

APPENDIX B - CDBG-DR PROGRAM DEFINITIONS

PURPOSE

This document is intended to provide a list of definitions for terms used throughout the State of Nebraska Department of Economic Development's (DED) Community Development Block Grant – Disaster Recovery (CDBG-DR) Manual.

This document is intended to assist all DED employees and external providers, vendors, contractors, consultants, Subrecipients, Successful Applicants, partners, citizens, external departments, and agencies doing business with DED, as well as beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR Programs.

1 A

Abatement: Any measure or set of measures designed to permanently eliminate lead-based paint hazards.¹

Abuse: Excessive or improper use of a thing, or to use something in a manner contrary to the natural or legal rules for its use. Abuse can occur in financial or non-financial settings.

Access and Functional Needs (AFN): Persons who may have additional needs before, during and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities; live in institutionalized settings; are seniors; are children; are from diverse cultures; have limited English proficiency or are non-English speaking; or are transportation disadvantaged.

Action Plan: For each disaster allocation, the relevant Action Plan describes the State of Nebraska's unmet needs, the programs that will address those unmet needs, the method of distribution across those programs, and how those programs and activities will meet the requirements of HUD.

Activity Delivery Costs (ADC): Costs of carrying out a specific CDBG-DR program and providing a program benefit.

¹ See 40 CFR § 745.223 for full EPA definition.

Address Book Number (AB#): Banking information for a Subrecipient or Successful Applicant of CDBG-DR funds in the EnterpriseOne system.

Affirmatively Furthering Fair Housing (AFFH): The AFFH obligation requires a Grantee and associated Subrecipients and Successful Applicants to consider existing segregation, including racial segregation, and other barriers to fair housing, and then take meaningful action to address them.²

Aggregation: For purposes of environmental reviews, the activities should be aggregated (grouped) to consider the combined environmental effect of the project. Activities that are related either geographically, functionally, or as logical parts of a composite contemplated action can be aggregated. For example, the aggregation of several activities carried out in one distinct neighborhood, such as housing rehabilitation, demolition, street paving, and construction of a water line, would be aggregated together under one (1) project. Aggregation will reduce the number of Environmental Review Records (ERRs) that the Responsible Entity will have to complete. Activities where project aggregation would occur include:

1. Activities are in a concentrated area;
2. Activities are within unspecified sites;
3. Multi-year activities; and
4. Special HUD initiatives.

Allowable Cost: Costs that are in line with 2 CFR Part 200.

Ambulatory Difficulty: Having serious difficulty walking or climbing stairs.

American Sign Language (ASL): A visual language based on hand shape, position, and movement; facial expression; and palm orientation in relation to each other and the body.

Americans with Disabilities Act (ADA): Prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards.³

AmpliFund: DED's grant management system utilized to track and manage all spending for the CDBG-DR Program. AmpliFund holds all project documents, budgets, and expenditure information. AmpliFund is the primary method for communicating the status of the payment request.

² 86 FR 30779 at 30781.

³ The Americans with Disabilities Act (42 USC 12101).

Anti-Fraud, Waste, or Abuse (AFWA) Submission Form: An electronic document that may be used for the purpose of reporting allegations of fraud, waste, or abuse related to CDBG-DR funds. This form can be submitted online, by electronic or postal mail, or in person. The complainant may choose to remain anonymous or specify that their contact information stay confidential. The form can be found here: [CDBG-DR Anti-Fraud, Waste, or Abuse Submission Form – Nebraska Department of Economic Development](#).

Applicant: Applicant means a State, metropolitan city, urban county, governmental entity, tribe, developer, or nonprofit organization that submits a written expression of interest in a CDBG-DR program. Governmental entities include those that have general governmental powers (e.g., a city or county), as well as those with limited or special powers.⁴ Eligible Applicants under each CDBG-DR program are further specified in the respective Program Guide.

Appraisal:⁵ A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Apprentice: A person employed and individually registered in a bona fide apprenticeship program, including Step-Up apprenticeship programs designed for Davis-Bacon construction work.⁶

Area Median Income (AMI): The median family income for the metropolitan statistical area (MSA), if a person or geography is located in an MSA, or for the metropolitan division, if a person or geography is located in an MSA that has been subdivided into metropolitan divisions; or the statewide nonmetropolitan median family income, if a person or geography is located outside an MSA.⁷

Auditor of Public Accounts (APA): An executive position in the Nebraska State government that aims to provide independent, accurate, and timely audits, reviews, or investigations of the financial operations of Nebraska State and local governments.

⁴ 24 CFR § 291.405.

⁵ 49 CFR § 24.2(a)(3).

⁶ “Davis-Bacon Compliance Principles and Reporting Requirements,” Handbook 1344.1 Rev 2 (c).

⁷ 12 CFR § 228.12.

2 B

Best efforts: In reference to Section 3, DED uses the HUD terminology “best efforts” and “to the greatest extent feasible” to qualify expectations for Section 3 activities. These statutory terms⁸ provide flexibility for Grantees, Subrecipients, and Successful Applicants of HUD funding. DED will evaluate Subrecipient and Successful Applicant performance based on the standard set forth by HUD,⁹ based on “the level of effort expended by those recipients that fail to meet the benchmark safe harbor... [to] ensure that the statutory terms are being properly enforced. HUD included a list of examples in the regulation at 24 CFR §§ 75.15 and 75.25, including engagement in outreach efforts to generate job applicants who are Targeted Section 3 workers, providing training or apprenticeship opportunities, and providing technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).”

