



The GLO-CDR Implementation Manual provides guidance for CDBG-DR and CDBG-MIT subrecipients and should not be construed as exhaustive instructions.

CHAPTER 1 – INTRODUCTION

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CHAPTER 1 – INTRODUCTION

The Community Development Block Grant-Disaster Recovery (“CDBG-DR”) Program is authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*), as amended and, in the event of a Presidentially declared disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S. 5121 *et seq.*), provides the vehicle through which Congress may appropriate funding to aid disaster impacted areas in the recovery process. The U.S. Department of Housing and Urban Development (“HUD”) is the federal authoritative agency for these Congressionally allocated CDBG-DR funds and promulgates the specific rules to govern each of those allocations.

In 2011, the Governor of Texas designated the Texas General Land Office (“GLO”) as the lead state agency to provide the administration of CDBG-DR grant programs. The Community Development and Revitalization division of the Texas General Land Office (“GLO-CDR”) oversees the administration of CDBG-DR funds allocated to Texas by HUD following a disaster.

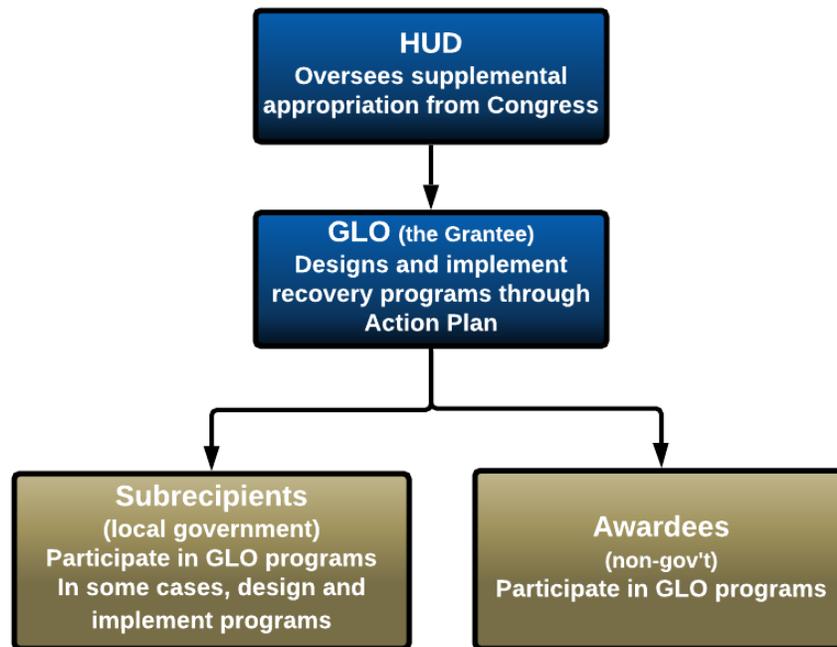
Since designation as the state’s lead agency for HUD CDBG-DR grants, GLO-CDR has assumed the responsibility for, or received an appropriation for eleven disaster recovery grants. Two of these grants have been completed, seven have programs underway or nearing completion, and two appropriations are in the approval process. Each grant must have funds appropriated by Congress with enabling language before the program can begin.

To distribute CDBG funds and ensure the intent of Congress is met, HUD divides the funds among states, territories and, sometimes, individual communities and issues specific regulations that ensure their equitable usage and provides management rules in order to safeguard the taxpayer’s money. HUD does this through a Federal Register Notice. Once this notice is published, the local entity, in this case the GLO, drafts an Action Plan which further breaks down the fund allocation into specific programs, and possible subrecipients, translates the federal register rules, and describes how the funds are to be spent in a manner that is applicable to the needs of the communities in Texas. The Action Plan must be made available for public comment, all comments considered, edited to account for all changes made during the public comment period and then submitted to HUD for final approval. Once HUD has approved the Action Plan, they will initiate a grant agreement with the GLO in order to begin funding grant programs. This Implementation Manual is the tool GLO-CDR uses to implement the nuts and bolts of administering CDBG-DR programs identified in the Action Plan.

