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DEPT. OF ECONOMIC DEVELOPMENT

# Housing Resiliency Planning Program Guide

*State of Nebraska CDBG-DR Program*

**DECEMBER 2022 | 1.1**

# RECORD OF CHANGES

## *Housing Resiliency Planning Program Guide*

The table below summarizes changes by version. This identifier is also located on the cover page of this document.

| Version | Date       | Description of Change  |
|---------|------------|--|
| 1.0     | 01/31/2022 | Initial draft published.   |
| 1.1     | 12/28/2022 | In addition to minor reformatting and revisions to clarify process throughout, responsive to HUD feedback, revisions also include: <ol style="list-style-type: none"> <li>1. Addition of Toolkit Documents.</li> <li>2. Updating Resource Links.</li> <li>3. Replaced references from Policies and Procedure with CDBG-DR Policy Manual Chapters.</li> </ol> |
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# 1 EXECUTIVE SUMMARY

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The purpose of this Program Guide is to outline the process for administering the State of Nebraska's Department of Economic Development (DED) Housing Resiliency Planning (HRP) Program, funded by the United States (US) Department of Housing and Urban Development's (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR).

The HRP Program focuses on providing support to Subrecipients to develop plans related to housing recovery, housing resilience, and affordable housing that reduce flood vulnerability. The overarching goal of the program is to promote comprehensive community resilience. The Program intends to provide for the development of housing plans to address flood vulnerabilities in counties declared under associated allocation(s). Implementation of the program will be conducted in three (3) phases:

1. **Notice of Funding Opportunity (NOFO):** DED releases a NOFO to the public and conducts outreach to target stakeholders who are eligible for the program (see **Section 6.1: Eligibility Criteria**.), informing them about the application process. Eligible entities may apply for funding during the application period.
2. **Applicant Selection:** DED reviews all applications and prioritizes them based on: (1) whether the service area has a population that is greater than 50% Low-to-Moderate Income (LMI) persons; and (2) whether the area experienced flooding in a HUD-defined Most Impacted and Distressed (MID) area as a result of DR-4420.<sup>1</sup> Selected Applicants sign a Subrecipient Agreement (SRA) with DED.
3. **Plan Development:** Subrecipients selected to participate conduct the planning process. DED monitors all Subrecipients for compliance with applicable laws and regulations, retaining documentation and reporting to HUD as required.

DED will administer this program, including release of the NOFO and provision of technical assistance to Subrecipients selected to develop plans. Subrecipients will be responsible for plan development, overseeing project closeout, and retaining necessary documents as described in **Section 9.6: Records Retention**. For more information on program process, refer to **Process Flowchart**.

The State of Nebraska enforces conduct of the CDBG-DR program to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability, or marital status.

## 1.1 ASSOCIATED ALLOCATION(S)

- Winter Storm Ulmer ([DR-4420](#))

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<sup>1</sup> Projects must be in the HUD-defined MID to be selected for funding.

- In early 2019, the State of Nebraska suffered record-breaking damage from severe winter weather, straight-line winds, and its worst flooding event in 50 years, leading to a Federal major disaster declaration (DR-4420) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Damage from DR-4420 was widespread, leading to disaster declarations in 84 of the State's 93 counties (and four tribal areas), with the worst damage located in the eastern part of the state.
- HUD designated the MID, as detailed in the Action Plan, as Dodge, Douglas, and Sarpy counties.
- Pursuant to the federal requirements for DR-4420, a minimum of 80% of this allocation must be invested in HUD-designated MID areas.
- A minimum of 70% of total CDBG-DR program funds must be spent on LMI populations.

This subsection may be updated should other allocations become available due to subsequent disaster events or supplemental allocations.

## 2 SCOPE

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This Program Guide applies to all DED employees, providers, vendors, contractors, consultants, Subrecipients, partners, citizens, Applicants, 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.

## 3 CDBG-DR HOUSING RESILIENCY PLANNING PROGRAM OVERVIEW

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On December 3, 2019, HUD announced an allocation to Nebraska of \$108,938,000 in CDBG-DR funding. Issuance of the associated Federal Register Notice followed on January 27, 2020 (85 FR 4681). These funds are intended to assist Nebraskans and their communities in recovering from the devastating effects of the severe weather conditions and subsequent flooding that occurred during the first half of 2019. The impacts of these disasters on Nebraska's infrastructure, housing, and economy were widespread, with damage particularly focused in the eastern part of the state.

In accordance with the Action Plan and consistent with the data HUD used in determining Nebraska's allocation amount and the findings of the Unmet Needs Assessment (UNA) (Section 2 of the **Action Plan**), DED is investing in long-term planning related to resilient housing across the State of Nebraska. To distribute these funds, the HRP Program makes available assistance to develop a plan incorporating one **or** more of the following:

- Housing Recovery Planning;

- Housing Resiliency Planning; and/or
- Affordable Housing Planning.

The plans will support communities in identifying and leveraging both CDBG-DR and other resources and strategies for housing recovery, resilience, and affordability. The overarching goal of the program is to promote comprehensive community resilience.

