



# Orange County Recovers

## Program Guidelines



## Version Control

Version Number	Date	Summary of Changes	Approved By
1.0	January 8, 2025	Original Version	Sherry Julien
1.1	May 20, 2025	Referenced Lead Safe Housing Rule in Section 8.3; Added Inclusions and Exclusion for the 1040 on Section 6	Sherry Julien
2.0	June 23, 2025	Added HOA verbiage in Section 5.9	Sherry Julien

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## Version Control

Version history is tracked in the Version History table (page i), with notes regarding version changes. Dates of each publication are also tracked in this table. Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0 and increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of an existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

## Policy Change Control

Policy review and changes for the program are considered through a change-control process. Policy clarifications, additions, or deletions are needed during the course of the program to more precisely define the rules by which the program will operate. Program staff will document policy-change requests that will be tracked in the program files. Requests are compiled and brought before supervisory staff in a policy meeting. Subject matter experts working in a particular policy area or task area that will be affected by the policy decision may be invited to assist in policy evaluation, if necessary. Policy meetings will be held as frequently as is necessary to consider policy decisions critical to moving the program forward in a timely manner. Policy decisions will be documented and will result in the revision of the document in question.

# 1 Introduction

This document serves as the program guideline for Orange County's disaster recovery housing rehabilitation and reconstruction program known as the Orange County Recovers Program (OCRP). These guidelines were developed to serve as a basis for the OCRP program and to provide guidance on program implementation that follows HUD standards and best practices. This document may also serve as a reference for property owners, applicants, and other interested parties who want to understand how the program operates. Note that these program guidelines are only intended to address the Orange County Recovers Program. Each of the other recovery programs outlined in the Orange County Action Plan for Community Development Block Grant- Disaster Recovery (CDBG-DR) Funds ("Action Plan") is governed by its own Program Guidelines document.

Orange County was awarded a Community Development Block Grant-Disaster Recovery (CDBG-DR) grant through the US Department of Housing and Urban Development (HUD) to address remaining unmet disaster recovery needs in areas impacted by Hurricane Ian in 2022. Federal Register Vol. 88 No. 96 (88 FR 32046) allocated a total of \$219,712,000 in disaster recovery and mitigation funds to Orange County. Orange County has allocated the CDBG-DR funds to housing, infrastructure, planning, public services, and mitigation programs. These funds will be administered through Orange County's Department of Housing & Community Development. The Department of Housing & Community Development is the agency responsible and accountable to HUD for the administration of CDBG-DR funding.

The unmet needs assessment included in the Action Plan demonstrated significant unmet need related to single family home repair, reconstruction, for owner-occupied properties throughout the county impacted by Hurricane Ian in 2022. As such, Orange County has allocated \$35,000,000 in CDBG-DR funding for the Orange County Recovers Program which will assist eligible owners of single-family owner-occupied properties which were impacted by Hurricane Ian.

## 2 Program Overview

The Orange County Recovers Program (OCRP) provides housing assistance to eligible homeowners affected by Hurricane Ian in September 2022. OCRP assists eligible property owners by providing funding to repair, reconstruct, or replace single-family homes that have remaining damages from Hurricane Ian.

The Orange County Recovers Program is centrally administered by Orange County's Department of Housing & Community Development and serves low- to moderate-income (LMI) households impacted by Hurricane Ian.

Due to funding limitations and other factors, OCRP cannot guarantee assistance to all interested property owners. However, the program endeavors to serve as many Orange County residents as it can with available funds. To ensure that the most vulnerable households have reasonable opportunity to participate, OCRP prioritizes assistance to low-income households.

## 2.1 Purpose and Objective of OCRP

The purpose of OCRP is to assist the most vulnerable impacted households in Orange County and address the housing needs identified in the Action Plan's unmet needs assessment. OCRP's primary objective is to provide decent, safe, and sanitary housing to eligible applicants.

This program is designed to ensure that the housing needs of, low to moderate-income households, protected classes and vulnerable populations are addressed to the greatest extent feasible. To this end, the program will address disaster-related damages, and unrelated improvements to bring properties up to decent, safe, and sanitary conditions, if needed. OCRP will incorporate mitigation, green building, and energy efficiency measures, to make assisted homes more resilient in the face of future disasters.

## 2.2 National Objective and Eligible Activities

Activities funded through OCRP will primarily meet the Low to Moderate Income Housing (LMH) HUD National Objective<sup>1</sup> of providing benefit to Low- and Moderate Income (LMI) persons. To ensure that the program is in compliance, every household that is served by the program must qualify as LMI with a total household annual gross income that does not exceed 80% of Area Median Income (AMI), adjusted for family size, as published annually by HUD; however, on a case-by-case basis exceptions to address unmet needs that may occur to allow applicants up to 120 percent AMI.

Eligible activities under this program are as follows:

- Repairs to, reconstruction, or replacement of housing units damaged by Hurricane Ian, which may include bringing the home into compliance with applicable building codes and mitigation improvements to lessen the impact of future storm impacts, including elevation.
- The completion of work to storm-damaged homes that have been partially repaired but not currently under construction and/or contract by private contractor, HOA/POA, apartment complexes.
- Replacement of manufactured and mobile homes impacted by Hurricane Ian.
- Temporary Housing Assistance, which is based on individual homeowners' needs and their participation in the OCRP.

## 2.3 Program Education

Program education will be provided to all homeowners to explain the details of the program, the application process, qualification, and prioritization criteria, impacts of accepting an award, requirements for compliance during construction as well as after completion of activities, and long-term obligations as a result of accepting a program award. Program education is provided through one-on-one interactions between homeowners and program staff members. Program education includes but is not limited to:

- Weekly status update via phone and email notifications throughout the duration of program.

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<sup>1</sup> LMI National Objective 24 CFR 570.208(a)(3)

- Online portal to check application status.
- The provision of documentation that outlines the program phases and includes a brief explanation of each phase and steps required to advance in the program.

## 2.4 Award Caps

The maximum award granted to repair any one structure is \$250,000; the maximum award granted to reconstruct any one structure is \$375,000; and the maximum award granted to replace any one structure is \$200,000.

- Stick-built/block properties qualify for a repair if the estimated cost to repair the structure is less than \$250,000.
- Stick-built/block properties qualify for a reconstruction award if the estimated cost to repair the structure is equal to or greater than \$250,000 or the property is otherwise deemed “Not Suitable for Rehabilitation.”
- Manufactured Home Units (MHUs) qualify for a repair if the estimated cost to repair the structure is less than \$25,000.
- Manufactured Home Units (MHUs) qualify for a replacement award if the estimated cost to repair is more than \$25,000.

## 3 Application Intake Process

Applicants will be required to complete an OCRP application and provide supporting documents required for eligibility review, income verification, and duplication of benefits review. All documentation submitted by the applicant must be valid at the time of submission.

Single-family property owners who are interested in assistance may apply for the Orange County Recovers Program via the following methods.

- Complete an application online at [www.orangecountyrecovers.com](http://www.orangecountyrecovers.com).
- Visit the program Intake Center at the address below<sup>2</sup> (by appointment only).

Holden Heights Community Center  
1201 20<sup>th</sup> Street  
Orlando, FL 32805

- Call 321-382-3514 to be connected to a case manager.

Each applicant will be assigned a dedicated Case Manager. Case Managers will be available at the OCRP intake center, by phone, and via email to assist the applicant through the intake process and to answer questions as needed. Each Case Manager has a direct email address and phone line at which he/she can be reached. Applicants are provided direct contact information for the Case Manager assigned to the application. Alternatively, the applicant may contact a program representative by using the general contact information outlined in the bullets above.

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<sup>2</sup> Please note that County-recognized holidays may impact these hours.

The application process will require each applicant to authorize OCRP to obtain third-party data by signing a consent/release form. Case Managers will collect documents needed to determine eligibility and which program benefits the applicant may be eligible to receive<sup>3</sup>.

Multiple standard methods of communication will be offered to ensure applicants receive timely, accurate information regarding their applications and the program. Methods of communication with the Program include, but are not limited to:

- Orange County Recovers Program website [www.orangecountyrecovers.com](http://www.orangecountyrecovers.com)
- Email: [info@orangecountyrecovers.com](mailto:info@orangecountyrecovers.com)
- Telephone at 321-382-3514 AND
- Mail correspondence.

OCRP Applications will be accepted until the budget is fully committed or exhausted Orange County may adjust the intake period at its discretion to accommodate program needs and will post deadlines online.

### 3.1 Applicant Identification & Proof of Residency

Applicants and adult household members aged eighteen (18) or older will be required to submit a valid photo identification. Expired photo identification will not be accepted. Forms of identification accepted by OCRP are:

- Government Issued Photo Identification (Federal or State issued);
- Non-Temporary Driver's License;
- Passport;
- Military ID Card; or
- Certificate of Naturalization or Permanent Resident Card.

Household members under the age of eighteen (18) must also submit proof of age and identity. Birth certificates must be submitted for all household members seventeen (17) and younger. If an applicant is unable to produce a birth certificate for a minor child, other documents may be considered on a case-by-case basis.

### 3.2 Applicant Designees

Applicants may choose to designate other individuals to act on their behalf or to receive information about their application from OCRP. Applicants may designate a Power of Attorney, Co-Applicant, or Communication Designee, or any combination thereof, at the sole discretion of the applicant. The requirements for and powers of each designated representative type vary and are outlined below.

- **Power of Attorney:** A Power of Attorney is someone who is legally authorized to act on behalf of the applicant. The powers afforded to legally authorized Powers of Attorney

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<sup>3</sup> A complete list of required documentation can be found in the Eligibility Requirements section of this manual.

vary, based on the duly executed Power of Attorney document. OCRP will not aid applicants in designating or securing a Power of Attorney but will recognize the powers of a legal Power of Attorney as outlined in a Power of Attorney document submitted by the applicant.

- Co-Applicant:** A Co-Applicant must be an adult, and co-owner of the storm-impacted property. For Applicants, a Co-Applicant must also be a household member of the storm-impacted property. Co-Applicants will have the same authority over the OCRP application as the Applicant. If a Co-Applicant is designated by the Applicant, Co-Applicants must sign all program documents with the Applicant. The Co-Applicant will be granted decision-making authority over the OCRP application. However, Applicants are not required to designate a Co-Applicant, regardless of whether or not the storm-impacted property is owned jointly.
- Communication Designee:** A communication designee may be an adult person the applicant wishes to designate as an authorized person to receive information about the Applicant’s OCRP application. OCRP shall be authorized to share information with the communication designee, but the Communication Designee is not authorized to make any decisions regarding the OCRP application or affect the OCRP application on the applicant’s behalf.

Any of the aforementioned persons, if duly appointed by the applicant, may serve as the applicant’s representative in attendance of program inspections, should the applicant be unable or unwilling to attend. However, only a Power of Attorney duly authorized to do so may sign documents, make agreements or decisions, or otherwise act unilaterally on behalf of an applicant.

### 3.3 Required Applicant Certifications

As part of the OCRP application process, each applicant must sign an Applicant Certification Form. The Applicant Certification Form includes the following acknowledgments and authorizations. The Table below outlines the required certifications, along with a description of the content of the certification.

Certification	General Description
<b>Release of Information</b>	Authorization from the applicant to share and receive personal information from third parties in connection with OCRP and for purposes of progressing the applicant’s case through OCRP
<b>Right of Entry</b>	Authorization from the applicant for the program to access the storm-impacted property throughout the life of the application.
<b>Certification of Truthfulness</b>	Applicant affirmation that all information provided in the application is accurate.
<b>Subrogation Agreement</b>	Applicant affirmation that any funds received for the same purpose as funds provided under OCRP after provision of assistance through OCRP must be returned to Orange County.
<b>Construction Stop Work</b>	Applicant agreement to stop all construction work at the storm-impacted property and take no choice limiting actions after date of program application.

<b>Uniform Relocation Act Compliance (if applicable)</b>	Applicant agreement to comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).
<b>Conflict of Interest Disclosure</b>	Applicant's report of relationship with any public servant, employee, agent, consultant, officer, or elected official or appointed official of Orange County, or any designated public agencies, or of subrecipients that are receiving funds under the CDBG-DR Program (collectively, "Public Servant") and the nature if said relationship. Applicants who do not have a relationship with Public Servants must report that no such relationship exists.

Table 1: Applicant Certifications Collected at Intake

### 3.4 Order of Assistance (Prioritization)

In order to assist the most vulnerable households in Orange County, OCRP will prioritize review of owner-occupied applicants based on the following factors:

1. **Priority 1:** Applicants with
  - a. Income level less than 50% AMI
2. **Priority 2:** Applicants with
  - a. Income level 50- 80% AMI AND have minor children and/or a household member with a documented disability

### 3.5 Applications

The following conditions apply to all applications received by the program:

- Only completion and submission of the official OCRP for Hurricane Ian application, including the submission of all supporting documentation, will be considered as an application for program benefits.
- Regardless of the number of individuals per household, there may only be one application per household. Duplicate applications will be closed so that only one application per property address remains active.
- Submitting an application does not guarantee assistance. Applications will be served based on availability of funds, prioritization, and qualification of benefits.
- Qualification for assistance will be certified by program staff prior to the commitment of any funds to an activity or beneficiary.
- Anyone who makes an inquiry about the program will be provided assistance to apply for the program during the open application period.
- If an applicant enters into a choice-limiting action<sup>4</sup>, or continues to proceed with construction to their home, they will be deemed ineligible, and their program application will close.

<sup>4</sup> [A choice limiting action is any activity that a grantee undertakes, including committing or expending HUD or non-HUD funds, that reduces or eliminates a grantee's opportunity to choose project alternatives that would avoid or minimize environmental impacts or enhance the quality of the human environment](#)

## 4 Conflict of Interest

Orange County employees, and consultants who exercise functions with respect to CDBG-DR activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, are prohibited from receiving any benefit from the activity either for themselves or for those with whom they have family or business tie, during their tenure.

For purposes of this section, “family” is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), and children of an official covered under CDBG conflict of interest regulations at 24 CFR 570.489(h).

An exception to the conflict-of-interest provision may be granted should it be determined that Orange County has adequately and publicly addressed all of the concerns generated of Title I of the Housing and Community Development Act of 1974 and the effective and efficient administration of the program.

## 5 Eligibility Requirements

OCRP will offer pathways to assist owners of single-family housing units impacted by Hurricane Ian. Applicants who owned their properties during the time of Hurricane Ian may be eligible for assistance. Each applicant will be screened for eligibility to ensure compliance with OCRP requirements.

Applicants will be required to provide complete and accurate information regarding their household composition, household income, and other eligibility criteria. Failure to disclose accurate and complete information (including failure to provide necessary documentation) may result in the applicant being deemed ineligible for assistance.

If an applicant is found to have submitted inaccurate and/or incomplete information in order to appear eligible for OCRP, then they may be required to make full restitution to Orange County, including administrative fees, construction costs, and other costs.

Below are the threshold eligibility requirements for applicants to be eligible for assistance. Threshold requirements are those that will either allow an applicant to continue to move forward in the program or result in disqualification. Please note that being deemed eligible does not guarantee that assistance will be provided, as OCRP is subject to limited funding.

All applicants to OCRP must demonstrate compliance with all eligibility criteria.

Individual applicants applying to OCRP for assistance must meet all of the following criteria:

- The storm damaged property must have unrepaired storm damage caused by Hurricane Ian (DR-4673), which made landfall in Florida in September 2022.
- The storm-impacted property must be located within Orange County, Florida.
- Applicant must have owned the storm-impacted property at the time of Hurricane Ian and must still own the property;
- The applicant must have occupied the home as a primary residence at the time of Hurricane Ian;
- Property must not be located in a regulatory floodway;

- The storm-impacted property must be an eligible single-family unit;
- The applicant must be current on their property taxes or on a payment plan in good standing;
- If there is a mortgage on the property, the mortgage must be in good standing.
- The applicant's household must qualify as low to moderate-income, with a combined annual household income equal to or less than 80 percent or less of the AMI, adjusted for the family size with exceptions on a case-by-case basis
- The storm-impacted property must not be subject to bankruptcy proceedings or in foreclosure.

Eligibility will be determined by the program based on a combination of information and documents supplied by the applicant and information verified independently by the program.

The following table includes eligibility criteria for applicants, along with the documents required to be submitted by the applicant for each criterion. Eligibility criteria that will be independently verified by the program are noted as such.

Eligibility Criterion	Document(s) Required
<p><b>Must have owned the damaged property at the time of Hurricane Ian. Applicant must still own the property to receive assistance.</b></p>	<p>One (1) of the following:</p> <ul style="list-style-type: none"> <li>• Deed</li> <li>• Mortgage Statement</li> <li>• Title (for mobile homes only)</li> <li>• Probated Will</li> <li>• Court order or judgment granting ownership of the property</li> <li>• Other documents may be considered on a case-by-case bases</li> </ul>
<p><b>Must have occupied the home as a primary residence at the time of Hurricane Ian</b></p>	<p>Homestead exemption at the storm-damaged property address in 2022, which was the year of the qualifying storm</p> <p>OR 2 of the following:</p> <ul style="list-style-type: none"> <li>• FEMA IA award letter for damaged property address for damages caused by Hurricane Ian</li> <li>• SBA Disaster Home Loan award letter for damaged property address for damages caused by Hurricane Ian;</li> <li>• Driver’s license or state-issues ID card showing the damaged property address; issued prior to the date of the hurricane (s) and expiring after;</li> <li>• Utility bills addressed to the applicant at the damaged property address showing that services were provided in the month preceding or month of the disaster (must indicate household utility usage during pre-hurricanes time period);</li> <li>• Credit card bill or bank statement sent to the application at the damaged property address in the month preceding or the month of the disaster;</li> <li>• Insurance documentation indicating primary residence in 2020, such as homeowner’s endorsement;</li> <li>• Employer’s statements, including pay stubs and similar employment documents (must be dated in the month preceding or month of the disaster)</li> <li>• Other documents may be considered on a case-by-case basis</li> </ul>
<p><b>Property is located in Orange County</b></p>	<p>Verified by the program using the storm-damaged property address and GIS mapping if needed</p>

Eligibility Criterion	Document(s) Required
<p><b>Property has unrepaired damaged from Hurricane Ian</b></p>	<p>Verified by the program via a Damage Assessment</p> <p>OR</p> <p>If it is impossible to verify storm damage via a program damage assessment, such as in cases where the storm damaged property has been demolished, the applicant may be required to provide proof of storm damage, which may include:</p> <ul style="list-style-type: none"> <li>• FEMA IA award letter for damaged property address for damages caused by Hurricane Ian;</li> <li>• SBA Disaster Home Loan award letter for damaged property address for damages caused by Hurricane Ian;</li> <li>• Insurance claim noting damages at the damaged property address caused by Hurricane Ian;</li> <li>• Date-stamped, color photos of storm damage at the damaged property address; or</li> <li>• Other documents may be considered on case-by-case basis</li> </ul>
<p><b>The storm-damaged property must be an eligible single-family structure</b></p>	<p>Verified by the program via a Damage Assessment</p> <p>OR</p> <p>If it is impossible to verify structure type via a program damage assessment, such as in cases where the storm damaged property has been demolished, the applicant may be required to provide proof of storm damage, which may include:</p> <ul style="list-style-type: none"> <li>• Pre-storm information on structure type from the property appraiser’s office;</li> <li>• Date-stamped, color photos of the damaged property address; or</li> <li>• Other document considered on a case-by-case basis</li> </ul>
<p><b>Property Taxes Current</b></p>	<p>Proof from the tax assessor of property taxes paid in full at the time of application</p> <p>OR</p> <p>Proof of a payment plan in good standing at the time of application</p>

Eligibility Criterion	Document(s) Required
<p><b>If there is a mortgage on the property, the mortgage is in good standing</b></p>	<p>Most recent mortgage statement, at the time of application, showing no arrearages</p>
<p><b>Household is low- to moderate-income<sup>5</sup></b></p>	<p>Proof of income is required for the application and all household members aged 18 or older. Proof of income required varies by the type of income and individual earnings. Required documents to demonstrate income for the most common sources of income are as follows:</p> <ul style="list-style-type: none"> <li>• Most recent year tax return</li> </ul> <p>OR, if tax return is not available:</p> <ul style="list-style-type: none"> <li>• <b>Wages:</b> Three (3) recent paystubs dated within the past three (3) months</li> <li>• <b>Retirement/Social Security:</b> <ul style="list-style-type: none"> <li>○ Current Social Security Benefits Letter (including benefits paid to minors),</li> <li>○ Current Pension/Retirement Benefit Letter (if applicable), or prior year 1099 form,</li> <li>○ Current Annuity Payment Letter (if applicable), or prior year 1099 form, or</li> <li>○ Past three (3) Months Bank Statements (Social Security Benefits &amp; Pension only)</li> </ul> </li> <li>• <b>Self-Employment Income:</b> Most recent tax return (1040 or 1040A), W-2 Forms; and/or Current year profit and loss statement;</li> <li>• <b>Rental Income:</b> Current lease agreements;</li> <li>• <b>Unemployment Benefits:</b> Current benefit letter with gross benefit amount;</li> <li>• <b>Court Ordered Alimony/Spousal Maintenance/Child Support:</b> Copy of court order documentation;</li> <li>• <b>Taxable Interest and Dividends</b> (including amounts received by, or on behalf of minors);</li> <li>• <b>No Income:</b> Adult household members who do not earn income will be required to submit a Certification of No Income.</li> </ul>

<sup>5</sup> For further information on how household income is calculated, please see Household Income Verification Section of this guideline

## 5.1 Ownership

To qualify for OCRP, applicants must have owned the property at the time the damage occurred on September 28, 2022, and must currently own the damaged property in order to be eligible for the program. Applicants must be able to demonstrate that they owned the property at the time of the qualifying storm.

Additionally, applicants must agree not to sell or transfer the property, or any interest in it, whether voluntarily or involuntarily until after the completion of the program compliance period. Applicants must notify OCRP before any transfer occurs before the end of the compliance period. More information about the program compliance period can be found in section 14.2 Compliance Period of this document. Below is a brief description of the compliance period for awarded applicants:

- OCRP applicants are required to occupy the home as a primary residence for three (3) years following completion. During this time Orange County has the right to request documentation for proof of occupancy to ensure the applicant has continued owning and residing in the home for the respective compliance period.

### 5.1.1 MHU Ownership

Applicants applying for assistance for a manufactured home unit (MHU) must have owned the MHU at the time of Hurricane Ian.

