



CITY OF JACKSONVILLE
CDBG-DR - HURRICANE MATTHEW
HOUSING REPAIR PROGRAM
POLICIES & PROCEDURES

VERSION POLICY

Version history is tracked in the Version History Table below with notes regarding version changes. Dates of each publication are also tracked in this table.

Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0, an increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

VERSION HISTORY

CHANGE DATE	VERSION NUMBER	SUMMARY OF CHANGE
12.01.2020	2.0	Income method, income limits, eligibility, per unit max, lien info, etc.
01.19.2021	2.1	Clarification on eligibility, income method, tie-back, and addition of URA.
04.02.2021	3.0	Updated reconstruction threshold, substantially damaged definition, floodplain management policy, and regulations; updated insurance and mortgage requirements; updated appeals and complaints process.
02.22.2022	3.1	Staff updates
04.26.22	3.2	Clarification on repair vs. reconstruction, update income limits

Table of Contents

Version POLICY 2

I. Program Overview & Objectives..... 4

 A. Introduction..... 4

 B. Program Overview 4

 C. Program Delivery Methods..... 5

 D. Eligible Activities 5

 1. Rehabilitation v. Reconstruction 5

 E. National Objectives..... 6

II. Program Administration..... 6

 A. City Staff..... 6

 B. Amendments and Changes..... 7

 1. Extension of Time 7

 2. Budget Revisions 7

 3. Scope of Work 7

 C. Timely Expenditure of Funds 8

 D. Outreach & Marketing 8

 E. Requirements for Applications and Projects..... 9

 1. General..... 9

 2. Program Eligibility 9

 3. Eligible Project Activities..... 10

 Properties Located in the Floodplain 11

 4. Insurance..... 12

 Properties Located in the Floodplain 12

 Reconstruction Projects 12

 5. Income 13

 6. Priorities..... 13

 7. Compliance with National Objectives 14

 8. Deadlines 14

 9. Mortgage Liens..... 14

 Rehabilitation Projects 14

Reconstruction Projects	14
F. Maintenance of Records	15
G. Direct Benefit Reporting.....	16
III. Financial management	16
A. Introduction.....	16
B. Financial Management Systems	17
C. Policy for CDBG-DR Funds.....	17
1. Accounts Payable Activities	17
2. Payments Made by Check Request	18
3. Cash Management	18
D. Program Income.....	19
IV. Duplication of Benefits	19
A. Background.....	19
B. Procedure	20
C. Damage from Multiple Storms	21
D. Recapture & Subrogation.....	21
V. Environmental Review.....	21
A. HUD Environmental Review Background	21
B. Level of Review	22
C. Types of Review	22
D. Tiered Reviews	22
1. Tier I Broad Level Review	22
2. Tier II Site Specific Review	23
E. Lead-Based Paint & Asbestos.....	23
1. Procedure	23
2. Exemptions	24
VI. Damage Assessments.....	24
A. Generally.....	24
B. Mold.....	24
VII. Procurement	25
A. Overview.....	25

VIII.	Uniform Relocation Act.....	25
A.	Overview.....	25
B.	Temporary Relocation	26
IX.	Appeals and Complaint Process.....	26
A.	Informal Appeals	27
B.	Formal Appeals.....	27
C.	Complaints	27
X.	Monitoring	28
A.	Monitoring Strategies and Procedures	28
XI.	Construction Standards	29
XII.	Conflict of Interest	29
A.	City Employees.....	29
B.	24 CFR § 570.611 Conflict of Interest.....	30
XIII.	Fair Housing and Accessibility.....	31
A.	Overview.....	31
XIV.	Labor Standards	32
A.	Labor Laws	32
XV.	Miscellaneous	33
A.	Non-Discrimination	33
B.	Citizen Participation.....	33
C.	Debarment.....	33
D.	Anti-Lobbying.....	34

I. PROGRAM OVERVIEW & OBJECTIVES

A. INTRODUCTION

This document addresses the policies and procedures that will guide the implementation of the City of Jacksonville's (the "City") Community Development Block Grant for Disaster Recovery (CDBG-DR) Hurricane Matthew Housing Repair Program (the "Program").

In October 2016, the storm surge and high winds caused by Hurricane Matthew wreaked havoc throughout the City. Duval County was Presidentially Declared as a major disaster following Hurricane Matthew. As a result of the storm, many homeowners with low to moderate income experienced significant losses not fully covered by insurance or Federal Emergency Management Agency (FEMA) Individual Assistance.

The Disaster Appropriations Act (114-223, 114-254 and 115-31) (Appropriations Act) appropriated federal funds to states or units of general local government (UGLGs) for disaster recovery efforts. Public Law 114-223 appropriated \$500 million, Public Law 114-254 appropriated \$1.8 billion and Public Law 115-31 appropriated \$342 million in Community Development Block Grant Disaster Recovery (CDBG-DR) funds to be distributed to the various states that received a presidential disaster declaration in 2016. These funds are to be used to satisfy a portion of unmet need that remains after other federal assistance such as the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA), or private insurance has been allocated.

The Florida Department of Economic Opportunity (DEO) is the lead agency and responsible entity for administering the CDBG-DR funds allocated to the state by the Department of Housing and Urban Development (HUD). Duval County (also referred to as the "City") was determined to be one of the HUD-identified Most Impacted and Distressed areas. The City submitted an application to DEO requesting CDBG-DR funding to assist with recovery from Hurricane Matthew. DEO awarded \$2.1 million to the City to assist with the unmet needs of its citizens impacted by Hurricane Matthew. The funds are to be used to satisfy portions of unmet needs that remain after funding from other federal, state, and local programs; insurance; nonprofit, community, or faith-based organizations; and/or other private or public sources has been allocated.

DEO has awarded an additional \$2.5 million to the City based on the progress of the Program and the unmet need that still exists throughout the community. The grant is to be completed by June of 2023.

B. PROGRAM OVERVIEW

The primary focus of the Program is to assist eligible homeowners to repair their homes that were damaged by Hurricane Matthew. This Program may supplement other funds that the homeowner has received for recovery; however, regulations prohibit duplicative assistance. The Program will complete a verification of benefits and a Duplication of Benefits Analysis to ensure that federal

funds do not pay for costs that have been paid by another source. Awards will be determined based on the estimated construction cost of the scope of work based on a standard grade of building materials.

CDBG-DR funds are intended to principally benefit low- and moderate-income (LMI) persons. Funds are allocated to programs in a manner that ensures that at least 70% of the grant amount awarded is expended for activities that benefit such persons. Funds will be used to address remaining unmet housing needs and to support the long-term recovery and restoration of housing in the most impacted and distressed areas.

The primary objective of this Program is to address the unmet housing recovery needs of LMI households. LMI households are defined as households having an income at or below 80% of the Area Median Income, adjusted for family size, for Duval County.

