

New Jersey Department of Community Affairs

SUPERSTORM SANDY COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY

Public Law 113-2, January 29, 2013
FR-5696-N-01; March 5, 2013



ACTION PLAN AMENDMENT NUMBER 3

NON-SUBSTANTIAL AMENDMENT FOR THE FOLLOWING:

- Clarification to Code Enforcement Program Related to Zoning
- Clarify Homeowner Resettlement Program Damage Validation
- Update Government Entities in the Supportive Services Program
- Inclusion of Reimbursement in Rental Housing Programs and Economic Revitalization Programs
- Clarification of Listed Entities in the Neighborhood and Community Revitalization Program

DATE SUBMITTED: September 30, 2013

Chris Christie
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Non-Substantial Action Plan Amendment Number Three to Superstorm Sandy Disaster Relief Appropriation, Public Law 113-2, 2013

I. OVERVIEW

The purpose of this **Action Plan Amendment (APA) Number 3** to the State's approved Action Plan is to provide non-substantial clarifications to the identified program areas as detailed in the document. This amendment is considered non-substantial since these clarifications and additions do not involve a new allocation or transfer/re-allocation of funds, does not create a new program, nor cause a change in any program benefit or to eligibility criteria. As a non-substantial amendment, there is no requirement for a public comment period. The amendment will be posted on the DCA website in accordance with requirements.

II. ACTION PLAN CLARIFICATION/MODIFICATION

A. Modification to the 4.4.3 Code Enforcement Grant Program

The following insertions are made to clarify the intent of the established program to support the capacity at the local level through funding of services as the state and the local levels for code enforcement and zoning.

Ensuring that homes are built safer and up to code is a precondition of effectively repairing and rebuilding the housing sector. The State is proposing to supplement local code enforcement offices with additional personnel, *{insert} and related cost, both directly and through funds to individual municipalities* to provide an online plan review and permitting process, *{insert} increase the municipalities' capacity to respond to increased demand for zoning code and building code enforcement as a direct result of the damage caused by the storm and the resultant increase in rebuilding activity*, and to enhance the Department of Community Affairs' continuing education curriculum for code officials to include training in flood hazard mitigation practices and other storm-related code issues.

Eligibility Criteria:

- Code enforcement must support local construction code officials related to the reconstruction and rehabilitation of buildings impacted by Superstorm Sandy
- Code enforcement must support the training of code enforcement officials in both preventive and mitigation measures
- *{insert} Zoning code review and enforcement must support local governments to expedite the activities critical to addressing deteriorating properties and local reconstruction and rehabilitation efforts in areas impacted by the Storm.*

Criteria for Selection:

- Code enforcement
- Training
- Online plan review and permits
- Staffing analysis
- *{insert} Documentation of increased demand based on the number of damaged properties, as well as the volume of permit requests and applications for CDBG-DR funded residential and business construction activities in the municipalities.*

B. Clarification to the Homeowner Resettlement Program Damage Determination

In Section 4.1.1 of the Action Plan, the State describes the **Homeowner Assistance Program: Homeowner Resettlement Program**. The State established a base level of damage under the Eligibility Criteria as *\$8,000 or greater or more than one foot of flooding on the first floor*. Since all applicants must have registered with FEMA, the State originally relied upon the damage, as determined by FEMA. However, the FEMA program did not fully complete inspections, nor consistently update inspection data with third party proof of damage such as SBA inspections, NFIP or private insurance. The State has conferred with FEMA often and determined this flexibility in review is in the best interest of the homeowners to supplement original FEMA-provided data.

Clarification to Section 4.1.2 Homeowner Resettlement Program:

Eligibility Criteria:

- Homeowner must have sustained a FVL of \$8,000 or greater or more than one foot of flooding on the first floor (Determined by FEMA *{insert}* or third party verification determined relevant by DCA, such as FEMA affiliated recovery partners, including: SBA damage inspection; National Flood Insurance Program NFIP property damage assessment; verified private insurance property damage estimates, and determinations by the local Flood Plain Manager).

C. Update the Recipient Agencies of the Supportive Services Program

DCA has established subrecipients for this program as other State Agencies. In the original description, DCA listed three agencies primarily responsible for the list of activities as described in the section. However, one of the activities related to impact and mitigation of mosquito health concerns is actually undertaken jointly by DOH and DEP (Department of Environmental Protection). Therefore, the State is clarifying DEP as one of the state agencies to implement these programs.

Paragraph beginning:

Lead Agency: DCA will administer the Supportive Services Program... *{delete}* ~~Three~~ State departments, *{insert}* to include Human Services, Children and Families, *{insert}* Environmental Protection and Health will share in the award.

Eligible Applicants: Department of Children and Families; Department of Health; Department of Human Services; *{insert}* and Department of Environmental Protection

D. Clarify the Rental Housing and Renter Programs Section to Include Reimbursement

Clarification to Section 4.2 Rental Housing and Renter Programs:

Insert as the last sentence of the section the following:

All reconstruction, new construction and rehabilitation must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigating the impact of

future disasters. *{insert} The rental programs, as applicable, will also provide reimbursement for eligible expenses, or pre-award cost, as in line with CPD-13-038 guidance, July 30, 2013.*

E. Clarify the Economic Revitalization Programs to Include Reimbursement

Clarification to **Section 4.3 Economic Revitalization:**

Insert as a fourth bullet in the 7th paragraph:

An initial allocation of \$460,000,000 will support programs developed by the New Jersey Economic Development Authority....

- *{insert} The economic revitalization programs, as applicable, will also provide reimbursement for eligible expenses, or pre-award cost, as in line with CPD-13-038 guidance, July 30, 2013.*

F. Clarification to Listed Entities in the Neighborhood and Community Revitalization Program

It was the State's intention to include local governments as noted entities for utilizing the funds under the **Neighborhood and Community Revitalization Program**. It appears that the section specifically called out municipalities and inadvertently did not list counties. The state amends Section 4.3.3 as follows.

Insertion to **Section 4.3.3 Neighborhood and Community Revitalization**, paragraph beginning:

These funds will be administered directly by NJEDA or awarded to other entities through notices of funds availability or competitive processes which may maximize the economic impact of innovative uses, "Greening of Communities" and other transformative aspects of redevelopment. Funds are anticipated to be prioritized for low and moderate income (LMI) communities. Eligible entities will include redevelopment agencies, municipalities, *{insert} counties*, businesses and nonprofits, including Community Development Financial Institutions (CDFIs), and may be in the form of grants and/or loans up to approximately \$10,000,000. Loan and technical assistance programs may be administered through New Jersey's CDFI network as either sub-grantees or contractors. Funding described above is intended to revolve for CDBG purposes once loans are repaid, unless administered by a CDFI designated as a Community Based Development Organization (CBDO).

Eligible Applicants: Eligible entities will include redevelopment agencies, municipalities, *{insert} counties*, businesses and nonprofits, including CDFIs and CBDOs