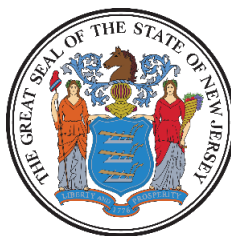


ACTION PLAN AMENDMENT

FOR THE STATE OF NEW JERSEY TROPICAL STORM IDA

SUBSTANTIAL AMENDMENT #5

PUBLIC COMMENT PERIOD:
DATE SUBMITTED TO HUD:
DATE APPROVED BY HUD:



Philip D. Murphy
Governor

Tahesha L. Way
Lt. Governor

Jacquelyn A. Suárez
Acting Commissioner

SECTION 1: Overview

The purpose of this **Action Plan Amendment (APA) Number 5** to the State's Ida Action Plan (approved by HUD on November 21, 2022) is to modify the plan. This amendment is considered substantial according to the definition stipulated in the HUD Federal Register Notice [87 FR 31636.pdf \(hud.gov\)](#) and in accordance with the State's citizen participation plan because it changes program eligibility criteria and beneficiaries for programs.

APA 5 is available in English and Spanish through DCA's website, <https://www.nj.gov/dca/ddrm/>, and can be requested by email at DisasterRecoveryandMitigation@dca.nj.gov (Subject: Action Plan Amendment 5) or by contacting the Division of Disaster Recovery and Mitigation Constituent Services at 609-292-3750.

Ida Action Plan Substantial Amendment #5 is available in English and Spanish at <https://www.nj.gov/dca/ddrm/> and can be requested by email at DRMConstituentServices@dca.nj.gov (Subject: Action Plan Amendment #5) or by contacting the Division of Disaster Recovery and Mitigation Constituent Services at (609) 913-4824. To obtain a copy in a language other than English or Spanish, please contact Sylvia Johnston, the language access plan (LAP) coordinator, at (609) 913-4247 or Sylvia.Johnston@dca.nj.gov. For hearing-impaired users, text telephone service is available at (TTY/TDD) 1-800-852-7899.

The public comment period for APA 5 will be open 9:00 am on October 9, 2023, to 5:00 pm on November 7, 2023.

Commenters are able to submit comments to this proposed amendment (i) via email to DRMConstituentServices@dca.nj.gov (Subject: Ida APA 5); or (ii) via U.S. mail to the attention of Lisa Ryan, Division of Disaster Recovery and Mitigation, NJ Department of Community Affairs, 101 South Broad Street, P.O. Box 823, Trenton, NJ 08625-0823. All comments are given the same amount of consideration regardless of the method of submission.

SECTION 2: ACTION PLAN CLARIFICATIONS

A. Action Plan changes associated with implementing the State's policy for certain areas in Manville.

Explanation of Modifications:

These changes will affect the Small Rental Repair Program (SRRP) and Homeowner Assistance and Recovery Program (HARP) applicants who meet the criteria listed below and will only be offered buyout funding, resulting in HARP and SRRP applicants within this Manville area becoming ineligible for housing repair or elevation assistance. If the applicant declines the buyout grant, funding for neither an elevation nor repair assistance may be offered as an alternative. The criteria will be:

1. The property is in an area that experienced 5.5' or more of inundation during Ida and/or is located within the Lost Valley that has emergency access limitations during flooding events. Final determination on the criteria used to determine the individual properties affected by

these criteria will be made in consultation with the New Jersey Department of Environmental Protection and New Jersey Office of Emergency Management.

2. The property is a residential home located in Manville.

The Action Plan modifications include:

Modification to Section 2.2.1 Unmet Needs by adding a description of the total affected households in Manville.

Edit in Section 2.2.1 Disaster Damage and Impacts is as follows:

{insert} As an update to the unmet housing needs as it relates to determining the safest housing solution for residents: After close coordination between NJDEP and NJOEM, an area of repetitive flooding has been identified in Manville. Homes in this area have been flooded in most major and minor flooding events and the likelihood of homes in this area sustaining substantial damage in the next flood event is high. To protect homeowners and tenants from these catastrophic flooding events, applicants to the Small Rental Repair Program (SRRP) and the Homeowner Assistance and Recovery Program (HARP) within the high flood risk area in Manville will be offered a buyout of their property instead of rehabilitation or elevation. Manville residents submitted seventy-five (75) applications for both programs and a total of forty-five (45) are in areas susceptible to repetitive flooding.

