



ORANGE COUNTY CDBG-DR PLANNING PROGRAM

Policies and Procedures Manual

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VERSION HISTORY

Version Number	Date	Summary of Changes
1.0	12/3/2024	Original Version Policies and Procedures are subject to change at the sole discretion of Orange County Housing and Community Development Division

INTRODUCTION

This manual is designed to address program policies and procedures for the use of Community Development Block Grant—Disaster Recovery (CDBG-DR) funds in addressing the unmet needs, resiliency, and mitigation efforts identified in Orange County's CDBG-DR Action Plan, as they specifically apply to the Planning Program.

On September 28, 2022, Hurricane Ian, a powerful Category 4 hurricane, made landfall in Florida, causing widespread effects throughout the state. Although Orange County did not suffer a direct hit from the hurricane, its effect was significant, resulting in widespread damage to infrastructure, homes, and the local economy. High water levels and debris rendered some roads impassable, hindering transportation and essential service access. The county faced immediate challenges in emergency response and long-term recovery, prompting concerted efforts to rebuild and expand infrastructure, support affected communities, and fortify against future disasters.

Orange County's Housing and Community Development (OCHCD), having met the requirements outlined in Federal Register Notice [FR-6393-N-01](#) for CDBG-DR funding, was allocated \$219,712,000 million from the U.S. Department of Housing and Urban Development (HUD) to administer programs in support of long-term recovery, resiliency, and mitigation efforts following Hurricane Ian.

To comply with the requirements outlined in the Federal Register Notice ([Docket No. FR-6393-N-01 issued on May 18, 2023](#)), OCHCD developed the Disaster Recovery Planning Program to address the needs identified in the county's approved action plan, specifically concerning planning activities in the aftermath of Hurricane Ian's impact.

OCHCD reserves the right to update and amend this Manual as needed to comply with evolving federal and state regulations or to incorporate changes stemming from any subsequent amendments to the approved CDBG-DR Action Plan.

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CDBG-DR PROGRAM OVERVIEW

OCHCD has allocated \$5,000,000 in the CDBG-DR funds to be used for planning activities. OCHCD established this program to strengthen the County's resilience and address unmet long-term recovery needs through community planning efforts that aim to minimize future disaster risks. This funding will be available to Orange County Departments and Divisions, as well as local municipalities, to fund studies, analysis and additional planning efforts that may result in the establishment of additional recovery and resiliency priorities and activities or support the design and implementation of the CDBG-DR programs.

More specifically, the County will allocate these funds for comprehensive planning analysis, research, and studies, resulting in the development of future recovery resilience priorities and initiatives. These activities will facilitate the implementation and design of other Orange County initiatives, thereby complementing existing CDBG-DR programs that have been established in the CDBG-DR Action Plan.

The following documents and resources are recommended as references for all potential Applicants for CDBG-DR Planning Program funds:

- Approved Orange County CDBG-DR Action Plan – www.ocfl.net/CDBG-DR
- U.S. Department of HUD/Community Resiliency Toolkit – <https://files.hudexchange.info/resources/documents/HUD-Community-Resilient-Toolkit.pdf> (lists a variety of additional resources)
- East Central Florida Regional Planning Council/Document Library – www.ecfrpc.org

The planning activities are vital to guiding our local communities through the process of disaster recovery. Strategic planning efforts will further strengthen operational, organizational, and policy needs that may arise in a pre-or post-disaster environment and set the stage for efficient and effective recovery efforts and long-term resilience. OCHCD's Planning Program will allocate funds for these types of planning activities at the county and municipal level.

It should be noted that \$20,000 in CDBG-DR planning funds will be set aside as a direct allocation to support costs incurred prior to the approval of the CDBG-DR grant agreement, including planning costs that are associated with the unmet needs assessment in the CDBG-DR Action Plan, in accordance with the [CDP Notice 2023-06](#). Furthermore, the CDBG-DR Planning Program budget may allocate additional funds in the future to cover any unmet need assessment updates and associated staff costs.

Table 1. Remaining Unmet Planning Needs and Proposed Funding Allocation

Category	Remaining Unmet Needs	% of Unmet Needs	Program Allocation	% of Program Funds
Planning Activities	-	N/A	\$5,000,000	2.3%

Note: CDBG-DR funds have a cap on planning activities expenditures that limits both state and local government grantees to a maximum of fifteen percent of their total grant amount.

Planning costs subject to the 15 percent cap are those defined in 42 U.S.C. 5305(a)(12) and, more broadly, in 24 CFR 570.205.

PROGRAM ADMINISTRATION

The Planning Program will adhere to all HUD requirements, including but not limited to the CDBG-DR requirements outlined in the [Federal Register Notice](#) allocating these funds and the corresponding public laws, which will guide the implementation of the planning program. At times, Federal Register notices incorporate requirements published in previous notices. The OCHCD will administer the CDBG-DR funds to support the planning program. The County, local municipal entities, or its agents, including eligible Subrecipients, may carry out these projects only in accordance with all HUD requirements of the CDBG-DR Program.

OCHCD will provide program-wide oversight and monitoring activities for all applicable local, state, and federal requirements in its administration of the planning program. From the application stage to the project's completion, OCHCD will conduct technical assistance to recipients, ensuring the appropriate use of funds for the planning categories. Additionally, OCHCD will monitor all grant agreement expenditures for quality assurance and to prevent, detect, and eliminate fraud, waste, and abuse. The County and its Subrecipients will comply with the Uniform Administrative Regulations outlined in 24 CFR 200. This includes reviewing financial compliance with program requirements and ensuring proper expenditure of funds overseen by the Orange County Fiscal and Operations Support Division (FOS) and the Orange County Comptroller's Office (Finance), which will ensure compliance with the grant and the Code of Federal Regulations.

Eligible Applicants will receive funding in the form of a grant through a competitive application process for selected applications. The county will allocate these funds to support its mitigation and resiliency efforts, as well as related education and outreach activities. The county's competitive Request for Applications (RFA) process will award funding to local governing entities for eligible activities, including comprehensive planning, mitigation, resilience, and other CDBG-DR-identified initiatives.

Roles and Responsibilities

OCHCD is the lead agency responsible for directing and administering the CDBG-DR Planning Program in Orange County and jurisdictions located within Orange County. OCHCD is responsible for all the major areas of the CDBG-DR program administration.

Orange County CDBG-DR Team (Orange County and Consultant)

The OCHCD CDBG-DR team, in collaboration and with assistance from the general consultant, will provide program management, project implementation and oversight, staff augmentation, construction management, and grant compliance and monitoring as needed. All activities must be carried out in full compliance with HUD requirements and under the general direction of the county.

OCHCD will be responsible for, but not limited to, the following:

- Grant Management
- Programmatic Administration
- Provision of pre-award and ongoing technical assistance to Subrecipients
- Compliance Oversight and Monitoring of all Subrecipients
- Review and Approval of all payment requests
- Review and Approval of all Contracts and Subcontracts
- Monitoring of outcomes, performance goals, project milestones and project timelines
- Review and approval of all procurement and solicitation documents
- Review and approval of the contractor pool
- Disaster Recovery Grant Report (DRGR) reporting
- Recordkeeping
- Overall Program Oversight

Subrecipients

This Program Manual defines a Subrecipient as a qualified entity that receives CDBG-DR funding to carry out specific planning activities through a competitive process. Governmental agencies, municipalities and/or Orange County Departments and Divisions could be identified as Subrecipients for the Planning Program. OCHCD will award CDBG-DR funds to eligible Subrecipients to undertake the planning, design, and implementation of eligible projects.

Subrecipients will be responsible for, but not limited to, the following:

- Collaborate with OCHCD staff to ensure compliance with 24 CFR Part 58 Environmental Review requirements.

- Provide all necessary equipment and supplies for its staff working under this contract.
- Establish an organizational structure with proper administrative oversight.
- Draft procurement documents for OCHCD review and approval prior to solicitation.
- Procure vendors necessary to complete the project in compliance with 2 CFR 200 requirements.
- Provide copies of all project contracts and agreements to OCHCD for review and approval prior to execution.
- Submit reimbursement requests with the required documentation, to include but not limited to, vendor invoice, proof of payment, insurance endorsements, project report and narrative.
- Submit monthly activity reports indicating the status of projects. These reports shall include any areas of concern or needs identified as they become apparent.
- Meet on a regular basis with OCHCD staff and cooperate with all County audits, monitoring and compliance reviews for contract oversight.

CDBG-DR PLANNING PROGRAM OVERVIEW

Program Objective

The primary objective of the CDBG-DR Planning Program is to build and sustain resilient communities. The program will achieve this by funding comprehensive planning activities that prioritize data-driven mitigation measures to reduce or eliminate long-term disaster risks and promote County initiatives. The program activities should, at a minimum, address housing affordability, increase disaster preparedness and recovery, assist County plans and programs, and/or promote comprehensive municipal planning.

Program Description

The Planning Program will open for a complete application process and end when all funded activities have completed project closeout, and budgeted funds have been expended, or 6 years after execution of the grant agreement with HUD (April 2030). The County encourages planning activities that reflect local priorities and enhance the safety of its citizens. The Planning Program is designed with flexibility to support a broad range of planning solutions that strengthen communities to withstand future disasters.

Planning Program activities should and/or are recommended to:

- Coordinate with local and regional planning efforts to ensure consistency and advance community-level and/or local post-disaster recovery and mitigation planning.
- Promote robust, comprehensive, and sustainable long-term recovery strategies that are informed by a post-disaster evaluation of hazard risk, including climate-related natural hazards, with a focus on land-use decisions that reflect responsible floodplain management and account for future possible extreme weather, other natural hazards, and long-term risks.
- Analyze land-use policies that adhere to responsible and safe standards to lessen the risk of future natural hazards, particularly those related to climate change, and to protect residents and keep community property safe.
- Integrate the adoption and enforcement of modern and/or resilient building codes, as well as the mitigation of natural hazards, including climate-related risks such as flooding, high winds, storm surges, etc., to provide accessible and resilient planning standards, as applicable.
- Establish and support recovery efforts in relation to county-funded projects that enhance cost-effective capital improvement and infrastructure development, thereby increasing the local communities' resistance to future disasters.

- Enhance awareness of the hazards and risks in our communities, especially underserved communities, through targeted outreach by creating impactful plans, research, studies, analysis, and other planning activities.
- Eliminate barriers to affordable housing for vulnerable populations while improving and increasing the affordable housing inventory through educational plans and reports.
- Create data-driven reports that analyze the disproportionate impact on vulnerable populations, aligning them with appropriate fair housing and civil rights initiatives, affirmative fair housing plans, and relevant state and local laws and practices.
- Develop innovative, adaptable, and reliable technologies to guard against the premature obsolescence of infrastructure, housing, or disaster recovery measures.

As per 24 CFR 570.205, planning activities should consist of data gathering, studies, analysis, plan preparation, and the identification of actions that will implement such plans. These planning activities may include functional land-use plans, open space plans, historic preservation plans, comprehensive plans, stormwater management plans, community recovery plans, the development of housing codes, zoning ordinances, and neighborhood plans. Under 24 CFR 570.208(d)(4), the CDBG entitlement program presumes these planning activities should meet a national objective.

Program Eligibility Criteria

The Planning Program prioritizes activities that benefit the most at-risk and vulnerable populations including low-income beneficiaries, abused children, victims of domestic violence, seniors aged 62 and over, severely disabled adults, homeless persons, illiterate adults, migrant workers, and persons living with HIV/AIDS, those living in areas of high concentrations of poverty and populations of various racial and ethnic minorities directly or indirectly impacted by Hurricane Ian.

