

**METROPOLITAN NASHVILLE-
DAVIDSON COUNTY**

***ACTION PLAN FOR DISASTER
RECOVERY
Amendment One***

Utilizing Supplemental CDBG Disaster Recovery Funding
Authorized by the
Supplemental Appropriations Act, 2010
(Public Law 111-212)

Through the U.S. Department of Housing and Urban Development
Docket No. FR-5452-N-01
[Federal Register: November 10, 2010 (Volume 75, Number 217)]
Docket No. FR-5452-N-02
[Federal Register: April 14, 2011 (Volume 76, Number 72)]

**METROPOLITAN DEVELOPMENT AND HOUSING
AGENCY
Updated July 2011**

INTRODUCTION

In July 2010, Congress passed the Supplemental Appropriations Act, 2010 (Public Law 111-212), which provides Community Development Block Grant (CDBG) funding for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding that occurred from March 2010 through May 2010, for which the President declared a Disaster Area. The U.S. Department of Housing and Urban Development (HUD) published a Notice of allocations, waivers, and alternative requirements for the CDBG disaster recovery funds in the *Federal Register*, Volume 75, Number 217, Docket Number FR-5452-N-01, effective November 15, 2010.

The Metropolitan Government of Nashville-Davidson County received an initial allocation of \$10,731,831 of CDBG disaster recovery funds. As required by HUD, the City submitted an Action Plan describing the proposed use of funds for the initial allocation. HUD approved the Action Plan for Disaster Recovery in February 2011.

HUD issued Notice of a second allocation for CDBG disaster recovery grant funds of \$22,357,982 for Nashville-Davidson County, as published in the *Federal Register*, Volume 76, Number 72, Docket Number FR-5452-N-02, April 14, 2011. This Notice requires the City to submit an Amendment to Nashville-Davidson County's initial Action Plan for Disaster Recovery to provide details for the distribution of funds and the eligible program activities for the second allocation. This Amendment Number One describes the proposed use of funds for addressing unmet housing, infrastructure, recovery and economic revitalization needs in Metro Nashville as a result of the May flood.

The Metropolitan Development and Housing Agency (MDHA) has been designated to act as the lead agency responsible for the development and administration of Metro Nashville's Consolidated Plan and its related block grant programs (CDBG, HOME, HOPWA, and ESG) and will serve as the lead agency with respect to the Disaster Recovery Action Plan and related Amendments.

PROJECTED USE OF FUNDS

Methodology for Allocating Grant Resources and Relative Importance of the Project

Nashville-Davidson County received an initial allocation of \$10,731,831 and will receive a second allocation of \$22,357,982. The allocations are designated as follows:

Activities	Initial Allocation	Second Allocation	Total Allocation	Percent
Housing	\$ 9,400,000.00	\$ 13,000,000.00	\$ 22,400,000.00	68%
Infrastructure		\$ 5,150,000.00	\$ 5,150,000.00	16%
Recovery		\$ 1,750,000.00	\$ 1,750,000.00	5%
Planning	\$ 831,831.00	\$ 1,357,982.00	\$ 2,189,813.00	7%
Administration	\$ 500,000.00	\$ 1,100,000.00	\$ 1,600,000.00	5%
Total All Activities	\$ 10,731,831.00	\$ 22,357,982.00	\$ 33,089,813.00	100%

This Amendment Number One is intended to provide details on the program areas for the second allocation. These program areas were selected for the immediacy of need. The geographic area for these activities is Nashville-Davidson County, which the President has declared a Federal Disaster Area (FEMA Declaration Number: FEMA-1909-DR). If a specific area within Nashville-Davidson County is targeted, it will be indicated in the description of the activity.

Program income that is generated from any activity may be used for additional disaster-related activities until grant-closeout. At grant close-out, any program income on hand or received subsequently will become program income to the annual CDBG program.

Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5155), as amended, prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which that person has received financial assistance under any other program or from insurance or from any other source. CDBG disaster recovery funds will not be used for activities for which funds have been received (or will be received) from FEMA; the SBA; other local, state, or federal programs; insurance; or recovery support from private charity organizations. However, CDBG funds may be used to provide assistance to the extent that a disaster recovery need has not been met by other sources. Applicants for assistance will be required to disclose all sources of assistance received or to be received.

I. Housing Activities

Over 9,000 residential properties were damaged by the May flood. Approximately 5,800 affected properties are located outside of the 100-year flood plain. A total of 305 damaged homes located in vulnerable areas are currently included in the Hazard Mitigation (“buyout”) program, which has an estimated cost of \$60 million.

Damage to residential properties was wide-spread throughout the county, impacting all income groups and housing types – single-family, multi-family, rental, and owner-occupied. To assist homeowners in returning to their homes as soon as possible to preserve Metro Nashville’s housing stock, the initial allocation provided \$9.4 million for the repair/rehabilitation of owner-occupied homes. In addition, Metro Nashville reprogrammed \$2.5 million in CDBG funds and \$2.5 million in HOME Investment Partnership funds to “jump-start” the recovery effect. To date, award letters totaling \$13 million have been sent to 608 eligible homeowners. Of that, \$9.2 million is committed to assist over 500 homeowners repair their flood-damaged homes.

Although the City has been able to begin addressing housing issues resulting from the May flood, needs remain for rental property assistance, new construction, downpayment assistance, and buyout assistance. Needs also exist for those homeowners who were not served through MDHA’s emergency rehabilitation program during the 2010 program due to the reallocation of annual CDBG funds to disaster recovery. Addressing these needs is vital to the long-term recovery of Nashville’s affected neighborhoods and their economic vitality.

Nashville-Davidson County received a waiver to allow homeownership assistance for households with incomes up to 120% of area median income, downpayment assistance for up to 100% of the down payment, and new construction. Nashville-Davidson County also received a waiver to allow up to 50% of the allocation to assist activities under the slum and blight or urgent need national objectives, rather than the 30% allowed under the regular CDBG rules. Low and moderate benefit for the remaining 50% of the allocation is defined as homeownership assistance for households with incomes up to 80% of AMI and rental properties that serve tenants with an income up to 80% of AMI. Low and moderate income area benefit is defined as an area that has at least 51% of the population with a household income of less than 80% AMI.

The housing activity established in the Disaster Recovery Action Plan (updated February 2011) and funded through the initial allocation focused on repair/rehabilitation of owner-occupied homes. Additional housing activities proposed to be funded under this second allocation are as follows:

Rental Property Assistance

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$1,000,000
- *Eligible Applicants:* Landlords of flood-damaged properties with four units or fewer, including owners of a single rental property in which the unit is occupied by immediate family members
- *Threshold Criteria:* Properties located within the 100-year floodplain must meet all HUD environmental requirements, all applicable flood mitigation standards, and are insured by Federal Flood Insurance; properties located in a floodway, included in the “buyout” or qualify for the FEMA Hazard Mitigation Grant Program are not eligible
- *Grant Size Limit:*
 - 4% loans up to \$100,000 for a term of 10 years for landlords of rental properties of 2-4 units;

- for owners of a single rental unit: (1) 4% loans up to \$100,000 for optional terms of 10, 15 or 20 years; and owners of record at the time of the flood may potentially qualify for (2) \$10,000 grant, (3) 0% due on sale loan up to \$20,000
- *Responsible Entity:* MDHA, subrecipient