Modification to Section 4.8.6 of the Homeowner Assistance and Recovery Program (HARP) by adding description of Ineligible Applicants that are located in the affected areas of Manville.

Edit in Section 4.8.6 Program Eligibility is as follows:

{insert} Ineligible Applicants: Residents of Manville with a property that is located in a flood hazard area that experienced 5.5' or more of inundation during Ida and/or is located within the Lost Valley area of Manville that has emergency access limitations during flooding events. Final eligibility determinations for individual properties affected by these criteria will be made in consultation with the New Jersey Department of Environmental Protection and New Jersey Department of Office of Emergency Management.

Modification to Section 4.8.25 of the Blue Acres Program by adding the prioritization of Manville residents.

Edit in Section 4.8.25 How the Program Will Promote Housing for Vulnerable Populations is as follows:

{insert} Prioritizing residents of Manville. After close coordination between NJDEP and NJOEM, an area of concern has been identified in Manville that perpetually floods during storm events. For those residents that applied to the HARP or SRRP program, they will instead be offered buyouts through the Blue Acres program so long as they meet other eligibility requirements. The State plans to prioritize these vulnerable residents of Manville, so long as they are:

- Low-to-moderate income and
- Located in a disaster risk area, defined as areas experiencing 5.5' or more of flooding during Ida, and/or are within the Lost Valley area of Manville that has emergency access limitations during flooding events.

Modification to Section 4.8.41 of the Small Rental Repair Program (SRRP) by adding description of Ineligible Applicants that are located in the affected areas of Manville.

Edit in Section 4.8.41 Program Eligibility is as follows:

{insert} Ineligible Applicants: Manville property owners with a property that is located in a flooding hazard area that experienced 5.5' or more of inundation during Ida and/or is located within the Lost Valley area of Manville that has emergency access limitations during flooding events. Final eligibility determinations for individual properties affected by these criteria will be made in consultation with the New Jersey Department of Environmental Protection and New Jersey Office of Emergency Management.

B. Action Plan changes associated with changing the damage impact thresholds in the Homeowner Assistance and Recovery Program (HARP).

Explanation of Modifications:

During application review, DCA discovered that the damage threshold of at least 1 foot of flooding or \$8,000 in damage as determined by FEMA or a program damage assessment is too stringent for the nature of the Ida disaster impacts. DCA discovered that the high damage threshold was excluding many of our Phase 1 LMI households who needed assistance with rehabilitation. Instead, the level of flooding and the monetary amount of damage will be removed and replaced with alternative ways to demonstrate damage impact caused by Ida to the home including a damage assessment, proposals/invoices evidencing repairs and storm related mitigation measures immediately following the storm, or a Program assessment.

The Action Plan modifications include:

Modification to Section 2.2.1 Unmet Needs by adding a description of the total affected households by the change.

Edit in Section 2.2.1 Disaster Damage and Impacts is as follows:

{insert} As an update to the unmet housing needs as it relates to damage thresholds: To better serve the LMI population, the State has determined that a change to the eligibility criteria relative to the damage threshold is needed which will allow the Homeowner Assistance and Recovery Program (HARP) to fund more LMI households. Currently, HARP applicants need to have damage of at least \$8,000 or 1 foot of flooding to livable space to qualify for the program. After investigation, many households sustained damage of less than \$8,000 and/or 1 foot of flooding. These households still have remaining unmet need and the home is not safe and sanitary. The Ida event resulted in flooding events that might not have resulted in 1 foot of standing water or flooding, but still caused damage to the home. DCA does not want the current damage threshold criteria to disqualify a LMI household. Of the seven hundred and eighty-three (783) LMI HARP applications currently being reviewed only thirty-seven (37) are eligible using the current damage threshold. However, under the proposed revised damage thresholds, potentially all of the applicants could qualify if they meet the less restrictive damage thresholds that will be defined in the HARP policy.

Modification to Section 4.8.6. of the Homeowner Assistance and Recovery Program (HARP) by modifying the description of damage for eligible applicants.

Edit in Section 4.8.6 Program Eligibility is as follows:

- ~~**{delete}** Home must have at least 1 foot of flooding or \$8,000 in damages, as determined by FEMA or a program damage assessment.~~

- **{insert}** Must be able to demonstrate damage impact to the home by a damage assessment, proposals/invoices evidencing repairs and storm related mitigation measures immediately following the storm, or a Program assessment.