



# RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM

POLICY AND PROCEDURES MANUAL

HURRICANES LAURA/DELTA/IDA AND MAY 2021  
SEVERE STORMS RECOVERY PROGRAM



**RESTORE**  
LOUISIANA

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# VERSION HISTORY

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS

# I. PROGRAM OVERVIEW

The Disaster Relief Supplemental Appropriations Act, 2022 (Pub. L. 117–43), approved September 30, 2021 (the “Appropriations Act”), makes available \$5,000,000,000 in Community Development Block Grant Disaster Recovery (CDBG–DR) funds nationwide. These CDBG–DR funds are disbursed among the “most impacted and distressed” (MID) areas across the country for necessary expenses for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) (HCDA) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation resulting from a qualifying major disaster in 2020 or 2021. Under the Appropriations Act approved in September 2021, the Department of Housing and Urban Development (HUD) has allocated approximately \$2.3 billion in CDBG–DR funds to the state of Louisiana for ongoing recovery efforts.

The Louisiana Office of Community Development (OCD) has allocated these CDBG-DR funds to various programs as described in the [\*State of Louisiana Action Plan for the Utilization of Community Development Block Grant Funds in Response to 2020 and 2021 Federal Declarations in Louisiana\*](#), as amended. OCD’s objective in allocating these funds is to ensure that all CDBG-DR dollars provided to the state are fully utilized, to the greatest extent possible, to address the unmet needs from the covered 2020-2021 disasters. The specifics of Hurricanes Laura, Delta, Ida and the May 2021 Severe Storms are provided in 87 FR 6364, dated February 3, 2022 (Hurricanes Laura and Delta), and 87 FR 31636, dated May 24, 2022 (Hurricane Ida and the May 2021 Severe Storms).

OCD works in close collaboration with other federal and state agencies engaged in disaster recovery to support rebuilding and recovery actions in the state of Louisiana. It functions to coordinate and provide funding to local governments and public entities in storm-damaged parishes and municipalities. Critical to this function is OCD’s collaboration with local and community leaders to respond to their communities’ most urgent rebuilding needs and assist in identifying long-term and innovative solutions to strengthen the state’s infrastructure and critical systems.

This manual details the policies of the **Resilient Communities Infrastructure Program (RCIP)**. The manual’s intended audience is the interested public, program subrecipients, and OCD staff.

To meet HUD disaster recovery objectives, OCD has specifically designed the RCIP to assist impacted communities in recovering from the damage inflicted by Hurricanes Laura, Delta, Ida and the May 2021 Severe Storms.

The RCIP is designed to address the unmet needs for infrastructure recovery located in identified MID areas impacted by the 2020-2021 storms. Documentation of impacts from the disasters will be required to be considered eligible for assistance.

The *Disaster Recovery CDBG Grantee Administrative Manual* provides in-depth information on implementing the procedures associated with the policies outlined in this manual. The Administrative Manual can be viewed on the OCD website at <https://www.doa.la.gov/oa/ocd/policy-and-reports/administrative-manual/>

## II. AWARD DETERMINATION

### A. AWARD ALLOCATION

OCD has allocated \$100 million of the total \$2.3 billion appropriation to fund projects under the RCIP. The minimum grant award is \$600,000. The maximum grant award is \$25 million. The subrecipients set to receive funding for RCIP projects are detailed below, as well as amount awarded to each recipient. The methodology used to allocate funds to local units of government can be found in Exhibit 1 – Allocation Calculation Methodology.

#### HURRICANES LAURA/DELTA/IDA & MAY 2021 SEVERE STORMS CDBG-DR ALLOCATIONS

HURRICANES LAURA/DELTA		HURRICANE IDA/MAY 2021 SEVERE STORMS	
HUD MID	Allocation	HUD MID	Allocation
City of Lake Charles	\$23,284,253	Terrebonne Parish	\$16,675,420
Calcasieu Parish	\$13,352,225	Jefferson Parish	\$12,134,410
Cameron Parish	\$5,744,984	Lafourche Parish	\$6,150,491
Vermilion Parish	\$2,055,190	Orleans Parish	\$4,718,041
Rapides Parish	\$1,487,487	St. John the Baptist Parish	\$2,772,798
Beauregard Parish	\$1,444,948	Tangipahoa Parish	\$2,229,180
Allen Parish	\$1,035,710	St. Charles Parish	\$1,568,847
Jefferson Davis Parish	\$882,794	St. Tammany Parish	\$1,002,098
Lafayette Parish	\$712,409	Plaquemines Parish	\$703,779
		Livingston Parish	\$703,774
		East Baton Rouge Parish	\$696,801
		St. James Parish	\$644,361
Total Allocation	\$50,000,000	Total Allocation	\$50,000,000

### B. SUBRECIPIENT SELECTION AND CAPACITY

Prior to the execution of an agreement to use CDBG-DR funding under the RCIP, OCD will complete an analysis to determine if the subrecipient adequately demonstrates the following:

- Has prior experience in executing CDBG, CDBG-DR, or other federally funded projects, including but not limited to knowledge and prior experience with 2 CFR Part 200 requirements;

- Has the ability to document that the project meets the required CDBG National Objective and LMI criteria and that the project's expenditures are for CDBG Eligible Activities.
- Has staff capacity to effectively manage CDBG-DR grants, including but not limited to the capacity to perform financial management and oversight;
- Has the capacity to perform grant management functions as demonstrated through prior experience with in-house staff or with a grants management consultant;
- Has internal auditing capability and administrative staff;
- Has knowledge of both federal and state procurement and contracting requirements;
- Has knowledge and experience in the financial management of federal grant funds, specifically of CDBG funds, and has the financial systems to meet all state and federal requirements, including but not limited to:
  - Acceptable accounting systems and budget controls;
  - The ability to document expenditures are necessary, reasonable, and directly related to the grant;
  - The ability to monitor and control the timely expenditure of federal funds;
  - Knowledge of 2 CFR 200; and
  - The ability to complete audits under 2 CFR 200 Subpart F, if applicable
- Is in good standing with the state of Louisiana;
- Has experience, knowledge and documented compliance with all federal regulations outside of direct CDBG requirements as it applies to the grant, including but not limited to the requirements of Davis-Bacon and all labor standards, Section 3, M/WBE, environmental, Civil Rights, Section 504, Uniform Relocation Act, Fair Housing Act (FHA), ADA, Age Discrimination Act and records management.

# III. PROGRAM IMPLEMENTATION

## A. COOPERATIVE ENDEAVOR AGREEMENT (CEA)

OCD will first work with the subrecipient to execute a cooperative endeavor agreement (CEA). The CEA serves as the mechanism for the transfer of funds to the subrecipient, and requires compliance with all federal, state and local laws, as applicable.

The assigned OCD staff member will work directly with the subrecipient to collect information needed to complete the CEA process.

## B. RECOVERY PROPOSAL

Following the execution of the CEA, the subrecipient will be able to submit the Recovery Proposal. OCD must review and approve the submitted proposal before the subrecipient may begin implementing projects to be funded under the RCIP. (See Exhibit E-2, “Resilient Communities Infrastructure Program Recovery Proposal.”)

The purpose of the Recovery Proposal is to justify the recovery needs that will be met through the proposed program. It functions to provide OCD with a clear understanding of the disaster impact on each community and how the projects to be implemented under the RCIP address these identified impacts.

After the Recovery Proposal is approved, the subrecipient is required to submit a separate application form for each respective project proposed by the recipient.

### i) DEADLINE FOR SUBMISSION

**The deadline for submission of the RCIP Recovery Proposal to OCD is three (3) months from the date the Cooperative Endeavor Agreement (CEA) is executed by OCD.**

### ii) PROCESS FOR SUBMISSION

The subrecipient will be required to submit the RCIP Recovery Proposal through the OCD online IGX System. OCD assigned staff will assist the subrecipient in completing the proposal online, providing support throughout the entire process. Subrecipients may direct any questions to their respective assigned OCD staff member, or by submitting questions to [OCD.Infrastructure@la.gov](mailto:OCD.Infrastructure@la.gov).

### iii) CITIZEN PARTICIPATION REQUIREMENTS

HUD requires citizen participation prior to expending CDBG-DR funds. The public meeting(s) function to engage and solicit input from citizens in the identification of recovery priorities and the development

of projects to be funded. Parishes and municipalities are required to conduct at least one (1) public meeting in the development of their Recovery Proposal.

Public notice of the meeting must be 5 to 21 days prior to the date of the meeting. **It is important to note— efforts and methods used in soliciting participation of persons of low- and moderate-income (LMI) and residents of a Disadvantaged Community as defined by the U.S. Department of Transportation in the public participation process are to be documented in the Recovery Proposal. This is in addition to other public participation documentation required.**

#### iv) SUBMISSION REQUIREMENTS

Units of local governments identified in the above allocations will apply for funds using the process stipulated in this manual and defined in the [Substantial Action Plan Amendment No. 1](#).

For purposes of a Recovery Proposal, the following documents must be attached.

- A. Fully Executed **Resilient Communities Infrastructure Program** Recovery Proposal (see E-2, Recovery Proposal Template).
- B. A copy of the resolution authorizing the submission of the Recovery Proposal by the parish/municipal governing authority.
- C. Copy of all citizen participation documents as noted in the Recovery Proposal Template (see E-2 Recovery Proposal Template).

Additional documents will be required at appropriate times, according to HUD/CDBG requirements for implementation, approval of project applications, and the drawdown of funds.

#### v) TIMELINE OF ACTIVITIES

The Recovery Proposal obligates funds under each specific project. Upon approval of the Recovery Proposal, subrecipients will proceed with procurement of needed professional design services and the preparation of the environmental review record for each project. The projected timeline for projects funded under RCIP is as follows:

- Submission of the Recovery Proposal to OCD:
  - Three (3) months from the date the Cooperative Endeavor Agreement (CEA) is executed.
- Submission of Project Application to OCD:
  - Three (3) months from the date the Recovery Proposal is approved.
- Submission of each Project-Specific Environmental Review Record:
  - Six (6) months from the date the Project Application is approved.
- Submission of Final Project Plans, Specifications, and Cost Estimate (if required):
  - Six (6) months from the date the Project Application is approved.



Projects that fail to meet the established timeline (including extensions, if any) are subject to cancellation and reallocation of funds.

## C. PROJECT APPLICATION

Once the Recovery Proposal is approved by OCD, the subrecipient will be required to submit a separate application for each project through the OCD online IGX System. OCD assigned staff will assist the subrecipient in completing the Recovery Proposal online, providing support throughout the entire process. At a minimum, the full application for funding requires the following information or submission:

- Detailed description of the project;
- Activity beneficiary data;
- Tie to the disaster;
- Tie to local disaster recovery plans and adopted land-use plans;
- Documentation that the proposed activities are CDBG-DR eligible;
- Project cost estimate;
- Project maps;
- Project time schedule;
- Mapping of the project target area and determining project beneficiaries, in accordance with the procedures contained in E-5, Procedures for Mapping Project Target Areas and Project Beneficiaries.

The subrecipient will be notified of the application approval via an IGX system email notification. A copy of this approval must be placed in the project file.

## D. DOCUMENTING PROJECT CHANGES

Changes to projects by subrecipients are documented through an amendment to the application for funding and/or an amendment to the CEA. Changes to contracts are documented through a contract amendment and/or a change order. Subrecipients are required to confer with OCD as to the method to be followed in documenting changes to an approved project.

## E. PROJECT REQUESTS FOR PAYMENT

Subrecipient payments are typically expended on a reimbursement-based payment process. “Reimbursement-based” means that project costs must be incurred by the subrecipient and documented. For reimbursement-based payments, the subrecipient must submit a request for payment package to OCD for review and approval.

## F. PROJECT REPORTING

Subrecipients will be required to provide quarterly reports and attend status meetings with assigned staff, as requested, throughout project implementation.

## G. PROJECT MONITORING

All RCIP projects will be monitored by OCD to ensure the project is:

- Achieving its intended results;
- Protecting programs and resources from waste, fraud, abuse, and mismanagement;
- Following laws, regulations and applicable CDBG-DR policies and procedures.

## H. PROJECT CLOSEOUT

1. Project closeout is the process by which OCD determines all requirements of the CEA between OCD and the subrecipient for a specific project have been completed in accordance with the terms and conditions of the CEA. Project closeout is requested by the subrecipient when:
  - a. All project expenses (including non-CDBG-DR funds) to be paid have been completed and payment requested;
  - b. Approved work has been finished;
  - c. All responsibilities detailed in the CEA have been fulfilled;
  - d. All required documentation has been collected; and
  - e. All monitoring or audit findings have been cleared.
2. The specific process to be followed in closing a project can be found in the Disaster Recovery CDBG Grantee Administrative Manual (Administrative Manual) located on the OCD website at <https://www.doa.la.gov/doa/oed/policy-and-reports/administrative-manual/>.

# IV. PROGRAM REQUIREMENTS

All projects funded under the RCIP must comply with the requirements in this section. Other program-specific policies are outlined in subsequent sections of this manual.

Under the RCIP, project selections and priorities for funding must include the following:

- Have a tie to the storm event;
- Located in MID areas;
- Benefit to low-income area populations within a delineated service area;
- Serve disadvantaged communities that were economically distressed prior to the storm events;
- An eligible activity; and
- Activity can be completed within funding timeline.

## A. TIE TO THE STORM

Before any activity can be funded in whole or in part with CDBG-DR funds, the activity must be determined eligible under Title I of the Housing and Community Development Act (HCDA), as amended.

For projects to be funded under the RCIP, the tie to the storm must be documented as a part of the application process. A project may be tied to the storm in multiple ways, including but not limited to:

- The storm may have caused the infrastructure to fail to function;
- The storm may have caused damage to the public infrastructure; and/or
- The infrastructure or activity may be needed for the community’s successful long-term recovery from the storm and for protection from similar events.

## B. GEOGRAPHICAL ELIGIBILITY

Under the appropriation for the RCIP, funds can only be used in parishes/areas that were presidentially declared disaster areas. OCD will only fund projects in these parishes/areas. A list of eligible parishes and areas is provided below. Following each allocation, HUD required the state of Louisiana to use 80% of the overall allocation of funds in HUD-defined MID areas, as outlined in the federal notices. These parishes and HUD-defined MID areas include:

LAURA/DELTA	IDA/MAY 2021 SEVERE STORMS
Acadia Parish (70526, 70578)	Ascension Parish
Allen Parish	Assumption Parish

Beauregard Parish	Calcasieu Parish
Caddo Parish	East Baton Rouge Parish
Calcasieu Parish	Iberville Parish (70764, 70788)
Cameron Parish	Jefferson Parish
Jefferson Davis Parish	Lafourche Parish
Lafayette Parish	Livingston Parish
Natchitoches Parish	Orleans Parish
Ouachita Parish	Plaquemines Parish
Rapides Parish	St. Bernard Parish
St. Landry Parish (70570)	St. Charles Parish
St. Martin Parish (70517)	St. Helena Parish
Vermilion Parish (70510)	St. James Parish
Vernon Parish (71446)	St. John the Baptist Parish
	St. Mary Parish
	St. Tammany Parish
	Tangipahoa Parish
	Terrebonne Parish
	Washington Parish
	West Baton Rouge Parish (70767)

## C. MEETING A NATIONAL OBJECTIVE

In general, all CDBG-DR activities, except for program administration and planning activities, must meet one of the three national objectives. Under the RCIP, **only** those projects meeting the “Benefit LMI Persons” national objective will be considered for funding.

The following three (3) tests are used for determining whether a project primarily benefits persons of LMI and qualifies under the LMI national objective:

- Area Benefit Test: The project benefits all residents of a primarily residential area within a delineated service area where at least 51% of the households are persons of LMI;
- Jobs Test: At least 51% of the jobs created or retained with CDBG-DR assistance are held by or are available to persons of LMI (“available to” means no special education or training is necessary); and/or
- Limited Clientele Test: The project is limited to benefiting a specific group of persons, at least 51% of whom are LMI, or is limited to serving person of LMI only. Some activities, such as services for elderly people, are presumed to benefit persons of LMI, although the presumption can be challenged based on the facts and circumstances of the project.

Detailed information regarding the process to be followed in documenting LMI Benefit are described in Exhibit 5 and on the HUD Exchange Website at <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>.

## D. DISADVANTAGED COMMUNITIES

OCD, in response to the need to identify disadvantaged communities required under federal regulations, is requiring that 40% of a parish/municipality allocation be spent in a USDOT designated “Disadvantaged Community.”

If the project benefit area is larger than the Disadvantaged Community area, the total project costs would be calculated towards the 40% requirement. There is no requirement to determine the percentage of area benefiting the Disadvantaged Community. For example, if a project benefit area is citywide, and the northern area of the city falls within the Disadvantaged Community, the costs associated with the entire project would be considered for the 40% to be spent.

Consistent with OMB’s Interim Guidance for the Justice40 Initiative, USDOT’s interim definition of a Disadvantaged Community includes (a) certain qualifying census tracts, (b) any tribal land or (c) any territory or possession of the United States. USDOT has provided a mapping tool to assist parishes/municipalities in identifying whether a project is located in a Disadvantaged Community, available at [Transportation Disadvantaged Census Tracts \(arcgis.com\)](https://arcgis.com).

A shapefile of the geospatial data is available at [Transportation Disadvantaged Census Tracts shapefile \(version 2 .0, posted 5/10/22\)](#).

## E. MEETING AN ELIGIBLE ACTIVITY

Eligible activity requirements for CDBG funds are specifically stipulated in 24 CFR 570—Community Development Block Grants Subpart C—Eligible Activities. All CDBG-DR funded activities must meet one (1) of the eligible activities outlined in Section 105(a) of HCDA, or relevant Federal Register Notices.