### 3.1 SUMMARY OF REQUIREMENTS AND PRIORITIES

**Table 1** summarizes the HRP Program’s priorities in the context of Federal and State requirements. Note that CDBG-DR-funded projects must meet one of HUD’s National Objectives; however, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i), which assumes eligible planning costs benefit LMI persons in the same proportion as the remainder of the CDBG funds.

*Table 1: Summary of CDBG-DR Requirements and Priorities*

| Entity | Requirement/Priority                     | Citation   |
|--------|--|--|
| HUD    | Tie Back to the Disaster                 | 85 FR 4681   |
|        | Eligible Activity <sup>2</sup>           | 85 FR 4681   |
|        | Meet a National Objective                | Waived under 24 CFR § 570.200(a)(3)(i)   |
|        | Prioritization of HUD-defined MID areas  | 85 FR 4681   |
|        | Prioritization of Vulnerable Populations | Section 4.4.1 of the State of Nebraska DR-4420 Disaster Recovery Action Plan   |
| State  | Local and Regional Coordination          | Section 4.4.2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan   |
|        | Ongoing Outreach                         | Section 2.4.2.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan |

<sup>2</sup> HUD allows Grantees to use up to 15% of the total grant award for planning activities. Planning expenditures can be counted towards the 80% expenditure requirement for spending in HUD-defined MID areas as long as there’s a clear tie regarding how planning activities benefit those areas.

| Entity            | Requirement/Priority   | Citation  |
|-------------------|--|---|
| Planning Programs | <ul style="list-style-type: none"> <li>Align with local planning efforts,</li> <li>Enhance resilience,</li> <li>Leverage recovery programs, and</li> <li>Align with needs outlined in the UNA (Section 2 of the <b>Action Plan</b>) and <b>Nebraska's Baseline Conditions and Impact Assessment Report</b>.</li> </ul> | <p>Section 5.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p> <p>Section 2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p> |

### 3.1.1 PRIORITIZATION CRITERIA

DED will make awards on a competitive basis according to how effectively they prioritize LMI populations and areas with a high level of vulnerability to future hazards, as demonstrated by:

- The area covered by the plan has a population that is greater than 50% LMI; and
- Hazard vulnerability, which may be demonstrated by documenting that flooding occurred within the area covered by the plan during DR-4420.

### 3.2 PROGRAM OBJECTIVES

Program funds through the HRP Program will be exclusively directed to benefit the HUD-defined MID areas (Sarpy, Dodge, and Douglas counties). The HRP Program will support local jurisdictions and economic development districts in developing plans for housing recovery, resilience, and affordability. The plans will support communities in identifying and leveraging both CDBG-DR and other resources and strategies for housing recovery, resilience, and affordability. Key program objectives include:

- Addressing planning needs to support recovery in HUD-defined MID areas;
- Supporting long-term planning that considers and addresses affordable housing for LMI populations; and
- Amplifying ongoing recovery planning to restore and expand the available housing stock, particularly in areas with the highest level of damage after DR-4420.

While planning activities are not required to demonstrate eligibility under a National Objective, DED requires that Subrecipients focus housing plans funded through the HRP Program on LMI populations through strategies that may include:



- Expanded affordability, recovery, and redevelopment efforts focused on known LMI census tracts; and
- Housing resiliency to ensure the sustainability of affordable housing stock during and after future disasters.<sup>3</sup>

Additional selection criteria will also be leveraged to ensure funds are directed to support LMI and high-impact areas.

### 3.3 PROGRAM GOALS

The need to rebuild communities with an emphasis on resiliency became apparent after the 2019 disasters. In an effort to promote recovery and to prevent future catastrophic disaster-related damages, the overarching goal of the HRP Program is to promote comprehensive community resilience.

As defined in **Table 1**, the Housing Resiliency Planning Program is structured to meet a series of Federal and state requirements to be eligible for the program. Program goals that will inform the Program's planning approach include:

- Benefit LMI persons;
- Implement projects in HUD-defined MID areas; and
- Support community resiliency.

The HRP Program is structured to meet these goals by providing for the development of housing plans that incorporate recovery planning, resiliency planning, and/or affordability planning. As an element of supporting long-term recovery for the populations that need it most, planning activities shall take into consideration the needs of vulnerable populations. This includes identifying racial, ethnic, and low-income concentrations so that the State can take steps to make sure affordable housing and other program-related impacts benefit these communities accordingly.

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<sup>3</sup> Pursuant to the Federal Register Notice (see [83 FR 5844](https://www.federalregister.gov/documents/2018/02/09/2018-02584) at 5856, February 9, 2018), HRP Program plans should include an assessment of natural hazard risks, including anticipated effects of future extreme weather events and other hazards. Additional resources to assist in this process are available on the HUD exchange website: <https://www.hudexchange.info/programs/cdbg-dr/resources/#natural-hazard-risk-and-resilience-tools>.