Eligible CDBG-DR Planning activities should address the impact of Hurricane Ian or mitigate future disaster risks. Accordingly, each activity could:

1. Address a direct or indirect impact from the disaster in a most impacted and distressed area and/or benefit existing Orange County program, services, and communities;
2. Be a Community Development Block Grant – Disaster Recovery (CDBG-DR) eligible activity (or be eligible under a waiver or alternative requirement); and
3. Develop comprehensive plans that advocate for resilient communities and mitigation measures.

Depending on the availability of funds, OCHCD will consider other unique and creative approaches or initiatives aimed at meeting the remaining unmet and/or planning needs identified in the CDBG-DR Action Plan.

Program Tie-Back to Disaster, Mitigation and Resiliency

Planning activities are presumed to meet an unmet need and address the impact of the disaster through mitigation and resiliency related activities, as outlined in the CDBG -DR Action Plan. Applicants should still provide a detailed description of their projects, whether the project meets the tie-back to disaster or mitigation (both are allowed and have separate funding), including their impact on the community's unmet needs, resiliency, recovery, and mitigation, along with the project's connection to the Hurricane Ian disaster. Furthermore, Applicants should strive to enhance the resilience of the Orange County community to improve its capacity to manage future disaster situations.

Mitigation activities are defined as those that enhance resilience to disasters, minimize, or eliminate the long-term risk of loss of life, injury, damage to, and loss of property, and reduce suffering and hardship by lessening the impact of future disasters.

Resiliency is defined as the capacity of individuals, communities, institutions, businesses, and systems to survive, adapt, and thrive no matter the chronic stresses and acute shocks experienced.

Planning Program includes these mitigation and resilience planning measures, in hopes to reduce:

- Risks to people and property;
- Disproportionate natural and climate-related risks to County residents;
- Economic, social, and climate disruptions that disproportionately impact protected classes and vulnerable populations, such as those with disabilities, the elderly, LMI households and neighborhoods, and non-native English speakers; and
- Impacts and interruptions to FEMA Community Lifelines (see more details at: <https://www.fema.gov/emergency-managers/practitioners/lifelines>).

Eligible Activities

Planning activities must benefit programs, services, or communities in Orange County. According to 24 CFR 570.205, activities such as general planning to support recovery and resiliency, identifying community needs, or creating comprehensive plans are all considered eligible activities for the Planning Program.

OCHCD categorized a list of prospective eligible projects and/or activities for informational purposes only, arranged according to their significance as outlined in the CDBG-DR Action Plan.

These planning efforts may include, but are not limited to, the following:

1. Infrastructure Category

- Floodplain and Wetlands Management, as of Executive Orders 11988 and 11990
- Stormwater Management Plans
- Flood Barrier and Prevention Plans
- Historical Preservation Studies
- Support Drainage Improvements
- Infrastructure Improvement Plans
- Capital Improvement Plans

2. Environmental, Mitigation, and Resiliency Category

- Innovative Tools for Disaster Impact (such as GIS Mapping, Visualization Tools, Databases, etc.)
- Emergency Management Support
- Hurricane Preparedness and Resilience Plans
- Disaster Evacuation Plans
- Environmental Designs and Studies
- Resiliency and Hazard Mitigation Plans
- Climate Action and Resilience Studies
- Surge Protection Studies
- Energy and Conservation Plans

3. Housing Category

- Development of Housing Inventory Databases
- Resilient Housing Solutions
- Housing Cost Burden Studies
- Housing and Market Conditions Plans
- Barriers to Homeownership Studies
- Affordable Housing Supply Studies

4. General Planning Category

- General Planning to assist in determining community needs
- Comprehensive and Functional Plans (such as consolidated plans, transportation plans, open space and recreational, land use, energy conservation or economic development, etc.)
- Support Clearinghouse Functions
- Development of Codes, Ordinances, and Regulations
- Urban Environmental Designs

- Individual Project Plans (not including engineering and design costs related to a specific activity, which are eligible as part of cost of such activity)

5. Community Development Category

- Economic Revitalization and Development Plans
- Analysis of Impediments to Fair Housing Choice
- Assessment of Fair Housing
- Civic Engagement and Outreach Plans
- Community Development Plans
- Small Area and Neighborhood Plans
- Homelessness Prevention Studies
- Community Preparation for Disasters
- Community Demographic and Projections Analysis

A more detailed description of planning and capacity building activities is located at 24 CFR 570.205 of the regulations, HCDA 105(a)(12).

Eligible Applicants

Eligible Applicants include Orange County Departments and Divisions and Municipalities that either suffered damage from Hurricane Ian or have plans to mitigate future disaster concerns. Orange County will require the submission of project proposals through a competitive Request for Applications (RFA) process. The entities will be selected through this competitive process which includes a project risk assessment, evaluation of the organization's financial capacity, and other standards outlined in 2 CFR Part 200 and HUD guidelines. OCHCD will then assess Applicants' capacity to execute and implement the proposed project as a factor in the project review process.

Eligible Costs

Beyond eligible activities described in this Program Manual, the program will make use of 2 CFR Part 200 Subpart E (Cost Principles), to understand what costs can be incurred through the CDBG-DR grant. Each cost should adhere to accounting principles, be necessary and reasonable for the performance of the grant award, be consistent with policies and procedures, and be adequately documented.

Planning activities should consist of all costs of data gathering, studies, analyses, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to those listed in 24 CFR 570.205. All eligible costs will be further outlined in a Subrecipient agreement/MOU.

Eligible costs can consist of, but are not limited to, the following:

- Planning specific project cost;

- Activities necessary to develop comprehensive community development plans, and policy-planning-management capacity costs;
- Activities necessary to develop community, resiliency or mitigation strategies costs; and
- Engineering, design, and architecture services for a project cost.

OCHCD will follow HUD guidance on the allocation of costs between Program Administration Costs, Activity Delivery Costs and Planning costs consistent with [Notice CPD-23-06](#) in determining the use of planning funds for eligible costs and activities.

Ineligible Activities and Projects

Ineligible CDBG-DR activities, including planning activities, as defined in 24 CFR 570.207, include but are not limited to:

- Buildings or portions thereof used for conduct of government
- General government expenses
- Political activities
- Purchase of equipment (except as provided for in 24 CFR 570.201(c))
- Operating and maintenance expenses
- Income payments.

Refer to the Orange County's CDBG-DR Program Manual and the Federal Register Notice [FR-6393-N-01](#) for additional information on CDBG-DR program regulations.

Additional CDBG-DR regulations and guidance on CDBG National Objectives can be found on the U.S. Department of Housing & Urban Development's website at: <https://www.hudexchange.info/programs/cdbg/>

Ineligible Applicants

Consistent with the Departmental Regulations, an Applicant is ineligible if the Applicant is debarred or suspended or is otherwise excluded from, or ineligible for participation in, Federal assistance programs under Executive Order 12549, "Debarment and Suspension." An Applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. – RFA Booklet Language.

Minimum and Maximum Awards

Planning Program activities should complement other programs funded under CDBG-DR. Therefore, Planning Program funding will be awarded competitively throughout a period of five years.

Min Award: N/A

Maximum Award: \$500,000 per project/activity

OCHCD reserves the right to adjust the requested award amount for CDBG-DR funding based upon funding availability on a case-by-case basis.

National Objectives

Under 24 CFR 570.205 and 24 CFR 570.208(d)(4), assistance provided by Orange County for support of planning activities is considered to meet a national objective and generally presumed to benefit low- and moderate-income persons in the same proportion that LMI persons benefit from the expenditure of all other CDBG-DR funds.

CITIZEN PARTICIPATION AND OUTREACH

Orange County revised its Citizen Participation Plan (CPP) on November 28, 2023, to meet all the federal requirements specified in the Federal Register notice. OCHCD recommends that Applicants to the Planning Program familiarize their agencies with the updated Citizen Participation Plan, the Language Access Plan, and the addendum that covers the requirements for federal programs, including the CDBG-DR Program. These materials are available on the program website, www.ocfl.net/CDBG-DR.

Orange County values citizen and stakeholder involvement and is committed to helping its residents in disaster recovery efforts from the devastating impacts of Hurricane Ian. To facilitate this community involvement, the county has laid out targeted actions to encourage citizen participation and allow equal access to information about the CDBG-DR program. Orange County focused its outreach efforts on facilitating participation from resource-limited and income-qualified communities within the county and ensuring those most impacted are able to access information about the program and potential assistance once its implementation starts.

Coordination with Targeted Communities

This program prioritizes projects that benefit the most at-risk and vulnerable populations. To facilitate this, the scoring criteria provides preference to projects serving communities with high proportions of vulnerable populations. Orange County uses the social vulnerability index to highlight communities that may experience disproportionate challenges to disaster recovery. The index uses the most recent U.S. Census data to measure the social vulnerability of all census tracts within Orange County. The index is a comparative metric facilitating examination of differences in social vulnerability across census tracts, the building blocks of counties. Applications should address the extent to which the project benefits such populations and underserved communities. Please review the Orange County CDBG-DR Action Plan for reference (www.ocfl.net/CDBG-DR).

Community Outreach and Engagement

Agencies applying for the CDBG-DR Planning Program will be required to make a concerted effort to engage with the public. The narrative in the application for CDBG-DR funding should outline the agency's strategy for utilizing various communication channels, such as digital platforms, print media, and community outreach, to effectively inform and engage a wider audience. This strategy should ensure that the information is easily accessible, clear, and regularly updated to promote a more equitable and participatory process. Thus, the Planning Program activities must conduct and document community outreach and engagement efforts throughout the lifespan of the proposed project/activity(es), per requirements outlined in their Subrecipient agreement.

PROGRAM RESEARCH METHODS, AND DATA INTEGRITY

The OCHCD Planning Program will advocate for an equitable research method framework that guides and educates community members and residents to ensure Applicants are conducting effective and impactful studies or planning activities. OCHCD encourages Applicants to combine quantitative methods such as surveys, statistical analysis, geospatial data mapping, etc. with qualitative approaches like community meetings, focus groups, and case studies. Applicants should employ these methodologies to evaluate community needs, recovery outcomes, and the efficacy of various disaster prevention and interventions. The Applicant's Subrecipient agreement will further outline the ethical considerations, data collection standards, and reporting protocols necessary to ensure transparency and integrity in research practices.

Additionally, the program will emphasize guidelines for stakeholder engagement and collaboration, fostering a participatory approach that involves community input in the research and analysis process. Adhering to these procedures aims to promote high-quality research that informs planning decisions and enhances the resilience to future disasters and/or supports communities affected by Hurricane Ian.

Data Management

Data management is essential for the integrity and success of the Planning Program. This section outlines the policies regarding data sharing, data disposition, and data confidentiality to ensure that research and planning activities are conducted ethically and transparently. By establishing clear guidelines, which will be outlined in a Subrecipient agreement, the program aims to holster collaboration among OCHCD and stakeholders while simultaneously safeguarding sensitive information and maintaining the trust of communities involved in the planning process.

The County also requires Subrecipients to utilize reputable and reliable data sources when conducting research analysis and planning studies. See below a list of data sources that could be used for Planning Program activities. Please note that agencies are not limited to this list and agencies are recommended to utilize their own data analysis tools.