Beneficiaries: The individuals and/or developers who directly benefit from a Nebraska CDBG-DR project.

Business:¹⁰ Any lawful activity, except a farm operation, that is conducted:

- Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;
- Primarily for the sale of services to the public;
- Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
- By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

Business Unit: Unique identifying number for program or project within EnterpriseOne.

3 C

Categorically Excluded (CE): A categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see 24 CFR § 58.2(a)(3)) in which a normally excluded activity may have a significant impact.

⁸ 12 USC 1701u(b)-(d).

⁹ See <https://www.hudexchange.info/section-3/faqs/>.

¹⁰ 49 CFR § 24.2(a)(4).

Certified Administrator: Persons with extensive knowledge and experience with cross-cutting Federal requirements and CDBG regulations and who participate in training and pass a written exam administered by DED.

Certifying Officer (CO):¹¹ CO is the “Responsible Federal Official”¹² for the Responsible Entity. Generally, the CO is the Unit of General Local Government (UGLG)’s, State’s, or Tribe’s highest-ranking elected official (or designee). Written delegation is necessary if the role is delegated below Governor, Mayor, Village Board Chair, City Manager, or County Judge, and can generally be delegated to the person who signs grant agreements. The CO has the authority to enter binding commitments in response to court judgements and responds to the jurisdiction of the federal courts. Per 24 CFR § 58.2(a)(2), the CO is the official who has the authority to assume legal responsibility for certifying that all environmental requirements have been followed.

Code of Federal Regulations (CFR): The codification of the general and permanent rules published in the Federal Register (FR) by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and issued on a quarterly basis.

Cognitive Difficulty: Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions.

Community Development Block Grant – Disaster Recovery (CDBG-DR) Program: CDBG-DR grants fund rebuilding in affected disaster areas and provide crucial seed money to start the recovery process. These flexible grants help cities, counties, and states recover from presidentially declared disasters, especially in low-income areas, subject to availability of supplemental appropriations. CDBG-DR funding is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Public Laws are the appropriation acts that provide funding for each disaster. In addition to any requirements cited in the appropriation acts, the CDBG regulations in 24 CFR Part 570 apply to CDBG-DR funds. However, CDBG-DR appropriations generally grant HUD broad authority to issue waivers and alternative requirements, which are identified in a Federal Register Notice issued by HUD shortly following the announcement of allocations. HUD also provides guidance on the CDBG-DR program through CPD Notices.

Community Development Block Grant (CDBG) Program: Created under the Housing and Community Development Act of 1974, this program provides grant funds to local and State governments to develop viable urban communities by providing decent housing with a suitable living environment and expanding economic opportunities to assist LMI residents. CDBG replaced

¹¹ 24 CFR § 58.2(a)(2).

¹² “Responsible Federal Official” is the term used in section 102 of NEPA.

several categorical grant programs, such as the Model Cities program, the Urban Renewal program, and the Housing Rehabilitation Loan and Grant program.

CDBG funds include funds received in the form of grants under subpart D, F, or § 570.405 of 24 CFR Part 570, funds awarded under section 108(q) of the Housing and Community Development Act of 1974, loans guaranteed under subpart M of 24 CFR Part 570, urban renewal surplus grant funds, and program income as defined in 24 CFR § 570.500(a).

Complainant: Any citizen, previous, current, or potential Applicant, beneficiary, consultant, contractor, employee, partner, provider, Subrecipient, Successful Applicant, supplier, or vendor filing a complaint under the CDBG-DR Program.

Concern: An issue that is not an instance of statutory or regulatory noncompliance but may result in noncompliance if not addressed.

Condemnation: The legal process of acquiring private property for public use or purpose through the government's power of eminent domain.

Construction, Prosecution, Completion, or Repair: All types of work done on a particular building or work at the site thereof, including, without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor.¹³

Contract Work Hours and Safety Standards Act (CWHSSA): Establishes a single threshold excluding single contracts of \$100,000 or less from CWHSSA overtime and health and safety provisions. Prohibits contractors or subcontractor employing laborers or mechanics from requiring or permitting them to work over 40 hours in any workweek unless they are paid at least 1 and 1/2 times the basic rate of pay for each hour worked over 40 hours.¹⁴

Copeland Anti-Kickback Act: Makes it unlawful to induce by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever any person employed in the construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from the US, to give up any part of the compensation to which he is entitled under his contract of employment.¹⁵

Council on Environmental Quality (CEQ): Advises the President of the United States and develops policies on climate change, environmental justice, Federal sustainability, public lands, oceans, and wildlife conservation, among other areas. As the agency responsible for

¹³ 29 CFR § 3.2(b).

¹⁴ 52 CFR § 52.222-4.

¹⁵ Copeland Anti-Kickback Act of 1934. 18 USC § 874.

implementing NEPA, CEQ also works to ensure that environmental reviews for infrastructure projects and Federal actions are thorough, efficient, and reflect the input of the public and local communities.

