Agenda Report



2725 Judge Fran Jamieson Way Viera, FL 32940

Public Hearing

H.5. 5/5/2020

Subject:

Public Hearing, Re: Substantial Amendment to the Fiscal Year 2019-2020 Action Plan to Add Community Development Block Grant - Coronavirus (CDBG-CV) Funds

Fiscal Impact:

There is no impact to the General Fund. \$848,028 in Community Development Block Grant - Coronavirus (CDBG-CV) related funds have been allocated to Brevard County.

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners (1) hear and consider input from the public regarding the Substantial Amendment, (2) approve the Substantial Amendment, (3) authorize the County Manager to endorse all related documents for submission to HUD, (4) authorize the County Manager to execute all related contracts, amendments, and modifications upon approvals of Risk Management and the County Attorney's Office, and (5) authorize the County Manager to approve all necessary budget change requests.

Summary Explanation and Background:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020. Among its provisions is an additional \$5 billion in funding under the Community Development Block Grant program. In order for the County to obtain access to allocated funds there must be an identified and approved activity in the 2019-2020 Brevard County Consolidated Action Plan.

The current plan does not include any activities that can be utilized for the prevention, preparation, or response to the coronavirus. This Substantial Amendment (SA) adds a Community Development Block Grant - Coronavirus (CDBG-CV) activity which will allow for the use of these funds while maintaining compliance with federal rules and regulations. Utilizing the currently available guidance from the United States Department of Housing and Urban Development (HUD), this broad SA has been created to be as responsive and flexible as possible. Examples for the uses of CDBG-CV funds are below and attached:

Buildings and Improvements, including Public Facilities

- Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements
- Rehabilitation of buildings and improvements (including interim assistance)

H.5. 5/5/2020

Assistance to Business, including Special Economic Development Assistance

- Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project
- Provision of assistance to microenterprise

Provision of New or Quantifiably Increased Public Services

- Provision of Tenant Based Rental Assistance (TBRA)
- Provision of Mortgage Assistance

Planning, Capacity Building, and Technical Assistance

 Data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans

Due to the nature of the funding that is available through CDBG-CV and changing local needs, it is possible that not all of these services and/or other services (not listed) will be utilized to address the prevention, preparation, or response to the coronavirus in Brevard County.

The Public Comment period for this Substantial Amendment was advertised on the County's website on April 30, 2020 and ended on May 4, 2020. Normally the Public Comment Period would be thirty-days, but the CARES Act included a waiver which reduced the Public Comment Period to five days.

Clerk to the Board Instructions:

None



FLORIDA'S SPACE COAST

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May 6, 2020

MEMORANDUM

TO: Ian Golden, Housing and Human Services Director

RE: Item H.5., Public Hearing for Substantial Amendment to th Fiscal Year 2019-2020 Action Plan to Add Community Development Block Grant – Coronavirus (CDBG-CV) Funds

The Board of County Commissioners, in regular session on May 5, 2020, conducted a public hearing and approved the Substantial Amendment to the Fiscal Year 2019-2020 Action Plan to add CDBG-CV Funds; authorized the County Manager to endorse all related documents for submission to U.S. Department of Housing and Urban Development (HUD); authorized the County Manager to execute all related contracts, amendments, and modifications upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to approve all necessary budget change requests.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

SCOTT ELLIS, CLERK

Kimberly Powell, Deputy Clerk

cc: County Manager

Finance Budget



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, DC 20410-7000

April 2, 2020

The Honorable Rita Pritchett Chair, Board of Commissioners of Brevard County 2725 Judge Fran Jamieson Way Viera, FL 32940-6698



Dear Chair, Board of Commissioners Pritchett:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. Your jurisdiction's allocation is \$848,028.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The Department is developing a notice that will further describes the CARES Act's provisions, a Quick Guide to the CARES Act flexibilities and other provisions, and other resources to enable swift implementation of CDBG-CV grants. As these become available, they will be

posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate—income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and requirements that each grantee have adequate procedures to prevent the duplication of benefits. HUD will provide guidance and technical assistance on DOB and regarding prevention of fraud, waste, and abuse and documenting the impact of this program for beneficiaries.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

John Gibbs

Acting Assistant Secretary

for Community Planning and Development

U.S. Department of Housing and Urban Development

ASSISTANT SECRETARY FOR

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, DC 20410-7000

9 April 2020

COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR:

All Fiscal Year 2020 and 2019 CDBG and CDBG-CV Grantees and

All CPD Field Office Directors

FROM:

Johnsas

John Gibbs, Acting Assistant Secretary for Community Planning and

Development

SUBJECT:

CARES Act Flexibilities for CDBG Funds Used to Support

Coronavirus Response and plan amendment waiver

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Additionally, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG Grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements.

The Department has announced the allocations of the first \$2 billion in CARES Act funding for CDBG grantees, as well as \$1 billion for Emergency Solutions Grants (ESG) and \$53.7 million for Housing Opportunities for Persons With AIDS (HOPWA). You can find the allocations at www.hud.gov/program offices/comm planning/budget/fy20/.