Rebuild/New Construction Assistance – Single-family Homes

CDBG Disaster Recovery funds will be allocated to assist owners in rebuilding or with new construction when the cost of repair or rehabilitation is not feasible.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$1,250,000
- *Eligible Applicants:* Owners of flood-damaged homes
- *Threshold Criteria:* Owner-occupied homes; feasibility of repairing an existing structure and of financing those repair determined on case-by-case basis; rebuild/new construction must occur on same property; properties located within the 100-year floodplain must meet all HUD environmental requirements, all applicable flood mitigation standards, and are insured by Federal Flood Insurance; properties located in a floodway, included in the “buyout” or qualify for the FEMA Hazard Mitigation Grant Program are not eligible
- *Grant Size Limit:* (1) 4% loan up to \$100,000 for terms of 10, 15, or 20 years, (2) \$10,000 grant, (3) 0% due on sale loan up to \$20,000
- *Responsible Entity:* MDHA, subrecipient

New Construction – For Sale Multi-family Homes

A significant portion of Nashville’s housing stock was impacted by the flood, and many homes may not be replaced or residents may choose to relocate outside of areas prone to flooding. To replenish the housing stock, offer more housing choices, and encourage revitalization of a targeted corridor, CDBG Disaster Recovery Funds will provide assistance for the development of for sale multi-family homes.

- *National Objective:* LMI Benefit; Slum & Blight; Urgent Need
- *Allocation/Grant Size Limit:* \$2,000,000
- *Eligible Activity:* New construction of for sale multi-family homes
- *Responsible Entity:* MDHA

Downpayment Assistance

The Downpayment Assistance program established under this Amendment will assist owners that choose to relocate due to the infeasibility of repairing their homes or who choose to move from a flood-prone area. Assistance will also be available to participants in the Hazard Mitigation Program or Voluntary Buyout Program.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$2,250,000

- *Eligible Applicants:* “Buyout” participants; owners who choose relocate due to land movement, elevation requirements, or where the available financing cannot meet the costs of repairing or rebuilding or who choose to move from flood-prone areas
- *Threshold Criteria:* Purchased property must be located in Davidson County and cannot be located in a floodplain
- *Grant Size Limit:*
 - For eligible applicants not in the “buyout” program: (1) 4% loan up to \$20,000 for a term of 5, 10, or 15 years and (2) due on sale loan up to \$10,000 with 4% of principal due at time of sale
 - For “buyout” participants: 4% loan up to \$20,000 for a term of 5, 10, or 15 years
- *Responsible Entity:* MDHA, subrecipient

Purchase or Purchase/Repair Assistance for Flood Damaged Properties

To preserve the housing stock, arrest decline, and encourage investment in flood-impacted neighborhoods, assistance will be available to buyers of flood-damaged homes in which repairs are substantially incomplete. The intent of this program is to address flood damaged homes that the original owner is selling or has sold, and the property remains unrepaired or only partially repaired. Funds may be used to purchase the property and complete repairs. However, in some instances, the new buyer only needs assistance with purchasing the property because other sources of funds are available for repair or only needs assistance with repairs, and funds may be used to assist with either the purchase or the repair.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$3,500,000
- *Eligible Applicants:* Investors and potential owner-occupants
- *Threshold Criteria:* Purchase must be from the owner of record through a voluntary sale; repairs must meet Code standards; properties located in a floodway, included in the “buyout” or qualify for the FEMA Hazard Mitigation Grant Program are not eligible
- *Grant Size Limit:*
 - For investors: 4% loan up to \$130,000 for a term of 10 or 15 years;
 - For owner-occupants: 2% loan up to \$130,000 for a term of 10 or 15 years
- *Responsible Entity:* MDHA, subrecipient

Lead-Based Paint Hazard Evaluation and Reduction; Inspections

Homes in which CDBG funds are used for rehabilitation or acquisition must comply with the requirements of 24 CFR part 35, which addresses lead-based paint hazards in homes that are federally owned or receive federal assistance. Funding will be made available for lead-based paint hazard evaluation and reduction as well as for construction inspections relating to disaster recovery housing programs.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$500,000
- *Eligible Activities/Threshold Criteria:*

- Lead-based paint hazard evaluation and reduction for homes constructed prior to 1978 in which rehab or acquisition has been funded through this Amendment.
- Construction inspections of homes in which rehab has been funded through this Amendment
- *Grant Size Limit:* Varies.
- *Responsible Entity:* MDHA