The following activities are eligible for the use of CDBG-DR funds in RCIP:

**SECTION 105(A)(1):** The acquisition of real property (including air rights, water rights, and other interests therein) which is

- (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;
- (B) appropriate for rehabilitation or conservation activities;
- (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;

- (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or
- (E) to be used for other public purposes

**SECTION 105(A)(2):** The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements

**SECTION 105(A)(3):** Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area

**SECTION 105(A)(4):** Clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation, of privately owned properties, and including the renovation of closed school buildings)

**SECTION 105(A)(5):** Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons

**SECTION 105(A)(7):** Disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes

**SECTION 105(A)(8):** Provision of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs

**SECTION 105(A)(9):** Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this title

**SECTION 105(A)(11):** Relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate

**SECTION 105(A)(12):** Activities necessary

- (A) to develop a comprehensive community development plan, and
- (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively
  - (i) devise programs and activities to meet these goals and objectives,
  - (ii) evaluate the progress of such programs in accomplishing these goals and objectives, and

- (iii) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

**SECTION 105(A)(16):** Activities necessary to the development of energy use strategies related to a recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as—

- (A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions; and
- (B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

## F. ADDITIONAL ELIGIBILITY REQUIREMENTS

Per the 87 FR 6364 and 87 FR 31636, and in accordance with the state's Substantial Action Plan Amendment No. 1, eligible activity applications will be required to:

- Describe sustainable practices focusing on reducing runoff and improving water quality, including mitigation of future flood risk; and
- Incorporate mitigation components within the project scope in order to advance long-term resilience.

## G. TIMELY EXPENDITURE OF FUNDS

As stipulated in Federal Register Notice (87 FR 6364), dated February 3, 2022, and subsequently modified by Federal Register Notice (87 FR 31636), dated May 24, 2022, HUD waived the provisions at 24 CFR 570.494 and 24 CFR 570.902 regarding timely distribution and expenditure of funds, and establishes an alternative requirement providing that the state of Louisiana must expend 100% of its allocation within six (6) years of the date HUD signs the grant agreement with the state. HUD may extend the period of performance administratively, if good cause for such an extension exists at that time, as requested by the state, and approved by HUD. When the period of performance has ended, HUD will close out the grant and any remaining funds not expended by the state of Louisiana on appropriate programmatic purposes will be recaptured by HUD.

## H. ORDER OF ASSISTANCE

Following the hierarchy of funding enumerated in the Stafford Act, CDBG-DR funds will never displace other available funds (see Duplication of Benefits Section II.D). FEMA regulations at 44 CFR 206.191 make clear the order of funding assistance, and as noted in the June 20, 2019, Federal Register Notice (84 FR 28836), “CDBG–DR appropriations acts generally include a statutory order of assistance for federal agencies. Although the language may vary among appropriations, the statutory order of assistance provides that CDBG–DR funds may not be used for activities reimbursable by or for which funds are made available by FEMA or the Army Corps.” Since CDBG-DR provides long-term recovery assistance via supplemental congressional appropriations and falls lower in the hierarchy of delivery than FEMA or Small Business Administration (SBA) assistance, it is intended to supplement rather than supplant these sources of assistance.

## I. DUPLICATION OF BENEFITS

Disaster recovery activities may be funded from a variety of both public and private sources. The Stafford Act’s prohibition on Duplication of Benefits (DOB) in section 312 (42 U.S.C. 5155) is applicable to all CDBG-DR grants, including grants awarded under the RCIP. DOB occurs when financial assistance received from one source – including: insurance proceeds; FEMA; SBA; NFIP; other federal, state or local funding; and other non-profit, private sector, or charitable funding – is provided for the same purpose as CDBG-DR funds are provided, in accordance with HUD DOB guidance found in the June 20, 2019, Federal Register Notice (84 FR 28836).

Recipients of RCIP funding to implement a capital project are required to certify to OCD they have not received duplicative assistance for the same purpose from another source.

This certification will occur at two (2) points over the life cycle of a project:

1. Upon submission of a project application for funding; and
2. Upon project closeout.

## J. PROGRAM INCOME

For state and unit of general local government grantees, HUD has waived all applicable program income rules at 42 U.S.C. 5304(j), 24 CFR 570.489(e), 24 CFR 570.500, and 24 CFR 570.504 and provided alternative requirements set out in the February 3, 2022, Federal Register Notice (87 FR 6364) and the May 24, 2022, Federal Register Notice (87 FR 31636) with regard to program income.

Program income is defined as the “gross income received by a state, a unit of general local government, or a subrecipient of a unit of general local government that was generated from the use of CDBG-DR funds, regardless of when the CDBG-DR funds were appropriated and whether the activity has been closed out.”



Recipients of RCIP funding will be required to conform to the Program Income requirements set forth in the February 3, 2022, Federal Register Notice (87 FR 6364) and the May 24, 2022, Federal Register Notice (87 FR 31636).

## K. RESILIENCE PERFORMANCE STANDARDS

In the implementation of the RCIP, OCD intends to promote high quality, durable, energy efficient, sustainable, and mold resistant construction methods. All newly constructed and substantially improved public facilities and infrastructure must meet all locally adopted building codes, standards, and ordinances. In the absence of locally adopted and enforced building codes, the requirements of the State Building Code will apply. The goal is minimization of future property damage by requiring that any rebuilding be done according to the best available science for that area with respect to base flood elevations.

## L. ELEVATION STANDARDS

- a. New construction, repair of substantially damaged public facilities and infrastructure, or substantial improvement located in the 1 percent annual chance (or 100-year) floodplain, requires the facility/infrastructure be elevated with the lowest floor, including the basement, at least two (2) feet above the 1-percent annual chance floodplain elevation.
- b. Mixed-use structures with no dwelling units and no residents below two (2) feet above base flood elevation must be elevated, or flood proofed up to at least two (2) feet above base flood elevation.
- c. If a structure is located in a 500-year floodplain, the structure must be elevated three (3) feet above the 100-year floodplain.
- d. The state will—at a minimum—require adherence to the advanced elevation requirements established in section II.B.2.c. of the Federal Register Notice, subtitled “Elevation standards for new construction, reconstruction and rehabilitation of substantial damage, or rehabilitation resulting in substantial improvements” or section II.C.2 of the Notice “Elevation of Non-Residential Structures,” as applicable.
- e. Future property damage will be minimized by requiring that any rebuilding be done according to the best available science for that area with respect to base flood elevations. As applicable and within its policies and procedures on a program- by- program basis, OCD or its subrecipients will document decisions to elevate structures. This documentation will address how projects will be evaluated and how elevation costs will be reasonably determined relative to other alternatives or strategies, such as the demolition of substantially damaged structures with reconstruction of an elevated structure on the same site, or infrastructure improvements to reduce the risk of loss of life and property.

## M. CONSTRUCTION STANDARDS

As set out in Section II.C.1 of the February 3, 2022, Federal Register Notice (84 FR 6364), all newly constructed infrastructure that is funded with CDBG-DR dollars must be designed and constructed to withstand extreme weather events and the impacts of climate change.

- a. OCD will require quality inspections and code compliance inspections on all projects with an emphasis on high-quality, durable, sustainable, and energy efficient construction methods and materials. Site inspections will be required on all projects to ensure quality and compliance with building codes.
- b. All rehabilitation, reconstruction, or new construction of public facilities must meet an industry-recognized standard that has achieved certification under at least one (1) of the following programs:
  - Energy STAR (Certified Homes or Multifamily High Risk) Enterprise Green Communities
  - Leadership in Energy and Environmental Design (LEED) ICC- 700 National Green Building Standards (New Construction, Midrise, Existing Building Operations and Maintenance or Neighborhood Development)
  - EPA Indoor airPLUS
  - Any other equivalent comprehensive [Green Building Standard](#) program acceptable to HUD
- c. Substantially damaged public facilities structures refers to structures in a Special Flood Hazard Area – or floodplain – for which the total cost of repairs is 50 percent or more of the structure's market value before the disaster occurred, regardless of the cause of damage. Substantially damaged structures, as determined by the local jurisdiction's floodplain manager or local building official, may require additional construction considerations.
- d. For infrastructure projects, OCD encourages, to the extent practicable, implementation of sustainable planning and design methods that promote adaptation and resilience.
- e. All projects will be subject to cost reasonableness standards as outlined in 2 CFR 200.

## N. PROHIBITION OF ASSISTANCE TO PRIVATE UTILITIES

In accordance with the February 3, 2022, Federal Register Notice (87 FR 6364) and the May 24, 2022, Federal Register Notice (87 FR 31636) HUD has adopted an alternative requirement to Section 105(a) prohibiting the use of CDBG-DR funds to assist a privately-owned utility for any purpose.

# V. OCD POLICIES AND REQUIREMENTS

## A. PROCUREMENT OF PROFESSIONAL SERVICES

The methods and contractual requirements for the procurement of engineering, architectural, administrative consulting, and other professional services required in the development of the Recovery Proposal and implementation of projects funded under RCIP shall adhere to the policies and procedures stipulated in the Disaster Recovery CDBG Grantee Administrative Manual (Administrative Manual) located on the OCD website at <https://www.doa.la.gov/doa/oed/policy-and-reports/administrative-manual/>. Limitations on the amounts allowable for project delivery costs and architectural/engineering services are contained in E-3 and E-4 of this manual.

In addition to the requirements set forth in the Administrative Manual, OCD will require the following:

1. Any contract executed prior to February 3, 2022, to govern completion of professional services (i.e., architectural, engineering, grant administration, CDBG-DR Program Management, etc.) in which the intent is to fund the services using RCIP funds, must first be reviewed and approved by OCD to ensure the procurement process provided open competition and aligns with the applicable provisions of 2 CFR 200.

If the method of procurement and/or the selection criteria is found to be noncompliant with 2 CFR 200, the parish/municipality will be advised that, in order to fund the contracted services under the program, the parish/municipality will be required to either implement a new procurement process or pay for services using local funds. OCD is committed to working with local governments to minimize the impact of requiring additional procurement actions and will only recommend this if absolutely necessary.

2. Any contract for professional services (i.e., architectural, engineering, grant administration, CDBG-DR Program Management, etc.), in which the intent is to fund contracted services using **Resilient Communities Infrastructure Program** funds, **must first be approved** by OCD to ensure the contract is compliant with OCD policy and the provisions of 2 CFR 200.

If the contract for professional services is found to be noncompliant with 2 CFR 200, the parish/municipality will be advised to amend the contract to bring it into compliance with applicable CDBG-DR policies and regulations. OCD is committed to working with parishes to minimize the impact of requiring additional procurement actions and will only recommend this if absolutely necessary.

3. Prior to executing a contract for grant administration/CDBG-DR Program Management Services, with the intent of funding the cost for these services under the RCIP, parishes/municipalities are required to submit all procurement documents (i.e., solicitation, selection criteria, scoring sheets, the response received from the firm receiving the highest score, and the proposed contract with the selected firm) to OCD for approval.

## B. PROJECT DELIVERY COSTS

1. In general, only subrecipient project delivery costs incurred after the approval of a project application by OCD and execution of the CEA are eligible for reimbursement.
2. Under the RCIP, limitations on project delivery costs are contained in E-3, Program Delivery Costs.
3. The subrecipient must provide narrative in the project application justifying the request for project delivery costs. Costs must not be duplicative of services provided by OCD through its staff or consultants. All proposed subrecipient project delivery costs must be determined to be allowable, allocable, and reasonable.

## C. REALLOCATION OF FUNDS

OCD has adopted a policy to ensure timely expenditure of CDBG-DR funds allocated to the state titled, "Policy and Procedure to Determine Timely Expenditures," dated December 19, 2019. As outlined in the policy, OCD will monitor expenditure rates and milestones to ensure projects and activities are completed within the required timeframes.

Additionally, OCD has established administrative requirements for subrecipients to track spending and project performance. These include:

- Keeping all accounting records up to date.
- Establishing project time schedules and milestones.
- Developing financial projections and expenditure schedules.
- Tracking and recording program income.
- Submitting quarterly progress reports to OCD.

OCD has designated staff to oversee program spending and routinely runs and reconcile spending reports utilizing the state's accounting system and HUD's Disaster Recovery Reporting (DRGR) system. These designated staff provide OCD senior management and program managers with monthly reports on program activity, expenditures, and financial projections. If a program or subrecipient is under-performing, OCD will first attempt to take corrective action to increase performance. If OCD determines the program or project will be unable to meet the HUD expenditure deadline, OCD will reallocate the CDBG-DR funds to another program or project.

### i) PROCEDURES IN DETERMINING FUNDS AVAILABLE FOR REALLOCATION

OCD has established the following procedures for identifying the funds that will be available for reallocation ("excess funds").

## a) **OCD DIRECTLY IMPLEMENTED PROGRAMS**

For programs directly implemented by OCD, OCD will establish financial projections, timetables, application deadlines, and other required milestones for each program. In general, OCD has established the following timetable for OCD directly implemented activities.

- All funds should be obligated by May 31, 2023.
- All funds should be expended by July 31, 2028.

Funds that remain unobligated after closeout of the approved project must be re-obligated to another priority or alternate project by May 31, 2024, or those funds will be considered for reallocation by OCD to another subrecipient or to another program. Requests for exceptions will be reviewed on a project-by-project bases by OCD.

## b) **SUBRECIPIENT IMPLEMENTED ACTIVITIES**

In addition to the funds to be awarded under the RCIP, OCD has created other programs to provide CDBG-DR funds to parishes/municipalities and other subrecipients to implement projects under the “Hurricanes Recovery Program.”

CDBG-DR funds may be awarded to subrecipients for projects directly selected by OCD, projects selected on a competitive basis, or funds may be allocated to subrecipients for the subrecipient to identify and select projects. In general, all projects implemented by subrecipients will require the subrecipient to submit a project time schedule and anticipated expenditure schedule to OCD for review. Projects selected for funding should not only demonstrate a “tie-back” to the covered disaster but also readiness to proceed in a timely manner consistent with the HUD expenditure deadline.

Subrecipient projects directly selected by OCD or awarded on a competitive basis will be monitored for compliance with the time and expenditure schedules included in the application. Upon award, OCD will establish initial deadlines for completion of the environmental review record and project plans and specifications. Projects that fail to meet the established deadlines (including extensions, if any) are subject to cancellation and reallocation of funds.

Project underruns (reasonably anticipated project costs being less than the budget allocated) are subject to reallocation. Steps will be taken to identify project underruns, if any, as early as possible.

To reiterate, the projected timeline for projects funded under the RCIP is as follows:

- Submission of the Recovery Proposal to OCD:
  - Three (3) months from the date the Cooperative Endeavor Agreement (CEA) is executed.
- Submission of the Project Application to OCD:
  - Three (3) months from the date the Recovery Proposal is approved.
- Submission of each Project-Specific Environmental Review Record:
  - Six (6) months from the date the Project Application is approved.

- Submission of Final Project Plans, Specifications, and Cost Estimate (if required):

Six (6) months from the date the Project Application is approved.

Projects that fail to meet the established timeline (including extensions, if any) are subject to cancellation and reallocation of funds.

## ii) EXCESS FUNDS

As noted above, excess funds are funds that OCD determines are available for reallocation. OCD will undertake periodic assessments to identify excess funds. OCD will calculate excess funds as the difference between

- The funds currently allocated to the program, project, or subrecipient, as applicable, and
- The projected amount of expenditures by OCD or the subrecipient that will occur prior to the HUD expenditure deadline.

OCD may reduce or decline to make an excess funds determination if OCD determines that the amount of excess funds was the result of exigent circumstances, such as a natural disaster.

OCD will notify the subrecipient in writing upon determining that any part of an award or allocation constitutes excess funds.

## iii) REALLOCATED FUNDS

When reallocating “excess funds”, the primary reallocation priorities are as follows:

- Relocate funds to programs, activities or subrecipients that are likely to expend the CDBG-DR funds prior to the HUD expenditure deadline with a focus on addressing unmet housing needs.
- Relocate funds to programs, activities, or subrecipients that are likely to expend the CDBG-DR funds prior to the HUD expenditure deadline to address other unmet needs.

## D. RECAPTURE OF FUNDS

1. OCD is responsible for ensuring that CDBG-DR funds awarded under the RCIP comply with all federal, state, and local requirements. To ensure subrecipients receiving CDBG-DR assistance are using the funds for their intended purpose, OCD requires all subrecipients to execute a CEA stipulating each party’s responsibilities and the potential penalties if the subrecipient is found not to have fulfilled their obligations. The subrecipient must return to OCD all CDBG-DR funds utilized for payment which OCD or HUD determines to have been ineligible expenditures, no matter the cause (e.g., the particular cost is determined to be ineligible or unreasonable, prohibited because of duplicative sources, or the project does not timely meet its national objective or proposed eligible activity).

2. Throughout a project's lifecycle, continual steps will be undertaken by OCD staff to monitor for and address subrecipient compliance concerns. These steps provide the subrecipients an opportunity to avoid the actions or adequately rectify the actions that could lead to recapture.
3. Subrecipients are at risk for the recapture of previously paid CDBG-DR grant funds if OCD identifies non-compliance with OCD policies and/or CDBG-DR regulations. Examples of non-compliance include but are not limited to:
  - a. Ineligibility of previously reimbursed item(s);
  - b. Subrecipient substantial non-compliance including issues related to Davis-Bacon, environmental review, mismanagement of funds on an individual project basis, across projects, or on a subrecipient level;
  - c. Improper procurement or contract management;
  - d. Failure to Obtain and maintain flood insurance;
  - e. Noncompliance with the terms and conditions of the CEA;
  - f. Failure to meet a national objective or HUD eligible activity;
  - g. Missing or late submittal of Single Audits;
  - h. Results from a HUD Office of Inspector General audit;
  - i. Identification of a Duplication of Benefits (DOB) compliance issue;
  - j. Subrecipient fraud, waste, or abuse on an individual project basis, across projects or on a subrecipient level; and
  - k. Subrecipient voluntary or involuntary withdrawal from a project leading to lack of project completion.
4. Funds to be recaptured are identified at a project level, not across multiple projects, should a subrecipient have multiple active projects at one time.
5. Should a subrecipient with multiple active projects be in "recapture" due to a concern that impacts all or multiple projects, OCD may withhold all payments on the subrecipient's active projects in question until recapture proceedings are complete.
6. The amount of money identified for recapture will be the minimum amount of money OCD believes is non-compliant and/or at risk of recapture from HUD.

