low- and moderate-income citizens, in all aspects of the CDBG Program. As required by the Housing and Community Development Act, the Georgia Department of Community Affairs has adopted a written Citizen Participation Plan available on the DCA website at www.dca.ga.gov/communities/CDBG/programs/downloads/CDBGForms/CitizenParticipationPlan.pdf.
- (b) Applicants for and recipients of CDBG Disaster Recovery funds must certify that they will follow this plan that requires that local units of government will provide for and encourage participation in the planning, implementation and assessment of their CDBG Disaster Recovery program.
- (c) Applicants for CDBG Disaster Recovery dollars will follow all required citizen participation requirements outlined in the 2009 CDBG Applicants' Manual as amended through the February 13, 2009 Federal Register Notice.

(M) RATING AND REVIEW CRITERIA

- (1) Applications for a particular competition will be rated separately to assign points for feasibility, impact and strategy. Demographic scores will be calculated separately for

cities and counties. Applications will be rated and scored against each of the following factors, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by DCA for purposes of evaluating, rating, and selecting applicants under this program.

(2) The maximum score is 500 points as follows:

Criteria	Maximum Points
Demographic Need - absolute number in poverty	40
Demographic Need - percent of poverty persons	40
Demographic Need - per capita income	40
Program Feasibility	110
Program Strategy	110
Project Impact	110
Leverage of Additional Resources	25
Bonus points for Readiness to proceed	25
Maximum Total Points	500

(3) Scores for each set of criteria will be calculated as follows:

4) **Demographic Need - absolute number of people in poverty:**

Applicants will be compared in terms of the number of persons whose incomes are below the poverty level. Scores will be obtained by dividing each applicant's number of persons in poverty by the greatest number of persons in poverty of any applicant in the group and multiplying by 40.

5) **Demographic Need - percent of people in poverty:**

Applicants will be compared in terms of the percentage of population below the poverty level. Scores will be obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant in the group and multiplying by 40.

6) **Demographic Need - per capita income:** Applicants will be compared in terms of their per capita income. Scores will be obtained by dividing each applicant's per capita income into the lowest per capita income of any applicant in the group and multiplying by 40.

7) **Program Feasibility:**

Applicants will be compared in terms of project feasibility. The following factors are considered: an analysis of such items as a) verification and reasonableness of cost; b) documentation that all project financing sources needed for the project will be available; c) where applicable, documentation that preliminary engineering, architectural and or site plans have been prepared and support the project; d) verification that any required property is available for the project; e) where applicable, review of any subrecipient's credentials to provide evidence of administrative capacity to undertake an approved activity; and f) compliance with applicable state and federal laws, and g) reasonable project timetables. h) Points for feasibility will be awarded by a review panel, in accordance with the levels below, based on how well each applicant, compared to others, addresses the feasibility factors.

Level One	(Unacceptable) 0.0
Level Two	(Poor) 27.5

Level Three	(Average)	55.0
Level Four	(Good)	82.5
Level Five	(Excellent)	110.0

8) **Program Impact:**

Applicants will be compared in terms of program impact. The following factors will be considered: a) the number of persons benefiting; b) the cost per person benefiting; c) the project’s impact on the benefiting population’s quality of life, living environment or opportunities for economic advancement; and d) an analysis of the documented severity of need and the impact of the project on the identified need or problem. e) Points for impact will be awarded by a review panel, in accordance with the levels below, based on how well each applicant, compared to others, addresses the impact factors.

Level One	(Unacceptable)	0.0
Level Two	(Poor)	27.5
Level Three	(Average)	55.0
Level Four	(Good)	82.5
Level Five	(Excellent)	110.0

9) **Program Strategy:**

Applicants will be compared in terms of program strategy. The following factors are considered: a) an analysis of alternative solutions to address the identified problems, b) as appropriate, an analysis of the steps taken by the applicant to adopt policies or ordinances to prevent the reoccurrence of the identified problem within their jurisdiction; c) an analysis of the ongoing financial effort that the applicant has made or will make to address the identified problem and to maintain and operate the project, facility or system; d) the extent of benefit to persons of low- and moderate income; and e) multi-activity applications will also be compared in terms of the projects' support of comprehensive community or neighborhood conservation, stabilization, revitalization and the degree of resident’s support and involvement.f) Points will be awarded, in accordance with the levels below, by a review panel based on how well the applicant, compared to others, addresses the strategy factors.

