

SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

AND

THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO

AMEND THE NATIONAL DISASTER RESILIENCE (NDR) PROGRAM AWARD

**UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER
RECOVERY (CDBG-DR) PROGRAM**

This Second Amendment amends the “MOU” and all amendments thereto by and between the NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (“DCA”), and the NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (“DEP” or “Subrecipient”) (together the “Parties”).

PREAMBLES

WHEREAS, the Parties entered into a Memorandum of Understanding (MOU), effective March 27, 2017, which made available to DEP funds for the purpose of DEP’s activities under the National Disaster Recovery (NDR) Program funding; and

WHEREAS, The United States Department of Housing and Urban Development (HUD) has approved the State of New Jersey’s (the State) Action Plan Amendment (APA) 46 for Community Development Block Grant disaster recovery (CDBG-DR) funds appropriated under Public Law (P.L.) 113-2.

WHEREAS, The APA 46 details the reallocation of the State’s CDBG-DR funds from the State’s Blue Acres Buyout Program to the State’s Resilient NJ Program for the purpose of continuing the efforts formerly funded by National Disaster Recovery.

WHEREAS, the amount of Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) has been reallocated for this purpose.

WHEREAS, the respective NDR Projects (Resilient NJ and Rebuild by Design Toolkit) have agreed that all Planning funds in the original budget be transferred to the Program.

WHEREAS, by mutual agreement, both projects agreed to fix their administrative expenditures to the actual costs incurred prior to FY 2020 with the remaining funds transferred to the Program.

WHEREAS, the Parties have mutually agreed that the Sandy CDBG-DR funds will expire on September 30, 2025.

NOW, THEREFORE, in consideration of the promises and the mutual representations, warranties, and covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Pursuant to Section X.D. of the MOU titled “Amendments,” the MOU may only be amended in writing and executed by a duly authorized representative of each Party. Additionally, Part iv specifies that amendments will generally be required when there is a change in the budget as described in Section IV of the MOU.

The Parties seek to modify the NDR budget line items to better serve the needs of the program and as referenced above and amend as necessary.

I. Section IV. Budget is amended as follow:

- a. \$4,800,000 is transferred from Blue Acres Sandy to NDR Sandy
- b. Both NDR Projects moved their respective Planning line-item Budgets to Program
- c. Both NDR Projects agreed to fix their administrative costs at the actual administrative expenditures incurred prior to FY 2020.

NDR Activities	Program Budget	Admin Budget	Blue Acres Transfer	Total
Regional Resilience Planning Grant Program	\$9,712,634.00		\$4,800,000.00	\$14,512,634.00
RRPG Administration		\$287,366.00		\$ 287,366.00
RRPG Project	\$9,712,634.00	\$287,366.00	\$4,800,000.00	\$14,800,000
Best Practices Toolkit	\$4,844,303.10			\$4,844,303.10
Toolkit Administration		\$155,696.90		\$ 155,696.90
Toolkit Project				\$5,000,000
Grant Budget				\$19,800,000.00

This Second Amendment is effective as of the Amendment Effective Date. Except as amended hereby, the terms and conditions of the Agreement remain in full force and effect. Any conflict between the provisions of this Second Amendment and the Agreement shall be resolved in favor of the provisions of this Second Amendment.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Amendment.

**NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Adrienne Kreipke
Assistant Commissioner, Management & Budget

**NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS**



Samuel Viavattine
Deputy Commissioner

DATE: 11/10/2022

DATE: 11/14/2022