Should conditions require it, the Action Plans can be changed through an amendment process. This process is similar to Action Plan development process and requires public comment, addressing all public comments, and HUD approval. The graphic below portrays the overall process.



Basic Steps of the CDBG Process



In a new twist to the CDBG-DR program, Congress has decided to devote significant resources to mitigating the effects of disasters before they happen by funding the implementation of structural and non-structural programs and partnerships throughout the State of Texas. Congress is accomplishing this by appropriating funds in a new program, Community Development Block Grant-Mitigation (“CDBG-MIT”). The GLO is the state’s lead agent in administering the CDBG-MIT program in Texas. On August 30th, 2019, HUD announced via a Federal Register notice the allocation of \$4,297,289,000 dollars to the State of Texas as part of the Supplemental Appropriations for Disaster Relief Requirements Act, 2019 Public Law 115-123 in response to 2015, 2016, and 2017 disasters. CDBG-MIT is organized similarly to the CDBG-DR programs, to include the Action Plan process. There are significant program differences, however. For details on each program please refer to the individual Action Plans found at www.recovery.texas.gov (see [Resources](#)—Resource 1.1 at the end of the chapter).

According to the Federal Register Notice (84 FR 45838, August 30, 2019) The CDBG-MIT program seeks to: 1) support data-informed investments in high-impact areas; 2) build the capacity of states and local governments to evaluate disaster risks; 3) support the implementation of policies that reflect local and regional priorities that will have long-lasting effects on community risk reduction; and 4) maximize the impact of available funds from other sources.

In each section and chapter of this implementation manual, any CDBG-MIT specific guidance will be addressed at the beginning of each chapter. This is done to make it easier for our partners to find the MIT specific information.



1.1 Purpose

This Implementation Manual is intended to provide guidance and training for entities identified as subrecipients (local entities that receive a CDBG-MIT or CDBG-DR grant through or overseen by the GLO) of CDBG-DR and/or CDBG-MIT grant allocations. The Manual outlines the policies and procedures to ensure effective implementation of a CDBG-DR and/or CDBG-MIT program within the requirements for timely expenditure of funds.

It is the responsibility of each recipient of CDBG-DR and/or CDBG-MIT funds to understand the federal and state requirements that apply to these funds and to adhere to them. It is important to thoroughly read this manual and the referenced regulations, Federal Registers, Action Plans, and guidance documents prior to implementing a program. Subrecipients must carry out proper and efficient grant administrative practices. Each federal register notice has its own unique set of rules; therefore, it is imperative to ensure that each recipient and subrecipient adhere to the Action Plan for each specific allocation.

1.2 Manual Structure

Each chapter describes the tasks to accomplish CDBG-DR and/or CDBG-MIT activities. Throughout each chapter supporting materials (forms, documents, letters, checklists) may be referenced or provided to assist with implementation. These will be listed at the end of each chapter in [Resources](#). It should be noted that supporting materials are periodically updated and GLO-CDR staff should be consulted to verify the most recent version.

This manual shall remain available on the GLO-CDR website so interested parties may easily search for terms, rules, procedures, and forms needed to implement activities. It will be periodically updated, and no print versions will be available. The online version is the definitive copy.

During the grant lifecycle each subrecipient, those who have applied for and received funding for a project, will be assigned a GLO-CDR Grant Manager, a GLO specialist in managing CDBG programs, and given the Grant Manager's contact information. Grant Managers will conduct regular meetings and, if safety allows, on-site visits. They serve as the main point of contact for the subrecipients. The GLO-CDR Grant Manager shall be available to answer any questions and receive all requests related to the administration of the grant. Subrecipients will also be given back-up contact information when their Grant Manager is unavailable.

Subrecipients may request the name and contact information for their assigned Grant Manager by contacting GLO-CDR by phone at 1-844-893-8937 or by email at CDR@recovery.texas.gov.



Please note that certain chapters and sections within the Manual and the supporting documents provided in [Resources](#) may not apply to every activity or program. Subrecipients should contact their assigned GLO-CDR Grant Manager with questions regarding specific requirements.

