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DEPT. OF ECONOMIC DEVELOPMENT

Housing Resilience Planning Program Guide

State of Nebraska CDBG-DR Program

June 2024 | Version 2.0

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RECORD OF CHANGES

Housing Resilience 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	<p>In addition to minor reformatting and revisions to clarify process throughout, responsive to HUD feedback, revisions also include:</p> <ol style="list-style-type: none"> 1. Addition of Toolkit Documents. 2. Updating Resource Links. 3. Replaced references from Policies and Procedure with CDBG-DR Policy Manual Chapters.
2.0	06/20/2024	<p>In addition to minor reformatting and revisions to clarify process throughout, revisions also include updates based on changes made to the program in Action Plan Amendment 3 (APA3):</p> <ol style="list-style-type: none"> 1. Revised the name to Housing Resilience Planning, removing “Program” from the funding dedicated to planning activities aims to simplify execution of all planning activities supporting Nebraska’s long-term disaster recovery. 2. Updated eligibility requirements to include educational institutions. 3. Increased project award amount to \$500,000, if serving multiple jurisdictions.

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY.....	0
1.1	ASSOCIATED ALLOCATION(S).....	0
2	SCOPE.....	1
3	CDBG-DR HOUSING RESILIENCE PLANNING OVERVIEW	1
3.1	SUMMARY OF REQUIREMENTS AND PRIORITIES	2
3.1.1	PRIORITIZATION CRITERIA	3
3.2	PLANNING OBJECTIVES	3
3.3	PROGRAM GOALS	5
3.4	ONGOING UNMET NEEDS ASSESSMENT	6
3.5	AWARD LIMITS	6
4	ROLES AND RESPONSIBILITIES	6
4.1	DEPARTMENT OF ECONOMIC DEVELOPMENT.....	6
4.2	PROGRAM APPLICANTS / SUBRECIPIENTS.....	7
4.3	PROGRAM BENEFICIARIES	7
5	PROJECT FUNDING REQUIREMENTS	7
5.1	ELIGIBILITY CRITERIA.....	7
5.1.1	CLARIFICATION OF ELIGIBLE APPLICANTS	8
5.1.2	PRIORITY APPLICANTS AND CLARIFICATION ON LOCATION (SERVICE AREA)	8
5.2	ELIGIBLE ACTIVITIES	9
5.3	ELIGIBLE COSTS.....	9
5.4	NATIONAL OBJECTIVES	11
5.5	TIE TO THE DISASTER.....	11
6	CITIZEN PARTICIPATION.....	11

6.1 PUBLIC ENGAGEMENT 12

6.2 ENGAGEMENT APPROACH 12

6.2.1 FOCUS GROUPS 12

6.2.2 OFFICE HOURS AND TECHNICAL ASSISTANCE SESSIONS 13

6.3 SUBRECIPIENT OUTREACH RESPONSIBILITIES 13

6.4 WEBSITE 13

6.5 MEETINGS 14

7 APPLICATION AND AWARD PROCESS 15

7.1 NOTICE OF FUNDING OPPORTUNITY 15

7.2 APPLICATION SUBMISSION PROCESS 15

7.2.1 ELIGIBILITY REVIEW 15

7.2.2 APPLICANT SCORING AND SELECTION 16

7.3 AWARD 16

7.4 POST-AWARD REQUIREMENTS 16

**7.5 NON-SELECT AND REFERENCE TO COMPLAINTS AND GRIEVANCE PROCESS
 17**

8 MONITORING AND COMPLIANCE 17

8.1 MONITORING REVIEWS 19

8.2 ANTI-FRAUD, WASTE, AND ABUSE 19

8.3 PROCUREMENT AND FINANCIAL MANAGEMENT 20

8.4 DUPLICATION OF BENEFITS 21

8.5 AFFIRMATIVELY FURTHERING FAIR HOUSING 21

8.6 RECORDS RETENTION 21

8.7 FINAL PLANNING DOCUMENT SUBMISSION 22

9 TOOLKIT DOCUMENTS 22

1 EXECUTIVE SUMMARY

The purpose of this Program Guide is to outline the process for administering Housing Resilience Planning (HRP) activities. Funding is made available via the State of Nebraska's Department of Economic Development (DED) through the United States (US) Department of Housing and Urban Development's (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) Program.

HRP 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. HRP 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 5.1: 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-4420.¹ 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 8.6: 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](#))

¹ 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

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 RESILIENCE PLANNING OVERVIEW

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, HRP 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 by addressing flood vulnerabilities in counties that were declared under DR-4420, including those designated as the HUD-identified MID and state-identified MID.