Proof of MHU ownership can be established with the following documents:

- Manufactured Home Title showing applicant/co-applicant's name as owner;
- Bill of Sale showing applicant/co-applicant's name as owner and date of purchase prior to September 28, 2022;
- MHU Registration with date of purchase prior to September 28, 2022, showing applicant and/or co-applicant's name as owner; or
- Warranty Deed identifying the MHU showing applicant/co-applicant's name as owner and date of purchase prior to September 28, 2022.

While MHU owners do not need to demonstrate proof of land ownership to be eligible, MHU owners must demonstrate that they have legal right to occupy the land and that the landowner consents to OCRP demolishing and replacing the unit on the owner's land, should the applicant qualify to receive assistance. The landowner must provide the program with all MHU covenants, restrictions, and/or HOA rules, if applicable. If the applicant does not own the land, the lot rent for leased land must be in good standing and must stay current throughout the duration of the program.

Proof of Land ownership can be established with the following documents:

- Landowner Consent form signed by the legal landowner;
- Warranty deed identifying the land showing applicant and/or co-applicant's name as owner and date of purchase prior to September 28, 2022;
- Probated Will
- Court order or judgement granting ownership of the property, or

- Other documents may be considered on a case-by-case basis

### 5.1.2 Stick-Built/CMU Ownership

Applicants applying for assistance for a stick-built/CMU home must establish ownership of the property as of September 28, 2022.

Proof of ownership can be established with the following documents:

- Deed
- Mortgage Statement
- Probated Will
- Court order or judgment granting ownership of the property, or
- Other documents may be considered on a case-by-case basis

## 5.2 Special Circumstances Related to Type of Ownership

The following exceptions may apply as special circumstances related to ownership of the damaged property.

### 5.2.1 Reverse Mortgages

Applicant(s) with a reverse mortgage at the time of Hurricane Ian are eligible to apply.

### 5.2.2 Purchase Contracts

Evidence of purchase contracts must prove that a homeowner was purchasing a home on a contract by:

- The applicant presenting the notarized contract dated and executed prior to the storm for review by OCRP; and
- The applicant presenting the notarized and executed contract that was filed prior to the storm in the conveyance records of Orange County.

Proof that a contract has been completed and title conveyed to the purchaser is provided by:

- Evidence of recordation of the title in the name of the applicant in the conveyance records of Orange County; and
- Evidence that property was transferred by a warranty deed.

### 5.2.3 Act of Donation

An Act of Donation is a form of property transfer without exchange or payment. An Act of Donation must have been made prior to the storm and be:

- In writing,
- Witnessed,
- Notarized, and
- Recorded in the public record.

## 5.2.4 Trust

Property held in trust for the benefit of natural persons may be eligible for OCRP assistance as long as at least one of the occupants at the time of the storm was a current beneficiary of the trust. The trustee's powers must include the ability to affect the damaged property. If the trustee's powers do not include the ability to affect the damaged property, the beneficiaries with an interest in the damaged property must sign the closing documents along with the Trustee.

The following is required to confirm eligibility:

- The applicant(s) must provide a copy of the trust document; and
- The trust document or an abstract of the trust must be recorded in the conveyance records of Orange County. This recordation in the conveyance records of Orange County may be recorded post-storm if necessary.

The applicable agreements must be executed by the trustee(s) unless the trust distributes the property to a beneficiary, in which event the beneficiary receiving the property must execute the applicable agreement and occupy the residence after assistance. If the property was not serving as the primary residence for the current beneficiaries or trustee, the applicant(s) is not eligible for assistance.

## 5.2.5 Life Estate

Applicants in a life estate situation are encouraged to apply for the program. An applicant who has a valid life estate over the damaged property is potentially eligible for program assistance provided he or she also occupied the damaged property as his or her primary residence on the date of Hurricane Ian. Any such applicant shall provide evidence of the claimed life estate by way of an executed deed, trust, will or other documentary evidence that conclusively established the existence of the claimed life estate that was filed prior to the storm in the conveyance records of Orange County. The program will review the applicant provided evidence of the life estate to determine if the documentation is sufficient for program eligibility purposes. Remainderman will not be required to execute the grant agreement provided there is an occupant with life estate.

## 5.2.6 Death of Eligible Owner Occupant

If an applicant passes away after an OCRP application is submitted, but before construction begins, the applicant's heir may be deemed eligible to receive assistance through OCRP if:

- The heir is a household member listed on the application; and
- The heir can demonstrate current ownership of the storm damaged property via one of the accepted methods; and
- The heir meets all other eligibility requirements.

If no eligible household member-heir is identified, the application will be closed. If the applicant passes away after program construction has begun, the program will complete construction of the property.

## 5.3 Proof of Primary Residency

The applicant(s) must have occupied the storm-damaged property as their primary residence as of the date of Hurricane Ian on September 28, 2022.

Documents provided to demonstrate primary residency should include the applicant or co-applicant's name, appropriate date demonstrating residence at the time of the hurricane, and storm-impacted property address. Acceptable documents include:

- Homestead exemption at the storm-damaged property address in 2022, which was the year of the qualifying storm;

OR two (2) of the following documents:

- FEMA IA award letter for storm-impacted property address for damages caused by Hurricane Ian;
- SBA Disaster Home Loan award letter for storm-impacted property address for damages caused by Hurricane Ian;
- Driver's license or state-issued ID card showing the storm-impacted property address; issued prior to the date of the hurricane and expiring after;
- Utility bills addressed to the applicant or co-applicant at the storm-impacted property showing that services were provided in the month preceding or month of the disaster (must indicate household utility usage during pre-hurricane time period);

OCRCP will review and assess all available documentation together and determine primary residency based on the applicant's demonstration of consistency across the variety of documentation provided. In the event that inconsistencies in documentation are found, the application may not move forward in the eligibility process until the inconsistencies are resolved by the applicant. All applicants in the program bear the burden of proof for providing consistent evidence to prove primary residency at the time of the disaster.

## 5.4 Location

In order to be eligible for assistance through OCRCP, the applicant's damaged property must be located in Orange County, Florida.

## 5.5 Structure Types

To be eligible for OCRCP assistance, the property must be an eligible structure type. Eligible structure types will be reconstructed or replaced with single-family structures or MHU's only. Eligible structure types include:

- Single-family stick-built/concrete block homes and modular dwelling units. Modular homes will be considered stick-built homes.
- Manufactured Housing Units (Hus)
- Condominiums, townhomes, duplexes, and other units that share a common wall may be eligible structure types for rehabilitations only.

The following structure types are ineligible for OCRP assistance:

- Garages, sheds, and outbuildings not attached to the main dwelling unit are not eligible for repair but may be eligible for demolition only, as part of an eligible project, if deemed a safety hazard or in the path of the proposed construction activities. Garages, sheds, and outbuildings will not be addressed as stand-alone activities. Improvements must be permanently attached to the main housing structure. OCRP reconstructed homes do not include reconstruction of garages (attached or detached), sheds, pool houses, or other outbuildings. Such outbuildings may be demolished during reconstruction to allow enough space for the new home to be built or because such structures pose a health or safety issue.;
- Recreational Vehicles and camper trailers used as a residence are not eligible for the program;
- Houseboats used as a residence are not eligible for the program;
- Second homes;
- Seasonal, short-term, and vacation rental properties;
- Housing units located where federal assistance is not permitted by federal regulation, including floodways, or within a Coastal Barrier Resources System unit;
- Properties with delinquent mortgages, delinquent real property taxes, or properties that are subject to bankruptcy proceedings or in foreclosure;
- Properties located on sites with extraordinary site conditions that are determined to be not feasible for demolition and reconstruction or replacement. Extraordinary site conditions may include but are not limited to properties with environmental concerns, properties where local building codes prohibits program scopes of work, scopes of work that would exceed the respective award cap or properties located in a floodway; and
- Properties currently under construction and/or contract by private contractor, HOA/POA, apartment complexes.

### 5.5.1 Condominiums, Townhomes, Duplexes, and Other Structures with Shared Walls

Owners of condominiums (condos), townhomes, duplexes, and other structures with common areas and shared walls or other shared structural components may be eligible for repairs under OCRP. The applicant's damaged structure may belong to condo associations, co-op boards, and homeowner associations (all of these entities are hereafter collectively referred to as "Associations") that are responsible for the common areas and components of the entire condo, co-op, or townhome. As such, any applicant that applies for assistance whose structure type is a condo, townhome, duplex, or other structure with common areas, shared walls, or shared structural components is required to notify the program of the Association's rules, guidelines, bylaws, etc. (hereafter referred to as Association Guidelines"), if applicable.

All repairs approved under this Program must benefit the homeowner's unit. Incidental benefit to common areas or other units is allowable. For example, a roof patch over the applicant-owner's unit provides benefit to the individual unit and mitigates damage to neighboring non-applicant units but does not provide a direct benefit to the other units. Conversely, a whole roof replacement would benefit all owners and not solely the applicant. If the applicant is otherwise eligible for repairs, Association consent will be required for repairs, if applicable. The Association

must agree to consent to repair of the homeowner's unit. Failure of the Association to agree to provide requested consent will result in the ineligibility of the unit's participation in the program.

Applications for condominiums (condos), townhomes, duplexes, and other structures with common areas and shared walls will be considered based on the unit, not the structure. The structure of the unit must contain four or less units. Structures containing five or more units are multi-family structures and are ineligible for program assistance. The applicant can only apply for one unit and eligibility will be considered based on the unit's household composition. The Program may assess each application's eligibility on a case-by-case basis. It is important to clarify that while certain structural elements like roof, walls, and siding may be eligible for repair, common areas such as meeting rooms or recreational spaces are ineligible for program assistance.

## 5.6 Proof of U.S. Citizenship or Lawful Permanent Resident

The program will comply with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") in determining eligibility for assistance. U.S. Citizens or Lawful Permanent Residents are eligible to receive benefits under this program. At least one person on the application with an ownership interest in-part or in-whole on the property, must be able to demonstrate U.S. Citizenship or Lawful Permanent Residency to ensure program eligibility.

The documentation needed to verify U.S. Citizenship or Lawful Permanent Residency may include, but is not limited to the following:

- If the applicant, who also appears on ownership documentation, has a valid REAL ID compliant Driver's License or REAL ID compliant Identification Card, the program will consider this validation complete.
- In the event a REAL ID compliant Driver's License or Identification Card is not available, applicants that have confirmed assistance using FEMA IA or SBA data for property assistance will be considered verified using this method since both FEMA and SBA validate legal residency as part of their application process.
- Applicants without a REAL ID compliant Driver's License, REAL ID compliant Identification Card, FEMA IA, or SBA assistance, must submit one (1) of the following:
  - Resident Alien Card;
  - U.S. Birth Certificate (verified against government-issued photo ID); or
  - U.S. Passport or Certificate of Naturalization.

## 5.7 Property Taxes

All applicants must be current on their property taxes, or current on a locally approved payment plan through the local taxing authority, except for MHUs located on non-owned land (leased lots). Applicants must provide documentation from the local Property Appraiser's Office or OCRP may obtain such information electronically from a local tax collector's office.

Owners of MHUs on non-owned land will be required to complete a landowner authorization form confirming that the landowner consents to the construction. Property taxes will be used to confirm the authorization is completed by the landowner.

Properties with delinquent real property taxes are ineligible.

## 5.8 Mortgage in Good Standing

If the subject property has a mortgage, the mortgage must be good standing, with no arrearages. Applicants who have a mortgage on the subject property must submit proof of mortgage in good standing at the time of application. Applicants who have previously fallen into arrears on a mortgage may be eligible, if the applicant can demonstrate the mortgage is currently in good standing or that a payment plan has been agreed to by the lender and the payment plan is in good standing.

Properties with delinquent mortgages, or properties that are subject to bankruptcy proceedings or in foreclosure are ineligible.

## 5.9 Homeowners Associations (HOAs)

As part of our commitment to responsible reconstruction and rehabilitation, the Orange County Recovers Program (OCRCP) will make every reasonable effort to comply with all applicable covenants, conditions, and restrictions (CC&Rs) governing properties participating in the program. Applicants or property owners are required to submit copies of any relevant CC&Rs at the time of application. These documents will be reviewed to assess compatibility with planned program activities. While OCRCP will strive to honor CC&Rs to the extent possible, full compliance may be subject to feasibility considerations, program funding limitations, award caps, and other regulatory or operational constraints. The Program reserves the right to determine the extent to which CC&Rs can be accommodated and whether any conflicts may impact continued eligibility or scope of assistance.

## 6 Income Verification

In order to meet the income prioritization for OCRCP, Applicants have a total household annual income that does not exceed 80 percent AMI, adjusted for family size, as published annually by HUD; however, on a case-by-case basis exceptions to address unmet needs may occur to allow applicants up to 120% AMI. The program will use the Internal Revenue Service (IRS) Form 1040 definition of income, as set forth in HUD regulations, for the purpose of determining applicant's eligibility for the Orange County Recovers Program. The IRS Form 1040 method of calculating income is often referred to as the Adjusted Gross Income or AGI method.

The OCRCP income calculation includes the adjusted gross income (AGI) of all adult household members, including earnings and in-kind sources like Social Security and pensions. The program will use HUD's published income limits for the Orlando-Kissimmee-Sanford, FL, or metropolitan statistical area to determine eligibility. The program certifies income at the point at which sufficient documentation is provided and remains valid for one year.

Recertification of income will not be required when a homeowner has executed his/her grant agreement within one year of the income certification date. Income must be recalculated by the

program and recertified if the grant agreement has not been executed within one year of the date of the original income certification.

The program may collect and analyze appropriate income documentation for adult household members through third-party verification or source documentation when necessary. This process may include obtaining copies of the most recent tax form(s). All tax return information must be accompanied by a completed Tax Return Certification form attesting that their income has not changed since their most recent tax return and is not expected to change in the next 12 months.

Situations may occur where an applicant or household member may have had no obligation to file a return, has not yet filed yet, or filed an extension. If any adult household member did not file a prior year income tax return, the household member is required to submit current documentation that reflects their current income.

HUD's guidelines specify certain income sources to be included or excluded when determining eligibility for assistance. The inclusions are as follows:

- Wages, salaries, tips, and other compensation for personal services.
- Business income or loss.
- Interest and dividend income.
- Retirement income, including pensions and annuities.
- Unemployment compensation.
- Alimony received.
- Child support payments.

The exclusions include:

- Income from employment of children under the age of 18.
- Payments received for the care of foster children or foster adults.
- Lump-sum additions to family assets, such as inheritances, insurance payments, or settlements.
- Medical reimbursements.
- Income of live-in aides.
- Certain federal payments, such as those for educational assistance.

The following income documentation will be required for each adult household member only if the type of income is applicable and if a prior year income tax return is not available:

- **Wages:** 3 most recent paystubs, or current W-2 Forms;
- **Retirement or Social Security:**
  - Current Social Security Benefits letter (including benefits paid to minors),
  - Current Pension/Retirement Benefit letter (if applicable), or prior year 1099 form; or
  - Current Annuity Payment letter (if applicable), or prior year 1099 form;
- **Self-Employment Income:** Most recent tax return (1040 or 1040A), W-2 Forms; and/or Current year profit and loss statement;
- **Rental Income:** Current lease agreements;
- **Unemployment Benefits:** Current benefit letter with gross benefit amount;

- **Court Ordered Alimony/Spousal Maintenance/Child Support:** Copy of court order documentation;
- **Taxable Interest and Dividends** (including amounts received by, or on behalf of minors);
- **No Income:** Adult household members who do not earn an income will be required to submit a Certification of No Income.

## 6.1 HUD Income Limits

HUD publishes income limits annually in or around April and issued the 2024 limits on April 1, 2024. At program launch, OCRP will use the 2024 HUD income limits by county to verify applicant household income. Applications will be evaluated based on the HUD income limits in effect at the time of application submission. The program will update the income tables for the program each year when the new income tables are made effective by HUD<sup>6</sup>.

## 7 Duplication of Benefits

Eligible homeowners may have previously received assistance from other sources for the repair of their storm-damaged property. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, 42 U.S.C. §5121 et seq., prohibits any person, business concern, or other entity from receiving federal funds for any part of such loss as to which he/she has received financial assistance under any other program, from private insurance, charitable assistance, or any other source. Orange County will follow the duplication of benefits framework and requirements established in the applicable *Federal Register* Notice (88 FR 32046). During the application process, the applicant must report any and all assistance received from other sources for the repair, replacement, or reconstruction of their storm-damaged property. Previous funds received and reported by the applicant are verified by OCRP during the duplication of benefits (DOB) review process. As subsequent disasters occur, applicants will be required to self-report any funding received for subsequent storms prior to completion of contract signing. Not all previous assistance received constitutes a duplication of benefits.

To determine if a duplication of benefits exists, OCRP first considers the “total assistance” available to each applicant for home repair. Total assistance includes all reasonably identifiable financial assistance available to the applicant. Total assistance does not include personal assets such as money in a savings account or credit cards. After total assistance has been determined, OCRP subtracts non-duplicative assistance received. Non-duplicative is (i) assistance provided for a different purpose than OCRP funds; or (ii) assistance provided for the same purpose as OCRP funds that was expended for a different eligible use.

Duplication of benefits occurs when total assistance received by the applicant exceeds non-duplicative assistance received by the applicant. If a duplication of benefits occurs, the applicant’s OCRP award must be reduced by the amount of the DOB.

Available assistance and non-duplicative assistance are described in greater detail below.

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<sup>6</sup> HUD Annual Income Limits are available online at <https://www.huduser.gov/portal/datasets/il.html>.

## 7.1 Common Available Assistance

The following are sources of funding that are commonly provided for structural damage and loss and are considered available assistance to the applicant, if the applicant received funding from any of these sources:

- FEMA Individual Assistance for Structure (IA),
- FEMA National Flood Insurance Program (NFIP),
- Private Insurance,
- Increased Cost of Compliance (ICC),
- Small Business Administration (SBA),
- Any other funding source available to the homeowner for the same purpose as a CDBG-DR grant that may duplicate assistance.

Funds received from any source including flood insurance, FEMA, and hazard insurance that were used to repair storm damage to the applicant's home prior to application to OCRP may reduce the amount of available assistance considered.

Any additional funds paid to the applicant awardees for the same purpose as the OCRP housing assistance award after or before the program has completed the repair, rehabilitation, or replacement of the homeowner's housing units must be returned to Orange County.

## 7.2 FEMA Individual Assistance (IA)

FEMA IA may have been provided to applicants for home repairs. In cases where applicants have received assistance for home repairs, such amount will be considered duplicative by the program. FEMA IA will be determined and verified by the program through the FEMA database. If OCRP is unable to verify the FEMA IA amount through the FEMA database, OCRP will use the payment amount provided by the homeowner at the time of application, as evidenced on their FEMA IA award letter. If evidence is provided that the FEMA award included assistance for items not related to structure repair, then the amounts not related to structure repair will not be counted as DOB. If a homeowner provides documentation demonstrating that the FEMA IA amount provided by the FEMA database includes non-structural related amounts, OCRP may use the documentation provided by the homeowner to adjust the FEMA IA payout amount.

## 7.3 National Flood Insurance Program (NFIP)

Any payments for loss to the dwelling due to the qualifying storm under NFIP insurance policies may be considered available assistance. Payments for contents or other expenses are not considered available assistance, as this funding is provided for a different purpose than funds provided by OCRP. The program will verify NFIP claim information using third party data provided by NFIP. If an applicant is able to provide documentation demonstrating that the insurance proceeds amount provided by the NFIP database includes items not related to structural loss, OCRP may consider the documentation provided by the homeowner to adjust the insurance payout within the DOB calculation. The documentation provided by the homeowner must come from the insurance company which issued the payments, and it will be included in the homeowner file.

## 7.4 Increased Cost of Compliance (ICC)

Structures damaged by a flood may be required to meet certain building requirements to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the NFIP includes Increased Cost of Compliance (ICC) coverage for all new and renewed Standard Flood Insurance Policies. ICC is considered a DOB if a property owner requests reimbursement or additional assistance for elevation, demolition, floodproofing, or relocation— one of the four options available under ICC— and has already received an ICC benefit under the NFIP. If OCRP is unable to determine the amount/or purpose of the ICC proceeds using documentation provided by the homeowner, the program will seek additional information from other reliable sources including other government programs, including direct information from NFIP.

## 7.5 Private Insurance

All property, flood, or casualty insurance settlement amount for loss to dwellings are considered available for assistance. Private Insurance payments for contents or other expenses are not considered available for assistance, as this funding is provided for a different purpose than funds provided by OCRP. All private insurance settlement amounts for loss to dwellings are considered available assistance for purposes of calculating DOB.

Insurance proceeds are determined and verified by OCRP by contacting the insurance company directly. If OCRP is unable to verify the private insurance proceeds through the insurance company, OCRP will use the claims payout amount provided by the homeowner.

As set forth in the Federal Register, Vol. 90, No. 5, January 8, 2025, “applicants for CDBG-DR assistance are expected to seek insurance or other assistance to which they are legally entitled under existing policies and contracts”. Therefore, applicants seeking funds under OCRP were/are expected to file a claim with private insurance if the damaged property was insured at the time of the storm. As such, the DOB Analyst will reach out to the applicant to collect insurance claim information from the applicant if:

- The applicant reported having insurance, but reported that he/she did not file a claim for disaster recovery assistance; or
- The applicant reported having a mortgage on the property but reported he/she did not have insurance at the time of the storm.

If an owner-occupant applicant who had insurance or a mortgage (which indicates the property is insured) did not file a claim for the qualifying storm(s), the applicant will be required to file a claim and provide evidence of the insurance company’s response regarding the claim. If the insurer approves the claim, the amount of funding approved by the insurance company will be considered in accordance with section 7 Duplication of Benefits (DOB) of the OCRP Program Guidelines. If the insurer indicates that the deadline to file a claim for the qualifying storm(s) has passed or that the applicant’s claim is otherwise denied, OCRP may serve the applicant if an unmet need is confirmed, as the funds are no longer available to the applicant.

## 7.6 Small Business Administration (SBA)

Federal regulations deem approved SBA loans for repair and reconstruction to be available assistance for federally funded repair programs. If an applicant has executed a loan with SBA to cover the cost of repairs of reconstruction, the total amount of the approved loan is considered

available assistance unless the applicant has declined the loan or requested a reduction after SBA initial approval of the loan. As described in 88 FR 32046, “The amount of the subsidized loan that is declined or canceled is not a DOB.”

The program will collect SBA information provided by the applicant through the application process. In addition, the program may obtain a data feed from SBA to verify all approved amounts for SBA loans. The program will collect specific information from SBA that breaks out the approved SBA loan amounts into different assistance categories (e.g., real property, personal property, vehicles, etc.).