C. PROGRAM DELIVERY METHODS

The Subrecipient Agreement (referred to as the “Agreement”) between the City and DEO governs the Program Delivery Method in accordance with §570.503. The Agreement is attached hereto as **Exhibit “A”**.

D. ELIGIBLE ACTIVITIES

The eligible and ineligible categories of activities are determined by HUD. Under Section 105 of the Housing and Community Development Act of 1974, rehabilitation and reconstruction are eligible activities. The Program will provide housing rehabilitation or reconstruction services to LMI persons, addressing long-term recovery from Hurricane Matthew. The Program will fulfill the housing activity subcategory, improving permanent housing for LMI persons. Only eligible activities will be permitted under the Program.

1. Rehabilitation v. Reconstruction

Reconstruction is defined generally as demolishing and re-building a housing unit on the same lot in substantially the same manner. If the percentage of the repair estimate is less than 75% of the value of the home (value is based on average taken from Property Appraiser’s valuation and Zillow or another similar site), the program benefit will be repair. If the percentage is equal to or more than 75% of the value of the home, the program benefit will be reconstruction. An exception may be made if repair remains more cost-reasonable than reconstruction. If the cost to repair remains under the program cap of \$100,000, or the cost to repair is 50% or less of the cost to reconstruct, the program benefit may remain as a repair.

There are occasional exceptions that may convert a repair project to a reconstruction project. For instance, any unforeseen construction conditions identified after execution of the grant agreement may result in a project cost increasing to or above the 75% threshold. If construction has already

begun the threshold will not be recalculated and the project may proceed as a repair project. However, if construction has not begun, the threshold may be re-examined, and the project may convert to a reconstruction project. Additionally, structures that have been determined to be substantially damaged or condemned by a governing municipality, or structures that are determined to be unsafe to enter by program staff, may be converted to a reconstruction.

E. NATIONAL OBJECTIVES

Expenditures of all CDBG and CDBG-DR funds must meet one of three national objectives:

1. Primarily benefit LMI persons;
2. Aid in the prevent or elimination of slum or blight; or
3. Meet an urgent need.

The City's Program is designed to ensure that at least 70% of the CDBG-DR grant amount awarded is expended for activities that benefit LMI persons. The Program will accomplish this objective through income verification of individual households that will receive repair services through the Program. See **Income** section below for more information.

II. PROGRAM ADMINISTRATION

A. CITY STAFF

The City recognizes that to effectively administer and manage the Program in full compliance with CDBG-DR rules and regulations, a full team of professionals will be required to be engaged throughout the process. The City hired a Disaster Assistance Program Manager, as a grant-funded employee, to implement and oversee all aspects the Program. The following staff members will be involved in the administration of the Program in various capacities:

Neighborhoods Department & Community Development Division

Chief of Housing and Community Development Division, Tom Daly

Disaster Assistance Program Manager, Raelyn Means

Assistant Disaster Assistance Program Manager, Matthew Wiita

Disaster Assistance Intake Specialist, Pamela Young

Director of Finance, Adebisi Okewusi

Financial Analyst, Karen Stanko

Housing Rehab Specialist, Rick Reynolds

Compliance Manager, Neolita Maharaj

HCDD Regulatory Specialist, Kenny Logsdon

A description of the roles and responsibilities are included in the Organizational Work Chart and the Desk Procedures.

B. AMENDMENTS AND CHANGES

If changes need to be made to the Agreement during the term provided therein, the Program Manager will utilize the Subrecipient Agreement Modification form provided by DEO. The form will be submitted to the DEO Grant Manager for review and approval by DEO.

1. Extension of Time

The City is committed to completing its Program within the time period provided in the Agreement. However, it is imperative that all Disaster Assistance Staff notify the Program Manager immediately in the event of unforeseen circumstances that could cause significant delays to the Program.

The Program Manager, in consultation with other Disaster Assistance Staff, will determine whether the delays will impact the City's ability to complete the project during the term of the Agreement. If the Program Manager determines that all project work cannot be completed prior to the Agreement's expiration date, an amendment will be requested immediately.

2. Budget Revisions

The Program Manager will request an amendment for budget revisions for the following reasons:

- A need to revise the number of proposed accomplishments or beneficiaries
- Transfer of excessive administrative funds to an approved project activity
- Transfer of unobligated funds from a completed activity to another activity
- Transfer of funds from one activity to another activity

3. Scope of Work

The Program Manager will request an amendment if it becomes necessary to expand or reduce the approved scope of work to be performed for this Program. Approval of project amendments will be subject to the availability of funds remaining in the approved budget. Additionally, all amendments must be reviewed by environmental staff to determine if the amended scope of work requires additional environmental review.

Note that increasing the scope of work without an increase in the budget does not generally require an amendment. The Program Manager will consult with the DEO Grant Manager to determine if an amendment is necessary depending on the specific circumstances that may arise.

C. TIMELY EXPENDITURE OF FUNDS

Per the Agreement (as amended) between the City and DEO, all CDBG-DR funds for the Program must be expended within forty-eight (48) months from the Effective Date (date of execution of the original agreement by both parties). However, the City understands that DEO will periodically review the City's progress. The City will review in-house expenditures and beneficiary expenditures to ensure that funds are spent on eligible costs and in a timely manner. Project funds and schedules will be monitored by Housing and Community Development's Finance Team.

As the City is an entitlement community, Housing and Community Development Division (HCDD) staff members have experience with monitoring the expenditure rate of its annual CDBG allocation. The City will maximize its use of technology to support and augment any standard processes instituted to ensure timely expenditure of funds.

D. OUTREACH & MARKETING

Effective communication is paramount to the successful delivery of public programs. The City will utilize multiple platforms to ensure information regarding the Program is received throughout the service area. Program information will be marketed in the following ways:

Online Advertisements:

- City of Jacksonville's Website: Banner at top of page with a link to Program Flyer
- Information on the HCDD Homepage: Link to Program Flyer

Social Media:

- City of Jacksonville Social Media (Facebook & Twitter)
- Emergency Preparedness Division (JaxReady) Social Media (Facebook & Twitter)

Local Newspapers:

- Beaches Leader disseminating
- The Florida Star
- Jacksonville Daily Record

Program Flyers will be directly distributed to:

- Community Centers
- Public Libraries
- Citizen Planning Advisory Committees
- Long Term Recovery Organization
- City Council Members

Direct Mail

- Letter enclosing the Program Flyer to those individuals who contacted the City following Hurricane Matthew to request assistance

E. REQUIREMENTS FOR APPLICATIONS AND PROJECTS

1. General

The City will use the CDBG-DR funding to provide housing rehabilitation/reconstruction services to single-family properties that were damaged by Hurricane Matthew and were unable to be rehabilitated using other funding sources. The Program will comply with DEO's per unit maximum of \$100,000.00; however, it will follow the waiver process if necessary repairs exceed the unit maximum. Waivers will be utilized on a very limited basis. The Program will comply with HUD's cost reasonableness requirements.