1.3 Application and Project Eligibility

Subrecipients are required to submit an application for funding to the GLO for their allocated CDBG-DR or CDBG-MIT funding prior to the execution of a grant agreement. Additionally, the GLO may administer some programs directly and, as a result, solicit for certain services via the state procurement process. Subrecipients may receive funds via an application process, through methods of distribution via the Councils of Governments, or through a competition. The process for funding will be available on the GLO-CDR website, as well as, through the monthly calls with local officials and other GLO-CDR publications. Applicants may request technical assistance during the application phase to facilitate successful completion of an application. The application establishes and documents, among other items, meeting National Objectives (which can be found in the relevant Action Plan and in the Housing and Community Development (“HCD”) Act of 1974 (12 U.S.C. 1706e), project beneficiaries, tie-back to the disaster event, Duplication of Benefits calculations, project budgets, and describes eligible project activities to implement upon application approval and contract execution. Application requirements vary depending on the Federal Register and Action Plan requirements for that disaster. Specific application guidance will be available through an Application Guide developed by the grant managers and issued for the respective event. Application Guides can be found at www.recovery.texas.gov (see [Resources](#)—Resource 1.2).

1.3.1 National Objectives

Disaster recovery projects using CDBG-DR funds must meet one of the following HUD-designated National Objectives and must document how they will meet the National Objectives specified in their application (see [Resources](#)—Resource 1.3). The National Objective is not considered met until project funds have been expended and final monitoring documentation has been completed. Additional information is available within the Federal Registers (see [Resources](#)—Resource 1.4).

Every grant must meet one of the National Objectives below:

- Principally benefit low- and moderate-income (“LMI”) persons;
- Eliminate or prevent slums and blight; or
- Address an urgent need.

The Housing and Community Development (HCD) Act of 1974 as amended created the CDBG program and drives many of its objectives. The primary objective of the HCD Act is the “development of viable urban communities, by providing decent housing and a suitable living



environment and expanding economic opportunities, principally for persons of low and moderate income” (42 U.S.C. 5301(c)). To carry out this objective, the statute requires that not less than 70 percent of the aggregate of CDBG program funds be used to support activities benefitting low- and moderate-income persons. Subrecipients are required, absent a waiver from HUD, to meet this goal in carrying out their own activities.

Subrecipients must maintain records showing that funded activities meet one of the National Objectives. Depending on the objective, the files must contain, at a minimum, the following specific documentation for the purposes of proving that a National Objective was met:

Benefit to Low- and Moderate-Income (LMI) Persons or Households	
National Objective	Required Documentation
LMI Area Benefit (LMA)	Boundaries of service area Census data including total persons and percentage low/mod Evidence area is primarily residential Income survey documentation (if applicable)
LMI Limited Clientele (LMC)	Documentation beneficiaries are low/mod or presumed to be low/mod (by category)
LMI Housing (LMH)	Housing Income verification of households (using the Section 8 definition) including source*
LMI Buyout (LMB)	Housing Income verification of households (using the Section 8 definition) including source*
LMI Housing Incentives (LMHI)	Housing Income verification of households (using the Section 8 definition) including source
LMI Job Creation or Retention (LMJ)	Number of jobs created or retained Type and title of jobs created or retained Income of persons benefiting from the jobs created or retained



Elimination of Slum and Blight
Area designation (e.g., boundaries, evidence area meets slum/blight requirements)
Documentation and description of blighted conditions (e.g., photographs, structural surveys, or development plans)
If applicable, evidence that the property meets spot designation requirements (e.g., inspections)
Urgent Need
Description of disaster-related impact being addressed by the activity in terms of type, scale, and location**

*Additional LMI criteria, allowed for most CDBG-DR and/or CDBG-MIT allocations, see relevant Action Plan

**Certification requirements waived for most CDBG-DR and/or CDBG-MIT allocations, see relevant Action Plan

Most housing activities provide an individual benefit, where the occupants of specific housing units receive a benefit from the proposed activity. Public facilities activities generally qualify under the low- to moderate-income area benefit. A link to HUD’s LMI Summary Data (“LMISD”) for use in determining whether projects meet the LMI Area Benefit National Objective can be found in [Resources](#)—Resource 1.5 at the end of this chapter. Public facilities and improvements that aid in the prevention or elimination of slums or blight in a designated slum/blight area may qualify under the slum/blight area basis.