### 7.6.1 Declined SBA Loans

Declined loans are loan amounts offered by a lender but turned down by the applicant, meaning the applicant never signed loan documents to receive loan disbursements. OCRP will attempt to verify declined loan amounts using third-party data from SBA. Declined loans must be documented through the SBA data feed in conjunction with written certification from the lender (SBA), for declined loans to be considered funding not available to the applicant.

### 7.6.2 Cancelled SBA Loans Amounts

Cancelled loans occur when the applicant (borrower) has entered a loan agreement, but all or a portion of the loan was not disbursed and is no longer available to the applicant. The loan cancellation may be due to the default of the borrower, agreement by both parties to cancel the undisbursed portion of the loan, expiration of the term for which the loan was available for disbursement, or other reasons. The cancelled loan amount is the amount that is no longer available to the applicant.

If an applicant cancels all or a portion of the SBA loan related to the repair of the dwelling, only the accepted loan amount will be considered a DOB. Cancelled subsidized loan amounts are not considered funds available to the applicant but are subject to further requirements below. Applicants may not take actions to reinstate the canceled loan or draw any additional undisbursed loan amounts.

- Cancelled loans that were drawn must be documented through the SBA data feed demonstrating the \$0 draw in conjunction with written communication from the lender (SBA).
- Cancelled loans that had a portion of the loan drawn, but the remainder cancelled must be verified in the SBA data feed in conjunction with written communication from the lender (SBA). The accepted current loan amount will be considered a DOB.

## 7.7 Other Sources

Funding received for the same purpose of a program award, such as funding by a non-profit entity or the US Army Corp of Engineers (USACE) to assist applicant with rebuilding their home must be reported by the applicant through the application process and must be accounted for and verified by the program. In addition, the support documentation related to other duplicative funding sources must be provided by the applicant, verified by the program, and applied as a duplication of benefits by the program.

## 7.9 Assistance Not Considered Duplicative

Not all assistance received by an applicant is considered duplicative of assistance provided under OCRP for housing repair, replacement, or reconstruction. Previous assistance received that is considered non-duplicative will not be considered a duplication of benefit.

The program will allow for reductions of duplication of benefit totals if the applicant can prove that the use of or control of the funds meet certain criteria. In accordance with Federal Register, Vol. 88, No. 96, May 18, 2023, OCRP may exclude for duplication of benefits purposes assistance that was: (1) provided for a different purpose; or (2) provided for the same purpose, but for a different, allowable use. Each of these categories is further described below.

### 7.9.1 Funds for a Different Purpose

Any assistance provided for a different purpose other than the CDBG-DR eligible activity, or a general, non-specific purpose (e.g., “disaster relief/recovery”), and not used for the same purpose, no longer has to be documented when calculating the amount of the DOB. There are three (3) general categories for which homeowners generally receive assistance: (1) replacement housing; (2) repair assistance; or (3) interim (temporary housing). Of these three categories, the assistance provided by OCRP is generally considered to be repair assistance. Funding received for purposes different from the purpose of assistance offered under OCRP does not need to be documented for purposes of duplication of benefit determination.

### 7.9.2 Funds Not Available to the Applicant

Funds that are not available to an applicant may also be excluded from the final award calculation. Funds are not available to the person or entity if the person does not have legal control of the funds when they are received and are used for a non-duplicative purpose.

For example, if a homeowner’s mortgage requires any insurance proceeds to be applied to reduce the lien balance, then the bank/mortgage (not the homeowner) has legal control over those funds. Therefore, the homeowner is legally obligated to use insurance proceeds for that purpose and does not have a choice in using them for any other purpose, such as to rehabilitate the house. Under these circumstances, insurance proceeds do not reduce the amount of disaster assistance eligibility. A homeowner does not need to possess cash assistance to be considered as being in legal control over receiving benefits for a particular purpose.

#### **Contacting Fraud**

If a homeowner was a victim of contractor fraud, the amount paid to the contractor is not to be counted as a DOB provided the homeowner filed a police report and made every effort to recover the funds prior to the date of the application.

#### **Forced Mortgage Payoff**

If a homeowner’s mortgage company placed a forced payment on insurance proceeds, the insurance amount may not count as a DOB. In such cases, the amount verified by OCRP that was used for this purpose can be excluded from the DOB calculation if it is supported by appropriate documentation. Such documentation should be in the form of a letter that is on mortgage company letterhead and signed by an authorized mortgage company representative stating the homeowner was required to use disaster assistance funds for mortgage pay down. OCRP will attempt to verify this information with the homeowner’s mortgage company. Voluntary

mortgage payoff, using insurance proceeds, is a DOB that will be counted in a homeowner's award calculation.

### **Legal Fees**

Legal fees that were paid in successfully obtaining insurance proceeds will be credited to the homeowner and will be excluded as part of their DOB. Homeowners will need to provide evidence of payment and judgement or settlement document demonstrating the homeowner's success in the legal action. All other legal fees that a homeowner may have paid out of any disaster assistance proceeds will be included as part of their DOB.

### **7.9.3 Funds for the Same Purpose, but Different Eligible Use**

Funds received for the same purpose as funds provided under OCRP, but that were used by the applicant for a different allowable use may be excluded from the final award calculation. In some instances, funds provided for the same general purpose (e.g., rehabilitation of a home) as the CDBG-DR funds, may have been used by the applicant for a different allowable use. In these circumstances, if the applicant can document that the funds received were used for a different, but eligible, use, then the funds are not duplicative. During the damage assessment the program will conduct a Damage Repair Valuation (DRV), which quantifies a value assigned to repairs completed by the applicant prior to program application. The DRV is further described in the Damage Assessment and Environmental Review section (8.0 Damage Assessment and Environmental Reviews) of these program guidelines. Eligible, verified repairs outlined in the DRV will be used to exclude duplication of benefits as funds for the same general purpose (home repair), but different eligible use.

The applicant may also provide documentation, such as receipts or paid invoices, demonstrating that funding was spent on a different eligible use. The program will review documentation submitted on a case-by-case basis.

### **Allowable Cost of Repairs**

Homeowners who used benefits received from insurance, SBA, and FEMA or other sources to make repairs to their Hurricane Ian-damaged property and can document these expenditures may be able to deduct verifiable amounts of these expenditures from the DOB assessment. This means that the original DOB amount assessed by OCRP can be reduced by the amount the homeowner spent on verifiable eligible repairs.

A program inspector must determine with reasonable assurance that the repairs were made after the date of the hurricane by conducting a DRV, which will be used to inform the DOB and evaluation process. Xactimate will be utilized to determine the value of the repairs.

## **7.10 Calculation of Duplication of Benefits**

The DOB Review is conducted in accordance with HUD's guidance as outlined in Federal Register, Vol. 88, No. 96, May 18, 2023<sup>7</sup>.

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<sup>7</sup> For full text of 88 FR 32046, please visit: <https://www.hud.gov/sites/dfiles/CPD/documents/FR-6393-N-01-AAN.pdf>

The basic framework for DOB review is as follows:

- Determine all previous assistance received.
- Subtract all non-duplicative assistance.

If the result of this is a positive number, the applicant has a duplication of benefit gap. Duplication of benefit must be deducted from the maximum award an applicant is qualified to receive under OCRP, in accordance with federal law. Because OCRP grants awards to eligible applicants in the form of home repair, reconstruction, or MHU replacement, with no funds being paid directly to the applicant, duplication of benefits must be resolved prior to award, either through a reduction in the amount of benefit the homeowner will be provided by OCRP, known as a scope reduction, or by the applicant providing funds to OCRP in the amount of the DOB gap. Scope reduction and applicant payment may be used in combination to reduce the DOB gap to \$0.

**Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C 287, 1001 and 31 U.S.C. 3729.**

### 7.10.1 Duplication of Benefits Gap

A DOB Gap is the total amount of excludable and non-excludable benefits received, less the dollar amount of excludable benefits (excludable benefits). If the amount of previous assistance received minus excludable benefits is greater than \$0.00, that creates a DOB Gap. If the DOB analysis reveals that a DOB Gap exists, the DOB gap must be satisfied (reduced to zero) prior to the execution of a Homeowner Grant Agreement.

The DOB Gap may be satisfied by the applicant in one or a combination of the following ways:

- The DOB Gap amount along with all future non-excludable benefits received by applicant(s) shall be provided to OCRP and deposited in a DOB Gap Funding Account prior to the execution of the Homeowner Grant Agreement.
- If the applicant qualifies for a reconstruction or replacement award, the DOB Gap may be satisfied through a scope reduction which reduces the dollar value of the benefit provided to the applicant through OCRP, as described in the sections below.
  - Applicant who qualifies for a repair award may not elect a scope reduction.
  - Scope reductions that would cause overcrowding will not be authorized.

Applicants will be notified in writing if a DOB Gap is discovered. Applicants will have thirty (30) days from the date of the notification of DOB Gap to appeal the DOB gap determination or satisfy the DOB gap by providing funds in the amount of the amount of the DOB gap, accepting a scope reduction as described below, or both. If an applicant fails to satisfy the DOB gap within the thirty (30) day timeframe allotted, the applicant's case will be closed.

### 7.10.2 Rehabilitation with DOB Gap

If the program is rehabilitating the damaged property and the DOB Gap is discovered, the applicant *must* provide funds in the amount of the DOB Gap to be deposited into a DOB Gap Funding Account prior to executing a program grant agreement. If the applicant does not deposit additional funds, then rehabilitation will not start on the damaged property until the DOB Gap is resolved. Given that rehabilitation will only bring the home back up to current code or program standards, the scope reduction option to cover DOB Gaps cannot be offered on rehabilitation projects.

### 7.10.3 Reconstruction or Replacement with DOB Gap

If the program is reconstructing or replacing the damaged property and the DOB Gap is discovered, the applicant shall either (1) provide funds in the amount of the DOB gap to be deposited into a DOB Gap Funding Account prior to the execution of the grant agreement and/or (2) take a scope reduction which reduces the dollar value of the benefit provided to the applicant through OCRP.

Applicants may not utilize DOB Gap Funding for construction activities such as upgrades, additions, or other unnecessary activities.

Applicant-provided funds that are deposited into the DOB Gap Funding Account for DOB Gaps will go toward the OCRP award cap of \$375,000. All DOB Gap Funding will be drawn down first, prior to the use of program funds.

Applicants eligible for reconstruction or replacement will have their DOB Gap amount deducted from their total award if no funds are given to satisfy the DOB Gap...

Scope reduction may be used to satisfy a DOB gap up to \$20,000. If the DOB gap remains greater than zero upon scope reduction, the applicant is required to provide the DOB gap funds with a cashier's check or money order. If the applicant is unable or unwilling to provide funding for the DOB Gap within the allotted time frame, the application will be closed.

### 7.10.4 DOB Gap Exceeds Estimated Cost to Repair (ECR)

An applicant can meet the requirements for program eligibility but not qualify for an award. If the previous benefits received by the applicant is greater than the estimated cost to complete the repair, reconstruction, or replacement project, the applicant will be deemed not eligible for assistance, as there is no remaining unmet need to be funded by the program.

## 7.11 Subrogation

When an applicant receives benefits from federal disaster assistance sources, non-profits or their insurance after the award determination is made, these funds may be owed by the applicant to the program. Applicants are made aware of this at the application stage, through reminders, and award closing where the grant agreement is executed. As part of the grant agreement process, applicants also sign a subrogation agreement.

## 8 Damage Assessment

CDBG-DR funded property improvements must be for unmet housing needs resulting from the qualifying disaster, Hurricane Ian. Non-Hurricane Ian damage may only be addressed on structures that also have Hurricane Ian-related damage. For a repair award, structures built before 1978 must be inspected for lead-based paint (LBP) hazards. Where such hazards are detected, the homeowner(s) will be notified, and appropriate steps will be taken to mitigate dangers from LBP.

A damage assessment will be conducted at each property to confirm the property is an eligible structure type and to confirm the home has unrepaired storm damage. Information collected during the damage assessment is used for the following key program determinations:

- **Eligibility** – To be eligible for assistance, property must have remaining storm damage and the structure must be an eligible structure type. The damage assessment confirms both of these items. If it is discovered during damage assessment that the home does not have unrepaired storm damage or that the property is an ineligible structure type, the applicant will be deemed ineligible.
- **Award type** – the Estimated Cost of Repair (ECR) is compared against the award caps to determine the award type and to determine whether the property is substantially damaged (SD) or would be substantially improved (SI) after receipt of program assistance.
- **Duplication of Benefits** – During the damage assessment, the inspector creates a Damage Repair Valuation (DRV), which quantifies repairs made by the homeowner (if applicable). DRV amount will be considered during DOB review and may be used to offset DOB for eligible repairs.

Program staff will conduct site visits to observe and record the presence of unrepaired storm damage resulting from Hurricane Ian, determine the extent of the damage, and determine the estimated cost of rehabilitation. The applicant(s), communication designee, or Power of Attorney will need to be present for these site visits. The inspector will be required to inspect the interior and exterior of the home to observe and record damage. The inspector will note any environmental concerns on the site or nearby that could affect the project.

During the damage assessment, the inspector also creates an ECR. The ECR provides a documented line item by line-item estimate of the damage observed during an onsite visit to a homeowner's property that quantifies the materials and labor necessary to repair observed damage. The ECR is calculated using Xactimate and incorporates costs necessary to repair storm damage, meet HUD DSS, and ensure that the property is decent, safe, and sanitary.

The ECR does not provide an evaluation that takes into account an exact replacement of the homeowner's original home. In contrast to insurance estimates that may be based on replacement costs, the ECR evaluation is based on standards for basic livability developed for the program and on costs developed by the construction industry for those items. The methodology used to prepare the ECR is to account for those scope items that can be counted, measured, or observed. No destructive testing is performed during the estimation process; however, the damage assessors will be as thorough as possible at the time of inspection. Limitations such as hidden damage exist due to the lack of destructive testing and the home generally being lived in/non-vacant at the time of inspection. This means that hidden damage is not accounted for during this process. For example, termite damage behind a wall would not be discoverable during the estimation process if the wall covering is intact.

## 8.1 Feasibility of Repairs Analysis

As a recipient of Federal funds, Orange County is charged with ensuring that the costs of its activities are reasonable and necessary. Therefore, each property assessed under the OCRP will be analyzed for feasibility of repair consistent with an overall program goal to improve the housing stock of the impacted areas.

During the feasibility analysis following the completion of the ECR, the determination will be made as to whether the home will proceed as a rehabilitation, MHU replacement, or a reconstruction. If

the home is determined to be a reconstruction project or an MHU replacement project, the home will be replaced with a standardized floor plan of the same bedroom composition<sup>8</sup>. Homeowner requests to customize the floor plan or change the approved scope of work will not be authorized outside of an approved reasonable accommodation.

In the event the current occupancy of the home results in overcrowding, the program may reconstruct a home consistent with established HUD best practices. The program has elected to attempt to solve overcrowding situations to the extent they can be solved up to a maximum configuration of 4 bedrooms and 2 bathrooms for a MHU replacement, or a reconstruction.

The environmental team will use the checklist and photos provided by the inspector to complete the Tier II environmental review record (ERR). Any environmental mitigation factors, inclusive of any LBP and asbestos-containing materials (ACM) abatement requirements, will be incorporated into the final ECR which will be the document utilized for Feasibility Analysis.

## 8.3 Lead-Based Paint (LBP) and Asbestos Hazard Identification

The U.S. Department of Housing and Urban and Development (HUD)'s Lead Safe Housing Rule is designed to protect families from lead-based paint hazards in federally assisted housing. OCRP will be responsible for conducting Lead-based paint (LBP) inspections. These inspections provide two benefits: (1) the costs of mitigation measures are considered and must be factored into the cost estimates for repair/feasibility analysis and (2) the health risks to residents, particularly children, may be severe. If the unit to be assisted was built prior to 1978, and will be rehabilitated, the assisted unit will be tested for the presence of LBP, including lead-dust hazards. If present, the stabilization, encapsulation, or removal of lead-based paint will be considered in the costs of rehabilitation and included in the feasibility analysis for repair versus reconstruction. Projects that will be reconstructed will result in the demolition and removal of the structure, and therefore any potential lead hazards associated with the structure. As such, no lead-based paint testing will be conducted on reconstruction projects determined to be such at the time of the initial site inspection.

Federal asbestos regulations for testing and identification of asbestos apply to "facilities" as defined by those regulations. Single-Family housing does not meet this definition and is therefore exempt from the testing and identification requirements<sup>7</sup>. Additionally, the State of Florida does not have any state-level requirements for asbestos testing in housing projects. However, federal health and safety standards and materials handling and disposal requirements for ACM still apply at the construction phase.

During the environmental review process, Orange County has created a special condition for any home that was constructed prior to 1989 that indicates that testing may be required. As this is a very expensive process to undertake as a general condition of housing rehabilitation, the program has determined that asbestos testing, mitigation, and air monitoring activities will be undertaken when suspect ACM will be impacted by the rehabilitation or reconstruction activities only.

For rehabilitation projects, contractors will identify any suspect ACM during construction. If suspect ACM is identified, the contractor will be required to stop work and request a change order for asbestos testing. If asbestos testing results confirm the presence of ACM that will be impacted

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<sup>8</sup> OCRP offers 2-, 3-, 4-bedroom homes; all standard floorplans include 2 bathrooms.

by the rehabilitation process, the contractor will provide a containment or mitigation plan to encapsulate or remove the ACM in accordance with proper health and safety standards. Orange County will reevaluate the project scope and construction duration to cover the containment or mitigation work, along with costs for air monitoring/clearance.

For reconstruction projects where the home to be reconstructed was originally built prior to 1989, the demolition of the home and removal of the building materials will result in the removal of any potential ACM. Contractors are to follow all federal requirements for worker and occupant safety, as well as materials handling and disposal.

## 9 Environmental Review

Orange County will conduct a broad Environmental Review at the programmatic level, known as a Tier I review ("Tier I"). This will include coordination with federal, state, and local agencies where applicable. Additionally, all applications must pass a federally required site-specific Tier II environmental review which contains a statutory checklist of 15 required review items; some of which may be fully addressed during the Tier I and thus not require further review under the site-specific Tier II process. The categories addressed in Tier I/Tier II include:

- Historic Preservation, including State Historic Preservation Office and Tribal Reviews and National Historic Landmark;
- Floodplain Management and Flood Insurance;
- Wetlands;
- Coastal Zone Management Act;
- Sole Source Aquifers;
- Endangered Species Act
- Wild & Scenic Rivers Act;
- Air Quality
- Farmland Protection Policy Act
- Environmental Justice
- Noise Abatement and Control;
- Siting of HUD-Assisted Projects Near Hazardous Operations;
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances;
- Airport Clear Zones and Accident Potential Zones;
- Coastal Barrier Resources Act/Coastal Barrier Improvement Act.

Issues identified through the environmental review process will be addressed and in some cases mitigation measures implemented either before or during the construction process. The program may pay for mitigation of issues identified during the environmental review such as identification of LBP, or actions to preserve historic properties if it is deemed an eligible activity. Homeowners will receive all federally required notifications.

The environmental review is a separate and distinct review from any other review. Other previously performed (or homeowner-provided) environmental reviews will not satisfy the program's requirements but can be taken into consideration in the review process. If an environmental condition identified on a homeowner's property cannot be cleared, the property may be ineligible for assistance.

During the environmental review, the program may determine that due to extraordinary environmental conditions, the site is not feasible for rehabilitation, demolition, or reconstruction. In these cases, the property may be determined ineligible for assistance. Extraordinary site conditions may include but are not limited to properties with environmental concerns, properties where local building codes prohibit program scopes of work, or properties located in a floodway.

## 9.1 Historical Preservation

Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended in 2000, requires Architectural History compliance imposed by the Compliance and Review Section of the Bureau of Historic Preservation, as needed. If the State Historic Preservation Office (SHPO) or other authority having jurisdiction requires specific construction or design measures to prevent an adverse effect to a historic or cultural resource, such activities may be included in the program scope of work if determined to be feasible and in alignment with program cost reasonableness principles.

An adverse effect occurs when a federally funded or permitted project alters, damages, or diminishes the integrity of a historic property. Examples of adverse effects are listed below but are not limited to:

- **Destruction or Demolition:** Partial or complete removal of a historic structure.
- **Alteration-** Modifications that compromise a property's historical or architectural significance.
- **Relocation-** Moving a historic property from its original location, potentially affecting its context.
- **Change in Use or Setting-** New construction or developments that alter the character or setting of a historic property.

If a property's environmental assessments result in an adverse effect, this could result in an extraordinary site condition and would result in the case being ineligible.

## 10 Award Determination

Applicants who are deemed eligible, environmentally cleared, and with a \$0 DOB gap will be notified that they are eligible to receive an award in writing, via an award letter. The award letter outlines what type of award the applicant is eligible to receive and next steps the applicant must take to accept the award. After the award letter is sent, the OCRP Case Manager will schedule a Homeowner Grant Agreement (HGA) signing event with each eligible applicant. If the applicant does not agree with the award determination, the applicant may request for an appeal of the determination.

Upon accepting the award type, the following documents will be signed by the applicant(s) at the time of contract signing and execution of the Homeowner Grant Agreement:

- Homeowner Grant Agreement;
- Agreement to maintain flood insurance and notify future owners (if in 100-year floodplain);

- Promissory Note or Deferred Lien Homeowner Responsibilities Acknowledgment; and
- Any other documents applicable to the applicant and required by OCRP.

During the HGA signing event, the case manager will review the information outlined in the Homeowner Grant Agreement, homeowner responsibilities before, during, and after construction, status of utility bills, and compliance period requirements. Applicants must demonstrate that they are current or on a payment plan in good standing for electric, sewer, and water service, as applicable. Applicants who cannot prove utilities in good standing may not proceed with grant agreement signing, as utility arrearages may make it impossible for the program to complete construction on the home, as utility companies will not authorize reconnection of accounts in arrears.

The applicant must sign the HGA or appeal the award determination within **thirty (30) days** of the award letter being sent or the case will be closed<sup>9</sup>.

If an applicant is deemed eligible and awarded, the award type is determined based primarily on the following factors:

- Structure type (MHU vs. Stick Built)
- Estimated Cost to Repair
- Structure age (if MHU)
- Award Cap of up to \$375,000

Applicants may be awarded a repair, reconstruction, or manufactured home replacement award. Program award will not be made until the DOB Gap, if applicable, has been reduced to \$0.00, either via a scope reduction or by the applicant placing funds in the DOB Gap account at OCRP, or a combination of the two.