“Buyout” Local Match

The Hazard Mitigation Grant Program identifies properties that have been severely damaged by the flood or impede the floodway. By acquiring these properties, the threat of future flooding and damaged is minimized and new amenities, such as parks and open space, can be created. To date, assistance from FEMA in the amount of \$30 million and TEMA in the amount of \$5 million has allowed Metro to purchase 73 homes. However, approximately three hundred (300) properties have been identified as eligible for the buyout for a total cost of \$60 million. Funds under this allocation will provide assistance in purchasing these additional homes. CBDG Disaster Recovery Funds have been allocated to match FEMA assistance to further the “buyout” program, as allowed in the Notice.

- *National Objective:* LMI Benefit; Slum & Blight; Urgent Need
- *Allocation:* \$1,500,000
- *Eligible Applicants:* Eligible applicants to the FEMA Hazard Mitigation Grant Program
- *Threshold Criteria:* Receipt of a commitment letter or award for the FEMA Hazard Mitigation Grant Program for housing buyout
- *Grant Size Limit:* Limited to 12.5% or less of the total cost for the housing buyout
- *Responsible Entity:* Metro Government, MDHA

Emergency Rehab

In the 2010-2015 Consolidated Plan, MDHA established a goal to serve approximately 120 homeowners each year through the HOME and CDBG homeowner and rental rehab programs. The May flood occurred one month into the 2010 program year. In order to immediately respond to the disaster, MDHA amended the Consolidated Plan and 2010 Action Plan to reprogram approximately \$2.5 million in HOME funds and \$2.5 million in CDBG funds to disaster recovery. While these funds served to jump-start the repair of flood-damaged homes, other homes in need of repair were not served. Rehabilitation of these homes is vitally important to the stabilization of neighborhoods and ensuring the health and safety of the occupants; and the preservation of Nashville’s affordable housing stock, which was significantly impacted by the flood, furthers housing choices throughout Metro.

- *National Objective:* LMI Benefit
- *Allocation:* \$1,000,000
- *Eligible Applicants:* Households with incomes below 80% AMI

- *Threshold Criteria:* Owner-occupied homes in which conditions threaten the health and safety of the occupant; eligible projects include HVAC, plumbing, roofing, electrical, accessibility improvements
- *Grant Size Limit:* Grants up to \$10,000
- *Responsible Entity:* MDHA

II. Infrastructure

Flood waters spilled over the banks of the rivers and streams, inundating downtown Nashville and neighborhoods throughout the county and leaving behind debris and damaged infrastructure. In many areas, damaged and deteriorated infrastructure must be replaced. In the downtown riverfront area, new infrastructure that is suitable to the area will spur development and restore economic vitality to Nashville's tourism and recreation industries heavily affected by the flood.

Neighborhood Infrastructure

Flood-impacted neighborhoods in low-moderate income census tracts face substantial barriers to recovery and revitalization. To assist with recovery, CDBG Disaster Recovery Funds will be utilized to address water service infrastructure needs in these neighborhoods.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$400,000
- *Eligible Activities/Threshold Criteria:* Water services infrastructure such as storm water, flood and drainage improvements; waterways cleanup in qualified census tracts; priority determined by MWS Stormwater Division
- *Grant Size Limit:* Varies by project
- *Responsible Entity:* MDHA, Metro Government
- *Geographic Area:* Flood-impacted neighborhoods located in qualified census tracts

Riverfront Development

Nashville's downtown riverfront corridor serves as an epicenter of the region's internationally renowned tourism, entertainment and hospitality industry, and host to a broad array of historic, cultural and recreational amenities that contribute immensely to the general livability and quality of life of the downtown area. The community-generated Plan of Nashville (2005), the Downtown Community Plan (2007), the Nashville Riverfront Concept Plan (2007) and the Nashville Long Term Recovery Plan (2011) all recognize the downtown riverfront as a unique and precious resource that offers unique opportunities to preserve and reclaim natural ecosystems; provides for a diversity of recreational and open space amenities for downtown visitors, workers and residents; and serves as a catalyst for continued economic development and job creation within the general downtown area.