- US Census Bureau Data
- Federal Emergency Management Agency (FEMA) Data
- The Department of Housing and Urban Development: Office of Policy Development and Research (PD&R) Data and Open Datasets
- The National Bureau of Economic Research
- Fannie Mae, Ginne Mae, Freddie Mac Data
- State or Local Clearinghouse Data Systems

- Florida Universities Data Systems and Research
- Federal and State Agencies Open Data Sources
- Orange County, Local Municipalities, Governmental Agencies Plans and Research

Data Confidentiality

OCHCD understands the importance of protecting the confidentiality of sensitive information and data. Thus, Applicants must uphold robust protocols to safeguard personal or categorical data, ensuring that all planning activities comply with relevant privacy laws and ethical standards. The Subrecipient agreement will establish confidentiality requirements for all personnel involved in data handling, with the aim of preventing unauthorized access or disclosure. Additionally, agencies are recommended to secure data by utilizing encryption and access controls and minimizing any identifiable information in reports and publications. By prioritizing data confidentiality, the program aims to foster trust and encourage community participation in research and planning initiatives.

Data Sharing

Planning Program Subrecipients should foster collaboration and transparency among stakeholders. OCHCD encourages Applicants to share research findings and datasets with relevant parties, such as local governments, community members, non-governmental agencies, academic institutions, etc., while adhering to applicable federal regulations and best practices. Data sharing should be conducted through secure platforms to ensure the integrity of the information. Prior to sharing, Applicants should obtain necessary approvals and ensure that shared data is anonymized where appropriate to protect individual privacy. Generally, one should only share data in a de-identified format to preserve scientific integrity.

Data Disposition

Data disposition refers to the proper handling of data once it has fulfilled its intended purpose. Section 119, F.S. of the Florida Statute requires Applicants to adhere to the Orange County record retention policy, which specifies the duration for data retention and the methods for securely disposing of no longer needed data. The process must adhere to both federal and state regulations on data retention, guaranteeing the destruction or de-identification of sensitive information in a way that reduces the risk of unauthorized access. Planning Program Subrecipients should document data disposition actions to maintain accountability and transparency.

Public Records

According to Section 119.01, F.S. of the Florida Statute, it is policy that all state, county, and municipal non-exempt records are open for personal inspection and copying by any person.

Orange County is a public agency subject to Chapter 119, Florida Statutes. A Subrecipient of CDBG-DR must agree to comply with Florida's Public Records Law. Florida has a very broad public records law. Furthermore, Florida law mandates the maintenance and public availability of studies and other planning activity records. Therefore, if a Subrecipient hinders the public's access to inspect or copy the agency's public records, including those stored online or in the agency's electronic recordkeeping system, neither the agency nor the Applicant may enter into a contract. The Subrecipient agreement will outline detailed record maintenance, retention, and access to records.

Documentation and Publication

Effective documentation and publication methods should underpin all planning activities, accurately recording research findings, methodologies, and outcomes to create a clear and organized reference of work. This process should promote transparency and facilitate reproducibility, allowing others to verify and build upon existing studies or planning activities. Upon documentation, the publication phase must guarantee the dissemination of this information to a wider audience and community members via journals, conferences, or digital platforms. Nonetheless, the publication and documentation methodology will be detailed in the scope of work included as part of the Subrecipient agreement/MOU.

APPLICATION AND SELECTION PROCESS

Request for Applications (RFA) Process

Funding for CDBG-DR Planning Program projects will be awarded to eligible Applicants based on a competitive selection process. A public notice (Notice of Funding Availability) will be issued announcing the CDBG-DR Planning Program, funding availability, and requests for applications through one or more of the following avenues:

- A public notice in a newspaper(s) of general circulation;
- Email distribution list;
- Orange County CDBG-DR Website;
- Press releases;
- Targeted outreach to non-profit and neighborhood organizations;
- Social media advertisements; and
- Planning announcements through local news channels.

Orange County will conduct individual outreach to all municipalities within the County to inform them of funding availability and the opening of the Request for Applications (RFA) process. The notice will provide information on the total funding being made available, the types of projects that are eligible for funding through the CDBG-DR Planning Program, the time and place of the pre-award technical assistance workshop(s), the timeframes of the application and award cycle, and a contact information for any questions.

Project Proposal Application Review Process

A Notice of Funding Availability (NOFA) will be published in the local media providing information on the program, eligible activities, application timeframe, and additional information regarding the RFA. The RFA for the CDBG-DR Planning Program is very competitive. In some instances, County staff may request site visits to the proposed projects to aid in the evaluation process. All Applicants will have the opportunity to meet with OCHCD staff at a Pre-Award Technical Assistance Workshop in advance of the RFA submission deadline to ask questions or obtain additional information regarding the grant requirements.

Evaluation Committee

All potential Applicants will be required to attend a mandatory pre-award technical assistance workshop, during which the program requirements will be discussed, the application process, to include application questions and required documentation, will be reviewed, the evaluation and scoring criteria presented, and questions about the application process and associated requirements answered by staff.

To ensure that projects are selected fairly, an evaluation committee composed of a variety of stakeholders will conduct an extensive review of all application submissions. The evaluation committee, which was formed in consultation with the Local Mitigation Strategy group to provide the technical expertise necessary for scoring the project submissions, will be responsible for reviewing and scoring projects based on the evaluation criteria listed in Program Policies and Procedures.

To be eligible to serve of the evaluation committee, potential members must meet the following minimum criteria: (1) have experience in or a working knowledge of infrastructure, public facilities, and/or mitigation projects; (2) no significant involvement in the projects being proposed or submitted during the RFA process from the agency they represent; and (3) ability to either sign a Conflict of Interest statement or to recuse themselves if needed.

The evaluation committee will not exceed ten (10) members and may consist of representatives from the following organizations:

- Orange County Government (representatives from Public Works, Utilities, and Housing and Community Development)
- Local Municipalities
- East Central Florida Regional Planning Council
- Florida Department of Transportation
- A Water Management District
- A Special Interest Group (ex. hospitals, public schools, educational institutions, local utility companies, etc.)

The exact membership of the evaluation committee will be finalized prior to the RFA closing date, based on the recommendations of the Local Mitigation Strategy group and minimum criteria. Once the RFA closes, the evaluation committee will receive the applications packages for review, and members will be provided with an overview of the process and review of the evaluation criteria. The committee will be given the opportunity to ask Applicants questions regarding their project(s) during the agency presentations, which will be scheduled once the RFA closes. The evaluation committee will then meet again to submit individual scores for each project. Once all members have submitted their scores, the evaluation committee will discuss the scores, and all applications will be given an average score. The evaluation committee recommendations will be presented to the Community Development Advisory Board (CDAB) during their scheduled monthly meeting. The CDAB provides a general oversight of the CDBG-DR program and its implementation. Upon review of the evaluation committee recommendations, the CDAB will move to present the recommended projects and associated award amounts to the Board of County Commissioners for the final approval.

Qualifying Criteria (not a comprehensive list of the application questions)

- Is the proposed project an eligible activity?
- Does the project have a tie-back to Hurricane Ian? If not, is it an eligible mitigation project/activity?
- Does the project increase sustainability, resiliency and/or mitigation for future disasters?
- Is the project consistent with HUD policies and regulations?
- Is the project consistent with established priorities of the County's CDBG-DR Action Plan's Planning Program?
- Does the project have measurable goals, objectives, outputs and outcomes?
- Does the organization comply with Generally Accepted Accounting Principles?
- Does the organization comply with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards?
- Does the organization have a policies and procedures manual that includes programmatic and personnel policies?
- Does the organization have the capacity to carry out the project and comply with all of the Federal requirements?
- Will the proposed project be completed within 1 to 3 years? Does the project have phasing?
- Is the organization experienced in implementing capital and/or infrastructure projects? Federally-funded projects?
- Does the organization provide any additional funding such as general funds or other grants as leverage for the proposed project?
- Will future maintenance be required after the project completion? If so, is the organization capable of funding the required maintenance during the project use period?

OCHCD staff will conduct an initial review of the applications to ensure completeness. Incomplete applications, or failure to submit all information requested in the Request for Applications, will result in the application being considered incomplete and the project becoming ineligible. Once an application has been determined to be complete, it will be packaged and provided to the Evaluation Committee for review, scoring, and recommendation to the Community Development Advisory Board (CDAB). CDAB will review the Evaluation Committee's recommendations, and their funding recommendations will be forwarded to the BCC for final approval.

Minimum Eligibility Criteria

Applicants must meet all the minimum eligibility criteria listed below to be considered for CDBG-DR funding.

1. The proposed project is a planning eligible activity.

- Planning activities must benefit programs, services, or communities in Orange County. According to 24 CFR 570.205, activities such as general planning to support recovery and resiliency, identifying community needs, or creating comprehensive plans are all considered eligible activities for the Planning Program.
 - Planning activities should consist of data gathering, studies, analysis, plan preparation, and the identification of actions that will implement such plans.
2. The proposed project has a tie-back to the disaster events that occurred in September 2022, including a direct or indirect impact of the result of Hurricane Ian, OR the proposed project is a mitigation-only and/or resiliency project.

Technical Assistance

Technical assistance will be provided to Applicants during the RFA process. Staff will be available to answer questions specific to the Applicant's project during the pre-award technical assistance workshop(s) provided virtually or in person. Additionally, questions will be accepted from prospective applications in writing until one week prior to the RFA closing date.

Applications must be submitted by the RFA closing date through Zoom Grants; a web-based application platform. Training is provided during the technical assistance workshops on how to complete and submit applications in ZoomsGrants. If more than one project is being submitted by an organization, a separate application is required for each project.

General Requirements

The following general requirements apply to all projects and activities submitted for consideration under the CDBG-DR Planning Program.

1. An agency applying for the CDBG-DR Planning Program should send a representative to the Pre-Award Technical Assistance Workshop, the location and time for which will be announced as part of the Request for Application (RFA) and Notice of Funding Availability (NOFA).
2. Applicants seeking federal funding should be familiar with the documents posted in the Library Tab of Zooms Grants™ and with the requirements established in the Federal Register 2 Code of Federal Regulation (CFR) Part 200, the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.
3. Applicants awarded federal funding will be required to have an EIN number, and they must be registered on www.sam.gov.

4. After an organization receives funding notification, it will be required to meet with the CDBG-DR Program staff prior to proceeding with the project/activity (attendance at a post-award technical assistance workshop).
5. Applicants will be required to utilize professional and qualified staff to implement the proposed project/activity.
6. All projects will require a project administration Subrecipient agreement (for local municipalities) or a Memorandum of Understanding (MOU – for County Departments/Divisions) that states the specific project requirements, including, but not limited to, project scope, budget, timelines, payment procedures, and projected accomplishments/milestones.
7. Projects are subject to all federal requirements including but not limited to, CDBG and CDBG-DR regulations, Fair Housing laws, HUD issued certifications, and standards under 2 CFR Part 200.
8. All payments for projects are made on a reimbursement basis, subject to provision of documentation and adherence to project requirements.
9. Federally funded projects must be achievable and cost effective.
10. CDBG-DR planning studies and projects must align with unmet needs and priorities identified in the CDBG-DR Action Plan, as amended.

Project Selection and Funding Process

The RFA for the CDBG-DR Planning Program is very competitive. To ensure that projects are selected fairly, an evaluation committee will conduct extensive reviews of all application submissions.

- Step #1: Determine if a project/activity is eligible in accordance with CDBG/CDBG-DR federal statutes.
- Step #2: Determine if any of the proposed projects/activities fall within a category explicitly ineligible (such as assistance for the general conduct of government, political or religious activities paid with HUD funds or others identified in the statutes).
- Step #3: Review the proposed costs of the activity to determine if they appear to be necessary and reasonable. Conduct a financial risk analysis in accordance with 2 CFR Part 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, and AUDIT REQUIREMENTS FOR FEDERAL AWARDS.
- Step #5: Determine if the project demonstrates a “tie-back” to the Hurricane Ian disaster and is consistent with the County’s CDBG-DR Action Plan Planning Program. Does the project have measurable goals, objectives, outputs and outcomes to quantify program impact?

