



Hurricane Harvey
Disaster Recovery
Buyout Program
Housing Guidelines
June 23, 2020
Fort Bend County
Community Development Department

CONTENTS

Introduction	5
Fort Bend County Background	6
Program Objectives	7
Definitions	8
Program Design	16
Program Design Requirements	16
1. National Objectives	16
2. Unmet Needs Analysis	17
3. Environmental Review	17
4. Proof of Event Damage	18
5. Timeliness of Application Status	18
6. Affirmatively Furthering Fair Housing Review	19
Program Implementation	19
Buyout Program Overview	19
Buyouts	20
Voluntary Program	21
Voluntary Program Requirements	21
Housing Caps and Incentives	22
Buyout Incentives	23
Relocation Assistance	23
Down Payment Assistance	23
Incentive Package	24
Unmet Needs	24
Applicants with AGI of up to 120% of AMI	24
Amount of Assistance	25
Strategy	25
Outreach	25
Efforts	25
Access and Functional Needs	26
Affirmative Marketing Plan	26
Priority	28
LMI Determination	28
Eligibility Reviews	29
Applicant Intake and Case Management	29
Eligible Property Types	30
Proof of Ownership	30
Event Damage	31
Property Taxes	32
Child Support	32
Environmental Review	32
National Flood Insurance Program (NFIP) Verification	34
Damage Assessment	34
Duplication of Benefits (DOB)	34

Reporting Requirements	36
Section 3	36
Applicant Data	37
Records Retention	37
Procurement Requirements	37
Inspection Requirements	38
Site and Development Restrictions	38
Conflict of Interest	38
Complaint/Appeal Process	39
General Policy	39
Responsibilities	39
Documentation	40
Audit Requirements	40
Changes, Waivers, and/or Conflicts	40
Residential Anti-displacement and Relocation Assistance Plan	40
Fair Market Value (FMV) Determination	41
Incentives	42
Closing Process	42
Disposal of Storm-Damaged Property	42
Additional Allowable Expenditures	43
Program Closeout	43
Project Closeout	43

The Fort Bend County Housing Guidelines provide guidance on how to implement and close a CDBG-DR Buyout and Acquisition Program, and should not be construed as all-inclusive instructions.

Introduction

The Texas General Land Office (GLO) and Long-Term Recovery

In response to the needs of homeowners, the Fort Bend County applied for \$25,363,557.00 and received federal funding through the Houston-Galveston Area Council (H-GAC) Method of Distribution via the State Grantee, The Texas General Land Office (GLO).

The GLO's Community Development and Revitalization division (GLO-CDR) oversees the administration of Community Development Block Grant Disaster Recovery (CDBG-DR) funds allocated to Texas by the U.S. Department of Housing and Urban Development (HUD) following a disaster. These funds support communities working to build back stronger and more resilient.

CDBG-DR funds are a special appropriation from Congress associated with a presidentially declared disaster. These GLO Housing Guidelines (the Guidelines) address the Hurricane Harvey, and subsequent flooding declared disaster events associated with the following CDBG-DR funds:

Table 1. Applicability

Federal Register (FR)	Date of Publication	Public Law(s)	Located at:
82 FR 61320, Vol. 82, No. 247	12/27/2017	P.L. 115-31	https://www.gpo.gov/fdsys/pkg/FR-2017-12-27/pdf/2017-27960.pdf
83 FR, 5844, Vol. 83, No. 28	02/09/2018	P.L. 115-56	https://www.gpo.gov/fdsys/pkg/FR-2018-02-09/pdf/2018-02693.pdf

Recovery projects using CDBG-DR funds must meet one of the following HUD-designated National Objectives to be an eligible housing activity:

- Benefiting Low- to Moderate-Income Persons (LMI)
 - Low- and Moderate-Income Housing (LMH) provides that any assisted activity that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low- to moderate-income only to the extent such housing will, upon completion, be occupied by such persons;
 - Low to Moderate Buyout (LMB): Benefiting low- to moderate-income persons where the award amount is greater than their post-disaster fair market value of the property; and
 - Low to Moderate Housing Incentive (LMHI): Benefiting low- to moderate-income persons participating in the voluntary buyout or other voluntary acquisition of housing to move outside of the affected floodplain or to a lower-risk area; or when the housing incentive is for the purpose of providing or improving residential structures that, upon completion, will be occupied by an LMI household.
- Preventing or Eliminating Slum or Blight (SB) through buyout or acquisition with

demolition

- Meeting an Urgent Need (UN) by providing housing assistance to applicants making in excess of 80 percent of the area median income (AMI)

The FORT BEND Housing Guidelines provide a blueprint for implementing and closing a CBDG-DR Voluntary Buyout Program.

The purpose of these guidelines is to aid in the long-term recovery efforts following Hurricane Harvey; specifically, to assist in moving eligible homeowners who have suffered repetitive flooding out of harm’s way through fair market value voluntary buyouts. Questions regarding these guidelines or requests for more information should be directed to FORT BEND.

FORT BEND will use the support of a consulting firm to administer the local Hurricane Harvey buyout program to serve homeowner assistance needs.

Table 2. Hurricane Harvey CBDG-DR Housing Program

Programs and Eligible Activities	National Objective	Program Administrator	Tenure <i>“Start date” is the date of HUD’s</i>
<p>Local Buyout and Acquisition Program:</p> <ul style="list-style-type: none"> • Buyouts • Relocation assistance with buyout activities • Down payment assistance • Demolition with buyout or acquisition activities • Housing incentives • Activities designed to relocate families outside of floodplains 	<p>Low- and moderate-income, elimination of slum/blight, urgent need, low/mod buyout (LMB), and low/mod housing incentive (LMHI)</p>	<p>Fort Bend County Community Development Department</p>	<p>Two years from the start date</p>

Fort Bend County Background

Hurricane Harvey struck Texas on August 25, 2017, and was the most economically destructive hurricane in the states' history with damage estimated at \$125 billion (including Louisiana). More than 750,000 people evacuated their homes, and 30% of Texas' population, an estimated 8,490,000 persons were directly impacted. According to the National Hurricane Center, at least 68 people died from the direct effects of the storm in Texas. Throughout the storm, approximately 60 inches of rain fell in and around the Houston area. In Fort Bend County, an estimated

6,800 to 8,500 homes were damaged; 10,000 rescues were conducted, and 200,000 people were ordered to evacuate from their homes.

In Fort Bend County, major housing damage occurred. Both the Brazos and San Bernard Rivers experienced record floods and erosion of property along waterways. This damage was county-wide with much of the damage reported in the Cities of Richmond, Rosenberg, Simonton, Thompsons. In the unincorporated areas of the County, Cumings, Riverstone, Tierra Grande, and Woods Edge Subdivisions and properties along the Jones Creek watershed reported wide-spread damage. The areas listed do not include all of the areas damaged by Hurricane Harvey. Many structures located on properties in closest proximity to the Brazos and San Bernard Rivers were destroyed and/or completely inundated by floodwaters. In addition, residents of homes in 14 Levee Improvement Districts were evacuated.

Fort Bend County's Disaster Recovery Voluntary Buyout Program will prioritize the homeowner properties in the floodway, the area of great danger to residents. The County will buyout homeowner properties that have been destroyed and homeowner properties that were substantially damaged through flooding and/or erosion and can not be rebuilt. Each homeowner must provide proof of damage caused by Hurricane Harvey, including FEMA letters or other supporting documentation accepted by GLO. In addition, potential buyout properties will be inspected to document the damage.

By administering this voluntary buyout program, Fort Bend County will lessen our burden on our nation to continuously provide disaster relief; and lessen the dangers our first responders must endure when they are called upon to rescue those in harm's way.

Program Objectives

The primary focus of the housing recovery program is to provide relief for survivors affected by an event while complying with all CDBG-DR requirements and addressing recognized impediments to fair housing choice as required under the Fair Housing Act. Assistance will be provided to survivors under the buyout housing activity (with associated incentives), as allowable by approved Action Plans. All housing activities should consider the following objectives:

- Provide high quality, durable, resilient, mold-resistant, energy-efficient, decent, safe, and sanitary housing that mitigates impact from future disasters.
- Prioritize households in which members are under the age of 18, female heads of household, elderly and disabled households, and/or Veteran populations while affirmatively furthering fair housing.
- Emphasize housing choices and designs to reduce maintenance and insurance costs,

as well as provide the provision of independent living options.

Definitions

Acquisition: Acquisition of Real Property at 100 percent post-disaster fair market value (FMV) of the land and structures that allow subrecipients to acquire real property for any public purpose, as set

forth in 24 CFR 570.201(a). Acquisition-only is typically not considered a complete activity in the Program and may be combined with another eligible activity (i.e., relocation assistance and new construction of housing). Methods of the acquisition include purchase, long-term lease (15+ years), donation, or otherwise (CPD-17-09). The subrecipients have the flexibility to hold any property purchased through acquisition as undeveloped green space in perpetuity or to redevelop it in a resilient manner.

Adjusted Gross Income (AGI): AGI is an individual's total gross income minus specific deductions. The CDR-GLO Adjusted Gross Income Methodology may be found at www.texasrebuilds.org.

Affirmative Fair Housing Marketing Plan (AFHMP): A document used to help subrecipients offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability (24 CFR Part 200, Subpart M). Implementing Affirmative Fair Housing Marketing Requirements Handbook (8025.1) can be obtained from HUD's website https://www.hud.gov/program_offices/administration/hudclips/handbooks/fheo/80251.

Affirmatively Furthering Fair Housing (AFFH): AFFH is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. HUD's AFFH rule provides an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The HUD AFFH assessment tool and final rule can be found here: https://www.huduser.gov/portal/affht_pt.html.

Applicant/Homeowner/Survivor: (Used interchangeably) Individuals whose homes or housing units were destroyed, made uninhabitable, needed repairs, or who suffered disaster-related displacement from their primary residences and/or loss of property.

