

Federal Register Notice 101

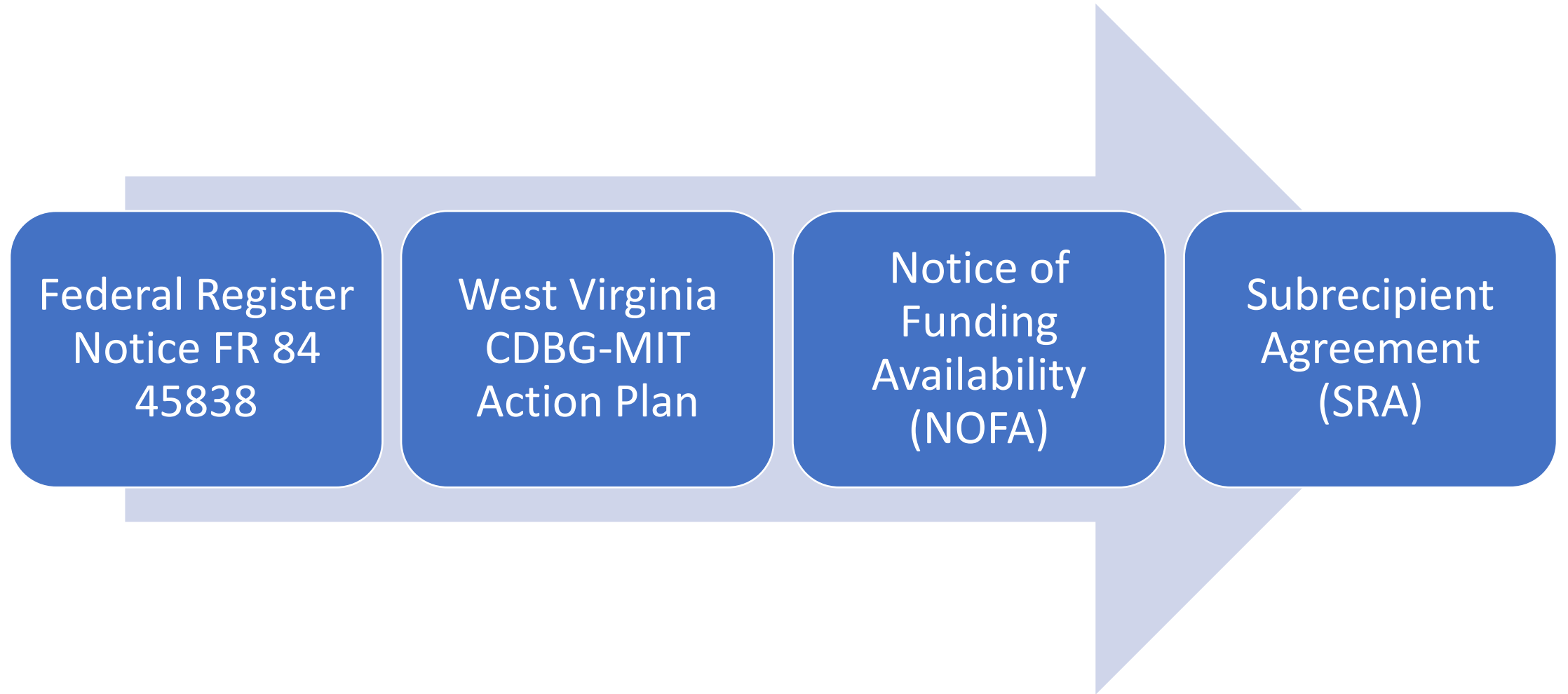


Overview

Commonly Used Acronyms

Acronym	Stands For
FR Notice or FRN	Federal Register Notice
CDBG-MIT or MIT	Community Development Block Grant Mitigation
CDBG-DR or DR	Community Development Block Grant Disaster Recovery
MOD	Method of Distribution
MID	Most Impacted and Distressed
LM or Low-Mod	Low to Moderate Income
NOC	National Objective Code

CDBG-MIT Guiding Documents



What is a Federal Register Notice?