## E. CANCELING A PROJECT

1. Projects that will not complete an eligible activity and/or meet the national objective within the RCIP deadlines must be canceled if:
  - Funds have been disbursed to the subrecipient; or
  - The application for funding has been approved by OCD.



2. A change in subrecipient or dropping of a project component is not a canceled project. Changes such as a subrecipient switch or the dropping of a project component are memorialized through the controlling document at any given stage, such as an amendment to the CEA.
3. A subrecipient may work with OCD to cancel a project for the following reasons:
  - Findings from the environmental review;
  - Lack of cost reasonableness;
  - Not feasible;
  - Costs of other projects;
  - Ineligibility;
  - Lack of support for the project by property owners/beneficiaries; or
  - Subrecipient or contractor's failure to comply with OCD policy and procedure.
4. In order to minimize the amount of funds expended on a project that will not be implemented, projects that run into any of these barriers should be canceled as soon as it has become apparent that the subrecipient is no longer able to complete the project within the CDBG-DR grant deadlines. It is at OCD's discretion to reprogram any funds from canceled projects. OCD will work with subrecipients to review projects for feasibility to meet the deadlines to help ensure projects that proceed will not be at risk of cancellation.
5. Subrecipients will be deemed unresponsive:
  - a. When a subrecipient is unresponsive or unwilling to advance a project it has agreed to advance, OCD may cancel the project.
  - b. The unresponsive subrecipient will be given two (2) notification attempts to respond to OCD and afforded an opportunity to document why the project has not advanced and provide a time schedule as to when the subrecipient will advance the project before the project is canceled.



# VI. FEDERAL REGULATIONS

The Louisiana Office of Community Development and its subrecipients must adhere to all applicable state and federal laws, rules, and regulations. This section provides a summary of some of the significant and applicable federal regulations. **The procedures required to document compliance with all federal regulations are contained in the “Disaster Recovery CDBG Grantee Administrative Manual” located on the OCD website at <https://www.doa.la.gov/oa/ocd/policy-and-reports/administrative-manual/>.**

## A. ENVIRONMENTAL REVIEW REQUIREMENTS

Every project funded under the RCIP, and all activities related to that project, are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as the HUD environmental review regulations at 24 CFR Part 58.

The primary purpose of NEPA is to protect and enhance the quality of the natural environment. The HUD environmental review process must be completed before any funds may be committed for program-eligible activities. No work may start on a proposed project before the environmental review process is completed, even if that work is being done using non-HUD funds. In other words, environmental clearance must be obtained for each project prior to the firm commitment of federal or non-federal funds to any expenses or contracts related to a project. A violation of this requirement may jeopardize federal funding to this project and disallow all costs that were incurred before the completion of the Environmental Review.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. The HUD environmental review is designed to produce program-specific environmental review procedures in a program that can vary greatly in terms of scope of work.

Laws and regulations which contain environmental provisions that must be complied with include:

- Noise
- Historic Properties
- Coastal Zones
- Environmental Justice
- Floodplains
- Wetlands
- Manmade Hazards
- Water Quality
- Air Quality

- Endangered Species
- Farmland Protection

The procedures for securing environmental clearance are stipulated in the Disaster Recovery CDBG Grantee Administrative Manual (Administrative Manual) located on the OCD website at <https://www.doa.la.gov/doa/oed/policy-and-reports/administrative-manual/>.

**It is important to emphasize that no choice limiting actions, including the acquisition of property or easements necessary for a project, can be taken until the completion of the environmental review. Violation of this prohibition can result in the entire project being ineligible, not just the costs incurred prior to completion of the environmental review.**

## B. AMERICANS WITH DISABILITIES ACT (ADA) AND SECTION 504

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in federally assisted programs. This section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance.

The ADA Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of a telecommunications device for the deaf (TDD/telephone relay services).

The Architectural Barriers Act of 1968 (ABA) requires that certain buildings financed with federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. The ABA covers any building or facility financed in whole or in part with federal funds, except privately-owned residential structures. Covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards (UFAS).

## C. DAVIS-BACON ACT AND RELATED ACTS (DBRA)

DBRA requires all subrecipients, contractors and subcontractors funded in whole or in part with CDBG-DR financial assistance for the construction, alteration, or repair of public buildings or public works, when valued at more than \$2,000, except residential properties with less than 8 units, to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. Davis-Bacon requirements do not apply to Force Account Labor. Davis-Bacon “labor standards clauses” must be included in covered contracts.

## D. CONTRACT WORK HOURS & SAFETY STANDARDS ACT

The Contract Work Hours and Safety Standards Act 24 (CWHSSA) applies to federally financed (in whole or in part) contracts over \$100,000 and provides that workers be paid at least one and one-half times their basic rate of pay for any time worked in excess of 40 hours weekly. In the event of violations, the contractor or subcontractor shall be liable to any affected employee for his unpaid wages and for liquidated damages computed at \$29.00 per day for each employee who worked overtime and was not paid overtime wages. Funds may be withheld from contractors and subcontractors to satisfy unpaid wages and liquidated damages.

## E. THE COPELAND ANTI-KICKBACK ACT

The Copeland Anti-Kickback Act makes it a criminal offense for any person to induce, by any manner whatsoever, any person employed in the construction, reconstruction, completion, or repair of any public building, public work, or building, or work financed in whole or in part by federal loans or grants, to give up any part of the compensation to which he/she is entitled under his/her contract of employment. The Act also requires the submission of weekly certified payroll reports by all contractors and subcontractors.

## F. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Executive Order 11246, EEO, as amended, prohibits federal contractors and federally assisted construction contractors and subcontractors who do over \$10,000 in government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin. The Executive Order also requires government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

## G. FAIR HOUSING

The Fair Housing Act, also known as “affirmatively further fair housing” or “AFFH,” requires all grantees, subrecipients, and/or developers funded in whole or in part with HUD financial assistance to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their race, color, religion, familial status, national origin, sex, or disability.

The obligation to affirmatively further fair housing requires recipients of HUD funds to take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity.

In general, the AFFH mandate applies to HUD and its grantees, as well as all executive agencies and departments of the federal government and relates to the administration of any program or activity relating to housing and urban development.

## H. FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED (FLSA)

The FLSA establishes the basic minimum wage levels for all work and requires the payment of overtime at the rate of at least one and one-half times the basic hourly rate of pay for hours worked in excess of 40 per week for non-exempt workers. These labor standards are applicable to the entire construction contract whether or not CDBG-DR funds finance only a portion of the project.

## I. LIMITED ENGLISH PROFICIENCY (LEP)

Federal Executive Order 13166 requires subrecipients, contractors, subcontractors, and/or developers funded in whole or in part with CDBG-DR financial assistance to ensure fair and meaningful access to programs and services for families and individuals with LEP.

## J. MINORITY AND/OR WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE)

The Federal Executive Order 12432 guidelines require selected federal agencies to promote and increase the utilization of MBEs. 2 CFR 200.321 requires the non-federal entity to take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Subrecipients and contractors shall adhere to the requirements of 2 CFR 200.321.

## K. SECTION 3

Section 3 of the Housing and Urban Development Act of 1968 requires grantees, subrecipients, contractors, subcontractors, and/or developers funded in whole or in part by CDBG-DR funding, to the greatest extent feasible, to extend hiring opportunities and contracts to Section 3 eligible residents.

## L. RESIDENTIAL ANTI-DISPLACEMENT

All subrecipients and developers must follow a Residential Anti-Displacement policy.

## M. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION ACT

CDBG-DR federal funds, administered by OCD and disbursed to subrecipients and direct contractors and/or beneficiaries, are subject to the URA and/or Section 104(d) of the Housing and Community Development Act of 1974. The applicable federal regulations are located at 49 CFR Part 24 (URA), 24 CFR Part 42 (Section 104(d)), and in the Real Estate Acquisition and Relocation Policy and Guidance Handbook (HUD Handbook 1378).

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.

## N. REAL PROPERTY

If CDBG-DR funds are used to acquire or improve real property, where applicable, OCD ensures that the property is used for its intended (and approved) purpose. Failure to meet the intended use of the property, or a subsequent change of use may result in either a recapture of the grant or remittance of Program Income.

## O. FINANCIAL MANAGEMENT

OCD maintains and has in place proficient financial controls. Similarly, subrecipients are required to ensure their financial management system incorporates controls necessary to mitigate risks associated with program and administrative operations, internal and external reporting, and regulatory compliance. Procedures to diminish the risks of fraud, waste, and abuse are additionally required throughout the implementation phase of a federally funded project.

At a minimum, recipients of grant funding must ensure funds are managed with high levels of accountability and transparency. The financial management practices must ensure:

- Internal controls are in place and adequate;
- Documentation is available to support accounting record entries;
- Financial reports and statements are complete, current, and reviewed periodically; and
- Audits are conducted in a timely manner and in accordance with applicable standards.

## P. SINGLE AUDIT REQUIREMENTS

In accordance with 2 CFR 200 Subpart F, all non-federal entities expending \$750,000 or more in Federal funds during its fiscal year must have an annual audit conducted, as detailed in 2 CFR 200. Subrecipients that fall within this category must submit a copy of their single or program-specific audit report to OCD.

Upon receipt of the single audit, OCD will review the audit report and determine whether any aspects of the audit impact CDBG-DR funding (e.g., a finding related to OCD funding or failure to properly identify OCD funding), necessitating a management decision from OCD. Any deficiencies noted in the management decision must be fully cleared by the subrecipient within thirty (30) days after the subrecipient receives the management decision.

Subrecipients that expend less than \$750,000 in federal funds must complete a Single Audit certification (i.e., A-133 Compliance Certification Form) for the most recently concluded fiscal year. Subrecipients may also be required to submit a financial report. Examples of financial reports include an Independent Auditor's Report or an internally generated balance sheet and income statement related to the expenditure of CDBG-DR funds.

## Q. PROCUREMENT POLICY

Subrecipients will be required to adopt a procurement policy in compliance with 2 CFR 200.

## R. RECORD KEEPING, RETENTION, AND FILE MANAGEMENT

In accordance with HUD regulations, OCD as a grantee and recipient of CDBG-DR funds follows the records retention requirements as cited in 2 CFR 200.334, which includes financial records, supporting documents, statistical records, and all other pertinent records. OCD and subrecipients must maintain records for a period of five (5) years from the time of closeout of HUD's grant to the state.

Additionally, every partner and contractor are required to establish and maintain at least five (5) major categories of records: Administrative, General Program, Legal, Financial, and Project Case files.

Administrative Records: These are files and records that apply to the overall administration of the CDBG-DR activities. They include the following (as non-exclusive samples):

- Personnel files; and
- Property Management files.

General Program Files: Files relating to the subrecipient's application to OCD, the CEA, program policies and guidelines, correspondence with OCD, and reports, etc.

Legal Files: Articles of incorporation, bylaws of the organization, tax status, board or counsel minutes, required public notices, resolutions, ordinances (for UGLGs), contracts, and other agreements.

Financial Records: These include the chart of accounts, a manual on accounting procedures, accounting journals and ledgers, source documentation (purchase orders, invoices, canceled checks, etc.), procurement files, bank account records, financial reports, audit files, etc.

Project Case Files: These files document the activities undertaken with respect to specific individual beneficiaries, property owners, and/or properties.

## S. ACCESS TO RECORDS

2 CFR 200.337 Recordkeeping requirements are as follows:

“(c) Access to records.

*(1) Representatives of HUD, the Inspector General, and the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, or property pertaining to the administration, receipt, and use of CDBG funds and necessary to facilitate such reviews and audits.*

*(2) The state shall provide citizens with reasonable access to records regarding the past use of CDBG funds and ensure that units of general local government provide citizens with reasonable access to records regarding the past use of CDBG funds consistent with state or local requirements concerning the privacy of personal records.”*

OCD, the Legislative Auditor, and the Louisiana Inspector General shall also have access to records.

## T. CONFLICTS OF INTEREST AND CONFIDENTIALITY

Conflicts of interest between subrecipients, program administrators, contractors, program staff, and other parties are strictly prohibited by federal law.

A “covered person” is an employee, agent, consultant, officer, or elected or appointed official of the State, or of a unit of general local government, or any designated public agencies, or subrecipients that are receiving CDBG-DR funds. Generally, no person who is a covered person, and who exercises or has exercised any functions or responsibilities with respect to CDBG-DR activities and who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

These restrictions are in addition to, not in place of, any applicable restrictions or requirements of the Louisiana Government Code of Ethics.

## U. RECAPTURE POLICY

OCD is responsible for ensuring that the expenditure of CDBG-DR funds comply with all federal, state, and local requirements.

In order to ensure that the state of Louisiana is able to fulfill its contractual obligations to HUD, and that the subrecipients receiving CDBG-DR assistance are using the funds for their intended purpose, OCD requires all subrecipients to sign a Cooperative Endeavor Agreement stipulating each party’s

responsibilities. Specifically, if the funds are not used for eligible activities or expenditures, the money can be recaptured.



## VII. ACRONYMS

**AMI:** Area Median Income

**CDBG-DR:** Community Development Block Grant- Disaster Recovery

**CEA:** Cooperative Endeavor Agreement

**CFR:** Code of Federal Regulations

**CP:** Citizen Participation

**DOB:** Duplication of Benefits

**DRGR:** Disaster Recovery and Grant Reporting System

**FEMA:** Federal Emergency Management Agency

**HCDA:** Housing and Community Development Act of 1974, as amended

**LMI:** Low-to-moderate income

**FIP:** National Flood Insurance Program

**PA:** (FEMA) Public Assistance

**RE:** Responsible Entity

**SBA:** U.S. Small Business Administration

**URA:** Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended

## VIII. OCD COMMON ACRONYMS

**AP:** Action Plan

**CDBG-MIT:** Community Development Block Grant-Mitigation

**CEA:** Cooperative Endeavor Agreement

**CPD:** HUD Office of Community Planning and Development

**DOA:** Louisiana Division of Administration

**DR:** Disaster Recovery

**FIRM:** Flood Insurance Rate Maps

**FRN:** Federal Register Notice

**NFIP:** National Flood Insurance Program

**NOFA:** Notice of Funding Availability

**OCD:** Louisiana Office of Community Development

## IX. DEFINITIONS

**100-Year Floodplain:** The 100-year floodplain is also referred to as the “base flood.” This term, adopted by the NFIP as the basis for mapping, insurance rating, and regulating new construction, is the floodplain that would be inundated in the event of a 100-year flood. The 100-year flood level has a 1% chance of being equaled or exceeded during any given year.

**Community Development Block Grant Disaster Recovery (CDBG-DR) Program:** Similar in many ways to the CDBG program, these federal funds are administered by HUD but are specifically dedicated to assist with disaster recovery in areas impacted by presidentially declared events. The grant funds differ from the traditional CDBG program by providing added flexibility to grantees to initiate projects; however, all work must comply with HUD requirements.

**Davis-Bacon Wage Requirements/Davis-Bacon and Related Acts (DBRA):** The DBRA require all contractors and subcontractors performing work on federal or District of Columbia construction contracts or federally assisted contracts in excess of \$2,000 to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. The prevailing wage rates and fringe benefits are determined by the Secretary of Labor for inclusion in covered contracts.

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

**Equal Employment Opportunity (EEO):** Prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in government business in one year, from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.

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

**Federal Emergency Management Agency (FEMA):** An agency of the U. S. Department of Homeland Security (DHS). The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

**Grantee:** The term “grantee” refers to any jurisdiction receiving a direct award from HUD. The state of Louisiana is identified as the grantee in Hurricanes Laura/Delta, Ida and May 2021 Severe Storms award.

**Housing and Community Development Act (HCDA):** HCDA is a US federal law that authorizes funds to be awarded directly to the state or unit of general local government as a grantee at the discretion of the Secretary of Housing and Urban Development.

**Limited English Proficiency (LEP):** A designation for persons that are unable to communicate effectively in English because their primary language is not English, and they have not developed

fluency in the English language. A person with LEP may have difficulty speaking or reading English. An LEP person benefits from an interpreter who translates to and from the person's primary language. An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

**Low-to-Moderate Income (LMI):** Low-to-moderate income people are those having incomes not more than the "moderate income" level (80% Area Median Family Income) set by the federal government for HUD-assisted housing programs. This income standard changes from year to year and varies by household size, county/parish, and the metropolitan statistical area.

**Minority Business Enterprise (MBE):** A business that is owned and controlled (minimum of 51 % ownership) by a member of a minority group.

**Minority and Women-owned Business Enterprise (M/WBE):** A business that is owned and controlled (minimum of 51 % ownership) by a member of a minority group or women.

**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.

**New Construction:** The construction of an improvement on immovable property that does not qualify as a Reconstruction, as defined in these policies.

**Owner:** A person or persons who are listed on the deed as owning that property.

**Office of Inspector General (OIG):** HUD OIG's mission is independent and objective, reporting to the HUD Secretary and the Congress for bringing about positive change in the integrity, efficiency, and effectiveness of HUD operations. The Office of Inspector General became statutory with the signing of the Inspector General Act of 1978 (P.L. 95-452).

