
2019 CDBG-DR PUBLIC FACILITIES AND PUBLIC IMPROVEMENT GUIDELINES

Oklahoma Department of Commerce



DECEMBER 28, 2021
OKLAHOMA DEPARTMENT OF COMMERCE
900 N Stiles Avenue, Oklahoma City, OK 73104

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Introduction

Accessibility Statement from the Oklahoma Department of Commerce

The Oklahoma Department of Commerce is committed to making its electronic and information technologies accessible to individuals with disabilities in accordance with both Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as well as Oklahoma's Oklahoma Electronic and Information Technology Accessibility law, or EITA.

Oklahoma works to make its government more transparent, available, and useful. Making State technology resources accessible to people with disabilities helps the State to meet its goal of creating a more transparent government. Complete information can be found at <https://www.ok.gov/accessibility/>.

Commerce posts many documents to our websites in Adobe PDF format to provide enhanced document features and preserve design. The ability to open PDF documents is built into most popular web browsers and Adobe Reader is provided for free by Adobe at adobe.com. Commerce posts PDFs in text format so that documents can be read by screen readers.

Commerce posts some documents to our websites in Microsoft Office formats including Word, Excel, and PowerPoint format. Microsoft provides viewer applications for these formats for free on their website at microsoft.com.

Disaster Recovery Website

ODOC/CD maintains a website specifically for the 2019 CDBG-DR program. Please visit: <https://www.okcommerce.gov/reporting-compliance/cdbg-disaster-recovery-2019/> and check back often because the website is frequently updated.

- Notifications for Public Hearings will be published in English and Spanish.
- Read the 2019 CDBG-DR Action Plan, Citizen Participation Plan, Quarterly Reporting, and more.
- The website can easily be translated by clicking the “Translate This Page” button at the top of the screen.

If you need assistance with the website, or encounter any technical difficulties with the website, please contact Susan Riley (susan.riley@okcommerce.gov).

Staff Contacts for Questions, Comments, or Assistance

Please contact either Jade Shain or Taylor Huizenga if you have any questions, comments, or if in need of assistance for disability accommodations, translation, or interpretation services.

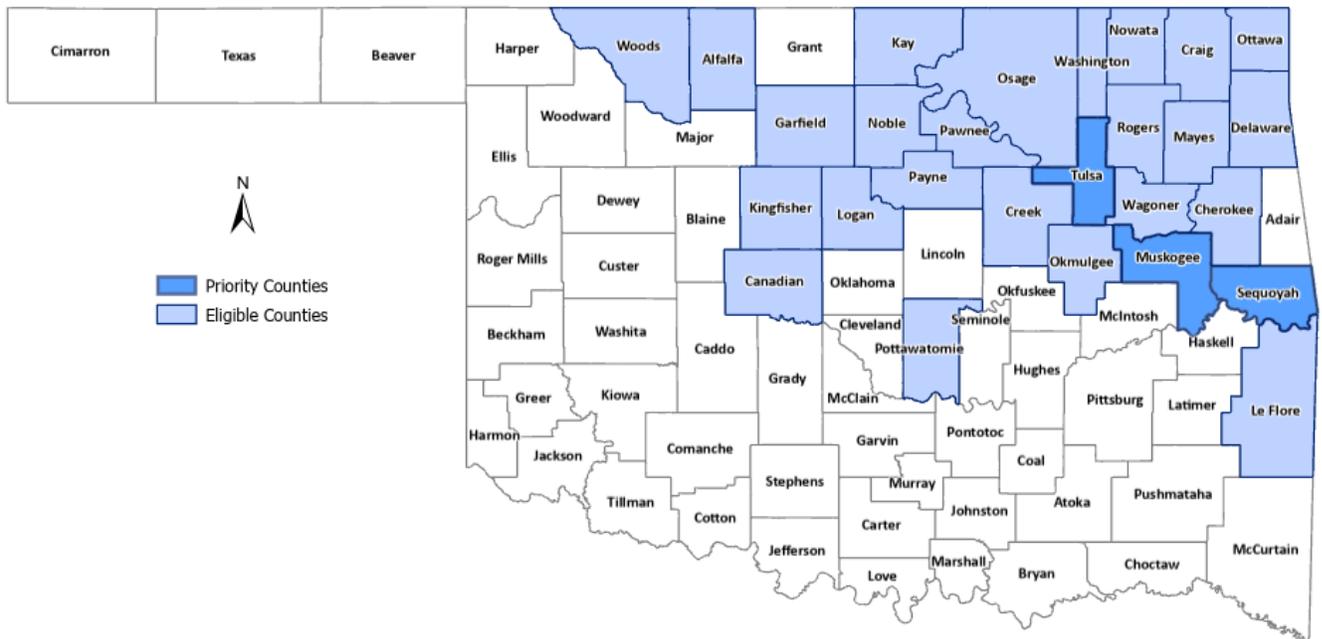
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Background to the 2019 CDBG-DR Grant Program