- Official publication of rules, proposed rules and notices for Federal agencies
- Describes how special appropriations (including CDBG-MIT) are allocated and for what purpose
- Allows a Federal agency to waive certain regulatory requirements and impose alternative requirements for specific funding appropriations
- In these slides, specific sections of FR 84 45838 are italicized and in parentheses (*like this*)

CDBG-MIT Basics

- Fairly new HUD funding source that aims to **prevent** disasters instead of **respond to** them
- Activities must be data-driven and align w/ other investments
- MIT uses the basic framework of the CDBG program
- All “regular” CDBG regulations apply unless modified by a waiver and/or alternate requirement in the FR Notice
- All funds expended must meet HUD’s definition of mitigation

Goals of CDBG-MIT *(Section I)*

- Support data-informed investments, focusing on repetitive loss of property and critical infrastructure
- Build capacity to comprehensively analyze disaster risks and update hazard mitigation plans
- Support the adoption of policies that reflect local and regional priorities that will have long-lasting effects on community risk reduction, including risk reduction to community lifelines and decreasing future disaster costs
- Maximize the impact of funds by encouraging leverage, private/public partnerships, and coordination w/other Federal dollars

Definition of Mitigation *(II.A)*

Activities that “increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.”

- Contrast to CDBG-DR which requires tie-back to a specific disaster
- **All CDBG-MIT funds must be expended on activities that meet this definition**

How is MIT similar to other CDBG funds?

- All activities must meet a National Objective
- Can use all Low-Mod NOCs under CDBG and DR:
 - LMA (Area)
 - LMH (Housing)
 - LMJ (Jobs)
 - LMC (Clientele)
 - LMB (Buyout – not used in regular CDBG)
 - LMHI (Housing Incentive – not used in regular CDBG)
- All CDBG and cross-cutting regulations apply unless modified by FR Notice

How does MIT differ from other CDBG funds?

- Unlike CDBG-DR, does not require direct “tie-back” to a specific disaster—instead needs to meet definition of mitigation
- Cannot use the Slum/Blight National Objective without waiver
- Can use an additional National Objective: Urgent Need Mitigation (UNM) for activities that:
 - Address current and future risks in the Mitigation Needs Assessment
 - Result in a measurable reduction in risk
- Only 50% of funds must meet the LM National Objective (instead of 70%)—this is aggregated, not per project
 - But scoring incentive is given for projects that target LM areas and higher SoVI areas

West Virginia CDBG-MIT Funding Overview

- State was allocated was \$106,494,000 under FR 84 45838
- Eligible Activities per Action Plan
 - General Infrastructure Program
 - Public Facility Hardening Program
 - Regional and Local Planning
 - Hazard Mitigation Plans
- At least 50% of funds must be expended in HUD Most Impacted and Distressed (MID) areas, remaining 50% may be expended in State MID areas
- Mitigation Needs Assessment identified flood, winter weather, severe storms, and landslides as primary hazards.

HUD and State Most Impacted & Distressed Areas

HUD MID Counties	<ul style="list-style-type: none">• Clay• Greenbrier• Kanawha• Nicholas
State MID Counties	<ul style="list-style-type: none">• Fayette• Jackson• Lincoln• Monroe• Pocahontas• Roane• Summers• Webster

MIT Project Considerations

Two Methods to MIT Project Planning

Already
selected a
project

- Does it fit within the priorities and eligible activities in the Action Plan?
- How can you use the FR Notice to guide policy and implementation?

