

METROPOLITAN NASHVILLE- DAVIDSON COUNTY

ACTION PLAN FOR DISASTER RECOVERY

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)]

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY
Updated February 2011

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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, this Action Plan describes the proposed use of funds for addressing unmet housing, infrastructure, and economic revitalization needs in Metro Nashville as a result of the May flood. This document will describe:

- the effects of the flood and Metro Nashville's recovery needs;
- activities for which funding may be used;
- the citizen participation process; and
- grant administration standards.

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 this Action Plan.

THE EFFECT OF THE DISASTER AND METRO'S RECOVERY NEEDS

On May 1 and 2, 2010, Middle Tennessee experienced unprecedented rainfall which caused extensive flooding and damage throughout Metropolitan Nashville-Davidson County. As a result, President Obama declared Davidson County a Federal Disaster Area on May 4, 2010 (FEMA Declaration Number: FEMA-1909-DR). Damage to private property is estimated at \$2 billion, while damage to public buildings and infrastructure is estimated at \$300 million. Economic losses are expected to be in the billions.

Areas Affected by the Disaster

Damage in Metro Nashville was widespread, with over 11,000 properties in 36 zip codes affected by the flood. (See Appendix A for a map of affected areas.) Households, businesses, and major cultural and entertainment venues were impacted.

- Over 9,000 residential properties sustained damage. Approximately 5,850 affected properties are located outside of the 100-year floodplain. A total of 305 damaged homes located in vulnerable areas are currently included in the initial phase of the Hazard Mitigation (“buyout”) program, which has an estimated cost of \$64 million.
- An estimated 2,700 businesses throughout Metro Nashville sustained flood damage. Of these, approximately 40% were retail properties, 10% were warehouse and storage properties, 8% were office properties, 6% were assorted commercial use, and the remainder were associated with self-employed and residential settings. Businesses in Metro Nashville with flood damage account for at least \$3.6 billion in annual revenue. Over 14,000 employees work at these businesses.
- Damage to major cultural and entertainment venues resulted in a drastic decline of tourism in “Music City” causing an economic hardship for businesses and economic losses for Metro Nashville. Damage to the Grand Ole Opry House, a major tourist destination was estimated between \$17,000,000 and \$20,000,000. Other attractions, such as the Gaylord Opryland Hotel, the Schermerhorn Symphony Center, and the Country Music Hall of Fame sustained significant damage.
- Damage to public buildings and infrastructure was reported throughout Metro Nashville. On May 3, 2010, 115 roads in Metro Nashville were closed to traffic. The K.R. Harrington water treatment plant – one of two water treatment plants in Nashville-Davidson County – sustained significant damage and was out of operation for approximately one month. To ensure the drinking water supply remained sufficient for basic health and hygiene needs, Metro Water Services implemented water conservation measures. Businesses that relied on drinking

water from the public system for plant nursery stock or car washing were ordered to cease such use, and, as a result, suffered economic losses.

Federal, State, and Other Disaster Responses

The response of federal, state, and local agencies was immediate. The declaration of Davidson County as a Federal Disaster Area within days of the flood made Metro Nashville eligible for federal assistance, and FEMA opened three disaster recovery centers in Davidson County. To date, FEMA has awarded \$86.1 million to 12,900 households in Davidson County. Two thousand three hundred seventy-one (2,371) households and businesses have received assistance from the SBA in an approximate amount of \$117 million. In addition, non-profit organizations and citizens mobilized quickly to provide assistance to their neighbors. However, substantial unmet needs remain despite these response efforts.

To address the most critical needs, the Metropolitan Mayor submitted an amendment to the 2010-2015 Five-Year Consolidated Plan for Housing and Community Development and the 2010-2011 Action Plan to HUD to provide assistance to flood victims in Metro Nashville. Under this Amendment, Metro Nashville reallocated \$2,963,336 in CDBG funds and \$2,937,600 in HOME Investment Partnership funds to expedite the repair of damaged housing. Subsequently, Metro established a rehab loan and grant program. The demand has been overwhelming, and additional funding is required to meet the housing needs of affected residents.