3.1 SUMMARY OF REQUIREMENTS AND PRIORITIES

Table 1 summarizes HRP’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 ²	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

² 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 Activities	<ul style="list-style-type: none"> Align with local planning efforts, Enhance resilience, Leverage recovery programs, and Align with needs outlined in the UNA (Section 2 of the Action Plan) and Nebraska’s Baseline Conditions and Impact Assessment Report. 	<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 PLANNING OBJECTIVES

HRP funds will be directed to benefit the HUD- and State-defined MID areas.

Table 2: Summary of Eligible Areas

HUD MID Area		
Dodge	Douglas	Sarpy
State MID Area*		

Adams	Furnas	Omaha*
Antelope	Gage	Otoe
Arthur	Garden	Pawnee
Banner	Garfield	Phelps
Blaine	Gosper	Pierce
Boone	Grant	Platte
Box Butte	Greeley	Polk
Boyd	Hall	Richardson
Brown	Harlan	Rock
Buffalo	Hayes	Sac and Fox*
Burt	Holt	Saline
Butler	Hooker	Santee*
Cass	Howard	Sarpy
Cedar	Jefferson	Saunders
Cherry	Johnson	Scotts Bluff
Cheyenne	Kearney	Seward
Clay	Keya Paha	Sheridan
Colfax	Kimball	Sherman
Cuming	Knox	Sioux
Custer	Lancaster	Stanton
Dakota	Lincoln	Thayer
Dawes	Logan	Thurston
Dawson	Loup	Valley
Deuel	Madison	Washington
Dixon	Merrick	Wayne
Dodge	Morrill	Webster
Douglas	Nance	Wheeler
Fillmore	Nemaha	Winnebago*
Franklin	Nuckolls	York
Frontier		

*Tribal areas are denoted by an asterisk. All other areas listed in this table are Nebraska counties.

HRP funds will support local jurisdictions and economic development districts in developing plans for housing recovery, resilience, and affordability. The plans produced 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 Objective³, DED requires that Subrecipients focus housing plans funded through HRP 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.⁴

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 HRP is to promote comprehensive community resilience.

As defined in **Table 1**, HRP 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.

HRP 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.

³ Under 24 CFR § 570.200(a)(3)(i), the requirement to meet a National Objective is waived for Planning Activities. To enhance support for vulnerable populations and aid meeting the 70% requirement to benefit LMI persons, HRP prioritizes proposals that serve areas meeting the LMI area benefit.

⁴ Pursuant to the Federal Register Notice (see [83 FR 5844](https://www.federalregister.gov/documents/2018/02/09/2018-02-09) at 5856, February 9, 2018), HRP-funded 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 Plan⁵ and discussed in the Citizen Participation Plan,⁶ 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 funding to programs who may be able to address them.

3.5 AWARD LIMITS

In accordance with the Action Plan, the following limits apply:

- Total allocation of Planning and Capacity Building, which also includes other planning activities not detailed herein: **up to \$3,000,000.**
- Maximum award for an individual HRP Subrecipient:
 - **\$250,000** for project activities serving a **single** jurisdiction, or
 - **\$500,000** for project activities serving a larger, **multi-jurisdictional** area.
- Anticipated minimum subrecipient award: **\$100,000.**

NOTE: Matching funds are NOT required for HRP awards.

4 ROLES AND RESPONSIBILITIES

4.1 DEPARTMENT OF ECONOMIC DEVELOPMENT

DED is responsible for reviewing and making eligibility determinations, including issuing a NOFO. Specific positions and roles in connection with funding decisions and any resulting funding agreements (e.g., subrecipient agreements (SRAs)) 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**, entities receiving an award participate in

⁵ “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.

⁶ “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.

the reporting process. 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 3** and applying for funding. Eligible entities may apply for funding during the open application period. Applicants selected for funding may become Subrecipients where DED initiates and both parties enter a Subrecipient Agreement (SRA).

Subrecipients are responsible for retaining documentation and ensuring compliance with all applicable laws and regulations.

4.3 PROGRAM BENEFICIARIES

HRP 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 HRP-funded plan 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 an award. 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 3**. 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 guarantee 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 3.1.1: Prioritization Criteria**) to determine which projects receive funding.

Table 3: Housing Resiliency Planning Award Requirements

Eligibility Criteria	Award Requirements
Applicant	Applicant falls under one of the following eligible categories: <ul style="list-style-type: none"> • Counties; • Municipalities • Educational Institutions; and • Economic Development Districts.⁷
Activity	Planning activities must focus on reducing flood vulnerability and include one or more of the following areas of focus: <ul style="list-style-type: none"> • Housing recovery; • Housing resilience; or • Affordable housing.
Location	Geographic area of the project falls under one or more of the HUD- or State-defined MID areas (see list in Table 2). Priority is given to projects serving the HUD-defined MID area: <ul style="list-style-type: none"> • Dodge County; • Douglas County; or • Sarpy County.