**Property Owner:** Property ownership is defined as holding a fee simple title as evidenced by a warranty deed, bargain for sale deed, or a quitclaim deed to the property to be assisted. The deed must be recorded with the parish, city, or appropriate local municipality.

**Reconstruction:** When the rebuilding of a unit is on the same footprint of the improvements that were in place, and may not be increased in size or capacity by greater than 20%. Reconstruction is subject to the building standards required for substantial improvements utilizing CDBG DR funds. If a structure has been demolished for greater than one year before commencement of reconstruction, seek approval from OCD to classify the activity as a reconstruction.

**Repair:** The labor, materials, tools, and other costs of improving buildings, other than maintenance or routine repairs.

**Small Business Administration (SBA):** SBA's Office of Disaster Assistance (ODA) provides affordable, timely and accessible financial assistance to applicants, renters, and businesses. The SBA low-interest, long-term loans are the primary form of federal assistance for the repair and rebuilding of non-farm, private sector disaster losses.

**Scope of Work (SOW):** The work to be performed or completed by the applicant.

**Subrecipient:** (24 CFR §570.500(c) a public or private nonprofit agency, authority, or organization, or a for-profit entity authorized under §570.201(o), receiving CDBG funds from the recipient or another subrecipient to undertake eligible activities.

**Uniform Relocation Act (URA):** A federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displaces persons from their homes, businesses, or farms.

# **X. EXHIBITS**

Contained on the following pages are exhibits needed to initiate participation in the Resilient Communities Infrastructure Program:

**E-1. ALLOCATION CALCULATION METHODOLOGY**

**E-2. RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM RECOVERY PROPOSAL TEMPLATE**

**E-3. PROGRAM DELIVERY COSTS**

**E-4. ARCHITECTURAL/ENGINEERING FEE SCHEDULE**

**E-5. PROCEDURES FOR MAPPING PROJECT TARGET AREAS AND PROJECT BENEFICIARIES**

**E-6. AMENDMENT PROCESS**

## ALLOCATION CALCULATION METHODOLOGY

The following percentages were used to allocate CDBG-DR dollars that are distributed to local government for recovery plan implementation. These percentages were derived using a formula that incorporates FEMA Public Assistance and Individual Assistance as of August 21, 2022, including distributing State PA to the appropriate parishes. They are intended to provide best estimates of infrastructure and economic revitalization needs as determined by losses due to the hurricanes and flooding.

Housing damage as quantified in the IA dataset, along with obligated PA provide the best, most consistent estimates of unmet needs in the infrastructure and economic development areas, and provide a level of consistency that could be applied fairly across most impacted areas.

Obligated PA provides direct funding for damaged infrastructure and better represents actual infrastructure damage. Most of the money allocated through this process will be spent on the recovery of infrastructure, so weighting PA more heavily is appropriate when considering the purpose of the funds. The reasons it makes sense to leave housing damages in the calculation are as follows:

- While housing and obligated PA both provide a good indicator of total damage, weighting PA more heavily tends to favor parishes that are struggling the most with recovery. The housing damage is probably more consistent and adds consideration for those parishes that are more residential and less commercially based.
- Housing damage provides a good proxy for overall damage, whereas obligated C-G PA money provides a good proxy for infrastructure specific damage.
- The inclusion of housing damage also helps smooth out any differences in the quality of project worksheets submitted.

HURRICANES LAURA/DELTA		HURRICANE IDA/MAY 2021 SEVERE STORMS	
HUD MID	WEIGHTED AVERAGE OF FEMA PA (2/3) AND IA (1/3)	HUD MID	WEIGHTED AVERAGE OF FEMA PA (2/3) AND IA (1/3)
Acadia Parish (70526/70578)	0.80%	Ascension Parish	1.00%
Allen Parish	2.00%	Assumption Parish	0.80%
Beauregard Parish	2.80%	Calcasieu Parish	0.50%
Caddo Parish	0.60%	East Baton Rouge Parish	1.30%

Calcasieu Parish (including City of Lake Charles)	70.30%	Iberville Parish (70764/70788)	0.30%
Cameron Parish	11.00%	Jefferson Parish	23.40%
Jefferson Davis Parish	1.70%	Lafourche Parish	11.90%
Lafayette Parish	1.40%	Livingston Parish	1.40%
Natchitoches Parish	0.70%	Orleans Parish	9.10%
Ouachita Parish	0.80%	Plaquemines Parish	1.40%
Rapides Parish	2.90%	St. Bernard Parish	0.30%
St. Landry Parish (70570)	0.50%	St. Charles Parish	3.00%
St. Martin Parish (70517)	0.20%	St. Helena Parish	0.20%
Vermilion Parish (70510)	3.90%	St. James Parish	1.20%
Vernon Parish (71446)	0.60%	St. John the Baptist Parish	5.30%
Grand Total	100.00%	St. Mary Parish	0.20%
		St. Tammany Parish	1.90%
		Tangipahoa Parish	4.30%
		Terrebonne Parish	32.20%
		Washington Parish	0.20%
		West Baton Rouge Parish (70767)	0.03%
		Grand Total	100.00%

## METHODOLOGY FOR RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM

- OCD obtained the total FEMA Individual Assistance and Public Assistance damages and calculated as a percent of total. The Public Assistance percentages were weighted at 2/3 and the Individual Assistance at 1/3.
- OCD applied the percent of total damages to the overall program budget of \$50 million for each grant.
- OCD established a minimum of \$600,000 and a maximum of \$25 million. Grants are costly to administer due to the federal requirements imposed on the funding. Smaller grants would be much less cost-effective to employ and would waste already limited resources.



- Any HUD MID that fell outside of this range was reduced to zero allocation or maximum of \$25 million.
- For the entitlement city of Laura/Delta that fell between minimum and maximum, we obtained the total damages for the parish and entitlement city and calculated the percent of total.
- If funds were remaining, OCD redistributed across the HUD MID areas that met the minimum and maximum allocation.

HURRICANES LAURA/DELTA			HURRICANE IDA/MAY 2021 SEVERE STORMS		
HUD MID	AWARD ALLOCATION	%OF TOTAL PROGRAM FUNDS	HUD MID	AWARD ALLOCATION	%OF TOTAL PROGRAM FUNDS
City of Lake Charles	\$23,284,253.00	47%	Terrebonne Parish	\$16,675,420.00	33%
Calcasieu Parish	\$13,352,225.00	27%	Jefferson Parish	\$12,134,410.00	24%
Cameron Parish	\$5,744,984.00	11%	Lafourche Parish	\$6,150,491.00	12%
Vermilion Parish	\$2,055,190.00	4%	Orleans Parish	\$4,718,041.00	9%
Rapides Parish	\$1,487,487.00	3%	St. John the Baptist Parish	\$2,772,798.00	6%
Beauregard Parish	\$1,444,948.00	3%	Tangipahoa Parish	\$2,229,180.00	4%
Allen Parish	\$1,035,710.00	2%	St. Charles Parish	\$1,568,847.00	3%
Jefferson Davis Parish	\$882,794.00	2%	St. Tammany Parish	\$1,002,098.00	2%
Lafayette Parish	\$712,409.00	1%	Plaquemines Parish	\$703,779.00	1%
Grand Total	\$50,000,000.00	100%	Livingston Parish	\$703,774.00	1%
			East Baton Rouge Parish	\$696,801.00	1%

			St. James Parish	\$644,361.00	1%
			Grand Total	\$50,000,000.00	100%



**HURRICANES LAURA/DELTA/IDA & MAY 2021 SEVERE STORMS  
RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM  
RECOVERY PROPOSAL**

**GENERAL INFORMATION.**

**1. Applicant**

Name: \_\_\_\_\_

Chief Elected Official: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Federal ID Number: \_\_\_\_\_ Sam.gov/Unique Entity ID: \_\_\_\_\_

**2. Contact Person**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**OVERVIEW OF RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM PROJECTS**

NAME OF PROJECT	ESTIMATED PROJECT COST
<b>Priority Projects:</b>	
<b>Subtotal:</b>	
<b>Alternate Projects:</b>	
<b>Subtotal:</b>	
<b>Total All Projects:</b>	

**RESILIENT COMMUNITIES INFRASTRUCTURE PROGRAM PRIORITY PROJECT**

**A. Project Name and Address:**

**B. Description of the Proposed Project:**

(Provide a brief description of the specific project activities and construction to be undertaken.)

**C. Estimated Total Project Cost, Source, Status, and Use of Funds:**

PROJECT FUNDS	AMOUNT	SOURCE AND STATUS	USE
CDBG			
Local Funds			
Private Funds			
Other State Funds			
Federal Funds			
Other Funds			
<b>TOTAL</b>			

**D. Project Context:**

(Is this part of a larger plan/project? Is it separate in that it does not rely on other projects?)

**E. Beneficiaries/Public Benefit/Target Area and Boundaries:**

(Who are the beneficiaries, what are the benefits to these beneficiaries, and where do they live? Please also identify the specific project boundaries, including latitude and longitude, if applicable)

**F. Recovery Rationale:**

(How does the project address the effects of the covered disasters? How does the project foster recovery?)

**G. Description of Acquisition(s) Involved (if any):****H. Mitigation Plan:**

(All projects must include a mitigation plan to minimize damage in future storm events. Describe how the design of this project will include sustainable practices and mitigation components to advance long-term resilience.)

**I. FEMA Public Assistance Eligibility:**

(Is the proposed project eligible for FEMA Public Assistance? Has an application been submitted to FEMA for the project? Please provide FEMA PW, if applicable.)

**(Add Additional Priority Projects As Needed)****ALTERNATE PROJECT:****A. Project Name and Address:****B. Description of the Proposed Project:**

(Provide a brief description of the specific project activities and construction to be undertaken.)

**C. Estimated Total Project Cost, Source, Status, and Use of Funds:**

PROJECT FUNDS	AMOUNT	SOURCE AND STATUS	USE
CDBG-DR			
Local Funds			
Private Funds			
Other State Funds			
Federal Funds			
Other Funds			
<b>TOTAL</b>			

**D. Project Context:**

(Is this part of a larger plan/project? Is it separate in that it does not rely on other projects?)

**E. Beneficiaries/Public Benefit/Target Area:**

(Who are the beneficiaries, what are the benefits to these beneficiaries, and where do they live?)

**F. Recovery Rationale:**

(How does the project address the effects of the covered disasters? How does the project foster recovery?)

**G. Description of Acquisition(s) Involved (if any):**

**H. Mitigation Plan:**

(All projects must include a mitigation plan to minimize damage in future storm events. Describe how the design of this project addresses this requirement.)

**I. FEMA Public Assistance Eligibility:**

(Is the proposed project eligible for FEMA Public Assistance? Has an application been submitted to FEMA for the project? Please provide FEMA PW, if applicable.)

**(Add Additional Alternate Projects As Needed)**

**REQUIRED DOCUMENTATION:**

For purposes of this proposal, the following documents must be attached. Subsequent documents will be required according to HUD/CDBG-DR requirements for implementation, approval of project applications, and the drawdown of funds.

- A. A copy of the resolution authorizing the Recovery Proposal by the parish/municipal governing body.
- B. Copy of all required Citizen Participation documents.
- C. Narrative describing the efforts to solicit input and participation from persons of low and moderate income and disadvantaged communities in the public participation process.

**CERTIFICATION:**

To the best of my knowledge and belief, information in this Recovery Proposal is true and correct. As the applicant, we agree to comply with requirements of 24 CFR Part 58.

I am aware that a proposed project activity may be removed from further consideration should it be determined that there are significant discrepancies in the information provided and/or false, inaccurate or incomplete information has been given.

\_\_\_\_\_  
Signature, Chief Elected Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Date

# PROJECT DELIVERY COSTS

## PROJECT DELIVERY COSTS

Project delivery costs are expenses incurred by a subrecipient while implementing and carrying out eligible CDBG-DR activities. Project delivery costs are capped at **15%** of the overall project budget under the RCIP. Examples of project delivery costs include fees to complete a single audit, costs incurred in the completion of the project environmental clearance, publication of newspaper advertisements/public notices, and grant management services. Upon review and approval of a statement/explanation from a subrecipient justifying the need and cost reasonableness for additional project delivery costs, OCD may fund project delivery costs exceeding the “Grant Management Cap Amount” specified in the table below.

## GRANT MANAGEMENT COSTS

Grant management costs are to be specified as a separate line item in the estimated project budget in the application for funding for each specific project.

The maximum allowable grant management cost for each CDBG-DR funded project shall be less than or equal to the caps outlined in the table below. The grant management cap is inclusive of all grant management services, including but not limited to administrative oversight, preparation of the environmental review record, CDBG-DR programmatic policy compliance and reporting, scheduling, document management, review, technical assistance, and consultation as required to continue accomplishing the objectives of the CDBG-DR funded project from the development through to the program closeout phases as described in the current CDBG Grantee Administrative Manual located on the OCD website at <https://www.doa.la.gov/oa/ocd/policy-and-reports/administrative-manual/>. The applicant must demonstrate the reasonableness of the costs. Justification based solely on the fact that the fees are within the amount allowed by OCD is not an adequate explanation.

TOTAL CDBG-DR PROJECT AWARD	GRANT MANAGEMENT CAP AMOUNT
From \$500,000 to \$749,999.99	\$50,000.00
From \$750,000 to \$1,499,999.99	\$60,000.00
From \$1.5 million to \$2,499,999.99	\$80,000.00
From \$2.5 million to \$5,999,999.99	\$100,000.00
From \$6 million to \$10 million	\$120,000.00

Subrecipients may choose to use their own staff to conduct grant management activities, procure a third party grant administrator, or a combination of the two.



## **PROFESSIONAL ARCHITECTURAL/ENGINEERING (A/E) DESIGN AND CONSTRUCTION MANAGEMENT COSTS**

Professional A/E costs for Basic Services or Additional Services may be eligible for reimbursement up to the fee schedule established by the Louisiana Office of Facility Planning and Control, as more fully explained in Exhibit E-4, Architectural/Engineering Fee Schedule.

All A/E design and construction management costs are to be included under project costs and not included in the project delivery costs.

A/E fees must be reasonable and justifiable. Sole justification that the fees are within the amount allowed by OCD is not adequate, and A/E fees based on a percentage of project cost are prohibited.

### **A/E BASIC SERVICES**

Basic Services under a contract for A/E design services may include costs for design services and related costs determined by OCD to be included within Basic Services. Reimbursement for Design Basic Services costs cannot exceed 10% of the construction cost.

### **A/E ADDITIONAL SERVICES**

A/E Additional Services included in a contract for professional design include laboratory testing services, recordation fees, advertisement for bids, environmental assessments, hydrologic and hydraulic studies, traffic studies, wetlands permitting, surveys, geotechnical investigations, construction observation, builders risk insurance, and similar costs determined by OCD to be allowable. OCD reimbursement for Additional Services cannot exceed 5% of the construction cost. OCD may pay Additional Services in excess of the 5% cap upon review of justification submitted by the project architect/engineer.

# ARCHITECTURAL/ENGINEERING FEE SCHEDULE

Professional design costs for basic services or additional services may be eligible for reimbursement up to the **fee schedule established by the Louisiana Office of Facility Planning and Control (see Figure 1 on next page)**.

All design costs would be included under project costs and not included in the project delivery costs.

Architectural/engineering fees, even those provided under either a fixed price contract or cost reimbursement contract, must be reasonable and justifiable. Sole justification that the fees are within the amount allowed by OCD is not adequate, and design contracts priced on the basis of a percentage of cost are prohibited.

The fee for basic services, as described in this Exhibit, shall be calculated as the product of the fee percentage, adjusted for inflation, and the amount available for construction (AFC), adjusted for inflation. The fee percentage shall be computed by the formula:

$$\text{FEE PERCENTAGE} = \frac{46.10}{\text{Log (AFC (1975 BCI/Current BCI))}}$$

The fee shall be computed by the following formula:

$$\text{FEE} = \text{FEE PERCENTAGE (AFC (1975 BCI/Current BCI))(Current CPI/1975 CPI)}$$

Where “BCI” = Building Cost Index as published by Engineering News Record and “CPI” = Consumer Price Index as published by U.S. Department of Labor, Bureau of Labor Statistics.

Since the annual average computed in December of the BCI and CPI are used, fee calculations are based upon the most current calendar year average of both indices. Should fee modifications occur during the course of the project, the BCI and CPI index factors used to calculate the original fee shall be used. If a project, through no fault of the designer, is inactive for more than 24 months, the current BCI and CPI index factors shall be applied to the project once re-activated.

**State of Louisiana  
Facility Planning & Control**

**BCI & CPI  
FOR  
2022 Fee Formula**

<b>BCI</b>	<b>1975</b>	<b>CPI</b>
<b>1306</b>		<b>53.8</b>
<b>6912</b>	<b>2021</b>	<b>271.0</b>

**SCHEDULE OF REPRESENTATIVE FEES  
FOR  
2022**

<b>AFC</b>	<b>Fee as a Percentage of AFC</b>	<b>Fee</b>
\$ 10,000.00	13.3900%	\$ 1,339.00
\$ 50,000.00	11.0380%	\$ 5,519.00
\$ 100,000.00	10.2600%	\$ 10,260.00
\$ 200,000.00	9.5855%	\$ 19,171.00
\$ 500,000.00	8.8188%	\$ 44,094.00
\$ 750,000.00	8.5173%	\$ 63,880.00
\$ 1,000,000.00	8.3156%	\$ 83,156.00
\$ 1,500,000.00	8.0471%	\$ 120,706.00
\$ 2,000,000.00	7.8668%	\$ 157,336.00
\$ 3,500,000.00	7.5383%	\$ 263,841.00
\$ 5,000,000.00	7.3429%	\$ 367,144.00
\$ 7,500,000.00	7.1327%	\$ 534,952.00
\$ 10,000,000.00	6.9907%	\$ 699,071.00
\$ 20,000,000.00	6.6708%	\$ 1,334,151.00
\$ 50,000,000.00	6.2902%	\$ 3,145,096.00

# PROCEDURES FOR MAPPING PROJECT TARGET AREAS AND PROJECT BENEFICIARIES

## INTRODUCTION

Any project funded fully, or in part, with CDBG-DR funding has to meet a HUD eligible activity and national objective. Regardless of which eligible activity and national objective, each project will serve either an area or direct benefit. The purpose of this document is to be an instructional tool for mapping project service areas. This document will also serve as a guide to complete the beneficiary forms in OCD's IGX applications.