2. Program Eligibility

The Eligibility Requirements are as follows:

- Property is located within Duval County (a Presidentially Declared major disaster county);
- Property is a single-unit family residence, detached or attached to other housing structures, with a maximum of four attached units;
- Property sustained damages from Matthew and currently has Matthew-related damages (tie-back*);
- The property was applicant's primary residence at the time of Hurricane Matthew and is currently the applicant's current primary residence (unless displaced from damage) (secondary homes are not eligible for assistance)
- Applicant is currently the legal owner of the property and was at the time of Hurricane Matthew (or close relative who is deceased);
- Be current on property taxes;
- Be current on mortgage (if applicable) and no reverse mortgages;
- No pending bankruptcy or foreclosure;
- Proof of Flood Insurance (if applicable);
- Annual household income must be at or below 80% of the area median income**

*Acceptable forms of tie-back include, but are not limited to the following:

- FEMA Letter for Hurricane Matthew (Regardless of denial)
- Other documentation of Federal, State or Local Government Funding

- Application for SBA for Hurricane Matthew
- Proof of insurance claim filed for Matthew
- Other documentation of Nonprofit, Private Sector or Charitable Funding
- Estimate for repairs (prior to Irma)
- Photographs of damages (prior to Irma)
- Documented damage to neighbors' house
- Heat Map
- Other

** Up to 120% AMI for displacement/urgent need/or other special circumstances - must be approved by the Chief of HCDD.

Applicant(s) must submit documentation to prove their identity. This documentation may include, but is not limited to, the following:

- Government Issued Photo Identification (Federal, State or City-Issued)
- Driver's License
- Passport
- Military ID Card
- Certificate of Naturalization or Permanent Resident Card
- Birth Certificate

Applicants are also required to submit proof of birth verification for all household members for identification purposes. If there are additional individuals listed on the deed or if HCDD suspects that additional individuals are residing in the home, the additional individuals will be required to submit a Non-Resident Affidavit, accompanied by some other proof (i.e. a current ID or Driver's License showing a different address, copy of a current lease, etc.) that the individual does not reside at the subject property.

3. Eligible Project Activities

Eligible Project Activities will vary from unit to unit and may include, but are not limited to the following:

- Demolition
- Structural repairs (i.e. roof, foundation, electrical, plumbing, and windows)
- Mold, lead, and asbestos remediation and/or abatement
- Labor, material, and equipment rental to permanently or temporarily repair the damaged residence (includes carpeting, cabinetry, appliances, flooring, fixtures, doors, walls, ceilings, etc.)
- Installation septic tanks, electricity, HVAC and plumbing

- Grading or leveling of property

Properties will also be evaluated on a case-by-case basis for secondary repairs including, but not limited to fence repair/removal/replacement, damages to secondary structures, landscaping, sidewalks, etc.

Required permits, if any, will be obtained by the construction contractor at his/her expense and will be included as part of the bid costs. Each property included in the Program will be reviewed for potential resiliency improvements to mitigate damages from future storms. All potential properties to be repaired will go through the proper environmental review process.

The properties included in this Program may need additional repairs to comply with HUD's "decent, safe, sanitary and in good repair" requirement.

Ineligible Rehabilitation Activities: Non-essential repairs and improvements are not eligible for this Program. Ineligible activities/services include, but are not limited to, the following:

- Luxury Items (i.e. granite countertops and other high-end items)
- Water purification systems
- Solar heating systems
- Central vacuum systems
- Timing systems
- Spas or swimming pools
- Recreational equipment

Activities for which there are funds available through the Federal Emergency Management Agency (FEMA) or the Army Corps of Engineers are not eligible for CDBG-DR funding. Additionally, CDBG-DR activities are not reimbursable by FEMA or the Army Corps of Engineers. Please see the Duplication of Benefits Section for additional information.

Properties Located in the Floodplain

The Program does not provide for elevation of existing properties. Therefore, properties located within a Special Flood Zone Area (SFHA) (as defined by FEMA) will not be eligible for the Program if the value of the permitted repairs triggers the requirement for elevation.

Any property that is located within the SFHA will be sent to the City of Jacksonville's Developmental Services Division to be reviewed and approved for floodplain management purposes. All activities must comply with floodplain management and be modified to minimize harm in accordance with applicable regulations. Please see the Insurance section for additional information and requirements for properties located within the SFHA.

4. Insurance

Properties Located in the Floodplain

If the property is located within a FEMA designated Special Flood Hazard Area (SFHA), the Applicant must obtain and maintain flood insurance in accordance with The Flood Disaster Protection Act of 1973 as amended, and the National Flood Insurance Reform Act of 1994. Sec. 582. Prohibited Flood Disaster Assistance, (a) General Prohibition states:

Notwithstanding any other provision of law, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) 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 flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and subsequently having failed to obtain and maintain flood insurance as required under applicable Federal law on such property.

Sec. 582(b) Transfer of Property, (1) Duty to Notify, further provides that the recipient of the award will be required to notify future transferees, if the property is transferred, of the receipt of the flood disaster assistance on the property and the requirement to maintain flood insurance on the property. If the recipient fails to do so and the property is later damaged by a flood disaster and Federal disaster relief assistance is provided, the recipient shall be required to reimburse the Federal Government for the assistance provided.

The City will file a Deed Restriction (for properties located within a SFHA) executed by the Homeowners, advising that the Property has received HUD CDBG-DR assistance and that failure to maintain Flood Insurance will result in the prohibition of future Federal disaster assistance in the event of a flood disaster.

Reconstruction Projects

Reconstruction projects that result in a complete rebuild will require homeowners insurance for the duration of the affordability period (5 years). Homeowners will be required to name the City of Jacksonville as an Additional Insured and will be required to submit a declarations page each year during the affordability period. This requirement will be incorporated into the Mortgage Lien. The Homeowner's failure to maintain insurance as required will be considered a default and may result in force-placed insurance being obtained by the City at the Homeowner's expense and/or the remaining amount of the Loan may become due and payable to the City.

5. Income

The current HUD Income Limits referenced below will be used to determine income eligibility (with displacement/urgent need exception). Applicants will need to submit documentation for verification of income. Applicants (and household members) must submit their most recent tax returns or their social security statement if they are not required to file taxes. If an applicant is unable to provide taxes, an applicant can submit his or her W-2.

HCDD Staff will utilize the CPD Calculator on the HUD Exchange website to verify the household income. All of the information is entered into the CPD Calculator, the Income Certification must be printed and signed by HCDD Staff (as Preparer) and by the Applicant and Household Members over 18.