4 D

Davis-Bacon and Related Acts (DBRA): Applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. DBRA contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

Debarment: A debarment sanction means that an individual, organization and its affiliates are excluded from conducting business with any Federal agency government wide. Depending upon the outcome of an investigation or legal proceeding, a suspension may lead to debarment. Debarment is the most serious compliance sanction and is generally imposed for a three-year period. However, debarment can be imposed for a longer period of time, if the debarring official determines this action is necessary to protect the public interest. If a suspension precedes a debarment, then the suspension period is considered in determining the total length of time that debarment is imposed.

Decertification: This occurs when a Certified Administrator fails to properly administer CDBG projects.

Deduction: For purposes of DBRA, an employer may make payroll deductions as permitted by DOL in 29 CFR Part 3. These regulations prohibit the employer from requiring employees to "kick-back" any of their earnings. Deductions may include employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings accounts, and any other legally permissible deduction authorized by the employee. Deductions may also be made for payments on judgments and other financial obligations legally imposed against the employee.¹⁶

Designee: A person designated or selected to carry out a duty.

Developer: Pursuant to HUD's 2019 [CDBG-DR Policy Guide](#), the 2 CFR Part 200 regulations are silent on the term developer. The Neighborhood Stabilization Program (NSP) and CDBG programs consider a developer a beneficiary, much as an eligible household. The term is used frequently in the rehabilitation and new construction industries. Therefore, the term and its definition are borrowed from NSP. Therefore, a Developer is a for-profit or private nonprofit individual or entity that the grantee provides NSP (read also: CDBG-DR) assistance to for the

¹⁶ "Davis-Bacon Compliance Principles and Reporting Requirements," Handbook 1344.1 Rev 2 (c).

purpose of (1) acquiring homes and residential properties to rehabilitate for use or resale for residential purposes and (2) constructing new housing in connection with the redevelopment of demolished or vacant properties. Developers are program beneficiaries and thus distinct from Subrecipients, grantee employees, and contractors. For the purposes of this CDBG-DR manual, Developers fall under the broader category of program Applicants during the application period and Successful Applicants if in receipt of a funding award. Developers may receive NSP (read also: CDBG-DR) funds from either the grantee or a Subrecipient. It should be noted that Public Housing Authorities are public agencies and therefore are unable to be a developer.

Direct Cost: Any project cost or project delivery cost that is identified specifically with a particular final cost objective. Direct costs are not limited to items that are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

Disability: A physical or mental impairment that substantially limits one (1) or more of the major life activities for an individual.

Disaster Recovery Grant Reporting System (DRGR): HUD's accounting system for CDBG-DR grants, which is primarily used by Grantees to access grant funds and report performance accomplishments for grant-funded activities. DED, as Grantee, requests drawdowns in DRGR of funds to pay invoices against its CDBG-DR grant.

Displaced Person:¹⁷ Except as provided in "Person Not Displaced" definition, any person who moves from the real property or moves his or her personal property from the real property. This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at 49 CFR § 24.401(a) and 49 CFR § 24.402(a):

- As a direct result of a written notice of intent to acquire (see 49 CFR § 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;
- As a direct result of rehabilitation or demolition for a project; or
- As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services

¹⁷ 49 CFR § 24.2(a)(4).

under 49 CFR § 24.205(c), and moving expenses under 49 CFR § 24.301, 49 CFR § 24.302 or 49 CFR § 24.303.

Duplication of Benefits (DOB): Occurs when a Subrecipient, Successful Applicant, or beneficiary receives assistance from multiple sources and the assistance exceeds the need for a particular recovery purpose.

5 E

Easement: An interest in real property that conveys use, but not ownership, of a portion of an owner's property. An Easement can be permanent or temporary for a period of months or years. A Public Utility Easement (PUE) allows a public agency to construct, improve, maintain, repair, and replace roadways, sidewalks, landscaping, and utilities. It also allows private utility companies to install and maintain their facilities if an agreement to undertake such work exists between the public agency and utility company. Once granted, a PUE precludes the owner of the underlying land from constructing any physical improvements other than approved landscaping in areas specifically designated for such use.

Elderly Person Household: A household composed of one (1) or more persons at least one (1) of whom is 62 years of age or more at the time of initial occupancy.

Eminent Domain: An exercise of the power of government or quasi-government agencies (such as airport authorities, highway commissions, community development agencies, and utility companies) to take private property for public use.

Employee: For purposes of Davis Bacon and labor standards requirements, every person who performs the work of a laborer or mechanic is "employed" regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such person. This means that even if there is a contract between a contractor and a worker, the contractor must make sure that the worker is paid at least as much as the wage rate on the wage decision for the classification of work they perform. Note that there are no exceptions to the prevailing wage requirements for relatives or for self-employed laborers and mechanics.¹⁸

EnterpriseOne (E1): The State of Nebraska's accounting system.

¹⁸ "Davis-Bacon Compliance Principles and Reporting Requirements," Handbook 1344.1 Rev 2 (c).

Employed: For purposes of Davis Bacon and labor standards requirements, every person performing the duties of a laborer or mechanic in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants, or guarantees from the United States is *employed* regardless of any contractual relationship alleged to exist between the contractor and such person.¹⁹

Environmental Officer: The person responsible for conducting the review and facilitating responses to comments and findings as appointed by the CO. This person may also be called the “preparer.”