## 3.4 ONGOING UNMET NEEDS ASSESSMENT

As contemplated in the Action Plan<sup>4</sup> and discussed in the Citizen Participation Plan,<sup>5</sup> Nebraska recognizes the importance of strong planning efforts to achieve an equitable and effective recovery. DED expects that assessment of unmet needs will be a component of the overall review of housing infrastructure; and DED will work with State partners to continually identify unmet needs that planning activities may be able to support, and similarly communicate emerging unmet needs that are ineligible for the HRP Program to programs who may be able to address them.

## 3.5 AWARD LIMITS

Under the HRP Program, in accordance with the Action Plan, the following limits apply:

- Total allocation: **up to \$2,250,000**
- Maximum award for an individual Subrecipient: **\$250,000**

# 4 ROLES AND RESPONSIBILITIES

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## 4.1 DEPARTMENT OF ECONOMIC DEVELOPMENT

DED is responsible for reviewing and making eligibility determinations related to the HRP Program, including issuing a NOFO. Specific positions and roles in connection with the HRP Program shall be determined at the discretion of program leadership.

Throughout the application and grant administration process, DED is responsible for retaining documentation and writing quarterly performance reports (QPRs) to HUD, as described in **Chapter 17: Recordkeeping and Data Management**. For a summary of reporting requirements, see **Quarterly Performance Report (QPR) Template**.

## 4.2 PROGRAM APPLICANTS / SUBRECIPIENTS

Applicants are responsible for creating applications that demonstrate they meet all requirements, as described in **Table 2**, and applying for funding. Eligible entities may apply for funding during the open application period. Applicants selected for funding may become Subrecipients where

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<sup>4</sup> "State of Nebraska DR-4420 Disaster Recovery Action Plan." DED. Accessed December 2021. [https://opportunity.nebraska.gov/wp-content/uploads/2021/04/StateofNebraskaDR-4420ActionPlan\\_04.26.2021.pdf](https://opportunity.nebraska.gov/wp-content/uploads/2021/04/StateofNebraskaDR-4420ActionPlan_04.26.2021.pdf).

<sup>5</sup> "State of Nebraska DR-4420 Disaster Recovery Action Plan." DED. Accessed December 2021. [https://opportunity.nebraska.gov/wp-content/uploads/2021/10/CPP-rev08312021\\_clean-StateofNebraskaDR-4420.pdf](https://opportunity.nebraska.gov/wp-content/uploads/2021/10/CPP-rev08312021_clean-StateofNebraskaDR-4420.pdf).

DED initiates and both parties enter a Subrecipient Agreement. Subrecipients are responsible for retaining documentation and ensuring compliance with all applicable laws and regulations.

## 4.3 PROGRAM BENEFICIARIES

The Program is designed to benefit local agencies and authorities who actively facilitate housing recovery and the expansion of affordable and resilient housing and, by extension, the community members who they serve. The design of each plan funded through the HRP Program is expected to focus on actionable research and resources that focus on addressing and coordinating the needs of these entities in order to alleviate future challenges in housing recovery.

# 5 PROJECT FUNDING REQUIREMENTS

## 5.1 ELIGIBILITY CRITERIA

This section provides the requirements Applicants must meet to be eligible for HRP Program funds. All eligibility and verification methods are subject to DED approval in tandem with HUD's regulations. The program requirements and eligibility elements pertain to:

- Applicants;
- Activity; and
- Location;

An overview of eligibility requirements is provided below in **Table 2**. Eligible entities are encouraged to engage and/or partner with community organizations that may have insight to innovative strategies to support the planning process (e.g., community colleges, universities). Eligibility does not assure assistance as there will likely be more eligible projects than can be served with available funds. DED will use a prioritization system (described in **Section 4.1.1: Prioritization Criteria**) to determine which projects receive funding.

**Table 2: Housing Resiliency Planning Program Requirements**

| Eligibility Criteria | Housing Resiliency Planning Program Requirements  |
|----------------------|---|
| Applicant            | <p>Applicant falls under one of the following eligible categories:</p> <ul style="list-style-type: none"> <li>• Counties;</li> <li>• Municipalities; and</li> </ul> |

| Eligibility Criteria | Housing Resiliency Planning Program Requirements  |
|----------------------|---|
|                      | <ul style="list-style-type: none"> <li>Economic Development Districts.<sup>6</sup></li> </ul>   |
| Activity             | <p>Planning activities must <b>focus on reducing flood vulnerability</b> and include one <b>or</b> more of the following areas of focus:</p> <ul style="list-style-type: none"> <li>Housing recovery;</li> <li>Housing resilience; or</li> <li>Affordable housing.</li> </ul> |
| Location             | <p>Geographic area of the project falls under one or more of the following HUD-defined MID areas:</p> <ul style="list-style-type: none"> <li>Dodge County;</li> <li>Douglas County; or</li> <li>Sarpy County.</li> </ul>  |

## 5.1.1 CLARIFICATION OF ELIGIBLE APPLICANTS

Economic Development Districts are eligible to apply for the HRP Program; however, the planning activities must be geographically located entirely in a HUD-defined MID area to be considered eligible for funding.