To further assist recovery efforts, Congress passed the Supplement Appropriations Act, 2010 (Public Law 111-212), which appropriated \$100 million in Community Development Block Grant Funds for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas declared major disasters by the President due to severe storms and flooding that occurred from March 2010 through May 2010. HUD announced the availability of \$50 million of the \$100 million to the affected areas as published in the *Federal Register*, Volume 75, Number 217. Metropolitan Nashville-Davidson County has initially been allocated \$10,731,831 of CDBG funds for disaster recovery.

Ongoing Damage Assessment

Inspectors from Metro Codes and Building Safety, the Fire Marshal's Office, and the Assessor of Property's Office conducted damage assessments of buildings and structures utilizing maps of the impacted areas prepared by the Metro Planning Department. In addition, inspectors from Public Works conducted an assessment of the infrastructure system, such as roadways and bridges, while the Water Services Department surveyed drainage and other waterway systems. The Metro Planning Department developed an interactive map providing information on parcels, roads, and other facilities that were impacted by the flood. The total cost of recovery continues to rise as more homeowners, businesses, and government agencies assess the damage and undertake rebuilding efforts.

In assessing the need for CDBG assistance in Metro Nashville, the Mayor's Office and MDHA are working to identify gaps where response efforts have not met all needs. Although, the full extent to which needs relating to housing, infrastructure, and economic revitalization have not yet been determined, this initial Action Plan will outline Metro Nashville's plan to address the most urgent needs.

PLAN FOR DISASTER RECOVERY

Metro Nashville promotes sound short- and long-term recovery planning through the activities listed below.

Short-Term Recovery Planning

- Provide advice and support to individuals, families, businesses, non-profit organizations, and others seeking assistance by providing a central point for information regarding:
 - Financial assistance
 - Transportation
 - Business assistance
 - Housing/rebuilding
 - Healthcare
 - Mental health
 - Legal services
 - Utility information
 - Tax relief
 - Pets.
- Ensure immediate needs for housing are addressed for those who must be relocated, either temporarily or permanently.
- Provide an expedited building permit process.
- Provide incentives for small businesses for restoring and rebuilding their businesses.
- Update floodplain mapping for the entire county.
- Seek input from citizens and local government officials for methods for distributing CDBG disaster recovery funding.

Long-Term Recovery Planning

- Ensure the availability of adequate, affordable housing and provide opportunities for individuals or families to rent or purchase those homes.

- Invest in the housing stock through rebuild efforts.
- Provide for the long-term stability of affected neighborhoods through redevelopment and revitalization efforts.
- Provide assistance to Metro agencies to restore infrastructure and public facilities.
- Provide assistance to businesses and non-profit organizations in recovering from the physical and economic damage resulting from the flood.
- Support integrated regional planning to address recovery and work with other jurisdictions for ongoing initiatives.
- Adopt a comprehensive land planning and engineering design approach intended to protect watersheds.
- Promote green infrastructure and green building techniques.
- Promote education and outreach efforts to Metro Nashville residents as they recover from the flood and plan for future disasters.
- Develop a long-term community recovery plan.

Promotion of Land Use Decisions that Reflect Responsible Flood Plain Management and Removal of Regulatory Barriers to Reconstruction

Reducing the probability of its citizens being impacted by flooding during future storm events is a priority for Metro Government. By ordinance, the Metro Council approved legislation pertaining to low impact development practices, no adverse impact design, and associated incentives. Construction that may increase the degree of flooding is prohibited. No new structures can be constructed in a floodway, and structures currently located in a floodway may be maintained or repaired so long as the casualty loss does not exceed 50% of the appraised value of improvements on the property. However, no existing structure located in a floodway may be enlarged or expanded beyond its existing height or building footprint.