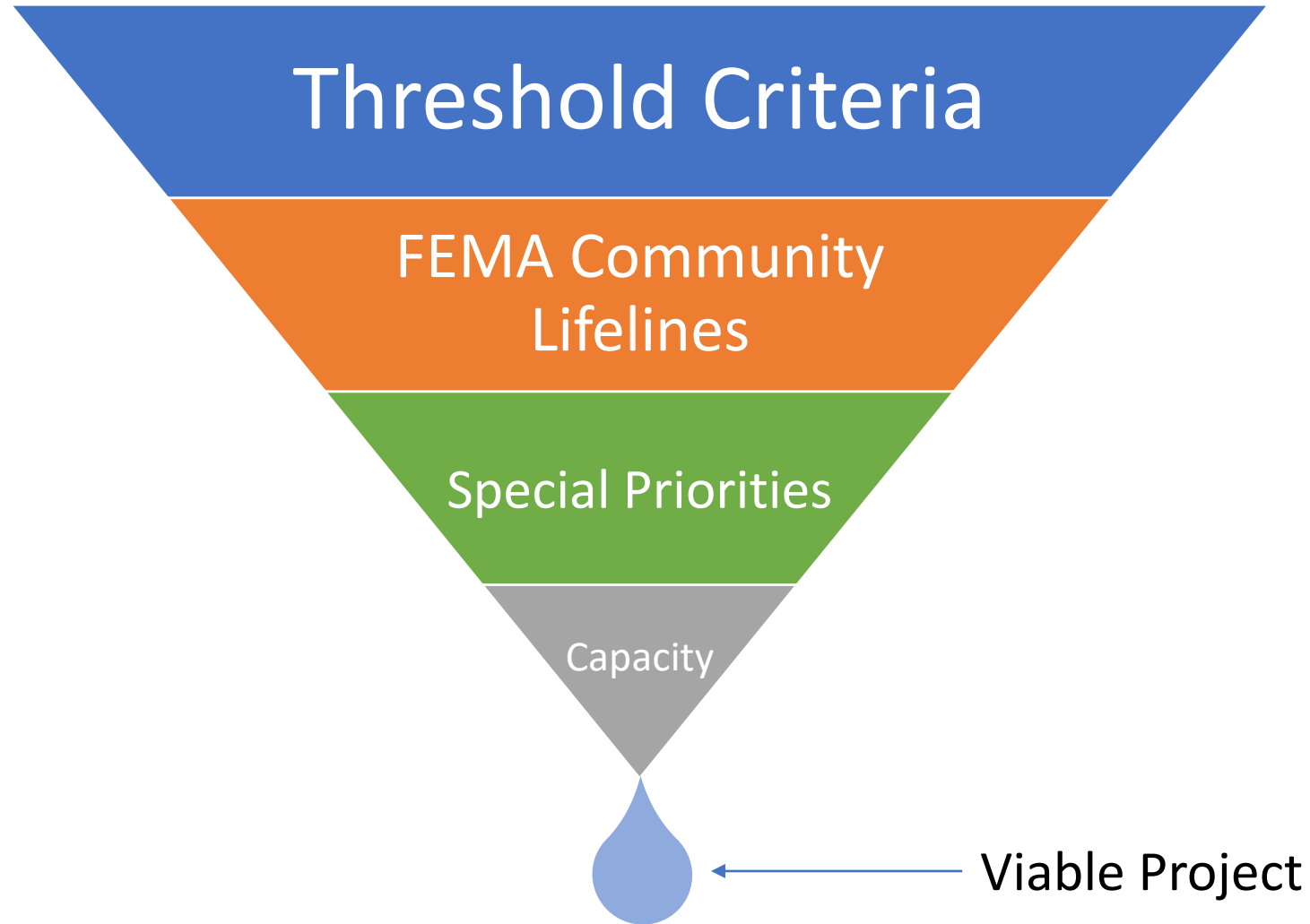
Haven't
selected a
project yet

- What are your options based on the priorities in the Action Plan?
- What projects do you have capacity to implement based on FR Notice requirements?