Oklahoma experienced severe storms from May 7, 2019 through June 9, 2019. These storms brought straight-line winds, tornadoes, and significant flooding to several communities throughout the state.

Due to the extensive damage to housing and infrastructure from these storm events, an allocation notice was issued by the United States Department of Housing and Urban Development (HUD) in Federal Register Notice Vol. 85, No. 17, Page 4681 Public Law 116-20 . This Federal Register Notice states that Oklahoma is eligible to receive an allocation of \$36,353,000 in disaster recovery

funds for necessary expenses for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et. Seq.) to address long-term recovery needs, particularly in the area of housing recovery that focuses on low and moderate-income beneficiaries. Per the Federal Register Notice, the only areas in which the funds can be expended are Presidentially Declared Disaster areas as a result of the incident period (May 7, 2019 to June 9, 2019) as defined by the applicable Disaster Declaration 4438. Within these eligible areas, the Federal Register Notice requires that a minimum of \$29,082,000, or 80% of the total State's \$36,353,000 CDBG-DR funding allocation, must be expended on CDBG eligible disaster related activities in Muskogee, Tulsa, and Sequoyah counties (see map below).



The remaining funding (20% of the total allocation) will be available for CDBG eligible disaster related activities in eligible counties as defined by Disaster Declaration 4438. Applicants from Alfalfa, Canadian, Cherokee, Craig, Creek, Delaware, Garfield, Kay, Kingfisher, Le Flore, Logan, Mayes, Noble, Nowata, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Rogers, Wagoner, Washington, and Woods are also eligible to submit applications related to the aforementioned disaster.

Purpose

CDBG-DR-funded activities in this category include the repair, replacement, or relocation of damaged public facilities or public improvements. Infrastructure activities typically meet the National Objective of Low-to-Moderate Income (LMI) Area Benefit. The Oklahoma Department of Commerce (ODOC) will only accept projects under the Urgent Need National Objective if significant documentation of such need is provided at the time of application. If applicable, infrastructure projects located in a floodplain must meet the requirements of 24CFR Part 55 "Floodplain Management and Protection of Wetlands."

The State has allocated disaster recovery dollars to infrastructure as follows:

STATE OF OKLAHOMA: CDBG-DR Allocation (PL 116-20)		
<u>Activities for Phase 1 Applications</u>	<u>Amount</u>	<u>Allocation %</u>
Housing (Owner-Occupied and Multi-family Housing)	\$21,766,442.30	59.9%
Owner-Occupied Single Family Homes		
<i>Buyout Program</i>	\$10,466,442.30	28.8%
<i>Reconstruction and Rehabilitation Program</i>	\$4,500,000.00	12.4%
<i>Owner Reimbursement Program (Subsidized Loans such as SBA)</i>	\$500,000.00	1.4%
Multi-family Homes: (Reimbursement, Rehabilitation, & Reconstruction)	\$6,300,000	17.3%

<i>Infrastructure (directly supported housing)</i>	\$2,000,000*	
<u>Activities for Phase 2 Applications</u>	<u>Amount</u>	<u>Allocation %</u>
Public Facilities & Improvements (Infrastructure that directly supports housing will be available during Application Phase I)	\$9,678,317.70	32.1 %
<u>Planning</u>	\$1,090,590.00	3.0%
<u>Administration</u>	\$1,817,650.00	5.0%
TOTAL:	\$36,353,000.00	100%

As per 24 CFR Part 570.483, subrecipients that receive an award from the state, may use either HUD-provided data comparing census data with appropriate LMI levels or survey data that is methodologically sound. **An activity that serves an area that is not primarily residential in character shall not qualify under this criterion for Phase I Applicants (housing-supported infrastructure only) but will qualify for Phase II Applicants (any eligible infrastructure project).**

The Census divisions that best fall within the service area should be used for defining the service area for purposes of reporting on the activity and for calculating the percentage of LMI income persons residing in that area. Subrecipients that believe that the census data does not reflect current relative income levels in an area, or where census boundaries do not coincide sufficiently well with the service area of an activity, may conduct a current survey of the residents of the area to determine the percent of such persons that are LMI. Subrecipients should consider the nature of the activity, location and capacity to serve particular areas, and limitations to public access when surveying residents. The process to conduct an income survey is further outlined in the **CDBG-DR Application Handbook**.