6 F

Fair Housing Act: A 1968 Act (amended in 1974 and 1988) that provides the HUD Secretary with fair housing enforcement and investigation responsibilities and prohibits discrimination in all facets of the homebuying process on the basis of race, color, national origin, religion, sex, familial status, or disability.

Fair Market Value (FMV): The amount of money that would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy.

Fair Market Rent (FMR): The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This FMR includes utilities (except telephone). Separate FMRs are established by HUD for dwelling units of varying sizes (number of bedrooms).²⁰

Federal Emergency Management Agency (FEMA): An agency of the US Department of Homeland Security that supports citizens and emergency personnel to build, sustain, and improve the nation’s capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

Federal Funding Accountability and Transparency Act (FFATA): This Act requires recipients to report Subrecipient and Successful Applicant information to the FFATA Subaward Reporting System (FSRS).

Federal Register (FR): Published by the National Archives and Records Administration (NARA), the FR is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

¹⁹ 29 CFR § 5.2(O).

²⁰ 24 CFR Part 5.

Federal Subaward Reporting System (FSRS): The reporting tool Federal prime awardees (i.e., prime contractors and prime grant recipients) use to capture and report subaward and executive compensation data regarding their first tier subawards to meet the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

Final Order of Condemnation: The instrument that, when recorded, transfers title to public ownership.

Finding: A finding is reported when there is evidence that a statute, regulation, or requirement has been violated. If compliance is not possible, monetary or administrative sanctions may be imposed upon the Program Implementation Contractor, Subrecipient, Successful Applicant, or a combination thereof.

Force Account Labor: Labor employed directly by the Grantee or Subrecipient on either a permanent or temporary basis. The workforce can be external (employees hired in the private market) or internal (currently employed maintenance or other staff). In essence, the hiring entity obtains the materials and equipment needed and directly employs workers to undertake the improvement acting as its own general contractor.

Fraud: The wrongful or criminal deception intended to result in financial or personal gain. Fraud includes false representation of fact, making false statements, or concealment of information.

Fringe Benefit: Fringe benefits can include health insurance premiums, retirement contributions, life insurance, vacation and other paid leave, and some contributions to training funds. Fringe benefits do not include employer payments or contributions required by other Federal, State, or local laws, such as the employer's contribution to Social Security or some disability insurance payments.

Funding Agreement: Funding agreements govern the funding and activities of Successful Applicants.

7 G

General Marketing and Outreach: Marketing and outreach activities conducted across the affected areas regardless of level of impact or prevalence of certain demographics that provide indication of vulnerable, hard-to-reach populations. Examples include television, radio, and newspaper announcements, application in-take sessions, and direct mailings.

Grantee: The State of Nebraska Department of Economic Development is the "Grantee" for purposes of the CDBG-DR Program.

Green Building Standards: All rehabilitation that meets the definition of substantial improvement, reconstruction, or new construction must meet an industry-recognized standard that has achieved certification under at least one (1) of the following programs: (1) ENERGY

STAR (Certified Homes or Multifamily High-Rise); (2) Enterprise Green Communities; (3) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development); or (4) ICC-700 National Green Building Standard.

8 H

Hearing Difficulty: A person with hearing difficulty is deaf or has serious difficulty hearing.

Homeless: An individual who lacks a fixed, regular, and adequate nighttime residence; as well as an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Housing Activities: Housing activities may include single family home repair, reconstruction, new construction, demolition, acquisition, and code enforcement or rental activities.

9 I

Independent Living Difficulty: Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping.

Independent Public Accountant (IPA): Any certified public accountant or firm of certified public accountants appointed and paid by the State who, or each of whom, (i) is independent and not under the domination of the State; (ii) does not have any substantial interest, direct or indirect to the State; and (iii) is not connected with the State as an officer or employee of the State but who may be regularly retained to make annual or other audits of the books of, or reports to, the State.

Indirect Cost: Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

Individual Assistance (IA): FEMA provides IA to eligible individuals and households who have sustained losses as a direct result of a disaster that receives a Federal disaster declaration. Homeowners and renters in officially designated counties who sustained damage to their homes, vehicles, personal property, businesses, or inventory may apply for disaster assistance. Assistance can include grants to help pay for temporary housing; emergency home repairs; uninsured and underinsured personal property losses; and medical, dental, and funeral expenses caused by the disaster, together with other serious disaster-related expenses.

Initiation of Negotiations (ION): If a tenant is displaced as a direct result of privately undertaken rehabilitation, demolition, or acquisition, ION occurs upon the execution of the loan or grant agreement between DED and the Subrecipient or Successful Applicant controlling the real

property.²¹ In the absence of a loan or grant agreement between DED and the Subrecipient or Successful Applicant, see the definition of ION in the government-wide regulations at 49 CFR § 24.2(a)(15)(iv) or 49 CFR § 24.101(b)(1)-(5).

Interagency Agreement (IA): A binding agreement entered into by two State agencies.

Invoice Package: A template that Subrecipients and Successful Applicants complete when submitting invoices.

10 J

Just Compensation: Just compensation is the fair market value of the property being acquired by the government. The HUD definition of fair market value is “The amount of money that would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy.”

11 L

Labor Standards Compliance Officer (LSCO): The LSCO is a DED managed position that is responsible for tracking records and monitoring compliance of Subrecipients and Successful Applicants with the requirements described in **Chapter 14: Davis-Bacon**.