In general, the mapping and beneficiary documentation process is as follows:

- Determine the project service area.
- Use the HUD Low- and Moderate-Income Summary Map Application to determine the project's national objective (Urgent Need or LMI).
- Enter data in the appropriate fields in the Benefiting Area form, Project Beneficiaries form, and the Area Benefit form in the project application in OCD's IGX system.
- Upload maps and other documentation where applicable in the project application (or project amendment when needed) in OCD's IGX system.

## DETERMINING SERVICE AREA

The service area must be the full range of direct effects of the proposed project activity. The boundaries of the activities may or may not coincide with census or other geographic boundaries, especially in smaller communities and rural areas where block groups or census tracts with low population cover large geographic areas. Factors to be considered in defining the service area include the nature of the activity, location of the activity, accessibility issues, and availability of comparable activities. Service areas should be based on the intended beneficiaries of the project. Service areas must not be modified if substantial numbers show a principle benefit to non-LMI persons.

Some activity types have a pre-determined service area for other purposes. Perhaps most notable among these activities are police precincts, fire stations, and schools. In each case, specific boundaries have already been determined so that the persons involved know which facility serves persons or properties located at a particular address within the community. Generally speaking, if the service area has the same boundary with a parish, incorporated city or census designated place, the subrecipient should use the HUD Low and Moderate Income Summary Data (LMISD) Local Government Summaries to extract the corresponding low and moderate income population data.

It is reasonable to assume that certain kinds of facilities serve only very small areas. For example, sidewalks, gutters, trees, and street lights on a residential street would usually benefit only the residents of the immediately adjacent area. The same would be true for tot-lots and small playgrounds. If the service area does not have the same boundaries with a parish, incorporated city or census designated place, the subrecipient will perform a best match of the service area to census block groups. As described in CPD Notice 19-02 and CPD Notice 14-013, the entirety of the data for all block groups which the service area both completely encloses and partially overlaps must be used.

If the service area does not reasonably correspond to any available LMISD geographies, the subrecipient may consider conducting a methodologically-sound local income survey to determine LMA compliance. OCD must be consulted prior to the subrecipient conducting a local income survey.

## TYPICAL ACTIVITIES AND AREA BENEFIT

Typical area benefit activities include street improvements, drainage improvements, water system improvements, wastewater system improvements, recreation improvements, fire stations, neighborhood facilities and façade improvement in neighborhood commercial districts. A few activities that qualify as Public Services also provide an area benefit, most notably police or fire services.

## LIMITED CLIENTELE

Certain projects serve an entire area but are designed to meet the needs of only some persons in that area. An example of this would be a facility that is used exclusively as a senior center for a particular neighborhood. Such area benefit activities serving special needs usually must qualify under the Limited Clientele (LMC) subcategory of the L/M Income Benefit national objective.

In addition, there are specific groups that are presumed to be LMI by HUD and automatically qualify under the LMC category. This group consists of Abused Children, Elderly Persons, and Battered Spouses, Homeless Persons, Severely Disabled Adults, Illiterate Adults, Persons Living with AIDS, and Migrant Farm Workers.

For projects involving limited clientele, the subrecipient should contact OCD for guidance on the appropriate method to determine beneficiary data. The remainder of this guide is designed specifically for LMA activities.

## DETERMINING THE NATIONAL OBJECTIVE

To ensure the eligibility of all projects using CDBG-DR funds, program records must demonstrate that funded activities meet one of the national objectives required by HUD CDBG-DR. The types of records to be maintained for each CDBG-DR funded activity depend on the national objective category for which they qualify. **OCD expects state and local governments to work with OCD to make reasonable efforts to meet the low-to-moderate income benefit national objective, wherever possible.**

The three national objectives to be used for CDBG-DR projects are:

- Benefit of Low to Moderate Income Persons
- Elimination of Slum/Blight
- Urgent Need

**Subrecipients should refer to the State’s Action Plan and individual program policy and procedure manuals for information on which national objectives can be used for a specific program.**

For more information on National Objectives and Eligible Activities visit the link below:

<https://www.hudexchange.info/resource/2179/guide-national-objectives-eligible-activities-state-cdbg-programs/>

To determine the national objective, the subrecipient must calculate the percentage of Low- and Moderate-Income persons in the Service Area using the HUD Low- and Moderate-Income Data (LMISD)

Once the Service Area has been defined, go to HUD’s American Community Survey (ACS) Low- and Moderate-Income Summary Data page: <https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data/>.

## USING THE MAPPING APPLICATION

Select **Map Application** from Data Sets

### ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data

The Community Development Block Grant (CDBG) program requires that each CDBG funded activity must either principally benefit low- and moderate-income (LMI) persons, aid in the prevention or elimination of slums or blight, or meet a community development need having a particular urgency. Most activities funded by the Community Development Block Grant (CDBG) program are designed to benefit low- and moderate-income (LMI) persons. That benefit may take the form of housing, jobs, and services. Additionally, activities may qualify for CDBG assistance if the activity will benefit all the residents of a primarily residential area where at least 51 percent of the residents are low- and moderate-income persons, i.e. area-benefit (LMA). [Certain [exception grantees](#) may qualify activities as area-benefit with fewer LMI persons than 51 percent.]

The Office of Community Planning and Development (CPD) provides estimates of the number of persons that can be considered Low-, Low- to Moderate-, and Low-, Moderate-, and Medium-income persons based on special tabulations of data from the 2011-2015 ACS 5-Year Estimates. The Low- and Moderate-Income Summary Data may be used by CDBG grantees to determine whether or not a CDBG-funded activity qualifies as an LMA activity. The LMI percentages are calculated at various principal geographies provided by the U.S. Census Bureau. CPD provides the following datasets:

- Geographic Summary Level "150": Census Tract-Block Group.
  - The block groups are associated with the HUD Unit-of-Government-Identification-Code for the FY 2018 CDBG grantee jurisdiction that is associated with each block group.
- Local government jurisdictions include: Summary Level 160: Incorporated Cities and Census-Designated Places, i.e. "Places", Summary Level 170: Consolidated Cities, Summary Level 050: County, and Summary Level 060: County Subdivision geographies.

In the data files, these geographies are identified by their Federal Information Processing Standards (FIPS) codes and names for the place, consolidated city, or block group, county subdivision, county, and state.

The statistical information used in the calculation of estimates identified in the data sets comes from two sources: 1) the 2011-2015 American Community Survey (ACS), and 2) the [Income Limits for Metropolitan Areas and for Non Metropolitan Counties](#). The data necessary to determine an LMI percentage for an area is not published in the publicly-available ACS data tables. Therefore, the Bureau of Census matches family size, income, and the income limits in a special tabulation to ensure the estimator

#### Data Sets

- [ACS 5-Year 2011-2015 Low and Moderate Income Summary Data Main](#)
- [Map Application](#)
- [All Block Groups](#)
- [Block Groups by Entitlement Grantee](#)
- [Local Government Summaries](#)
- [Overall Low to Moderate Percentages by Grantee](#)

#### Related Information

- [Data Dictionary](#)
- [Frequently Asked Questions](#)
- [Exception Grantees](#)
- [Uncapped Data](#)
- [Sec. 244 ARC/RPZ](#)

Select the HUD web app on the left (**Click on the picture** as seen below).



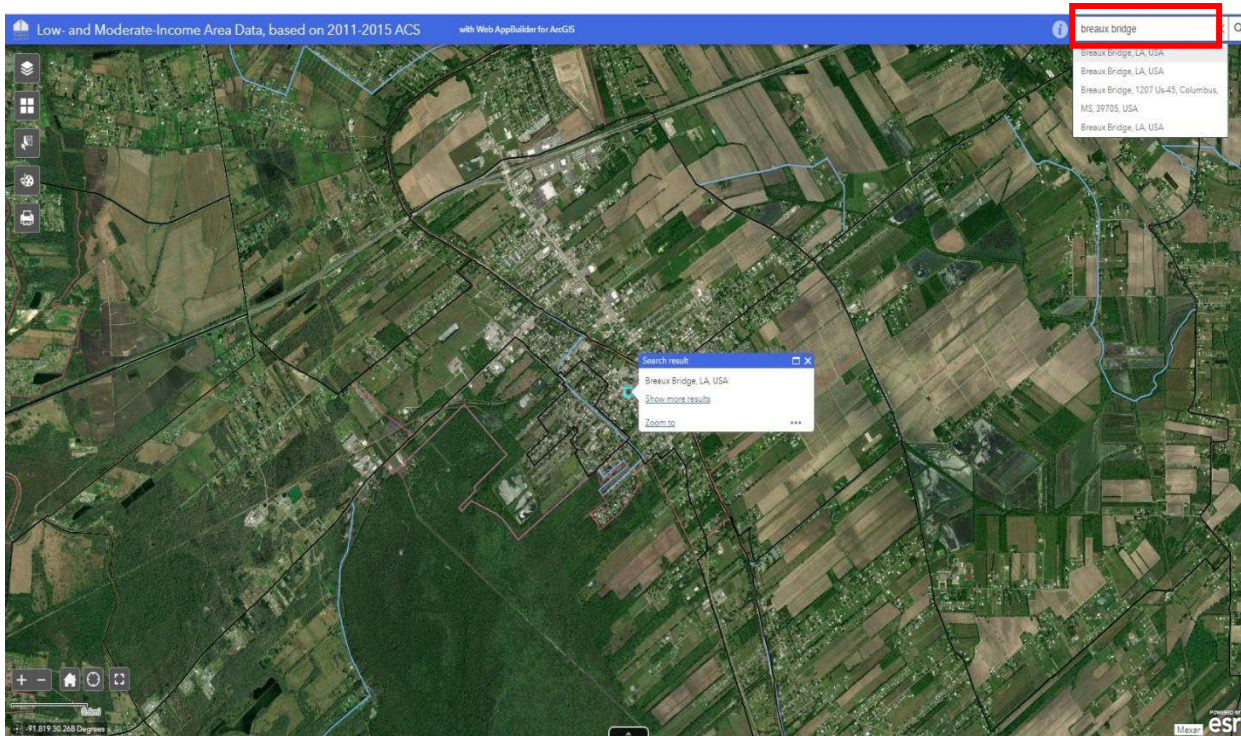
### EXAMPLE #1 – BREAX BRIDGE CITY WIDE DRAINAGE PROJECT

Use Place Data instead of Block Group Data Since the Project Service Area Corresponds to Existing Geographic Boundaries (e.g., parish, city, town, village, or census designated place).

Type address, city, parish, or GPS coordinates in the dark blue search box provided.



Step 1. SEARCH TO ZOOM IN



The icons in the upper left corner of the map allow the user to select views, layers and data. A brief description of each icon is listed below:

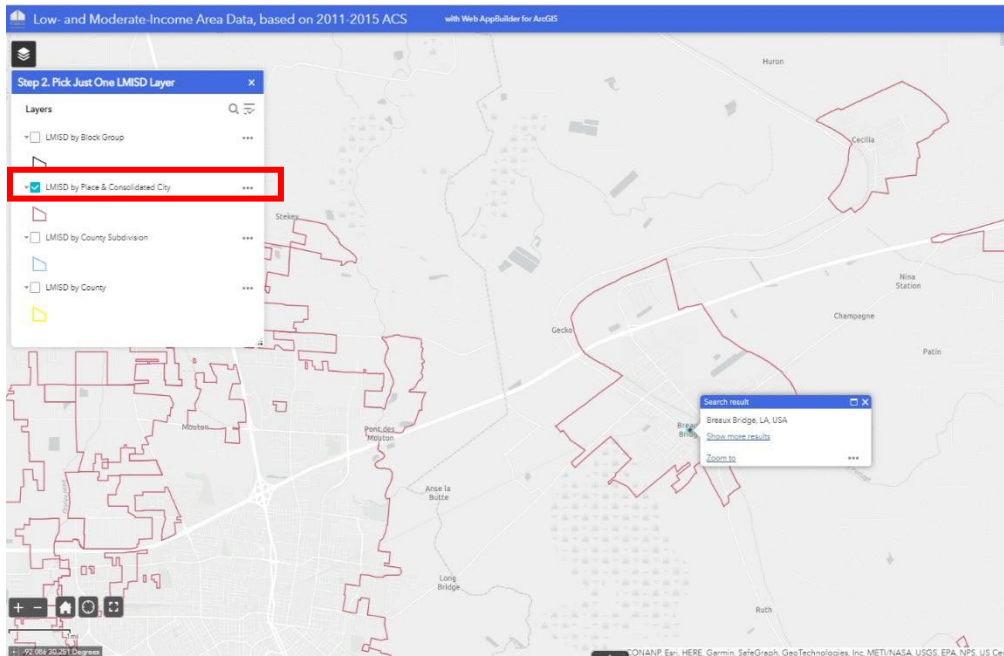


1. LMISD Layers – allows the user to select which layers are visible on the map
2. Basemap Options – allows the user to select which basemap is visible
3. Select Tool – allows the user to pick the service area, view, and export data
4. Add Labels – allows users to add their own labels
5. Printer – allows the user print a pdf of the map



The remainder of the instruction guide use the “Light Grey” basemap which can be viewed by clicking the “Basemap Options” and selecting “Light Gray Canvas”.

Select the Layers icon on the upper right of the screen and uncheck everything but “LMSID by Place & Consolidated City”

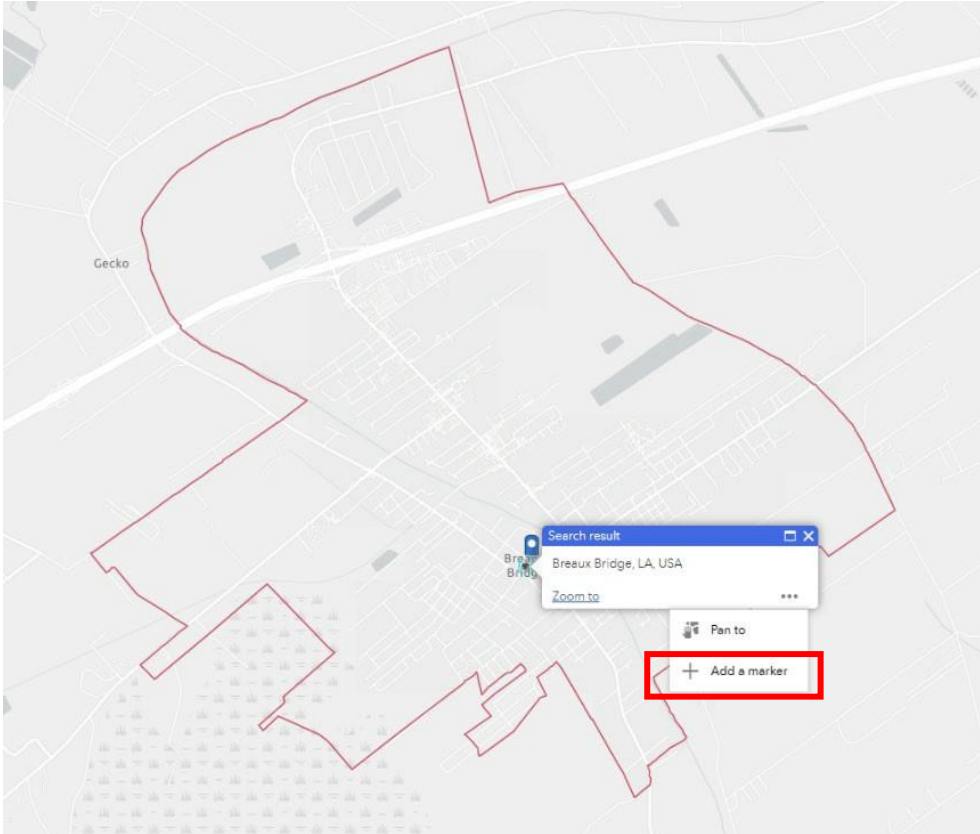


**NOTE:** The service area for the Breaux Bridge test case is city-wide so “LMSID by Place & Consolidated City” should be checked. If the project is parish-wide, check “LMSID by County”. If the project is a particular neighborhood or group of streets, check “LMSID by Block groups”.

**NOTE:** Use the mouse scroll to zoom in and out on the map. Pan left and right by holding the right mouse key.

\*If you zoom out too far, the block group boundaries may disappear. Zoom back in to view the boundaries.

