

AMENDMENT 2: SUMMARY OF CHANGES

Nonsubstantial, Date Sent to HUD for Acknowledgment: June 29, 2023

Published: July 7, 2023

This document constitutes the **Second Amendment (Nonsubstantial)** to the State of Nebraska CDBG-DR Action Plan Severe Winter Storm, Straight-line Winds, and Flooding (DR-4420). The following changes are proposed to the Affordable Housing Construction Program (AHCP) and Infrastructure Match Program (IMP or “Match Program”) as described in the approved Action Plan. The purpose of this amendment is to reallocate program funds from one program to another. These changes follow application cycles under the affected programs, reflecting a higher than anticipated interest in funding for housing construction and a lower than anticipated interest in funding to support local cost-share needs for FEMA Public Assistance projects. The decrease in this infrastructure need was due in part to a change at the federal level reducing the local-share requirements from 25% to 10% for FEMA PA. The increased need for housing construction funds may be attributed to broader, nationwide trends in housing needs and related issues (e.g., supply chain, labor shortages, economic trends).

Prior to changes proposed in a nonsubstantial amendment being in full effect, and consistent with the expectations and requirements described in the underlying Federal Register Notice (indented below for reference) for nonsubstantial amendments, DED shall, at a minimum, submit to HUD for their acknowledgment (1) a summary of changes and (2) a “red-lined” version of the full Action Plan including said changes. Upon HUD’s acknowledgement, DED will publish, on its website, those two documents alongside a “clean” version of the full Action Plan recording the changes therein and any other relevant documents. DED is committed to providing clear guidance regarding the administrative and functional requirements to its stakeholders, including potential applicants or beneficiaries, subrecipients, etc.

83 Fed. Reg. 29 (February 9, 2018; FR-6066-N-01)

VI.A.4.b. Nonsubstantial amendment. The grantee must notify HUD, but is not required to seek public comment, when it makes any plan amendment that is not substantial. HUD must be notified at least 5 business days before the amendment becomes effective. However, every amendment to the action plan (substantial and nonsubstantial) must be numbered sequentially and posted on the grantee’s website. The Department will acknowledge receipt of the notification of nonsubstantial amendments via email within 5 business days.

The above-described process follows the Citizen Participation Plan (CPP) for a nonsubstantial amendment. As described in the CPP, a public comment period is not triggered by the nature of the changes made by this nonsubstantial amendment. The changes associated with this amendment are nonsubstantial as they do not meet the thresholds listed in the Action Plan to be considered a substantial amendment. A substantial amendment is defined by the minimum threshold for requiring substantial amendment procedures, including: (1) a change in program benefit or eligibility criteria; (2) an addition or deletion of an activity; or (3) an allocation or

reallocation of \$5 million or more. Neither of these three thresholds are met by this nonsubstantial amendment.

The following bullets identify the specific changes to be made to the Action Plan by this Nonsubstantial Amendment¹:

- Executive Summary
 - Unmet Needs Assessment
 - Clarifying edits to acknowledge the Initial Action Plan in context to the Action Plan, as amended.
 - Revised narrative accounting for reallocation of funds between programs, including reference to action by President Biden that reduced the local-share requirements from 75:25 to 90:10 for FEMA PA projects.
 - Added Table 0-1: Impact of Amendments on Initial Unmet Needs Assessment (UNA) to show the amendments in relationship to the UNA. The addition of this table triggered a renumbering of any subsequent tables in this section.
 - Table 0-2: Program Design
 - Minor reformatting for readability.
 - Adjusted line-item for Infrastructure Program>Infrastructure Match Program>PA Funding Allocation, reduce by \$4.8M
 - Adjusted line item for Affordable Housing Construction Program, increase by \$4.8M
 - Method of Distribution
 - Revised narrative accounting for reallocation of funds between programs.
 - Revised graphic, Figure 0-2 (Revisions duplicated at Figure 3-1) accounting for reallocation of funds between programs.
- Forward
 - Added Editor's Note.
- 2 | Unmet Needs Assessment

¹ Record of Amendments, Table of Contents, List of Tables, and List of Figures are also updated to reflect these changes.

- NOTE: by definition, the UNA and MOD are associated elements.
- Added lead-in paragraph to clarify and acknowledge how the UNA may be updated throughout implementation of the Action Plan.
- Added new subsection “Amendment Discussion” to give overview of Amendments to date and their purpose and relationship to UNA and MOD; this new subsection resulted in renumbering of all subsequent subsections within Section 2. Cross-references within the document were also updated.
 - Added new Table 2-0: Program Launch, Summary of Applications and Funding Decisions further demonstrating reasoning for reallocation of funding between existing programs.
- 2.2 Introduction and Background
 - Added footnote to clarify and acknowledge how the UNA may be updated throughout implementation of the Action Plan.
- 2.2.2.5 Remaining Serious Unmet Housing Needs
 - Removed allocation information. Readers can reference current allocations at Section 3.
- 2.2.2.7 Unmet Infrastructure Needs
 - Revised narrative to discuss “standard” local cost-share ratio. Readers can reference current allocations at Section 3.
- 3 | Method of Distribution
 - NOTE: by definition, the UNA and MOD are associated elements.
 - Added new subsection 3.1 to give overview of Amendments to date and their purpose and relationship to UNA and MOD; this new subsection resulted in renumbering of all subsequent subsections within Section 3. Cross-references within the document were also updated.
 - 3.2 Program Budget, Table 3-1
 - Adjusted line items
- 4 | Program Priorities
 - 4.1 National Objectives, Table 4-2
 - Adjusted line items
 - 4.2 Prioritization of HUD-Defined MID Areas, Table 4-3

- Adjusted line items
- 5 | Program Design
 - 5.1.2 Infrastructure Match Program
 - Updated graphic to reduce Program Total by \$4.8M, reduce PA Total, update Projected Start and End Date
 - Table 5-1, updated % of cost share
 - 5.2.2 Affordable Housing Construction Program
 - Updated graphic to increase Program Total by \$4.8M, update Projected Start and End Date

Total allocations defined within the approved Action Plan are modified under this **Second Amendment (Nonsubstantial)**. DED will undertake necessary revisions to policies and procedures to implement changes made by this nonsubstantial amendment.

NOTE to readers of the “red-lined” copy of the Action Plan, as amended: the consolidated, “clean” version of the Action Plan is the authority document. The red-lined version is a reference document to be read alongside the Summary of Changes. In some instances, the names of enumerated figures, tables, and subsections may appear as changed in the red-lined copy where they are not actually changed.

RECORD OF PUBLIC COMMENT

A public comment period is not required for nonsubstantial amendments. Refer to the CDBG-DR Citizen Participation Plan for discussion.