If proposed activities respond to a disaster-related impact but cannot meet another National Objective, the urgent need National Objective may be used. Subrecipients shall describe the disaster-related impact in terms of type, scale, and location for each infrastructure or housing activity where the urgent National Objective is used. While urgent need and slum and blight are allowable National Objectives for CDBG-DR, the overall benefit requirement of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) remains in place. This means that subrecipients must use no less than 70 percent of their CDBG program funds to support activities benefitting LMI persons.

1.3.2 Duplication of Benefits (“DOB”)

Federal funds cannot be used to pay an expense that has been paid by another source, such as insurance proceeds or other federal programs. This situation is known as “Duplication of Benefits (“DOB”)” (see [Resources](#)—Resource 1.6). Many federal and state agencies are involved in responding to Presidentially declared disasters under the Stafford Act. Subrecipients and the GLO must be aware of DOB prohibitions contained in the CDBG appropriations acts, the Stafford Act, Federal Register Notice 84, 28836 and 2 CFR 200 Subpart E. DOB will be tested



in the application process and in subsequent monitoring reviews conducted by the GLO and audits conducted by state and federal agencies. Failure to comply with DOB rules can result in repayment of the federal funds, and removal from the program. However, some CDBG appropriations are eligible to pay the local match for other federal programs in some circumstances. The applicable Federal Register notice and Action Plan will provide details if that is the case.

The Stafford Act contains eligibility requirements for recipients who have received prior disaster funding based upon whether or not they are in compliance with requirements associated with receipt of those funds. For example, recipients may be required to maintain Federal Flood Insurance to be eligible for further federal assistance. As these requirements can vary between grants, applicants and recipients should check with their GLO-CDR Grant Manager or refer to the guidance in [Resources](#)—Resource 1.7. Failure to do so could result in denial of funding.

1.3.3 Beneficiaries

In order for LMI Area benefit projects to qualify for funding under the LMI National Objective, documentation must be maintained to verify that at least 51 percent of the project beneficiaries are low- and moderate-income persons.

An area-wide project benefit is achieved when the beneficiaries of an activity reside in the target area directly served by the activity. Some examples of typical LMI Area benefit projects include:

- Water/sewer line replacement;
- Street reconstruction; and
- Utility work benefiting a water supply corporation service area.

A city-wide benefit project occurs when an activity will benefit the entire incorporated city or town. Some typical examples of city-wide benefit projects where the infrastructure may serve an entire community include:

- Water/sewer plant improvements;
- Water storage tank; and
- Water wells.

A project with individual benefit includes LMI Limited Clientele, LMI Housing, LMI Buyout, and LMI Housing Incentives. For an individual benefit project to qualify for funding under the LMI National Objective, documentation must be maintained to verify that individual income levels comply with HUD's regulations established in the Federal Register.



Some examples of individual LMI benefit projects include:

- Housing rehabilitation or reconstruction for single family homes;
- Reimbursement of costs to repair disaster event damaged homes; and
- Relocation and down payment assistance.

CDBG-DR requires applicants to document and report the beneficiaries of each funded activity regardless of the national program objective met by the activity. See the CDBG-DR guidance provided in the Housing Guidelines in [Resources](#)—Resource 1.8 at the end of this chapter.