Applicants whose gross household income exceeds 80% of the median income as listed below will not be eligible (except in the instance of displacement/urgent need in which case, the absolute max would be 120% of AMI – subject to the 70% LMI requirement to meet the National Objective). The Chief of Housing and Community Development is required to sign off on the income certification and provide a brief explanation as to why the applicant received the exception. The income level is based on the total of all income for all household members of the home.

2022 INCOME LIMITS SUMMARY (as may be updated from time to time)

Household Size	Moderate (80% of Median)
1 person	\$46,850
2 persons	\$53,550
3 persons	\$60,250
4 persons	\$66,900
5 persons	\$72,300
6 persons	\$77,650
7 persons	\$83,000
8 persons	\$88,350

6. Priorities

Funds will be provided on a first-come, first-qualified, first-served basis. However, an application will not be considered complete until the application and all required forms are completed,

executed and received. Additionally, all supporting documentation, including financial documentation, must also be received.

Individuals who are displaced or effectively displaced due to the condition of their homes may be moved to the top of the list subject to approval by the Chief of Housing and Community Development.

7. Compliance with National Objectives

Under CDBG regulations, a project is not considered to have met a national objective until complete documentation has been provided that verifies that the national objective has been met. The City will document compliance throughout the Program. The documents required to be maintained for purposes of demonstrating that a national objective is being met are as follows:

- Income verification documentation

The Program will meet the first national objective, primarily benefiting LMI persons. All households to be served must be at or below 80% of the area median income (with exception for displacement/urgent need, in which case, 120% AMI would be the maximum). To meet this national objective, 70% of funds must be used to benefit LMI persons, which will be accomplished through income verification of individual households. The Adjusted Gross Income Method (see *Income* section above) will be utilized to determine the annual gross income.

8. Deadlines

The Program will provide funding on a first-come, first-qualified, first-served basis. There are no hard deadlines to receive applications.

9. Mortgage Liens

Rehabilitation Projects

The assistance provided by the City through the Program is in the form of a 0% interest loan with no monthly payment required. The loan will be for the full amount of the construction costs and will be effective for a period of two (2) years. The balance of the loan will be reduced by 50% each year.

Reconstruction Projects

Reconstruction projects that result in a complete rebuild will require a five (5) year mortgage lien. The assistance provided by the City through the Program is in the form of a 0% interest loan with no monthly payment required. The loan will be for the full amount of the construction costs and will be effective for a period of five (5) years. The balance of the loan will be reduced by 20% each year. Insurance requirements will be included in the mortgage lien.

F. MAINTENANCE OF RECORDS

Proper maintenance of Program records is imperative to ensure compliance with the national objectives. All records and documents related to the Program will be retained in a physical format as well as an electronic format on the **(G:) Drive** under the **CDBG-DR - Hurricane Matthew** folder. All records and documents related to the Program will be retained for a period of six (6) years (or whatever is required by DEO/HUD), starting once the national objective has been met and recorded.

Within the **CDBG-DR - Hurricane Matthew** folder, there will be various subfolders where records and documents will be stored in an orderly fashion in accordance with the Desk Procedures.

During the intake process, the checklist below will be followed to ensure that all documentation is obtained and properly filed. This documentation will be necessary for Direct Benefit Reporting.

TASK/DOCUMENT		COMP/REC'D	IN FILE	APP'D	NOTES
PRE-SCREENING:					
✓	PROOF OF OWNERSHIP				
✓	PROOF OF OCCUPANCY				
✓	SFHA				
✓	TIE-BACK				
✓	CURRENT TAXES				
✓	BANKRUPTCY/FORECLOSURE SCREENING				
REQUIRED INTAKE DOCS:					
✓	APPLICATION/ACKNOWLEDGEMENTS				
✓	PICTURE IDENTIFICATION				
✓	PROOF OF CITIZENSHIP				
✓	AUTHORIZATION FOR RELEASE OF INFORMATION				
✓	MORTGAGE STATEMENT (IF APPLICABLE)				
✓	ACK OF MORTGAGE SUBORDINATION				
✓	SUBROGATION AGREEMENT				
✓	RIGHT OF ENTRY				
INCOME:					
✓	2021 TAXES				
✓	HUD AGI CERTIFICATION				
✓	INCOME VERIFICATION LETTER				
✓	BANK ACCOUNT RECORDS				
DUPLICATION OF BENEFITS:					
	FEMA, NFIP, SBA, INSURANCE AWARD OR DENIAL LETTER(S) – (SPECIFY IN NOTES)				
	RECEIPTS FOR HOME REPAIRS				

✓	SIGNED DOB CERTIFICATION				
ADDITIONAL INTAKE DOCS (AS APPLICABLE):					
	FLOOD INSURANCE DEC. PAGE				
	BIRTH CERTIFICATES (ALL UNDER 18)				
	AFFIDAVIT OF ZERO INCOME				
	RESIDENTIAL AFFIDAVIT				
<i>Notes:</i>					
<i>The information and documentation referenced above has been received and reviewed for accuracy and Program eligibility purposes and can be found in the applicant's physical and electronic file.</i>					
INTAKE SPECIALIST SIGNATURE:					DATE:
<input type="checkbox"/>	ELIGIBLE	<input type="checkbox"/>	INELIGIBLE (Reason):		
PROGRAM MANAGER SIGNATURE:					DATE:

G. DIRECT BENEFIT REPORTING

The City shall maintain accurate files and records on each applicant and shall retain all pertinent documentation for the grant between DEO and the City. Compliance will be maintained in accordance with the reporting requirements under the CDBG-DR regulations. This includes all information and reports as required under the City's Subrecipient Agreement with DEO and demographic data and other information on applicants and awardees.

The City will collect and report data relevant to Affirmatively Furthering Fair Housing and Civil Rights compliance. The reporting requirements will include, but are not limited to the following:

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

III. FINANCIAL MANAGEMENT

A. INTRODUCTION

HCDD manages state and federally funded housing and community development-related programs that benefit low- to moderate-income persons and households within Duval County. HCDD is required to administer these programs in accordance with federal, state, and local regulations, statutes, and ordinances, and in accordance with HCDD policies and procedures. Although each HCDD employee is responsible for the accuracy, completeness, and organization of his or her own work, additional compliance oversight is essential due to the complexity of the work and the severity of penalties for non-compliance. Non-compliance can result in HCDD having to return

funds which diminishes HCDD's ability to meet the City's housing and community development needs. Throughout this Section, the term "HCDD staff" will include those in the HCDD positions of Chief, the Senior Management Team (SMT) and all other HCDD employees.

B. FINANCIAL MANAGEMENT SYSTEMS

The City shall adhere to the requirements of 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart D, Post Federal Award Requirements, in the delivery of its grant-funded programs.

The City shall utilize financial management systems that can generate regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts.