## 10.1 Award Caps

The maximum award granted to repair any one structure is \$250,000, the maximum award granted to reconstruct any one structure is \$375,000, and the maximum award granted to replace any one structure is \$200,000. If the ECR is greater than \$250,000, the award determination will update to a reconstruction award, if otherwise eligible. Exceptions to the award caps may be granted on a case-by-case basis in order to ensure accessibility standards are met, or for other unforeseen circumstances.

All costs associated with construction, elevation, reasonable accommodations, environmental mitigation/abatement, historic preservation, site specific costs, essential appliances, and code compliance/permitting are included in the award cap.

- Stick-built properties qualify for a repair award if the estimated cost to repair the structure is less than \$250,000.
- Stick-built properties qualify for a reconstruction award if the estimated cost to repair the structure is equal to or greater than \$250,000.
- MHUs qualify for replacement if there is confirmed unrepaired storm damage, and the applicant is otherwise eligible. In instances where MHU owners also own the land on which their damaged property is located, and stick-built reconstruction option is feasible,

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<sup>9</sup> Exceptions may be on a case-by-case basis for extenuating circumstances.

applicants may be given the option to receive a stick-built reconstruction to increase resiliency against future disasters.

## 10.2 Reasonable Accommodation Requests

The program endeavors to provide accommodations which would allow owner-occupant applicants with disabilities or their disabled household members to enjoy use of the program-assisted home. Owner-occupant applicants with a disability or with a household member with a disability may be entitled to additional construction considerations such as low threshold showers, bathroom grab bars, outward swinging doors, exterior ramps, comfort height toilet with grab bars or other accessibility features that will assist with the individual's functional need. The program will assess eligibility for these features on a case-by-case basis per assistance benefit type by way of a completed reasonable accommodation request form. The reasonable accommodation request form will be completed by the owner-occupant applicant during the pre-construction meeting. During the pre-construction meeting the owner-occupant applicant will meet with the general contractor, review the reasonable accommodation options, and confirm the reasonable accommodations by way of the completed reasonable accommodation request form. Requests for additional accommodations beyond the standard reasonable accommodations listed below must be supported by documentation and will be considered on a case-by-case basis. For more information on the pre-construction meeting, see Section 10.4 Pre-Construction Meeting. Awards may include expenses for additional costs related to accessibility modifications for the disabled.

To be considered for reasonable accommodations, owner-occupant applicants with a disability (or a household with a person with disabilities permanently residing in the household) must complete a Verification of Disability Form. The owner-occupant applicant or any household member may qualify for reasonable accommodation. If reasonable accommodations are required for a household member, the household member must be a permanent resident of the home and be included in the listed household members used to determine household income.

Reasonable accommodations are available for repair, reconstruction, and MHU replacement projects. Standard reasonable accommodations in the bathroom for repair or reconstruction award types are offered in three 'tiers' to allow each applicant to select the level of modification most appropriate for his/her household. Owner-occupant applicants of any award type may also request reasonable accommodations including: a "no step" entrance, or strobe smoke detectors.

Standard reasonable accommodation for home entrance and strobe smoke detectors is standard for all award types. A no step entrance is a home entrance that has no steps and minimal threshold. Only one (1) no step entrance will be installed per property, if requested. If a home is above grade, a no step entrance may require installation of a ramp or lift. Homes on grade may not require installation of anything to accommodate a no step entrance. Ramps will be the preferred method to achieve a no step entry. Lifts will be considered on a case-by-case basis, based on cost reasonableness compared to the cost of a site-built ramp, site conditions, and local zoning/set back requirements.

If the applicant requests, strobe smoke detectors will be installed throughout the home. If requested, strobe smoke detectors will be installed in place of standard smoke/CO detectors.

Standard reasonable accommodations for bathroom modifications vary slightly by award type. Award-type specific options for reasonable accommodations are outlined in each award type in

the following sections: 10.3.3 Reasonable Accommodations – Rehabilitation Award Type, 10.4.2 Reasonable Accommodations- Reconstruction Award Type, 10.5.3 Reasonable Accommodations- Mobile Home Replacement Award Type.

## 10.3 Rehabilitation Award Type

Eligible applicants with stick-built properties qualify for a rehabilitation award type when the estimated cost to repair is less than \$250,000 and the property is not otherwise deemed “not suitable for rehabilitation.”

### 10.3.1 Not Suitable for Rehabilitation

OCRCP defines “not suitable for rehabilitation” as:

- Structures condemned by the Authority Having Jurisdiction: Properties condemned or “red-tagged” by the local authorities will not be rehabilitated;
- Structures that cannot be repaired under existing program caps, due to legal, engineering, or environmental constraints (permitting, extraordinary site conditions, etc.) will be considered not suitable for repair;
- Structures that are structurally unsafe or that have other conditions that make interior inspection by OCRCP impossible or unsafe;
- Structures that have already been demolished; or
- Structures that require elevation.

Eligible applicants with stick/block-built homes deemed not suitable for rehabilitation may be offered reconstruction assistance.

### 10.3.2 Rehabilitation Scope of Work

Program sponsored repairs are intended to repair remaining storm damage and to make the home decent, safe, and sanitary. OCRCP does not provide “like for like” repairs. OCRCP repairs will be completed using standard economy/builder-grade materials, not with materials matching what was there before. For example, if a repair award calls for replacement of cabinets, the program will replace existing cabinets with standard grade cabinets regardless of the grade of the pre-existing cabinets.

Repair scopes of work will be limited to those items identified by the program as in need of repair to bring the home back up to decent, safe, and sanitary conditions. Repairs, upgrades, or modifications requested by the homeowner will not be considered. For example, if some windows are in need of repair or replacement, the program will repair or replace those windows in need of repair or replacement only; other operable or undamaged windows will not be replaced or repaired regardless of aesthetics, efficiency, or design.

Standard essential appliances that are not functioning or non-existent at the time of damage assessment will be replaced. Essential appliances include stove/range, oven, range hood, water heater and refrigerator only. Dishwashers may be replaced only if a dishwasher previously existed in the home and is not functioning or in need of replacement. Repair awards will not include a dishwasher if a dishwasher was not present at time of damage assessment or if it is not reasonably determined a dishwasher was removed as a result of storm damages. Washing machines and dryers, microwaves, stand-alone freezers, and other non-essential appliances are not eligible for replacement. Any obsolete products replaced as part of the repairs must be

replaced with ENERGY STAR®, Water Sense, or other Federal Energy Management Program (FEMP)-designated products or appliances that achieve a similar or greater energy efficiency output range.

Luxury items, **including but not limited to**, high-end countertops, high-end appliances, stone flooring, security systems, swimming pools, spas, fireplaces, sheds, outbuildings, fences, and television satellite dishes are not eligible under OCRP.

Because repair scopes of work only address items in need of repair for the home to be decent, safe, and sanitary, OCRP does not guarantee that work completed as part of a repair award will match other items in the home. Some examples of this include, but are not limited to:

- Flooring replaced in portions of a home may not match flooring in other rooms. OCRP will replace flooring by room, to the nearest opening. OCRP will allow tile floor repairs in bathrooms with existing tile. Wood floor repairs will only be considered up to 16 square feet if more cost efficient;
- Light fixtures replaced may not match pre-existing light fixtures in other parts of the home;
- If only a portion of the windows require replacement, all the windows in the home may not match;
- If a portion of the homes requires paint, paint in the repaired portion of the home may not match paint in other rooms (interior) or on other elevations (if exterior). OCRP will attempt, to the greatest extent feasible, to match the original paint color when repainting an area of the home that was included on the scope of work OCRP will paint whole interior rooms, to the door or opening, or whole exterior sections to the next architectural break. Additional rooms or elevations will not be painted for aesthetic reasons alone.

### 10.3.3 Reasonable Accommodations – Rehabilitation Award Type

Applicants who qualify for rehabilitation award type may qualify for reasonable accommodations in rooms/areas where program scope of work exists. In general, reasonable accommodations will only be made in repair projects if the program scope of work impacts the item and room where a reasonable accommodation is requested. For example, if the program scope of work does not include removal/replacement of a tub/shower, the program will not modify the existing tub/shower for the sole purpose of installing or modifying the existing facilities to include accessibility features.

If the program scope of work impacts the kitchen, bathroom, or entryway in a repair project, the applicant may request reasonable accommodations in those areas and those items may be incorporated to the extent practicable. Reasonable accommodations for bathrooms are offered in three (3) tiers, so that the applicant may request the level of accommodation that best suits his/her need.

Applicants who request accommodations in a bathroom may select one (1) of three (3) standard available options. Accessibility modifications will only be made in one (1) bathroom. If the repair project scope includes more than one (1) bathroom, the reasonable accommodation will be installed in the bathroom that is in the program scope of work where modifications are most feasible within the existing dimensions and scope of work in the room. If there are multiple disabled household members on the application, the program will consider reasonable accommodation requests in two (2) bathrooms.

The program will not move walls to expand the size of an existing bathroom or reconfigure the bathroom to install accessibility accommodations except for relocating drain lines for roll in showers. Because repair projects are largely constrained by the size of existing rooms, there are no standard width/length size requirements for tub/shower compartments. The program will attempt to replace tub/showers with fixtures similar in size to the existing fixtures using standard size components. All replaced toilets in repair scopes of work will be chair/comfort height (17-19" from the floor to top of seat). When replacing toilets, the entire toilet must be replaced. Contractors may not utilize toilet seat risers in lieu of replacement comfort height toilets.

The reasonable accommodation options are as follows:

- **Bathroom Reasonable Accommodation 1 (RA-1):** Applicants who opt for Reasonable Accommodation 1 will be provided one (1) bathroom with the following accessibility modifications:
  - Tub/Shower combination, if space allows with blocking and grab bar
  - Chair height toilet with grab bars
- **Bathroom Reasonable Accommodation 2 (RA-2):** Applicants who opt for Reasonable Accommodation 2 (RA-2) will be provided one (1) bathroom with the following accessibility modifications:
  - Tub/Shower combination, if space allows with blocking, grab bars, folding seat, and shower wand with adjustable rail
  - Chair height toilet with grab bars
- **Bathroom Reasonable Accommodation 3 (RA-3):** Applicants who opt for a Reasonable Accommodation 3 (RA-3) will be provided one (1) bathroom with the following accessibility modifications:
  - Roll-in shower compartment to fit existing tub/shower space, equipped with grab bars, folder seat, and shower wand with adjustable rail. The program will attempt to replace the tub/shower with similar size roll-in shower but shall not exceed 30"x60" roll-in shower compartment.
  - Chair height toilet with grab bars
  - Roll under vanity

## 10.4 Reconstruction Award Type

Eligible applicants with stick/block-built homes qualify for a reconstruction award type when the estimated cost to repair is greater than or equal to \$250,000.

Eligible applicants with MHUs may also qualify for reconstruction if the applicant owns the land on which the MHU is situated, and replacement is infeasible. OCRP considers it infeasible to replace an MHU if it must be elevated above the standard 3-foot installation height, if zoning or municipal regulation prohibit installation of a mobile home on the property, or if other engineering, environmental or site constraints make installation of an MHU onsite infeasible.

Following the execution of the Homeowner Grant Agreement (HGA) for the reconstruction project, the program will obtain a site-specific survey and elevation certificate (if necessary) of the property to be reconstructed to determine the home(s) that fit on the lot without any zoning exceptions/variances. The applicant will be presented with a standard design floor plan that fits on their lot and is consistent with awarded house plan.

Homes that meet the threshold for a reconstruction award will be demolished and reconstructed in substantially the same footprint, when feasible. The program will develop a group of standardized reconstruction plans and specifications to accommodate the most common lot dimensions to be encountered and incorporate the bedroom/bathroom configurations identified in section 10.4.1 Size and New Unit Configuration. Reconstructed homes will meet local building codes and will incorporate Green Building Standards, energy efficiency, and resilience measures to the extent possible. The standardized plans and specifications developed by the program will incorporate program minimum standards, local code, and zoning requirements, and will include builder-grade materials. These standardized plans are not being developed to create a like-for-like replacement for reconstruction efforts. Reconstruction plans and specifications will include any environmental considerations identified through the environmental review process.

As single-story homes are more cost-effective than multi-story configurations, the program will default to single-story homes where they fit lot constraints. The program may offer a smaller floorplan if required based on the lot size.

OCRCP will not provide customized home designs. The program will determine which floor plan each homeowner requiring reconstruction is eligible to receive based on the information above. The program will build the home to the Energy Star Certified Home<sup>10</sup> standard applicable to Florida.

#### 10.4.1 Size and New Unit Configuration

OCRCP will provide applicants who qualify for a reconstruction award with standard floorplan homes. OCRCP offers 2-, 3-, and 4-bedroom homes; all standard floorplans include 2 bathrooms. Which standard floorplan that applicant received is based on the number of bedrooms present in the storm damaged property, as verified via the damage assessment, and site-specific requirement constraints from the location. If overcrowding exists, the program has elected to attempt to solve overcrowding situations to the extent they can be solved up to a maximum configuration of 4 bedrooms and 2 bathrooms for a MHU replacement, or a reconstruction. Applicants can elect to have fewer bedroom/bathroom configurations if a scope reduction is selected to reduce a DOB gap and does not result in overcrowding.

- If the storm damaged property had two (2) bedrooms or fewer, the applicant will receive a standard 2-bedroom, 2-bathroom home.
- If the storm damaged property had three (3) bedrooms, the applicant will receive a standard 3-bedroom, 2-bathroom home.
- If the storm damaged property had four (4) bedrooms or more, the applicant will receive a standard 4-bedroom, 2-bathroom home.

#### 10.4.2 Reasonable Accommodations- Reconstruction Award Type

All stick-built reconstruction projects are designed with the following accommodations. All reconstructions will receive the following universal accommodations, regardless of whether a Reasonable Accommodation has been requested by the applicant:

- 36" hallways, wide enough to accommodate a standard wheelchair
- Adequate turning radius for a wheelchair in the kitchen

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<sup>10</sup> More information is available at: [https://www.energystar.gov/newhomes/homes\\_prog\\_regs/florida](https://www.energystar.gov/newhomes/homes_prog_regs/florida)

- Adequate turning radius for a wheelchair in one (1) bathroom<sup>11</sup>
- All doors installed with levers instead of knobs
- Exterior doors, master bedroom door, and master bathroom doors are 36” wide

In addition, the applicant may request reasonable accommodations in the bathroom, kitchen, entrance, and/or strobe smoke detectors throughout.

The reasonable accommodation options are as follows:

- **Bathroom Reasonable Accommodation 1 (RA-1):** Applicants who opt for Reasonable Accommodation 1 will be provided one (1) bathroom with the following accessibility modifications:
  - Tub/Shower combination with blocking and grab bar
  - Chair height toilet with grab bars
- **Bathroom Reasonable Accommodation 2 (RA-2):** Applicants who opt for Reasonable Accommodation 2 (RA-2) will be provided one (1) bathroom with the following accessibility modifications:
  - Tub/Shower combination with blocking, grab bars, folding seat, and shower wand with adjustable rail
  - Chair height toilet with grab bars
- **Bathroom Reasonable Accommodation 3 (RA-3):** Applicants who opt for a Reasonable Accommodation 3 (RA-3) will be provided one (1) bathroom with the following accessibility modifications:
  - 30”x 60” roll-in shower compartment equipped with grab bars, folding seat, and shower wand with adjustable rail
  - Chair height toilet with grab bars
  - Roll under vanity

## 10.5 Mobile Home Unit Replacement Award Type

Eligible applicants with MHU properties qualify for a replacement award type if there is confirmed unrepaired storm damage, and the applicant is otherwise eligible. Eligible applicants with MHUs on leased land must have landowner consent to replace an MHU on the land prior to award or must have identified a suitable alternate location. Homes that meet the threshold for a replacement award will be demolished and a new MHU will be installed in substantially the same footprint, when feasible. If a replacement MHU is provided, the original MHU must be demolished and removed from the site prior to the replacement of that structure. Size of the replacement unit will be determined using information related to the damaged structure’s bedroom/bathroom configuration and width.

### 10.5.1 Size and New Unit Configuration

OCRIP will provide applicants who qualify for replacement awards with 2-, 3-, and 4-bedroom singlewide or doublewide MHUs; all bedroom configurations include 2 bathrooms. Which unit configuration an applicant receives is based on the number of bedrooms present in the storm damaged property and the width (single or doublewide) of the storm damaged MHU, as verified

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<sup>11</sup> If the applicant requests a reasonable accommodation for the bathroom, the reasonable accommodation will be installed in the bathroom with adequate turning radius for a wheelchair, unless otherwise specified on the Verification of Disability Form. If the applicant opts to remove a bathroom to resolve a DOB Gap, wheelchair turning radius may not be available in the remaining bathroom.

by the damage assessment. If overcrowding exists, the program has elected to attempt to solve overcrowding situations to the extent they can be solved up to a maximum configuration of 4 bedrooms and 2 bathrooms for a MHU replacement, or a reconstruction. Policy exceptions are not required to solve overcrowding situations.

Applicants can elect to reduce the number of bedrooms via scope reduction to reduce or eliminate a DOB gap.

- If the storm damaged property had two (2) bedrooms or fewer, the applicant will receive a 2-bedroom, 2-bathroom MHU.
- If the storm damaged property had three (3) bedrooms, the applicant will receive a 3-bedroom, 2-bathroom MHU.
- If the storm damaged property had four (4) bedrooms or more, the applicant will receive a 4-bedroom, 2-bathroom MHU. OCRP will award a 4-bedroom, 2-bathroom doublewide on a case-by-case basis.

The storm-damaged MHU width configuration will also be based on the width of the storm-damaged MHU. OCRP only provides singlewide and doublewide units<sup>12</sup>. Triple-wide or larger units are not provided.

- If the storm damaged MHU was a singlewide, the applicant will receive a singlewide.

If the storm damaged MHU was a doublewide. If a singlewide unit is the only width unit that will fit on the lot and comply with code/zoning requirements, then the unit may be replaced with a singlewide.

To reduce the required time from award to completion as related to replacement awards, the Program will task the assigned General Contractor to source a MHU in the awarded singlewide or doublewide bedroom/bathroom configuration. OCRP does not offer standard floorplans for MHUs. OCRP offers standard bedroom/bathroom configurations in singlewide or doublewide units in the following standard square footage ranges. All MHUs sourced by the program must be new, HUD approved units and comply with local code and zoning requirements including applicable wind and thermal zones.

## 10.5.2 Mobile Home Relocation

OCRP allows for replacement of a mobile home in an alternate location only when replacing the MHU in the same location as the storm damaged MHU is not feasible or is prohibited. MHU relocations may be considered for otherwise eligible applicants under the following circumstances:

- The non-applicant landowner does not consent to a new unit being replaced on the land;
- If MHU must be elevated above the standard 3-foot installation height;
- If zoning or municipal regulations prohibit installation of a mobile home on the property; or
- If other engineering, environmental, or site constraints make installation of an MHU onsite infeasible.

OCRP does not provide replacement property for applicants. To be allowed to replace an MHU on an alternate property, the applicant must source and obtain ownership or permission to install a MHU at the alternate location. Alternate locations must be zoned to allow for installation of a

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<sup>12</sup> 4-bedroom, 2-bathroom doublewide MHUs will only be awarded on a case-by-case basis.

mobile home unit, have ready access to sewer, water, and electric connections, and must not be located in a 100-year or 500-year floodplain. Alternate mobile home sites must pass an environmental review before the applicant makes a binding commitment to lease or purchase land. If an applicant enters into a binding agreement to lease or purchase alternate land before the program has environmentally cleared the alternate parcel, the applicant may be ineligible for assistance, as this constitutes a choice-limiting action<sup>13</sup>.

The program will require documentation that the established mobile home park or land has the requisite existing pad and utility requirements. An applicant provided letter from the landlord/property owner notating existing pad and utilities, occupational license, copies of sewage and utility bills, or other permits issued by the local jurisdiction may serve as verification documentation in conjunction with photographs of the existing pad and utility hookups.

If the new site is located within an established mobile home park, the applicant must provide the program with copies of the park's covenants and restrictions in addition to the above-mentioned documentation.

### 10.5.2.1 Environmental Review Record

An Environmental Review Record (ERR) must be completed on the original damaged site and the new site on which the replacement unit will be installed for applicants of an MHU relocation. In order for the program to assess the new location, the applicant must have an unexecuted lease agreement or written agreement to hold the leased lot<sup>14</sup>. Copies of the unexecuted lease or agreement documentation must be submitted to the program prior to the program scheduling an ERR at the new site.

### 10.5.2.2 New Site Requirements

The site for the replacement MHU must be either an existing mobile home park with an existing pad and utility infrastructure for the MHU installation or land with an existing pad and utility infrastructure for the MHU installation. The program will not fund new site development. For the purposes of this policy, new site development includes, but is not limited to:

- Site clearing
- Site leveling
- Concrete or other substrate installation
- Utility and sewerage infrastructure installation

### 10.5.2.3 Elevation and Flood Insurance

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<sup>13</sup> 24 CFR 58.22(a) Neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in § 58.1(b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in § 58.1(b) if the activity or project would have an adverse environmental impact or **limit the choice of reasonable alternatives**.

<sup>14</sup> If an applicant enters into a binding agreement to lease or purchase alternate land before the program has environmentally cleared the alternate parcel, the applicant may be ineligible for assistance, as this constitutes choice-limiting action.

Since the leased or owned property must be located outside of the 100-year or 500-year floodplain for the replacement MHU, no elevation or additional flood insurance considerations are necessary to comply with the program requirements.

### 10.5.3 Reasonable Accommodations- Mobile Home Replacement Award Type

Applicants who qualify for a replacement award type may request reasonable accommodations. Reasonable accommodations in MHU projects are limited by manufacturer specifications and unit availability. Applicants who request reasonable accommodation will be provided with a wheelchair accessible MHU. Wheelchair friendly designations are controlled by the MHU manufacturer and may include features such as wider doorways, grab bars, or low-threshold shower compartments.

The program has established that wheelchair friendly MHUs should include:

- One bathroom with:
  - step-in, low-threshold shower, with threshold no higher than seven (7) inches from the floor covering.
  - Shower wand on an adjustable rail and a seat in the shower, and
  - Comfort height toilet, with seat 17” – 19” above the floor
- Minimum 32” width for exterior doors
- Minimum 36” hallway width, and
- Minimum 32” bathroom and bedroom doors

Additional accommodations, such as hearing-impaired smoke detectors or roll-in/no threshold shower compartments, will be considered separately and, on a case-by-case basis, based on the applicant’s needs.