5.1.1 CLARIFICATION OF ELIGIBLE APPLICANTS

Economic Development Districts are eligible to apply; however, the planning activities must be geographically located in a HUD- or State-defined MID area to be considered eligible for funding. Activities serving areas outside of the HUD- or State-defined MID area are ineligible for funding.

5.1.2 PRIORITY APPLICANTS AND CLARIFICATION ON LOCATION (SERVICE AREA)

In accordance with the federal requirements, DED will give preference to Applications having a service area located within the HUD-defined MID. Applications proposing to serve an area intersecting between the HUD and State-defined MID may require additional recordkeeping and reporting requirements, if awarded.

⁷ Economic Development Districts as created and authorized by Neb. Rev. Stat. §§ [13-1901](#) – [13-1907](#).

See **Table 2** for a complete list of the HUD- and State-defined MID.

5.2 ELIGIBLE ACTIVITIES

Awards will support the development of a 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. Communities can use funding 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.⁸

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

5.3 ELIGIBLE COSTS



Only Planning Costs are eligible under HRP.

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. See also DED Guidance

⁸ This listing is not inclusive and includes examples set forth in [24 CFR § 570.205](#) in context of this, HRP.

Document, CDBG-DR Program Guidance, [Documenting Costs: PACs & ADCs available on the Technical Assistance webpage.](#)

Table 4: HRP – Project and Planning Costs

	Project Costs	Planning Costs
HRP Eligibility		
Examples	<ul style="list-style-type: none"> • Environmental reviews; • Acquisition costs; • Construction hard costs; • Demolition and site clearance; • Architecture, engineering, and permits, when paid by the beneficiary; • Developer fees, contractor overhead, and profit; and • Loans to businesses to assist with repairs. 	<ul style="list-style-type: none"> • Comprehensive plans; • Functional plans for housing, land use, or economic development; • Mitigation or disaster resiliency plans; • Community development plans.
Who can incur these costs?	Subrecipients, Contractors, and program beneficiaries.	Subrecipients and Contractors.
HRP Cap	<ul style="list-style-type: none"> • Ineligible cost type. • \$0/Subrecipient Award 	<ul style="list-style-type: none"> • Cost Reasonableness applies • Subrecipient award will be listed in the Subrecipient Agreement, with a maximum of \$250,000 for project activities serving a single jurisdiction, or \$500,000 for project activities serving a larger, multi-jurisdictional area. • NOTE: At the grantee level, administration and planning cannot exceed 20% of the entire grant appropriation.

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.”⁹

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.”¹⁰

5.5 TIE TO THE DISASTER

All entities applying for funding must have been impacted by Winter Storm Ulmer (DR-4420) to receive assistance. For the purposes of HRP, only communities and governments in the HUD- and State-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 HRP 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.¹¹ This includes residents of impacted areas, LMI individuals, and people with access and functional or limited English proficiency.

⁹ 24 CFR 570.200(g)(1).

¹⁰ 24 CFR 570.208(d)(4).

¹¹“State of Nebraska Citizen Participation Plan.” DED.

All publications and communication related to the Housing Resiliency Planning Program will comply with the effective communications requirements of 24 CFR § 8.6¹² and other fair housing and civil rights requirements, such as the effective communications requirements under the ADA.

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 Housing Resiliency 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*.

6.2 ENGAGEMENT APPROACH

6.2.1 FOCUS GROUPS

To support public engagement through HRP, DED held focus groups on January 20, 2022 with key stakeholders to facilitate public discussion and engagement with planning activities (see *Figure 1*). Additional engagement, possibly including further focus groups, with stakeholders may be used as appropriate.

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

¹² 24 CFR § 8.6.

be limited to: online engagement; electronic communication tools; field staff, surveys, and touchpoints; and community meetings and public hearings.

6.2.2 OFFICE HOURS AND TECHNICAL ASSISTANCE SESSIONS

DED may conduct “office hours” to support Subrecipients at the key stages of implementation listed below. Depending upon the identified needs or issues, DED may choose to hold these sessions for the entire group of HRP Subrecipients, individually, or some combination.

- **Application/NOFO Overview.** How to submit a project proposal.
- **Award and Funding Agreement.** Next steps following Notice of Award or Notice of Intent to Award, including post-award requirements.
- **Payment Request and Reporting.** How to submit a reimbursement request and expense reporting requirements.
- **Award Closeout.** Action items for closing out a Subrecipient award.

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, HRP 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.