Area Median Family Income (AMFI): Calculated annual limits based on HUD-estimated median family income with adjustments based on family size used for demonstrating LMI beneficiaries in the programs.

Beneficiary: The recipient deriving advantage from CDBG-DR funding.

Builder/Contractor: (Used interchangeably) A person who contracts to construct or repair houses or buildings and/or supervises building operations.

Buyout: Purchase of an eligible property at the fair market value of the land and structures with the intent to reduce risk from future flooding or to reduce risk from a future hazard. Buyouts

are properties within defined Disaster Reduction Risk Areas (DRRA), determined in consultation with county and local governments such as areas within the 100-year floodplain and/or in the highest risk areas as defined by FEMA flood map "V Zone." The property acquired will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational use, or floodplain and wetlands management practices. Buyout-only is typically not considered a complete activity in the Program and may be combined with another eligible activity (i.e., relocation assistance and new construction of housing).

Case Management: Working with individual survivors and their families to understand the Program's housing options, resulting in a clear and transparent determination of eligibility. Case managers must consider all special circumstances of the survivor's needs to decrease their barriers to participate in the program where possible. Staff should meet at designated locations and supply information in a standard format.

Damage Assessment: An inspection of the housing unit to document damage from the event. The assessment by a certified or licensed inspector (HQS, TREC, or similar license) is required to specifically and clearly document storm-related property damage via photographic evidence and detailed narratives (see the GLO's Damage Assessment Guidelines, found at <http://recovery.texas.gov/>). Damage assessments must include the final cost of repair estimates according to local code, HUD's Housing Quality Standards, and mold remediation to bring the home up to code at completion.

Davis-Bacon Act of 1931 (40 USC Part 3141 et seq.) and Related Acts: All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with the assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. This applies to the rehabilitation and reconstruction of a residential property only if such property contains not less than eight units.²

Demolition: The clearance and proper disposal of dilapidated buildings and improvements.

Disaster Risk Reduction Area: A geographic area outside of a floodplain and/or floodway that a grantee or subrecipient can target for pre-storm FMV buyouts. To create a Disaster Risk Reduction Area ("DRRA"), the purchasing agency must prove (1) The hazard was caused or exacerbated by

the Presidentially declared disaster for which the grantee received its CDBG-DR allocation; (2) The hazard must be a predictable environmental threat to the safety and well-being of program beneficiaries, as evidenced by the best available data and science; and (3) The Disaster Risk Reduction Area must be clearly delineated so that HUD and the public may easily determine which properties are located within the Disaster Risk Reduction Area. See Federal Register Vol. 80 No. 2

Duplication of Benefit (DOB): The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern, or other entity from

receiving financial assistance from CDBG-DR funding with respect to any part of a loss resulting from a major disaster as to which he/she has already received financial assistance under any other program or from insurance or any other source.

Elderly Person: [24 CFR 891.205] An elderly person is a household composed of one or more persons, at least one of whom is 62 years of age or more at the time of initial occupancy.

^{Two} <https://www.hudexchange.info/resources/documents/Housing-and-Community-Development-Act-1974.pdf>

Environmental Review: All qualified projects must undergo an environmental review process. This process ensures that the activities comply with the National Environmental Policy Act (NEPA) and other applicable state and federal laws.

Environmental Review Record (ERR): A permanent set of files containing all documentation pertaining to the environmental review compliance procedures conducted and environmental clearance documents.

Event: The Presidentially declared Hurricane Harvey, and subsequent flooding, disaster events.

Fair Housing: Activities that follow the rules and guidelines set forth in the Fair Housing Act and subsequent fair housing legislation. The goal of these activities is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities.

Fair Housing Marketing Plan: A marketing strategy designed to attract applicants of all majority and minority groups, regardless of sex, handicap, familial status, etc. to participate in the housing activities which are being marketed.

Fair Market Value: The hypothetical price that a willing buyer and seller will agree upon when they are acting freely, carefully, and with complete knowledge of the situation.

Family: The term family means all persons living together in the same housing unit, as further defined under 24 CFR 570.3

Federal Emergency Management Agency (FEMA) Designated High-Risk Area: Areas designated by FEMA as vulnerable to significant wind and/or storm surge damage and areas located in 100-year flood zones. These areas will be identified during the environmental review process for each participating jurisdiction.

Federal Register (FR): A daily publication of the US federal government that issues proposed and final administrative regulations of federal agencies.

Flood Disaster Protection Act of 1973 and Sec. 582(a) of the National Flood Insurance Reform Act of 1994: Compliance with the legal requirements of Section 582(a) mandates that HUD flood disaster assistance that is made available in Special Flood Hazard

Areas (SFHAs) may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if: (1) the person had previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and (2) that person failed to obtain and maintain flood insurance as required under applicable federal law on such property.

Flood Hazard Area: Areas designated by FEMA as having a risk of flooding.

Flood Insurance: The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

Floodplain: FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area.

- "100-year floodplain" — the geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year.
- "500-year floodplain" — the geographical area defined by FEMA as having a 0.2 percent chance of being inundated by a flooding event in any given year.

General Land Office (GLO): The Texas General Land Office is the lead state agency for managing the state's Community Development Block Grant - Disaster Recovery grants through the U.S. Department of Housing and Urban Development.

Grant Agreement: A funding agreement detailing eligible program costs and project-specific award agreements between HUD and the GLO, including regulatory provisions, certifications, and requirements.

Home/Housing Unit: (used interchangeably) a house, apartment, group of rooms, or single room occupied or intended for occupancy as separate living quarters.

Household: A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single-family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the LMI National Objective is based on the LMI of the household.

Department of Housing and Urban Development (HUD): Federal department through which the Program funds are distributed to grantees.

Housing and Community Development Act of 1974, as amended by the Supplemental Appropriations Act of 1984: Established the program of Community Development Block

Grants to finance the acquisition and rehabilitation of real property and which defined the recipients and uses of such grants, with the primary goal of benefitting LMI persons.

Housing and Urban Development Act of 1968, Section 3: Requires program administrators ensure that training, employment, and other economic opportunities generated by HUD financial assistance shall be directed to the greatest extent feasible and consistent with existing federal, state, and local laws and regulations, to low- and very low-income persons. Recipients of Section 3-covered funding ensure compliance and the compliance of their contractors/subcontractors with the Section 3 requirements, as outlined in 24 CFR 135.32.³

Housing Incentives: Incentive payments are generally offered in addition to other programs (e.g., buyout) or funding (such as insurance) to encourage households to relocate to a suitable housing development or an area promoted by the community's comprehensive recovery plan. The housing incentive may be offered to improve a residential structure that, upon completion, will be occupied by a low- to moderate-income household. An incentive may be offered in addition to a buyout payment for households that volunteer to relocate outside of the floodplain or to a lower-risk area. A buyout incentive is not available for properties that served as second homes at the time of the disaster or following the disaster.

Low to Moderate Buyout (LMB) National Objectives: LMB is used for a buyout award to acquire housing owned by a qualifying LMI household, where the award amount (including optional relocation assistance) is greater than the post-disaster (current) fair market value of that property.

Low to Moderate Housing (LMH) National Objective: Any activity that involves the buyout, acquisition, or rehabilitation of property to provide housing or improve permanent residential structures will upon completion benefit and must be occupied by low- and moderate-income households (42 U.S.C. 5305(c)(3)). Income eligibility will be determined using Area Median Income (AMI), adjusted for family size, and verified in accordance with GLO's Adjusted Gross Income Methodology. The most current income limits, published annually by HUD, shall be used by the subrecipient or the state to verify the income eligibility of each household applying for assistance at the time assistance is provided.

Low to Moderate Housing (LMH) National Objective: Any activity that involves the buyout, acquisition, or rehabilitation of property to provide housing or improve permanent residential structures will upon completion benefit and must be occupied by low- and moderate-income households (42 U.S.C. 5305(c)(3)). Income eligibility will be determined using Area Median Income (AMI), adjusted for family size, and verified in accordance with GLO's Adjusted Gross Income Methodology. The most current income limits, published annually by HUD, shall be used by the subrecipient or the state to verify the income eligibility of each household applying for assistance at the time assistance is provided.

Low to Moderate Housing Incentive (LMHI) National Objectives: LMHI benefits are used for a housing incentive award, tied to the voluntary buyout or other voluntary acquisition of housing owned by a qualifying LMI household, for the purpose of moving outside of the affected floodplain or to a lower-risk area; or when the housing incentive is for the purpose of providing or improving residential structures that, upon completion, will be occupied by an LMI household.

Low to Moderate Income National Objective: Activities which benefit persons of income that does not exceed 80 percent of the area median income:

- Very low: Household's annual income is up to 30 percent of the area median family income, as determined by HUD, adjusted for family size;
- Low: Household's annual income is between 31 percent and 50 percent of the area median family income, as determined by HUD, adjusted for family size; and
- Moderate: Household's annual income is between 51 percent and 80 percent of the area median family income, as determined by HUD, adjusted for family size.

Manufactured Housing Unit (MHU): A structure, transportable in one or more sections which in the traveling mode is eight body-feet or more in width, or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Three <https://www.hudexchange.info>

Mitigation: Improvements made to reduce the possibility of property damage, personal and commercial hardship, as well as long-lasting monetary burdens. For example, creating a flood mitigation program such as an acquisition of at-risk flood-prone property/housing, and elevation of housing in high-risk floodplains are two visible and effective mitigation projects that can be taken to make residents and communities safer in the face of natural disasters.

National Environmental Policy Act (NEPA): Establishes a broad national framework for protecting the environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that could significantly affect the environment.

National Flood Insurance Program (NFIP): Created by Congress in 1968 to reduce future flood damage through floodplain management and to provide people with flood insurance through individual agents and insurance companies. FEMA manages the NFIP.