In addition to these land use restrictions, the Metro Department of Water and Sewerage Services (MWS) must develop a new volume of its Stormwater Management Manual no later than August 1, 2011. MWS must establish a stakeholder committee to assist in the development of the updated manual, which must address practices, incentives, and implementation strategies for green/low impact stormwater infrastructure and infill development. More specifically, the manual must include provisions to address the following:

1. Management of floodplain development, including uses of wetlands, floodplain storage, and environmental features;
2. The concept of “no adverse impact” for site design;
3. Removing barriers to the utilization of low-impact development (LID) in existing Metro Codes and Departmental Standard Operating Procedures;
4. “In-lieu of” programs that might increase overall LID utilization on development projects within Nashville and Davidson County; and
5. Minimum floor elevation requirements for residential and nonresidential development.

In an effort to remove regulatory barriers to reconstruction, the Codes Department established an expedited permit procedure. Owners of flood-damaged single family residential properties are able to receive their flood repair permits online, without visiting the Codes Department. As discussed below, the Codes Department made information regarding the permit process widely available throughout the county.

Leveraging Other Funds

To generate a more effective and comprehensive recovery, CDBG disaster recovery funds may be used to leverage additional resources. For homes purchased as part of the voluntary Hazard Mitigation Buyout program, FEMA will pay 75% percent of the costs and state and local funds, including CDBG disaster recovery funds, could be used to cover a portion of the remaining costs. Reprogrammed CDBG funds have leveraged funding from a Community Development Financial Institution (CDFI), a non-profit foundation, and a bank to provide assistance to homeowners to repair flood damaged homes. Disaster recovery funds will be used to fill unmet needs remaining after funds from FEMA, SBA, insurance and private donations have been exhausted. Additional opportunities to partner with other government agencies, businesses, and non-profit organizations will be expanded as Metro Nashville continues its recovery efforts.

Encouragement of High-Quality, Durable, Energy Efficient, Sustainable, and Mold Resistant Construction Methods

The Metropolitan Government has adopted the 2006 International Building Code with Local Amendments, and it is the responsibility of the Department of Codes and Building Safety to provide permitting, inspection, and enforcement services. A building permit is required before repairs can be made to flood-damaged homes and buildings. To assist homeowners and contractors with repairing flood damaged homes, the Codes Department developed Guidelines for Permits Associated with the Repair of Flood Damaged Homes and Buildings, which is available on the department’s website and has been widely distributed throughout the county. The guidelines describe the permit process, how to perform repairs, and the inspection process. A section of the guidelines specifically addresses mold issues. The Mayor’s Office of Sustainability promotes green buildings techniques, including energy efficient measures.

Encouragement of Adequate, Flood-Resistant Housing for All Income Groups in the Disaster-Affected Areas

Metro Nashville encourages the provision of adequate, flood resistant housing through its permitting process, codes enforcement, and land use policies. To ensure that housing is available for all income groups in Metro Nashville impacted by the flood, reprogrammed CDBG funds and most of the CDBG disaster recovery funds will target housing activities, such as rehabilitation loans and grants, homebuyer assistance, and interim mortgage assistance. Individuals and families impacted by the flood and who have unmet needs will be eligible for assistance under this Plan. In addition, Metro Nashville addresses its emergency and transitional housing needs through its Continuum of Care; and Metro's Consolidated Plan identifies specific strategies and actions that Metro takes to address a variety of housing needs for low- and moderate-income persons. Through the Homeless Management Information System (HMIS), Metro can assess the needs of individuals and families and link them to available services.

