

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

FR-5696-N-06; November 18, 2013



ACTION PLAN AMENDMENT NUMBER 9

NON-SUBSTANTIAL AMENDMENT FOR THE FOLLOWING:

- Clarification to Section 3.3.1 *Fund for Restoration of Multi-Family Housing* of Action Plan Amendment #7 (Second Allocation) related to definition of public housing units.
- Modification to Section 3.2.2 *LMI Homeowners Rebuilding Program* of Action Plan Amendment #7 (Second Allocation) related to prioritization of funds for manufactured housing units.
- Clarification to Section 3.2.3 *Blue Acres Buyout Program* of Action Plan Amendment #7 (Second Allocation) related to definition of eligible residential properties.
- Defining Program Funds under Section 4.5.1 *Supportive Services Programs* of Action Plan (original) related to Case Management
- Clarification of Green Building Standard for Residential Housing under Section 6.3 *Green Building* of Action Plan (original) under Section 6: Other Criteria

DATE SUBMITTED TO HUD: July 8, 2014

DATE APPROVED BY HUD: _____

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Richard E. Constable, III
Commissioner



**Non-Substantial Action Plan Amendment Number Nine to Superstorm Sandy Disaster Relief
Appropriation, Public Law 113-2, 2013**

I. OVERVIEW

The purpose of this **Action Plan Amendment (APA) Number 9** 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 between programs, do not create a new program, and do not change program beneficiaries or eligibility criteria. The amendment process follows the guidance in the applicable Federal Register notice related to non-substantial amendments and will be posted on the DCA website in accordance with HUD requirements.

II. ACTION PLAN CLARIFICATIONS

A. Clarification to Section 3.3.1 *Fund for Restoration of Multi-Family Housing* of Action Plan Amendment Number 7 (Second Allocation) related to definition of public housing units.

The *Fund for Restoration of Multi-Family Housing (FRM)* was established in the State's Action Plan, approved by HUD on April 29, 2013. The FRM program is administered by the New Jersey Housing and Mortgage Finance Agency (HMFA) and provides funding to facilitate the creation or rehabilitation of quality, affordable rental housing units to address the loss of multi-family housing caused by Superstorm Sandy. In its Action Plan, Section 4.2.1, the State allocated \$179,520,000 of first tranche CDBG-DR funds to FRM. Of that total, \$20 million was reserved exclusively to support the recovery of public housing authorities.

In Section 3.3.1 of Action Plan Amendment Number 7 related to the second allocation of CDBG-DR funds, the State allocated an additional \$200,000,000 to the FRM program, with an initial \$10,000,000 designated for public housing. This amendment is a clarification to confirm the language is consistent among the initial Action Plan which establishes the program and the additional funds put into the existing program in APA 7.

Further, as noted in APA 7, Section 3.3.1, "the State incorporates the description of the FRM program in its Action Plan, as amended, as well as all eligibility and other criteria..." The statements in APA 7 were not intended to change the existing definitions. The following edit is to clarify this continuity of language.

Edit to Section 3.3.1 of APA 7: [para 3, first sentence]

The State will dedicate an additional \$200,000,000 of second tranche CDBG-DR funds to the FRM program, of which \$10 million will be initially reserved for ~~{delete} PHA~~ *{insert}: repairs to damaged public housing units, damaged federally-owned housing units, and damaged HUD assisted multifamily housing.* (This language directly replicates that of Action Plan, Section 4.2.1).

B. Modification to Section 3.2.2 LMI Homeowners Rebuilding Program of Action Plan Amendment Number 7 (Second Allocation)

The *LMI Homeowners Rebuilding Program* is in the State’s Action Plan Amendment Number 7 (Second Allocation) approved by HUD on May 31, 2014 in Section 3.2.2. The State established eligibility criteria that includes: a) homeowner must be low-to-moderate income, b) homeowner must have registered with FEMA, c) owner-occupied at the time of the storm, d) primary residence, e) within the 9 most impacted counties, d) at least \$8,000 of damage or more than one foot of water on the first floor.