## 11 Temporary Relocation Assistance Benefit (TRAB)

As a general rule, the OCRP will provide a storage pod at no cost to the homeowner-occupant applicants who will be required to vacate their property during construction activities. As the OCRP is a voluntary program for owner-occupants and those applicants are made aware of program policies at the time of application, temporary relocation will be the owner-occupant’s responsibility. However, Orange County recognizes that some OCRP beneficiaries, particularly LMI households and those with vulnerable household members, may face financial challenges caused by the cost of interim housing that may be necessary during the repair or reconstruction process. To avoid displacement and homelessness of OCRP applicants, Orange County has their Residential Anti-Displacement Relocation Association Plan (RARAP), as well as an Optional Relocation Policy to provide additional assistance for OCRP homeowner-occupant applicants who are experiencing financial hardship due to, or exacerbated by, the cost of interim housing, and have exhausted all of other available options.

Temporary relocation assistance is not provided to tenants through TRAB. Tenants displaced by OCRP activities are eligible for temporary relocation assistance by the program as required by the Uniform Relocation Assistance and Real Property Acquisition Act (URA). More information on relocation assistance for tenants is in Appendix A: Uniform Relocation Assistance (URA) attached herein.

On a case-by-case basis, OCRP will provide temporary rental assistance to homeowner-occupant applicants experiencing hardship and displacement for an extensive period of time, or other substantiated extenuating circumstances due to OCRP activities. Applicants in Priority 1 that indicate they have a need for TRAB and that they have exhausted all other options to secure temporary housing will be granted TRAB. Other applicants must provide proof of extenuating circumstances to be reviewed on a case-by-case basis.

TRAB may be available to OCRP participants with an executed Homeowner Grant Agreement (HGA), until completion of OCRP activities on their damaged home. TRAB provides assistance under the OCRP for unmet needs related to eligible short-term lodging expenses, provided the household is at or 50 percent AMI and is beneficiary also receiving OCRP assistance for their Hurricane Ian damaged property.

TRAB is a housing assistance benefit not directly resulting in the rehabilitation, replacement, or reconstruction of a home. Therefore, TRAB does not count against the program cap for rehabilitation, replacement, or reconstruction of the home. The program construction cap identified in these guidelines applies to hard and soft construction costs associated with Hurricane Ian repairs. TRAB will have a maximum assistance cap of \$15,000 in program sponsored payments. Construction delays in which OCRP's assigned construction contractor is responsible, may result in contractor responsibility for provisions of additional housing assistance; this additional assistance is not limited by the TRAB cap.

Owner-occupant applicant who choose to stay with friends or family in lieu of staying in a hotel or a short-term leased apartment are not eligible for TRAB. Further, any owner-occupant applicant who initially utilizes TRAB assistance and subsequently abandons the temporary housing situation will have all future TRAB payments terminated. If a recipient of TRAB abandons the temporary housing situation without properly checking out and without notifying the program of their departure, and charges are incurred for any nights proceeding, the recipient of TRAB will be responsible for any costs incurred and considered disallowed by OCRP.

The TRAB allows short-term lodging in the form of temporary hotel assistance or temporary rental assistance.

## 11.1 TRAB Eligibility

If an applicant believes that they are in the state of demonstrable hardship and that the demonstrable hardship causes them to be unable to comply with program policies, then they may present their evidence of a demonstrable hardship to their program representative and request TRAB.

Demonstrable hardships may include job loss, failure of a business, divorce, severe medical illness, injury death of family member or spouse, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural disaster, etc. None of the listed examples above, individually or taken together, automatically establishes a demonstrable hardship nor is the listing above exhaustive as there may be other factors relevant to the issue of demonstrable hardship in a particular case

TRAB assistance is only available to the active OCRP participants who:

- Are homeowner-occupants of the program-assisted property;
- Have exhausted all other options;

- Have household incomes at or below 50 percent AMI;
- Have executed an OCRP HGA for Hurricane Ian;
- Are currently in award status, but construction has not been completed;
- Required temporary housing due to other circumstances of hardship, as approved by OCRP, including temporary displacement that requires that the damaged home be vacated for safety and other reasonable measures during construction;

In addition to the criteria listed above, the following eligibility criteria also applies:

- Applicants that are 50 percent AMI and below are assumed to have a demonstrable hardship and will qualify for TRAB without providing additional evidence of demonstrable hardship; and
- Have age-dependent minor(s); and/or
- Have disabled household members.

If TRAB is given to an awarded applicant:

- Recipients of TRAB assistance cannot receive concurrent temporary lodging or rental assistance from other governmental or charitable organization(s) that would cause a duplicative benefit.
- If the homeowner received any rental assistance from any other source, the funding must have been exhausted prior to provision of CDBG-DR TRAB funds.
- Funds must be used for lodging and cannot be used for any other purpose.

TRAB is not a DOB to housing rehabilitation, repair, or reconstruction funds, as it constitutes a separate and distinct eligible activity. Prior to deeming a homeowner eligible for TRAB assistance, OCRP will verify that prior rental assistance, if received, has been exhausted on eligible costs.

## 11.2 TRAB Assistance Types

TRAB is dependent on the applicant(s) needs, which will be identified and confirmed by OCRP representatives to determine the best and most reasonable options available to applicants. TRAB assistance may be provided in the form of temporary lodging in units such as hotels, motels, or extended stay hotels, unless alternative arrangements are needed due to excessive length of displacement or reasonable accommodations which cannot be met in standard short-term lodging. TRAB is intended not to exceed 90 days but may be extended up to a maximum of 6-months. The benefit will be calculated based on the Government Services Agency (GSA) nightly lodging rates for the applicant's area. GSA rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

TRAB assistance types include:

- **Temporary Hotel Assistance:** Funding will be provided for temporary hotel lodging for families for up to an estimated 90 days or extended to a maximum of 6-month. Extensions exceeding the 6-months may be approved on a case-by-case basis.
- **Extended Temporary Hotel Assistance:** In the event that the construction contractor notifies OCRP that the project will exceed the original schedule and a homeowner will not be able to reoccupy his or her home due to construction timelines that exceed the initial assistance, an extension of benefits may be issued to prevent homelessness or additional undue financial burden. The extension will be granted on a new estimated timeline from the construction contractor.

## 11.3 TRAB Maximum Benefits

TRAB covers 100 percent of the hotel, motel, or extended stay hotel's nightly or monthly rate, as noted below, without a percentage cost share required from the homeowner. The benefit is capped at a maximum \$15,000. This maximum may be waived in areas with spiking rates, as defined by the GSA publication, with Orange County approval on a case-by-case basis. Construction delays in which OCRP's assigned construction contractor is responsible, may result in contractor responsibility for provisions of additional housing assistance; this additional assistance is not limited by the TRAB cap. If the reconstruction or rehabilitation timeline extends beyond the initial estimate, Orange County, in its sole discretion, may approve any extensions of temporary housing and increased caps, on a case-by-case basis.

## 11.4 Termination or Discontinuation of TRAB Assistance

Temporary housing assistance is discontinued when a homeowner's home passes final inspection; the homeowner is expected to reoccupy his or her home within five days of a passed final inspection. No additional payments for TRAB will be allowed after the fifth day following a passed final inspection or the day that the homeowner reoccupies their home, whichever is sooner.

OCRP recognizes that there may be unforeseen circumstances that cause a homeowner to withdraw from, become inactive in, or be disqualified from the OCRP after the eligibility determination and after the homeowner has agreed to proceed in the program. Examples of termination or discontinuation of TRAB assistance include but are not limited to:

- An eligible homeowner who has received or is receiving TRAB assistance withdraws, becomes inactive, or is disqualified from the program. TRAB assistance must cease immediately upon such determination by program staff.
- A homeowner has executed their grant agreement and fails to move out of the property in a timely manner, as notified by the program, to allow construction activities to begin.
- A homeowner fails to check-in to their TRAB reservation, the OCRP has attempted to contact the homeowner, and, if after 24 hours following the contact attempt, the homeowner has not provided a reasonable cause for missing their check-in date/time. OCRP will attempt communication via the applicant's preferred communication method. This will be evaluated on a case-by-case basis to mitigate wasteful spending.
- A homeowner is negligent or causes damage to the temporary lodging. In these cases, the OCRP will immediately notify the homeowner and terminate TRAB assistance. The homeowner will be responsible for the cost of all damages.
- A homeowner is removed or banned from temporary housing location due to conduct of applicant or any household members.
- A homeowner chooses to stay with friends or family in lieu of staying in a hotel or other TRAB eligible arrangement. Terminating occupancy of a hotel to stay with family or friends will result in termination of payments. Failure to properly check-out of the TRAB accommodation and properly notify the Program of their departure may result in the TRAB recipient being held responsible for any charges incurred for any nights proceeding and considered disallowed by OCRP.
- A homeowner enters into a short-term lease agreement without prior review and approval from the Program.

Upon notice of any of the above conditions, TRAB recipients should be immediately provided with a Termination of Temporary Housing Notice by mail and email, if applicable.

## 12 Preconstruction

After the Homeowner Grant Agreement (HGA) is executed, the case enters the “pre-construction” phase. During the pre-construction phase of the program, several key activities take place which prepare the project for the start of physical construction. Key activities which take place during the pre-construction phase of the program include, but are not limited to:

- **General Contractor Assignment:** OCRP assigns a program-qualified General Contractor (GC) to complete the construction project;
- **Cost Estimate:** The assigned GC will visit the project site to finalize a cost estimate;
- **Pre-Construction Meeting:** The program will host a meeting with the applicant to review key items as related to construction;
- **Permitting:** The assigned GC will obtain all permits required to complete the assigned construction scope of work; and
- **Homeowner Moveout and Utility Disconnection (if applicable):** Homeowners may have to temporarily move out of the storm damaged property for construction to take place. If applicable, homeowners must also arrange for utilities at the property to be disconnected.

### 12.1 Contractor Selection and Assignment

OCRP relies on a pool of qualified GCs to perform repair, reconstruction, and MHU replacement projects. GCs will be assigned to complete construction work for eligible and awarded applicants. GCs will be assigned by OCRP to each project after the Homeowner Grant Agreement has been executed. Applicants are not permitted to select or manage their own General Contractor.

The program will include that the program will also consider:

- **Timeliness-** Timeliness refers to how quickly the General Contractor completes each major phase of the construction life cycle. Timeliness may be evaluated for cost estimate, pre-construction, construction, response to warranty claims, or any combination thereof.
- **Quality-** Quality refers to the rate at which the General Contractor fails inspections. General Contractors who have a higher rate of failure will be viewed unfavorably as continued municipal or program inspections is viewed as wasteful of valuable resources.
- **Customer Service –** Customer service refers to the service provided to the homeowner and to the Program. Customer service may be evaluated using data on items such as, but not limited to negative or positive homeowner feedback, customer satisfaction survey results, positive or negative feedback received by or from the Program Team, etc.

#### 12.1.1 Contractor Requirements

- All contractors will carry and provide proof of a current general liability policy in at least the aggregate amount of all contracts awarded in this program. Failure to do so may result in termination of award.

All contractors must secure and provide proof of performance and payment bonds, when required, prior to the start of construction activities. Failure to do so may result in termination of award.

Contractors will be responsible for documenting (with photographs and written reports) any preexisting and pre-storm damage to the property that has not been included in the scope of work. Any work performed on items not contained in the scope of work prior to a program approved change order will be done so at the GC's risk.

Contractors are responsible for compliance with [HUD's Lead Safe Housing Rule \(LSHR\)](#), found in [24 CFR Part 35](#), Subparts B through M, and the EPA Renovation, Repair, and Painting Rule (RRP), in [40 CFR Part 745](#) and all other applicable rules and regulations. Project sites are required to be in full compliance at all times.

All firms performing, offering, or claiming to perform renovations for compensation in target housing must comply with EPA's RRP Rule and EPA's Lead-Pre-Renovation Education (Lead-Pre) Rule. Regulatory requirements can be found in [40 CFR Part 745 Subpart E](#) – Residential Property Renovation. This means that all GCs participating in this disaster recovery program must be EPA certified. In addition, all individuals performing renovation work on behalf of the firm must be certified renovators.

The GC will be responsible for determining utility needs, providing sanitary facilities, safely operating equipment on-site, and obtaining any required permits.

Contractors should not disturb the site prior to beginning OCRP approved construction activities. Failure to comply could result in termination of the Contractor's award to work on the property.

Upon completion, the property must meet applicable program building standards. All work performed by the GC will be guaranteed for the following periods. The start date for these warranty coverages will begin from the date of the passed program final inspection.

- One (1) Year – General warranty for repairs to the home and electrical, plumbing, and mechanical warranty (if such work is performed);

## 12.2 Cost Estimate

As part of the procurement of GCs, the program has developed standards for pricing for each of the three (3) award types offered by OCRP. All costs incurred by OCRP must follow the Cost Principles outlined at 2 CFR Part 200, Subpart E. When a contractor is selected, OCRP provides the contractor with a preliminary scope of work.

- For mobile home replacements, the program preliminary scope of work includes the number of bedrooms and bathrooms which must be included in the replacement MHU, if accessibility modifications can be included, and the width of the unit (singlewide or doublewide).
- For reconstruction award types, the program preliminary scope of work includes construction drawings, initial boundary surveys, preliminary elevation certificates if required, and if any accessibility modifications can be included.
- For repair award types, the program preliminary scope of work is the Estimated Cost to Repair (ECR) document, which relies on Xactimate pricing and is prepared during the damage assessment phase.

GCs will visit each subject property to evaluate site-specific conditions that must be factored into the OCRP cost estimate and to finalize the OCRP -provided scope of work. The applicant or his/her designee are required to attend the site visit conducted by the GC. Upon completion of the site visit and incorporation of any site-specific line items to the cost estimate, the GC must

submit the cost estimate to the program for review and approval. The program must approve each cost estimate before the GC may begin construction activities. Once approved, the OCRP scope of work may only be modified via a duly authorized change order.

Additional assessments for rehabilitation award types may increase the Cost Estimate causing the award type to change to a reconstruction. In this instance, the application would need to undergo another environmental review for the reconstruction award type.

## 12.3 Pre-Construction Meeting

After the scope of work has been approved by the Program, the GC and Case Manager will host a “pre-construction” meeting with each applicant. The purpose of the pre-construction meeting is to inform the homeowner of the next steps, provide the homeowner with the floorplan or scope of work that will be provided by the program, and answer any construction-related questions the homeowner may have. Key topics covered during the pre-construction meeting include, but are not limited to:

- **Homeowner Responsibilities** which include but are not limited to:
  - **Homeowner Moveout and Utility Disconnection:** The GC and the Homeowner will agree upon a date by which the homeowner must vacate the storm-damaged property and have all utilities disconnected.
  - **Site Conditions:** Project sites must be cleared of excessive debris and personal property. During the pre-construction meeting, the applicant will be informed of actions he/she must take to ready the site for construction. **If the site includes excessive debris or personal property, the applicant must clear the site within thirty (30) days of the pre-construction meeting.** The applicant will also be informed which, if any, outbuildings, landscaping, ancillary structures must be removed. Similarly, if the applicant wishes to preserve any of the items slated for removal/demolition, the applicant must remove the items from the property within **thirty (30) days** of the pre-construction meeting. **Outbuildings, landscaping, and structures other than the storm damaged home which remain on the property thirty (30) days after pre-construction meeting may be demolished and OCRP will not replace them.**
- **Scope of Work:** The GC will present the applicant with a copy of the program approved scope of work. If the project is an MHU replacement or reconstruction, the scope of work will include a copy of the floorplan being offered.
- **Reasonable Accommodations:** The GC will confirm any reasonable accommodations included in the approved scope of work with the applicant.

## 12.4 Permitting and Code Compliance

GCs are required to complete all OCRP -sponsored construction activities in accordance with local building codes. GCs are responsible for determining which permits are required and for acquiring all permits required to complete the OCRP -approved scope of work from the authority having jurisdiction for code compliance in the location where the construction project is located. Permits required for each project vary by location and scope of work, but may include permits for items such as:

- Demolition
- Septic
- MHU Installation

- Mechanical, electrical, or plumbing
- Building
- Roofing
- Asbestos or Lead Based Paint Abatement

Applicants may be required to sign documents which authorize the GC to obtain permits from the authority having jurisdiction. Because requirements vary by jurisdiction, documents which require the applicant's signature may also vary. If required to sign or complete documents in support of permitting, the applicant must do so within thirty (30) days of being presented with such documents.

GCs must demonstrate code compliance in order to pass a program final inspection. For reconstruction or MHU replacement projects, code compliance will be confirmed via a Certificate of Occupancy (or equivalent), issued by the authority having jurisdiction. For repair projects, code compliance will be confirmed via Certificate(s) of Completion (or equivalent), as applicable, issued by the authority having jurisdiction. Certificate(s) of Completion issued for repair projects may vary, depending on the scope of work completed by the program.

## 13 Construction

### 13.1 Homeowner Responsibilities During Construction

The Orange County Recovers Program will not be responsible for lost or damaged belongings of the homeowner that may have occurred during construction. The homeowner must secure or relocate his/her belongings until construction is complete. The program will provide up to two (2) storage containers for applicants as needed.

- The homeowner will have 30 calendar days to move out of the property from the date of the pre-construction meeting and store any valuable personal property that might be damaged during the course of construction.
- The homeowner must arrange access to the property for building contractors providing construction services. If reasonable and timely access is denied to a building contractor who is attempting to make a good-faith effort to perform required repairs, the homeowner will be removed from the program.
- The homeowner is responsible for the security of his/her property and personal belongings. Movement, storage, and security of personal property are the homeowner's responsibility. Replacement, rehabilitation, and reconstruction benefit applicants will be provided with up to two (2) temporary on-site storage units for homeowner's use. Items placed in program-provided temporary storage containers shall be the responsibility of the applicant. OCRP will not assume responsibility for the condition of items placed in program-provided temporary storage containers.
- If provided with an on-site storage unit, the homeowner will be required to remove all belongings from the onsite storage unit within 14 days of completion of key turnover. The unit will be removed by the contractor within the following 14 days. Any items remaining in the unit after 14 days will be removed from the unit and placed on the homeowner's property so the unit can be removed.
  - If the applicant requests additional time to remove their belongings from the storage container, the applicant must coordinate within the 14 days with the general contractor and the storage container company to transfer the unit into the

applicant's name. The applicant must take financial ownership of unit payments once the 14 days expires.

- During construction, the homeowner must not interfere in repair areas and must stay away from the construction zone. Homeowners are required to schedule site visits with the construction superintendent if site visits are needed/wanted.
- All debris, abandoned vehicles, and buildings that pose a safety and/or health threat as determined by the local jurisdiction or person qualified to make such a determination, must be removed from the property within 30 calendar days of the pre-construction meeting. Homeowners must remove dilapidated personal property.
- The homeowner must provide all existing utilities as needed for use by the building contractor during construction. These utilities will be provided at the homeowner's cost. Neither the program nor the contractor will be liable for any utility payments on the property during the construction phase of the project. Homeowners are responsible for maintaining utility bills during construction so as not to delay utility reconnection efforts upon completion of construction activities.
- In accordance with the requirements in the Grant Agreement, the homeowner will agree not to transfer ownership of the property or any interest in the property except as permitted in the homeowner's Grant Agreement.

## 13.2 Construction Standards

OCRCP will abide by the procurement process mandated by federal and state government codes as they are applicable to the program. The standards and guidelines from procurement of supplies, equipment, construction, engineering, architectural, consulting, and professional services have been developed in compliance with federal and state requirements. OCRCP has established compliant standards for construction. Construction contractors will be qualified through an open procurement process. Selected contractors will ensure to the greatest extent feasible that employment and other economic opportunities are directed to low- and very low-income people, particularly local residents and businesses that meet the qualifications of the project. Contractors' procedures will be monitored by OCRCP.

OCRCP will implement construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance, as required in the Consolidated Notice. All rehabilitation and reconstruction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters. OCRCP will implement and monitor construction results to ensure the safety of residents and the quality of homes assisted through the program. All housing units repaired or replaced must comply with program standards and must meet all applicable local and state codes, repair standards, ordinances, and zoning ordinances at the time of project completion. These include the following minimum standards:

- Construction will comply with the Green Building Standard for all reconstruction of residential buildings and under the Florida Green Building Coalition; and
- All reconstruction must receive a Green Building Certificate from Florida Green Building Coalition for completed projects evidencing successful green building implements and energy efficiency standards were met.

- Construction standards will be based on the Florida Building Code (FBC) and must meet or exceed applicable requirements. Due to Florida's unique geography and vulnerability to hurricanes, FBC is especially stringent when compared to federal building codes (including HUD's minimum standards), as well as the building codes of other states. As such, the implementation of FBC will meet all code requirements, exceeding many current building codes and producing resilient and storm-resistant construction. Where local building codes are more stringent than FBC, OCRP will comply with local building codes.
- For repair projects, the state will follow the HUD Green Building Retrofit Checklist to the extent feasible and applicable to the repair work undertaken. This will include the use of mold-resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the repair work, repair is required to use ENERGY STAR-labeled, Water Sense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances, or other equivalent, when feasible. The HUD Green Building Retrofit Checklist is available at:

<https://www.hudexchange.info/resource/3684/guidance-on-the-cpd-green-building-checklist/>.

## 13.3 Eligible Construction Activities

GCs are only authorized to perform construction activities that are duly authorized by an approved OCRP scope of work or via an approved change order. Homeowner requests for upgrades, modifications, and/or additional work shall not be considered. Program scopes of work, including all items outlined in the bulleted list below are subject to OCRP award caps.