NOFA

- Add graphic illustrating relationship of FR, AP and NOFA
- Note that NOFA will be covered in separate presentation

MIT Project Assessment Filter



Threshold Eligibility Criteria

Per Section II.B:

1. Meets HUD's definition of mitigation
2. Aligns with West Virginia CDBG-MIT Action Plan
3. Eligible under Title I of the HCDA or otherwise eligible pursuant to a waiver or alternative requirement
4. Meets a National Objective, including additional criteria for mitigation activities and Covered Projects

Additional Threshold Criteria:

1. No direct beneficiary reimbursement allowed
2. No assistance to private utilities unless HUD grants waiver
3. Economic Development activities: Small Business priority

National Objectives for CDBG-MIT

- All LM National Objectives are eligible (*V.A.13.d*):
 - LMA (Area)
 - LMH (Housing)
 - LMJ (Jobs)
 - LMC (Clientele)
 - LMB (Buyout – not used in regular CDBG)
 - LMHI (Housing Incentive – not used in regular CDBG)
- Slum/Blight National Objective is not eligible unless a waiver is granted (*V.A.13.f*)
- **SPECIFIC TO MIT:** Urgent Need Mitigation (UNM) (*V.A.13.c*)

National Objectives in CDBG-MIT *(V.A.13.a)*

To meet a National Objective, all MIT projects must:

- Demonstrate the ability to operate for the useful life of the project. Each grantee must plan for the long-term operation and maintenance of infrastructure and public facility projects funded with CDBG-MIT funds.
- Be consistent with other mitigation activities. The CDBG-MIT activity must be consistent with the other mitigation activities that the grantee will carry out with CDBG-MIT funds in the MID area. To be consistent, the CDBG-MIT activity must not increase the risk of loss of life or property in a way that undermines the benefits from other uses of CDBG-MIT funds in the MID.

Additional Criteria for Urgent Need MIT *(V.A.13.c)*

To qualify under the Urgent Need Mitigation National Objective, a project must:

- Address the current and future risks as identified in the grantee's Mitigation Needs Assessment of most impacted and distressed areas; and
- Result in a measurable and verifiable reduction in the risk of loss of life and property.

Covered Projects *(II.B)*

- An infrastructure project having a total project cost of \$100 million or more, with at least \$50 million of CDBG (MIT, DR, NDR) funds
- Due to maximum award amounts in the WV MIT Action Plan, no projects awarded will meet the definition of a Covered Project.

7 FEMA Community Lifelines *(V.A.2.a)*

1. Safety and Security:
2. Communications:
3. Food, Water, Sheltering:
4. Transportation:
5. Health and Medical:
6. Hazardous Material Management:
7. Energy (Power & Fuel):

Lifeline #1: Safety and Security

- Evacuation routes
- Force protection and security for staff
- Security assessments at external facilities
- Location of correctional facilities
- Continuity of Services
- Communications
- Capacity of First Responder Staff
- Placement of Critical Infrastructure

Lifeline #2: Communications

- Infrastructure
- Coordination and Protocols
- Status of telecommunications service
- Reliability of internet service and cellular service
- Requirements for radio/satellite communication capability
- Status of public safety radio communications and emergency alert
- Status of phone infrastructure and emergency line servicing

Lifeline #3: Food, Water, Sheltering

- Number of people to evacuate
- Evacuation routes and Evacuation time frame
- Food, water, shelter availability
- Point of Distribution Public and Private
- Impacts to the food supply chain
- Location of water control systems (e.g., dams, levees, storm drains)
- Number and location of open shelters
- Transitional Sheltering Assistance options
- Potential future sheltering requirements
- Status of area agriculture

Lifeline #4: Transportation

- Inventory of major roads and highways, critical and noncritical bridges
- Status of maintenance and emergency repairs
- Availability of public transit systems including underground rail, buses, and ferry services, railway, airports, ports.