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 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 HRP to provide the community an opportunity to learn more about the program's requirements. DED will utilize public outreach, meetings, and public comment periods to request questions and comments related to the materials and update 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. Primary program materials on the website (e.g., Action Plan and Citizen Participation Plan) 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
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
245 Fallbrook Blvd, Suite 002
Lincoln, NE 68521

6.5 MEETINGS

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

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

7 APPLICATION AND AWARD PROCESS

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 the service area, including priority for projects serving the HUD-defined MID;
- How the plan addresses program goals and objectives;
- How the plan is tied to the disaster; and
- The applicant's capacity and readiness to implement a CDBG-DR funded project.

Following the release of the NOFO, Eligible subrecipients have a **minimum of 30 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 5.1: 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 7.5: Non-Select and Reference to Complaints and Grievance Process**.

7.2.2 APPLICANT SCORING AND SELECTION

Following the threshold eligibility review process, DED will use scoring and prioritization criteria to evaluate applications, as described in **Section 3.1.1: Prioritization Criteria**. During this process, DED will sort each Application using the prioritization criteria based on how well they serve prioritized communities. DED may 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 HRP activities. For more information, refer to **HRP Evaluation and Scoring Matrix**. This matrix is part of the NOFO.

7.3 AWARD

Selected Applicants will be issued a Notice of Intent to Award. If Applicants deny the funding after selection, they should notify the State. If Applicants do not respond to a Subrecipient Agreement (SRA) within **sixty (60) calendar days**, DED may deem the entity no longer eligible for the funding.

An Applicant accepts the award by signing the 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 NOIA is twenty-four (24) months, at which point DED will request submission of final plans and other documentation to closeout the award. Subrecipients must maintain documentation related to their plans as set forth in **Section 8.6: 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 8: 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 5.1: Eligibility Criteria**.

Applicants who wish to submit a complaint related to HRP 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. A complaint form is also available at <https://opportunity.nebraska.gov/cdbg-dr-citizen-complaint-form/>.

Questions regarding the CDBG-DR programs should be directed to the DR Team via email at dcd.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.

8 MONITORING AND COMPLIANCE

Subrecipients must follow a variety of requirements as a condition of receiving CDBG-DR funds. 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**. Importantly, these requirements are reduced for planning activities because, due to their nature, planning activities do not involve construction or rehabilitation. The graphic below includes icons that capture CDBG-DR cross-cutting requirements.

Blue icons indicate requirements that Subrecipients must meet under HRP.

Gray icons indicate requirements that do not apply to HRP but apply to other programs.

Affirmatively Furthering
Fair Housing

Davis-Bacon



Monitoring and Compliance



Environmental Review

One-for-One Replacement
Housing, Relocation and
Real Property Acquisition

Financial Management

Anti-Waste, Fraud, and
Abuse

Section 3



Duplication of Benefits



Green Building Standards

Recordkeeping and Data
ManagementMinority-and-Women-
Owned Business
Enterprises

Therefore, there are monitoring and compliance requirements that are cross-cutting for other CDBG-DR funds that are **not** applicable to awards involving Planning and Capacity Building activities; 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**.
- Certain Environmental review processes, as articulated within **Chapter 8: National Environmental Policy Act**.
 - *The Environmental Review Record for HRP Subrecipients, based on the nature of the planning activities, shall be exempt under 24 CFR § 58.34(a)(1). Subrecipients are responsible for submitting certain materials and forms to DED for processing.*
 - *DED will record the Exempt Activity ERR in HEROS.*
- 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 HRP Awards, Subrecipients seeking construction-related funding for housing and infrastructure programs shall be required to follow these policies. Further detail regarding the applicability of these requirements is defined in the respective Program Guide(s).

Applicability to HRP:

The HRP Program specifically funds the planning process for Subrecipients to create a planning product serving the objectives and goals identified in **Section 3.2 Planning Objectives** and **Section 3.3 Planning Goals**, respectively. Beyond the scope of this program guide, those projects that are implemented as a product of the plans developed under HRP **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 planning products so that they are consistent with requirements that may be applicable to future activities.

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.¹³ All employees are responsible for reporting

¹³ "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>.

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.

8.3 PROCUREMENT AND FINANCIAL MANAGEMENT

DED must comply with Federal procurement standards at 2 CFR § 200.317 through 2 CFR § 200.327¹⁴ as a condition of receiving HUD funding. In addition to the requirements summarized below, these standards are outlined in further detail within CDBG-DR Manual **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 HRP. 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

¹⁴ 2 CFR § 200.318.

- 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;
- 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 HRP, 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 planning product (e.g., plan, final report) in the form of an electronic file to an online location as prescribed by DED.

9 TOOLKIT DOCUMENTS

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 Resilience Planning Toolkit List:

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