Needs Assessment: A needs assessment is a critical component in the allocation of funding across and within National Objectives for CDBG-DR funds. A given needs assessment will recommend the proportions of funding that should be set aside to benefit each LMI and non-LMI economic group. The needs assessment will determine the activities to be offered, the demographics to receive concentrated attention, the disabled, "special needs," vulnerable populations, and target areas to be served. The needs assessment will also include an evaluation of the types of public services activities that may be needed to complement the program, such as housing counseling, legal counseling, job training, mental health, and general health services. The needs assessment should set goals within the income brackets, similar to the housing damage sustained within the impacted areas. The GLO must approve deviations from goals before the Program may move forward. The GLO will work with sub-recipients and COGs to develop regional local needs assessments. Each needs assessment will be posted

for a 14-day public comment period and approved by the GLO before implementation.

New Construction: A replacement home that substantially exceeds the original footprint on the existing lot (if permitted) or the construction of a new home in a new location.

One for One Replacement: Subpart B Requirements Under Section 104(d) of the Housing and Community Development Act of 1974, 24 CFR 42.375 provides for public and/or assisted lower-income dwelling units to be demolished or converted to use be replaced with comparable lower-income dwelling units.

Overall Benefit: The state must certify that, in the aggregate, not less than 70 percent of the CDBG-DR funds received by the state during a period specified by the state will be used for activities that benefit persons of LMI.

Program: The GLO's plan, process, and procedures to assist communities and distribute CDBG-DR funds to rebuild disaster-affected areas and provide a broad range of housing recovery activities as provided in the GLO's approved Action Plan and subsequent amendments.

Program Design: The selection and development of programs and activities based on a needs assessment. The Program Design must include the type of housing activities that will be offered by the subrecipient or the state; how the program will be marketed; how Fair Housing Objectives will be achieved, as described in the AFHMP; and how funding will be prioritized as determined through a needs assessment.

Program Income: Net income derived from the sale of program assets that exceed \$35,000 in the aggregate, in a single fiscal year, received by the subrecipient and directly generated from the use of housing CDBG-DR funds.

Second Home: If a second home is not rented out at any time during the year, it is a second home regardless of if it is used by the household or not. If a home is rented out part of the year and the owner uses the home more than 14 days or more than 10 percent of the number of days during the year that the home is rented, then it is a second home. If a home is rented out for part or all of the year and the owner does not use the home long enough, then it is rental property and not a second home.

Single Family Home: A single-unit family residence detached or attached to other housing structures.

Slum and Blight National Objective: Activities which help to eliminate slum and blighted conditions. (Use of this National Objective is limited due to its inability to contribute towards the overall requirement for 70 percent LMI to benefit low- to moderate-income beneficiaries.) See 24 CFR 570.208(b).

Slum and Blight activities must meet the criteria of one of the three following categories:

- Prevent or eliminate slum and blight on an area basis;
- Prevent or eliminate slum and blight on a spot basis; or

- Be in an urban renewal area.

Subrecipient: Cities, counties, Indian tribes, local governmental agencies (including COGs), private non-profits (including faith-based organizations), or a for-profit entity authorized under 24 CFR 570.201(o). The definition of subrecipient does not include procured vendors, private grant administrators, or contractors providing supplies, equipment, construction, or services and may be further restricted by Program rules or other guidance, including applications. See vendor definition for further clarification.

Subrogation Agreement: An agreement executed by the beneficiary agreeing to repay any duplicative assistance if the beneficiary later receives other disaster assistance for the same purpose as disaster recovery funds already received.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred (44 CFR 59.1).

Texas Integrated Grant Reporting (TIGR): TIGR is the GLO system of record for all CDBG-DR grant management and reporting.

Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Title 49 CFR Part 24) (42 U.S.C. 4601 et seq.) (URA): Applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted program or projects. URA's objective is to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects. For the purposes of these guidelines, URA mostly applies to residential displacements in involuntary (49 CFR Subpart B) acquisition or multifamily damaged/occupied activities that require the relocation of the tenants. A displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months, as waived by the FR.

Urgent Need National Objective: An urgent need that exists because conditions pose a serious and immediate threat to the health or welfare of the community; the existing conditions are recent or recently became urgent, and the subrecipient cannot finance the activities on its own because other funding sources are not available. Subrecipients or the state must document how each program and/or activity funded under this category responds to a disaster-related impact. See 24 CFR 570.208(c).

Vendor: The subrecipient- or the state-procured vendors, or private grant administrators, providing supplies or services to administer the Program and to serve homeowner assistance needs. Upon approval, the vendor may implement the Program or act on behalf of the GLO or the subrecipient.

Table 3. Eligible Counties and Most Impacted Counties

Regional Classification	% of Total Funding
<p>Most Impacted Counties and Zip Codes</p> <p>Aransas, Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Fort Bend, Nueces, Orange, San Jacinto, San Patricio, Victoria, Wharton Counties; 75956, 75979, 77335, 77414, 77423, 77612, 77632, 77979, 78377, 78934 and 78945</p> <p><i>Harris County and all zip code areas that fall within Harris County and Houston will have their programs administered by Harris County or Houston</i></p>	80%
<p>Other Presidentially Declared Counties</p> <p>Austin, Bastrop, Bee, Burleson, Caldwell, Calhoun, Colorado, Comal, DeWitt, Fayette, Goliad, Gonzales, Grimes, Guadalupe, Jackson, Jasper, Jim Wells, Karnes, Kleberg, Lavaca, Lee, Madison, Matagorda, Milam, Newton, Polk, Refugio, Sabine, San Augustine, Tyler, Walker, Waller, Washington</p>	20%

Program Design

To develop the Program Design for the buyout activity offered through this funding, Fort Bend County will use qualified data (HUD/FEMA/SBA, insurance data, or other data as approved by the GLO in advance, to allocate the disaster funding). The unmet needs assessment, which will be required by Fort Bend County, will be addressed within the guidelines. The GLO will assist Fort Bend County in the development and approval of its needs assessment.

- Qualified data will be used to document the impact of the relevant storm on the LMI subcategories, which will aid in the development of a goal for targeting the use of housing funds at the appropriate levels and to the appropriate economic categories.
- The method of data evaluation utilized by Fort Bend County (i.e., class distribution categories by income, the raw number of homes impacted versus the aggregated dollar amounts impacting communities, etc.) must be made available to the public for 14 days on a publicly accessible website. Notice of the posting of the method of review must be provided to the GLO not later than the day the method is posted on a website. If any public comment is made, Fort Bend County must address the comment in a public response.

Program Design Requirements

(1) National Objective

All housing activities must meet one of the three National Objectives required under the authorizing statute of the CDBG-DR Program:

- **LMI** — Benefitting Low- to Moderate- Income persons:
 - **LMH** — Benefitting Low and Moderate-Income Housing (LMH) where any

assisted activity that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low- and moderate-income only to the extent such housing will, upon completion, be occupied by such persons;

- **LMB** — Benefitting Low to Moderate Income persons where the award amount is greater than their post-disaster fair market value; and
 - **LMHI** — Low to Moderate Housing Incentive assisted with a housing incentive tied to the voluntary buyout or other voluntary acquisition of housing owned by the qualifying LMI household for the purpose of moving outside of the affected floodplain or to a lower-risk area; or when the housing incentive is for the purpose of providing or improving residential structures that, upon completion will be occupied by an LMI household.
- **Slum and Blight** — Aid in the prevention or elimination of slums or blight; or
 - **Urgent Need** — Meet a need having a particular urgency.

(2) Unmet Needs Analysis

An Unmet Needs Analysis of HUD/FEMA or other housing demographic disaster victim data may be considered when determining the proportions of funding awarded that must be set aside to benefit each LMI and non-LMI economic group. The use of FEMA claims data (when available) and other applicant demographic data allows for goals to be established to fairly allocate funds across jurisdictions and neighborhoods to serve survivors in proportion to need. The Needs Assessment will determine the activities to be offered, the demographics to receive concentrated attention, and any target areas to be served the disabled, "special needs," vulnerable populations, and target areas to be served.

The GLO will assist Fort Bend County on the methodology and data analysis and provide applicable raw data needed to develop and assist in the development of their regional Needs Assessments.

Applicants applying for disaster assistance must meet certain eligibility standards to qualify for assistance. Eligibility standards are further discussed in the activity-specific Guidelines.

The Needs Assessment will document goals within the income brackets in proportion to the damaged units in the impacted area. Deviations from goals must be approved by the GLO before Fort Bend County can move forward:

- 0% - 30% AMFI
- 31% - 50% AMFI
- 51% - 80% AMFI

(3) Environmental Review

All sites must undergo a complete environmental review prior to any commitment of funds. The environmental review shall document compliance with 24 CFR Part 58 and

all related laws and authorities. Properties with adverse environmental conditions will not be permitted to proceed under housing activities unless the adverse conditions are corrected. No work can start on a site until the environmental review is complete.

(4) Proof of Event Damage

For assistance activities, the unit must demonstrate that the damage or destruction to the unit occurred by Hurricane Harvey. Disaster damage can be documented as follows:

- FEMA, Small Business Administration (SBA) or Insurance Award Letters;
 - If the above-referenced documentation is not available, an inspection report/Damage Assessment (complete with photos of the damage and a written assessment of the damage with each photo taken) conducted by a certified or licensed inspector (HQS, TREC, or similar license) or with similar experience must be supplied by the county or the state that certifies the damage occurred as a result of the event (refer to the GLO's Damage Assessment Guidelines found at www.texasrebuilds.org); or
 - If FEMA, SBA, or Insurance Award Letters are not available and an inspection report is inconclusive as to the cause of the damage, Fort Bend County may provide alternative evidence, such as neighborhood-level media reports or documentation of damage by disaster response/relief organizations. GLO approval is required for this form of proof.

If an applicant was denied assistance by FEMA, assistance through the CDBG-DR Program might still be available. Applicants are not solely ineligible based on a denial by FEMA.