Level One	(Unacceptable)	0.0
Level Two	(Poor)	27.5
Level Three	(Average)	55.0
Level Four	(Good)	82.5
Level Five	(Excellent)	110.0

10) **Leverage of Additional Resources:**

Leverage includes additional resources committed to and directly related to the project, including cash above the required minimum cash match amount, the purchase of equipment and furnishings with non-CDBG funds, and additional grants and loans from other sources. Only items that would not otherwise have been provided will be counted. A “reasonable” value must be assigned to donated and “in-kind” items. Up to 25 points can be assigned for leverage of additional resources. The leverage score will be calculated as follows: a) Total dollar value of leverage for each applicant will be calculated and then divided by the total population of the applicant in order to obtain a per capita leverage figure reflective of each applicant's relative effort. b) The applications will then be ranked within these groups, based on per capita leverage amounts, from no leverage (no points) to highest per capita leverage and points assigned based on the percentile ranking. If no applicant within any of the groups listed above has \$0 leverage, a proxy score of \$0 will be inserted to insure that if leverage is provided by the applicant a score greater than \$0 will result. c) Up to 25 points

can be assigned for leverage of additional resources. The ranking will be established using the range of applicants' per capita leverage amounts (from 0 to the highest per capita leverage) and calculating a percentile score for each applicant's per capita leverage amount within the range. This percentile score will be multiplied times 25 to establish the points for per capita leverage. For example, if an applicant's per capita leverage amount is \$300 and if \$300 represents a percentile score of 50 percent, the leverage points will be 15 ($50 \times 25 = 12.5$).

11) Bonus Points for Readiness to Proceed

A maximum of twenty five bonus points may be earned through the demonstration of a project's readiness to proceed. Points may be earned through the documentation in the application that: 1) all engineering and architectural plans are finalized and have been approved by appropriate local, state or federal authorities; 2) plans and specifications are finalized and have been approved by appropriate local, state or federal authorities; 3) all environmental reviews (including the CDBG NEPA review) and environmental permitting have been completed; 4) procurement documents/processes are ready to proceed; and 5) all real-estate (including easements and right of ways) needed for the project has been acquired in accordance with applicable requirements and is available for the project. Other equivalent documentation may be provided for housing applications that demonstrate readiness to proceed upon project award.

12 Final Ranking and Grant Selection:

The points received by each applicant on the rating factors will be totaled and the total scores ranked accordingly. Grant awards will be based on this final ranking to the extent funds are available and projects are feasible. In case of ties, the applicant with the highest percentage of funds benefiting low- and moderate-income persons will be given priority.

(N) ANTI-DISPLACEMENT AND RELOCATION

(1) Recipients implementing projects and activities enabled through this Action Plan are expected to ensure the assistance and protections afforded to any persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 (URA), as amended and section 104(d) of the Housing and Community Development Act of 1974 (HCD), as amended. Georgia plans to avail itself and allow any recipients the benefits of the waivers set forth in Federal Register Vol. 74 No. 29 pertaining to URA and HCD given the needed priorities to engage in voluntary acquisition and optional relocation activities to avert repeated storm or flood damage and to improve floodplain management.

(O) HIGH QUALITY, DURABILITY AND ENERGY EFFICIENCY

(1) All housing activities involving the construction or rehabilitation of multi-family and single-family dwellings must meet the building codes and standards discussed in Section E (1) through (4) as well as any local ordinances that exceed State codes and standards. In regards to energy efficiency, Georgia enforces the International Energy Conservation Code (2006 edition) with amendments which can be viewed at

www.dca.ga.gov/development/constructioncodes/programs/documents/IECC2008Amendments_nonelctric.pdf .