As previously stated, all CDBG-DR disaster recovery activities must clearly

address an impact of the disaster for which funding was appropriated. Given the standard CDBG requirements, this means each activity must:

- (1) Be CDBG-DR eligible (or receive a waiver);
- (2) Meet a national objective (primarily LMI benefit); and
- (3) Address a direct or indirect impact from the disaster in a presidentially declared county.

Levees

CDBG-DR funds can be used for the rehabilitation of levees on both public and private property. Subrecipients may use CDBG-DR funds to make improvements to flood control systems, including those funded or maintained by the U.S. Army Corps of Engineers (USACE). Mitigation features may be added onto a project that addresses recovery from the effects of the covered disaster. For example, if a levee failed or had to be extensively sandbagged above its existing level or was overtopped but held, one might be eligible to raise it with CDBG-DR funds, provided the project meets the LMI threshold, or in certain cases, the Urgent Need National Objective.

When applicable, Federal policy generally requires subrecipients who use CDBG-DR funds for levees and dams to:

1. Register and maintain entries regarding such structures with the USACE National Levee Database or National Inventory of Dams;
2. Ensure that the structure is admitted in the USACE PL 84-99 Program (Levee Rehabilitation and Improvement Program);
3. Ensure the structure is accredited under the FEMA National Flood Insurance Program;
4. Upload into the DRGR the exact location of the structure and the area served and protected by the structure; and
5. Maintain file documentation demonstrating that the grantee has conducted a risk assessment prior to funding the flood control structure and documentation that the investment includes risk reduction measures

Application and Administration

For the CDBG-DR Infrastructure, eligible applicants are Units of General Local Government (UGLG), which include incorporated towns, cities, counties, and certain non-profits. Eligible applicants can also be tribal nations, other State agencies, and Councils of Governments.

Applicants must have proposals that tie-back to the disaster period (May 7, 2019 through June 9, 2019) and geographic area described in the Presidential Declared Disaster (DR-4438).

At the time of application, projects should be identified by the subrecipient that would qualify for the program. A budget is determined based on need of the subrecipient applying. If awarded, the subrecipient contracts with the Oklahoma Department of Commerce (ODOC) to administer and oversee their jurisdiction in which the program applies. The subrecipient will administer and oversee the project's completion with continued oversight and technical assistance from the Oklahoma Department of Commerce.

Eligible Activities

Activities should add to the long-term recovery of an affected area and create a safer environment for citizens. Activities must have a clear tieback to the DR-4438 FEMA declared disaster. Activities can include, but are not limited to:

- Flood control and drainage repair and improvements, including the construction or rehabilitation of storm water management system
- Restoration of infrastructure such as bridges, water and sewer facilities, streets, the provision of generators and removal of debris
- The addition of infrastructure to support Low to Moderate Income housing

Environmental Requirements for CDBG funding

It is required that all approved subrecipients for the Public Facilities and Improvements Program follow all CDBG environmental regulations prior to receiving a release of funds. Additional information on CDBG environmental regulations can be found in the 24 CFR Part 58. For more information, refer to the Policies and Procedures (PnP) Manual supplied by the Oklahoma Department of Commerce.

Appendix

Version History

Version Number	Date	Notes	Page(s)
1	09-01-2021	Submitted to HUD.	Cover – 9
2	12-28-2021 JDS	<p>Significant changes were made to this document per the requirements of the Oklahoma Department of Commerce's Style Guide. For example, Headings and Subheadings are now using Arial instead of Times New Roman. The typeface used in the body text is now Google's Montserrat instead of Times New Roman. All colors in the Headings and Subheadings were chosen from the Style Guide. The following Colors are used in this document.</p> <p>a. Heading 1 = HEX #464646</p>	Entire document

		<ul style="list-style-type: none">b. Heading 2 = HEX #0066A6c. Heading 3 = HEX #000000d. Body/Normal = HEX #000000	
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