## 5.2 ELIGIBLE ACTIVITIES

The HRP Program will support eligible Applicants in developing a housing plan (the Plan), that (1) focuses on reducing flood vulnerability in the community. and (2) must have one or more of the following areas of focus:

- Housing recovery**, which supports communities in gathering data about existing housing stock and damages and implementing programs that help communities recover by using available funds.
- Housing resilience**, which allows communities to determine their existing risks and vulnerabilities and develop actions that increase resilience against future disasters.

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<sup>6</sup> Economic Development Districts as created and authorized by Neb. Rev. Stat. §§ [13-1901](#) – [13-1907](#).

Communities can use funding from the HRP Program to further assess their long-term recovery needs.

- **Affordable housing**, which helps communities develop programs that preserve existing affordable housing and encourage the development of new affordable housing.

The Plan will support communities in identifying and leveraging both CDBG-DR and other resources and strategies for housing recovery, resilience, and affordability. Examples of eligible plans include but are not limited to:

- A consolidated or comprehensive housing plan;
- A functional plan that includes land use and urban environmental design, energy use and conservation, or open space and recreation;
- Studies for a small area or neighborhood plan; or
- Strategies and action program to implement plans, including the development of codes, ordinances, and regulations.<sup>7</sup>

For more information on activity examples, refer to ***Milestones, Objectives, and Example Tasks***.

## 5.3 ELIGIBLE COSTS



**Only Planning Costs are eligible under the HRP Program.**

HUD differentiates between **Project Costs** and **Planning Costs**. Project Costs are the direct costs of undertaking a project that can be tied to a final cost objective and eligible activities. Planning Costs are the costs for creating a plan, including data gathering, studies, analysis, and preparation of plans. **Table 3** provides examples of both types of costs.

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<sup>7</sup> This listing is not inclusive and includes examples set forth in [24 CFR § 570.205](#) in context of this, the HRP Program.

**Table 3: Project and Planning Costs**

|                            | Project Costs  | Planning Costs   |
|----------------------------|--|--|
| HRP Program Eligibility    |   |   |
| Examples                   | <ul style="list-style-type: none"> <li>• Environmental reviews;</li> <li>• Acquisition costs;</li> <li>• Construction hard costs;</li> <li>• Demolition and site clearance;</li> <li>• Architecture, engineering, and permits, when paid by the beneficiary;</li> <li>• Developer fees, contractor overhead, and profit; and</li> <li>• Loans to businesses to assist with repairs.</li> </ul> | <ul style="list-style-type: none"> <li>• Comprehensive plans;</li> <li>• Functional plans for housing, land use, or economic development;</li> <li>• Mitigation or disaster resiliency plans;</li> <li>• Community development plans.</li> </ul> |
| Who can incur these costs? | Subrecipients, Contractors, and program beneficiaries.   | Subrecipients and Contractors.   |
| HRP Program Cap            | <ul style="list-style-type: none"> <li>• Ineligible cost type.</li> <li>• \$0/Subrecipient Award</li> </ul>  | <ul style="list-style-type: none"> <li>• Cost Reasonableness applies</li> <li>• \$250,000/Subrecipient Award</li> </ul>  |

## 5.4 NATIONAL OBJECTIVES

CDBG-DR-funded projects must meet one of HUD's National Objectives, including contribution to a 70% total expenditure calculation to address the needs of LMI populations. However, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i) that assumes eligible planning costs "benefit low- and moderate-income persons in the same proportion as the remainder of the CDBG funds and, accordingly, shall be excluded from the calculation."<sup>8</sup>

<sup>8</sup> 24 CFR 570.200(g)(1).

Planning activities will not be considered towards the 70% expenditure for investment in LMI populations; however, they are still considered as eligible as having met the national objectives. Specifically, per 24 CFR 570.208(d)(4), “CDBG funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the national objectives.”<sup>9</sup>

## 5.5 TIE TO THE DISASTER

All entities applying to the HRP Program must have been impacted by Winter Storm Ulmer (DR-4420) to receive assistance. For the purposes of the HRP Program, only communities and governments in the HUD-defined MID are eligible for funding. Eligible communities will be asked to document that they demonstrate a tie-back to the disaster in the form of a narrative description in a NOFO, with supplemental information provided, if available, such as:

- Damage or insurance estimates for losses to the housing stock; or
- Post-disaster analyses or assessments documenting the relationship between the loss and the disaster.

While the HRP Program does not invest directly in housing rehabilitation or construction, the total amount of damage will be considered in the applicant selection process. Narratives will be maintained in the DED system of record, as described in **Chapter 17: Recordkeeping and Data Management**.

## 6 CITIZEN PARTICIPATION

As defined within the state’s Citizen Participation Plan, DED recognizes the importance of public participation in the process of disaster recovery, particularly those most vulnerable to the impacts of the disaster.<sup>10</sup> This includes residents of impacted areas, LMI individuals, and people with access and functional or limited English proficiency.