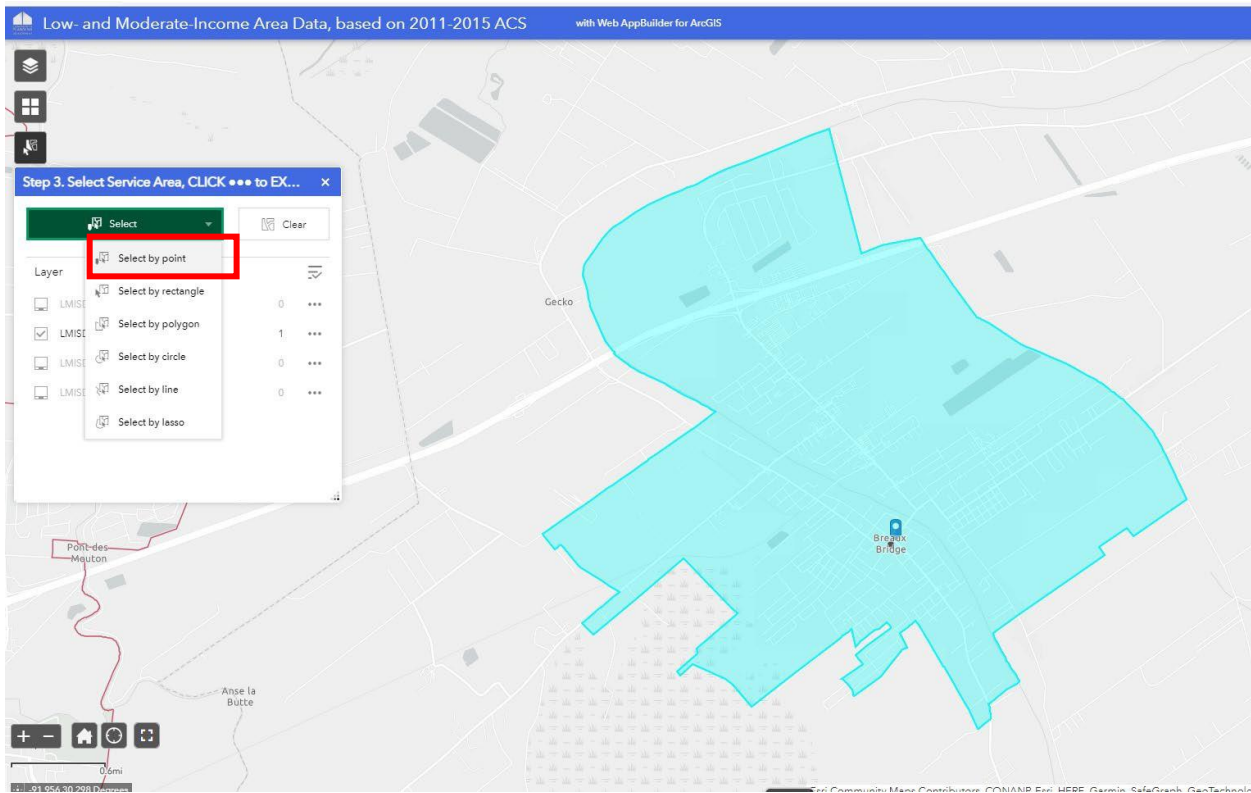
Click on the ellipsis in the bottom right corner of the search result box then click Add marker. This will put a placeholder on or near the center of Breaux Bridge city limits. Click on the marker to display the coordinates (longitude and latitude). Make a note of these numbers, they will be input on the Project Location and Type form in the OCD-IGX system.



*Determining project coordinates will differ based on the type of project. For city- wide or parish wide projects, a marker can be placed at or near the city center.*

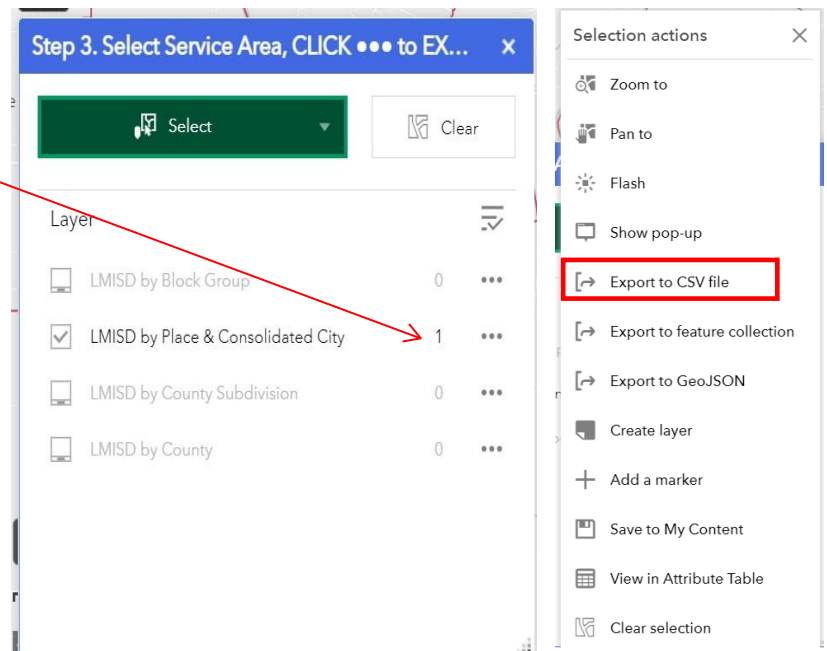
*For projects that include multiple coordinates or locations, a marker should be placed at each listed location and a central point should be estimated. Once the center point is identified, hover over that point in the map and the corresponding coordinates will be listed in the bottom left corner of the map.*

To select the service area, click the 3<sup>rd</sup> icon in the top left, which is the 'select tool'. Then click the *Select* drop down and click *Select by Point*. Click anywhere in the Breaux Bridge city limits, it will be shaded in blue.



Once an area is selected, the "select tool" box will have the number of selected areas under the type of area selected.

To access the beneficiary data, click the ellipsis and then export to CSV file. A raw data file will download to your computer. This data will need to be entered into the **Area Benefit-Beneficiary Income Information** form in the OCD IGX system. See Section VI for detailed instructions.



### Breaux Bridge LMISD Place Data

	A	B	C	D	E	F	G	H	I	J	K
1	OBJECTID	GEOID	NAME	PLACE_TY	STATE	STUSAB	LOW	LOWMOD	LMMI	LOWMOD	LOWMOD_PCT
2	6939	2209340	Breaux Bridge city	Incorporat	22	LA	2735	4635	5305	8140	56.94
3											

In this example, the LMI percentage is 56.94% which exceeds the 51% needed to be considered LMI. Therefore, the national objective for this project is LMI.

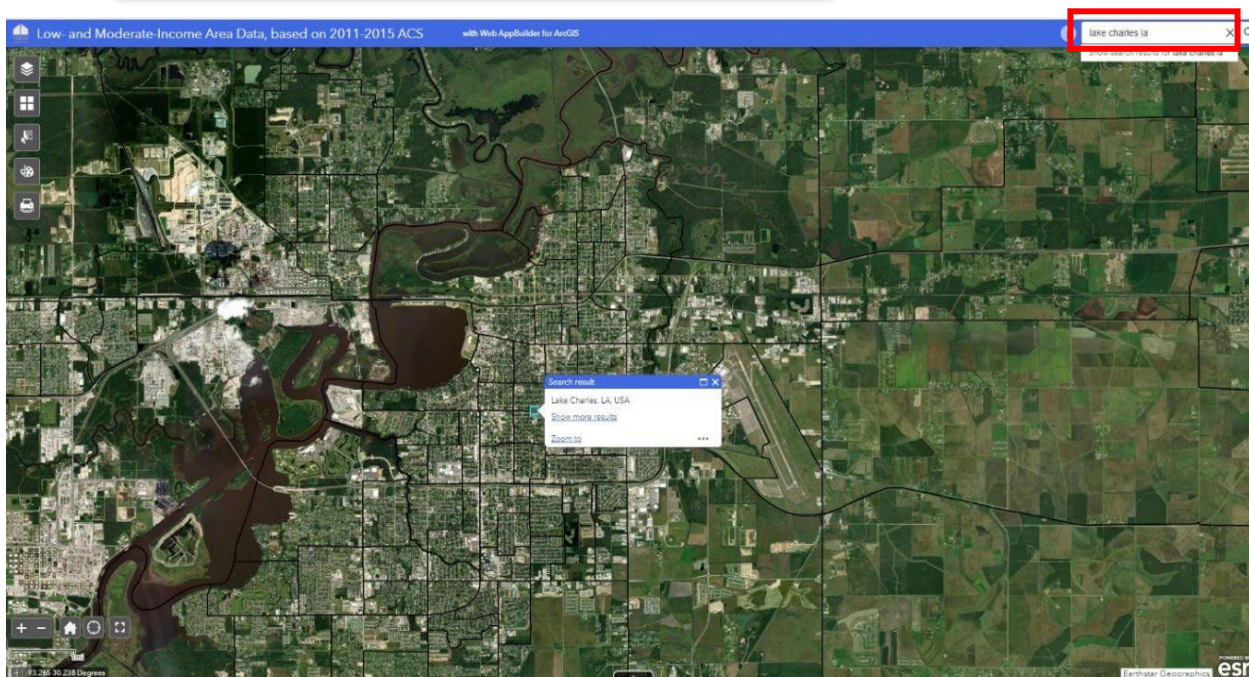
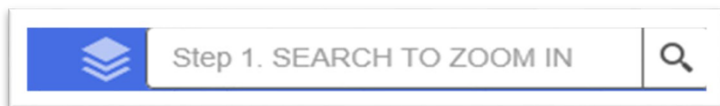
If the LOWMOD\_PCT was less than 51% the project would have to qualify under the Urgent Need national objective. Subrecipients should refer to the State's Action Plan and individual program policy and procedure manuals for information on which national objectives can be used for a specific program. If the particular program does not allow the use of Urgent Need national objective another project must be proposed for funding.

*NOTE: If the LMI% is near 51% subrecipients should reevaluate the service area and explore the potential to use individual block groups to meet the LMI national objective.*

## EXAMPLE #2 – LAKE CHARLES EASTSIDE DRAINAGE PROJECT

Use Block Group Data since the Project Service Area Does NOT Corresponds to Existing Geographic Boundaries (e.g., parish, city, town, village, or census designated place).

For the second example use Lake Charles, LA and assume the project only benefits a portion of the city. Type address, city, parish, or GPS coordinates in the dark blue search box provided.





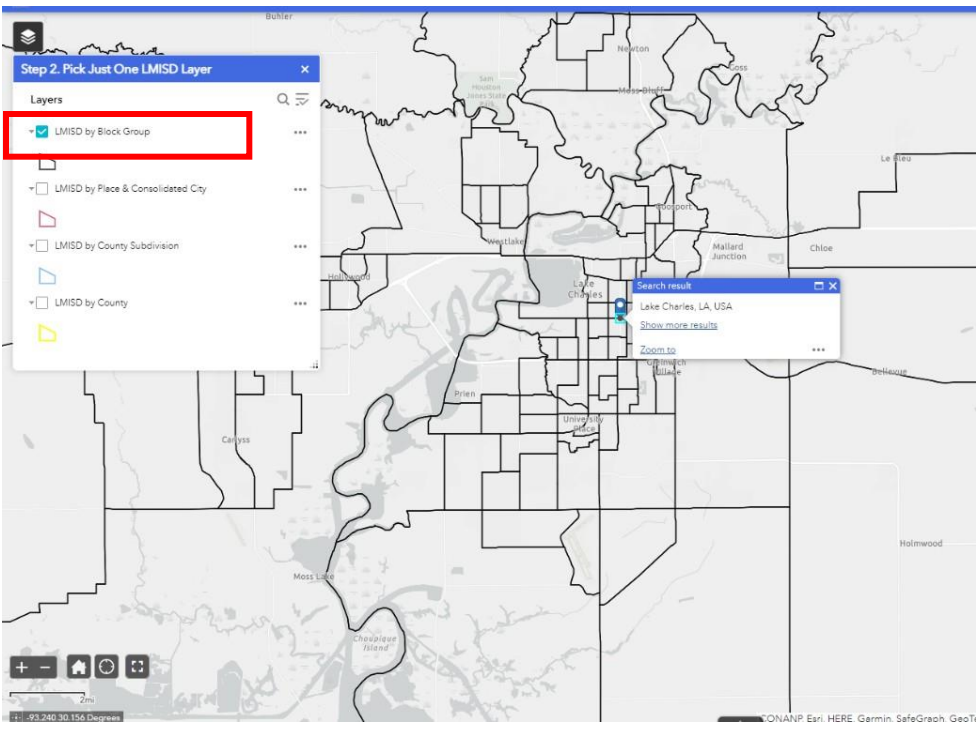
The icons in the upper left corner of the map allow the user to select views, layers and data. A brief description of each icon is listed below:



1. LMISD Layers – allows the user to select which layers are visible on the map
2. Basemap Options – allows the user to select which basemap is visible
3. Select Tool – allows the user to pick the service area, view, and export data
4. Add Labels – allows users to add their own labels
5. Printer – allows the user print a pdf of the map

*The remainder of the instruction guide use the “Light Grey” basemap which can be viewed by clicking the “Basemap Options” and selecting “Light Gray Canvas”.*

Since the project does **not** benefit the entire city, select the Layer’s Icon on the upper right of the screen and uncheck everything but “LMISD by Block Group”.



*NOTE: The service area for the Lake Charles example is only a portion of the city so “LMISD by Block Group” should be checked. If the project is parish-wide, check “LMSID by County”. If the project is a municipality, check “LMSID by Place and Consolidated City”.*

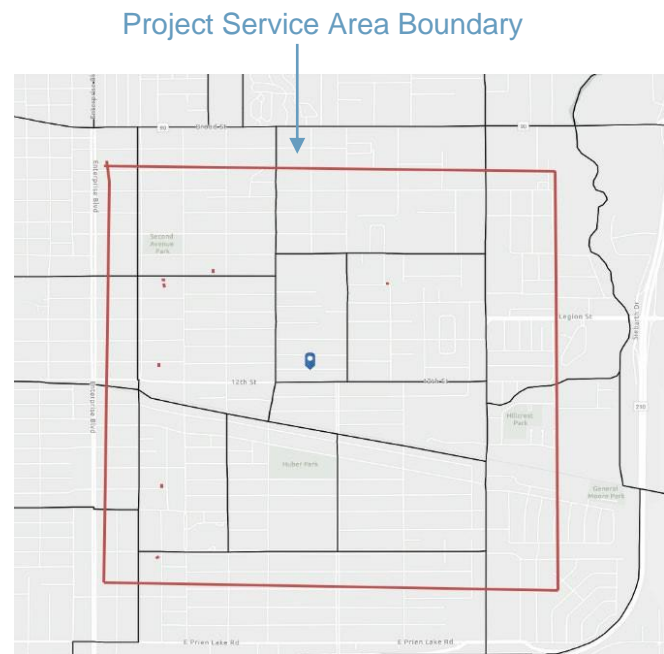
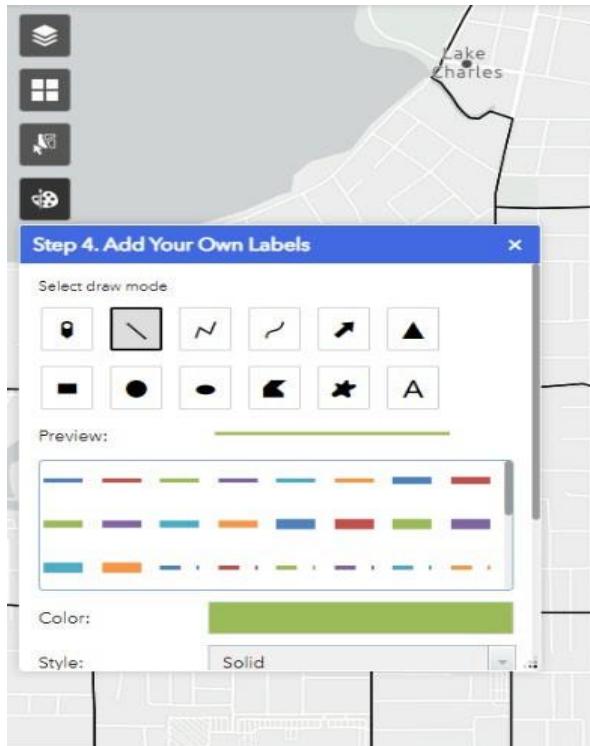
*NOTE: Use the mouse scroll to zoom in and out on the map. Pan left and right by holding the right mouse key.*

*\*If you zoom out too far, the block group boundaries may disappear. Zoom back in to view the boundaries.*

In this example, the service area for a drainage project was determined by the project engineer. Using the Add Your Own Label tool draw the service area of the project.

Click within the service area. Then click on the ellipsis in the bottom right corner of the search result box then click *Add marker*. This will put a placeholder in the service area of the project. Click on the marker to display the coordinates (longitude and latitude). **Make a note of these numbers as they will be input on the Project Location and Type form in the OCD-IGX system.**

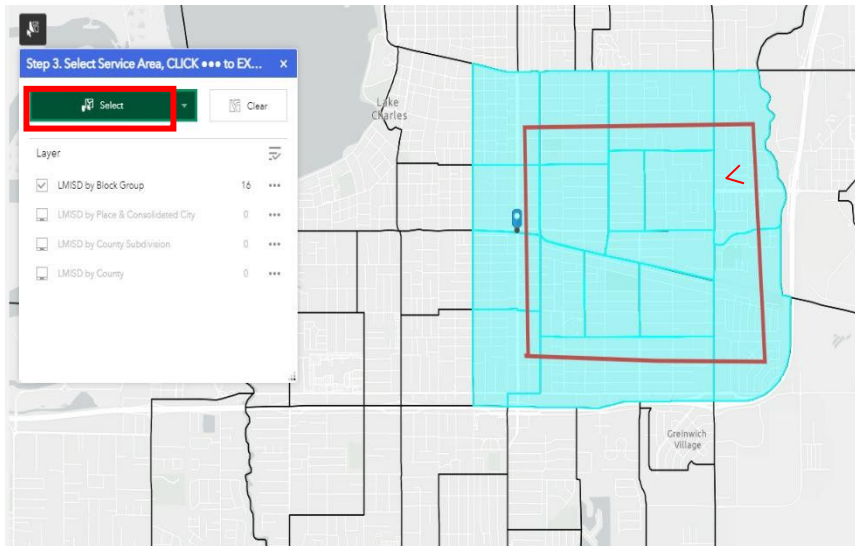
To draw a project service boundary line, click on *Step 4 Add Your Own Labels*, and select your draw mode and color. This feature allows you to identify one or multiple benefit areas. You can draw lines, boxes, shapes, or text to your map.