1.3.4 Eligible Activities

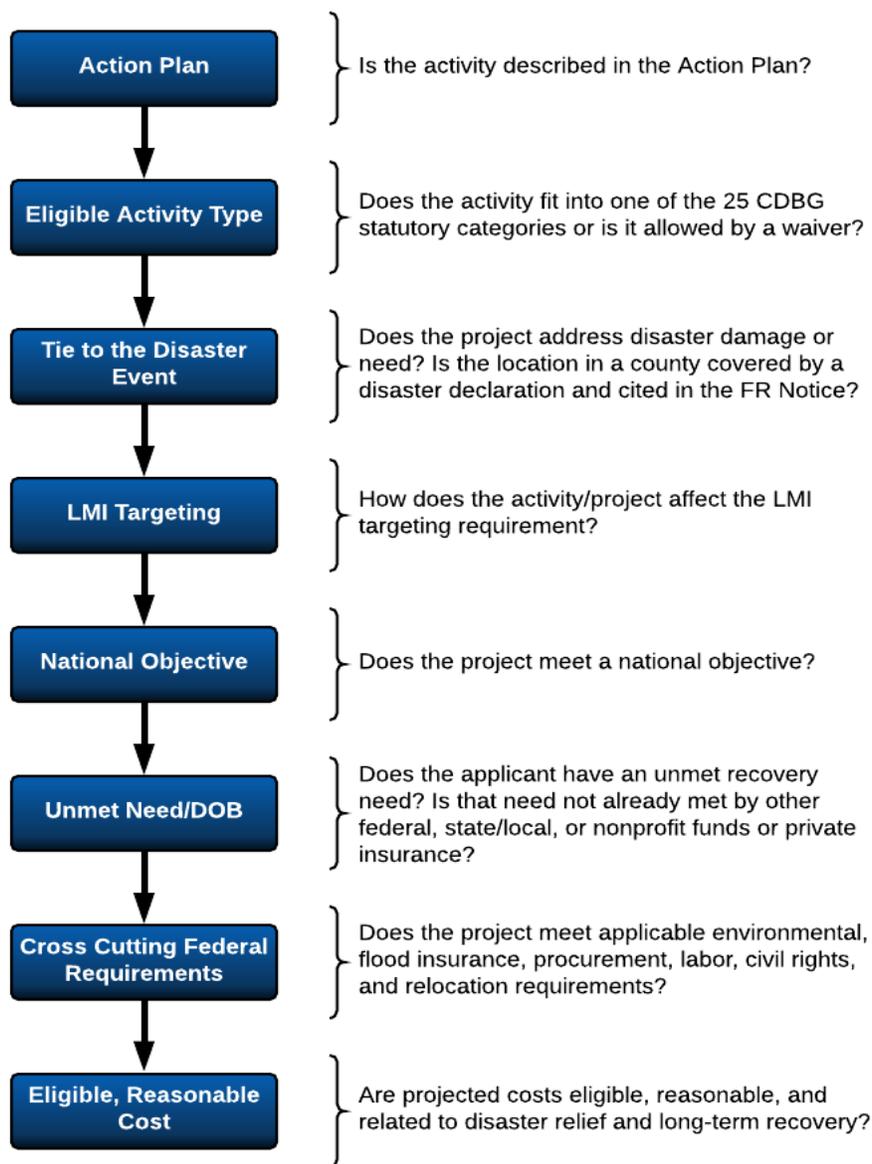
Categories of eligible activities are first presented in the Federal Register governing each specific allocation. The GLO then designs programs to carry out those eligible activities and are permitted to do so if the Action Plan is approved. Examples of eligible activities may include, but are not limited to, acquisition, buyouts, infrastructure, new housing construction, rehabilitation, reconstruction, or public facilities. For details, please see the specific Action Plan. They can be found at www.recovery.texas.gov.

Public facilities include water facilities, sewer facilities, solid waste disposal facilities, other publicly owned utilities, public systems, fire stations, fire protection equipment, and community or senior citizen centers. Street improvements and drainage/flood control improvements are examples of potentially eligible public facility activities. In general, public facilities that are part of the normal operation of Government such as jails, police stations, and court houses are not eligible. For more comprehensive information about eligible project types refer to the program-specific CDBG-DR and/or CDBG-MIT application guides found on the GLO-CDR website.

All activities and projects must address an impact from the disaster event, referred to as “tie back.” For physical losses, damage assessments or insurance estimates may be used. For economic or other non-physical losses, post-disaster assessments and analyses documenting the relationship between the loss and the disaster may be used. Funds may be used to address an unmet need that arose from a previous disaster, which was exacerbated by the disaster cited in the applicable Federal Register notice. Simply being located within a declared county is not sufficient to document impact from the disaster event.