For more information, see the **Citizen Participation Plan**.

### 6.1 PUBLIC ENGAGEMENT

DED is dedicated to soliciting feedback from, and providing timely, accessible information about the Risk Awareness Planning Program to, all relevant stakeholders throughout the life of the program. This approach is rooted in DED’s Citizen Participation Plan applicable to the CDBG-DR grant. For more information, see the **Citizen Participation Plan**.

<sup>9</sup> 24 CFR 570.208(d)(4).

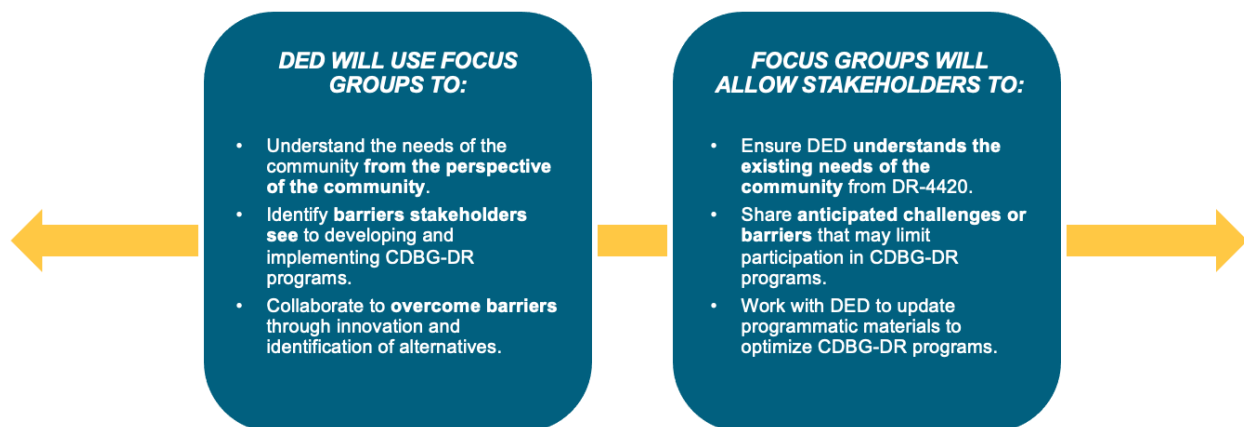
<sup>10</sup>“State of Nebraska Citizen Participation Plan.” DED.

All publications and communication related to the Risk Awareness Planning Program will comply with the effective communications requirements of 24 CFR § 8.6<sup>11</sup> and other fair housing and civil rights requirements, such as the effective communications requirements under the ADA.

## 6.2 ENGAGEMENT APPROACH

To support public engagement through the HRP Program, DED will employ focus groups with key stakeholders to facilitate public discussion and engagement with planning activities (see **Figure 1**).

*Figure 1: Focus Group Methodology*



Focus groups will support development of CDBG-DR programs that efficiently and optimally utilize funding to meet unmet community needs. The focus groups will be interactive and aim to yield actionable, information-rich feedback. This approach is rooted in DED's Citizen Participation Plan applicable to the CDBG-DR grant. Strategies to elicit focus group feedback include but may not be limited to: online engagement; electronic communication tools; field staff, surveys, and touchpoints; and community meetings and public hearings.

All publications and communication related to the HRP Program will comply with the effective communications requirements of 24 CFR § 8.6 and other fair housing and civil rights requirements, such as the effective communications requirements under the Americans with Disabilities Act (ADA).

<sup>11</sup> 24 CFR § 8.6.



## 6.3 SUBRECIPIENT OUTREACH RESPONSIBILITIES

Subrecipients are required to conduct local outreach activities in order to align program implementation with the citizen participation tenets that DED has set out in the Action Plan. Specifically, Subrecipients are required to do the following:

- Hold public meetings (e.g., virtual meeting, town hall) at least three (3) times during program implementation to identify public priorities and comments to the Plan.
  - One meeting must be held within ninety (90) days of grant approval.
  - One meeting must be held after completion of the Plan to elicit public comment.
- Identify local stakeholders, such as non-profit organizations and public housing authorities, to convene discussion and garner their input at least once during the planning process.
- Provide access to the completed Plan via the Subrecipient website.

The focus groups will provide an opportunity for Subrecipients and DED to share best practices and emerging approaches to community outreach before and during program implementation.

## 6.4 WEBSITE

DED has a website with CDBG-DR information on the Department's website, located at <https://opportunity.nebraska.gov/>. The DR program-specific page is at <https://opportunity.nebraska.gov/cdbg-dr/>. Pursuant to Federal requirements as described in in the FR published on February 9, 2018 (83 FR 5844), some information – including contractor information related to this Match Program – must be posted and maintained. For more information, refer to **Chapter 17: Recordkeeping and Data Management Plan**.