Labor Standards Officer (LSO): The LSO is a Subrecipient or Successful Applicant managed position that is responsible for the regulatory administration and enforcement of the Federal labor standards provisions on all SRAs and funding agreements covered by DBRA requirements.

Labor hours: For purposes of Section 3, the number of paid hours worked by persons on a Section 3 project or by persons employed with funds that include public housing financial assistance.²²

Laborer or Mechanic: Includes at least those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as

²¹ See <https://www.hud.gov/sites/documents/1378EXHIBITACPDH.PDF>.

²² 24 CFR § 75.5.

distinguished from mental or managerial. The term *laborer* or *mechanic* includes apprentices, trainees, helpers, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA), watchmen or guards. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual.²³

Lead-Based Paint: Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5% by weight or 5,000 parts per million by weight.

Leverage: The term “leverage” is not defined in the specific context of CDBG-DR. However, HUD has published a definition related to its Continuum of Care (CoC) Program. Per this definition, for Nebraska’s CDBG-DR program, Leverage is the non-match cash or non-match in-kind resources committed to making a project fully operational. Leverage funds may be used for any program related costs, even if the costs are not budgeted or not eligible in the Program. Leverage may be used to support any activity within the project provided by the recipient or Subrecipient.

Limited English Proficiency (LEP): A person with a limited ability to read, write, speak, or understand English.

Low-Income Housing Tax Credit (LIHTC): A tax incentive intended to increase the availability of low-income housing. The LIHTC program provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects.

Low-Income Person: An individual or family whose income does not exceed 80% of the median family income for the area, as determined by the HUD Secretary with adjustments for smaller and larger families, except that the HUD Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the HUD Secretary’s findings that such variations are necessary because of prevailing construction costs or unusually high or low family incomes.²⁴

Low- to Moderate-Income (LMI): Households whose total annual gross income does not exceed 80% of AMI, adjusted for family size.

- **Extremely Low Income:** Very low-income families whose incomes do not exceed the higher of 1) the poverty guidelines updated periodically by the Department of Health and Human Services or 2) 30% of the median family income for the area, as determined by HUD, adjusted for family size.

²³ 29 CFR § 5.2(m).

²⁴ 42 USC § 1437a(2)(b)(2)(A).

- Very Low: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD, adjusted for family size.
- Low: Low-income families whose incomes do not exceed 80% of the median family income for the area, as determined by HUD, adjusted for family size.²⁵

Lower Income Dwelling Unit: A dwelling unit with a market rent (including utility costs) that does not exceed the applicable fair market value (FMR) for existing housing established under 24 CFR Part 888.²⁶ However, the term does not include any unit that is owned and occupied by the same person before and after the assisted rehabilitation.

Lower-income Person:²⁷ As appropriate, a “low and moderate income person” as that term is defined in 24 CFR 42 § 570.3, or a “low-income family” as that term is defined in 24 CFR 42 § 92.2.

12 M

Market Value: The most probable price that a property should bring in a competitive and open market, provided that all conditions requisite to a fair sale are present, the buyer and seller are knowledgeable and acting prudently, and the price is not affected by any undue stimulus.

Material Supply Contracts: Contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.²⁸

Most Impacted and Distressed (MID) Areas: Areas of most impact as determined by HUD or the State using the best available data sources to calculate the amount of disaster damage. The HUD MID-designated areas for Winter Storm Ulmer (DR-4420) are Dodge County, Douglas County, and Sarpy County.

Monitoring Report (MR): Summary of monitoring review, this report is issued by DED to the Subrecipient or Successful Applicant; this report includes identification of any components the Subrecipient or Successful Applicant is doing well, areas for improvement, and any corrective action items, as needed. If multiple reports are issued, MRs may include a sequential number or other identifier.

²⁵ 42 USC § 1437a(b).

²⁶ 24 CFR § 42.305.

²⁷ 24 CFR Part 42.

²⁸ 24 CFR § 75.5.

13 N

National Flood Insurance Program (NFIP): Managed by FEMA, NFIP provides flood insurance to property owners, renters, and businesses, and having this coverage helps them recover faster when floodwaters recede. The NFIP works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects.

Nebraska Affordable Housing Trust Fund (NAHTF): A resource to help increase the supply and improve the quality of affordable housing in Nebraska. The NAHTF provides matching funds for Federal resources and aims to serve the lowest income individuals for the longest period of time.

Nebraska Department of Economic Development (DED): Referred to as the “Grantee.”

NEPA:²⁹ The National Environmental Policy Act of 1969 (NEPA) as implemented by CEQ via regulations at 40 CFR Parts 1500 to 1508.

Notice of Funding Opportunity (NOFO): A notice published each year on Grants.gov for HUD’s Discretionary Funding Programs. This notice describes the type of funding available on a competitive basis and provides a contact where an application may be submitted, typically up to 60 to 90 days from the date of NOFO publication. Selection will then be made based upon specific factors and criteria identified within the NOFO.

14 O

Office of Inspector General (OIG): Conducts audits, evaluations, investigations, and other reviews of the programs and operations of HUD.

Office of Management and Budget (OMB): Part of the Executive Office of the President, OMB oversees the preparation of the Federal budget and overarching management and financial guidance to Executive Branch agencies.