Step #6: Determine the organization's experience and capacity to carry out the project. Does the organization have a policies and procedures manual that includes programmatic and personnel policies? Does the organization have the capacity to carry out the project and comply with all of the Federal requirements? Does the organization have the financial capacity to maintain program activities on a reimbursement basis? etc.

Step #7: Determine funding availability for the proposed project.

All Applicants will have the opportunity to meet with OCHCD staff at a Pre-Award Technical Assistance Workshop in advance of the RFA submission deadline to ask questions or obtain additional information regarding the CDBG-DR Program requirements.

OCHCD staff will conduct an initial review of the applications to ensure their completeness. Incomplete applications, or failure to submit all information requested in the RFA, will result in the application being considered incomplete and the project becoming ineligible.

Once an application has been determined to be complete, it will be reviewed and scored by an evaluation committee and funding recommendations presented to the Community Development Advisory Board (CDAB), which is comprised of Orange County residents appointed by the Board of County Commissioners (BCC) who serve on a voluntary basis. CDAB will review the evaluation committee's recommendations, and, once the consensus is reached, recommendations from the evaluation committee and CDAB will be submitted to the for final approval.

APPLICATION REQUIREMENTS

Summary of the Application Requirements

The following is a brief summary of the elements required within the application to OCHCD. Application requirements will be discussed in more detail during the Pre-Award Technical Assistance Workshop.

Project Description

Applications must include a description of the proposed project, including the objective of the activity, the anticipated service area and populations benefiting from the project, and an explanation of whether and how the project addresses disaster-related impacts. The description should explain whether and how the project mitigates the natural hazard risks identified in the County's CDBG-DR Action Plan.

For mitigation-related projects, Applicants will be asked to describe how the proposed project aligns with local or regional hazard mitigation plans and strategies. The description must address how and why the project needs to be created, updated, or integrated to mitigate the risks attributable to future threats and hazards.

The description also should summarize how the project responds to the program priorities, including one or more of the following:

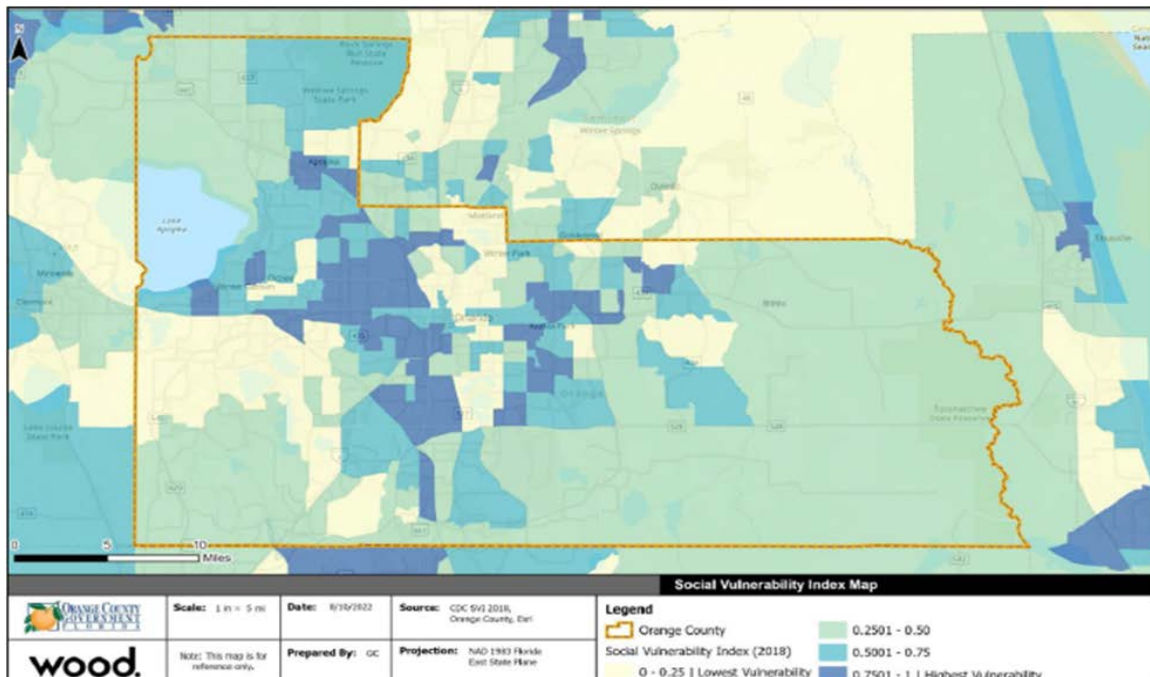
- Identify the project's impact area
- Demonstrate how the project will respond to future disasters impacts
- Determine how the project protects and benefits the public, especially vulnerable populations and protected classes
- Identify how the project will mitigate natural hazard risks to critical structures, facilities, and systems (i.e., does the proposed planning project complement any infrastructure and public facilities projects and/or activities funded under the CDBG-DR Program?)
- Incorporate nature-based solutions to improve communities' wellbeing and support better urban stormwater and flood management.
- Describe the Applicant's ability to operate and maintain the project upon completion
- Identify the project's ancillary benefits
- Describe how the design accommodates climate change projections and future conditions
- Identify how the project leverages federal, State, and local partnerships and funding sources
- Ensure community engagement.
- Demonstrate the cost-reasonableness of the project.

- Describe the project's readiness to proceed

Disadvantaged Communities

This program prioritizes projects that benefit the most at-risk and vulnerable populations. To facilitate this, the scoring criteria provides preference to projects serving communities with high proportions of vulnerable populations. Orange County uses the social vulnerability index to highlight communities that may experience disproportionate challenges to disaster recovery as seen in Figure 1 below. The index uses the most recent U.S. Census data to measure the social vulnerability of all census tracts within Orange County. The index is a comparative metric facilitating examination of differences in social vulnerability across census tracts, the building blocks of counties. Applications must address the extent to which the project benefits such populations and underserved communities.

Figure 1. Social Vulnerability Index by Census Tract – Orange County, FL



Sources: UCF Vulnerability Mapping and Analysis platform; www.vulnerabilitymap.org; Floodplain Management Plan, Orange County Government

Community Outreach

Applications must include information regarding the community outreach conducted to select and prioritize the proposed projects (especially if more than one project is being submitted by an organization). More specifically, the Applicants must discuss the community engagement and other outreach activities in which it engaged to capture the community's values and priorities. This may include activities previously conducted or planned for the near future.

Note: The summary of the County's community outreach efforts for the CDBG-DR Action Plan might suffice as sufficient evidence of community input for certain projects. Summaries of all community meetings are available on the program website: www.ocfl.net/CDBG-DR.

Project Implementation and Timeline

Applicants must provide evidence of management capacity and a plan to implement the project within budget and on time. Proper implementation requires that an Applicant understands what is expected of them, ensures that the human capital and financial resources needed to complete the project are in place, and develops a realistic timetable. Each application must include information demonstrating the organization and financial capacity of the Applicant for carrying out the project, and the projected timeline for completion. For funded projects, project completion dates will be specified in the Subrecipient Agreements or MOUs. A formal written request for time extension is required when the project is delayed for reasons beyond the control of the Subrecipient or County department/division.

For non-County projects, the Applicants will be asked to identify if they require assistance from the County to implement the project (could be due to lack of internal capacity and/or experience) as part of the application. If assistance is required, the Applicants should contact the County to discuss their projects prior to the RFA opening date.

Project Coordination with Planning Program

Applicants are encouraged to collaborate and complement capital and infrastructure projects funded under the CDBG-DR Program, or other federal, state and local sources. Projects that establish additional recovery and resiliency priorities and activities or support the design and implementation of other CDBG-DR programs are encouraged in order to maximize the project impact in addressing recovery, resiliency and sustainability needs of Orange County communities and neighborhoods.

Project Impact

Applicants must demonstrate how projects will enhance community resilience and address disaster-related needs. This involves providing a comprehensive impact analysis which may include a needs assessment, project goals, and a description of how the project will improve the community. Applicants should outline measurable outcomes and performance metrics – to be included with the application.

Project Budget

Submissions must include a proposed project budget with a detailed description of anticipated costs. In the project budget, the Subrecipient must provide the basis for costs estimated for each line item that applies to the project.

The budget should also show the anticipated sources of funding, to include any leverage being provided. Applicants should develop a feasible budget (based on professional estimates) that includes CDBG-DR funds, as well as any committed sources outside of the CDBG-DR funds requested. The commitments of the funding sources should be documented and included with the application. The prospective Applicants should include any additional clarifying information as part of the budget narrative. This program will provide preference to applications that leverage outside sources beyond CDBG-DR funds. If another assistance is being provided for the planning activity, please provide the source to help avoid duplication of benefit (DOB), as described below.

The prospective Applicants should include any additional clarifying information as part of the budget narrative. If the proposed project is phased, the phasing should be described in the budget narrative. If more than one project is being submitted by an organization (a separate application is required for each project), the Applicant is advised to prioritize the proposed projects in the order of importance to ensure that, if awarded funds, the most time-sensitive project(s) are addressed first.

Project Cost-Effectiveness

The CDBG-DR program places a high priority on funding projects that are cost-effective. CDBG-DR project applications will be scored based, in part, on cost-effectiveness demonstrated through a benefit-cost analysis that will be further discussed during the Pre-Award Technical Assistance Workshop. All cost-effectiveness analyses will be reviewed by OCHCD or its designee. Therefore, applications should describe their cost allocation rationale in the application to demonstrate this principle.

APPLICATION SCORING AND PROJECT APPROVAL PROCESS

Scoring Criteria

The County will use a scoring rubric with multiple criteria for each application. Prior to being scored, applications must meet the eligibility requirements before they are scored. The scoring criteria (by categories) is shown in **Table 3** and summarized below:

- Project Description and Need – max 15 points
- Agency competency – max 25 points
- Budget justification and leverage of funds – max 20 points
- Project feasibility – max 20 points
- Implementation plan and outcomes – max 20 points.

A maximum of 100 points can be awarded. The final evaluation rubric will be posted on the program website prior to the application opening date. The rubric will include detailed questions for each of the scoring categories.

Table 2. Scoring Criteria

Criteria Category	Description	Points Available
Project Description and Need	<ul style="list-style-type: none"> • Project need is clearly defined, and it aligns with the County’s CDBG-DR Action Plan (5 points) • Applicant describes the correlation between the identified need and the proposed project/activity (5 points) • Address a direct or indirect impact of Hurricane Ian or is a mitigation project (5 points) 	15
Agency Competency	<ul style="list-style-type: none"> • Applicant is experienced in carrying out planning projects (10 points) • Applicant has demonstrated experience and familiarity with implementation of federally funded projects (5 points) • Applicant has organizational (staff) and financial (resources) capacity to implement the project, and do so on a reimbursement basis (10 points) 	25
Budget Justification and Cost Effectiveness	<ul style="list-style-type: none"> • Applicant shows that other funding sources (federal, state, local grants, FEMA, etc.) were unavailable to fund the project (10 points) • Application demonstrates an overall cost effectiveness of the project, based on the proposed budget and ability to complete/manage (10 points) 	20

Project Feasibility	<ul style="list-style-type: none"> • The project is ready to proceed and can be completed within a reasonable timeframe (10 points) • Project demonstrates a reasonable cost benefit analysis that is proportional to the requested amount (10 points) 	20
Implementation and Outcomes	<ul style="list-style-type: none"> • Applicant demonstrates how the project will contribute to the sustainability and resiliency of LMI persons and LMI or vulnerable communities, or addresses the needs of historically underserved communities (10 points) • Applicant shows how the proposed project can positively impact or complement other projects/activities being implemented under the CDBG-DR Program to support long-term hurricane recovery efforts (10 points) 	20
Total Maximum Points Available		100

Pre-Award Risk Assessment

Prior to issuing any federal award, Orange County is required to conduct a comprehensive review of relevant qualification and financial integrity information. This review must include checking information available through OMB-designated repositories, such as the Federal Awardee Performance and Integrity Information System (FAPIIS), DUN and Bradstreet, and the "Do Not Pay" system.