Program scopes of work may include:

- **Repair work:** Repair work includes items required to complete repair or renovation of a portion of a stick-built home. Repair work is intended to repair storm damage and bring the items repaired into compliance with local building codes and must comply with the current HUD Housing Quality Standards (HQS) including compliance with Section 31 of the Federal Fire Prevention Control Act of 1974 and local building codes and standards. Repair stick-built structures will include scope associated with the HUD CPD Green Building Retrofit checklist.
- **Reconstruction:** Reconstruction consists of the demolition of existing lan damaged structure, removal, and disposal of the storm damaged structure, followed by construction of a new home in substantially the same footprint where feasible as the storm-damaged home. Reconstruction work will be conducted in accordance with local building codes, HUD standards for green and resilient building, and HUD standards for energy efficiency. Reconstructed homes are only offered in standard OCRP floorplans. No custom designed homes are authorized.
- **Elevation:** If reconstruction requires elevation, it will be conducted by means of pier and beam foundations, piling foundations, or fill dirt, if permissible within zoning regulations, and will be determined by the architect/engineer of record.
- **Mobile Home Unit (MHU) Replacement:** MHU Replacement consists of the demolition, removal, and disposal of the storm-damaged MHU, followed by installation of a new MHU

in substantially the same footprint where feasible as the storm-damaged MHU. MHUs provided by OCRP must be HUD certified and will be installed in accordance with local building and zoning regulations. MHUs are offered in 2-, 3-, and 4-bedroom configurations, all with 2 bathrooms. Singlewide and doublewide MHUs are offered. MHUs will be sourced and offered by the GC, in accordance with OCRP size and configuration guidance. Applicants are not permitted to select the MHU.

- **Site work:** Site work includes site-specific construction activities necessary to complete the project that are not related to the structure itself. Site work includes activities such as: flatwork, grading, septic tank repair/replacement, well repair/replacement, installation of sod, tree trimming or tree removal, etc.
- **Environmental Abatement:** Environmental abatement activities are those environmental activities identified by OCRP or the GC that must be addressed in order to comply with the current HUD Disaster Standards and Services (DSS). Environmental abatement activities may include items such as, but not limited to, lead-based paint removal or mitigation, or asbestos abatement. Costs of environmental clearance inspections are also allowable.
- **Historic Preservation:** Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended in 2000, requires Architectural History compliance imposed by the Compliance and Review Section of the Bureau of Historic Preservation, as needed. If the State Historic Preservation Office (SHPO) or other authority having jurisdiction requires specific construction or design measures to prevent an adverse effect to a historic or cultural resource, such activities may be included in the program scope of work if determined to be feasible and in alignment with program cost reasonableness principles.
- **Reasonable Accommodations:** Scopes of work for applicants with duly approved reasonable accommodation requests will include items associated with the approved reasonable accommodation(s). Reasonable accommodations may include items such as: widened doorways, ramps, grab bars, etc. To be included in a program scope of work, the applicant must complete the Verification of Disability Form for him/herself or a household member, and the reasonable accommodations request form must be approved prior to construction start.
- **Essential Appliances:** Essential appliances, which include stove/range, oven, water heater, and refrigerator are included in program scope of work for all reconstruction and replacement award types. Scopes of work for repair award types will include replacement of essential appliances, only if the essential appliances are damaged, in non-working order, or non-existent at the time of damage assessment<sup>15</sup>. Appliances provided will be standard, economy grade, and energy efficient. Luxury appliances will not be provided.
- **Smoke and Carbon Monoxide Detectors:** All assisted homes will be equipped with smoke or smoke/carbon monoxide detectors, in accordance with local code requirements.

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<sup>15</sup> Dishwashers will only be replaced in repair award projects if the storm-damaged contained a dishwasher that is damaged. Dishwashers will not be added in repair projects where the storm-damaged home did not have a dishwasher.

- **Mitigation Measures:** Measures to make homes more resilient in the face of future disasters such as but not limited to roof strapping or impact resistant glass where required, may be included in program scopes of work.

The above bulleted list is not intended to be an exhaustive or all-encompassing list. All construction work undertaken by GCs must be approved via an approved cost estimate or duly authorized change order. Any work completed by GCs prior to authorization by OCRP is completed at the GC's own risk.

OCRP does not offer like-for-like replacement of anything. All construction work completed by the program will be completed using standard, builder-grade materials, regardless of what building materials were used prior to program initiated construction. Applicant-requested upgrades, additions, or modifications to construction scopes of work will not be considered outside of program approved reasonable accommodations. Applicants may not pay out of pocket for upgrades, additions, or modifications concurrent with program sponsored construction.

## 13.4 Lead-Based Paint Disturbance and Mitigation

Contractors must ensure the following minimum requirements are met when applicable:

- All sites are clean and protective covering is placed where required by applicable regulations during the renovation, especially when paint-disturbing activities are taking place.
- All workers on-site are to have proper certifications with them while on site.
- The Lead Renovator's certificate is required on-site at all times from the start of the renovation until the final lead clearance has been achieved.
- Ensure proper techniques are being used when performing paint disturbing activities.
- At a minimum, the following two items are required to be posted at all times to be seen clearly by anyone approaching the site and all workers until final lead clearance is achieved.
- Environmental Protection Agency (EPA) RRP required warning signage in English and Spanish:



Figure 1: Example Signage

- Occupational Safety and Health Administration (OSHA) required lead warning signage in English and Spanish



Figure 2: Example Signage

If site conditions are noncompliant, a stop work order will be issued until all problems are resolved and verified by program staff. The time the project is on hold will be included when calculating construction duration and is considered the fault of the contractor and subject to performance penalties. Any issuance of a stop work order will also be taken into consideration when determining future assignments and participation in future projects.

## 13.5 Repair and Reconstruction Progress Inspections

The number of program inspections and the items being inspected in each program inspection will vary depending upon whether the construction effort is a reconstruction, a rehabilitation, or an MHU replacement. The goal of the program inspections is to ensure that the homes being constructed are done so according to the plans/specifications or scope of work provided, are achieving the required municipal/code inspections, and that the construction work is completed in a manner that achieves the program's quality expectations. The program inspection process does not supersede or circumvent the municipal or code inspection requirements.

## 13.6 Elevation Certificates

The program will follow HUD guidance to ensure all structures, as defined in 44 CFR 59.1, designed principally for residential use, and located in the 1 percent annual (or 100-year) and 0.2 percent annual (or 500-year) floodplain, as defined at 24 CFR 55.2(b) (11) and 24 CFR 55.2(b) (5), that receive assistance for new construction, repair of substantial damage, or substantial improvement will be elevated with the lowest floor, including the basement, at least two (2) feet above the BFE. A final elevation certificate will be obtained for all reconstruction projects located in the 100 and 500-year floodplain.

## 13.7 Final Inspection and Warranty Information

Once the contractor has completed all construction activities outlined in the Estimated Cost of Repair (ECR), program documents, and/or plans and specifications, the contractor will request a

Final inspection to confirm that all work has been satisfactorily completed according to the appropriate state and local codes and standards and accepted by all appropriate building code enforcement and third-party inspectors, and that the home meets HUD Housing Quality Standards (HQS) as defined in the **Definitions** section of this document. A Program Final Inspection cannot be requested until all applicable municipal inspections have been completed and passed.

All work performed by the contractor will be guaranteed for the following periods. The start date for these warranty coverages will begin from the date of the passed program final inspection.

- One (1) Year- General warranty for repairs to the home and electrical, plumbing, and mechanical warranty (if such work is performed)

For the specified period in the warranty, from the time of the passed program final inspection, the assisted applicant may require the contractor to correct defects or problems arising from their work under the contract. Applicants will be provided with a program-managed phone number to call in all warranty needs associated with their application.

Upon receipt of applicant warranty request, the program will review the applicant's scope of work to determine if their claim is a valid warranty request. The call and subsequent disposition will be logged into the warranty module within the system of record and if required, the contractor will be notified of the claim. The contractor will then be required to address the warranty claim and report back to the program when it is completed. The program will ensure that the work is complete to the acceptable program standards and make reasonable attempts to obtain applicant confirmation prior to closing the warranty ticket within database of record.

## 13.8 Re-Inspections

Should OCRP observe any fault(s) during the progress and/or Final Inspections, the construction contractor will be informed of the fault(s) and be provided with a written report of the findings. When the construction contractor has remedied the fault(s), the construction contractor may request a re-inspection to be performed at a time no earlier than 48 hours from the request. For each re-inspection required after the Final Inspection, a re-inspection fee, in an amount not to exceed \$225 per re-inspection, will be assessed and will be the responsibility of the construction contractor. The re-inspection fee must be deducted from the contractor's final invoice.

## 13.9 Change Orders

Where additional work is necessary to make repairs or to correct unforeseen or dangerous conditions, the contractor will submit a Change Order consisting of a detailed description of the work needed, including quantities and location, the cost of such work and the time necessary for such work to be completed to OCRP. Unless it is determined there exists an immediate health and safety danger, no work shall be authorized until agreed upon in writing by OCRP. All Change Orders will be reviewed for eligibility and cost reasonableness as defined in 2 CFR Part 200 Subpart E.

## 13.10 Contractor Performance Evaluation

The goal of the OCRP is to provide decent, safe, and sanitary housing to all eligible applicants as quickly as possible. To accomplish this goal, OCRP reviews General Contractor performance based first on volume of throughput.

This volume of throughput methodology includes reviewing GC on:

- Construction Timeliness;
- Construction Quality; and
- Customer Service.

**Construction Timeliness** – Timeliness refers to how quickly the General Contractor completes each major phase of the construction lifecycle. Timeliness may be evaluated for cost estimate, preconstruction, construction, response to warranty claims, or any combination thereof.

**Construction Quality**- Quality refers to the rate at which the General Contractor fails inspections. General Contractors who have a higher rate of failure will be viewed unfavorably as continued municipal or program inspections is viewed as wasteful of valuable resources.

**Customer Service**- Customer service refers to the service provided to the homeowner and to the program. Customer service may be evaluated using data on items such as, but not limited to: negative or positive homeowner feedback, positive or negative feedback received by or from the program team, etc.

To determine the percentage of the GC's workload in each of the aforementioned phases, the program will divide the number of cases per phase by the total number of assignments to each GC. Volume throughput is a crucial indicator of efficiency and capacity, helping to evaluate how well a GC performs in handling its entire workload. General Contractors with a higher percentage of cases in later phases<sup>16</sup> of the construction process demonstrate capacity to undertake additional assignments.

## 14 Post Construction

In the OCRP, post construction consists of the following tasks: invoicing, compliance period monitoring, file closeout, subrogation, and/or recapture.

### 14.1 Method of Payment/Invoicing

Upon completion of a milestone inspection and/or passing of the program final inspection, the GC will be eligible to submit their construction invoice(s) to the implementation vendor. The GC is responsible for submitting complete invoices with all appropriate documentation. The implementation vendor will review and confirm invoice accuracy and completeness prior to submission of the invoices(s) to Orange County. The implementation vendor will submit reviewed and approved construction invoices to Orange County for review and payment on a

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<sup>16</sup> **Volume of throughput** refers to the quantity of projects that move through the construction process. Because the number of cases assigned may differ from GC-to-GC volume throughput will be measured as a percentage of each GC's assigned projects which pass through the three key phases of the construction processes – (1) cost estimate; (2) Pre-Construction, (3) Construction., (4) General Warranty Period.

weekly basis. The implementation vendor will pay GCs upon receipt of payment from Orange County, and make any revisions or corrections noted by Orange County, as needed.<sup>17</sup>

## 14.2 Compliance Period

Applicants assisted under OCRP must agree to the terms of the compliance period associated with their award. Orange County will periodically monitor applicants throughout the compliance period. Applicants may be asked to demonstrate that they are still in compliance at any time during the three (3) year compliance period.

Applicants are required to occupy the home for three (3) years following completion of construction. During this time Orange County has the right to request documentation for proof of occupancy to ensure the applicant has continued owning and residing in the home for the required 3-year period. See section 5.3 Proof of Primary Residency for definition of primary residency.

If an applicant sells the home or discontinues use of the home as their primary residence within the three (3) year compliance period, the applicant may be subject to repay all or a portion of the grant amount. The 36-month occupancy is monitored annually by the program and/or Orange County staff. The compliance and monitoring policy include the following prorated amounts of grant repayment, if the applicant is not determined compliant within the 36-month compliance period:

- If within the first 12 months monitoring period, applicants fail to comply with the compliance requirements, the applicant is responsible for repaying the total grant back to Orange County.
- If within 13-24 months monitoring period, applicants fail to comply with the compliance requirements, the applicant is responsible for repaying 2/3 of the total grant amount back to Orange County.
- If within 25-36 months monitoring period, applicants fail to comply with the compliance requirement, the applicant is responsible for repaying 1/3 of the total grant amount back to Orange County.
- The compliance and monitoring policy include the following prorated amounts of grant repayment, if the applicant is not determined compliant within the 36-month compliance period:

If the applicant is in compliance at or on the beginning of the 37<sup>th</sup> months of the compliance and monitoring period, the promissory is released and the total grant amount is forgiven.

## 14.3 Closeout Review

Once all construction contractor payments have been issued, the file will move into the closeout review stage. Closeout review is a multi-tiered review that results in a full file, end-to-end verification process. The verification process starts at the case manager level, where the basic file documentation requirements for the program are reviewed and any additional documentation that may be needed is gathered.

Once the initial end-to-end file review is completed by the case manager, the file is routed to the Quality Assurance/Quality Control (QA/QC) team. The QA/QC team may correct any issues with

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<sup>17</sup> The procurement process is included in section 13.2 Construction Standards.

the file, return the file to case management for additional work, or approve the file for routing to Orange County for final review and approval.

Orange County's closeout review team will be the final checkpoint on the way to an applicant's individual file closeout. The Orange County eligibility review team will review the findings of the case manager and initial QA/QC team. Orange County may return the file for further work, route the file to subrogation/recapture or accept the file for closeout.

## 14.4 Recapture

Orange County may expend funds on applicant projects where the applicant fails to maintain compliance with program policies and procedures. In some instances, Orange County may be able to work with the applicant to bring the applicant back into compliance; but in others, the violation will result in disqualification. Should Orange County expend funds on an applicant project that becomes non-compliant, and which cannot be remedied, the applicant may owe the funding expended on the project back to Orange County. This is known as recapture of funding.

## 15 Exceptions to Program Policies

These OCRP Guidelines set forth the policy governing the program and approved the OCRP Standard Operating Procedures set forth the procedures by which policy will be enacted. These Guidelines and the SOPs are intended to guide program activities and enforce compliance with applicable federal regulations. While Program Guidelines and SOPs govern the program, neither should be considered exhaustive instructions for every potential scenario that may be encountered by the program. At times, an exception to program policies and/or procedures may be warranted. All exception requests are reviewed and adjudicated on a case-by-case basis as the need arises, at the sole discretion of Orange County. Exceptions may be granted to program policy or process. Any exceptions to federal regulations, laws, or statutes shall not be authorized.

## 16 Voluntary Withdrawal

An applicant may request to voluntarily withdraw from the program at any time. If an applicant chooses to withdraw after construction has begun, the applicant will be subject to repayment of program funds expended. Applicants are to document withdrawal requests in writing; the program will document these requests in the case file. However, if the applicant cannot or will not document his or her request to withdraw, a detailed case note may be used to support the applicant's withdrawal request.

Applicants who choose to withdraw will be sent a Voluntary Withdrawal Notice. The Voluntary Withdrawal Notice informs the applicant the OCRP has received his/her request to withdraw, and that the applicant has **fourteen (14) days** from the date of the letter to rescind the withdrawal request. If the applicant does not rescind the voluntary withdrawal request within **the fourteen (14) day** period, the applicant's case will be withdrawn. Withdrawal from the program is final and not appealable.

# 17 Applicant Responsibilities

For OCRP to be successful in providing applicants with repair, replacement, or reconstruction awards, the applicant must participate and comply with program timeframes, directives, and requests. OCRP is a voluntary program. Applicants who do not wish to comply with all of some of the applicant responsibilities may opt to withdraw from the program at any time prior to construction start.

## 17.1 Flood Insurance

Section 582 of the National Flood Insurance Reform Act of 1994, as amended, *supra*, on prohibited flood disaster assistance, prohibits flood disaster assistance in certain circumstances. In general, it provides no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property if that person at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and subsequently having failed to obtain and maintain flood insurance as required under applicable Federal law on such property. This means that Orange County may not provide disaster assistance for the repair, replacement, or restoration to a person who has failed to meet these requirements.

Section 582 of the National Flood Insurance Reform Act mandates that Orange County must inform property owners receiving disaster assistance that triggers the flood insurance purchase requirement that they have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance, and that the transferring owner may be liable if he or she fails to do so. The requirement to maintain flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property. A Covenant Agreement shall be executed with Orange County enforcing this requirement prior to receiving disaster assistance.

Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) mandates that flood insurance must be purchased for any HUD-assisted property within a Special Flood Hazard Area. Therefore, assisted applicants with structures located in a Special Flood Hazard Area must obtain and maintain flood insurance in the amount and duration prescribed by FEMA's National Flood Insurance Program.

Applicants with OCRP assisted properties located within a 100-year floodplain must submit proof of flood insurance prior to receiving keys to the assisted property. OCRP may purchase flood insurance coverage for one year following provision of program assistance.

### 17.1.1 Prohibition of Assistance for Lack of Flood Insurance Coverage

When a homeowner located in the 100-year floodplain allows their flood insurance policy to lapse, it is assumed that the homeowner is unable to afford insurance and/or is accepting responsibility for future flood damage to the home. Higher income homeowners who reside in a 100-year floodplain, but who failed to secure or decided to not maintain their flood insurance, should not be assisted at the expense of lower income households. To ensure that adequate recovery resources are available to assist lower income homeowners who reside in a 100-year

floodplain but who are unlikely to be able to afford flood insurance, and in accordance with an alternative requirement established in Section 582, OCRP is prohibited from providing assistance for the rehabilitation/reconstruction of a house, if:

- (i) the combined household income is greater than either 120 percent of AMI or the national median,
- (ii) the property was located in a 100-year floodplain at the time of the disaster, and
- (iii) the property owner did not obtain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance.

Owner-occupied applicants to OCRP must be at or below 80% AMI to qualify for assistance.

## 17.2 Applicant Cooperation with the Program

Throughout the life of an applicant's participation of OCRP – from submission through closeout of the application – the applicant must participate and respond to requests from the program in a timely manner. At no point should a request from the program go unanswered for more than **thirty (30) days**.

OCRP will send applicants with outstanding requests from the program a Pending Action Notice to inform the applicant of the outstanding request(s). The Pending Action Notice informs the applicant that the program requires action from the applicant in order to proceed and that if the applicant does not complete the required action within **thirty (30) days**, the applicant's case will be closed. Common outstanding requests included, but are not limited to:

- **Documentation:** The program requires documentation from the applicant for multiple reasons and at multiple phases throughout the program. Not all requests for documentation are for documents an applicant must produce. Some documentation requests may be related to documents generated by the program that the applicant must sign. Applicants must submit and/or sign requested documents in a timely manner.
- **Schedule:** The program requires applicant cooperation and participation at multiple points throughout the process. Applicants must schedule and attend required appointments, inspections, or other required meetings in a timely manner. OCRP will make reasonable attempts to coordinate schedules with homeowner availability. Applicants who refuse to schedule or attend required meetings or inspections may be sent a Pending Action Notice.
- **Homeowner Moveout:** Applicants are required to move out of the storm-damaged property within **thirty (30) days** of the pre-construction meeting so that construction may begin. Applicants who do not move out of the storm damaged property in a timely manner will be sent a Pending Action Notice.
- **Site Clearance:** Applicants are required to clear the construction project site of excess debris and/or personal property within **thirty (30) days** of the pre-construction meeting. Applicants who do not clear the storm damaged property site of debris and/or personal property in a timely manner will be sent a Pending Action Notice.

Applicants who do not take the required action(s) within **thirty (30) days** of the Pending Action Notice will be closed. Applicants who require assistance, clarification, or an extension to the **thirty (30) day** timeframe to resolve a pending action must request assistance within **the thirty**

**(30) day** window. Extensions to the thirty (30) day window will be considered on a case-by-case basis.

### 17.3 Applicant Responsiveness

The program will make reasonable attempts to contact applicants to schedule meetings, collect documentation, or obtain other information necessary. If the program has made three (3) consecutive unsuccessful attempts to contact an applicant with no follow up contact from the applicant, the applicant will be sent a Non-Responsive Notice. The Non-Responsive Notice provides contact information for the program, advises the applicant of the next steps in the application process, and notifies the applicant that he/she must contact the program or complete an action within fourteen (14) days of the date of the letter. If the applicant fails to contact the program or complete the action within the fourteen (14) days allowed, the application will be closed. Applicants who become non-responsive after construction activities have commenced may be subject to repay program funds expended on construction activities prior to the application being closed.

### 17.4 Temporary Relocation During Construction Activities

Properties assisted by OCRP must be vacant and empty of personal belongings during construction. Land/area surrounding the storm-damaged property must also be cleared of any debris, vehicles, derelict personal property, etc. Applicants must move out of the storm-impacted property and remove all personal belongings and derelict personal property on site within **thirty (30) days** of the pre-construction meeting. OCRP does not pay for storage of personal property or temporary lodging accommodations, as OCRP is a voluntary program.

By signing a Homeowner Grant Agreement and accepting a program award, the Applicant affirms that he/she has made arrangements for temporary housing during the construction period. Applicants who are unable or unwilling to vacate the storm damaged property and remove all personal belongings in a timely manner may be sent a Pending Action Notice. Applicants who fail to vacate the structure and remove all personal belongings within **thirty (30) days** of the Pending Action Notice will be closed.

Lawful tenants of assisted properties may qualify for relocation assistance if they must relocate during program-sponsored construction activities, as provided under the Uniform Relocation Act, and further described in the Uniform Relocation Act section of this document<sup>18</sup>.

### 17.5 Applicant Responsibilities During Construction

During the construction phase of the program, the applicant has several ongoing responsibilities. The construction phase begins when the applicant signs the Homeowner Grant Agreement and ends when the keys to the program-assisted home are presented to the homeowner. Applicant responsibilities during construction include:

- i. Applicants must vacate the storm-damaged property and remove all personal belongings from inside the structure and the surrounding area. Costs associated with removal of belongings, storage of belongings, and temporary accommodations will not be borne by

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<sup>18</sup> All applicants are required to disclose information about any and all tenants who reside(d) at the storm damaged property from the time of the storm through present at application intake.

OCRCP. OCRCP is not responsible for any damages to or loss of belongings during construction<sup>19</sup>.