Overtime: All hours worked in excess of 40 hours in any workweek. Where governed by Federal labor standards, overtime hours shall be compensated at not less than one and one-half times the regular rate of basic pay plus the straight-time rate of any required fringe benefits.

Owner: Any private person or entity, including a cooperative, an agency of the Federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.

²⁹ 40 CFR Parts 1500 to 1508.

Owner-occupied: means that the residence is occupied by:

- The legal owner;
- A person who does not hold formal title to the residence and pays no rent, but is responsible for the payment of taxes or maintenance of the residence; or
- A person who has lifetime occupancy rights with formal title vested in another.³⁰

15 P

Parcel: For purposes of the *Chapter 12: One-for-One Replacement Housing Relocation and Real Property Acquisition Requirements*, the property that is being acquired or otherwise impacted such that relocation assistance is necessary.

Participants: Any individual or entity that is engaged in the processes for CDBG-DR funds.

Performance Report: See Quarterly Performance Report in section **Q**.

Person Not Displaced:³¹ The following is a nonexclusive listing of persons who do not qualify as displaced persons under 49 CFR Part 24:

- A person who moves before the initiation of negotiations (see 49 CFR § 24.403(d)), unless DED determines that the person was displaced as a direct result of the program or project;
- A person who initially enters into occupancy of the property after the date of its acquisition for the project;
- A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
- A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by DED in accordance with any guidelines established by HUD (in this case, the Federal Agency responsible for oversight to the program);
- An owner-occupant who moves as a result of an acquisition of real property as described in 49 CFR § 24.101(a)(2) or 49 CFR § 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or Federally-assisted project is subject to 49 CFR Part 24);

³⁰ 44 CFR Part 206.111.

³¹ 49 CFR § 24.2(a)(9)(ii).

- A person whom DED determines is not displaced as a direct result of a partial acquisition;
- A person who, after receiving a notice of relocation eligibility (described at 49 CFR § 24.203(b)), is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and DED agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;
- An owner-occupant who conveys his or her property, as described in 49 CFR § 24.101(a)(2) or 49 CFR § 24.101(b)(1) or (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, DED will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in 49 CFR Part 24;
- A person who retains the right of use and occupancy of the real property for life following its acquisition by DED;
- An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93-477, Appropriations for National Park System, or Pub. L. 93-303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of 49 CFR § 24.301;
- A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in 49 CFR § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of DED in order to facilitate the project;
- A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with 49 CFR § 24.208; or
- Tenants required to move as a result of the sale of their dwelling to a person using down payment assistance provided under the American Dream Down payment Initiative (ADDI) authorized by section 102 of the American Dream Down payment Act ([Pub. L. 108-186](#); codified at 42 USC 12821).

Personally Identifiable Information (PII): Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly

available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.³²

Policies and Procedures (P&P): A set of rules and methods designed and communicated to structure certain processes within an organization. This term embraces the set of instructions given to employees from general guidelines to specific steps applicable to job positions.

Possession: Legal control; to have the right to use.

Prevailing Wages: The minimum wages shall be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.³³

Primary Home: The beneficiary's principal residence, not a secondary or vacation home.

Prime Contractor: The principal contractor responsible for the completion of a project under contract with the owner of the job.

Procurement: The buying, purchasing, renting, leasing, or otherwise acquiring goods or services. The term also includes all functions that pertain to obtaining goods or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration in accordance with Nebraska statutes, rules, and regulations.

Professional Services: For purposes of Section 3, non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.³⁴

Program Administrative Cost (PAC): Costs incurred for the general management, oversight, and coordination of the CDBG-DR grant, and are generally incurred only by the Grantee. Subrecipients receiving CDBG-DR funds should not incur PACs because costs associated with activity delivery are considered Activity Delivery Costs (ADCs). Successful Applicants are ineligible to receive both PAC and ADC reimbursements on top of their project budgets and must factor their administrative costs into their application budgets.

Program Implementation Contractor: An entity competitively selected to provide clearly-specified goods or services. The contract price is established through the procurement process.

³² 2 CFR § 200.1.

³³The Davis-Bacon Act, as Amended (April 2009). PL 107-217-Section 3142(b).

³⁴ 24 CFR § 75.5.

CDBG-DR funds are paid to the contractor as compensation for the satisfactory provision of the goods and services as specified in the contract.

Program Income: Gross income received by a Subrecipient, a Successful Applicant, or the Grantee directly generated from the use of CDBG-DR funds or matching contributions.

Program Manager: Oversees and coordinates monitoring and compliance for Subrecipients and Successful Applicants for their respective programs (e.g., Housing Program Manager, Infrastructure Program Manager).

Project Cost: Total of CDBG-DR funds, local or other matching funds, and total business investment in the project.

Project Status Report (PSR): A document or report that communicates the current state of a Subrecipient's or Successful Applicant's project to DED.

Public Building or Public Work: Building or work for whose construction, prosecution, completion, or repair, as defined above, a Federal agency is a contracting party, regardless of whether title thereof is in a Federal agency.³⁵

Public Housing: Housing assisted under the provisions of the Housing Act of 1937 or under a State or local program having the same general purposes as the Federal program. Distinguished from privately financed housing, regardless of whether Federal subsidies or mortgage insurance are features of such housing development.