Lifeline #5: Health and Medical

- Status of acute medical care facilities (e.g., level 1 trauma center), chronic medical care facilities (e.g., long term care centers), primary care and behavioral health facilities
- Ability to evacuate active patients
- Status of state and local health departments
- Public health advisories
- Availability of mortuary and post-mortuary services

Lifeline #6: Hazardous Materials Management

- Amount, type, and containment procedures of hazardous materials
- Inventory of Hazardous materials
- Status of hazardous material supply chain

Lifeline #7: Energy (Power and Fuel)

- Inventory of electrical power generation and distribution facilities, nuclear within 10 miles, substations
- Number of people and locations without power
- Availability of temporary power resources
- Status of commercial fuel stations
- Responder fuel availability and status of critical fuel facilities

Special Priorities *(V.A.2.a)*

- Hazard Mitigation Plans
- Regional and Local Planning
- Natural Infrastructure
- Multi-Use Infrastructure
- Infrastructure that ties to Economic Development/hardening of commercial facilities and/or Opportunity Zones
- Alignment and leveraging of funds
- Plans to minimize displacement and ensure accessibility
- Construction/Green Building Standards

HMP vs. Regional/Local Planning

- Brief Description, discuss the difference between the two

General Infrastructure Program

- Brief Description

Public Facility Hardening Program

- Brief Description

UGLG Capacity

- Staffing, Experience
- Procurement Needs
- Site control

Monitoring CDBG-MIT Projects *(V.A.1.a)*

- Grantees are required to establish policies and procedures that include:
 - The frequency with which the grantee will monitor other agencies of the grantee that will administer CDBG-MIT funds
 - How it will enhance its monitoring of subrecipients, contractors and other program participants
 - How and why monitoring is to be conducted
 - Which items are to be monitored

Measuring Success

- UNM activities must result in a “measurable reduction in risk”
(V.A.13.c)
- How to assess the efficacy of a project

Waivers and Alternative Requirements

What is NOT waived *(Section V)*

- The HUD Secretary expressly does not have the authority to waive requirements related to:
 - Fair housing
 - Nondiscrimination
 - Labor standards
 - Environment
- All of these apply to CDBG-MIT projects
- There are also other cross-cutting regulations not listed here

UGLG may be responsible or directly affected

Waiver/Alternative Requirement	FR Notice Citation
National Objectives	V.A.13
Recordkeeping	V.A.16
Responsibility for review and handling of noncompliance	V.A.18
One-for-one replacement housing, relocation, and real property acquisition requirements	V.A.22
Timely distribution of funds	V.A.26
Permit certain improvements on private lands	V.C.3
Prohibiting assistance to private utilities	V.C.4

State is responsible but UGLG may be indirectly affected

Waiver/Alternative Requirement	FR Notice Citation
CDBG-MIT Action Plan	V.A.2
Citizen Participation Requirements	V.A.3
Performance Review Authority	V.A.4.a
Consolidated Plan Waiver	V.A.6
Combined technical assistance and administrative expenditures cap	V.A.8.b.1
Overall benefit requirement	V.A.11
Distribution to CDBG metropolitan cities and urban counties	V.A.14
Use of subrecipients	V.A.15

Unlikely but possible UGLG would be responsible/affected

Waiver/Alternative Requirement	FR Notice Citation
Operation and maintenance waiver for CDBG-MIT program income	V.A.9
National objective documentation for economic development activities	V.D.1
Public benefit for certain economic development activities	V.D.2
Job relocation clause to permit assistance to help a business return	V.D.4

Not all waivers are covered in these slides. See the FR Notice for more information.

Additional Resources

Federal Register Notice:

[2019-18607.pdf \(govinfo.gov\)](#)

West Virginia CDBG-MIT Action Plan:

[Community Development Block Grant-Mitigation \(CDBG-MIT\) | West Virginia Community and Development Office \(wvcad.org\)](#)

HUD Exchange CDBG-MIT Program Information:

[CDBG-MIT: Community Development Block Grant Mitigation Program - HUD Exchange](#)