Additionally, all agencies must comply with the suspension and debarment requirements outlined in 2 CFR Part 180, as well as any applicable suspension and debarment regulations specific to individual federal agencies as provided in Title 2 of the Code of Federal Regulations. This process ensures that only qualified entities with a history of financial integrity and performance accountability receive federal funding.

Key considerations in this risk assessment may include:

- **Financial Stability of the Organization:** The financial health and stability of the Applicant are critical in ensuring they have the capacity to manage federal funds responsibly. Orange County may review financial statements, and other indicators of fiscal soundness to determine if the Applicant is a low-risk recipient.
- **Quality of Management Systems and Compliance with Federal Standards:** Applicants must demonstrate that they have robust management systems in place capable of complying with federal management standards. This includes having proper internal controls, financial management systems, and adequate staffing to manage the complexity of federal awards.

- History of Prior Performance and Management of Federal Awards: Orange County will review the Applicant's track record in managing previous federal awards, if applicable. This includes evaluating their timeliness in meeting reporting requirements, their adherence to the terms and conditions of past awards, and their ability to spend awarded funds efficiently. Additionally, when applicable, the extent to which any previously awarded funds have been expended prior to future awards will be considered.
- Reports and Findings from Audits Conducted under 45 CFR Part 75 Subpart F – Audit Requirements: Audit reports provide valuable insights into the financial practices and overall integrity of an organization. Orange County will consider any findings, recommendations, or issues raised in these audits to assess whether the Applicant poses a risk to the effective use of federal funds.
- Applicant's Ability to Implement Statutory, Regulatory, or Other Requirements: The Applicant must demonstrate the ability to comply with statutory, regulatory, or other requirements applicable to non-federal entities. This includes the ability to adhere to the legal and administrative conditions set by federal programs, ensuring that funds are used in compliance with established regulations.
- Quality of the Project Application: The overall quality of the project proposal submitted by the Applicant is another critical factor. This includes evaluating whether the project is well-designed, feasible, and aligned with the goals and objectives of the federal funding program. The clarity, detail, and justification of the proposed budget and project plan will also be considered as part of this evaluation.

By conducting these reviews, Orange County ensures that federal funds are awarded to responsible entities with the capability and integrity to fulfill the terms of the award. This process mitigates the risk of misuse of federal funds, enhances transparency, and ensures compliance with both federal and local regulations.

Applicants and Subrecipients are expected to review the CDBG-DR Program Manual for more detailed information in this area.

Project Approval

After a project is reviewed and scored, Staff will present the Evaluation Committee's recommendations to the Community Development Advisory Board (CDAB). Once the CDAB makes the recommendation to the Board of County Commissioners (BCC) and the BCC approves the proposed budget and funding recommendations, entities awarded funds will enter into a Subrecipient agreement/MOU with the County. A list of selected projects, to include project description and allocated amount, will be made available on the CDBG-DR website.

Award Letters

A letter announcing the award recommendation will be sent to each Applicant, regardless of whether the funds are awarded or not. This letter will state the recommended award amount and outline next steps in the process. For those awarded funds, the letter will specify requirements for an environmental review of the projects, when a Subrecipient Agreement/MOU is expected to be executed, and technical assistance to be offered by the CDBG-DR staff.

For those projects not awarded funds, the letter will offer a technical review of the application with the County staff. The Applicants agencies may request technical assistance to discuss application scoring and gain insight on ways to improve their application if another application cycle is opened for future submittal.

Appeal Process

Limited resources are expected to limit the number of new projects that can be selected for funding and implemented using CDBG-DR funds. An Applicant may submit a request to receive information addressing the reasons why the project proposal was not funded, or to request technical assistance for future applications. Recommendations are not a guarantee of funding. Orange County does not assume responsibility for any costs or losses incurred in the preparation of this Application.

Applicants may contact the Division regarding an appeal, except for the following reasons:

1. The proposed activity is ineligible under CDBG-DR regulations.
2. The Applicant failed to meet federal and Orange County eligibility requirements for the grant.
3. The Application is incomplete (missing narratives, documentation, or an explanation of why the required documentation is not available).
4. The Applicant is dissatisfied with the amount of a grant award.

An Applicant must appeal the recommendations by providing a written notice to the Manager of the Housing and Community Development Division no later than 5:00 p.m. on the third business day after the agencies have been notified of the funding recommendations. The written notice should be addressed to:

Manager
Orange County Government
Housing and Community Development Division
525 East South Street
Orlando, FL 32801

An appeal committee comprised of the following individuals will review appeals and render a decision:

- One individual serving on the Community Development Advisory Board;
- One individual serving on the Evaluation Committee;
- One independent person to be appointed by the Director of the Planning, Environmental, and Development Services Department; and
- The Manager of the Housing and Community Development Division or his designee.

Subrecipient Agreements/ Memorandums of Understanding (MOU)

Projects selected for the award will be required to execute a Subrecipient Agreement (for municipalities or governmental entities) or MOUs (for County Departments and Divisions). County projects awarded funds will be administered directly by the Departments and Divisions with oversight and assistance from program staff and grants administration.

A draft of the Subrecipient Agreement is available on the County's CBDG-DR website.

The Subrecipient Agreement will outline the conditions of the CDBG-DR grant funding for the approved project. The Subrecipient Agreement terms may include, but not limited to:

- Project Name
- Award amount
- Scope of Services
- Performance Monitoring & Reporting
- Period of performance and term
- Budget
- Payment Requests Requirements & Process
- Program Requirement & Award Conditions
 - Tie-back to Disaster, Mitigation or Resiliency
 - Eligible Activity and National Objective
 - Environmental Review (24 CFR, Part 58)
 - Evidence of commitment of leverage funds
 - Approved Federal and Local Procurement Policies
 - Conflict of Interest
 - Fraud, Waste, & Abuse Policy
 - Anti-Displacement and Relocation Plan
 - Cross-Cutting Compliance
 - Fair Housing and Civil Rights Law
 - Federal Labor Standards to include Davis Bacon and Related Acts

- Section 3
- Project Closeout
- Termination of Agreement
- Other requirements as applicable

Amendments to Subrecipient Agreement/MOU

The County reserves the right to amend Subrecipient Agreements and MOUs at any time. Subrecipients may request an amendment to extend the period of performance, amend budgets, change the scope of work, or update project milestones. The County will review the amendment request and determine if the amendment is warranted. Subrecipients are encouraged to submit the request to amend as soon as the need is identified. Requests to amend the Subrecipient Agreement/MOU must be submitted within a reasonable timeframe.

DISBURSEMENT OF FUNDS

Method of Payments

Funding will be provided to Subrecipients and Orange County Departments and Divisions on a cost reimbursement basis based on actual expenditure and percentage of project completion.

Payment Conditions

The Subrecipient must complete all conditions specified in the Subrecipient Agreement/MOU before requesting payment. Upon execution of the Subrecipient Agreement/MOU, the Subrecipient/County Division may proceed with implementation of the project. Conditions may include, but not limited to, the following:

- Requirements outlined in the Subrecipient Agreement
- Procurement documentation
- Contracts documentation
- Insurance and bonding documentation

Supporting Documentation

Orange County requires Subrecipients of CDBG-DR funds to submit requests for reimbursement with the required supporting documentation on or before the last business day of each month. Each invoice must be completed in its entirety and itemize all CDBG-DR Program approved services and expenditures incurred by the Agency for the prior month.

In order for expenditures to be reimbursed, the following guidelines apply:

1. The services delivered, or labor provided must be within the contract period detailed in the Subrecipient agreement. If the period of service being paid includes dates outside the Agreement period, the payment must be prorated to include only the portion that is within the contract period.
2. The agency must show proof of actual payment. This could be in the form of a check, receipt, or bank statement withdrawal.
3. Payments must be dated within the month for which reimbursement is being requested. When submitting the programmatic report for a particular month, include any payments dated in that month regardless of whether the invoice period is for a different month (as long as the period covered is within the Agreement period as stated in item#1).
4. The agency must submit all supporting documentation regarding payments. This is usually a copy of an itemized invoice, but can include other documentation

regarding grant percentage allocations, or other information that supports the expenditure.

Request for reimbursement will also include:

1. A cover letter on the agency's official letterhead, or Agency Invoice on letterhead bearing an official logo signed and dated with the request amount and month detailed in the letter. The cover letter should be addressed to: Mitchell Glasser, Manager, Housing and Community Development Division, 525 E. South Street, Orlando FL 32801.
2. A CDBG-DR Monthly Expenditure Report Form, to be provided by the County, detailing the budgeted amount (consistent with approved Budget in the Subrecipient agreement), current month's claim, balance, % drawn year-to-date etc. Each expenditure will be arranged by line items, with the date and signature of the designated staff.

Payroll-Specific Guidelines:

1. Payroll checks included for reimbursement must be dated in the month requesting reimbursement. Only salary and FICA taxes may be submitted for reimbursement. No other fringe benefits are allowed unless noted in the Subrecipient agreement.
2. Timesheets must be included for the time period covered by the paycheck and must be accompanied by time Distribution or Allocation Records, Salary Support Documents – Copies of Check, Paystubs, Direct Deposit Slips etc.
3. Only salary for work performed under the grant can be reimbursed. If an employee works on multiple grants, the timesheet should clearly split the time spent on each grant or show an allocation percentage. Generally, the CDBG-DR program will allow up to ten percent (10%) in administrative costs minus indirect cost as part of the awarded amounts.
4. When prorating salary because the pay period for the check includes time worked outside the grant contract period, prorate based on hours worked on the grant or by the allocation percentage.

If the reimbursement request included program supplies purchases with CDBG-DR funds, documentation must include:

- Purchase orders or requisition forms authorized by a representative of the Subrecipient.
- A signed vendor invoice indicating that the goods were received.
- The canceled check or proof of payment to the vendor.
- Information regarding where the supplies are stored and for which cost objective(s) they will be used.

These supporting documents are critical to demonstrating compliance with federal regulations and ensuring that all expenditures meet the requirements of the CDBG-DR program. Without adequate documentation, expenses may be deemed ineligible for reimbursement, potentially resulting in audit findings or repayment of funds.

By maintaining comprehensive, accurate, and approved documentation for all expenditures, Subrecipients can safeguard against non-compliance and ensure the proper use of federal funds.

Reimbursement Requests

The OCHCD Subrecipients are responsible for billing the County for invoiced costs, based on the budget included in a project administration Subrecipient agreement/MOU. The County will review the invoices to ensure all required information is included. Payment requests will be submitted and addressed to OCHCD, and the frequency of reimbursement requests will be determined upon the Subrecipient agreement.

Before submitting a payment request, the Subrecipient must verify the invoices are accurate and complete, the activities and costs were incurred during the period of performance, and all required supporting documentation is included in the payment request. Payment requests that do not include the required information or supporting documentation will be rejected and returned to the Subrecipient to collect the necessary information and resubmit.

Again, Subrecipients must verify all costs before submitting invoices to the County for reimbursement and provide all required reporting and supporting documentation (e.g., detailed invoices, purchase order, proof of services, and paid itemized receipts requested by the County).