The May 2010 flood severely impacted both the economic and cultural viability of Nashville's downtown riverfront area, a key attraction for the region's tourism, entertainment and hospitality industries, and the local community as a whole. Numerous cultural, entertainment, retail,

business services as well as residential and business property owners and tenants incurred significant property damages and/or loss of revenues. The Schermerhorn Symphony Center alone incurred flood related property damage in excess of \$40m. Government facilities (e.g. Riverfront Park) and major utility providers (e.g. the Nashville Electric Service) were not spared. Timing of the flood could not have been worse for Nashville’s tourist-based economy, occurring in the critical weeks leading up to the community’s premier international entertainment event, the annual Country Music Awards festival on the downtown riverfront. Throughout the flood recovery period, potential visitors from around the world either postponed or canceled trips to the Music City. As a result of the May 2010 flood, business receipts were down, hospitality and other service-related jobs were lost, local and state tax revenues dropped, and the overall downtown community lost access to and utilization of its most significant recreational and open space asset, the downtown riverfront.

A direct outcome of the Downtown Riverfront Coordinated Revitalization Plan (see below) is the staged construction of an integrated framework of neighborhood enhancement, economic development and associated infrastructure projects along the downtown riverfront that include additional recreational, open space and entertainment amenities, walking, bicycling and parking enhancements and major utility system upgrades that incorporate sustainable storm water management techniques and flood mitigation features. Assistance will be made available for these activities.

- *National Objective:* Slum & Blight; Urgent Need
- *Allocation:* \$3,000,000
- *Eligible Activities/Threshold Criteria:* Construction of infrastructure improvements in the downtown riverfront area that are suitable to the area; implementation of the Downtown Riverfront Coordinated Revitalization Plan
- *Grant Size Limit:* Varies by project
- *Responsible Entity:* MDHA
- *Geographic Area:* Downtown riverfront area

Greenways, Parks, and Open Spaces

Nashville’s greenway system connects neighborhoods to various points of activity while providing alternative transportation; its parks and open spaces provide every citizen in Nashville-Davidson County with active and passive recreational opportunities. Virtually all of the parks, greenways, and open spaces along the Cumberland River and its tributaries were inundated by the flood waters. CDBG Disaster Recovery funds will be used to address these public amenities impacted by the flood.

- *National Objective:* LMI Benefit; Urgent Need
- *Allocation:* \$1,750,000
- *Eligible Activities:* Construction, reconstruction, rehabilitation or installation of improvements
- *Threshold Criteria:* Greenways, parks, and open space in flood impacted areas
- *Grant Size Limit:* Varies by project

- *Responsible Entity:* Metro Government
- *Geographic Area:* Richland Creek/Del Ray; Whites Creek/West Hamilton; Mill Creek/Thompson Lane-Old Glenrose-Wimpole; other flood impacted areas

III. Recovery

Recovery efforts to stabilize Nashville’s neighborhoods and reduce threats to health and safety include CDBG-assisted voluntary acquisition and code enforcement.

Voluntary Acquisition

Many owners of properties damaged by the May flood are not eligible for funding through FEMA’s Hazard Mitigation Grant Program, yet they may find it infeasible to use or rebuild due to the damage level, age of the structure, and/or elevation required to lawfully reconstruct the property. CDBG Disaster Recovery funds will be used to implement a voluntary acquisition and related clearance program to assist owners who wish to sell/vacate their property.