Public Housing Financial Assistance: For purposes of Section 3, public housing financial assistance means:

- Development assistance provided pursuant to Section 5 of the Housing Act of 1937;
- Operations and management assistance provided pursuant to Section 9(e) of the 1937 Act;
- Development, modernization, and management assistance provided pursuant to Section 9(d) of the 1937 Act; and
- The entirety of a mixed-finance development project as described in 24 CFR § 905.604, regardless of whether the project is fully or partially assisted with public housing financial assistance.³⁶

³⁵ 29 CFR § 3.2(c).

³⁶ 24 CFR § 75.3(a)(1).

Public Housing Agency (PHA): Any State, county, municipality, other governmental entity, public body, agency, or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the Housing Act of 1937.

Public Housing Project: The term “public housing” means low-income housing and all necessary appurtenances thereto, assisted under the Housing Act of 1937, other than assistance under 42 USC 1437f of the 1937 Act (Section 8). The term “public housing” includes dwelling units in a mixed-finance project that are assisted by a public housing agency with public housing capital assistance or Operating Fund assistance. When used in reference to public housing, the term “project” means housing developed, acquired, or assisted by a PHA under the 1937 Act, and the improvement of any such housing.³⁷

Public Use: A use that confers public benefits, like the provision of public services or the promotion of public health, safety, and welfare. Public uses include a wide variety of projects such as street improvements, construction of water pipelines or storage facilities, construction of civic buildings, redevelopment of blighted areas, and levee improvements to increase flood protection. Some public uses are for private entities, such as universities, hospitals, and public utilities, which serve the public.

Public Use Areas: Interior or exterior rooms or spaces of a building that are made available to the public. Public use may be provided at a building that is privately or publicly owned.

16 Q

Quarterly Performance Report (QPR): The QPR enables Grantees to create and submit financial and performance data related to each grant in the DRGR system along with progress narratives. HUD users review QPRs to check on Grantee progress and review activities for compliance. Although Grantees can submit information on the overall progress for a grant, much of the data is at the activity level.

17 R

Recipient Grant Manager: Subrecipient’s or Successful Applicant’s primary contact established in AmpliFund.

³⁷ 24 CFR § 905.108.

Responsible Entity (RE): REs assume HUD’s NEPA responsibilities. Only States, UGLGs, or Tribes that do not distribute HUD assistance to a UGLG and exercise land-use responsibility where the project is located can serve as a RE.³⁸

Robert T. Stafford Disaster Relief and Emergency Assistance Act (The Stafford Act): The Stafford Act constitutes the statutory authority for FEMA’s disaster response activities and FEMA’s administration of individual and public assistance programs.

18 S

Section 3: Section 3 is a provision of the Housing and Urban Development Act of 1968. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

Section 3 Business Concern: A business concern meeting at least one (1) of the following criteria, documented within the last six-month period:

- It is at least 51% owned and controlled by low- or very low-income persons;
- Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- It is a business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Section 3 Project:³⁹ Means housing rehabilitation, housing construction, and other public construction projects⁴⁰ assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

³⁸ Other recipients of HUD assistance who cannot act as a RE include: Tribal Housing Authorities, Public Housing Authorities, Councils of Government, Planning Agencies, other quasi-governmental organizations, non-profit organizations, or for-profit entities.

³⁹ 24 CFR § 75.3.

⁴⁰Public construction may include infrastructure work, such as extending water and sewage lines, sidewalk repairs, site preparation, and installing conduits for utility services.

Section 3 Business Registry: A listing of firms that have self-certified that they meet one (1) of the regulatory definitions of a Section 3 business and are included in a searchable online database that can be used by agencies that receive HUD funds, developers, contractors, and others to facilitate the award of certain HUD-funded contracts. The database can also be used by Section 3 workers to identify businesses that may have HUD-funded employment opportunities.

Section 3 Final Rule: The Final Rule, published on September 29, 2020, updates HUD's Section 3 regulations to create more effective incentives for employers to retain and invest in their low- and very low-income workers, streamline reporting requirements by aligning them with typical business practices, provide for program-specific oversight, and clarify the obligations of entities that are covered by Section 3.⁴¹

Section 3 Worker: Any worker who currently fits or when hired within the past five (5) years fit at least one (1) of the following categories, as documented:

- The worker's income for the previous or annualized calendar year is below the income limit established by HUD;⁴²
- The worker is employed by a Section 3 business concern; or
- The worker is a YouthBuild participant.

Section 8 Existing Rental Assistance: Provides rental assistance to low-income families who are unable to afford market rents. Assistance may be in the form of vouchers or certificates.

Self-Care Difficulty: Having difficulty bathing or dressing.

Service Area or the Neighborhood of the Project:⁴³ For purposes of Section 3, an area within one (1) mile of the Section 3 project or, if fewer than 5,000 people live within one (1) mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent US Census.

Site of Work: The physical place or places where the construction called for in the contract will remain when work on it has been completed, including other adjacent or nearby property used by the contractor or subcontractor in the construction of the project (e.g., fabrication sites), provided they are dedicated exclusively or nearly so to the performance of the contract or project and are so located in proximity to the actual construction location that it would be reasonable to include them.

⁴¹ 85 FR 189.61524 at 61524.

⁴² Median income data is available at: https://www.huduser.gov/portal/datasets/il.html#2021_query.