The Program Policies and application, as consistent with RREM, will allow that Manufactured Homes are an eligible Housing Type under the program. This non-substantial amendment clarifies that \$10,000,000 of the \$40,000,000 program funds will be initially reserved under the approved program for those homeowners occupying manufactured homes as their primary residence at the time of the storm and who meet the program criteria. This clarification is in accordance with the State’s *Voluntary Compliance Agreement* with HUD Fair Housing and Equal Opportunity Office (FHEO) and the Latino Action Network, the National Association for Advancement of Colored People, and Fair Share Housing Center.

This is considered a non-substantial amendment as it does not change eligibility criteria or beneficiaries or shift funding among programs.

Edit in Section 3.2.2 of APA 7 as follows:

Allocation for Activity: \$40,000,000, **{insert}** *\$10,000,000 of the \$40,000,000 program funds will be initially reserved for those homeowners occupying manufactured homes as their primary residence at the time of the storm and meet the program criteria.*

Selection Process: At the conclusion of the application period, the applications received will be electronically randomized and then prioritized based on damage levels, **{insert}** *with the manufactured housing units receiving in order, the reserved \$10,000,000, as long as the need exists during the application period.*

C. Clarification to Section 3.2.3 Blue Acres Buyout Program of Action Plan Amendment Number 7 (Second Allocation) related to definition of eligible residential properties.

The *Blue Acres Buyout Program* is intended to assist in getting households out of harm’s way through an acquisition program that keeps the targeted properties as green space in perpetuity. The Eligibility Criteria clearly notes both single residential properties and rental properties as well. The general overview description section inadvertently uses the word homeowner which implies an unintended restriction. This APA replaces “homeowners” with “households” to clarify the intention.

{Section 3.2.3; Para.5}

To reduce administrative burden and maximize funding available for buyouts, the program initially will be limited to **{delete} homeowners {insert}** *households* in pre-defined targeted buyout areas.

D. Clarification to Section 4.5.1 *Supportive Services Programs: Case Management of the Action Plan*

The *Supportive Services Program* was established in the State's Action Plan, approved by HUD on April 29, 2013. The approved Action Plan establishes that the Department of Community Affairs (DCA) "will administer the Supportive Services Program to deliver grants for critical supportive services needs that have been increased as a result of the storm" (Section 4.5.1).

This Amendment further defines the listed Supportive Services Program that is targeted for the purpose of *Case Management* related to housing needs of impacted households as a result of Superstorm Sandy. This assistance is an eligible public service under the eligible activities in the bulleted list under the Supportive Services Program. The use of funds in this manner provides housing counseling and supportive services to primarily low and moderate income residents in storm-impacted counties; a listed activity in the Supportive Services Program. This program is established in accordance with the State's *Voluntary Compliance Agreement* with HUD Fair Housing and Equal Opportunity Office (FHEO) and the Latino Action Network, the National Association for Advancement of Colored People, and Fair Share Housing Center.

The total amount of funds allocated to the *Supportive Services Program* was \$10 million in the original approved Action Plan. This total allocation of funds was increased to \$32 million by the approval of Action Plan Amendment Number 6. The State estimated about \$3 million for the bulleted programs to be administered by the Department of Health. Based on the assessed needs, the funds will remain under the Supportive Services Program, but are re-defined under the approved activity of Case Management. The budget is an estimated \$2.5 million. In line with the **Eligible Entities** section, the program will be administered by the *Department of Community Affairs*, under the approved process (Action Plan Amendment Number 5) to manage the services directly or through eligible entities.

E. Clarification to Section 6.3 *Green Building of the Action Plan*

Consistent with the March 5, 2013 Federal Register Notice, FR-5696-N-01, this clarification confirms the original intention that the Green Building Standard requirement applies to residential housing as defined in the Notice. The unintended omission of the applicability to defined residential properties as stated in the Notice implies an unclear requirement for businesses and commercial enterprises. As stated, the State continues to encourage green building throughout all programs.

{Section 6.3; Para.1}

The State will require replacement and new **{insert}** *residential* construction to meet green building standards by requiring compliance with ENERGY STAR. New Jersey will further encourage green building practices throughout all other proposed programs.