- ii. Applicants must coordinate with assigned General Contractor to sign any required permitting documents.
- iii. The homeowner must allow the General Contractor and OCRCP representatives full access to the property. If reasonable and timely access to the property is denied by the applicant, OCRCP may terminate the award, and the applicant may be subject to repay any program funds expended on the project.
- iv. The homeowner must allow inspections to be performed by OCRCP representatives and municipal code inspectors. If reasonable and timely access to the property is denied by the applicant, OCRCP may terminate the award, and the applicant may be subject to repay any program funds expended on the project.
- v. The homeowner must remove and/or secure any animals or pets that remain on property during construction. Animals will only be allowed to remain on property during construction if the General Contractor confirms there is sufficient space and sufficient enclosure for the animals to remain on site without interfering with construction work. If there is not enough space or if animal enclosures are not sufficient, animals must be removed from the property. OCRCP will not cover costs associated with removal and/or boarding of animals during construction.
- vi. The homeowner must not interfere with the project site. For safety reasons, homeowners must stay away from the storm-damaged property during construction.
- vii. All debris, abandoned vehicles, and buildings that pose a safety and/or health threat as determined by the local jurisdiction or person qualified to make such a determination, must be removed from the property prior to the start of construction. The homeowners must remove derelict personal property. The homeowner has thirty (30) days from the date of the pre-construction meeting to remove all such debris and derelict property from the construction site. Failure to remove such property may result in the application being closed.
- viii. If utilities must be disconnected for construction work, applicants must arrange for utilities to be disconnected within thirty (30) days of the pre-construction meeting. Applicants must keep current on all utility bills during construction, as accounts must be current in most cases for the utility company to reconnect/reinstate services.

## 17.6 Compliance Period

Applicants assisted under OCRCP must agree to the terms of the compliance period associated with their award. Orange County will periodically monitor Owner-Occupants throughout the compliance period. Applicants may be asked to demonstrate that they are still in compliance at any time during the compliance period.

### 17.6.1 Reconstruction Applicant Compliance Period

Applicants assisted under OCRCP for their primary residence must agree to own the program-assisted home and use the program-assisted home as their primary residence for a period of **three (3) years** after completion of their reconstructed home. This compliance period is outlined in the Homeowner Grant Agreement and will be enforced by a deferred lien.

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<sup>19</sup> Lawful tenants of assisted rental properties may receive relocation assistance, as provided for under the Uniform Relocation Act (URA). Please see Uniform Relocation Act section of this document.

If an applicant sells the home or discontinues use of the home as a primary residence within three (3) year compliance period, the applicant may be subject to repay all or a portion of the grant amount. The amount of benefit that is subject to repayment if the applicant breaks the terms of the compliance period and deferred lien will be determined by straight-line, linear, annual amortization schedule of the grant over the three-year compliance period. The table below outlines the repayment schedule should the applicant sell the property or fail to occupy the home as a primary residence during the three (3) year compliance period.

Date of Compliance Breach	Amount of Repayment Due to Orange County
Month 0 – Month 12	100% of grant award
Month 13 – Month 24	66% of grant award
Month 25 – Month 36	33% of grant award
37 months or beyond	0% of grant award

### 17.6.2 Rehabilitation/Replacement Owner-Occupant Compliance Period

Applicants assisted under OCRP for their primary residence must agree to own the program-assisted home and use the program-assisted home as their primary residence for a period of **three (3) years** after completion of their rehabilitation of their home or a replacement of their MHU. This compliance period is outlined in the Homeowner Grant Agreement and will be enforced by a deferred lien.

If an applicant sells the home or discontinues use of the home as a primary residence within **three (3) year** compliance period, the applicant may be subject to repay all or a portion of the grant amount. The amount of benefit that is subject to repayment if the applicant breaks the terms of the compliance period and deferred lien will be determined by straight-line, linear, annual amortization schedule of the grant over the three-year compliance period. The table below outlines the repayment schedule should the applicant sell the property or fail to occupy the home as a primary residence during the three (3) year compliance period.

Date of Compliance Breach	Amount of Repayment Due to Orange County
Month 0 – Month 12	100% of grant award
Month 13 – Month 24	66% of grant award
Month 25 – Month 36	33% of grant award
37 months or beyond	0% of grant award

### 17.6.3 Compliance Forgiveness

OCRCP grants forgiveness of the compliance period terms in the following extenuating circumstances:

- If the applicant dies during the compliance period terms of the compliance period are forgiven. Surviving family members or heirs are not responsible to uphold ownership or primary residence requirements.
- If the applicant is transferred or deployed due to military service for a period of time that would prevent him/her from upholding ownership and primary residence occupancy of the storm-impacted home, the applicant is expected to notify Orange County of the deployment or transfer by submitting deployment documentation. Compliance period requirements will be forgiven upon notification by the applicant to Orange County.
- If the applicant must be moved to a permanent healthcare facility or nursing home due to health conditions, the applicant or applicant's designee is expected to notify Orange County. Compliance period requirements will be forgiven upon notification by the application to Orange County.
- If the applicant is incarcerated for a period of time that would prevent him/her from upholding ownership and primary residence occupancy of the storm-impacted home, the applicant or applicant's designee is expected to notify Orange County. Compliance period requirements will be forgiven upon notification by the applicant to Orange County.
- Other circumstances which are beyond the applicant's control and prevent the applicant from upholding ownership and primary residence occupancy requirements throughout the compliance period will be considered on a case-by-case basis.

## 18 Reconsideration Requests, Appeals, and Complaints

A complaint and appeals procedure will be afforded to homeowners. Complaints may be lodged regarding any and all concerns that homeowners may have with the procedures followed and services provided by OCRCP. Appeals may be lodged only upon the deliverance of a program decision regarding eligibility, award type, duplication of benefits, recapture amount, or closure of an application, and only within the parameters set by the Appeals procedure. Homeowners may not appeal program policy. An appeals process initiated by the homeowner will include an informal and a formal, written grievance procedure which may include but not be limited to informal hearings, third-party review, or administrative review.

In accordance with 24 CFR Part 91 Citizen Participation Plan and 24 CFR 570.486(a) (7), the OCRCP has developed the reconsideration, appeals, and complaints process. Through the reconsideration process, applicants have a mechanism for requesting further review on a decision made on their file. Once exhausting the reconsideration process, should an applicant disagree with the result of the request for reconsideration, the decision of the OCRCP can further reviewed through an agency informal appeals process. Program policies are not appealable. In addition, citizen may file complaints-both formal and informal- which will be responded to in 15 working days where practicable.

Information about the right and how to file a reconsideration request, agency information appeal and complaint will be printed in all guidelines and posted on the OCRP website, [www.orangecountyrecovers.com](http://www.orangecountyrecovers.com) in all local languages, as appropriate and reasonable.

## 18.1 Reconsideration Requests

Throughout the process, decisions, will be made on an application and/or project to be delivered. The decisions are made based on statutes, codes of federal regulation, local administrative code, state, and local guidelines as they are interpreted by the program. This policy guides the process for an applicant or contractor requesting program reconsideration of decisions made by OCRP.

**Grounds to request reconsideration of a program decision:** Applicants who have applied for funding for disaster recovery may only request reconsideration of the disposition of a program decision on one or more of the following:

- Eligibility Determination
- Duplication of Benefits Gap
- Program Scope of Work
- Award Type, or
- Recapture Amount

**How to submit a reconsideration request:** Applicants who wish to request a reconsideration may do so through any of the following avenues:

- Via the web portal at: [www.orangecountyrecovers.com](http://www.orangecountyrecovers.com)
- Via Email: [info@orangecountyrecovers.com](mailto:info@orangecountyrecovers.com)
- In Writing:

Orange County Recovers Program  
Attn: OCRP Reconsiderations  
1201 20<sup>th</sup> Street  
Orlando, FL 32805

**Reconsideration request of program determination:** A party requesting reconsideration must file a written request for reconsideration with OCRP to request a review within (30) calendar days of the date of the program determination letter. The written request must include specific information relating to the reconsideration OCRP decision. Applicants are encouraged to provide individual facts or circumstances, as well as supporting documents to justify their petition. In adjudication of the appeal, the program will only review facts and information already included in an applicant's file, unless the applicant submits new documentation. The program has the discretion to accept or reject new documentation based upon its relevance to the appeal.

OCRP will acknowledge receipt of the request. OCRP will respond in writing to the request no later than 15 working days where practicable after the date of receipt of the request. The response may take one of the following actions:

- Acknowledgement of receipt of the request for reconsideration and notification that the review of the applicant file may take longer than 15 working days;
- Request for additional supporting documentation or information from the applicant;
- Status of the investigation and estimated timeframe for decision; or
- Final determination of the issue to:
  - OCRP concurs with the request and makes the appropriate adjustments; or
  - OCRP disagrees with the request and provides the basis for rejecting the request for reconsideration to the applicant.

Should the applicant disagree with the result of a request for reconsideration, the applicant will be provided with instructions for the informal appeal process.

## 18.2 Complaints

### 18.2.1 OCRP Complaints

A complaint is filed when the written request is submitted through any of the following avenues:

- Via the program website to complete an online complaint form at: [www.orangecountyrecovers.com](http://www.orangecountyrecovers.com)
- Via Email: [Disaster.Recovery@ocfl.net](mailto:Disaster.Recovery@ocfl.net)
- In writing:

Attn: CDBG-DR Program  
525 E. South Street  
Orlando, FL 32801

- Directly to a program-level representative: Call the Via the program website to complete an online complaint form at 321-382-6514 to receive assistance from a Call Center Agent.

OCRP will provide a written response to all complaints within 15 working days of receipt of the complaint. Following the initial response, OCRP will make every effort to provide a resolution to complaints within the 15- working day period. If a resolution cannot be reached within the 15-working day period, the complainant will receive a status update on the issue(s) and, if possible, a timeframe for when a resolution can be reached. OCRP will monitor response times to ensure compliance and will adjust timeframes for additional responses as needed.

Information on how to file a complaint will be available on the website, at the program offices, and included on printed materials.

All complaints and inquiries that are brought forward will be addressed through OCRP staff, as applicable.

Complaints are any verbal or written statement of grievance – including phone calls, emails, faxes, or letters that are received by OCRP, its contractor, and/or other program sources. Inquiries are requests for information or assistance. All complaints and inquiries that are received will be reviewed by the OCRP staff for:

- Investigation, as necessary;
- Resolution; or

- Follow-up actions.

Every complaint and inquiry will be included in a tracking system. OCRP staff will maintain electronic files that include:

- Name of the complainant and contact information;
- Date the complaint was received;
- Description of the complaint;
- Name of each person contacted in relation to the complaint;
- A summary of the result and the date of the response to complainant; and
- Explanation of the resolution of the file.

The OLTR Constituent Management Services staff will review these complaints and inquiries at least monthly to determine if there is a pattern developing and, if so, determine if the issue warrants a policy change or further training.

### 18.2.2 HUD Complaints

If the complainant is not satisfied with the program determination or OCRP response, the complainant may file a written appeal by following the instructions issued in the letter of response. If after the informal appeals process the complainant has not been satisfied with the response, a formal complaint may then be sent directly to the HUD regional office.

Orange County's CDBG-DR programs operate in accordance with the Federal Fair Housing Law (The fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination through any of the following avenues:

- In-person at a Customer Service Center to receive assistance from an Intake Specialist
- Via Phone: 1-800-669-9777
- Online: [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

### 18.2.3 Fair Housing Complaints

Persons alleging a violation of fair housing laws will be referred to Orange County's local contact and process to file a complaint. Orange County will retain a log and record of all fair housing inquiries, allegations, complaints, and referrals. In addition, Orange County will report suspected non-compliance to HUD. The contact for Fair Housing Complaints is:

- Email: [complaintsoffice04@hud.gov](mailto:complaintsoffice04@hud.gov)

Orange County certifies that the OCRP will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601–3619), and implementing regulations, and that it will affirmatively further fair housing practices.

### 18.2.4 Anti-Fraud, Waste, and Abuse

OCRP constituents, applicants, beneficiaries employees and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste, or Abuse online form <https://www.orangecountyfl.net/NeighborsHousing/ConsumerProtection.aspx> (all contact information fields are optional to allow for anonymity);

All suspected cases of fraud will be taken seriously, and complaints will be reported Compliance and Reporting Manager and OCRP's Office of the Inspector General at [hotline@hudoig.gov](mailto:hotline@hudoig.gov). If OCRP'S OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation.

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)) and Orange County's HUD Community Planning and Development (CPD) Representative. *OLTR must provide a timely response within 15 working days of the receipt of a complaint, as stated in 84 FR 169.*

**Office of Long-Term Resiliency's comprehensive Anti-Fraud Waste and Abuse Policy can be found [here](#).**

## 19 Files, Records, and Reports

In accordance with [24 CFR 570.490](#), Orange County is required to maintain all program and project-related documentation such as financial records, supporting documentation, and statistical records. Records must be retained for a period of not less than five (5) years after the grant closeout or three (3) years after grant close-out with HUD, whichever is longer.

At a minimum, the following types of records are required to be maintained:

- Records providing full description of each activity;
- Records verifying that activity meets national objectives;
- Records related to demonstrating eligibility of activities;
- Records required to document activity related to real property;
- Records documenting compliance with the fair housing and equal opportunity requirements;
- Financial records and reports required by Orange County;
- Performance reports required by Orange County; and
- Records supporting any specific requirements of the grant.

## 20 Uniform Relocation Act (URA)

As a HUD-assisted program, and in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), 42 U.S.C. § 4601 *et seq.*, and

the government wide implementing regulations found at 49 C.F.R part 24, all programs in the Orange County CDBG-DR recovery portfolio, including OCRP, are subject to URA regulations.

Applicants who must relocate from their hurricane-impacted property temporarily for construction activities associated with acceptance of a repair, reconstruction or replacement award are not considered displaced persons, (see 49 C.F.R § 24.2(a)(9)(ii)(E) or (H)) and as such, are not entitled to relocation assistance benefits under URA.

However, lawful tenants of program-assisted properties who must relocate due to program-sponsored construction activities may be considered displaced persons by URA regulations and may be eligible for URA relocation assistance benefits. **URA guidelines as related to OCRP are included as Appendix B herein.**

## Appendix A -Definitions

**100-year floodplain** – The area subject to inundation from a flood with a 1 percent or greater chance of being equaled or exceeded in any given year

**500-year floodplain** -- The area, including the base flood elevation, subject to inundation from a flood having a 0.2 percent chance or greater of being equaled or exceeded in any given year.

**Public Action Plan** – Florida’s plan for expending Community Development Block Grant-Disaster Recovery (CDBG-DR) funds allocated by the U.S. Department of Housing and Urban Development (HUD).

**Adjusted Gross Income (AGI)** – Gross income minus adjustments to income. Gross income includes your wages, dividends, capital gains, business income, retirement distributions as well as other income.

**Allocation Announcement Notice (AAN)** – Publication announcing the Community Development Block Grant-Disaster Recovery allocations for specific disasters and including waivers and alternative requirements specific to the Appropriations Act that allocated the funding.

**Area Median Income (AMI)** – The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development (HUD). Once household income is determined, it is compared to HUD’s income limit for that household size.

**Americans with Disabilities Act (ADA)** – Effective July 20, 1990, a federal law which prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state

and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services.

**Applicant** – Any individual who applies for assistance from the OCRP for Hurricane Ian.

**Application Intake** – The initial step a property owner must take to seek benefits under the program. The application will result in the prioritization of an applicant if basic eligibility requirements are met.

**Base Flood Elevation (BFE)** – As determined by the Federal Emergency Management Agency (FEMA), is the relationship between the BFE and a structure's elevation. It is used to determine flood insurance premiums. The Federal Register sets the minimum elevation requirements for properties that will be assisted with CDBG-DR funding, and which require elevation. HUD has determined that structures designed principally for residential use and located in the 100 and 500-year floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement must be elevated with the lowest floor, including the basement, at least two feet above the BFE.

**Business Concern** – A business entity formed in accordance with state law, and which is licensed under state, county, or municipal law to engage in the type of business activity for which it was formed. A business concern provides economic opportunities for low- and very low-income persons.

**Common Area Under Roof** – Is primarily interior, conditioned/climate- controlled spaces, and for single-story homes, equal to the footprint of the house. In addition, exterior spaces, or accessory structures such as detached porches and garages are not considered in the eligible area, and accessory structures that may be attached to the side of a home but not under the common roof are not considered eligible.

**CFR** – Code of Federal Regulations

**Choice-Limiting Action** -- [A choice limiting action is any activity that a grantee undertakes, including committing or expending HUD or non-HUD funds, that reduces or eliminates a grantee's opportunity to choose project alternatives that would avoid or minimize environmental impacts or enhance the quality of the human environment](#)

**Change Order** – Work that is added to, or deleted from, the original contract activities that were to be performed. The order changes the original contract amount and/or the completion due date.

**Community Development Block Grant (CDBG)** – Supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.

**Community Development Block Grant-Disaster Recovery (CDBG-DR)** – A program administered by the U.S. Department of Housing and Urban Development, as authorized under Title I of the Housing and Community Development Act of 1974, as amended. These funds are provided as a last resort to help cities, counties, and states to recover from Presidentially declared disasters.

**Contractor** – An entity competitively selected to provide clearly-specified goods or services meeting the procurement requirements at 2 CFR Part 200, Section 287.055, Florida Statutes, and Section 255.0525, Florida Statutes.

**CPD** – Community Planning and Development

**Damage Assessment** – The initial opportunity for a program inspection of the structure damaged by Hurricane Ian in which all damage repaired at the time, and damage still to be repaired are officially documented in an estimating software that allows monthly market pricing and local sales taxes to be applied to program eligible materials and labor in a consistent report format. The damage assessment reports will contain a detailed sketch of the structure along with exterior and interior photos.

**Damage Repair Valuation (DRV)** – A representation of the Xactimate determined value of the repairs completed by the homeowner, or those caused to be repaired by the homeowner, prior to the program application submittal for HRRP. Xactimate is a residential estimating software that is used to standardize estimates for construction costs. The completion of the repairs will be verified by a program inspection during the initial site inspection process. The value of these repairs may be used in the duplication of benefits analysis and evaluation process.

**Decent, Safe, and Sanitary (DSS)** – A dwelling which meets local housing and occupancy codes. Any of the standards outlined in 49 CFR 24.2(a)(8) which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project.

**Declined Loans** – Loan amounts that were approved or offered by a lender in response to a loan application, but were turned down by the applicant, meaning the applicant never signed the loan documents to receive the loan proceeds.

**Demolition** – Clearance and proper disposal of buildings.

**Disability** – For the purposes of the program, “disability” is consistent with federal law under The Social Security Act, as amended, 42 U.S.C. §423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12102(1)-(3), and in accordance with HUD regulations at 24 CFR §§5.403 and 891.505.

**Duplication of Benefits (DOB)** – Occurs when a person, household, business, or other entity receives disaster assistance from multiple sources for the same recovery purpose, and the total assistance received for that purpose is more than the total need. The amount in excess of the total need is the DOB, which is prohibited by federal law. A DOB will occur if the Rebuild Florida Housing Repair and Replacement Program for Hurricane Ian provides assistance to a homeowner for the same purpose (repair, replacement, or reconstruction) as any previous financial or in-kind assistance provided to a property owner for the repair, replacement, or reconstruction of his or her property. By Federal Law, Rebuild Florida is prohibited from creating a DOB. This prohibition comes from the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) and therefore, these other sources of funds must be deducted from any potential award. Orange County will comply with HUD’s current DOB policies as reflected in the June 2019, Federal Register Notice entitled “Updates to Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees (84 FR 28836), which includes the amendment that when certain conditions are met, loans will no longer be considered a DOB.

**Duplication of Benefits Gap** – The total amount of excludable and non-excludable benefits received less the dollar amount of excluded benefits (excludable benefits) from the DOB analysis. DOB Gap amount along with all future non-excludable benefits received by Recipient(s) shall be provided to Orange County and deposited in a DOB Gap Funding Account prior to the execution of the Homeowner Grant Agreement.

**Duplication of Benefits Gap Funding** – The amount of non-excludable benefits received by a homeowner and placed in the DOB Gap Funding Account.

**Elevation** – All structures, defined at 44 CFR 59.1, designed principally for residential use, and located in the 1 percent annual (or 100-year) and the 0.2 percent annual (or 500-year) floodplain, as defined at 24 CFR 55.2(b) (11) and 24 CFR 55.2(b) (5), that receive assistance for new construction, reconstruction, repair of substantial damage, or substantial improvement must be elevated with the lowest floor, including the basement, at least two feet above the base flood elevation. Elevation will be conducted by means of pier and beam construction, as per Florida building code. Fill dirt to achieve proper elevation height will not be eligible.

**Environmental Review** – All qualified projects must undergo an environmental review process. This process ensures that the activities comply with the National Environmental Policy Act (NEPA) and other applicable state and federal laws. For HUD purposes, applicable requirements are found at 24 CFR Part 58.

**Environmental Review Record (ERR)** – A written record of the review process undertaken to evaluate potential environmental impacts associated with a project to be conducted with the U.S. Department of Housing and Urban Development funds, including all associated documentation necessary to document the process and the outcome of the review process.

**Estimated Cost to Repair (ECR)** – Used to verify Hurricane Ian damage to the property and determine the estimated scope of work to complete the repairs to the property and bring the property up to program standards.

**Family** – A household composed of two or more related persons. The term “family” also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well-being.

**Federal Register** – The official journal of the Federal government of the United States that contains government agency rules, proposed rules, and public notices. It is published daily, except on Federal holidays. A Federal Register Notice (FRN) is issued for each CDBG-DR funded disaster. The FRN outlines the rules that apply to each allocation of disaster funding.

**FEMA-Designated High-Risk Area** – Areas designated by FEMA as vulnerable to significant wind and/or storm surge damage and areas located in 500-year flood zones. Properties located in these areas will be identified during the environmental review process.

**FEMP** – Federal Emergency Management Program

**Flood Hazard Area** – Areas designated by FEMA as having a risk of flooding.

**Flood Insurance** – The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood

Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

**Floodplain** – FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area.

**Floodway** – A "Regulatory Floodway" or "floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur or identify the need to adopt a floodway if adequate information is available.

**Grantee** – As used in this document, the grantee is the State of Florida Department of Commerce's Office of Long-Term Resiliency as recipient of Community Development Block Grant-Disaster Recovery funds from the U.S. Department of Housing and Urban Development.

**Green Building Standards** – All rehabilitation that meets the definition of substantial improvement, reconstruction, or new construction must meet an industry-recognized standard that has achieved certification under at least one of the following programs: (1) ENERGY STAR (Certified Homes or Multifamily High-Rise), (2) EPA Indoor Air Plus (Energy Star a prerequisite), (3) LEED (New Construction, Homes, Midrise, Existing Buildings Operations, and Maintenance, or Neighborhood Development), or (4) ICC-700 National Green Building Standard.

**GSA** – Government Services Agency

**HCDA** – Housing and Community Development Act of 1974, as amended

**Household** – All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the Low- to Moderate-Income compliance test is based on the total household income.