A Damage Assessment must be performed by a certified or licensed inspector (HQS, TREC or similar license) or with similar experience to specifically and clearly document event related damage via photographic evidence and detailed narratives if the survivor did not receive FEMA or SBA funds for the repair or replacement of a home.

(5) Timeliness of Application Status

Fort Bend County will ensure timely communication of application status to applicants who have applied for disaster recovery assistance in a variety of ways. Fort Bend County will provide homeowners their application statuses by the primary means indicated by the applicant, such as by mail, email, phone call, or face to face meeting. Fort Bend County will ensure the accessibility and privacy of individualized information for all applicants, frequency of applicant status updates, and personnel or unit responsible for applicant's information on the status of recovery applications.

Date	Action
June 1, 2020	Program Guidelines Posted for Public Comment
June 30, 2020	Program Guideline Public Comment Period Closed
July 30, 2020	Open of application intake
December 30, 2020	Close of application intake

January 30, 2021	Proposed Date for Initiation of Offers
March 30, 2021	Proposed date of Offer Acceptance Deadline
May 30, 2021	Proposed Date of Closing Deadline
July 15, 2021	Proposed Date for Demolition Deadline
August 30, 2021	Proposed Date for Housing Incentive Deadlines

Applicants who have questions, concerns, or are inquiring about a status update may reach out by mail, phone, and/or email to:

Community Development Department
301 Jackson St., Suite 602
281-341-4410
communitydevelopment@fortbendcountytexas.gov

(6) Affirmatively Furthering Fair Housing Review

All projects must undergo an AFFH review by the GLO prior to any commitment of funds. Such review will include assessment of a proposed project’s area demography, socioeconomic characteristics, housing configuration and need, educational, transportation, health care opportunities, environmental hazards or concerns, and all other factors material to the determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, non-minority areas in response to a natural hazard-related impact.

Program Implementation

Buyout Program Overview

Fort Bend County has opted into implementing a full Countywide Voluntary Buyout Program within the jurisdiction.

HUD has authorized the use of Buyout to (1) reduce the risk to homeowners from the effects of subsequent disasters, (2) assist in the recovery of low- and moderate-income households, and (3) protect taxpayer resources that might otherwise be needed after a disaster in the same area (80 FR 72102).

Buyout programs support hazard mitigation, floodplain management goals, and resiliency by removing homeowners from the floodplain to minimize the possibility of future flooding to the home. After homes are purchased, the structures are demolished or relocated. The local buyout program serves multiple objectives and provides a resiliency option versus rebuilding within a floodplain. Buyouts help prevent repetitive loss and extreme risk to human health and safety.

Buyout services are limited to actual costs for services used to complete a buyout of a home in a floodplain or floodway, and the intent is to relocate the homeowner and their family to a low-risk area outside of the floodplain/floodway. Housing Incentives are generally offered in addition to other programs or funding (such as insurance) to

encourage households to relocate to a suitable housing development or an area promoted by the community's comprehensive recovery plan and should include higher opportunity areas. Incentive payments are ineligible for households that move to disaster-impacted floodplains.

Fort Bend County may use the Low to Moderate Housing Incentive (LMHI) to resettle beneficiaries who were affected. Housing incentives are usually offered to encourage households to relocate to a suitable housing development or to an area promoted by the community's comprehensive recovery plan. They may be in addition to buyout awards. Fort Bend County must ensure that the intent of the housing incentive is satisfied at an award.

All buyout activities are a type of acquisition of real property (as permitted by section 105(a) (1) of the HCD Act). The intent of the acquired property is to reduce risk from future flooding and return the area to green space.

Fort Bend County has determined that pre-disaster fair market value (FMV) is the appropriate valuation method for implementation of the buyout program, which will be uniformly applied for all applicants.

In most cases, a subrecipient that provides pre-disaster FMV to buyout applicants provides compensation at an amount greater than the post-disaster FMV. When the purchase price exceeds the current FMV, any CDBG-DR funds in excess of FMV are considered assistance to the seller, thus making the seller (homeowner) a beneficiary of CDBG-DR assistance. If the seller receives assistance as part of the purchase price, this may have implications for duplication of benefits calculations or for demonstrating National Objective criteria.

HUD is waiving Section 104(d), the one-for-one replacement requirement, for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation.

Buyouts

Property acquired through a buyout program will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or floodplain, and wetlands management practices other purposes allowed by HUD and accepted by the GLO. No new structure will be erected on property acquired, accepted, or from which a structure was removed under the buyout program other than (1) a public facility that is open at all sides and functionally related to a designated open space (e.g., a park, campground, or outdoor recreation area); (2) a restroom; or (3) a flood control structure, provided that structure does not reduce valley storage, increase erosive velocities, or increase flood heights on the opposite bank, upstream or downstream, and that the local floodplain manager approves, in writing, before the commencement of the construction of the structure. After receipt of the assistance, with respect to any property acquired, accepted, or from which a structure was removed under the buyout program, no subsequent application for additional disaster assistance for any purpose or to repair the damage or make improvements of any sort will be made by Fort Bend County to any federal entity in perpetuity.

Fort Bend County will use buyouts strategically as a means of acquiring contiguous parcels of land for uses compatible with open space, recreational, natural floodplain functions, other ecosystem restoration, or wetlands management practices.

Voluntary Program

Fort Bend County has elected to participate in the Voluntary Buyout Program. Applicants located in a floodway, floodplain may be assisted if:

- The applicant is offered/accepts an incentive to relocate outside of the floodplain or to a low-risk area, e.g., moving costs, down payment assistance, (incentive costs must be for a specific purpose and must be properly defined for an award).
- The applicant was required to maintain flood insurance at the time of the event and still has unmet recovery needs.

Transactions with no threat or use of the eminent domain and meet requirements set forth in 49 CFR 24.101(b) (1) as follows:

- No specific site or property needs to be acquired.
- The property to be acquired is not part of an intended, planned or designated project area where all or substantially all the property within the area is to be acquired within specific time limits.
- Fort Bend County will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.
- Fort Bend County will inform the owner in writing of what it believes to be the market value of the property.

Voluntary Program Requirements

- All proposed buyout will undergo the Affirmatively Furthering Fair Housing (AFFH) review by the GLO before approval. Such review will include assessments of (1) a proposed project's area demography, (2) socioeconomic characteristics, (3) housing configuration and needs, (4) educational, transportation, and health care opportunities, (5) environmental hazards or concerns, and (6) all other factors material to the AFFH determination.
- Provide an estimate of the Fair Market Value. An appraisal (pre-storm) and a current appraisal (post-storm) are used to establish the agency's estimate of market value in accordance with the Uniform Relocation Act (49 CFR 24.103 and 24.104).
- A Duplication of Benefits (DOB) and a National Flood Insurance (NFIP) review must be completed and documented for each applicant.
- A statement of the amount offered as compensation, description, and location of the real property, and a list of buildings, structures, or other

improvements must be provided to the applicant. The final settlement (buyout offer) must be properly documented, and assistance calculations must show how the county determined the final offer.

- The applicant will have the right to determine the value of the property by hiring an appraiser to conduct their own assessment. If accepted, the county will update the offer and submit it to the owner. The County will also provide the applicant with a vacate notice, utility disconnection requirements, what will happen with abandoned items, and other resources to help the applicant move.
- The owner must remove all personal property from the residence prior to the day of closing.
- Closing documents: The applicant must sign the agreement for the sale document and a limited Subrogation Agreement document. If a buyout incentive is part of the final buyout offer, e.g., the family will agree to relocate outside the floodplain or to a lower-risk area, the incentive award is provided once confirmation is received (closing statement of the new home) by the county.
- Fort Bend County will ensure the property title is a deed-restricted and remains public open space in perpetuity, as necessary (buyout program) as described above.
- The project must comply with all applicable federal and state requirements.

Housing Assistance Caps and Incentives

Unit Costs must be necessary, reasonable, allowable, and allocable. Refer to 2 CFR Part 200 Subpart E. The following table charts monetary caps for assistance apply to applicants based on project type.

Project Type	Buyout**
Base Unit	Fair Market Value Pre-Disaster Up to \$200,000 max value
Relocation Assistance	\$35,000 for a lot of newly constructed home****
	Up to \$10,000 for an existing home****
Down Payment	Up to \$35,000
Incentive Package	Qualification of up to 4 additional incentives
Buyout Incentives	Up to \$35,000****

Fort Bend County has set a cap of \$200,000 on buyouts. Incentives of up to \$5,000 for temporary moving and relocation costs, \$35,000 for a lot of newly constructed home, \$10,000 for an existing home, and up to 100% of a required down payment amount may be available to homeowners who meet conditional requirements up to \$35,000. Total costs for projects, including buyout, soft costs, disposition of the purchased property, and incentives, will not exceed \$233,000 per address (current HOME limit). Buyouts will be based on the pre-storm appraised value of the unit. Appraisals will be conducted by independent, contracted appraiser. Per the Stafford Act, disqualified prior assistance will be deducted from the final buyout offer.

******Buyout Incentives:** The purpose of the incentive is to encourage maximum participation by property owners, and remove as many properties as possible from high-risk areas. Incentive payments should assist the household with necessary funds to (a) secure a new rental property (if they are required to move as part of this program), (b) buy an existing home outside of SHFA and Floodway or (c) construct a home on a newly purchased lot either outside of SHFA and Floodway or constructed at the height of 1 ft ABFE in a 100- year flood plain, or 3 ft ABFE in a 500-year flood plain, as applicable. A buyout incentive is not available for properties that served as second homes. A second home is not the primary residence of the owner, a tenant, or any occupant at the time of the storm or at the time of application for assistance. Fort Bend County may provide relocation assistance outside of buyout activities, as necessary. Fort Bend County must document how the assistance will be determined and issued to applicants when determining final eligibility assistance costs.