DED will continue to update and release guidance (e.g., FAQs) for the HRP Program to provide the community an opportunity to learn more about the program's requirements. DED will utilize public outreach, meetings, public comment periods to request questions and comments related to the materials and update Match Program documents appropriately.

DED updates their website in a timely manner to ensure the most current information is available publicly. At a minimum, the website is updated monthly. All program materials on the website will be available in both English and Spanish.

The program materials on the website are available upon request to people with disabilities. The Action Plan and other materials on the DED CDBG-DR website are already uploaded in accessible formats for people who use screen readers. For assistance with website accessibility

or translations into language other than English or Spanish, call 800-426-6505, email DED using the contact form at <https://opportunity.nebraska.gov/contact-us/>, or write a letter to:

Nebraska Department of Economic Development  
PO Box 94666  
245 Fallbrook Blvd, Suite 002  
Lincoln, NE 68521

Los materiales del programa disponibles en la página web están disponibles previa petición para personas con discapacidades. El Plan de Acción y otros materiales en la página web de DED CDBG-DR ya han sido subidos en formatos accesibles para las personas que usan lectores de pantalla. Para obtener ayuda con temas de accesibilidad de la página web o traducciones a otros idiomas que no sean inglés o español, llame al 800-426-6505, envíe un correo electrónico al DED usando el formulario de contacto en <https://opportunity.nebraska.gov/contact-us/>, o escriba una carta a:

Nebraska Department of Economic Development  
PO Box 94666  
245 Fallbrook Blvd, Suite 002  
Lincoln, NE 68521

## 6.5 MEETINGS

Community meetings will be held as part of the Match Program implementation in a variety of formats, including in-person and online. These meetings will provide residents of MID areas and other stakeholders or interested parties with an opportunity to learn more about Match Program activities in their area and to provide input.

For more information, see the ***Citizen Participation Plan***.

# 7 APPLICATION AND AWARD PROCESS

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## 7.1 NOTICE OF FUNDING OPPORTUNITY

DED will release a Notice of Funding Opportunity (NOFO) to capture application information and confirm Applicant eligibility and competitiveness for the Program. The purpose of the application is to document:

- How the proposed plan is an eligible activity;
- How the plan addresses program objectives; and
- How the project is tied to the disaster.

Following the release of the NOFO, Eligible subrecipients have 60 days to complete and submit the NOFO detailing a proposed planning project.

## 7.2 APPLICATION SUBMISSION PROCESS

Applicants must create an application and submit it to DED through its grants management system (GMS), AmpliFund. The GMS user interface will guide Applicants through the process, which requires:

- Program eligibility documentation that shows the Applicant is eligible for funding;
- Compliance documentation; and
- Funding information.

For additional information, refer to ***Application Information*** and ***Application Attachment Checklist***.

### 7.2.1 ELIGIBILITY REVIEW

Before prioritizing or scoring an application, DED conducts an initial inventory of the application to determine if the Applicant and project are eligible. This initial inventory is a review of eligibility under the program as described under ***Section 6.1: Eligibility Criteria***.

If the Applicant has not submitted enough information to demonstrate their eligibility for the program, DED may request additional documentation. Applicants then have thirty (30) calendar days to provide the necessary information. As a result, DED may re-open an Application to allow an Applicant to submit additional information to address eligibility requirements.

Applicants that are not or cannot demonstrate eligibility after the thirty (30) calendar day cure period cannot be awarded funding. Upon receiving a determination, Applicants may not appeal the decision; however, complaints and grievances may be filed as per ***Section 8.5: Non-Select and Reference to Complaints and Grievance Process***.

### 7.2.2 APPLICANT SCORING AND SELECTION

Following the eligibility review process, DED will use scoring and prioritization criteria to evaluate applications, as described in ***Section 4.1.1: Prioritization Criteria***. During this process, DED will sort each Applicant using the prioritization criteria based on how well they serve prioritized communities. DED will also conduct a risk assessment and capacity assessment, where Applicants deemed lower risk and with higher capacity will be preferred for awards. Based on DED's review, Applicants will be offered an award to participate in the HRP Program. For more information, refer to ***Application Risk Capacity Scoring Matrix***.

## 7.3 AWARD

Selected Applicants may choose to accept or deny the funding opportunity. If Applicants deny the funding after selection, they should notify the State. If Applicants do not respond to a Notice of Award within sixty (60) calendar days, they are no longer eligible. Once an Applicant accepts the award, they will proceed with an SRA to become a formal Subrecipient.

## 7.4 POST-AWARD REQUIREMENTS

Once funding is awarded and the SRA is executed, DED will monitor the project for compliance with requirements set forth in the SRA and all applicable Federal and State regulations. The expected period of performance following award is two (2) years, at which point DED will request submission of final plans. Subrecipients must maintain documentation related to their plans as set forth in **Section 9.6: Records Retention**.

DED also ensures compliance in accordance with the reporting requirements of the CDBG-DR Program. This includes collecting all information and reports as required under the SRA and demographic data, other information, and project documentation from the Subrecipients. For more information about post-award requirements, refer to **Section 9: Monitoring and Compliance**.