- *National Objective:* LMI Benefit; Slum & Blight; Urgent Need
- *Allocation:* \$1,000,000
- *Eligible Applicants:* Owners of flood damaged properties not included in the “Buyout” program and determined ineligible for funding through FEMA’s Hazard Mitigation Grant Program
- *Threshold Criteria:* Compliance with 24 CFR part 570.505 and the Uniform Relocation Act
- *Grant Size Limit:* Post-flood values as provided in the Notice and costs associated with clearance
- *Responsible Entity:* MDHA

Code Enforcement and Clearance

In neighborhoods where flood-impacted properties are vacant as owners choose not to return, code enforcement serves to arrest decline in the area and reduces threats to health and safety. Assistance will be provided to strengthen code enforcement efforts, such as costs incurred for inspections and enforcement of code requirements. These efforts will further flood recovery efforts in impacted areas. Assistance will also be made available for clearance activities, such as debris removal.

- *National Objective:* LMI Benefit; Slum & Blight; Urgent Need
- *Allocation/Grant Size Limit:* \$750,000 total allocation.
- *Eligible Activities/Threshold Criteria:* Ensure properties in a flood-impacted area comply with property standards; strengthen code enforcement efforts; clearance
- *Responsible Entity:* MDHA, Metro Government

IV. Planning

Although the Notice provides for planning activities up to 15% of the total allocation, approximately 7% of the second allocation is designated for planning activities.

Long-term Recovery Planning

With funding from the initial allocation, Metro Nashville began a long-term community recovery planning process, gathering input from the community to prepare recommendations related to a Long-Term Recovery Plan (LTRP). A copy of the LTRP is available at <http://www.nashvillerecovery.com/docs/longterm/NashvilleLTRP.pdf>. The LTRP is a starting point that provides a framework for evaluating, coordinating, and prioritizing recovery efforts. Continued long-term recovery planning will aid the City in identifying projects and programs that can be implemented by the public, private, and non-profit sectors to address the restoration of infrastructure, housing, and economic vitality of Nashville.

- *National Objective:* N/A
- *Allocation/ Grant Size Limit:* \$407,982
- *Eligible Activities/ Threshold Criteria:* Long-term recovery planning for Nashville-Davidson County
- *Responsible Entities:* MDHA, Mayor’s Office of Flood Recovery

Housing Research

The flood affected all housing types at all income levels and drastically changed the nature of Nashville’s housing market conditions. One of the initiatives identified in the Long-Term Recovery Plan to analyze housing needs is the creation of an Applied Housing Research, Policy and Plan Partnership. Through this partnership, a Housing Report and Action Plan will provide a collaborative approach to studying current and future housing issues. The plan will identify housing opportunities within the context of overall housing market conditions from different market perspectives, identify policy implications, and present policy options that align housing initiatives and programs with existing and anticipated housing market conditions after the flood.

- *National Objective:* N/A
- *Allocation/ Grant Size Limit:* \$250,000
- *Eligible Activities/ Threshold Criteria:* Development of a Housing Report and Action Plan
- *Responsible Entities:* MDHA, subrecipient

OEM Strategic Planning

Among its many functions, Metro’s Office of Emergency Management develops plans and procedures to ensure the highest level of mitigation, preparedness, response and recovery. As part of its strategic planning efforts, Metro will implement a review of the actions taken during the May 2010 flood and the response of the various departments to the emergency crisis.

- *National Objective:* N/A

- *Allocation/ Grant Size Limit:* \$250,000
- *Eligible Activities/ Threshold Criteria:* Development of OEM Strategic Plan; review of 2010 flood response
- *Responsible Entity:* Mayor’s Office of Flood Recovery

Downtown Riverfront Coordinated Revitalization Plan

As a result of the torrential rains in May 2010, the Cumberland River crested at 51.86 feet – 12 feet above flood stage. Nashville’s downtown riverfront area, including Riverfront Park and much of the famous tourist district of lower Broadway, were under water.

In light of the May flood, the City must re-examine proposed development for the downtown riverfront area. As envisioned in the Long-Term Recovery Plan, a Downtown Riverfront Coordinated Revitalization Plan will establish the clear and concise framework required to properly guide staging, budgeting, design and construction of projects in a manner that is efficient, cost-effective, and suitable to the revitalization of this affected area.