Relocation Assistance

Relocation assistance may be offered at the discretion of the county; however, the assistance may not exceed \$35,000 for purchase of a lot of newly constructed home, or \$10,000 for an existing home.

Down Payment Assistance

This activity is available only under the Voluntary Buyout Programs.

The following items must be met to provide additional funding:

- Purchased a lot or are using a pre-owned lot located outside of a floodplain or to a lower-risk area within the Fort Bend County for construction of a new home (a construction date must be provided), or the applicant purchased a newly constructed or existing home located outside of floodplain or a lower-risk area in Fort Bend County.
- Purchased homes must be considered decent, safe, and sanitary.
- The funding must be used within sixty (60) days of closing on the buyout property.
- Down Payment Assistance
 - HUD has waived homeownership assistance for households with up to 120 percent of the area median income. While homeownership assistance may be provided to households with up to 120 percent of the area median income, only those funds used to serve households with up to 80 percent of the area median income may qualify as meeting the low- and moderate-income person benefit

National Objective.

- The replacement home is usually more expensive than the buyout home because new homes are built to recently adopted building codes and zoning requirements as opposed to older homes.
- Applicants may qualify for up to 100% up to \$35,000 down payment assistance if found to be a determined need of the applicant.
- Eligible properties for down payment assistance may reside within the jurisdiction of Fort Bend County:
 - Single-family property (detached and attached 1-4 units)
 - Condominium unit
 - Cooperative unit
 - Modular home/manufactured home
 - Vacant land in which a residence was in place at the time of the storm

Incentive Package

Homeowners could be eligible for additional incentives based on LMI eligibility.

- Extreme LMI (30%) homeowners may be eligible for all incentives
- Very LMI (50%) homeowners may be eligible for up to any three incentives
- LMI (80) homeowners may be eligible for up to any two incentives
- Above LMI homeowners may be eligible for any single (1) incentive

Incentive Options:

- Homeowner is over the age of 65- \$5,000 (per household)
- Homeowner is a veteran of a foreign war- \$5,000 (per household)
- Homeowner is a survivor of multiple flood disasters- \$ 2,500 for each disaster—total not to exceed \$10,000.
- Homeowner has dependent(s) that can be claimed on current IRS taxes- \$1,000 for each qualifying dependent.

Individuals will be required to supply sufficient supporting documentation for incentive eligibility.

Unmet Needs

Only applicants with an unmet need related to the CDBG-DR funded event will be eligible. Documentation evidencing impact from the event will be required as part of the determination of the unmet need. The unmet needs analysis is addressed within the guidelines and will be required by the county.

Applicant with AGI of up to 120 percent of AMI (For Down Payment Assistance)

HUD has waived homeownership assistance for households with up to 120% of the area median income (AMI). While homeownership assistance may be provided to households with up to 120 percent of the AMI, only those funds used to serve households with up to 80 percent of the AMI may qualify as meeting the low-and moderate-income person benefit National Objective.

Amount of Assistance

Fort Bend County may offer up to 100% of assistance provided, and should only include the amount needed by the applicant to achieve homeownership. The amount of assistance would be based on the FMV, plus any program incentives offered, not to exceed a total of \$233,000.

Strategy

Fort Bend County will conduct buyouts of homes that have flooded repeatedly. At least 50.06% of the funds will be used to conduct buyouts of homes owned by low/mod income residents. Due to the extreme numbers of flooded homes and buyout requests, the county will prioritize as follows:

- 1) Low-income houses in the floodway
- 2) Low-income houses in the floodplain
- 3) Residents above 80% LMI in the floodway
- 4) Residents above 80% AMI in the flood plain

The funds will be prioritized for flood victims without insurance, who were owner-occupants at the time of the flooding. While no specific neighborhood is targeted to the exclusion of residents who lived elsewhere, scoring will consider those who live in floodway or floodplain areas.

The Harvey CDBG-DR program will be administered concurrently with the 2016 CDBG-DR Buyout and Rehabilitation programs.

Outreach

Efforts

Fort Bend County will provide for reasonable advance notice of homeowners' opportunity to apply for the CDBG-DR home buyout program. This may be accomplished through one or more of the following methods:

- a. Publication of the notice in a local newspaper;
- b. Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
- c. Posting of a notice on Fort Bend County Community Development website
- d. Public Hearing;
- e. Community, Faith-Based and Non-profit Meetings;
- f. Social Media platforms such as Facebook, Twitter and Instagram and the;
- g. Individual notice to eligible homeowners as applicable using one or more of the following methods:
 - Certified mail
 - Electronic mail or fax
 - First-class (regular) mail
 - Personal delivery

Access and Functional Needs

Measures will be taken to make the program accessible to persons who are considered members of a protected class under the Fair Housing Act by holding informational meetings in buildings that are compliant with the Americans with Disabilities Act (ADA), providing sign language assistance when requested, and providing special assistance for those who are visually impaired when requested.

Applications and forms will be offered in English and other languages prevailing in the region in accordance with Title VI of the Civil Rights Act of 1964, including persons with disabilities (24 CFR 8.6), Limited English Proficiency (LEP), and other fair housing and civil rights requirements such as the effective communication requirements under the Americans with Disabilities Act. Every effort will be made to assist such applicants in the application process.

Affirmative Marketing Plan

The County is committed to affirmatively furthering Fair Housing. The goal of the affirmatively furthering Fair Housing is to provide additional opportunities areas where racial and ethnic minorities may benefit from Federal, state, and local resources that may not have been historically available.

One condition placed on the County during a GLO AFFH review of the intended Buyout program was:

The County of Fort Bend should maintain a free-standing participant log with all applicants with the amount of the award in each area (acquisition, relocation assistance, and Homebuyer Assistance), and, where possible, the race or ethnicity of the applicant (since this is generally voluntary information, if it is not obtainable, that should be indicated) for each applicant whether awarded or not. Personally, Identifiable Information should not be included (social security numbers, driver's license information, or mortgage information) as it is not relevant for this review. A log of this nature will expedite the review for GLO monitors or outside parties to ensure the program is in keeping with the goals of the Affirmatively Furthering Fair Housing Final Rule.

The County, either on its own or through a Program Manager will be responsible for the development of this list and, prior to awards being made, the County will analyze the list to ensure that the applicants involved, where possible, are in conformance, at a minimum, to the overall population demographics of the County. In the event that there are not sufficient racial and/or ethnic minorities on the application list or participating in the program, the County will provide additional outreach within floodways and floodplains or provide certification that every property owner in the service area has been contacted at a personal level and has chosen not to participate.

In the event that the racial and ethnic participation cannot be achieved within the 70% LMI program requirements, the incomes of those who do not meet the LMI requirement will be included in the list maintained by the County and added as an exhibit to the certification.

Local jurisdictions administering the Program are committed to affirmatively furthering

fair housing through established affirmative marketing policies. Affirmative marketing efforts for disaster funding will include the following:

- An Affirmative Fair Housing Marketing Plan, based on HUD regulations, is to be followed by Fort Bend County. The plan must include items on the GLO's checklist to affirmatively market units financed through the Program. The procedures cover the dissemination of information, technical assistance to applicants, project management, reporting requirements, and project review.
- The goal is to ensure that outreach and communication efforts reach eligible survivors from all racial, ethnic, national origin, religious, familial status, the disabled, "special needs," and gender groups. For each project or program, notification to these populations should include:
 - Given the opportunity to sell their primary residence that sustained damages due to the event and/or its after-effects.
- Emphasis should be focused on successful outreach to LMI areas and those communities with minority concentrations that were affected by the disaster. Outreach efforts will include door-to-door canvassing and special outreach efforts to hard-to-reach populations (e.g., seniors, and persons with severe disabilities who either do not have information about the resources available or are unable to apply for resources).
- In addition to marketing through widely available media outlets, efforts may be taken to affirmatively market the CDBG-DR Program as follows:
 - Advertise with the local media outlets, including newspapers and broadcast media, that provide unique access for persons who are considered members of a protected class under the Fair Housing Act;
 - Reach out to public or non-profit organizations and hold/attend community meetings; and
 - Other forms of outreach tailored to reaching the eligible population, including door-to-door canvassing, and on the weekends, if necessary.
- Case managers will help navigate and inform survivors who may qualify for a buyout of their damaged unit to remove them from flood hazards, environmental hazards, segregated areas, and other unsafe conditions while meeting AFFH obligations.
- Documentation of all marketing measures used, including copies of all advertisements and announcements, will be retained and made available to the public upon request.
- Fort Bend County will be required to use the Fair Housing logo in Program advertising, post-Fair Housing posters, and related information and, in general, inform the public of its rights under Fair Housing regulations law.
- Evaluation of outreach activities and applications received will be necessary to determine if outreach is successful and applications that are being received accurately reflect the socioeconomic and other forms of demographic diversity. Evaluation should be an ongoing process. The GLO will assist Fort Bend County

by reviewing application intake reports before Fort Bend County begins qualifying applicants, and periodically thereafter.

- Fort Bend County and the state are also required to coordinate with HUD-certified housing counseling organizations to ensure that information and services are made available to both renters and homeowners. Additional information for each grantee is available here:
<https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?weblistaction=summary>

Priority

Buyouts will be set with the priority being for non-insured 1) owner-occupied low-moderate income homes located in floodways, 2) owner-occupied low-moderate income homes located in the floodplain, 3) residents above the 80% AMI located within the floodways, 4) residents above the 80% AMI located within the floodplain.

LMI Determination

The income limits to be utilized for the CDBG-DR Single Family Homeowner Program are area-specific (by county) income limits established yearly by HUD for the Section 8 Housing Program. The most current income limits, published annually by HUD, shall be used by Fort Bend County to verify the income eligibility of each household applying for assistance at the time assistance is provided. Fort Bend County must always use the most recent income limits and will be monitored to ensure compliance with the income guidance as provided throughout these Guidelines.