(P) MONITORING STANDARDS AND PROCEDURES

- (a) The Department's Office of Field Services which specializes in monitoring State CDBG projects will expand its existing system for monitoring of CDBG projects and contracts. Disaster CDBG projects will receive on-site monitoring to document local accountability and prevent inappropriate activities. Monitoring areas will include the standard CDBG

programmatic areas including eligibility of activities, financial management, citizens' participation, environmental, procurement, and review of contract provisions, acquisition, rehabilitation, clearance, and disposition of any properties. The areas will be expanded to include a "duplication of benefits" analysis which will be completed for each grant. Program representatives will also check and verify reported outcomes during on-site monitoring visits. Should any findings occur, recipients will be required to correct the problem or else the ineligible expenditures will be disallowed and funds recaptured by the Department.

- (b) The Department will require quarterly status reports for the status of the activities undertaken and the funds drawn. Each Recipient will report using the Department's online quarterly reporting system. The reports will be due to the Department within 15 calendar days following the end of each quarter. The state will then report to HUD using the online Disaster Recovery Grant Reporting system. Additional reporting requirements (i.e., annual audits, contractual obligations and other required reports) will be specified in the Department's grant agreement.

(Q) AVOIDING OR MITIGATING OCCURRENCES OF FRAUD, ABUSE, AND MISMANAGEMENT

(1) The Department takes an aggressive stand on questions of Fraud, Abuse and Mismanagement. As outlined above, the Department will conduct on-site monitoring in to insure that projected milestones are being accomplished; performance goals are being achieved in accordance with the approved application.

- (a) All activities must be conducted in compliance with applicable CDBG law and regulation as well as other applicable federal and state requirements including the OMB circulars A-87, A-122 (where applicable), A-133 and the Uniform Administrative Requirements at 24 CFR Part 85.
- (b) DCA shall provide technical assistance through a Recipients Workshop and shall make site visits as frequently as necessary to provide needed technical assistance.
- (c) In addition to technical assistance, the Department will, at appropriate times during program activities, review Recipients' records on-site to ensure that all applicable state and federal requirements in over a dozen compliance areas (as applicable). This will include review of drawdown and financial management procedures as well as all applicable federal cross-cutting compliance issues.
- (d) While the Department's emphasis will be on preventing and correcting problems before they develop into serious problems, the Department reserves the right to issue sanctions for non-compliance, fraud abuse and mismanagement in a range of penalties including disallowance of all ineligible costs. Additional penalties and sanctions may include referrals for criminal prosecution to appropriate federal or state authorities.

(R) SUBSTANTIAL AMENDMENTS TO THIS ACTION PLAN

- (1) Any one of the actions listed below shall constitute a "substantial amendment" to this Action Plan.
- a. The addition or deletion of any activity described in Section H of this Action Plan (including program income);
 - b. A change in the location or beneficiaries as described in Section G of this Action Plan; or,
 - c. Following a request by DCA, the implementation of any HUD authorized "waiver" of any major programmatic rules or regulations; and
 - d. Any other action that HUD or the Commissioner of DCA deems to be a significant amendment that needs public input prior to enacting.

(S) USES OF SUPPLEMENTAL DISASTER RECOVERY FUNDS

(1) While the Department will be unable to supply the exact activities that local governments will undertake with these supplemental disaster funds until after this plan is approved, applications solicited, and projects funded, the Department believes most will conform to the eligible activities listed in Section I. In addition, the Department makes the following estimates of the breakdown of funding:

Total Allocation	4,570,779
Eligible Recovery Activities	3,858,043
Required Housing Set-aside	485,736
Local Administration	135,000
State Administration	92,000

(T) PUBLIC COMMENTS

(1) In regards to the Disaster Action Plan released for public comment on 4/10/2009, the public is encouraged to submit their comments using the convenient email link located at <http://www.dca.ga.gov/communities/CDBG/programs/cdbg2008disaster.asp> or via U.S.P.O. mail to the address below. The Department supports citizens in the disaster areas to participate in the development of the State of Georgia Supplemental Disaster Recovery Action Plan. **Comments will be accepted through April 19, 2009.**