At a minimum, the Invoice should include:

- Vendor name and contact information
- Invoice number
- Invoice date
- Date of service
- Progress Report
- Amount due

Payment requests that do not include the required information or supporting documentation will be rejected and returned to the Subrecipient to correct the error and to resubmit the reimbursement request packet.

For additional information on the payment request procedures, refer to the Orange County Financial Management Policies and Procedures.

Monitoring of Payments and Reconciliation

The County will monitor payment requests and reconcile any issues that may arise as a result. The quality assurance/quality control process will involve, but is not limited to, the following:

- Documentation reviews and data collection during the payment review process.
- Program monitoring to ensure that activities are within program guidelines.
- Program expenditure and payment request review for eligibility based on applicable laws, CDBG- DR requirements, and CDBG regulations.
- Follow-ups regarding identified compliance issues, initiation of corrective actions, and implementation of program controls, as necessary.

Timely Expenditures of Funds

The County expects to complete program activities as quickly as possible to address the unmet community needs. The County is required by HUD to disburse CDBG-DR funding allocated through this program to be disbursed within 6 years of the execution of the County's grant agreement with HUD unless HUD grants an extension. However, the awarded project must be completed within the period of performance as specified in the Subrecipient Agreement and MOU unless an executed amendment to the Subrecipient agreement/MOU allows for additional time.

To ensure the expenditure of all CDBG-DR funds within the six (6) year time frame, the County must submit projections regarding the obligation and expenditure of all CDBG-DR funds as well as the anticipated outcomes associated with program activities. The County has existing financial management procedures which include processes for financial reporting, recordkeeping, accounting systems, payment procedures, and audit requirements.

The CDBG-DR Action Plan outlines projections of programs and projects for the timely expenditure of funding. The Action Plan may be amended as needed to accommodate any subsequent changes, updates, or revisions to project and activity budgets. The County will submit projections to HUD via the DRGR system.

All grant awards received by the County are tracked and managed through Advantage, the County's primary accounting system. All budgets and financial transactions are tracked and processed using this system, within which accounting protocols have been set up to ensure segregation of duties. Financial transactions will continue to be managed utilizing Advantage for CDBG-DR to ensure timely reimbursement.

Procedures to Track Progress and Program Expenditures

The County will assign Implementation Contractors, Project Leads, and Subrecipients to track and submit required reporting to the OCHCD CDBG-DR Team to demonstrate grant

performance and ensure timely expenditure of funds within the grant performance period. This will be accomplished through a combination of status meetings to compare projected budgets to actuals, track milestones and tasks, review key data points, and analyze reporting. The assigned Implementation Contractors, Project Leads, and Subrecipients will inform the County if there are barriers to compliance and to timely preparation of status reports, tasks, and deliverables.

Some CDBG-DR activities may generate program income, which is income the County receives as a direct result of its CDBG-DR funded investment. All program income received will be entered into DRGR by the Fiscal Team and drawn before any program funds.

MONITORING AND REPORTING REQUIREMENTS

Monitoring and Compliance

The County is required to provide oversight and monitoring of sub-awards. The objective of oversight and monitoring activities is to facilitate the achievement of performance goals while ensuring that subaward funds are used for authorized purposes in compliance with Federal statutes, regulations, and the terms and conditions of the subaward.

The frequency at which Orange County will monitor Subrecipients will be included in a monitoring work plan for each Subrecipient, which is informed by the risk assessment. The monitoring work plan can be adjusted due to various factors, to include the following:

- Project/Activity risk;
- Any fiscal-related concerns, discrepancies, or invoicing/drawdown;
- Concern(s) for timely project/activity completion;
- Significant changes to the project scope or project staff; and
- Other compliance-related issues.

Subrecipients and Orange County are responsible for monitoring their vendors and contractors to ensure compliance with the terms and conditions of the contract.

The County will notify Subrecipients of monitoring events in advance. The County will determine the frequency of monitoring and reserves the right to change the frequency at any time. The Subrecipient will ensure that all records and files pertaining to the project, as well as any additional information requested by the County, are made available during the monitoring visit or at the time specified by the County. In response to monitoring, the County will provide technical assistance to mitigate identified risks and to address concerns and findings.

Each monitoring will address program-specific issues and may be carried out through a combination of monthly desk reviews and remote monitoring. The primary goals of monitoring are to:

- Achievement of CDBG and CDBG-DR program requirements, goals, and priorities, which may include national objectives;
- Evaluate conformance to the Subrecipient agreement/MOU;
- Ensure compliance with CDBG-DR program and all other applicable federal, state, and County requirements;
- Review and ensure accuracy and completeness of record-keeping and financial management systems; and

- Identify any technical assistance needs.

Monitoring Letters

Upon completion of monitoring, the County will provide a monitoring letter to each Subrecipient outlining the results of the monitoring. If corrective actions are needed as a result of findings or concerns, a corrective action plan will be included with the letter. The Subrecipient will be provided the opportunity to respond to the monitoring results, and County staff will work collaboratively with the Subrecipient to resolve any findings or concerns.

Disaster Recovery Grant Reporting (DRGR) Reporting

The Disaster Recovery Grant Reporting (DRGR) System was developed by HUD's Office of Community Planning and Development (CPD) for the CDBG Disaster Recovery (CDBG-DR) program. OCHCD is responsible for maintaining the DRGR system to ensure the accuracy of programmatic and compliance data entered and for the activity/project close out.

Subrecipients will ensure that all requisite records and associated documentation related to the project are provided in a format that is compatible with the DRDG system without the need for conversion prior to input by OCHDC staff.

HUD Performance Measurement System

HUD has implemented a new performance measurement system that is required for all projects funded under the CDBG-DR program. This new system will provide aggregate data and consistent reporting on objectives and outcomes at a national level. Funded CDBG-DR Planning projects must meet at least one of the objectives and outcomes outlined below.

Subrecipients and County Departments/Divisions must identify objectives, outcomes, and performance measures when submitting their applications for funding. In addition, all Subrecipients of CDBG-DR funds and County Departments/Divisions must maintain adequate data, in the appropriate format, and submit annual reports until the terms of the agreement have been satisfied. Below are the three (3) performance measurement components for the CDBG program:

Objectives:

- Suitable Living Environment – Activities that benefit communities, families, or individuals by addressing issues in their living environment.
- Decent Housing – Housing activities that meet family or community needs. This objective should NOT be used for activities where housing is an element of a larger effort; or

- Creating Economic Opportunity – Activities related to economic revitalization, commercial rehabilitation, and job creation.

Outcomes:

- Availability/Accessibility – Activities that make services, infrastructure, housing, and shelter available and accessible. Note that accessibility does NOT refer only to physical barriers.
- Affordability – Activities that provide affordability in a variety of ways. It can include the creation or maintenance of affordable housing, basic infrastructure, or services such as transportation or daycare.
- Sustainability – Activities that promote livable or viable communities and neighborhoods by providing services or by removing slums or blighted areas.

Performance Indicators:

There are several common indicators that apply to most activities such as: funds leveraged, number of persons or households served or benefitting for a project/activity, income levels of persons or households by 30%, 50%, or 80% of an area median income and race, ethnicity, and disability categories. In addition to these common indicators, specific outcome indicators will be identified in the project scope and further outlined in the Subrecipient agreement.

CDBG-DR funds must be expended within the term of a Subrecipient agreement or/and MOU, unless the term is extended through an amendment process. The Planning Program will provide RFA opportunities on a regular basis, within years 2-5 of the CDBG-DR Program. All program close-outs will need to be concluded by the end of 2028.

To help Subrecipients implement their projects as quickly as possible, OCHCD has developed the following process:

- Subrecipients will be given technical assistance prior to project implementation. Additional technical assistance, while the project is in progress, is available upon request.
- Subrecipients will submit periodic progress reports to the CDBG-DR program staff. These reports will include any areas of concern or needs identified as they become apparent. This information will be compiled into the Quarterly report that Orange County will submit in the DRGR reporting system. Additional reporting and invoicing requirements will be outlined in the project administration Subrecipient agreements or MOUs.
- The OCHCD and CDBG-DR Fiscal Section will monitor expenditures and reimbursement requests on a regular basis.

Resiliency Performance Metrics

Before carrying out CDBG–DR funded activities to construct, reconstruct, or rehabilitate residential or non-residential structures, Subrecipients and County divisions must establish resilience performance metrics for the activity. The process for developing resilience performance metrics includes:

1. An estimate of the projected risk to the completed activity from natural hazards, including those hazards that are influenced by climate change (e.g., high winds destroying newly built homes),
2. Identification of the mitigation measures that will address the projected risks (e.g., using building materials that are able to withstand high winds), and
3. An assessment of the benefit of the mitigation measures through verifiable data (e.g., upgrading a levee system decreases annual flood events by 60%).

In the DRGR system, HUD has published specific measures for mitigation activities such as the number of non-residential buildings constructed, number of fewer outages of critical facilities and utilities, number of linear feet of public improvement, number of public facilities, number of residents protected from future flooding, and **number of plans or planning products developed**. Examples of other resilience performance metrics include:

- Number of acres no longer vulnerable to flood events
- Number of floodplain design standards updated
- Number of properties with access above 100 year or 500-year flood level
- Number of linear feet/miles of public improvement
- Number of public facilities constructed or reconstructed
- Number of residents protected from future flooding

Procurement

Funding for Planning activities will be awarded to eligible Applicants based on a competitive selection process. Orange County will require the submission of project proposals in response to competitive Request for Applications (RFAs) or Request for Proposals (RFPs) and for all prospective eligible Applicants. Orange County has adopted specific procurement standards in accordance with 2 CFR 100.318 through 2 CFR 200.237. The Orange County Procurement Procedures Manual provides the specific details used to award government funds, including the procurement of services and activities under federal funds. The basic objective of the procurement process is to obtain the best total value consistent with operational needs, while maintaining fair and open competition.

System of Records

The County has all rights, title, or other ownership interest in all County documents and work products. All reports provided by the system of records must be compliant with HUD's audit and compliance reporting requirements and must have the ability to be exported into csv files to populate HUD data upload templates for import to DRGR.

Record Retention and Recordkeeping

Record retention is a requirement of the CDBG-DR Planning Program. Records must be maintained to document compliance with Program, Federal, State, and local regulations and to facilitate a review and/or monitoring by the County and HUD. OCHCD adheres to State of Florida record retention requirements, which necessitates that all records be maintained for a period of five (5) years after the CDBG-DR grant closeout with HUD. This requirement is in line with 24 CFR part 570.490, or as required by applicable laws and regulations under 24 CFR parts 570.487, 570.488 and 570.502(a)(7).

Subrecipients and County Departments/Divisions must retain all CDBG-DR records for a minimum of five (5) years after closeout of the Subrecipient agreement. In addition, Subrecipients must provide access to the County, HUD, the Comptroller General of the United States, or other authorized governmental agencies to any pertinent records for purposes of monitoring and audits, examinations, excerpts, and transcripts (2 CFR 200.337).

All Subrecipients are required to keep comprehensive and accurate records related to the project.

Internal Controls

Internal controls consist of policies and procedures, job responsibilities, qualified personnel, and records management that are designed to safeguard cash, property, and other assets. Internal controls must meet the state and federal requirements as outlined in the CDBG-DR Program Manual:

- A single individual must not be allowed to exercise complete control over all phases of any significant transaction.
- Record keeping must be separate from operations and handling and custody of assets.
- Monthly reconciliation and verification of cash balances with bank statements must be made by employees who do not handle or record cash or sign checks.
- Actual lines of responsibility must be clearly established, and a single person must be identified to assume responsibility for management oversight of the entire financial management system.

- The person who prepares payrolls should not handle related paychecks. If signature stamps are used, they should not be under the control of the same individual who retains blank checks.