## 7.5 NON-SELECT AND REFERENCE TO COMPLAINTS AND GRIEVANCE PROCESS

Not all applications may be selected for an award. All non-select Applicants will be issued a notice of non-selection that describes reasoning for DED's determination (e.g., ineligible activities, project location, etc.). See also **Section 6.1: Eligibility Criteria**.

Applicants who wish to submit a complaint related to the HRP Program or any other matters related to CDBG-DR funded programs, may do so using contact information provided on DED's website available at [https://opportunity.nebraska.gov/program/cdbg\\_dr/#citizen-participation-complaint](https://opportunity.nebraska.gov/program/cdbg_dr/#citizen-participation-complaint). A complaint form is also available at <https://opportunity.nebraska.gov/cdbg-dr-citizen-complaint-form/>.

Questions regarding the HRP Program and other CDBG-DR programs should be directed to the DDDR Team via email at [ded.cdbgdr@nebraska.gov](mailto:ded.cdbgdr@nebraska.gov) or by calling toll free 800-426-6505.

Consistent with HUD's requirements, all complaints will be responded to within fifteen (15) calendar days of receipt of the complaint. Complaints related to fraud, waste, or abuse of government funds should be forwarded directly to the HUD Office of Inspector General (OIG) Fraud Hotline at phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov).

## 8 MONITORING AND COMPLIANCE

Monitoring and evaluating Subrecipient performance and compliance is a HUD requirement for CDBG-DR funds. DED is responsible for monitoring and setting statutory and regulatory requirements in accordance with **Chapter 16: Monitoring and Compliance Plan**. The application of these requirements is reduced for the Risk Awareness Planning Program and Housing Resiliency Planning Program (the “Planning Programs”) because they do not involve construction or rehabilitation. Therefore, there are monitoring and compliance requirements that are cross-cutting for other CDBG-DR funds that are **not** applicable to the Planning Programs; these include:

- Labor standards and hiring requirements, including: creation of opportunities for Section 3 workers; regular reviews of Force Account Labor, Materials, and Equipment; and submission of Certified Payroll Reports (CPRs), as articulated within **Chapter 14: Davis-Bacon** and **Chapter 13: Section 3**.
- Environmental review processes, as articulated within **Chapter 8: National Environmental Policy Act**.<sup>12</sup>
- Building requirements regulating construction and green building standards such as the Environmental Protection Agency’s (EPA) Green Building Standards and the State of Nebraska’s Safe and Resilient Buildings Standards Requirements, as articulated within the **Site Inspection Checklist** and **Chapter 10: Green Building Standards Guide**.
- Requirements related to managing relocation in compliance with federal requirements, as articulated within **Chapter 12: One-for-One Replacement Housing, Relocation, and Real Property Acquisition**.

While these standards are **not** applicable to the Planning Programs, Subrecipients seeking construction-related funding for housing and infrastructure programs are required to follow these policies. Further detail regarding the applicability of these requirements is defined in the respective Program Guide.

### Applicability to the HRP Program:

The HRP Program specifically funds the planning process for Subrecipients to create a Housing Plan. Beyond the scope of this planning program, those projects that are implemented as a product of the housing plans developed under the HRP Program **will** have to meet the compliance requirements above if funded through CDBG-DR funds. It is therefore to the benefit of planners to consider these policies when developing their housing plans so that they are consistent with requirements that may be applicable to future activities.

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<sup>12</sup> Subrecipients will be documented as formally exempt under 24 CFR § 58.34(a)(1).

## 8.1 MONITORING REVIEWS

Subrecipients must carry out planning efforts that meet the monitoring requirements for project administrators, contractors, and subcontractors. The monitoring and compliance review process informs reporting to DED and, as applicable, the Nebraska APA and HUD. A monitoring review and report may indicate one or more of the following:

- The performance complied with the requirements of the program;
- Certain findings require corrective actions by the Subrecipient;
- Concerns about the performance of the projects or activities;
- Observations about efficiencies or items of note; or
- Technical assistance is necessary.

For further detail, see **Chapter 16: Monitoring and Compliance Plan**.

## 8.2 ANTI-FRAUD, WASTE, AND ABUSE

DED does not support or condone the commission or concealment of acts of fraud, waste, and abuse. According to HUD's [Buying Right CDBG-DR and Procurement: A Guide to Recovery](#), Grantees (i.e., DED) and Subrecipients procuring goods and services with grant funds must follow all applicable statutory and regulatory requirements.<sup>13</sup> All employees are responsible for reporting suspected instances of fraud, waste, and abuse in accordance with **Chapter 19: Anti-Fraud, Waste, and Abuse**.

DED leverages existing investigative and corrective action within State of Nebraska guidelines, among others, to meet HUD requirements. At the discretion of DED, any conduct identified involving, fraud, waste, and abuse, whether or not such activity is a crime, will be investigated fully.