*Determining the project service area will differ based on the type of project.*

The next step is to select **all** of the block groups completely enclosed or touched by the service area boundary. To select the service area, click the 3<sup>rd</sup> icon in the top left, which is the 'select tool'. Depending on the size and shape of the service area you can select block groups by point, rectangle, polygon, or lasso. For this example, click the *Select* drop down, and click *Select by Point*. Click on one of the block groups touched or enclosed by the service area boundary. Hold the shift key down and continue to select block groups until all block groups have been selected.

With the project area identified, you can capture the map image by using a snip it tool. You can transfer the image to another document or upload the .jpg to IGX.

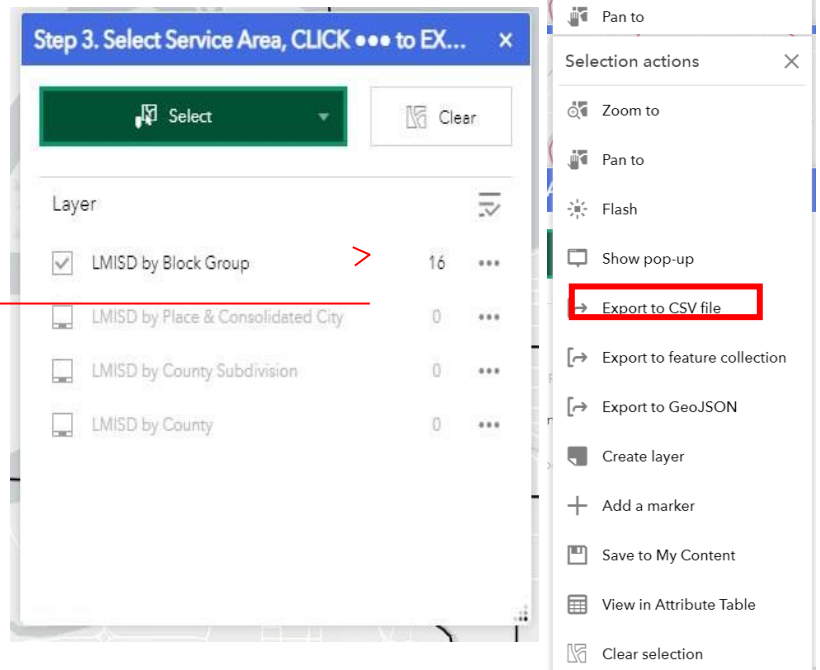


***ALL*** block groups enclosed or touched by the service area boundary must be selected.



Once an area is selected, the “select tool” box will have the number of selected areas under the type of area selected.

To access the beneficiary data, click the ellipsis and then export to CSV file. A raw data file will download to your computer. This data will need to be entered into **Benefiting Area** form and the **Area Benefit-Beneficiary Income Information** form in the OCD IGX system. See Section VI for detailed instructions.



Lake Charles Drainage Project LMISD Block Group Data

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	OBJECTID	GEOID	Source	geoname	Stusab	Countynal	State	County	Tract	Blckgrp	Low	Lowmod	Lmml	Lowmoduniv	Lowmod_t
2	81299	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	500	3	165	330	430	680	48.53
3	81300	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	500	4	110	190	225	615	30.89
4	81301	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	1	270	715	830	1105	64.71
5	81302	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	2	225	635	635	1085	58.53
6	81303	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	3	655	700	740	1070	65.42
7	81304	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	4	195	535	885	1205	44.4
8	81305	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	5	540	805	805	900	89.44
9	81306	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	6	450	865	930	995	86.93
10	81307	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	600	7	350	420	510	610	68.85
11	81312	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	800	1	450	555	590	690	80.43
12	81315	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	800	4	275	515	770	885	58.19
13	81316	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	900	1	265	635	1235	1910	33.25
14	81317	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	900	2	95	210	335	620	33.87
15	81318	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	900	3	245	350	580	680	51.47
16	81319	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	900	4	40	185	400	595	31.09
17	81346	2.2E+11	2015ACS	Block Gro	LA	Calcasieu	22	19	1600	2	770	940	1235	1495	62.88
18															
19						SUM COLUMN L (Lowmod) and COLUMN N (Lowmoduniv)						8585	15140		
20						DIVIDE SUM OF COLUMN L BY SUM OF COLUMN N						56.70%			
21															

In this example, the LMI percentage is 56.70% which exceeds the 51% needed to be considered LMI. The national objective for this project is **LMI**.

If the LOWMOD\_PCT was less than 51% the project would have to qualify under the Urgent Need national objective. **Subrecipients should refer to the State’s Action Plan and individual program policy and procedure manuals for information on which national objectives can be used for a specific program.** If the particular program does not allow the use of Urgent Need national objective another project must be proposed for funding.

*NOTE: If the LMI% is near 51% subrecipients should reevaluate the service area and/or consider a local income survey of the project service area. OCD must be consulted prior to conducting a local income survey. A local income survey must be methodologically sound in accordance with HUD guidelines in CPD Notice 14-013 and CPD Notice 19-0.2.*

## IGX PROJECT BENEFICIARIES FORM

The OCD IGX Project Beneficiaries form requires subrecipients to:

- A. List affected Census Tract(s) and/or Block Groups.
- B. Upload a map or maps delineating census tracts and/or block groups.

**A. LIST OF CENSUS TRACTS AND/OR BLOCK GROUPS**

1. MISD by Block Group -For those projects where the LMISD by Block Group data layer was used to determine if the project met the LMI national objective, the census tracts and block groups are listed on the data extract from the HUD website. Enter the block group and census tract information on the **Project Beneficiaries** form in the OCD IGX system.

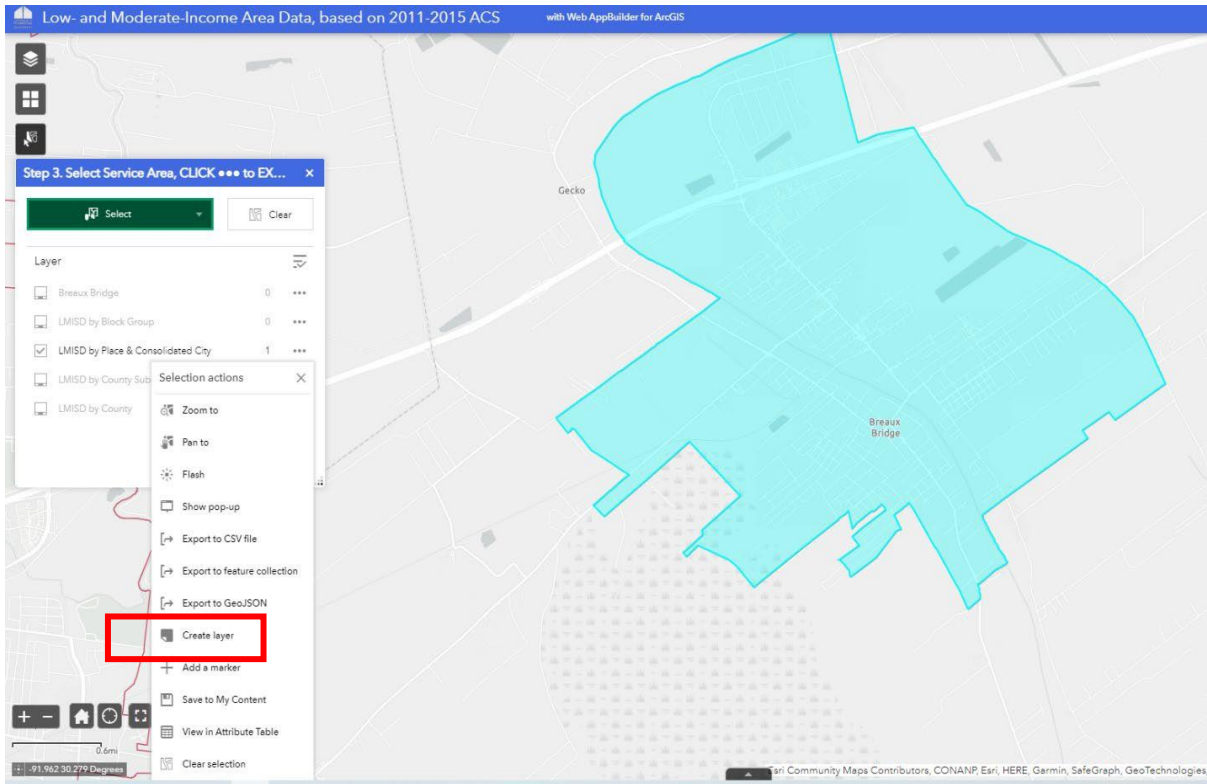
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
1	OBJECTID	GEOID	Source	geoname	Stusab	County	State	County	Tract	Blckgrp	Low	Lowmod	Lmml	Lowmoduniv	Lowmod	
2	81299	2.2E+11	2015ACS	Block Group 3, Census Tract 5, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	500	3	165	330	430	680	48.53
3	81300	2.2E+11	2015ACS	Block Group 4, Census Tract 5, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	500	4	110	190	225	615	30.89
4	81301	2.2E+11	2015ACS	Block Group 1, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	1	270	715	830	1105	64.71
5	81302	2.2E+11	2015ACS	Block Group 2, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	2	225	635	635	1085	58.53
6	81303	2.2E+11	2015ACS	Block Group 3, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	3	655	700	740	1070	65.42
7	81304	2.2E+11	2015ACS	Block Group 4, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	4	195	535	885	1205	44.4
8	81305	2.2E+11	2015ACS	Block Group 5, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	5	540	805	805	900	89.44
9	81306	2.2E+11	2015ACS	Block Group 6, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	6	450	865	930	995	86.93
0	81307	2.2E+11	2015ACS	Block Group 7, Census Tract 6, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	600	7	350	420	510	610	68.85
1	81312	2.2E+11	2015ACS	Block Group 1, Census Tract 8, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	800	1	450	555	590	690	80.43
2	81315	2.2E+11	2015ACS	Block Group 4, Census Tract 8, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	800	4	275	515	770	885	58.19
3	81316	2.2E+11	2015ACS	Block Group 1, Census Tract 9, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	900	1	265	635	1235	1910	33.25
4	81317	2.2E+11	2015ACS	Block Group 2, Census Tract 9, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	900	2	95	210	335	620	33.87
5	81318	2.2E+11	2015ACS	Block Group 3, Census Tract 9, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	900	3	245	350	580	680	51.47
6	81319	2.2E+11	2015ACS	Block Group 4, Census Tract 9, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	900	4	40	185	400	595	31.09
7	81346	2.2E+11	2015ACS	Block Group 2, Census Tract 16, Calcasieu Parish, Louisiana	LA	Calcasieu		22	19	1600	2	770	940	1235	1495	62.88

2. LMISD by Place or Consolidated City OR LMISD by County – If the LMISD by Place or Consolidated City or LMISD by County data layer was used to determine if the project qualified under the LMI national objective an additional step is required. Even though place data is used to determine LMI eligibility and report the number of beneficiaries, the subrecipient must still report the census tracts and block groups that comprise the service area.

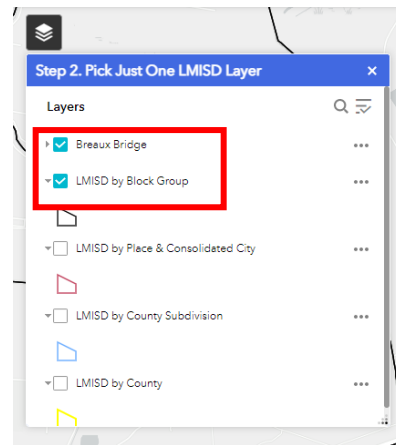
Subrecipients should use the HUD LMISD tool as described below or other Census reference maps to determine the affected census tract and/or block groups. In order to do this, each block group within the service area needs to be selected and the data exported to a .csv file.

Using Breaux Bridge as an example select the LMISID by Place or Consolidated City Layer. Next click the *Select Tool* icon. Uncheck all layers except the project service area (Place & Consolidated City or Count Subdivision). Next, click the down arrow on the green select button, click *Select by point*.

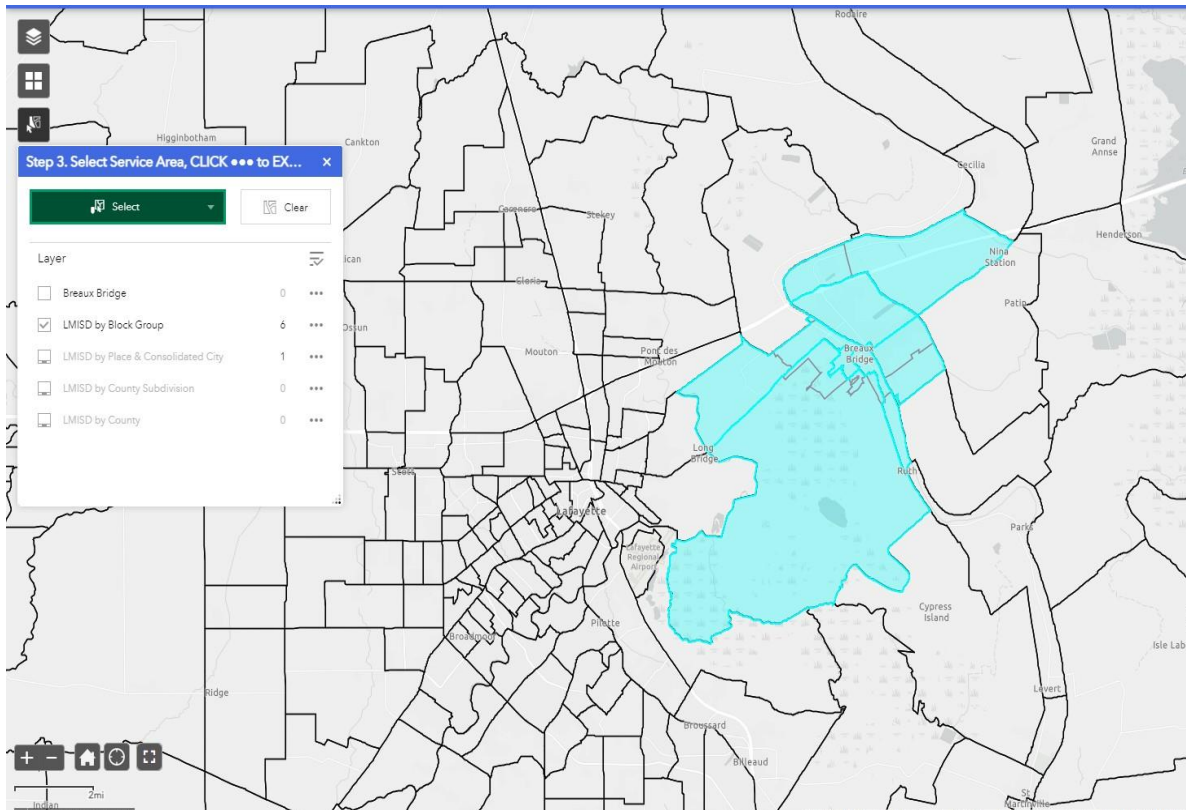
On the map, click the service area (area will turn blue when selected). Convert this service area to a layer by clicking on the ellipsis (the three dots) next to “LMISD by Place and County” and selecting “Create Layer”. Once you name the service area, it will now be available to select in the *Layers* panel.



Select the layer just created and LMISD by Block Group.



Click the *Select Tool* icon. Uncheck all layers except *LMISD by Block Group*. Click the down arrow on the green select button, click *select by point*. On the map, select all the block groups that have a portion in the service area. Multiple block groups can be selected by holding down the shift key when clicking (If a block group is accidentally selected, it can be de-selected by holding down the Ctrl key and selecting it). There are six block groups that contain a portion of Breaux Bridge city limits.



*NOTE: Even though the block groups extend outside the corporate limits, all block groups that include any portion of the corporate limits must be selected for reporting purposes*

Next, export the selected block group data by clicking on the ellipsis next to *LMISD by Block Group* and clicking on *Export to CSV file*. The data file will open in an excel spreadsheet. The next step is to summarize the income level data in order to complete the beneficiary form.

**LMISD Block Group Data for Breaux Bridge**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	OBJECTID	GEOID	Source	geoname	Stusab	Countynai	State	County	Tract	Blckgrp	Low	Lowmod	Lmmi	Lowmodu	Lowmod_u
2	83727	2.21E+11	2015ACS	Block Group 1, Census Tract 203.01, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20301	1	300	810	1205	2360	34.32
3	83736	2.21E+11	2015ACS	Block Group 1, Census Tract 205.01, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20501	1	350	790	1205	2020	39.11
4	83737	2.21E+11	2015ACS	Block Group 2, Census Tract 205.01, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20501	2	245	530	590	810	65.43
5	83738	2.21E+11	2015ACS	Block Group 3, Census Tract 205.01, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20501	3	1270	1940	2220	2630	73.76
6	83739	2.21E+11	2015ACS	Block Group 1, Census Tract 205.02, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20502	1	85	220	405	945	23.28
7	83740	2.21E+11	2015ACS	Block Group 2, Census Tract 205.02, St. Martin Parish, Louisiana	LA	St. Martin	22	99	20502	2	1130	1900	2040	3135	60.61
8															

Enter the block group and census tract information on the **Project Beneficiaries** form in the OCD IGX system.

**B. MAPPING**

While the service area is still highlighted select the print icon and create a pdf of the map. Using the Snip-It Tool (or similar software) create a *Beneficiary Service Area Map* similar to the ones shown below. Include a data box that summarizes the data and list the data source being used.