An adequate system of internal controls, with specific program and financial management responsibilities, will enable Subrecipients to maintain the books and records necessary to comply with Florida law and federal requirements. Where possible, accounting policies and procedures of the local government should mirror the requirements of the Office of the Auditor General.

CROSS-CUTTING AND FEDERAL REQUIREMENTS

Recipients of CDBG-DR funds must comply with several federal and state labor, civil rights, fair housing, equal opportunity, and equal employment opportunity regulations and requirements to name a few. These laws are designed to ensure that members of protected groups are treated fairly by avoiding discrimination, providing equal opportunity, and act to affirmatively address discrimination based on race, color, religion, national origin, age, sex, disability, and/or family status. *Subrecipients are required to review and comply with the applicable crosscutting regulations which can be found in the CDBG-DR Program Manual.*

Environmental Review

Orange County will utilize resiliency planning methods that incorporate data analyzed via social vulnerability and received during the community engagement and outreach completed as part of the action planning process, to strategically target resources to improve community resiliency, especially for the most vulnerable populations.

Unless otherwise specified, the CDBG-DR section of the Housing and Community Development Division is responsible for meeting the requirements of the environmental review and compliance of the CDBG-DR program, as those requirements can periodically be updated.

To evaluate environmental factors for CDBG-DR funded projects and activities, Orange County will ensure compliance with the environmental requirements listed under 24 CFR 58. The environmental review process for federally funded projects and activities provides a mechanism to identify potential environmental conditions that may impact affected populations, including members of protected classes, vulnerable populations, and underserved communities. The review also considers means to mitigate adverse impacts or provide alternate assistance in the recovery process.

Orange County will meet the applicable environmental requirements, listed under 24 CFR Part 58, before the use or commitment of funds for each activity. After Orange County 1) completes environmental review(s) pursuant to 24 CFR Part 58 and receives from HUD an approved Authorization to Use Grant Funds (AUGF) and certification (as applicable), or 2) adopts another Federal agency's environmental review, approval, or permit and receives from HUD (or the state) an approved AUGF and certification (as applicable), Orange County may draw down funds from the line of credit for an activity.

To assist Orange County in completion of the federally required environmental review of projects and activities selected to be funded, the County reserves the right to request Phase I/Phase II (if applicable) environmental review documentation to be provided by prospective Applicants as part of the RFA process.

Fraud, Waste, and Abuse

The process for complaints regarding fraud, waste, or abuse of government funds will be published on the CDBG-DR Program website: www.ocfl.net/CDBG-DR. Complaints alleging violation of fair housing laws will be reviewed using the County-established process and directed to HUD for review when required. Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the HUD office of Inspector General Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov).

To maintain accountability for the use of public funds, the Orange County Comptroller has established the County Audit Division (County Audit) to review allegations of fraud, waste, and abuse of County property and resources. Orange County's citizens or County employees may contact the County Audit Division's Fraud Hotline in instances where fraud, waste, or abuse of County assets or resources are suspected. Individuals are not required to provide their name.

Orange County Fraud Hotline: (407) 836-5775

Allegations of fraud, waste, abuse, mismanagement or Whistleblower related matters within the U.S. Department of Housing and Urban Development (HUD) and HUD Funded programs to the Office of Inspector General (OIG) can be submitted as follows:

HUD OIG Fraud Hotline: (800) 347-3735 or (800) 877-8339 TTY/ASCII

Additionally, the Housing and Community Development Division employs a full-time Housing Investigator in the subsidized rental housing section. This position is charged of investigating suspected fraud by clients, or by potential beneficiaries of HCD's housing programs. When there is evidence or suspicion of fraud, the Division sends a letter to the client explaining the reason for the termination/denial of benefits. Clients that have terminated or denied benefits due to fraud, will not be allowed to participate in the Housing and Community Development Division's federal, state or local funded programs.

Clients are entitled to request an informal termination hearing to dispute the alleged fraud. A decision to reinstate the client or withhold the termination of benefits is made by a committee and a designated hearing officer.

The contact information for the **Housing Investigator** is as follows:

525 E. South Street, 2nd Floor

Orlando, FL 32801

Phone: (407) 836-0021

Email: Housing@ocfl.net

Waste and abuse of CDBG-DR funds can also be prevented by the distribution of duties. Payments are made on a reimbursement basis after receipt of invoices with supportive

documentation. These invoices and documentation are reviewed by the administration or planning staff and sent to the Fiscal Operations staff for review. Once the Fiscal Operations staff approves these payments, they are forwarded to the Finance staff at the Comptroller's Office for final review and payment. These processes are detailed in the Fiscal and Operational Support Division's Fiscal Policies and Procedures, and in the Finance Department's Fiscal Policies and Procedures within the Comptroller's Office.

Orange County has also established a Consumer Protection Office under the Code Enforcement Division to assist residents who are victims of fraudulent or unfair business practices. A Consumer Protection Investigator is available to assist residents subject to fraudulent transactions by contractors.

The contact information for the **Consumer Protection Office** is as follows:

Orange County Consumer Protection
2450 33rd Street, 2nd Floor
Orlando, FL 32839
Email: fraudhelp@ocfl.net
Phone: (407) 836-3111

Title VI of the Civil Rights Act of 1964

Orange County, Florida ensures that all programs and activities conducted with federal, state, and local funds abide by anti-discrimination laws and protections. Programs are also designed to provide necessary ADA accommodations to support the recovery needs of impacted individuals with disabilities.

The County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, the County does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI, and related laws and regulations), and Orange County, Florida Regulations and Standard Operating Procedures, the County will not exclude from participation in, deny the benefits of, or subject to discrimination any person on the grounds of race, color, national origin, sex, age, disability, religion, income, or family status.

Any individual who feels they have been discriminated against in any program or service provided by Orange County because of his or her race, color, national origin, under the provisions of Title VI of the 1964 Civil Rights Act, may file a complaint with the County's Title VI Coordinator.

County's title VI Coordinator

Yvette M. Best, EdD, CCP, SPHR/SHRM-SCP
Human Resources Director
450 E. South Street
Orlando, FL 32801

If the complaint cannot be submitted in writing, the complainant should contact 3-1-1 (407-836-3111) for assistance. The Title VI Coordinator will respond to the complaint within 60 days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate federal and/or state authority for further processing.

Additionally, Orange County has adopted a Fair Housing Ordinance and a Fair Housing Plan (Analysis of Impediments to Fair Housing Choice) to ensure that residents are protected against housing discriminatory practices, including race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, disability, domestic violence or source of income. A Project Coordinator within the Housing and Community Development Division is responsible to carry out fair housing outreach and marketing activities regularly to educate citizens about their housing rights. These activities are targeted to reach out to a diverse population, including residents with limited English proficiency.

The Project Coordinator works closely with the Orange County Office of Tenant Services to receive intakes of alleged housing discriminatory practices and follow with a process of inquiry, documentation, and possible conciliation of cases, as required by the Orange County Ordinance. In some instances, cases are referred to other fair housing agencies with federal enforcement equivalency. Additionally, the Project Coordinator works with other fair housing advocacy groups to strengthen fair housing enforcement and compliance. The position will be responsible to document and report on CDBG-DR fair housing related activities and Limited English Proficiency (LEP) efforts and compliance.

Americans with Disabilities Act (ADA) of 1990

Orange County staff will make accommodations for the attendance of persons with disabilities who notify the County at least two (2) business days prior to the public meeting, and identify the accommodations needed, hearing, visual, or other. Arrangements for these services can be made by contacting the respective Division conducting the public meeting, and in the case of the Housing and Community Development Division's public meetings at (407) 836-5191.

Requests for additional accommodation should be made no less than two days prior to the public meeting. Upon receipt of the request, the County will make an effort to provide the following services: an interpreter and audio equipment for the hearing impaired; a reader to review printed materials with the sight impaired; and a foreign language interpreter for non-English speaking residents. Arrangements for language assistance and translation services can also be made in advance by contacting the respective Division conducting the public meeting, and in the case of Housing and Community Development Division's public meetings at (407) 836- 5191.

Accommodating Persons with Limited English Proficiency

Limited English Proficiency (LEP) persons may not speak English as their primary language and may have a limited ability to read, speak, write or understand English and thus may be entitled to language assistance with respect to a particular type of service, benefit or encounter.

On April 5, 2022, Orange County adopted the Title VI non-discrimination policy and plan for compliance with the Title VI Requirements. The Limited English Proficiency Plan, adopted as part of the larger Title VI plan, included the County's self-assessment, designation of a Title VI/Nondiscrimination coordinator, and details on the complaint process.

Persons in need of language assistance in their dealings with Orange County government may contact the Title VI Coordinator at Access@ocfl.net, or by calling 3-1-1 (407-836-3111) if assistance is needed.

Orange County's Language Assistance Plan (LAP) was intended to provide an implementation process to address appropriate language needs within the County as identified in the self-assessment. As part of the Language Assistance Plan, the County committed to:

- Providing opportunities for meaningful access by LEP persons to Orange County's programs, services and activities based on the four-factor analysis;
- Identifying resources to ensure that the County can balance meaningful access to programs and services while not incurring undue burdens on the County's financial resources; and
- Completing LEP LAP updates every three (3) years based on an assessment of the effectiveness of the Language Assistance Plan.

An Addendum to the approved Language Access Plan (approved in November of 2023) provided additional specifics as they relate to the implementation of federal programs administered by the Orange County Housing and Community Development Division. The County's Language Access Plan and its Addendum are posted on the program website: www.ocfl.net/CDBG-DR. Under Title VI of the Civil Rights Act of 1964, Executive Order

(EO) 13166, and 72 FR 2732, recipients of CDBG-DR funds are required to take reasonable efforts to provide persons who are Limited English Proficient (LEP) with access to all services, activities, and programs.

During the public hearing on the action plan, as well as subsequent amendments to the plan, Orange County will make all efforts will be made to accommodate participation for those who with disabilities and/or LEP with appropriate auxiliary aids and services offered to ensure effective communication.

Orange County will make a translator available at public hearings where LEP persons or interest groups contact County staff at least two (2) business days prior to the public hearing and request appropriate translation services. Refer to the Orange County Citizen Participation Plan, Language Access Plan, and Action Plan found on the CDBG-DR Website.

Affirmatively Furthering Fair Housing

The U.S. Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity (FHEO), is responsible for the administration and enforcement of federal fair housing laws and policies. Guidance in the Federal Register Notice published on May 18, 2023 (Docket No. FR-6393-N-01) requires grantees to comply with fair housing and civil rights laws. This includes, but is not limited to, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Section 109 of Title I of the Housing and Community Development Act of 1974.

As a result, the County stands committed to providing equitable access and opportunity for all individuals, as required, through the ongoing federal, state, and County-funded programs. To ensure the County maintains an equitable standard practice for CDBG-DR programs, the County will regularly update its five (5) year analysis on fair housing impediments, known as the Analysis of Impediments to Fair Housing Choice (AI). Furthermore, the County will monitor its implemented CDBG-DR programs to comply with fair housing laws and regulations. Orange County will also continue to update its Consolidated Plan to ensure fair housing is properly addressed at the local level, and compliance with such elements will be led by Orange County Housing and Community Development Division.

Orange County will adhere to fair housing regulations to ensure that racial and ethnic minorities do not experience unjust discrimination or lack access to necessary assistance, particularly in impoverished regions where these groups are more prevalent.

Additional details are provided in the approved CDBG-DR General Policies and Procedures.

Duplication of Benefits (DOB)

Section 312(a) of the Stafford Act mandates that the Federal Government ensures no individual or entity receiving federal financial assistance is compensated for any portion of a loss that has already been covered by insurance or other sources. This principle prevents the disbursement of federal funds for costs or damages that have already been addressed by other financial aid.