Determination of Eligibility

When assessing an activity and project for an application all of the below questions must be answered in the affirmative and documented before a funding award is made:



1.3.5 Ineligible Activities

Any activity not authorized under the Action Plan, CDBG-DR, or CDBG-MIT statute and/or regulations, as noted in the applicable Federal Register Notices, is ineligible to be assisted with CDBG-DR and/or CDBG-MIT funds. In addition, the following activities, as referenced in 24 CFR 570.207, are specifically deemed ineligible for CDBG-DR funding assistance:

- Duplicative projects;
- Projects that do not comply with local, state, and/or federal regulations;



- Buildings for the general conduct of government, except to create accessibility for the disabled population, and as waived by HUD (e.g., city hall, courthouse, Emergency Management Center);
- General government expenses;
- The financing of political activities;
- Faith-based organizations are eligible for CDBG-DR funding but may not use CDBG-DR funding to support inherently religious activities and must serve all eligible beneficiaries without regard to religion;
- Purchase of equipment that is not fixed in place, including construction equipment;
- Purchase of equipment or furnishings for a property except under certain conditions, including authorization as a special economic development activity or activities carried out by a special nonprofit;
- Income payments, except under certain conditions (income payments are defined as direct payments to subsidize rent and/or utilities);
- Law enforcement;
- Emergency Operation Centers (“EOC”);
- Duplication of Benefits with other loans, grants, or insurance proceeds (see [1.3.2](#) above);
- Operation and general maintenance (O&M) expenses of public facilities, improvements and services; and
 - Infrastructure O&M example: Smoke testing, line televising, and line cleaning (vacuuming, jetting, etc.) and other methods used to identify specific sections of wastewater line that require maintenance to reduce or eliminate the amount of inflow or infiltration routed to treatment facilities are considered maintenance activities. The process of identifying target areas for wastewater line replacement must be completed prior to the submission of an application in order for the scope of the project to be fully identified and to expedite construction completion. Similar methods may also be used as a part of construction and inspection of the new lines. Use of line televising, and similar methods, is considered acceptable only for:
 - Pre-construction testing on a specific reach of line (manhole to manhole); and/or
 - Inspection of newly constructed lines to verify proper installation.
- Software is generally ineligible unless it is integral to the function of an improvement and not utilized for billing or other O&M purposes. For example, software required for the operation of a SCADA system is eligible. If software is used for both functional and O&M (billing) purposes, up to 50 percent of the software costs may be considered eligible.



1.4 Pre-Agreement Costs

Pre-award costs are those incurred by a subrecipient prior to the start date of the CDBG-DR Subrecipient Agreement (the grant award contract). These costs may be deemed, at the sole discretion of the GLO, as necessary to comply with the proposed delivery schedule or period of performance and may be considered allowable only to the extent that they would have been allowable if incurred after the start date of the CDBG-DR Subrecipient Agreement (24 CFR 570.489(b)).

The GLO may allow a subrecipient to incur costs for CDBG-DR activities before the CDBG-DR Subrecipient Agreement start date and to charge these pre-agreement costs to the grant only if those costs incurred reflect the following:

- The activities for which the funds were used are eligible costs;
- The activities for which the funds were used meet a National Objectives of the program;
- The activities for which the funds were used are authorized under applicable state and/or federal law; and
- Funds were utilized for procurement for grant expenditures specific to the CDBG-DR funding and as supported by adequate documentation.

The subrecipients may not incur costs or expend any awarded funds for project construction prior to, at a minimum:

- Meeting the Environmental Review requirements in the CDBG-DR Subrecipient Agreement, and receipt of an Authority to Use Grant Funds (AUGF) from the GLO.
- Satisfactorily submitting all applicable start-up documentation to the GLO.

Best practice is to contact your GLO-CDR Grant Manager before incurring any pre-agreement costs intended to be reimbursed by CDBG-DR and/or CDBG-MIT funds.

1.5 Record Retention

Project records should provide a historical accounting of the CDBG-DR and/or CDBG-MIT project and must be available for examination and review by local staff, the GLO, HUD, state and federal auditors, other state agencies, and any other interested parties. Each subrecipient must maintain a complete set of files at the local office level.