If the investigation confirms conduct of fraud, waste, or abuse, DED's determination will result in legal action as warranted, including, as applicable to Certified Administrators for projects, the implementation of the de-certification process without an initial or additional probationary status.

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<sup>13</sup> "Key Internal Controls Related to Disaster Recovery Procurement." HUD OIG. Accessed December 9, 2021 via: <https://www.hudoig.gov/sites/default/files/2021-03/Key%20Internal%20Controls%20Related%20to%20Disaster%20Recovery%20Procurement.pdf>.

## 8.3 PROCUREMENT AND FINANCIAL MANAGEMENT

DED must comply with Federal procurement standards at 2 CFR § 200.317 through 2 CFR § 200.327<sup>14</sup> as a condition of receiving HUD funding. In addition to the requirements summarized below, these standards are outlined in further detail within **Chapter 5: Procurement**.

DED requires full and open competition and evaluation of the cost for procurement for both professional services and construction as governed by 2 CFR § 200.302, 2 CFR §§ 200.317 through 2 CFR § 200.327, and all applicable State laws and regulations. Subrecipients must apply these regulations during the process to procure a contractor for implementation of the HRP Program. Additionally, CDBG-DR standards must be included in all Requests for Proposal (RFPs), Requests for Qualifications (RFQs), and contracts; and RFPs or RFQs must be competitive and not contain limiting criteria, e.g., “20 years of experience” or “must have done previous work within the city.” CDBG-DR-funded contracts must also include certain provisions, including performance requirements and liquidated damages provisions.

The Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) establish financial management requirements for the CDBG-DR funds. As described here and in **Chapter 4: Financial Management**, these requirements have been established to make sure that Subrecipients have a financial management system that:

- Provides effective control over the accountability for all funds, property, and other assets;
- Ensures “reasonableness, allowability, and allocability” of costs and verifies that expenses have not violated any Federal restrictions or prohibitions;
- Permits the accurate, complete, and timely disclosure of financial results in accordance with reporting requirements of DED and HUD; and
- Minimizes the time elapsed between transfer of funds from the US Treasury and disbursement by the Subrecipient.

Financial reporting prepared by the Subrecipient must be accurate, timely, and current and represent complete disclosure of the financial activity and status of CDBG-DR grants. A Subrecipient must have the capacity to provide the following:

- Amount budgeted;
- Reimbursements received to date;

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<sup>14</sup> 2 CFR § 200.318.



- Program income and other miscellaneous receipts in the current period and year to-date; and
- Actual expenditures/disbursements in the current period and cumulatively to-date, for both program income and regular CDBG-DR grant funds.

## 8.4 DUPLICATION OF BENEFITS

Duplication of Benefits (DOB) refers to a situation where assistance is received from multiple funding sources and the total assistance amount exceeds the need for a particular recovery purpose. DED and its Subrecipients must comply with DOB rules and regulations as described in DED's **Chapter 18: Duplication of Benefits**.

As it applies to the HRP Program, this means that planning activities funded through this program cannot be duplicated or matched by other funding sources intended for the same purpose (i.e., consolidating multiple funding sources for a single plan). If a Subrecipient intends to combine planning funds with another source, the distinct purpose of each set of funds must be reported to and approved by DED in writing.

## 8.5 AFFIRMATIVELY FURTHERING FAIR HOUSING

The State of Nebraska is required by Federal statute to “affirmatively further fair housing”. DED shall work to affirmatively further fair housing by conducting activities and overseeing Subrecipient compliance as per **Chapter 11: Affirmatively Furthering Fair Housing**. In alignment with this policy, Subrecipients will be provided resources to incorporate affirmative marketing considerations to their plans.

## 8.6 RECORDS RETENTION

Pursuant with 2 CFR § 200.334 and 24 CFR § 570.490, all official records on programs and individual activities shall be maintained for a minimum three (3)-year period beyond the closing of a grant between DED and HUD. Subrecipient records must be maintained electronically. Subrecipients should establish and maintain an electronic record management system utilizing DED's Activity File Checklist. All projects, program activity files, and applicant information received must be maintained within DED's system of record. For more information about record retention, see **Project File Checklist**, and **Chapter 17: Recordkeeping and Data Management**.

## 8.7 FINAL PLANNING DOCUMENT SUBMISSION

Subrecipients are required to submit a copy of the final planning product (e.g., plan, final report) in the form of an electronic file to an online location prescribed by DED.



## 9 TOOLKIT DOCUMENTS

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In order to facilitate program implementation, in addition to this program guide, DED established a toolkit. This toolkit includes documents, forms, and templates for the state's CDBG-DR program generally and the HRP program specifically. Such documents help the state, its subrecipients, and other stakeholders work within the policies and procedures of the program and set expectations for successful outcomes. These documents include, but are not limited to, those listed below.

### **Housing Resiliency Planning Program Toolkit List:**

- Application Attachment Checklist
- Application Information
- Application Risk Capacity Scoring Matrix
- Milestones, Objectives, and Example Tasks
- Process Flowchart
- Project File Checklist