While DOB would be rare to encounter in CDBG-DR planning activities, it's important to identify if any other funding is a part of the activity at the time of application (e.g., local mitigation funds were awarded to a jurisdiction for a plan and the same jurisdiction is applying for the same plan – this is also considered to be supplantation of funds, using Federal funding to replace even the jurisdictions' general fund dollars).

A Duplication of Benefits (DOB) occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received exceeds the total need for that purpose. This situation creates a redundancy in funding, which federal regulations aim to prevent.

For more information on the rules governing DOB, refer to 84 FR 28836 and 88 FR 32049, as applicable. These resources are available on the HUD Exchange website.

Subrecipients are also required to consult the Orange County CDBG-DR Program Manual for comprehensive guidance on avoiding DOB and ensuring compliance with federal regulations.

Recapture

Under certain circumstances including a duplication of benefits finding, an Applicant or Subrecipient may be required to repay all, or a portion of the CDBG-DR funds received.

Below are some examples of reasons for which recapture requirements will apply:

- An Applicant or Subrecipient provided false or misleading information in the application for funds.
- An Applicant or Subrecipient did not disclose income sources or funding received that could have resulted in duplication of benefits, exceeding income limits, or other reasons for disqualification that could have altered the outcome of the application, or the information was disclosed after calculation of the award.
- Other reasons established in the terms of the agreement entered with the Applicant or the Subrecipient.

Please review the CDBG-DR Program Manual for detailed guidance on avoiding recapture.

Other Federal and Cross-Cutting Requirements

Orange County will adhere to all required CDBG-DR federal laws and cross-cutting requirements as stated in the federal notice. The detailed information on the federal regulations can be found in the Orange County CDBG-DR General Policies and Procedures accessed at www.ocfl.net/CDBG-DR.

CONFLICT OF INTEREST

Orange County requires that Subrecipients maintain written standards of conduct governing the performance of its employees engaged in the award and administration of federal funds. The general standard is that no employee, agent, or officer of the Subrecipient, who exercises decision-making responsibility with respect to CDBG-DR funds and activities, is allowed to obtain a financial interest in or benefit from CDBG-DR activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds of the activities. More specifically:

- This requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, a designated public agency, or a Subrecipient, and to their immediate family members, and business partner(s).
- The requirement applies for such people during their tenure and for a period of 1 year after leaving the grantee or Subrecipient organization.

Additional information related to applicable cross-cutting requirements are referenced in the CDBG-DR Program Manual.

Political Activity

As per 24 CFR Part 570.207(a)(3), all Subrecipients of CDBG/CDBG-DR funds are prohibited from using these funds to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as sponsoring candidate forums, distributing brochures, voter transportation, or voter registration. Additional information on prohibited activities can be found in the CDBG-DR Program Manual.

PROGRAM CLOSEOUT

Orange County must expend one hundred percent of its CDBG-DR allocation within six (6) years of the date HUD signs the grant agreement (April 2024 – April 2030). When the period of performance has ended, HUD will close out the grant and any remaining funds not expended by Orange County for appropriate programmatic purposes will be recaptured by HUD.

When completing executing closeout procedures, the Subrecipient will be required to provide close out documents to the County. The Subrecipient can request final funds when the project meets the following conditions:

- All eligible activities are completed and meet a national objective.
- All funds are expended in full, or the remaining funds are intended to be returned to HUD.
- All reporting requirements as required (e.g., Quarterly Performance Reports, HUD Monthly Status Reports, HUD Contract Reports, other internal reporting) are completed and submitted.
- Any special conditions of the program are met.
- All program income, if any, has been accounted for, and returned to the County.
- All audit and monitoring issues are resolved.
- All terms of the agreement have been met.

The County will work with Subrecipients and County Departments/Divisions to collect all closeout documentation for their files to support HUD requirements for close-out. A final closeout file review will be required to ensure that all documentation required in each step of the process is completed and is compliant. Subrecipients and County Departments/Divisions are required to submit documentation, including but not limited to the following:

- Documentation reporting the grant accomplishments and expenditures of each project to the residents of the jurisdiction, including that the HUD national objective was met.
- Documentation that funds were expended in full, or certification of the return of the remaining funds.
- Documentation describing the resolution of any outstanding audit or monitoring issues.

APPENDIX A: TERMS AND DEFINITIONS

The following terms shall have the meanings indicated below, which will be applicable to both their singular and plural forms:

ACTION PLAN: Describes Orange County’s unmet long-term recovery needs, the programs that will address those unmet needs, and the method of distribution of funds across those programs.

ADA (AMERICANS WITH DISABILITIES ACT): The act that prohibits discrimination against individuals with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government’ programs and services.

ADDENDUM: A written or graphic document issued by Orange County before the Application Due Date, which modifies or interprets the NOFA by means of additions, deletions, clarifications, or corrections.

APPLICANT or “ELIGIBLE APPLICANT”: means an Orange County Division or Department, an incorporated municipality within the boundaries of Orange County, or a qualified non-profit organization.

AMI (ANNUAL MEDIAN INCOME): The median family income for the metropolitan statistical area (MSA).

AREA BENEFIT: An activity which is available to benefit all the residents in a particular area, where at least 51 percent of the residents are LMI persons.

AUTHORIZATION TO USE GRANT FUNDS (AUGF): Refers to the formal approval or permission given by an organization or relevant authority that allows a recipient to access and utilize the funds provided through a grant

AUTHORIZED REPRESENTATIVE: A person authorized to bind the Applicant and appear on its behalf in matters related to this NOFA.

CDBG-DR (COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY): Grant fund issued by HUD for the purpose of recovery, repair, and rebuilding in the area affected by a disaster (for Orange County, FL – Hurricane Ian, 2022).

CDBG-DR CONSOLIDATED NOTICE: Describes the processes, procedures, timelines, waivers, and alternative requirements that HUD has established for CDBG-DR grants and are published in the Federal Register at 87 FR 6364, 87 FR 31636, 88 FR 3198, 88 FR 32046, and 88 FR 82982.

CDBG-DR WEBSITE: refers to the CDBG-DR Program website at www.ocfl.net/CDBG-DR.

CFR – Code of Federal Regulations

CONTRACTOR: The entity that enters into an agreement with the County to provide services as described in the Scope of Services.

COUNTY: Refers to Orange County and its governing body, Board of County Commissioners.

DELIVERY ORDER: Issued by the County to the Contractor to perform activities outlined in the Scope of Services.

DIRECT COSTS: Any project cost or project delivery cost that is identified specifically with completing an activity or product such as materials and labor. Costs identified specifically with a contract are direct costs of that contract. Administrative expenses are not generally considered direct costs.

DRGR (DISASTER RECOVERY GRANT REPORTING SYSTEM): HUD system used to access grant funds and report performance accomplishments for grant-funded activities.

DUPLICATION OF BENEFITS (DOB): When a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose within the same time period, and the total assistance received for that purpose is more than the total need for assistance.

ELIGIBLE ENTITIES: Qualified local nonprofit organizations with the ability to deliver the specified services to LMI populations and in Hurricane Ian's impacted areas. The entities will be selected through a competitive process that includes a project risk assessment, evaluation of the organization's financial capacity, and other standards outlined in this manual, 2 CFR Part 200 and HUD guidelines.

EVALUATION COMMITTEE: A committee designated by Orange County, which will evaluate all the Applications pursuant to the criteria listed in the NOFA for Public Services Program

EXTREMELY LOW INCOME: Very low-income families whose incomes do not exceed 30% of the median family income for the area, as determined by HUD, adjusted for family size.

FEMA – Federal Emergency Management Agency

HCDA - the Housing and Community Development Act of 1974

HIGH RISK AND VULNERABLE COMMUNITIES: Groups of people that share a common vulnerability, whether physical, economic, social, cultural, or environmental. These vulnerable social units are often disproportionately affected by disruptions and disasters. A few examples include a) Communities with a low socioeconomic level; high

concentrations of poverty, lack of basic infrastructure, unacceptable environmental conditions, poor housing status, and high social stressors; b) Communities that are situated in the floodway or floodplain, landslide areas, and other natural hazards; and c) Communities that share a special need or disability.

HUD: The United States Department of Housing and Urban Development

LOW- AND- MODERATE INCOME (LMI): Households whose total annual gross income does not exceed 80% of AMI, adjusted for family size.

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

MANDATORY REQUIREMENTS: Requirements that Applicant(s) must meet to pass to the next evaluation stage of the NOFA Application process. Non-compliance with mandatory evaluation requirements will result in the disqualification of the Applicant.

MODERATE INCOME: Moderate income families incomes range from 81% and do not exceed 120% of the median family income for the area, as determined by HUD, adjusted for family size.

MIA- Most Impacted Area

ORANGE COUNTY HOUSING AND COMMUNITY DEVELOPMENT (OCHCD): Orange County Housing and Community Development Department section which implements County's the CDBG-DR grant award, Action Plan (as may be amended), associated Action Plan Programs, and Program policies and procedures.

PROGRAM: The plan or schedule of activities which the Contractor is hired to perform as identified in the Action Plan, as may be amended.

PROGRAM INCOME: Program income is the gross income received by the grantee or Subrecipient that is directly generated by grant-supported activities.

PROJECT: Specific activities to fulfill the goals of the programs identified in the Planning Program Subrecipient Agreement and/or the County's Action Plan, as may be amended.

QUALIFIED APPLICANT: A responsible and responsive Applicant whose application meets the mandatory requirements and, therefore, may continue on to the technical requirements evaluation process.

RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAP): An area with a non-white population of 50 percent or more and with 40 percent or more of individuals living at or below the poverty line.

REASONABLE COSTS: Costs that do not exceed what a prudent person would incur under similar circumstances as demonstrated by the market price for comparable goods

and services. For contracted work, the RE should conduct an independent cost estimate to establish cost reasonableness as outlined in 2 CFR 200

SCOPE OF WORK (SOW): A document prepared by the Subrecipient/Applicant provided to the County regarding program activities, participants, deliverables, milestones and outcomes.

SELECTED APPLICANT: refers to a Qualified Applicant who has received a minimum score of 100 points and who was selected by the County as being advantageous to the furtherance of the goals of the Planning Program. Selected Applicants will be invited to enter into a Subrecipient Agreement with the County to administer their scope of work.

SERVICE & ACTIVITIES: The provision of a technical or intellectual service performed as part of the Scope of Services described in this RFA

SUBRECIPIENT: A Selected Applicant with whom the County has executed a Subrecipient Agreement, receiving CDBG-DR funds to undertake CDBG-DR eligible Planning activities for the Program. See also, 24 C.F.R. § 570.500(c), 2 C.F.R. § 200.93 and 2 C.F.R. § 200.331.

SBA – Small Business Administration, a federal agency

SERVICE AREAS: The total geographic area to be directly or indirectly served by a project that addresses the Low- and Moderate-Income National Objective, in which at least 51 percent of the residents are low- and moderate-income persons. A service area must include all, and only those, beneficiaries who are reasonably served or would be reasonably served by the activity.

SUBRECIPIENT: A competitively selected recipient, usually a local nonprofit or participating municipality, that is provided CDBG- DR funds from Orange County to conduct agreed-upon eligible disaster recovery activities documented in a Subrecipient Agreement.

SUBRECIPIENT AGREEMENT: Refers to the agreement entered into between the County and a Program Subrecipient which governs the relationship between both parties as well as Subrecipient funding and activities.

TASK: Specific activities within a project to fulfill the goals of the Programs identified in the Scope of Services and Action Plan, as may be amended.

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