⁴³ 24 CFR § 75.5.

Small Business Administration (SBA): Created in 1953, SBA is a Federal agency that promotes, finances, and provides counseling, capital, and contracting expertise for small businesses. SBA also provides disaster recovery loan assistance to businesses and homeowners.

Small Business: For purposes of the URA, a small business is a business having not more than 500 employees working at the site being acquired or displaced by a program or project whose site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business.⁴⁴

Small Public Housing Agency (PHA): For purposes of Section 3, a PHA that manages or operates fewer than 250 public housing units.⁴⁵

Special Flood Hazard Area (SFHA): The area that would be inundated by the flood event having a 1% chance of being equaled or exceeded in any given year. The 1% annual chance flood is also referred to as the base flood or 100-year flood.

State Auditor: See definition for Auditor of Public Accounts.

Statement of Compliance: A short form WH-348.⁴⁶

Sub-Applicant: Any individual person who applies for assistance to a Subrecipient or Successful Applicant of the Nebraska CBDG-DR Programs.

Subrecipient: A public or private nonprofit agency, authority, or organization, or a for-profit entity authorized under 24 CFR § 570.201(o), receiving CDBG funds from the Grantee or another Subrecipient to undertake activities eligible for such assistance under subpart C of 24 CFR Part 570. The term includes a public agency designated by a unit of general local government to receive a loan guarantee under subpart M of 24 CFR Part 570, but does not include contractors providing supplies, equipment, construction, or services subject to the procurement requirements in 2 CFR Part 200, Subpart D.⁴⁷

Subrecipient Agreement (SRA): Pursuant to 24 CFR § 570.503, SRAs govern the funding and activities of Subrecipients.⁴⁸

Successful Applicant: Successful Applicants include any eligible entity that is selected to enter into a funding agreement (e.g. funding agreements govern the funding and activities for

⁴⁴ 49 CFR § 24.2.

⁴⁵ 24 CFR § 75.5.

⁴⁶ HUD Davis-Bacon and Labor Standards On the Mark #10.

⁴⁷ 24 CFR § 570.500(c).

⁴⁸ 24 CFR § 570.503.

Successful Applicants) with DED to implement CDBG-DR program activities (e.g., for-profit developers).

19 T

Targeted Marketing: Activities aimed at groups least likely to apply for housing without targeted outreach (because of language barriers, insufficient information about the property, etc.).

Targeted Section 3 worker:⁴⁹ A Targeted Section 3 worker for housing and community development financial assistance means a Section 3 worker who is:

- A worker employed by a Section 3 business concern; or
- A worker who currently fits or when hired fit at least one (1) of the following categories, as documented within the past five (5) years:
 - Living within the service area or the neighborhood of the project, as defined in 24 CFR § 75.5; or
 - A YouthBuild participant.⁵⁰

Temporarily Displaced Person: A person who is not required to relocate permanently as a direct result of a project.⁵¹

Tiering: For purposes of NEPA and environmental reviews, tiering refers to the coverage of general matters in broader EISs with subsequent narrower statements or EAs incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.⁵²

Trainee: A person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the DOL, Employment and Training Administration, as meeting its standards for on-the-job training programs and which has been so certified by that Administrator.⁵³

⁴⁹ 24 CFR § 75.21.

⁵⁰ 24 CFR § 75.21(a).

⁵¹ 49 CFR § 24.

⁵² 40 CFR § 1508.28.

⁵³ 29 CFR § 5.2(n).

20 U

UGLG: Unit of General Local Government. Per section 5302(a) of the Housing and Community Development Act of 1974, UGLGs are defined as 1) a county, parish, city town, township, village, or other general purpose political subdivision of a State that 2) have power to levy taxes and expend Federal, State, and local funds and exercise governmental powers.

Unmet Needs: Unmet needs are needs that are not covered by other sources and can be covered by CDBG-DR funds.

Uniform Relocation Assistance (URA) Program or Project: For purposes of the URA, the phrase “program or project” means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding agency guidelines.⁵⁴

Urgent Need National Objective: An urgent need that exists because existing conditions pose serious and immediate threat to the health or welfare of the community, the existing conditions are recent or recently became urgent (typically within 18 months), and the Subrecipient or Successful Applicant cannot finance the activities on its own because other funding sources are not available.

21 V

Vendor/Contractor: A Vendor/Contractor refers to an entity that is providing the service. No Subrecipient Agreement is issued to a Vendor/Contractor but may be related to a CDBG-DR program.

Veteran: A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

Vision Difficulty: A person with a vision difficulty is blind or has serious difficulty seeing, even when wearing glasses.

22 W

Waste: The thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment (or potential detriment) of the US government. Waste also includes incurring unnecessary costs resulting from inefficient or ineffective practices, systems, or controls.

⁵⁴ 49 CFR § 24.2(a)(22).

23 Y

YouthBuild:⁵⁵ A community-based pre-apprenticeship program that provides job training and educational opportunities for at-risk youth ages 16-24 who have previously dropped out of high school. YouthBuild participants learn vocational skills in construction, as well as in other in-demand industries that include health care, information technology, and hospitality.

⁵⁵ Additional information regarding Youthbuild is available at <https://www.dol.gov/agencies/eta/youth/youthbuild>.