C. POLICY FOR CDBG-DR FUNDS

1. Accounts Payable Activities

Contractors will submit written payment requests along with supporting documentation to HCDD Staff. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred and cleared) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Scope of Work (Rehab Specialist shall complete an inspection to confirm work has been completed).

For each request for payment, the Contractor must submit the following documents:

- Contractor Payment Request Form
- Partial/Full Release of Lien
- Valid Invoice

A Valid Invoice requires the following information:

- Name & Address of Contractor
- Name of Property Owner
- Address of Property
- Date of Invoice
- Date of Services
- Individual line items stating work **completed** and cost
- Total Amount Due (must match the amount on Payment Request)

If source documentation is deemed inadequate or incorrect by HCDD Staff, payment will be withheld until all required documents have been received and approved. Both the Rehab Specialist and the Program Manager must sign off on each pay request prior to being submitted to Accounting

for payment. Payment requests received and approved will be processed and a check (direct deposit) issued in accordance with the City's payment processes as outlined below.

2. Payments Made by Check Request

Certain payments are eligible to be made through the completion of a check request form. Any questions regarding whether a payment may be paid in this manner shall be addressed by the Director – Finance. The steps for processing a check request payment are as follows:

- Staff prepares the appropriate Check Request Form providing clear information regarding the vendor to be paid, the remittance address and the account(s) to which the payment should be charged. All original backup documentation supporting the payment shall be attached to the completed Check Request Form and forwarded to the appropriate Senior Manager.
- The Senior Manager shall review the prepared Check Request Form and supporting documentation for accuracy and eligibility. If all items are in order, the Manager will sign and date the Check Request Form and forward it to the Finance Section. If the request is rejected, it shall be returned to the initiator for correction and resubmission.
- The Accountant shall routinely gather any physical check requests from the designated area and key them into the City's accounting system for review and release. The system will electronically transmit the transaction to the Director – Finance for review and approval. The Accountant shall place the physical copy of the Check Request Form and any backup documentation in the Director – Finance's inbox for review in conjunction with the electronic transaction.
- The Director – Finance shall review the physical Check Request Form and backup and verify that the information keyed into the accounting system is correct. If all items are in order, the Director – Finance will release the electronic transaction in the accounting system and return the physical voucher package to the City's Accounting Division for payment.
- Prior to releasing the original voucher package to the Accounting Division, the Accountant shall scan it to the designated location on the Division's server for archival purposes.

3. Cash Management

With regard to the CDBG-DR Program, the only time that "cash" will be handled is in the event of a Duplication of Benefits (DOB) payment. In these cases, the beneficiary must provide a Cashier's Check payable to the Contractor for the DOB amount. The Cashier's Check will be scanned and a copy saved in the beneficiary's electronic file. The physical Cashier's Check will be held by the Accounting Department in a locked container until payment is due to the Contractor.

There will be a Ledger included in the locked container that will require the Accountant and the Program Manager to initial the receipt of the Cashier's Check. When the Cashier's Check is provided to the Contractor for payment, the Accountant and the Program Manager will initial the Ledger again. The Contractor shall pick-up the Cashier's Check at HCDD Offices and execute an acknowledgement of the Cashier's Check at the time it is received.

D. PROGRAM INCOME

In the event any program income is generated from grant-funded activities, that program income must be used before requesting additional drawdown of CDBG-DR funding. Program income is the gross income received by the City directly generated from the use of grant funds. When program income is generated by an activity that is only partially assisted with CDBG funds, the income shall be prorated to reflect the percentage of CDBG funds used.

The City does not anticipate receiving program income from the Program; however, there are few scenarios in which program income could be received:

- Subrogation
- Default

Not all CDBG generated income is considered Program Income. Some examples of items that are not considered program income include:

- Amounts less than \$25,000 across all programs

IV. DUPLICATION OF BENEFITS

A. BACKGROUND

Federal regulations require that benefits provided by CDBG-DR funds are not duplicative of benefits provided by other federal, state, local, and private sources. A duplication of benefits (DOB) occurs when a beneficiary receives assistance from multiple sources for a cumulative amount that exceeds the total need for a particular disaster recovery purpose. The following are sources of funding that may be considered a DOB:

- FEMA Individual Assistance for Structure (IA)
- National Flood Insurance Program (NFIP) and/or Increased Cost of Compliance (ICC)
- Private Insurance
- Small Business Administration (SBA)
- Other Federal, State or Local Funding
- Other Non-Profit, Private Sector or Charitable Funding

- Any other funding source that may duplicate assistance

Pursuant to the Stafford Act as well as DEO's *Duplication of Benefits Policies and Procedures*, the City has established a framework for identifying potentially duplicative sources of funds and reducing documented duplications from potential project awards prior to any award being made. In conjunction with its actions to prevent fraud, waste, and abuse, the City will require applicants to self-certify all information provided in the application. This certification will provide the City with recourse if additional information must be gathered from a beneficiary, a beneficiary has provided incorrect or false information, and/or funds need to be recaptured. If an applicant receives DOB funds after closing on the award, another DOB analysis will be conducted and may result in funds being subrogated back to the Program.

B. PROCEDURE

During the intake process, all sources of funds received by an applicant for the purpose of repairing damages to their homes must be identified and documentation provided. Additionally, all reasonably anticipated assistance, such as future insurance payments or approved SBA loan proceeds, will need to be identified during the intake process. Pursuant to HUD guidance, declined or cancelled SBA loan proceeds are not to be considered a DOB.

Any funds provided for a different purpose or general, non-specific purpose may be excluded from the final award calculations. For example, funds provided by FEMA for temporary housing may be excluded in the final award calculations as they were not intended to be used for home repairs.

A review of the application and supporting documentation will be completed to determine if the applicant received any funds for the same purpose, and if so, whether those funds were appropriately used to repair damages to the home. Funds that were spent on allowable activities will not result in a reduction of the final award. The City must verify, to the best of its ability, that the submitted data is accurate and current at the time of the award. This verification will be completed by utilizing SERA to check FEMA and SBA data, requesting information from outside agencies or insurance companies, and through applicant self-certification.

The amount of properly documented expenditures will be subtracted from the total amount of previously provided funds. A positive dollar amount would indicate a DOB. The applicant's unmet needs amount will be reduced by the DOB amount. The step-by-step methodology for calculating the DOB amount can be found in the *Desk Procedures*.

To reconcile the DOB amount, the Applicant must provide a Cashier's Check to the Program Manager, payable to the Contractor, prior to the commencement of construction.

As required by DEO, during the intake process, each applicant will be required to sign a Subrogation Agreement and Duplication of Benefits Certification.