The focus for serving a population affected by a disaster is removing barriers to housing. To specifically address emergency shelter and transitional housing needs of homeless individuals and families (including subpopulations) affected by the flood, the Metropolitan Homelessness Commission (MHC) created partnerships with local homeless service providers (agencies/organizations that offered case management and/or housing services) and with MDHA. Each homeless person affected by the flood was offered temporary emergency shelter through Red Cross Disaster Shelters that were established. In addition, coordinated services were provided to remove barriers to housing (i.e., birth certificates, social security cards, identification, etc.). Each homeless person affected by the flood was also assigned a case manager to help them with personal needs and to help them identify and secure housing once a housing voucher was issued.

MDHA coordinated a mass sign-up for housing applications for homeless individuals to receive housing vouchers. MHC then worked with each individual and his/her case manager to ensure that all issued vouchers were properly utilized by those individuals. This process was essentially a mini "Project Homeless Connect" coupled with MHC's Housing First initiative.

Affordable housing is the key to preventing individuals, families with children and those with income below 30% from becoming homeless. The first step in determining where help is needed is assessing an individual's problem(s) and analyzing their income and expenses. The estimated cost to prevent a person from becoming homeless is \$500 to \$3,000, while the estimated cost to pull a person out of homelessness ranges from \$17,000 to \$21,000. By referring individuals to Metro's Social Service Homeless Prevention program and to other providers administering the Rapid Re-housing Program, the city can prevent individuals and families from becoming homeless.

Currently, MHC is experiencing a 92% housing retention rate for those individuals that have received housing with wrap-around case management. Comprehensive wrap-around case management is the key to transitioning individuals to self-

sufficiency/independent living. Case management with a 10:1 ratio can and will move individuals to independent living quickly.

Special needs populations need housing vouchers (i.e., Shelter Plus Care vouchers, VA-VASH vouchers) and comprehensive wrap-around case management to help them maintain housing. Persons with mental health and/or chronic medical issues are not able to work and need services and housing assistance in order to live independently.

MONITORING STANDARDS AND PROCEDURES

The MDHA Development Department will oversee all activities and expenditures of the Disaster Recovery Funds. To maintain a high level of transparency and accountability, MDHA will apply its strategy for monitoring projects funded through the Consolidated Plan to activities funded through this Action Plan. The primary purpose of MDHA's monitoring strategy is to ensure that all projects comply with applicable federal regulations and are effectively meeting their stated goals. The monitoring process focuses on program and financial compliance and will include desk reviews and onsite monitoring by MDHA staff and independent auditors. The results of monitoring activities will be reported to the Executive Director of MDHA.

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.

MITIGATING FRAUD, ABUSE, AND MISMANAGEMENT

All activities must be conducted in compliance with applicable CDBG rules and regulations, as well as other applicable federal regulations such as OMB Circulars A-87, A-133, and 24 CFR Part 85 (Uniform Administrative Requirements). Subrecipients who have received \$500,000 or more in federal funding during the preceding year will be required to submit an audit in accordance with OMB Circular A-133.

Efforts to mitigate fraud, abuse, and mismanagement include regular monitoring of activities, as described. MDHA's Finance Department will assist the Development Department in reviewing expenditures, while independent auditors will audit activities for program and financial compliance. MDHA reserves the right to take appropriate action in instances of non-compliance, fraud, and mismanagement including, but not

limited to, disallowing ineligible costs, terminating contracts/agreements, and requiring repayment of funds.

As required under the Notice, MDHA will submit quarterly reports to HUD through the Disaster Recovery Grant Reporting (DRGR) system no later than 30 days following each calendar quarter. Within three days of submission of each quarterly report to HUD, MDHA will post the report on its website for public review.

PROJECTED USE OF FUNDS

Methodology for Allocating Grant Resources and Relative Importance of the Project

The following activities are proposed for Metro Nashville's allocation of the initial Supplemental Appropriation. These activities were selected for the immediacy of need. Metro Nashville anticipates that these and additional activities will also be funded under future allocations from HUD.