National Objective:

- Beneficiaries of the program must meet the LMB or LMHI National Objective of supporting buyout or housing incentive activities for impacted persons of low- and moderate-income that, upon completion of the housing activity, will be occupied by such person.
- Assistance to non-LMI applicants may be provided under urgent need.
- Slum and blight may be addressed under the Local Buyout Program.

A household is considered LMI if they make less than 80% of the area median income. Income eligibility will be determined using Area Median Income (AMI), adjusted for family size, and verified following the GLO's Adjusted Gross Income Methodology. The methodology uses the previous year's filed tax return or tax return transcript for all household members to verify the household's annual income.

A family of four, based on FY 2020 Income Limits determined by HUD, is considered; Low (80%) Income with a total household income of less than \$63,050, Very Low (50%) Income with a total household income of less than \$39,400, and Extremely Low (60%) Income with a total household income of less than \$26,200.

FY 2020 Income Limit Area	Median Family Income Explanation	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area	\$78,800	Very Low (50%) Income Limits (\$) Explanation	27,600	31,550	35,500	39,400	42,600	45,750	48,900	52,050
		Extremely Low Income Limits (\$)* Explanation	16,600	18,950	21,720	26,200	30,680	35,160	39,640	44,120
		Low (80%) Income Limits (\$) Explanation	44,150	50,450	56,750	63,050	68,100	73,150	78,200	83,250

Eligibility Reviews

The following are threshold requirements, which must be met for an applicant to be eligible for assistance. Eligibility does not guarantee assistance since a prioritization strategy within LMI economic subgroups will be required (consistent with Program Design Requirements), and it is expected that there will be more eligible applicants than can be served with available funds. For the purpose of this program, Fort Bend County is only engaging in voluntary buyouts. No other activity has been engaged.

Applicant Intake and Case Management

Fort Bend County residents, who are interested in participating in the available Hurricane Harvey CDBG-DR County Wide Buyout, are able to apply. All documentation submitted by the applicant must include a signed statement verifying that the information provided is true, complete, and accurate. Any false, fictitious, or fraudulent information, or the omission of any material, may subject the applicant to criminal, civil, or administrative penalties. Program documents must capture the following statement:

“Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001, and 31 U.S.C. 3729.”

Applicants are likely to need support throughout the buyout process. Applicants may have suffered significant losses and emotional hardships. The simple mechanics of applying to the CDBG-DR Program may be complicated by the loss of documents or temporary residence outside the area.

Fort Bend County will provide case management support and will work to assist survivors from inception to close-out of their recovery needs associated with the buyout program. A single point of contact will be given for each homeowner to ensure that homeowners have immediate contact information and need to be successful in their long-term recovery efforts. As homeowner applications are being accepted and reviewed for determinations of eligibility to participate in the program, each homeowner should be counseled and made aware of their application status. Consult with the GLO to determine the best feasible option.

Case managers and/or counselors or interpreters must be able to communicate with the

applicant in their primary language and should be assigned to the clients as appropriate. Additionally, they must ensure effective communications with persons with disabilities pursuant to 24 CFR 8.6 and other fair housing and civil rights requirements (such as the effective communication requirements under section 504 and the Americans with Disabilities Act). Counselors will be trained to be well-versed in all housing recovery activity requirements.

Eligible Property Types

Eligible property types include owner-occupied single-family residences, including Manufactured Housing Units (MHU's or mobile homes), as well as vacant lots in which a structure stood at the time of Hurricane Harvey. Utilizing the appropriate strategy to include vacant lots in which a structure stood at the time of Hurricane Harvey, may prove essential to meeting the objectives of the buyout program by preventing further residential development in the designated area.

Other structures will be evaluated on a case by case basis.

The home must have been the applicant's principal residence during the time of the event. Principal residency for applicants can be demonstrated through property tax homestead exemptions. If a homestead exemption was in place at the time of the disaster, an Affidavit of Principal Residency might be utilized as an alternative method of verification of principal residency. The affidavit must be supported by documentation such as asset verification (income tax returns, credit check, etc.) or utility bills specific to the property address and name of the applicant, which were active as of the date of the event. Vacation homes and rental properties are not eligible for assistance under the Single Family Homeowner Program. *The Affidavit of Principal Residency Form* may be found on the GLO's website: www.texasrebuilds.org.

Proof of Ownership

All owners of properties proposed for buyout must voluntarily agree to sell the property to the County. Any property owner with a recorded interest in the property who refuses to agree to sell the property has the power to veto the transaction and prevent the Buyout.

- If any Owner of a Property is deceased, whether before or after the Storm event, the Executor (or Administrator) of the Estate of [decedent name] must join in the sale of the property to the County.
- Probate Court consideration and approval are required before the County buys real property from any probate estate.
- Property owned with other individuals: property owners who owned and occupied a structure at the time of the storm that is located on land that they owned along with other individuals (e.g., owned together with their family) must be treated as a property owner on owned land and are eligible.
- Purchase contracts: Contract for deed is not eligible unless the property

- owner converts his/her contract to full ownership prior to receiving funding assistance from the program.
- Rent or Lease-to-own is not eligible unless the property owner converts their contract to full ownership prior to receiving funding assistance from the program.
 - Conditional Sale Contracts are not eligible unless the property owner converts their contract to full ownership prior to receiving funding assistance from the program.
 - The following legal documents are proof that a Property owner was purchasing a home on a contract as identified above:
 - Notarized contract dated and executed prior to the incident date for review by the Program’s legal/escrow provider.
 - Notarized and executed contract that was filed prior to the incident date in the conveyance records of the county.
 - Proof that a contract has been completed and the title conveyed to the purchaser is provided by one of the following:
 - Presentation to the Case Manager of a notarized, executed conveyance document from the seller to the contract purchaser
 - Evidence of recordation of the title in the name of the Property owner in the conveyance records of the county.

Title clearance is a necessary component of any traditional real estate transaction. The County will only purchase properties that have a clear title as determined by its procured title company. It is the responsibility of the property owner to assist the title company with obtaining a clear title. In some cases, the County predicts that applicants will have to obtain legal assistance from private attorneys or pro-bono legal aid organizations. The cost of these legal services is at the expense of the property owner(s). If an applicant is unable to clear title within a reasonable amount of time, the buyout program may determine that they are ineligible for assistance. In these cases, the County will establish the closing deadline at least 90 days in advance and inform the property owner with a documented phone call and certified mailing.

Event Damage

For assistance activities, the unit must demonstrate that the damage or destruction to the unit occurred by the event. Disaster damage can be documented as follows:

- FEMA, Small Business Administration (SBA) or Insurance Award Letters;
 - If the above-referenced documentation is not available, an inspection report/Damage Assessment (complete with photos of the damage and a written assessment of the damage with each photo taken) conducted by a certified or licensed inspector (HQS, TREC, or similar license) must be

supplied by the county or the state that certifies the damage occurred as a result of the event (refer to the GLO's Damage Assessment Guidelines found at www.texasrebuilds.org); or

- If FEMA, SBA, or Insurance Award Letters are not available and an inspection report is inconclusive as to the cause of the damage, Fort Bend County may provide alternative evidence, such as neighborhood-level media reports or documentation of damage by disaster response/relief organizations. GLO approval is required for this form of proof.

If an applicant was denied assistance by FEMA, assistance through the CDBG-DR Program might still be available. Applicants are not solely ineligible based on a denial by FEMA.

A Damage Assessment must be performed by a certified or licensed inspector (HQS, TREC, or similar license) to specifically and clearly document event related damage via photographic evidence and detailed narratives if the survivor did not receive FEMA or SBA funds for the repair or replacement of a home. The Damage Assessment may also include a final cost of the repair estimate. Damage to homes will be repaired according to local code and HUD's Housing Quality Standards.

Property Taxes

Applicant must furnish evidence that property taxes are either current, have an approved payment plan, or qualify for an exemption under current laws. Applicant must prove that property taxes have been paid or that one of the following alternatives has been met:

- The property owner qualified for and received a tax deferral as allowed under Section 33.06 of the Texas Property Tax Code; or
- The applicant entered into a payment plan with the applicable taxing authority.

Support documentation verifying the tax deferral or tax exemption must be provided by the applicant. Any applicant that enters into a payment plan must supply a signed copy of the payment plan from the applicable taxing entity along with documentation that they are current on their payment plan.

Child Support⁵

All applicants and co-applicants must be current on payments for child support. If the applicant or co-applicant is not current on child support, that individual will be required to enter into a payment plan that will be obtained from the Office of Attorney General (OAG). A copy of the payment plan signed by all applicable parties, along with documentation demonstrating that they are current on their payment plan, must be supplied.

⁵ Family Codes, Title 5, Section 231.006

Environmental Review

An environmental review must be performed on the property prior to federal funds being committed by Fort Bend County (24 CFR Parts 50, 58, 574, 582, 583, and 970). No

commitment or disbursement of funds will occur prior to the completion of this review. The environmental review shall document compliance with 24 CFR Part 58 and all related laws, authorities, and executive orders. The CDBG-DR Program will not reconstruct or rehabilitate homes that have been determined to be in a floodway. Specific instructions concerning environmental requirements will be made available to all recipients, sub-recipients, or Contractors.

CDBG disaster grant funding from HUD is contingent on compliance with the National Environmental Policy Act (NEPA) and related environmental and historic preservation legislation and executive orders. Accordingly, environmental review activities will be carried out for site contamination and demolition control and documented prior to the commitment of funds.