C. DAMAGE FROM MULTIPLE STORMS

In some of the communities within Duval County, it will be difficult, if not impossible to delineate impacts from Hurricane Matthew and Hurricane Irma. Therefore, the Program will assist properties with storm-related damages due to Hurricane Matthew (including allowances for subsequent damage caused Hurricane Irma; but not damage solely caused by Irma). The Program will have to document that there will be no DOB.

D. RECAPTURE & SUBROGATION

To address any potential future DOB, applicants must execute a subrogation agreement prior to receiving the award. The subrogation agreement will require that the applicant notify the City and/or the State of any additional funds received as well as to repay any funds later received for the same purpose as the CDBG-DR award. If, after an award, a reassessment of need occurs and the applicant receives an increased award, then the applicant shall be required to sign a revised subrogation agreement to repay any assistance later received for the same purpose as the CDBG-DR funds.

When the City or State is notified of or becomes aware of a payment to an applicant from any source that may be duplicative of the CDBG-DR-funded purpose, the City will notify the State and the applicant will be required to provide all pertinent information necessary to the State to determine whether the payment was duplicative and whether the applicant must repay the State any portion of the CDBG-DR award.

DEO or the City will review the payment received by completing the Initial Award Methodology outlined below. The resulting duplication of benefit example worksheet will be signed and dated by the person completing the example worksheet and placed in the permanent file of the applicant. A copy of the example worksheet will be forwarded to the legal department of DEO, who shall take all legal steps permitted and required by the subrogation agreement to recapture any funds deemed duplicative. All duplicative funding received by an applicant must be remitted to and/or accounted for by the City regardless of when the applicant receives it. By accepting an award, applicants agree that they will report any duplicative funds to the City whenever received.

V. ENVIRONMENTAL REVIEW

The City will conduct all environmental reviews (“ER”) for the Program. All ERs will be carried out and documented in full compliance with 24 CFR Part 58.

A. HUD ENVIRONMENTAL REVIEW BACKGROUND

There are two major sets of regulatory guidelines when it comes to the HUD Environmental Review process, those under 24 CFR Part 50 and 24 CFR Part 58. Under Part 50 HUD assumes the role of the Responsible Entity and under Part 58 units of local government assume the role as the Responsible Entity. The City is the Responsibility Entity for the administration of the CDBG-

DR funds; therefore, the City will be working under Part 58 regulations and guidelines for this Program. All Environmental Assessments (“EA”) and ERs will be fully compliant with all federal, state, and local regulations, with special attention to 24 CFR Part 58.

B. LEVEL OF REVIEW

The first step in the HUD ER process is the Level of Review Determination. Proper due diligence at this phase helps to ensure a successful project down the road and that the City’s ERs will be in full compliance with federal, state, and local regulations. Every activity for which HUD funds are spent requires an Environmental Review Record (“ERR”). Attached to the ERR will be supporting documentation which serves as empirical evidence as to the determinations and assessments during each step of the process. The nature, type, and magnitude of the project determines the level of review that must be completed. The City will be fully responsible for preparing the ERR and compiling all supporting evidence for each individual property/address.

C. TYPES OF REVIEW

The five levels of review that HUD-funded projects are potentially subject to are as follows:

1. Exempt
2. Categorically Excluded Not Subject To (“CENST”)
3. Categorically Excluded Subject To (“CEST”)
4. Environmental Assessment (“EA”)
5. Environmental Impact Statement (“EIA”)

The City’s Program will trigger the third level of review, CEST.

D. TIERED REVIEWS

The ERs to be conducted for this Program will follow a Tiered Review System. Tiered Reviews were chosen to expedite the ER process and to ensure that every property that participates in the Program receives an ER that is fully compliant with 24 CFR Part 58.

1. Tier I Broad Level Review

The benefit of utilizing the Tier Review process is that the City has the opportunity for clearing certain items of the ER before individual property addresses are known. Furthermore, the Request for the Release of Funds process is only completed one time at the Tier I level, not for each individual site. Compliance was determined during the Tier I review for nine out of the sixteen compliance factors. As part of the Tier I Review, the City will contact the three Native American Tribes that have an interest in the Jacksonville area. This contact will serve to notify the Tribes of the Program and allow them to address any questions or concerns they may have regarding the Program. The remaining five factors will be analyzed during the Tier II Site Specific Review.

2. Tier II Site Specific Review

When a property has been approved for participation in the CDBG-DR Hurricane Matthew Housing Repair Program, City staff will email the Environmental Review Specialist to begin the review process. The Specialist will provide written documentation for each project that includes important benchmarks and an estimated time to completion.

To ensure compliance and transparency, bi-weekly emails will be provided by the Environmental Review Specialist updating the Program Manager of the status of each project. Files pertaining to the ER process will be readily available to the Program Manager at all times. If the ER process identifies areas of concern, the Program Manager will be informed immediately.

The ER process involves the completion of a Tier II Site-Specific environmental review for each project location. A Tier II review requires an analysis and documentation of the laws, regulations, and executive orders that could not be determined during the Tier I Broad Level Review. This includes:

- Flood Insurance
- Contamination and Toxic Substances
- Endangered Species
- Floodplain Management
- Historic Preservation
- Noise Abatement

Compliance with these factors requires the completion of the Site-Specific ER checklist in accordance with the Site-Specific Written Strategy. Funds will not be committed to the project location, nor will any work commence (other than lead-based paint and asbestos testing), until the ER process is completed and approval is received from DEO. The ER process is not complete until an approval from DEO has been received by the City. Any property where compliance with the required factors cannot be determined will be ineligible for funding under this Program.

E. LEAD-BASED PAINT & ASBESTOS

The presence of lead-based paint and/or asbestos in housing units is a concern in any housing rehabilitation project and must be addressed in any activity receiving CDBG funds. Housing units assisted with CDBG-DR funding must comply with the federal regulations in 24 CFR Part 35.

1. Procedure

During the ER process, lead-based paint (LBP) and asbestos testing will be required if a potential property was built prior to January 1, 1978. The City will provide the Homeowner with written notice of the results of the LBP and asbestos testing within fifteen (15) days from the date that the results are received. The Scope of Work will be updated to include any required abatement protocols. The CDBG guidelines will be followed with regard to LBP requirements.

2. Exemptions

Some CDBG projects may be exempt from the Lead Safe Housing Rule if certain criteria are met. All exemptions must be documented to the applicant's file. Exemptions applicable to the Program include the following:

- Residential construction completed on or after January 1, 1978;
- Emergency repairs to the property are being performed to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage due to natural disaster, fire or structural collapse. The exemption applies only to repairs necessary to respond to the emergency;
- 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;
- An inspection performed according to HUD standards found that the property contained no lead-based paint;
- According to documented methodologies, lead-based paint has been identified and removed, and the property has achieved clearance; and/or
- The rehabilitation will not disturb any painted surface (i.e. water heater, roof, etc.).