I. Housing Activities

Repair/rehabilitation of owner-occupied homes

While needs exist regarding infrastructure restoration and economic revitalization, ensuring that the housing needs of the residents of Davidson County are met is the highest priority. To date Nashville has received over 800 requests for assistance from homeowners. While we are still processing these requests, the average unmet need for each of the homeowners appears to be in excess of \$20,000 per home. Nashville will expend at least \$9.9 million on homeowner repair. The maximum assistance any homeowner is eligible to receive is outlined below.

- *Allocation for Activity*
 - \$9.9 million will be allocated to this activity, which includes \$5 million for reimbursement of costs advanced by Metro Government for housing repair/rehabilitation undertaken since the date of the flood – May 1, 2010.
 - Program income that is generated from housing activities may be used for additional disaster-related housing activities until grant-closeout.
- *Eligible Applicants*
 - Applicants must be residents of Davidson County, Tennessee.
 - Applicants must own and occupy the home at the time of the disaster.
 - Application for housing assistance is from an eligible applicant as provided in the Notice. Nashville-Davidson County received a waiver to serve households with incomes greater than 120% AMI under the urgent need National Objective. Metro may elect to utilize a CDFI to administer the homeowner rehabilitation program, thereby allowing greater flexibility in meeting the low- and moderate-income National Objective.

- *Threshold Criteria*
 - All proposed activities will take place within Davidson County.
 - Applicants must have an identified need that has not been met through FEMA, SBA, insurance, or private donation.
- *Grant Size Limit*
 - Assistance to qualified households may be in the form of (1) grants up to \$10,000, (2) 0% due on sale loans up to \$20,000, and/or (3) a 4% monthly payment loan with optional terms of 5-, 10-, 15-, or 20-years.
- *Responsible Entities*
 - MDHA.
- *Geographic Area*
 - Davidson County, Tennessee.

To further meet the housing needs of Nashville-Davidson County residents impacted by the flood, other housing programs may be established as additional funds become available.

II. Planning

Long-Term Community Recovery Planning

At the urging of Federal officials and in accordance with FEMA ESF-14 guidance, the Metropolitan Government has begun a long - term community recovery planning process. Following a request for proposal and a competitive process, a consultant group was chosen to gather community input and prepare recommendations related to a Long-Term Community Recovery Plan (LTCRP). This group was chosen in part because of previous experience in post-disaster recovery plans and in part for the strong emphasis on sustainability and community involvement included in the proposal.

The LTCRP focuses on four specific areas of recovery: housing, economic development, social services, and neighborhood enhancement and will generate numerous project proposals, policy changes, and study recommendations, all of which are evaluated under FEMA criteria for recovery value. This process includes an aggressive effort to solicit public comment and participation through a variety of outreach activities, including working groups, open house-style meetings, charrettes, and an interactive web site.

- *Threshold Criteria*
 - This activity will focus on long-term recovery planning for Nashville-Davidson County.
- *Grant Size Limit*

- The Notice provides for planning activities up to 15% of the total allocation. Metro is allocating \$831,831 to this activity for reimbursement of planning costs incurred since the date of the flood – May 1, 2010.
- *Responsible Entities*
 - Mayor's Office of Flood Recovery.
- *Geographic Areas*
 - Davidson County, Tennessee.

Eligible Uses of Grant Funds as Related to Long-Term Recovery from Specific Effects of the Disaster, or Restoration of Infrastructure, Housing, and Economic Development

The housing activities and LTCRP described in the Action Plan will contribute to the long-term recovery of households, restoration of infrastructure, and economic revitalization by:

- Making substandard housing safe, sanitary, and secure;
- Promoting homeownership;
- Preventing proliferation of blight caused by vacant lots and abandoned homes;
- Investing in neighborhoods in danger of disinvestment;
- Leveraging private investment in blighted, flood-impacted areas;
- Preventing disruptions caused by mass relocation;
- Facilitating household financial stability;
- Developing economic revitalization strategies, with an emphasis on job creation and needed development;
- providing an overlay for neighborhood and community enhancement within a sustainable framework.