The Beneficiary Service Area Map will be uploaded to the **Project Beneficiaries** form in the OCD IGX system.









## VI. IGX AREA BENEFIT – BENEFICIARY INCOME INFORMATION FORM

Subrecipients will need to perform the following calculations to complete the **Area Benefit – Beneficiary Income** form. Calculations will vary depending on whether place data was used or block group data was used.

### A. LMISD BY PLACE OR CONSOLIDATED CITY OR LMISD BY COUNTY SUBDIVISION

If LMISD by Place or Consolidated City or LMISD by County Subdivision data was used to determine national objective, the subrecipient should perform the following calculations using the LMISD by Local Government, Based on 2011-2015 ACS data extract. Enter the results in the **Area Benefit – Beneficiary Income** form in the OCD IGX system.

#### LMISD by Local Governments, Based on 2011-2015 ACS

	A	B	C	D	E	F	G	H	I	J	K
1	OBJECTID	GEOID	NAME	PLACE_TY	STATE	STUSAB	LOW	LOWMOD	LMMI	LOWMODUNIV	LOWMOD_PCT
2	6939	2209340	Breaux Bridge city	Incorporat	22	LA	2735	4635	5305	8140	56.94
3											
4	Total Number of Persons Benefiting = J2						8140				
5	Total Number of Persons ≤ 50% = G2						2735	33.60%			
6	Total Number of Persons Over 50% but ≤ 80% AMI = H2 - G2						1900	23.34%			
7	Total Number of Persons >80% AMI = J2 - H2						3505	43.06%			
8	Total Population						8140	100.00%			
9	Total LMI Population						4635	56.94%			
10											

#### IGX Area Benefit – Beneficiary Income Form

INCOME LEVELS	TOTAL
1. Total Number of Persons Benefiting	= J2 (LOWMODUNIV)
2. Total Number of Persons Less Than or equal to 50% Area Median Income	= G2 (LOW)
3. Total Number of Persons Over 50% not greater than 80% Area Median Income	= H2 (LOWMOD) – G2 (LOW)
4. Total Number of Persons Over 80% Area Median Income	= J2 (LOWMODUNIV) – H2 (LOWMOD)

## B. LMISD BY BLOCK GROUP

If LMISD by Block data was used to determine national objective, the subrecipient should perform the following calculations using the LMISD – All Block Groups, Based on 2011-2015 ACS data extract. Enter the results in the **Area Benefit -Beneficiary Income** form in the OCD IGX system.

### LMISD – All Block Groups, Based on 2011-2015 ACS

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	OBJECTID	GEOID	Source	geoname	Stusab	Countynai	State	County	Tract	Blckgrp	Low	Lowmod	Lmmi	Lowmoduniv	Lowmod_i
2	81299	2.20E+11	2015ACS	Block Group 3, Censu	LA	Calcasieu	22	19	500	3	165	330	430	680	48.53
3	81300	2.20E+11	2015ACS	Block Group 4, Censu	LA	Calcasieu	22	19	500	4	110	190	225	615	30.89
4	81301	2.20E+11	2015ACS	Block Group 1, Censu	LA	Calcasieu	22	19	600	1	270	715	830	1105	64.71
5	81302	2.20E+11	2015ACS	Block Group 2, Censu	LA	Calcasieu	22	19	600	2	225	635	635	1085	58.53
6	81303	2.20E+11	2015ACS	Block Group 3, Censu	LA	Calcasieu	22	19	600	3	655	700	740	1070	65.42
7	81304	2.20E+11	2015ACS	Block Group 4, Censu	LA	Calcasieu	22	19	600	4	195	535	885	1205	44.4
8	81305	2.20E+11	2015ACS	Block Group 5, Censu	LA	Calcasieu	22	19	600	5	540	805	805	900	89.44
9	81306	2.20E+11	2015ACS	Block Group 6, Censu	LA	Calcasieu	22	19	600	6	450	865	930	995	86.93
10	81307	2.20E+11	2015ACS	Block Group 7, Censu	LA	Calcasieu	22	19	600	7	350	420	510	610	68.85
11	81312	2.20E+11	2015ACS	Block Group 1, Censu	LA	Calcasieu	22	19	800	1	450	555	590	690	80.43
12	81315	2.20E+11	2015ACS	Block Group 4, Censu	LA	Calcasieu	22	19	800	4	275	515	770	885	58.19
13	81316	2.20E+11	2015ACS	Block Group 1, Censu	LA	Calcasieu	22	19	900	1	265	635	1235	1910	33.25
14	81317	2.20E+11	2015ACS	Block Group 2, Censu	LA	Calcasieu	22	19	900	2	95	210	335	620	33.87
15	81318	2.20E+11	2015ACS	Block Group 3, Censu	LA	Calcasieu	22	19	900	3	245	350	580	680	51.47
16	81319	2.20E+11	2015ACS	Block Group 4, Censu	LA	Calcasieu	22	19	900	4	40	185	400	595	31.09
17	81346	2.20E+11	2015ACS	Block Group 2, Censu	LA	Calcasieu	22	19	1600	2	770	940	1235	1495	62.88
18										Sum	5100	8585		15140	
19															
20															
21															
22															
23															
24															
25															
26															
27															

SUM COLUMNS K, L AND N.			
Total Number of Persons Benefiting = SUM COLUMN N	15140	100.00%	
Total Number of Persons ≤ 50% = SUM COLUMN K	5100	33.69%	
Total Number of Persons Over 50% but ≤ 80% AMI = SUM COLUMN L - SUM COLUMN K	3485	23.02%	
Total Number of Persons >80% AMI = SUM COLUMN N - SUM COLUMN L	6555	43.30%	
Total Population	15140	100.00%	
Total LMI Population	8585	56.70%	

### IGX Area Benefit – Beneficiary Income Form

INCOME LEVELS	TOTAL
1. Total Number of Persons Benefiting	= SUM COLUMN N (Lowmoduniv)
2. Total Number of Persons less than or equal to 50% of Area Median Income	= SUM COLUMN K (Low)
3. Total Number of Persons Over 50% not greater than 80% of Area Median Income	= SUM COLUMN L (Lowmod) – SUM COLUMN K (Low)
4. Total Number of Persons Over 80% of Area Median Income	= SUM COLUMN N (Lowmoduniv) – SUM COLUMN L (Lowmod)

## DEFINITIONS

<https://www.census.gov/glossary/>

**Area** - The size, in square miles, square kilometers, or square meters, recorded for each geographic entity for which the Census Bureau tabulates and disseminates data

**Block Group** - A statistical subdivision of a census tract, generally defined to contain between 600 and 3,000 people and 240 and 1,200 housing units, and the smallest geographic unit for which the Census Bureau tabulates sample data. A sub-division of a census tract (or, prior to 2000, a block numbering area), a block group is a cluster of blocks having the same first digit of their four-digit identifying number within a census tract.

**Boundary** - The extent or limit of a geographic area such as a block, census tract, parish, or place. A boundary may or may not follow a visible geographic physical feature and may be legal or statistical.

**Census** - A complete enumeration, usually of a population, but also of businesses and commercial establishments, housing, farms, governments, and so forth.

**Census Block** - A statistical area bounded by visible features, such as streets, roads, streams, and railroad tracks, and by nonvisible boundaries, such as selected property lines and city, township, school districts, and parish boundaries.

A block is the smallest geographic unit for which the Census Bureau tabulates decennial census data.

Many blocks correspond to individual city blocks bounded by streets, but blocks – especially in rural areas – may include many square miles and may have some boundaries that are not streets. The Census Bureau established blocks covering the entire nation for the first time in 1990. Previous censuses back to 1940 had blocks established only for part of the nation. Over 8 million blocks were identified for Census 2000 and over 11 million blocks were identified for the 2010 Census.

**Census Tract** - A small, relatively permanent statistical subdivision of a parish delineated by a local committee of census data users for the purpose of presenting data. Census tracts nest within counties, and their boundaries normally follow visible features, but may follow legal geography boundaries and other non-visible features in some instances. Census tracts ideally contain about 4,000 people and 1,600 housing units

**City** - The smallest administrative unit of a parish having a predominately urban population.

**City Block** - Blocks are typically bounded by streets. In cities, a census block may correspond to a city block, but in rural areas where there are fewer roads, blocks may be defined by other features.

**Data** - Refers to factual information about people and businesses collected in censuses and surveys and through administrative records (e.g., birth certificates) and the results released based on these data collections. A more precise definition makes a distinction between “data” (facts collected before processing) and “information” (facts processed, sorted, and released in tables or as microdata).

**Data Set** - Refers to the assembled results of one data collection operation (for example, the results of the 2010 Census or the 2012 Economic Census) as a whole or in major subsets (for example, 2010 Census Summary File 1 or the 2007 Survey of Business Owners). The dataset may include statistics, graphs, maps, microdata, printed reports, and results in other forms.

**Incorporated Area** - A type of governmental unit incorporated under state law having legally prescribed powers and functions. Types of incorporated places include cities, towns (except the New England states, New York, and Wisconsin), boroughs (except in Alaska and New York), and villages. Hawaii and Guam do not contain any incorporated places.

**Survey** - A data collection activity involving observation or questionnaires for a sample of a population. (A census is a 100-percent sample survey; it collects information about every member of a population.) Surveys are normally less expensive to conduct than censuses; hence, they may be taken more frequently and can provide an information update between censuses. Often, they are used to collect a wider variety of information than is collected in a census.

**Unincorporated Area** - An unincorporated area is a region of land that is not governed by a local municipal corporation; similarly, an unincorporated community is a settlement that is not governed by its own local municipal corporation, but rather is administered as part of larger administrative divisions, such as a township, parish, borough, village, city, canton, state, province or country. Occasionally, municipalities dissolve which may happen if they become fiscally insolvent. In these instances services, become the responsibility of a higher administration.

## RESOURCES

- HUD FY 2022 ACS 2011-2015 LMISD Home Page: [FY 2022 ACS 5-Year 2011-2015 Low-and Moderate-Income Summary Data - HUD Exchange](#)
- Overview CDBG Low-and Moderate-Income Data Documentation Process: [CDBG Low- and Moderate-Income Data - HUD Exchange](#)
- HUD Video Demonstrating Area Benefit to Low- and Moderate-Income Persons: [Demonstrating Area Benefit to Low- and Moderate-Income Persons - YouTube](#)
- LMISD Mapping Application: [Low- and Moderate-Income Summary Data, based on 2011-2015 ACS - Overview \(arcgis.com\)](#)
- ACS 2011 - 2015 All Block Group Data: [LMISD - All Block Groups, Based on 2011-2015 ACS - HUD Exchange](#)
- ACS 2011 – 2015 Local Government Summary Data: [LMISD by Local Governments, Based on 2011-2015 ACS - HUD Exchange](#)
- Notice CPD-19-02 Low- and Moderate-Income Summary Data Updates: [Notice CPD-19- 02: Low- and Moderate-Income Summary Data Updates - HUD Exchange](#)
- Notice CPD-14-013 Guidelines for Conducting Income Surveys to Determine the Percentage of LMI Persons in the Service Area of a CDBG Funded Activity: [Notice CPD-14- 013: Guidelines for](#)

[Conducting Income Surveys to Determine the Percentage of LMI Persons in the Service Area of a CDBG-Funded Activity - HUD Exchange](#)

- Guide to National Objectives and Eligible Activities for State CDBG Programs: [Guide to National Objectives and Eligible Activities for State CDBG Programs - HUD Exchange](#)
- Basically CDBG for State: [Basically CDBG for States - HUD Exchange](#)

# RECOVERY PROPOSAL AMENDMENT PROCESS

It is anticipated that as local governments implement projects funded under the **Resilient Communities Infrastructure Program** amendments to the Recovery Proposal will be necessary due to a wide variety of circumstances. These include but are not limited to: changes in projected project budgets as actual costs are determined; changes in project priorities as determined by the local jurisdiction; receipt of other funding/grants that can be utilized to fund CDBG-DR projects or to facilitate recovery needs; Action Plan Amendments that may expand or limit eligible activities or expenditures under the allocation; and/or performance requirements established by HUD or OCD.

The following policy presents a tiered process of submission and approval requirements to accommodate all modifications from non-substantial changes to changes requiring a full-scale amendment to a parish/municipality **Resilient Communities Infrastructure Program** Recovery Proposal.

## TIER I

Tier I consists of minor changes that may occur in correcting the budget for accuracy or as actual costs are identified through an A&E's appraisals or other cost analyses, such as:

- Changing line item amounts to accurately reflect administrative costs vs. project costs;
- Incorporating project delivery costs into the proper project cost;
- Changing projected project costs to reflect actual costs, when the true costs differ from the projected amount, requiring an adjustment in another project or projects to reflect the change, given that the change does not impede the ability of any of the impacted projects to be implemented.

## ACTION REQUIRED:

These corrections/adjustments, some of which may be required by OCD, may be submitted via e-mail by the parish/municipality, or the parish/municipality consultant serving as the grant administrator, with the individual's name, title, parish/firm, phone number and e-mail reflected. A revised budget must also be included in the submission.

These e-mails are to be sent to the OCD staff member assigned to the project. A revised budget must be attached.

Tier I changes will be reviewed for accuracy and adjustments to the Recovery Proposal by appropriate OCD staff. All budget changes will require OCD approval.

Upon approval, the assigned OCD staff person will acknowledge, via e-mail, that the budget adjustment(s) was approved and changes have been reflected in the applicable Recovery Proposal.

The request(s) and response(s), for Tiers I, II and III, will be maintained at the state level to track and document changes as each change occurs. The parish/municipality must also maintain a similar paper trail for audit purposes, to document changes, whether the changes are considered Tier I, Tier II or Tier III with acknowledgements and approvals from OCD for each amendment.

## TIER II

Tier II consists of adjustments that would significantly change the projects identified and approved in the Recovery Proposal (whether a project is a priority project or an alternate project). Examples of a significant change include:

- A priority project(s) being funded through other sources, therefore enabling the project to proceed without the use of **Resilient Communities Infrastructure Program** funds. In this case, the funds for that project or projects can be reallocated, with OCD approval, to other priority projects or used to fund an alternate project(s);
- An alternative project or projects being reassigned as a priority project(s), thereby replacing or eliminating a priority project(s). This may be precipitated by a priority project being deemed ineligible by OCD, local events within the community heightening the need for the alternate project, or other funding being found for priority projects as in the first example.

**Note:** Both examples above may also be precipitated by a change in federal or state directives, approved or sanctioned by HUD that may render an existing project or expenditure as ineligible, enabling a parish/municipality to reassess how these funds may be reallocated to address their disaster recovery needs.

## ACTION REQUIRED:

A significant change as described above, or other similar circumstances that may occur, requires:

1. A formal letter on parish/municipality stationery, with an original signature from the chief elected official (parish president, mayor, etc.), delineating and explaining the changes. The letter should be addressed to the OCD Director of Economic Development and Infrastructure. It must be accompanied by a revised budget and any support documentation the local entity deems appropriate.
2. It is recognized that there are local ordinances and practices in place within each parish/municipality that require or establish procedures for the local governing authority to make changes in its general fund or budget and/or require the chief elected official, or his/her designee, to properly inform the council/police jury of any changes as deemed appropriate and necessary.

Minimally, this is usually incorporated in the president's executive report, or it may require ratification by the council as a separate line item on the council/police jury agenda. OCD requires that these local requirements are followed.

3. For transparency purposes, and to inform the local citizenry who had input on the original proposal, it is advisable to disclose these changes at a council/police jury meeting, which is open to the public, recorded, and covered by the media.

OCD will review a Tier II amendment request to ensure eligibility of the alternate project at the time it is moved up to priority status. OCD will either approve the modification, with any comments thereto, or request additional clarification as may be needed.

Upon approval of the modification, the OCD staff assigned to the project will forward, via e-mail, a letter signed by the OCD Director of Economic Development and Infrastructure.

### TIER III

Tier III changes are considered to be of material substance and a major modification to the original Recovery Proposal as submitted. This would require and be considered an Amendment to the Recovery Proposal. It will require public input, the submittal of a revised proposal and a council/police jury resolution authorizing the submittal of the amended Recovery Proposal. A Tier III change may be precipitated by the following:

- Adding a new priority project(s) that was not previously included either as a priority project or as an alternate project;
- A change in approach to address an identified need, causing other priority projects to be eliminated or significantly cut back in scale;
- A situation that may cause the local governing authority to be unable to complete the project(s) in the allotted timeframe, or a situation that may cause either the parish/municipality or the state to terminate the Cooperative Endeavor Agreement (CEA);
- Other circumstances, such as changes required by HUD or OCD.

### ACTION REQUIRED:

The required process and documents include:

1. Amending the Recovery Proposal to reflect changes to the proposal so that it is clear why changes are being made, as well as the projects that are being eliminated or significantly impacted. The amended proposal must also include a project description of the new project or approach.
2. Conducting a public hearing on the amended proposal, providing a minimum seven (7) day advance notice, advertised in the Official Journal. Other parish/police jury processes regarding public meetings must also be followed. Copies of the public notice, agenda, tear sheet, sign-in sheets and minutes must be attached to the amended proposal.



3. Presenting the amended proposal and public comments to the council/police jury and having the council/police jury provide a resolution that tracks the changes and authorizes the parish president, mayor, or other chief elected official to sign and submit the amended proposal.
4. The amended Recovery Proposal and support documentation should be emailed to the assigned OCD staff.
5. A Tier III request will require approval by OCD. OCD will respond within two weeks of receiving the amended proposal. A CEA amendment may also be required. A parish/municipality should not proceed with implementing the amended portion of the Recovery Proposal until an approval notification is received from OCD.