- *National Objective:* N/A
- *Allocation/Grant Size Limit:* \$450,000
- *Eligible Activities/Threshold Criteria:* Development of a Downtown Riverfront Coordinated Revitalization Plan
- *Responsible Entity:* MDHA
- *Geographic Area:* Downtown riverfront area

V. Administration

- *National Objective:* N/A
- *Allocation:* Up to 5% (\$1,100,000.00) of funds from the second allocation
- *Eligible Activities:* Activities described in the Notice and allowable under 24 CFR part 570.206
- *Threshold Criteria:* Actual administrative expenses related to the administration of disaster recovery programs described in this Amendment
- *Grant Size Limit:* Total administrative costs, including costs incurred by subrecipients, may not exceed the HUD limit of 5% of funds
- *Responsible Entities:* MDHA, Mayor’s Office of Flood Recovery, subrecipients

REQUIREMENTS NOT WAIVED

The Supplemental Appropriations Act authorizes the Secretary of HUD to waive, or specify alternate requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of the funds and guarantees, except for the requirements discussed below. A complete list of the waivers approved to date can be found in the *Federal Register*, Volume 75, Number 217, Docket Number FR-5452-N-01, November 10, 2010, beginning on page 69103, and are summarized in Appendix B of the Action Plan for Disaster Recovery, updated February 2011.

Activities funds under the Supplemental Appropriations Act must comply with the requirements related to fair housing, nondiscrimination, labor standards, and environment (including requirements concerning lead-based paint) are not waived. Further, HUD's regulations at 24 CFR 135, which implement section 3 apply.

CITIZEN PARTICIPATION PROCESS

The Metropolitan Government and MDHA support and encourage citizen participation in the development of the Disaster Recovery Action Plan and related amendments. Many of the concerns expressed by citizens participating in the long-term recovery planning process have been incorporated into the Action Plan and Amendment One. Because Amendment One includes a second allocation of disaster recovery funds and additional programs, it is considered a substantial amendment.

Substantial amendments must be authorized by the Metropolitan Mayor and approved by resolution by the Metropolitan Council. For substantial amendments, MDHA will follow the citizen participation process as described in the Disaster Recovery Action Plan, updated February 2011. Following the public notice period, the proposed amendment will then be submitted to the HUD Knoxville Field Office for review. For minor amendments, MDHA will notify the HUD Knoxville Field Office.

Amendment One to the Metro Nashville-Davidson County Disaster Recovery Action Plan was released for public comment on Friday, May 27, 2011, and extended through 6:00 P.M., central time, on June 7, 2011. Members of the public were invited to view the draft Action Plan prior to its submission during normal business hours of 7:30 A.M. to 4:00 P.M., central time, Monday through Friday, at the Metropolitan Development and Housing Agency, 701 South Sixth Street, Nashville, Tennessee 37206. The draft Amendment is also be available for review on the Mayor's Flood Recovery website at <http://www.nashvillerecovery.com/> and on MDHA's website at <http://www.nashville-mdha.org/>. The Amendment was made available to the Metro Mayor's Office, all Metro Council members, and Metro agency directors. Copies of the Amendment are available in English and Spanish and other languages upon request.

Written comments may be submitted electronically at comments@nashville-mdha.org or mailed to the following address:

Metropolitan Development and Housing Agency
Development Department
701 South Sixth Street
Nashville, Tennessee 37206.

Following the public comment period, the Amendment will be updated and submitted to HUD on or about June 10, 2011. Comments received and MDHA's responses are included in Appendix A.

APPENDICES:

Appendix A: Public Comments and Responses

Appendix B: Certifications/SF 424

APPENDIX A

PUBLIC COMMENTS AND RESPONSES

No public comments were received.