All local records relating to a CDBG-DR and/or CDBG-MIT award must be maintained for three (3) years after close-out of HUD's grant to the State of Texas. The GLO will notify subrecipients when a grant has closed by sending notice via mail, or email, that includes the specific date of the grant closeout and the retention period.



If subrecipients are notified by the GLO in writing, or if other applicable laws and regulations as described in 24 CFR 570.490 apply to a project, the record retention period may be extended. If any litigation, public information request, claim, or audit is started before the expiration of the record retention period, the records must be kept until the action has been fully resolved.

1.6 Complaint Procedures

The GLO has adopted a public complaint process to investigate and resolve issues arising from its administration of CDBG-DR and/or CDBG-MIT programs. Subrecipients should adopt similar or equivalent policies and procedures to address any and all complaints arising out of the administration of CDBG-DR and/or CDBG-MIT programs. Subrecipients must retain records related to any complaint received and the resolution of the complaint (see [Resources](#)—Resource 1.9 for additional information).

1.7 Training

The GLO is committed to providing training and resources to subrecipients to ensure effective and efficient implementation of programs. This training shall be provided on an as-needed basis and upon request. A link to the GLO-CDR Training Plan and other training resources can be found in [Resources](#)—Resource 1.10.

1.8 CDBG-DR Toolkit

HUD's CDBG-DR Toolkit (<https://www.hudexchange.info/programs/cdbg-dr/toolkits/program-launch>) provides additional information to assist subrecipients in creating and implementing an effective CDBG-DR program. It includes guidance on program rules, lessons learned from previous CDBG-DR grantees, and sample tools to assist in program design and implementation.

The Program Launch section accessible via the link above provides critical information on program rules and offers tips and tools for establishing the systems, procedures, and capacity needed to implement CDBG-DR funded programs.

The Program Implementation section describes important design considerations and provides implementation tools for common CDBG-DR activities including homebuyer, homeowner rehabilitation, rental rehabilitation, buyouts, economic development activities, and others.

Because no two grantees are identical and every disaster presents new challenges, the tools should be adapted to meet your local circumstances and recovery needs. A link to the CDBG-DR Toolkit can be found in [Resources](#)—Resource 1.11.



1.9 Resources

GLO-CDR has created a comprehensive website which contains necessary forms, checklists, detailed guidance documents, and additional resources to supplement this Implementation Manual. Please see www.recovery.texas.gov for more information. The following resources are referenced within this chapter and will be updated as new forms and documents are developed.

Resource Number	Topic
Resource 1.1	GLO-CDR Action Plans
Resource 1.2	Program Application Guides: <ul style="list-style-type: none"> ▪ CDBG-MIT Application Guide ▪ Hurricane Harvey Competitions Application Guides: <ul style="list-style-type: none"> Harvey Housing Guidelines [revised 4/2020] Homeowner Reimbursement Program (HRP) Homeowner Application Guidance Infrastructure Application Guidebook Local Buyout or Acquisition Subrecipient Application Guidance ▪ 2015/2016 Floods Housing Guidelines <li style="padding-left: 20px;">2016 Floods HUD MID Application Guidebook ▪ Hurricane Ike and Dolly Round 2 Housing Guidelines
Resource 1.3	National Objectives and Eligible Activities Guide
Resource 1.4	Federal Register Notices for CDBG-DR and CDBG-MIT Allocations
Resource 1.5	HUD's LMI Summary Data (LMISD)
Resource 1.6	Duplication of Benefits
Resource 1.7	Robert T. Stafford Disaster Relief and Emergency Assistance Act
Resource 1.8	Housing Guidelines for Texas CDBG-DR Allocations
Resource 1.9	Complaint Procedures (GLO)
Resource 1.10	GLO-CDR Training Plan and Training Resources
Resource 1.11	CDBG-DR Toolkit (HUD)

Note: Individuals have reported a better experience when using **Internet Explorer or Safari** to view files.

Please direct all questions regarding your specific program or project to your assigned GLO Grant Manager. Send comments related to the GLO-CDR Implementation Manual to ImplementationManual.glo@recovery.texas.gov.