VI. DAMAGE ASSESSMENTS

A. GENERALLY

For projects that are deemed qualified based on pre-screening and income verification, the Rehab Specialist will complete an inspection and develop a scope of work to determine the estimated cost of repair. Only eligible project activities will be included the scope of work. Other HCDD Staff will review the scope of work to ensure that the project is cost-reasonable and that all activities are eligible.

B. MOLD

HUD does not have specific regulations related to mold. Nonetheless, HUD requires that housing units are decent, safe, and sanitary. Mold can be a significant problem in homes that receive water damage due to a qualifying storm event.

During Damage Assessments, visual inspections will be conducted to identify any potential mold. Any visible mold must be cleaned or removed, and any mold discovered during construction must be addressed through appropriate measures. Areas suspected of mold by the Rehab Specialist or areas where the Rehab Specialist was informed of mold by the applicant, will be visually inspected. Any signs of mold will be noted in the scope of work. The method of addressing the mold will depend on the severity and location of the mold and will be at the discretion of the Rehab Specialist. Mold resistant construction material will be utilized to the greatest extent possible.

VII. PROCUREMENT

A. OVERVIEW

The federal government as established a set of procurement rules in 2 CR Part 200.317-326 that apply to CDBG-funded project. The City will abide by the Procurement guidelines mandated by federal, state and local codes as they are applicable to the Program. These rules are in place to ensure that federal dollars are spent fairly and encourage open competition for the best level of service and cost. The ITB may include one project or multiple projects and may include different requirements depending on the extent of work needed for the project(s). The ITB will be submitted to the Procurement Division to be posted in accordance with Chapter 126.

Walk-Throughs will be scheduled for each property that is included in the ITB. Walk-Throughs are scheduled for the first Wednesday following the posting of the ITB. Contractors are required to attend and participate in the Walk-Through for their bid to be considered. The Procurement Division will initially review the bids to ensure all minimum requirements have been met. Valid bids are sent to the Program Manager along with a Bid Tabsheet.

Prior to awarding the bid(s), the total bid amount for each project will be sent to the Finance Department for approval. The Finance Department will review the total estimated costs to ensure that the project(s) will not result in overcommitment. Once the Program Manager has received approval, bid awards are prepared and sent via email to all Contractors that submitted bids for each specific project.

Generally, a Firm will be awarded no more than two (2) projects at any given time; however, the City has the option of awarding more than two (2) projects if the Firm has demonstrated their ability to handle a higher volume. Firms awarded a project for the first time must demonstrate that they are able to follow program/contract requirements and expectations (i.e. schedule requirements, paperwork, reporting, etc.) before consideration will be given for additional projects.

See Desk Procedures for additional details regarding Procurement.

VIII. UNIFORM RELOCATION ACT

A. OVERVIEW

The Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, 42 U.S.C. 4601 et seq. (URA) Uniform Relocation Act provides important protections and assistance for people affected by the acquisition, rehabilitation, or demolition of real property for federally funded projects. This form of assistance for tenants is expected to be rare, but when required, it will be provided in accordance with the URA, the regulations at 49 CFR 24, 70 FR 589, HUD guidance, and associated waivers in the applicable Federal Register Notices for Hurricane Matthew.

The URA would only apply in this Program if the **BENEFICIARY** has a tenant residing at the property to be rehabilitated or reconstructed. The tenant would be entitled to temporary relocation assistance if the rehabilitation or reconstruction requires that the tenant vacate the property.

B. TEMPORARY RELOCATION

The following policies cover residential tenants who will not be required to move permanently, but who must relocate temporarily to permit rehabilitation or other work for the assisted project. Such tenants must be provided:

1. Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary housing, any increase in monthly rent/utility costs, and any incidental expenses.
2. Appropriate advisory services, including reasonable advance written notice of:
 - a. The date and approximate duration of the temporary relocation;
 - b. The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;
 - c. The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex following completion of the repairs; and
 - d. The requirement discussed in paragraph one of this section.

HCDD Staff shall identify if there is a tenant residing at the property during the initial pre-screening process and during the review of the application. Whether the tenant will need to temporarily locate will not be determined until the extent of the rehabilitation or reconstruction is determined.

If the rehabilitation or reconstruction will result in a tenant needing to temporarily locate, HCDD staff will provide reimbursement for all reasonable out-of-pocket expenses and advisory service as referenced above.

IX. APPEALS AND COMPLAINT PROCESS

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

A. INFORMAL APPEALS

The decision of HCDD Staff can be further reviewed through an agency informal appeals process. A party requesting an informal review must file a written request for informal appeal within thirty 30 days of the ineligibility determination. In an informal appeal, HCDD Staff will conduct investigations as necessary. In addition an informal appeals hearing will be held, as necessary. The informal appeals hearing will be held via telephone with all involved parties on a conference call. After the request for an informal appeal is filed, the following events will occur:

- A Notice of Hearing will be sent via email (if available) or via mail, providing the date, time, and contact information for the scheduled hearing.
- Once the appeal hearing is complete, a decision of the result will be distributed in writing within ten (10) business days.

Citizens may file an informal appeal through HCDDcomments@coj.net or submit by mail to the following address:

City of Jacksonville – Neighborhoods Department
Housing and Community Development Division
214 N. Hogan Street, 7th Floor
Jacksonville, FL 32202

B. FORMAL APPEALS

The formal appeals process is stated in the Subrecipient Agreement between DEO and the City.

C. COMPLAINTS

The goal of HCDD is to resolve citizen complaints and inquiries in a manner that is both sensitive to the complainants' concerns and to achieve a fair result. HCDD Staff will treat all citizens with respect and respond to complaints and inquiries within fifteen (15) business days, where practicable. Information on how to file a complaint will be available on the website and at the HCDD office.

All complaints and inquiries that are brought forward will be addressed by HCDD Staff. Complaints are any verbal or written statement of grievance – including phone calls, emails, faxes, or letters that are received by the City. Inquiries are requests for information or assistance. All complaints and inquiries that are received will be reviewed by HCDD staff and the following steps will be taken:

1. Investigation, as necessary;
2. Resolution; and/or

3. Follow-up actions.

Complaints that are not able to be resolved quickly shall be documented and saved in an electronic file that includes the following information:

- Name and contact information
- Date of complaint
- Description of complaint
- Summary of results

The City of Jacksonville's Office of the Ombudsman is also available to assist with the resolution of any complaints if necessary. The contact information for the Office of the Ombudsman is as follows:

Angie Dixon, Ombudsman
214 N. Hogan Street, 8th Floor
Jacksonville, FL 32202
904-255-8713
adixon@coj.net

X. MONITORING

A. MONITORING STRATEGIES AND PROCEDURES

The City has a current monitoring process which includes several layers of approvals before funds are expended. This process includes multi-level review of the use of funds. These reviews occur throughout the organization, from the front-line contractor(s), the City's inspectors, the Program Manager, the City's Procurement Office, the HCDD Finance Staff and the City's Accounting Division. At every level of the process, there is an evaluation made to determine that the use of funds is legitimate and in keeping with the requirements of the governing policies, procedures, rules, regulations, ordinances and laws. If any other determination is reached, the use of funds is delayed until further information is obtained. If additional information does not result in a positive determination, the use of funds for that purpose will not be allowed.