- (a) Following the opportunity for citizens and local governments to comment on the draft Plan, the Plan will be updated and amended and then submitted to the US Department of Housing and Urban Development (HUD) on or about April 24, 2009. The Action Plan will set forth the method of distribution of funds for the HUD-funded program. Members of the public, especially persons of low to moderate income, are invited to review the draft Plan prior to its submission either on-line or during normal business hours of 8:30 a.m. to 5:00 p.m., Monday-Friday, at the Georgia Department of Community Affairs , 60 Executive Park South, NE, Atlanta, GA. 30329. The draft Plan will also be available on the DCA website at www.dca.ga.gov/communities/CDBG/programs/cdbg2008disaster.asp
- (b) Written comments are invited from Friday, April 10, 2009 through Friday, April 19, 2009, at the following address: Georgia Department of Community Affairs , 60 Executive Park South, NE, Atlanta, GA. 30329
- (c) Additional information may also be obtained via e-mail at longtermrecovery2008disasters@dca.ga.gov

(U) COMENTARIOS DE PÚBLICO

(1) Comentarios de Público – con respecto al Plan de Acción de Desastre de giro soltó para el comentario público en 4/10/2009, El público es favorecido a someterse sus comentarios que utilizan el lazo correo electrónico conveniente situado en longtermrecovery2008disasters@dca.ga.gov o a través de U. S. P. O. correo a la dirección abajo. El Departamento apoya a ciudadanos en las zonas catastróficas para tomar parte en el desarrollo del Estado de Georgia Plan Suplementario de Acción de Recuperación de Desastre. **Los comentarios serán aceptados hasta el 19 de abril de 2009.**

- (a) Siguiendo la oportunidad para ciudadanos y administraciones municipales para hacer comentarios acerca del Plan de giro, el Plan será actualizado y será enmendado y entonces será sometido al Departamento de EEUU de Envoltura y Desarrollo Urbano (HUD) en o acerca de abril,24 2009. El Plan de la Acción expondrá el método de distribución de fondos para el programa de HUD-FINANCIÓ. Los ciudadanos, especialmente personas de moderar bajo los ingresos, es invitado a revisar el Plan de giro

antes de su sumisión o conectado o durante horas de oficina normales de 8:30 de la mañana a 5:00 de la tarde, lunes viernes, en el Departamento de Georgia de Asuntos de Comunidad, 60 Sur Ejecutivo de Parque, NE, Atlanta, GA. 30329. El Plan del giro también estará disponible en el sitio web de DCA en www.dca.ga.gov/communities/CDBG/programs/cdbg2008disaster.asp

- (b) Comentarios escritos son invitados del viernes, el 10 de abril de 2009 por el viernes, el 19 de abril de 2009, en la dirección siguiente: El Departamento de Georgia de Asuntos de Comunidad, 60 Sur Ejecutivo de Parque, NE, Atlanta, GA. 30329
- (c) Información adicional también puede ser obtenida a través de email en longtermrecovery2008disasters@dca.ga.gov

(V) PUBLIC COMMENTS RECEIVED

(1) In accordance with the provisions spelled out in Section R above, the Department published the Action Plan and solicited and considered all comments received. The Department received one (1) public comment which was submitted by the Georgia Emergency Management Agency (GEMA). That communication requested that the Department consider certain planning activities related to disaster preparedness as eligible activities for purposes of the CDBG Disaster funds. The Department responded verbally to GEMA that we would allow Applicants to propose such activities to the extent the planning did not exceed the CDBG planning activity limitations and were legal pursuant to standard CDBG regulatory requirements at 24 CFR Part 570.

(X) STATE CERTIFICATIONS

- a. The state certifies that it will affirmatively further fair housing, which means that it has or will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)
- b. The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- c. The state certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- d. The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state, and any entity or entities designated by the state, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- e. . The state certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- f. The state certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- g. The state certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

h. The state certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the state in determining the method of distribution of funding.

i. The state certifies that it is complying with each of the following criteria:

- (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of natural disasters that occurred and were declared in 2008.
- (2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate income families.
- (3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.
- (4) The state will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

j. The state certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.

k. The state certifies that it has and that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:

- (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
- (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The state certifies that each state grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the state has a plan to increase the capacity of any state grant recipient or administering entity who lacks such capacity.

m. The state certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55.

n. The state certifies that it will comply with applicable laws.

Signature: _____

Authorized Official: _____

Date: _____