**Housing Quality Standards (HQS)** – Established certain minimum standards for buildings. This includes new single-family homes and multifamily housing as outlined in 24 CFR 982.401. The OCRP uses these standards as a guide to identify basic living quality deficiencies that should be addressed during the construction process when there is other identifiable lan-related storm damage. The OCRP does not conduct a certified HQS inspection.

**HUD** – United States Department of Housing and Urban Development.

**IA** – (Federal Emergency Management Agency) Individual Assistance

**Increased Cost of Compliance (ICC)** – Structures damaged by floods may be required to meet certain building requirements, such as elevation or demolition, to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the National Flood Insurance Program includes Increased Cost of Compliance coverage for all new and

renewed Standard Flood Insurance Policies. Increased Cost of Compliance is a potential source of a Duplication of Benefit, as a supplement to an existing National Flood Insurance Program policy. Policyholders are only eligible to receive Increased Cost of Compliance payment if a Substantial Damage Letter has been issued by the local floodplain manager.

**Income** – Annual income as reported under the United States Internal Revenue Service (IRS). This definition includes:

- Wages, salaries, tips, commissions, etc.;
- Self-employment income from own nonfarm business, including proprietorships and partnerships;
- Farm self-employment income;
- Interest, dividends, net rental income, or income from estates or trusts;
- Social Security or railroad retirement;
- Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;
- Retirement, survivor, or disability pensions; and
- Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

**Individual Mitigation Measures (IMM)** – Activities designed to mitigate and/or reduce risk beyond the pre-disaster condition of a housing unit when the activities are above and beyond federal, state, or local construction or code requirements. In accordance with HUD's guidance, repair of housing units and the payment of flood insurance are not IMM activities. Examples of mitigation measures include elevation above the base flood elevation level or the addition of storm shutters, disaster-proof windows, roof straps, etc. if those improvements are not required to comply with local code requirements and did not exist on the housing unit prior to the disaster damage. However, mitigation measures are not eligible as standalone activities. They must be incorporated as part of a project that is otherwise addressing eligible repairs that are necessary as a result of Hurricane Ian.

**Low- to Moderate-Income (LMI) National Objective** – Activities that benefit households whose total annual gross income does not exceed 80 percent of Area Median Income (AMI), adjusted for family size. Income eligibility will be determined and verified in accordance with HUD Guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

- **Very Low:** Household's annual income is up to 30 percent of the area median family income, as determined by HUD, adjusted for family size.
- **Low:** Household's annual income is between 31 percent and 50 percent of the area median family income, as determined by HUD, adjusted for family size.
- **Moderate:** Household's annual income is between 51 percent and 80 percent of the area median family income, as determined by HUD, adjusted for family size.

**Mobile/Manufactured Housing Unit (MHU)** – A structure, transportable in one or more sections which, in the traveling mode is 8 body-feet or more in width, or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Sometimes referred to as mobile homes. A MHU is built to the specifications required in the Manufactured Home Construction and Safety Standards Act of 1974, [42 U.S.C. 70 § 5401 et seq.](#) MHUs display a red certification label on the exterior of each transportable section.

Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

**Modular Housing** – A home built in sections in a factory to meet federal, state, or local building codes. Once assembled, the modular unit becomes permanently fixed to one site. The program will treat modular homes as traditional, site, or stick-built construction.

**Multifamily** – Residential structures containing five or more units or multifamily residential structures located on adjacent lots. Multifamily structures are not eligible under these Guidelines.

**NFIP** – National Flood Insurance Program.

**National Flood Insurance Reform Act of 1994 (NFIRA)** – Strengthened the NFIP with a number of reforms that included increasing the focus on lender compliance, creating mitigation insurance, and developing a mitigation assistance program to further reduce the costly and devastating impacts of flood.

#### **Not Suitable for Rehabilitation**

- Structures condemned by the Authority Having Jurisdiction: Properties condemned or “red-tagged” by the local authorities will not be rehabilitated;
- Structures that cannot be repaired under existing Program caps, due to legal, engineering, or environmental constraints (permitting, extraordinary site conditions, etc.) will be considered not suitable for repair;
- Structures that are structurally unsafe or that have other conditions that make interior inspection by OCRP impossible or unsafe;
- Structures that have already been demolished; or
- Structures that require elevation.

**OCRP**- Orange County Recovers Program

**Property Casualty Insurance** – Insurance that covers structural repairs to a home as a result of wind, fire, hail, wind-driven rain, tornado, hurricane, or natural disaster, other than flood.

**Reconstruction** – The demolition, removal, and disposal of an existing housing unit and the construction of a unit on the same lot, and in substantially the same footprint, with a new unit that complies with the International Residential Codes (IRC), as required by the Florida Code. The number of units on the lot may not increase and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded; however, the number of rooms in a unit may be increased or decreased.

**Rehabilitation** – Repair or restoration of housing units in the disaster-impacted areas to applicable construction codes and standards.

**Replacement** – Demolition, removal, and replacement of a damaged MHU with a new MHU in substantially the same footprint or at a new location, if the original damaged unit was on leased land and the MHU owner must relocate to a new property. Relocation of a new MHU will require additional environmental review.

**Scope of Work** – Contains the repairs, reconstruction, or mobile home replacement work that the contractor selected by Orange County must complete.

**Second Home** – Properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for repair assistance or housing incentives. A second home is defined as a home that is not the primary residence of the owner, a tenant, or any occupant at the time of the storm or at the time of application for assistance. HUD has established an alternative requirement for second homes that may allow assistance in limited circumstances coordinated with HUD. Additionally, seasonal, short-term and vacation rental properties are not eligible for assistance.

**Stick-built home** – A home that has been built on-site using traditional construction materials and methods.

**Subrogation** – A legal doctrine that allows one person to take on the rights of another. In the context of disaster recovery grants, a homeowner must enter into a subrogation agreement where the funding agency (Orange County) obtains the right to collect any additional disaster recovery assistance or insurance payouts the homeowner receives for the same purpose for which the CDBG-DR funds were provided (i.e., Hurricane Ian damage) after the homeowner has entered into a grant agreement for OCRP benefits.

**Substantial Damage** – Based on the flood provisions of the Florida Building Code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The determination is only made by the local jurisdiction. The program will abide by these determinations.

**Substantial Improvement** – As defined in 24 CFR 55.2(b)(10)(i)(A) and as applicable to the OCRP, substantial improvement means any repair, reconstruction, modernization, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored before the damage occurred. Substantial improvement determinations are only made by the local jurisdiction. The program will abide by these determinations.

**Unmet Needs Assessment** – As part of the action plan, grantees must develop an impact and unmet needs assessment to understand the type and location of community needs and to target limited resources to the areas with the greatest need. The ultimate goal of the impact and unmet needs assessment is for the grantee to tell their community's story and demonstrate that the proposed use of funds will be responsive to the actual community needs. At a minimum, the impact and unmet needs assessment must evaluate all aspects of recovery, including housing, infrastructure, and economic revitalization.

**Unresponsive** – Failure to answer or return three consecutive phone calls, and failure to respond to written requests within program timeframes.

**Wheelchair Accessible (MHU Only)** -- Wheelchair accessible designations are controlled by the MHU manufacturer and may include features such as wider doorways, grab bars, or low-threshold shower compartments. The program has established wheelchair accessible MHUs should include: One bathroom with: step-in, low-threshold shower, with threshold no higher than seven (7) inches from the floor covering. Shower wand on an adjustable rail and a seat in the shower. Comfort height toilet, with seat 17" – 19" above the floor. Minimum 32" width for exterior doors, minimum 36" hallway width, and minimum 32" bathroom and bedroom doors.

**Zero Award** – When a zero award is determined, it is due to the estimated cost to repair the disaster-related structural damage sustained to an applicant’s home being less than the amount of benefits previously received or previously approved to receive from other sources.

## Appendix B: Uniform Relocation Act

### 1 Overview

Every project funded in part or entirely by Community Development Block Grant – Disaster Recovery (CDBG-DR) funds, and all activities related to that project are subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, 42 U.S.C. § 4601 et seq., and section 104(d) of the Housing and Community Development Act of 1992, as amended (HCDA), 42 U.S.C. § 5304(d), except where waivers or alternative requirements have been provided by the U.S. Department of Housing and Urban Development (HUD)<sup>20</sup>. The implementing regulations for URA are at 49 C.F.R. Part 24. The regulations for section 104(d) are at 24 C.F.R. Part 42, subpart C. Additionally, HUD has established regulations specific to CDBG-funded housing activities at 24 CFR 570.488 and 24 C.F.R. § 570.606. The primary purpose of these laws and regulations is to provide uniform, fair,

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<sup>20</sup> HUD has issued alternate requirements to URA regulations for Orange County CDBG-DR grant in Federal Register Volume 88, Number 27; Published February 9, 2023

and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.

OCRIP does not provide for acquisition of real property with federal funds. However, persons may be displaced temporarily in order for program-sponsored repair, reconstruction, or mobile home replacement work to take place. As such, this policy focuses on URA regulations and policies as related to displaced persons and temporary relocation assistance. Persons who are displaced as a result of program sponsored construction activities and who qualify as displaced persons are entitled to assistance as provided under URA. Applicants who must temporarily vacate their storm-impacted property are not considered displaced persons under 49 CFR § 24.2 and thus not entitled to assistance under URA.

## 2 Waivers and Alternate Requirement

87 FR 6364 provides waivers and alternative requirements to select provisions of the URA. HUD extended these waivers and alternate requirements to funds allocated to Alabama under Federal Register Notice Vol. 87, No. 100 (87 FR 31636). Relevant waivers and alternative requirements are summarized below.

### 2.1 One-for-One Replacement

One-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and 24 CFR 42.375 are waived for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. The section 104(d) one-for-one replacement housing requirements apply to occupied and vacant occupiable lower-income dwelling units demolished or converted in connection with a CDBG assisted activity. This waiver exempts all disaster-damaged owner-occupied lower-income dwelling units that meet the definition of “not suitable for rehabilitation,” from the one-for-one replacement housing requirements of 24 CFR 42.375.

Tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with a CDBG–DR assisted activity are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and these provisions are not waived.

### 2.2 Section 104(d) Relocation Assistance

The relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, are waived to the extent that an eligible displaced person, as defined under 24 CFR 42.305 of the section 104(d) implementing regulations, may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24, or assistance under section 104(d) and implementing regulations at 24 CFR 42.350. This limited waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment for individuals eligible to receive benefits under Section 104(d) by establishing that all forms of relocation assistance to those individuals must be in the amounts and for the types of assistance provided to displaced persons under URA requirements.

### 2.3 URA Replacement Payments for Tenants

The requirements of sections 204 and 205 of the URA (42 U.S.C. 4624 and 42 U.S.C. 4625), and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee’s replacement housing payment obligation

to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months.

If assistance is provided through a HUD program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the rental housing program.

## 2.4 Displacement Due to a Major Disaster

Section 414 of the Stafford Act (42 U.S.C. 5181) provides that “Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) [42 U.S.C. 4601 et seq.] [“URA”] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by [the URA].”

Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) are waived to the extent that they would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG–DR funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster (for OCRP, Hurricane Ian), provided that the project was not planned, approved, or otherwise underway before the disaster.

For purposes of this waiver, a CDBG–DR funded project shall be determined to have commenced on the earliest of: (1) The date of an approved Request for Release of Funds and certification; (2) the date of completion of the site-specific review when a program utilizes Tiering; or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12).

OCRP used Tiering and no site-specific reviews were completed within one (1) year of Hurricane Ian. As such, it is anticipated that the waiver of Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) applies to all applicants to OCRP.

## 3 General Relocation Requirements

Anyone who meets the URA definition of a “displaced person” must be fully informed of their rights and entitlements to relocation assistance and payments provided under the URA. OCRP will ensure that URA relocation requirements are met for any projects which cause displacement. These requirements include, but are not limited to:

- Provision of written notifications to displaced persons that inform them about potential future displacement, eligibility, and actions to be taken during the implementation of a displacing project;
- Identification of comparable dwellings or sites to those from which persons are displaced sufficiently prior to their displacement;
- Engagement in relocation planning that identifies the extent of potential displacement and needs to minimize impacts of displacement to the extent possible; and

- Provision of relocation services and assistance payments based on individual needs and entitlements as afforded by URA and HCDA regulations.

It is anticipated that all relocation of displaced persons caused by construction activities undertaken by OCRP will qualify as temporary relocation. Temporary relocation should not extend beyond one (1) year before the person is returned to his or her previous unit or location.

### 3.1 URA Notifications

Displaced persons or potentially displaced persons will receive the following notifications. The specific notifications received by each person may vary, depending on the displaced person's situation and eligibility. Each notice includes contact information of a person who can answer questions or provide assistance to the displaced person. Persons who are unable to read or understand the notifications will be provided with appropriate translation, interpretation, or other accessibility services.

Certain notices described in this part require delivery with certification as indicated below, meaning that they are personally served or sent by certified first-class mail, with return receipt requested. Recipients of notices that are personally served will be asked to sign an acknowledgement of receipt.

#### **General Information Notice (GIN)**

As soon as feasible, a General Information Notice (GIN) is issued to potentially displaced persons and landlords of properties where potentially displaced persons reside. For OCRP, this notice is sent as soon as application intake is complete, if a tenant is listed on the application.

The GIN discloses to all potentially displaced persons that OCRP may provide assistance, via federal funding subject to URA, to support the rehabilitation, reconstruction, or replacement of the property they occupy. The GIN outlines the basic requirements to be eligible for URA protections, the relocation assistance they may be eligible for, and the procedures for obtaining the payment(s). It also provides information about the reasonable relocation advisory services available to help the displaced person successfully relocate.

The GIN advises households NOT to relocate until advised to do so by Orange County. The GIN advises households that they will not be required to move without at least ninety (90) days advance written notice for permanently displaced persons or without at least thirty (30) days advance written notice for temporary relocation, as well as being provided with at least one (1) comparable dwelling. Persons that relocate after receiving a GIN but before receipt of one of these notices are considered to have moved voluntarily and for reasons other than Program funded activities, making them not displaced persons.

The GIN informs the displaced person that any person who is an alien not lawfully present in the United States is ineligible for relocation assistance unless such ineligibility would cause undue hardship to a qualifying spouse, parent, or child. Finally, the GIN provides information about the person's right to appeal an Agency determination as to a person's application for assistance for which a person may be eligible.

#### **Notice of Non-Displacement- No Relocation Required**

Households that received a GIN that will not need to relocate to complete Agency activities are provided a Notice of Non-Displacement – No Relocation Required. Every effort is made to

provide the Notice in a timely manner following the review and approval of the Program activities. Once provided with a Notice of Non-Displacement – No Relocation Required, a household is determined to not qualify for URA assistance unless the Program activities are significantly altered. Circumstances that would prompt notice of non-displacement no relocation required may be that program construction activities do not occur or that the tenant can stay on property while repairs are being made.

### **Notice of Non-Displacement- Temporary Relocation Required**

All households receiving a GIN that will need to relocate for periods up to twelve (12) months to complete OCRP construction activities are provided a Notice of Non-Displacement – Temporary Relocation Required. It is anticipated that all relocation required under OCRP will qualify as temporary relocation. However, each case will be evaluated to confirm the need for temporary vs. permanent displacement, in accordance with URA regulations.

### **Notice of Eligibility – Temporary Relocation**

A Notice of Eligibility (NOE) should be provided immediately following formal commitment of CDBG-DR funding to a project. For HRAP, this occurs upon signature of the Homeowner Grant Agreement. Eligibility is based on the determination that a person will qualify as a displaced person and satisfies the URA eligibility requirements outlined in this document.

The NOE informs the tenant that the relocation period will not exceed twelve (12) months. In addition, it notifies eligible households of their entitlements for relocation advisory services, moving costs, and rental assistance. The household must also be provided at least one (1) comparable replacement dwelling available to them. This comparable dwelling will determine the maximum rental assistance for the household. Also, the displaced person(s) will be informed that he/she/they will receive a notice indicating, at least thirty (30) days in advance, the specific date by which they must move.

### **Thirty (30) Day Notice**

Tenant households who must temporarily relocate due to OCRP construction activities are provided a minimum of thirty (30) day notice of the date by which they must vacate to allow Program activities to continue. OCRP Applicants may not knowingly create an emergency situation (disconnecting utilities, restricting access and egress with construction staging, etc.) requiring households to vacate with less than thirty (30) days written notice.

Temporarily displaced tenant households may choose to relocate at any point after receipt of the Thirty (30) day notice; up to the relocation date provided by the notice with no loss of URA eligibility.

If project plans are delayed, OCRP may provide a revised Thirty (30) Day Notice to impacted households with a new relocation date. If households have been unable to secure temporary relocation housing with the Program's assistance by the relocation date, the project activities must be delayed until suitable housing can be secured.

### **Temporary Relocation**

The URA regulation at 49 C.F.R. § 24.2(a)(9)(ii)(D), Appendix A provides general guidance for assistance to tenant-occupants who are not required to relocate permanently due to federally assisted projects involving the acquisition, rehabilitation, or demolition of apartments, homes,

commercial buildings, etc., which could allow for a quick return for the original occupants. HUD expands on the requirements regarding temporary relocation at section 2-7 of HUD Handbook 1378.0, Chapter 2. Together, these requirements effectively create an “exemption” from certain URA requirements by establishing how the project owner can avoid creating “displaced persons.”

Relocation is considered temporary when the displaced household must relocate for no more than twelve (12) months. Any residential tenant who has been temporarily relocated for a period beyond twelve (12) months will be offered permanent relocation assistance. This assistance would be in addition to any assistance the person has already received for temporary relocation and may not be reduced by the amount of any temporary relocation assistance.

### **Eligible Expenses**

Orange County will reimburse temporarily relocated tenant households for all reasonable out-of-pocket expenses incurred in connection with the relocation. The temporarily displaced household is responsible for submitting applicable source documentation to support costs incurred and receive reimbursement. In addition, the household must provide proof of occupancy, or intent to occupy, a decent, safe, and sanitary dwelling adequately sized to accommodate all occupants.

### **Increased Housing Costs**

URA assistance pays the difference between the actual rent plus utility costs incurred at the temporary unit and the rent plus average annual utility costs incurred at the displacement dwelling. Actual rent costs are capped based on the costs of comparable replacement dwellings available at the time of relocation and appropriate to the length of relocation anticipated. Where a household receives a monthly housing subsidy, the amount of the subsidy is subtracted from the contract rent amount when determining the increased housing cost. Housing costs should be capped at thirty percent (30%) of household income for low to moderate income households when calculating URA housing assistance.

For relocations of less than one (1) month, the increased housing cost is pro-rated by the number of days relocated. In the event a household relocates to a hotel or other similar accommodation, hotel costs must be necessary and reasonable for the area in which they are located.

### **Moving Costs**

The actual moving costs incurred by the household to move to the temporary unit and return to the displacement dwelling are eligible under a temporary relocation. Moving costs must be necessary and reasonable to be reimbursed. Households are encouraged to use an insured, licensed mover to limit the liability of property lost, stolen, or damaged in the process of moving. The Program additionally pays reasonable, actual costs incurred for moving supplies to support self-moves or commercial moves.

Orange County may request three (3) quotes from professional moving companies to establish a maximum eligible cost for a commercial move. Temporarily relocated households are required to submit moving cost estimates for approval prior to the move. Failure to submit an estimate ahead of time may result in the resident not being fully reimbursed. Tenants will be reimbursed the approved cost incurred of commercial, licensed, and bonded movers.

Tenants who opt to perform a self-move may receive reimbursement of actual costs incurred to complete the move. Self-moving expenses may include packing supplies, equipment rental fees, and reasonable transportation costs.

### **Ineligible Expenses**

Program Applicants are not eligible to receive any payments under URA for the assisted property. This includes compensation for lost rental income during the relocation period. Relocated households are not entitled to payment for any of the following expenses:

- The cost of moving any structure or other real property improvement to the displacement dwelling in which the household reserved ownership;
- Interest on a loan to cover moving expenses;
- Personal injury;
- Any legal fee or other cost for preparing or representing a claimant for a claim for a relocation payment;
- Expenses for searching for a replacement dwelling other than fees charged by a licensed real estate broker; and
- Costs for storage of personal property on real property already owned or leased by the household.

### **Relocation Duration and Return Home**

Estimated duration a temporarily displaced household will be displaced may vary based on the construction activities being undertaken by OCRP. Regardless of the estimated duration, temporary relocation assistance will be provided until program sponsored activities are complete and the displacement dwelling has been returned to a decent, safe, and sanitary condition. Property owners may not collect rent for the displacement dwelling from temporarily relocated tenants during the period when the household is displaced.

When program activities are complete, the displaced household will be informed via a Return Home Notice. The Return Home Notice provides the displaced household with thirty (30) days to return to the displacement dwelling. The Return Home Notice is sent via Certified Mail or personally delivered.

Property owners are required to grant relocated households new occupancy agreements upon return for a period not less than twelve (12) months. The occupancy terms, including cost and all pre-relocation amenities, must be unchanged from the pre-relocation terms throughout the twelve (12) month return period. Households must be allowed the opportunity to replace non-returning household members in order to maintain the pre-relocation household size; however, the Applicant and/or authorized property representative retains the right to evaluate and assess any proposed new occupants according to applicable State and local laws.

If the temporarily relocated household elects not to return to the displacement dwelling or fails to negotiate return occupancy terms by the communicated return home date through no fault of the Applicant or Project Owner, the dwelling may be advertised for occupancy at market rates without Agency restrictions.

## 4 URA Appeals

Households may appeal Orange County or OCRP decisions with respect to URA eligibility, services, and/or payments. The applicant must appeal within sixty (60) days of receiving a written determination from the program outlining the program's decision related to his or her eligibility for benefits, amount of benefits, or timeframe to exercise rights and entitlements of the URA. Additionally, households may appeal to allege deficiencies in the Agency's relocation assistance advisory services as defined in 49 C.F.R. § 24.205(c) and the Agency's governing documents. Acceptance of Agency services and/or payments does not limit a household's right to appeal.

Households are encouraged to include any statement of fact or other material which they feel has a bearing on the appeal. Agency representatives may assist households in their appeal submission.

Appeals must be submitted within sixty (60) days of the date the person receives notification of Orange County's decision regarding his or her claim and must be directed to Orange County in writing at:

- Email: [info@orangecountyrecovers.com](mailto:info@orangecountyrecovers.com)
- Postal Mail: Attention Orange County Recovers Program Appeals

Orange County Recovers Program

1201 20<sup>th</sup> Street

Orlando, FL 32805