CITIZEN PARTICIPATION PROCESS

The Metropolitan Government and MDHA support and encourage citizen participation in the development of the Disaster Recovery Action Plan. Many of the concerns expressed by citizens participating in the long-term recovery planning process have been incorporated into this Plan. The Action Plan will be released for public comment on Friday, December 10, 2010, and extend through 12:00 P.M., central time, on December 20, 2010.

Members of the public are 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 Plan will also be available for review on MDHA's website at <http://www.nashville-mdha.org/> and on the Mayor's Flood Recovery website at <http://www.nashvillerecovery.com/>. The Plan was emailed to the Metro

Mayor's Office, all Metro Council members, and Metro agency directors. Copies of the Plan 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 Action Plan will be updated and submitted to HUD on or about December 22, 2010. Comments received and MDHA's responses will be included in Appendix C.

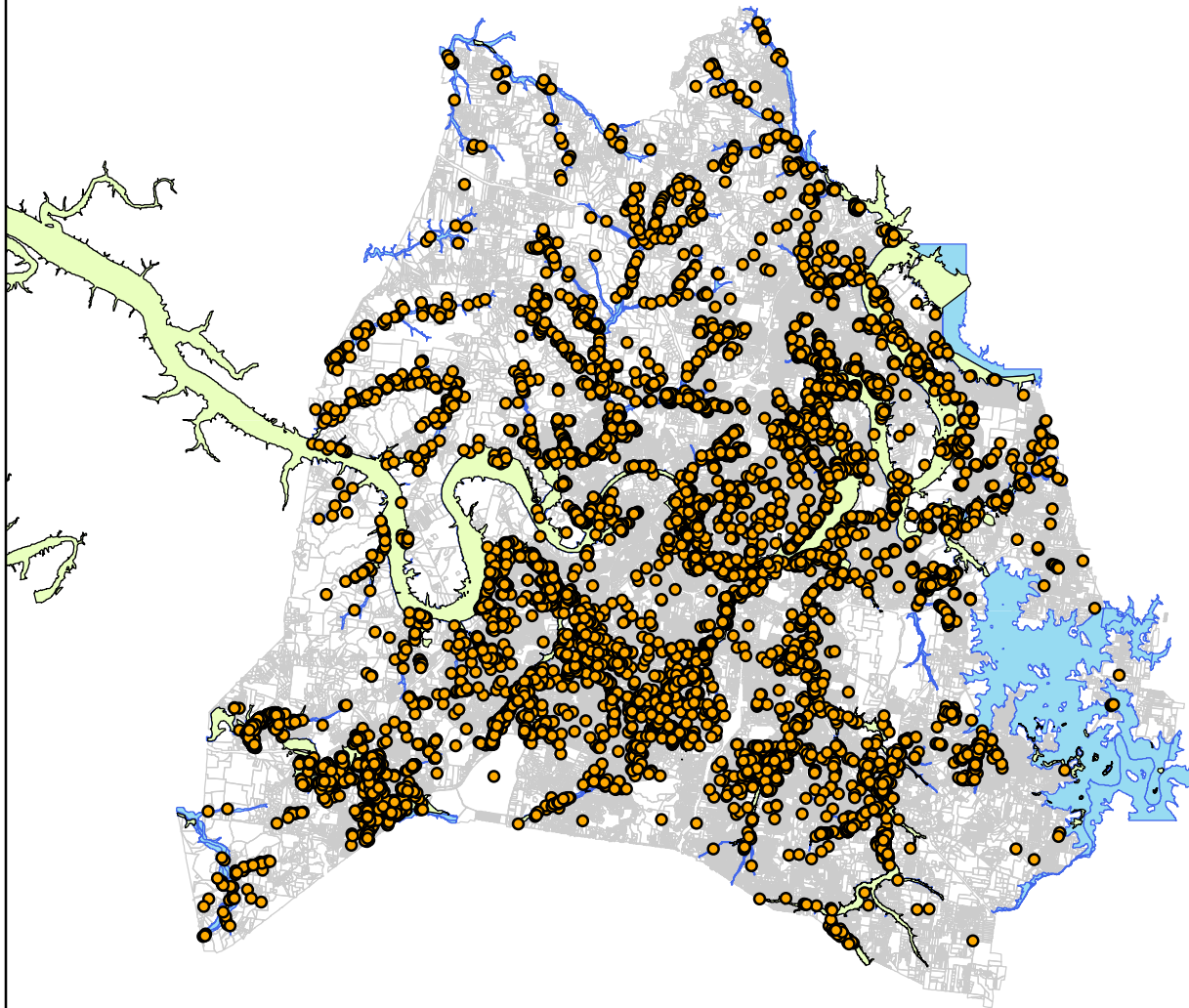
AMENDING THE ACTION PLAN

The following events will be considered substantial amendments to the Action Plan for Disaster Recovery:

- The addition or deletion of any activity described in the Plan;
- A change in the planned beneficiaries of an activity;
- The implementation of an additional HUD-authorized "waiver" of any major programmatic rules or regulations; and
- Any action that HUD deems to be a significant amendment that needs public input prior to enacting.

Substantial amendments must be authorized by the Metropolitan Mayor and approved by resolution by the Metropolitan Council. For substantial amendments, MDHA will follow the same procedures for public notice as described herein. Following the public notice period, proposed amendments will then be submitted to the HUD Knoxville Field Office for review. For minor amendments, MDHA will notify the HUD Knoxville Field Office.

APPENDIX A AFFECTED AREAS



Legend

● Damage Parcels

■ Inundation

■ Flood

■ Property

APPENDIX B

WAIVERS APPROVED TO DATE