HUD's Environmental Review Procedures allow grantees to assume environmental review responsibilities. In addition:

- The County will assume the role of the Responsible Entity (RE), responsible for undertaking compliance efforts for the Program.
- The GLO will submit any requests for the release of funds directly to HUD for review and approval.
- The County will be responsible for performing the Environmental Review Records (ERRs) or contract out for a preparer of the ERRs.
- The County's Grant Administrator will conduct an environmental analysis and prepare compliance documentation in support of the broad and site-specific environmental reviews, utilizing a tiered approach, in accordance with GLO regulations.
- The County will review all environmental draft documents as outlined in the required documentation and sign all documents requiring RE or agency official signatures.
- A broad, or Tier 1, a review must be completed before HUD will release funds and a site-specific, or Tier 2, a review must be completed for a site before funds can be committed to that particular site. The site-specific analysis, consisting of the Site-Specific Checklist and supporting documentation, will be completed by the Grant Administrator. The site-specific ERRs will be reviewed and signed off by the County. Once these reviews have been completed, there can be a commitment of funds.
- The Grant Administrator is responsible for working in good faith with the County where additional documentation may be necessary to resolve an outstanding environmental/historic preservation compliance factor.

The environmental review will be performed in two phases: a broad review and a site-specific review. Lead, and asbestos testing will typically be reserved for the site-specific review. The Phase II ESA (site-specific review) serves as the first step in remediation for any property with contamination levels deemed unsafe.

If remediation activities are required for lead, the contractor will obtain the necessary waste permits along with enclosure materials and/or paint removal equipment. A certified abatement contractor will be procured. Warning signs will be posted; all residents and construction workers in the vicinity will be informed and protected from contamination at

the time of remediation. Waste will be securely stored and disposed of upon completion of cleanup. A clearance examination will be performed by an independent party at least one hour after the completed cleanup. If clearance fails, cleanup and/or abatement work will be repeated for a subsequent examination. Residents will be notified of the nature and results of the abatement work. If unsafe levels of lead are determined to exist in the soil, soil abatement will be utilized in the form of soil removal and replacement or soil cleaning.

For asbestos, any building built prior to 1978 will require a qualified asbestos inspector to perform a comprehensive building asbestos survey to locate and assess any presence of asbestos. If there is asbestos and it is friable or damaged, HUD recommends it be removed. If it is not friable or damaged, HUD recommends it, at a minimum, be encapsulated.

Applicants will also need to complete the 58.6 checklists for the desired buyout property. This consists of questions regarding: National Flood Insurance Program participation, Coastal Barrier Improvement Act compliance, and Runway Clear Zones compliance.

The grant administrator will provide a narrative Environmental Report and any supporting documentation for the project. Failure to complete this environmental checklist (environmental review and 58.6 checklists) will impede the program's ability to receive funding from HUD.

National Flood Insurance Program (NFIP) Verification

Flood Disaster Protection Act of 1973 as amended and Sec. 582(a) of the National Flood Insurance Reform Act of 1994 - compliance with the legal requirements of Section 582(a) mandates that HUD flood disaster assistance that is made available in a Special Flood Hazard Areas (SFHAs) may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement, or restoration for flood damage to any personal, residential or commercial property if: (1) the person had previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and (2) that person failed to obtain and maintain flood insurance as required under applicable federal law on such property.

Damage Assessment

Each applicant's home must be assessed to verify that it was damaged from the event. A damage assessment report, along with pictures, will be required for each applicant. Please refer to the GLO's Damage Assessment Guidelines located at <http://recovery.texas.gov/>.

Duplication of Benefits (DOB) Review

Each application will be reviewed to determine if previous funding awarded to the applicant was appropriately used on the home and if any funds were received for the same purpose. The applicant must have an unmet need to move forward in the program. Fort Bend County must determine the applicant's unmet needs first and then calculate the applicant's DOB. Applicants must provide insurance, FEMA, SBA, and any other type of funding documentation for funds that were received. Additionally, the county must verify that the submitted data is accurate and current at the time of the award, to the best of their abilities (e.g., validate against FEMA data). Fort Bend

County will also determine if insurance was required under the terms of the applicant's mortgage as part of the application review. Regardless of unmet needs and prior funds received, applicant awards cannot exceed program limits.

The total DOB (the difference between assistance already received minus expenditures) will equal the remaining gap. *GLO's DOB Calculation Form* will be used to determine the total DOB amount. If the total previously awarded assistance is greater than or equal to the total expenditures, then a positive dollar amount will indicate a DOB. To reconcile the DOB amount owed, the applicant can pay the DOB amount, or the applicant may be offered a reduction in the scope on the repair or replacement of their home's nonessential components (e.g., laminate for tile floors, etc.). Fort Bend County will use the approved DOB forms when determining an applicant's final DOB. The *DOB Calculation Form* may be found on the GLO's website: www.texasrebuilds.org.

Fort Bend County will develop policies and procedures to prevent any duplication of benefits when determining an applicant's unmet need. The policies and procedures must include recapturing instructions (e.g., applicant is currently appealing or suing their insurance company; therefore, recapture of future funds will be completed by the county) and monitoring procedures to include priorities and frequency to comply with an executed Subrogation Agreement.

The most common sources of disaster recovery assistance are from homeowner's insurance, FEMA, NFIP, and SBA. However, assistance may also come from non-profit organizations, faith-based organizations, other disaster relief organizations, and other governmental entities. Duplicative Assistance includes, but is not limited to, the following benefits:

National Flood Insurance Program (NFIP): Insurance proceeds received must be disclosed by the Owner(s) and verified by the Program. Payments from the NFIP for building loss are classified as repair assistance and will be considered duplicative assistance.

Private Insurance: All insurance proceeds received must be disclosed by the Owner(s) and verified by the Program by obtaining a final claims letter or contacting the insurance company. Any funds received that are classified as building loss or sewer backup will be classified as repair assistance and will be considered duplicative assistance.

Federal Emergency Management Agency (FEMA): FEMA proceeds received must be disclosed by the Owner(s) and must be verified by the Program. Any funds received for property repair will be classified as duplicative assistance.

Small Business Administration (SBA): SBA proceeds approved and/or received must be disclosed by the applicant and verified by the Program. Any applicant with an SBA loan of less than \$14,000 must provide documentation that he or she is current on his or her repayment plan and outstanding SBA loans must be satisfied prior to the County taking ownership of the property. The applicant's award is reduced by this amount at closing, and the loan is satisfied prior to the County taking ownership of the property. Any SBA loan exceeding \$14,000.00 is secured against the subject property and will be repaid (satisfied) at closing pursuant to traditional real estate transfer procedures. SBA loans are unique in that the deduction of the DOB occurs at the closing table (which reduces the applicant's net proceeds) as opposed to at the time of the offer.

Other: Funds received from other sources must be disclosed by the Owner(s) and verified by Program. Examples include nonprofits, other governmental agencies, and social groups.

Applicants participating in the Program are not eligible to receive an offer if they are involved in litigation or any other process that will change their duplicative benefits. Applicants will sign a subrogation agreement indicating that they will repay any funds they received deemed to be duplicative after their Program real estate closing. To avoid this and the costs involved in the subrogation process, the County will not purchase any homes that are subject to an ongoing insurance settlement case or legal action. The deadline for litigation settlements that could impact the duplication of benefits is January 30, 2021.

Reporting Requirements

Compliance will be maintained in accordance with the reporting requirements under the GLO's CDBG-DR Program. This includes providing all information and reports as required under the GLO's contract with Fort Bend County, demographic data, and other information acquired from the applicants, and project documentation from awarded applicants.

Section 3

Fort Bend is committed to furthering the goals of HUD Section 3. Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701u and 24 CFR Part 135] represents HUD's policy for providing a preference for new employment, training, and contracting opportunities created from the usage of covered HUD funds low- and very low-income residents of the community where certain funds are spent (regardless of race or gender), and the businesses that substantially employ these persons. In order to comply with Section 3, the buyout program will do the following whenever necessary;

1. Implementing procedures to notify Section 3 residents and business concerns about training, employment, and contracting opportunities generated by Section 3 covered assistance;
2. Notifying potential contractors working on Section 3 covered projects of their responsibilities;
3. Incorporating the Section 3 Clause into all covered solicitations and contracts [see 24 CFR Part 135.38];
4. Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns;
5. Assisting and actively cooperating with the Department in making contractors and subcontractors comply;
6. Refraining from entering into contracts with contractors that are in violation of Section 3 regulations;
7. Documenting actions taken to comply with Section 3; and

8. Submitting Section 3 Quarterly and Annual Summary Reports (form HUD-60002) in accordance with 24 CFR Part 135.90.

Applicant Data

The GLO will establish procedures for Fort Bend County to collect and report data required by HUD. The reporting requirements will include, but not be limited, to the following for each program activity requiring a direct application by an individual or non-institutional entity:

- Applicant's household income at the time of assistance;
- Household income as a percentage of area median family income at the time of assistance, as defined by HUD;
- The race, ethnicity, and gender of the head of household;
- The household's familial status;
- The presence or non-presence of a household member with a disability; and
- The presence or non-presence of a household member that is a veteran.

Records Retention

All official records on programs and individual activities shall be maintained for a 3-year period beyond the closing of a grant between the GLO and HUD. Applicant records may be maintained electronically. All projects, program activity files, and applicant information received must be maintained within the GLO's system of record.

Procurement Requirements

Fort Bend County shall provide adequate documentation to show that the selection process was carried out in an open, fair, uniform, and thorough manner to ensure that federal (2 CFR 200.318-200.326) and state procurement requirements were met.

It's important to note that failure to maintain proper documentation may result in disallowed costs. These records must include, but are not limited to, the following information:

- The rationale for the method of procurement;
- Evaluation and selection criteria;
- Contractor selection or rejection; and
- The basis for the cost or price.

During the procurement process, Fort Bend County should clearly identify any items included in the bid/purchase that are not included in the CDBG-DR agreement with GLO. Fort Bend County may utilize HUD's CDBG-DR and Procurement Guidance.⁶

Fort Bend County must procure goods and services using the federal procurement and contract requirements outlined in 2 CFR 200.318-200.326. These procurement requirements must be followed for reimbursement from grant allocations of CDBG-DR funds provided by HUD. Fort Bend County is also required to follow state and local procurement laws and

policies as prescribed by 2 CFR 200.318(a), as well as the additional requirements stated in 2 CFR part 200.