Because HCDD Staff will be directly overseeing the delivery of all CDBG-DR activities, monitoring will be an on-going effort. The Program Manager will monitor all contractors including direct review and approval of all contractor invoices. The Program Manager and Rehab Specialist will conduct periodic on-site monitoring and a County Building Inspector will conduct inspections for each property involved in the CDBG-DR housing programs. In addition, the Program Manager will directly oversee quality control related to client application, file management, contractor relations with homeowners as well as the public reporting requirements described below.

Additionally, DEO and their consultants will conduct periodic audits of the Program for financial, operational, or programmatic purposes. HCDD Staff will provide all requested documentation to

DEO to assist in their audit and will promptly respond to any inquiries for additional information. Any findings of non-compliance will be corrected within thirty (30) days from the date that the Monitoring Report is issued by DEO.

XI. CONSTRUCTION STANDARDS

Housing units assisted with CDBG-DR funds must meet all applicable local and state codes, repair standards, and ordinances at the time of project completion. All deficiencies identified in the final inspection must be corrected before final payment is released. All housing units repaired or replaced must comply with the following minimum standards:

1. Construction standards will be based on the Florida Building Code (FBC) and must meet or exceed applicable requirements.
2. Construction will comply with the Florida Green Building Standard for all new construction of residential buildings and for all replacement of substantially damaged residential buildings (i.e., where repair costs exceed 50% of replacement cost as determined by the local jurisdiction).
3. For rehabilitation projects, the HUD Green Building Retrofit Checklist will be followed to the extent feasible and applicable to the repair work undertaken. When older or obsolete products are replaced as part of the repair work, ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances, or other equivalent, will be utilized when feasible. The HUD Green Building Retrofit Checklist is available at: <https://www.hudexchange.info/resource/3684/guidance-on-the-cpd-green-building-checklist/>.

XII. CONFLICT OF INTEREST

A. CITY EMPLOYEES

Participation in the Program by City employees is not considered a conflict of interest; however, City employees are prohibited from receiving preferential treatment. Employees must meet all eligibility requirements and that their participation cannot violate 24 CFR § 570.611.

City employees within the Neighborhoods – Housing and Community Development Division that have any direct responsibilities regarding the Program are not eligible to participate.

Family members of City employees are not prohibited from participating in the Program; however, family members must identify his/her relative who works for the City and the family member is prohibited from receiving preferential treatment.

B. 24 CFR § 570.611 CONFLICT OF INTEREST

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes

of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section.
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (vii) Any other relevant considerations.

XIII. FAIR HOUSING AND ACCESSIBILITY

A. OVERVIEW

Recipients of federal funds and their activities must comply with all of the following federal laws, executive orders, and regulations pertaining to fair housing and equal opportunity. They are summarized below:

- Title VI of the Civil Rights Act of 1964, as Amended (42 U.S.C. 2000d et seq.):
The Act states that no person may be excluded from participation in, denied benefits of or subjected to discrimination under any program or activity which receives Federal financial assistance on the basis of race, color or national origin. The regulations implementing the Title VI Civil Rights Act provisions for HUD programs may be found in 24 CFR Part 1.
- The Fair Housing Act (42 U.S.C. 3601-3620): Prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status. Furthermore, section 104(b)(2) of the Act requires that each grantee certify to the secretary of HUD that it is affirmatively furthering fair housing. The certificate specifically requires actions to overcome the effects of any impediments identified and maintain records on the analysis, plan

and actions in this regard. Regulations implementing the Fair Housing Act for the HUD Programs may be found in 24 CFR Part 100-115.

- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259): Prohibits discrimination against individuals on the basis of race, color, religion, sex or national origin in the sale, rental, leasing or other disposition of residential property, or in the use or occupancy of housing assisted with Federal funds. Equal Opportunity in Housing regulations may be found in 24 CFR part 107.
- Age Discrimination Act of 1975, as Amended (42 U.S.C. 6101): Prohibits age discrimination in programs receiving Federal financial assistance. Age Discrimination Act regulations may be found in 24 CFR Part 146.
- Section 109 of Title I of the housing and Community Development Act of 1074: Requires that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded with CDBG funds on the basis of race, color, religion, national origin or sex.

XIV. LABOR STANDARDS

A. LABOR LAWS

Equal Employment Opportunity: Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR 60-1.3 must include the equal opportunity clause provided under 41 CFR 60- 1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Copeland (Anti-Kickback) Act (18 U.S.C. 874 and 40 U.S.C. 3145): Makes it unlawful to induce, by force, intimidation, threat of procuring dismissal from employment, or otherwise, any person employed in the construction or repair of public buildings or public works, financed in whole or in part by the United States, to give up any part of the compensation to which that person is entitled under a contract of employment. The Copeland Act also requires each contractor and subcontractor to furnish weekly a statement of compliance with respect to the [wages](#) paid each employee during the preceding week.

Contract Work Hours and Safety Standards Act, as Amended (40 U.S.C. 3701-3708): Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40

U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Fair Labor Standards of 1938, as Amended (29 U.S.C. 201, et seq.): Establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half. It also requires the payment of wages for the entire time that an employee is required or permitted to work, and establishes child labor standards.

Procurement: For the City of Jacksonville, procurement standards of 24 CFR 85.36 apply.

XV. MISCELLANEOUS

A. NON-DISCRIMINATION

Please see the *Jacksonville Equal Employment Opportunity Ordinance*.

B. CITIZEN PARTICIPATION

Effective communication is paramount to the successful delivery of public programs. The City will utilize multiple platforms to ensure information regarding the Program is received throughout the service area. The City's *Citizen Participation Plan* is available on the City's Website.

C. DEBARMENT

Federal funds may not be used to directly or indirectly employ, award contracts to, or otherwise engage the services of any contractor or subrecipient during any period of debarment, suspension or placement of ineligible status. All contractors, subcontractors, lower-tier contractors and sub-contractors should be checked against the Federal publication that list debarred, suspended or ineligible contractors. Further information may be found at 24 CFR Part 24 570.609.

Please also see the *Ordinance Code for the City of Jacksonville, Section 126.201 – Contractor Debarment*.

The Procurement Division checks the Federal list of debarred contractors once bids are received. Bids from debarred contractors will not be accepted or forwarded on to the Program Manager for review.

Debarment and Suspension (Executive Orders 12549 and 12689): A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

D. ANTI-LOBBYING

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352): Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.