APPENDIX B

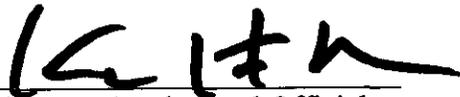
CERTIFICATIONS

In accordance with the applicable statutes and regulations governing the consolidated plan the Supplemental Appropriations Act, 2010, the Metropolitan Government of Nashville-Davidson County certifies that:

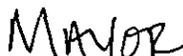
- a) It will affirmatively further fair housing, which means that it has or will conduct analysis to identify impediments to fair housing choice within Metro Nashville, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)
- b) It has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- c) It is in compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- d) The Action Plan for Disaster Recovery is authorized under state and local law and the Metropolitan Government, and any entity or entities designated by it, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with the applicable HUD regulations and this Notice.
- e) It will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- f) It will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- g) It is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waiver and alternative requirements for this grant).
- h) It is complying with the following criteria:
 - 1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic development in areas affected by severe storms and flooding that occurred between March and May, 2010, for which the President declared a major disaster covering an entire State, or States with more than 20 counties declared major disasters, under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*).
 - 2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - 3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.

Metropolitan Nashville-Davidson County Action Plan for Disaster Recovery

- 4) The Metropolitan Government will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessed made as a condition of obtaining access to such public improvements, unless: (A) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the Metropolitan Government certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).
- i) The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations.
- j) It has and is enforcing:
 - 1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
 - 2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdictions.
- k) It will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55.
- l) It will comply with applicable laws.


Signature/Authorized Official


Date


Title

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/03

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED 6/10/2011	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION	
Legal Name: Metropolitan Government of Nashville-Davidson County	Organizational Unit: Department: Metropolitan Development and Housing Agency
Organizational DUNS: 078-217-668	Division: Community Development
Address: Street: 100 Metro Courthouse	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Phil
City: Nashville	Middle Name
County: Davidson	Last Name Ryan
State: Tennessee	Zip Code 37201
Country: USA	Suffix:
	Email: pryan@nashville-mdha.org

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 62-0694743	Phone Number (give area code) 615-252-8410	Fax Number (give area code) 615-252-3677
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8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) A <input type="checkbox"/> Other (specify)	7. TYPE OF APPLICANT: (See back of form for Application Types) N. Other Other (specify) City/County Metropolitan Government
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10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Labor Management Cooperation Program 12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Nashville-Davidson County, Tennessee	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Supplemental Appropriations Act, 2010 (Public Law 111-212)
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13. PROPOSED PROJECT Start Date: 5/01/2010 Ending Date:	14. CONGRESSIONAL DISTRICTS OF: a. Applicant TN District 5 b. Project TN District 5
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15. ESTIMATED FUNDING: <table border="1"> <tr><td>a. Federal</td><td>\$</td><td>33,089,813</td><td>00</td></tr> <tr><td>b. Applicant</td><td>\$</td><td></td><td>00</td></tr> <tr><td>c. State</td><td>\$</td><td></td><td>00</td></tr> <tr><td>d. Local</td><td>\$</td><td></td><td>00</td></tr> <tr><td>e. Other</td><td>\$</td><td></td><td>00</td></tr> <tr><td>f. Program Income</td><td>\$</td><td></td><td>00</td></tr> <tr><td>g. TOTAL</td><td>\$</td><td>33,089,813</td><td>00</td></tr> </table>	a. Federal	\$	33,089,813	00	b. Applicant	\$		00	c. State	\$		00	d. Local	\$		00	e. Other	\$		00	f. Program Income	\$		00	g. TOTAL	\$	33,089,813	00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$	33,089,813	00																										
b. Applicant	\$		00																										
c. State	\$		00																										
d. Local	\$		00																										
e. Other	\$		00																										
f. Program Income	\$		00																										
g. TOTAL	\$	33,089,813	00																										

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
 Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative		
Prefix	First Name Karl	Middle Name
Last Name Dean	Suffix	
b. Title Mayor	c. Telephone Number (give area code) 615-862-6000	
d. Signature of Authorized Representative	e. Date Signed 6/9/11	