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 requirements related to fair housing, nondiscrimination, labor standards, and environment (including requirements concerning lead-based paint). 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. The following is a summary of the approved waivers. Please refer to the *Federal Register* for complete language on the approved waivers.

- Waiver to adjust overall benefit to LMI from 70% to 50%.
- Waiver of requirement that housing activities be consistent with the consolidated plan.
- Waiver of Action Plan requirements; substituting instead an Action Plan for Disaster Recovery.
- Waiver of certain citizen participation requirements to streamline the process.
- Waiver to allow 5% administrative cap and up to 20% for a combination of planning and program administration costs.
- Waiver of annual performance reporting requirements; substituting instead quarterly reporting in the Disaster Recovery Grant Reporting (DRGR) system.
- Waiver to allow homeownership assistance for households with up to 120% of area median income,
- Waiver to allow down payment assistance for up to 100% of the down payment.
- Waiver to allow new construction.
- Waiver to provide housing incentives to resettle in disaster-affected communities.
- Waiver of the limitation on emergency grant payments to extend interim mortgage assistance to qualified individuals for up to 20 months.
- Waiver for buildings of general conduct of government.
- Waiver and modification of the job relocation clause to permit assistance to help a business return.
- Waiver of certain URA and relocation requirements.
- Waiver to allow flexibility of the program income requirement.
- Waiver of national objective documentation for economic development activities.
- Waiver of public benefit standards for certain economic development activities.
- Waiver to allow reimbursement for pre-agreement costs.
- Waiver of standard certifications; substituting instead alternate certifications.

APPENDIX C

PUBLIC COMMENTS AND RESPONSES

No comments were received.

APPENDIX D

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.

- 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

Appendix E

Proposed Budget

Category	Amount	Description
Planning	831,831	Long Term Planning
Housing Related Activities (Rehab, Lead, Program Delivery)	9,400,000	Funding for approximately 360 applications already in process
Administration	500,000	4.65% of allowable 5%
TOTAL	\$ 10,731,831	