Procurement policies and procedures should be updated to correspond with the procurement and contract requirements of 2 CFR 200.318-200.326 for CDBG-DR funding.

Additionally, the GLO may review draft solicitations or responses prior to award for compliance. Fort Bend County should clearly identify during the procurement process any items included in the bid/purchase that are not included in the CDBG-DR contract.

Regardless of the type of procurement used, Fort Bend County must execute a contract to document the period of performance, the work to be completed, the agreed price, and contractor or provider’s required compliance with all applicable federal, state, and local requirements that must be followed. If there is a conflict between federal, state, and local laws and regulations regarding procurement, the more stringent law or regulation will apply.

Additionally, Fort Bend County is required to achieve compliance with Section 3 (24 CFR Part 135). It is strongly suggested that HUD’s best practices be utilized to help achieve compliance (HUD Model Section 3 Plan), including creating a Section 3 plan. Fort Bend County is also required to “take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.” (HUD CFR 200.321.)

Inspection Requirements

The Buyout and Demolition phases will require an inspection for each activity. The program will only pay for one inspection per activity per phase. Any additional inspection costs will be the responsibility of the designated contractor performing work on the home as outlined below.

Application Type	Demolition Confirmation	TREC	Monitoring Inspections
Down Payment Assistance		Yes ***	
Buyout and Acquisition	Yes		
Demolition	Yes		

Site and Development Restrictions

All properties will be returned to green and maintained in perpetuity by the County.

Conflict of Interest

The conflict of interest regulations contained in the contract between Fort Bend County

and the GLO prohibit local elected officials, Fort Bend County employees, and consultants who exercise functions with respect to CDBG-DR activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, from receiving any benefit from the activity either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter.

For purposes of this section, "family" is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), and children of an official covered under the CDBG-DR conflict of interest regulations at 24 CFR Sec. 570.489(h).

The GLO can consider granting an exception to the conflict of interest provision should it be determined by the GLO that Fort Bend County has adequately and publicly addressed all of the concerns generated by the conflict of interest and that an exception would serve to further the purposes of Title I of the Housing and Community Development Act of 1974 and the effective and efficient administration of the program. The county should not enter into a conflict of interest until justification has been received and approved by the GLO in accordance with applicable procurement laws.

Complaint/Appeal Process

General Policy

Fort Bend County is responsible for responding to complaints and appeals in a timely and professional manner. The county will keep a record of each complaint or appeal that it receives to include all communications and their resolutions.

When a complaint or appeal is received, a representative will respond to the complainant or appellant within three (3) business days where practicable. For expediency, Fort Bend County shall utilize telephone communication as the primary method of contact; however, email and postmarked letters will be used as necessary. Complaints and/or appeals should be mailed to:

Fort Bend County
Community Development Department
301 Jackson St., Suite 602
Richmond, TX 77469
communitydevelopment@fortbendcountytexas.gov

Responsibilities

Case Managers will handle all homeowner inquiries.

Case Managers are responsible for (1) determining if complaints and appeals related to the business or authority of the county, (2) ensuring that a response to all complaints and appeals are within the appropriate time frame (a final response must be provided within 15

working days of the receipt of the final complaint need for additional time), and (3) ushering all complaints and appeals through to a resolution.

Since jurisdictions are most often the first line of communication for program beneficiaries, they shall have an internal procedure for handling incoming complaints, including a complaint escalation process to ensure that complaints are handled at the earliest stage in the process.

Documentation

Documentation for each complaint or appeal must be maintained. Each file must include the following:

- Contact information for the complainant;
- Initial complaint;
- Address and GLO assigned project number (if applicable);
- Any communications to and from complainant or appellant;
- Results of the investigation, together with any notes, letters, or other investigative documentation;
- The date the complaint or appeal was closed; and
- Any other action is taken.

Audit Requirements

Jurisdictions receiving funds that exceed the thresholds set in 2 CFR 200.501, Audit Requirements, shall have a single or program-specific audit conducted in accordance with the applicable federal requirements.

Vendors and contractors employed by the state and Fort Bend County will be required to comply with the executed contract.

Changes, Waivers, and/or Conflicts

Fort Bend County has the right to change, modify, waive, or revoke all or any part of these guidelines, with the prior written approval of the GLO.

Waivers to the requirements in these guidelines can only be approved by the GLO and must be provided in writing. The GLO will provide the option for a waiver only after the waiver request has been posted on the county's identified website for a public comment period of at least seven days. The waiver request must demonstrate why the housing guidelines are not practicable for the county.

If these guidelines conflict with local, state, or federal law, the more stringent requirement will prevail, provided that the requirement does not violate local, state, or federal law.

Residential Anti-displacement and Relocation Assistance Plan (RARAP)

Displaced people, regardless of income, can receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“URA” or “Uniform Relocation Act”). URA applies to both temporary (during construction) and permanent displacement (one year or greater).

Section 104(d) requires relocation assistance for lower-income individuals displaced as a result of the demolition or conversion of a lower-income dwelling and requires one-for-one replacement of lower-income units demolished or converted to other uses.

Fort Bend County must provide the following benefits to households that they displace:

- Relocation advisory services;
- A minimum of a 90-day notice to vacate;
- Reimbursement for moving expenses; and
- Payments for the added cost of renting or purchasing comparable replacement housing.

The relocation assistance requirements at Section 104(d)(2)(A) of the Housing and Community Development Act and 24 CFR 42.350 are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR Part 24, as modified by the notice for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation). Both FEMA and CDBG funds are subject to the requirements of the URA; however, CDBG funds are subject to Section 104(d), while FEMA funds are not.

The URA provides that a displaced person is eligible to receive a rental assistance payment that covers a period of 42 months. By contrast, Section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months. This waiver of Section 104(d) requirements assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under the federal register notice.

Fort Bend County will follow its Residential Anti-displacement and Relocation Assistance Plan (RARAP). The County will minimize the direct and indirect displacement of persons from their homes by (1) planning construction activities to allow tenants to remain in their units as long as possible, (2) by rehabilitating empty units or buildings first, (3) where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement, (4) adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods, (5) adopt tax assessment policies, such as deferred tax payment plans, to reduce the impact of increasing property tax assessments on lower-income owner-occupants or tenants in revitalizing areas; and/or (6) target only those properties deemed essential to the need or success of the project.

Fair Market Value (FMV) Determination

Fair Market Determination will be based on the pre-storm appraised value of the unit for the

homeowner who occupied the residence at the time of the disaster per the Stafford Act; disqualified prior assistance will be deducted from the final buyout offer. The pre-storm FMV is established by a forensic appraisal, and the appraisal report must itemize the value of the land and the value of any improvements on the property. All appraisals used in this program are certified before use or dissemination.

Incentives

Housing incentives are offered to encourage households to relocate to a more suitable environment, including an area promoted by the community's comprehensive recovery plan and maybe in addition to buyout awards.

Incentive payments should assist the household with necessary funds to buy an existing home or construct a home on a newly purchased lot, as applicable. A buyout incentive is not available for properties that served as second homes. A second home is not the primary residence of the owner, a tenant, or any occupant at the time of the storm or at the time of application for assistance.

Fort Bend County may provide relocation assistance outside of buyout activities, as necessary. The County will document how the assistance will be determined and issued to applicants when determining final eligibility assistance costs. Incentive costs must be for a specific purpose and will properly be defined in the award.

Closing Process

Disposal of Storm-Damaged Property

Once the applicant has purchased a lot or home as a result of a buyout, the applicant's storm-damaged property will be demolished. The County should complete the demolition of the home within 45 days of the vacancy. The cost of demolition can be charged to the program.

The land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, floodplain, or wetlands management practices. There are options for disposing of property, including:

- The county can lease the property to adjacent property owners or other parties in return for a maintenance agreement;
- The county can convert the land to green space; or
- The county can opt to sell the acquired property at an FMV; however, the proceeds will be classified as program income and must be returned to the state. Additionally, since the county acquired the property as part of a buyout, the county will be required to place a deed restriction or covenant dedicating the property to be maintained for compatible uses in perpetuity, as discussed above.

The county must send the funds to:
Attention:
Texas General Land Office
Agency Cashier
PO BOX 12873
Austin, TX 78711-2873

Additional Allowable Expenditures

The following expenditures are allowable under the Buyout Program:

- The closing costs associated with processing the transaction;
- Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to convey the real property to the county. Costs associated with perfecting the property are not allowed:
- Penalty costs and other charges for prepayment of any pre-existing recorded mortgage; and
- The pro-rata portion of any prepaid real property taxes which are allocable to the period after the county obtains the title to the property or effective possession of it, whichever is earlier.

Funding provided toward the purchase must not be used to duplicate benefits already paid by another federal agency such as FEMA and SBA. The DOB Calculation Form will need to include payments for eligible relocation assistance.

Program Closeout

Project Closeout

The County must consider setting a budget to accommodate the necessary work to perform the monitoring requirements for the affordability period. To ensure compliance with the requirements of the executed Note with the homeowner, Fort Bend County will perform at a minimum an annual check to confirm all Note commitments are in place through its term. Insurance notices of default should be documented and evaluated as they are received by the county. Fort Bend County will use the GLO Monitoring Process, but alternates can be proposed for GLO approval.

Following the completion of buyout activities, including the disbursement of any post-closing resettlement incentives, the County will complete an end-to-end ("ETE") checklist to ensure the file meets all the applicable program requirements. This task will be completed for each applicant file regardless of if the applicant received any funds or completed a real estate transaction. The County will comply with all GLO file closeout procedures, including (but not limited to) the "left side/right side" file organization format.

The Fort Bend County Housing guidelines provide guidance on how to design, implement, and close the 2017 Storms and Floods CDBG-DR Housing Program, and should not be construed as comprehensive instructions.

For questions regarding these guidelines, contact:
Fort Bend County Community Development Department
communitydevelopment@fortbendcountytexas.gov