This memorandum transmits the attached CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response Guide (Guide). The Guide describes the immediate availability of a 5-day public comment period for amendments and new plan submissions, uncaps the percentage of CDBG funding for public services to prevent, prepare for, and respond to coronavirus, as well as other flexibilities. Please note that these new provisions are not only applicable to the \$5 billion in CDBG funding from the CARES Act but many of the new provisions are also applicable to FY2019and FY2020 CDBG funding. This broad applicability provides grantees with flexibility to help address the challenges facing our nation.

Grantees are advised to amend or prepare their plans as soon as possible and not to wait for the pending Federal Register notice, which may provide additional waivers and alternative requirements. Similarly, grantees should not wait for HUD to allocate the remaining nearly \$3 billion of the \$5 billion provided by the CARES Act for the CDBG program. Upon publication of the Federal Register notice and subsequent allocations, grantees receiving allocations will then amend plans accordingly.

Grantees should proceed with all amendments and plans under these new provisions by adding the CDBG-CV allocation in their plans as an available resource for the year. The CARES Act permits HUD to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the CDBG-CV funds, FY2019 and FY2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or

alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus.

To expedite grantees' use of CDBG-CV funds, HUD is waiving the requirements at 42 U.S.C. 12705(a)(2) to the extent it requires updates to the housing and homeless needs assessment, housing market analysis, and strategic plan and 24 CFR 91.220 and 91.320 to the extent the action plan is limited to a specific program year to permit grantees to prepare substantial amendments to their most recent annual action plan, including their 2019 annual action plan. Grantees must identify the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus.

The Department is also waiving 24 CFR 91.505 to facilitate the use of the CDBG-CV funds to the extent necessary to require submission of the substantial amendment to HUD for review in accordance with 24 CFR 91.500. To receive a CDBG-CV grant, a grantee must also submit a SF-424, SF-424D and the certifications at 24 CFR 91.225(a) and (b) or 24 CFR 91.325(a) and (b).

The Guide addresses many of the Field's initial questions. Email inquiries to CPDQuestionsAnswered@hud.gov will continue to receive individual replies and guidance. HUD will also be batching questions and responses and periodically making them available as FAQs. Additional resources will continue to be posted to www.hudexchange.info/programs/cdbg/disease/.

Thank you for the work you and your staff do with our communities in the fight against the coronavirus.

CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response April 9, 2020

President Trump has signed The Coronavirus Aid, Relief and Economic Security Act (CARES Act). The CARES Act:

- Makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants);
- Provides flexibilities for CDBG grantees to make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements;
- Requires CDBG-CV grantees to prevent the duplication of benefits, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost.

HUD will publish a Federal Register notice describing the requirements for CDBG-CV grants. The notice will also include waivers and alternative requirements for CDBG-CV and fiscal year 2019 and 2020 CDBG grants. A grantee may submit a CDBG-CV action plan substantial amendment to its most recent accepted CDBG action plan for the first CDBG-CV allocation before the notice is published. To apply for CDBG-CV grants, grantees may follow existing regulatory requirements for a substantial amendment to the grantee's action plan that describes the amount of CDBG-CV funds available in the first allocation and planned use of funds, in accordance with existing requirements and the flexibilities in the CARES Act, summarized below. HUD will publish a Q&A document with further information on this process.

Grantees may use CDBG-CV and CDBG funds for a range of activities to prevent, prepare for, and respond to coronavirus. For examples, see the Quick Guide to CDBG Activities for Infectious Disease Response.

Summary of CARES Act Provisions for Coronavirus Response With CDBG-CV and CDBG Grants

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants					
Public Service Activities						
Eliminates the 15 percent cap ¹ on the amount of grant funds that can be used for public services activities.	CDBG-CV	Immediately Available				
Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on	CDBG FY 19 and FY 20 Grants	Immediately Available				
CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.	CDBG Grants before FY 19		Not Available			
Reimbursement of Costs						
Provides that grantees may use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare	CDBG-CV	Immediately Available				
for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).	CDBG FY 19 and FY 20 Grants		See current regulations.			
	CDBG Grants before FY 19		See current regulations.			

¹ Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants				
Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)					
Provides that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5	CDBG-CV	Immediately Available	~		
	CDBG FY 19 and FY 20 Grants	Immediately Available	~		
days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans.	CDBG Grants before FY 19			Not Available	×
In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.					
Deadline to Submit Consolidated Plans (including A	Annual Action Plans)	E PER AN			
Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020 to August 16, 2021. Without extension, the deadline for fiscal year 2020	CDBG-CV	Immediately Available	~		
	CDBG FY 19* and FY 20 Grants	Immediately Available.	~		
grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15. The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).	CDBG Grants before FY 19			Not applicable.	×
Waiver and Alternative Requirement Authority					
Authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus.	CDBG-CV	Immediately Available	~		101812
	CDBG FY 19 and FY 20 Grants	Immediately Available.	~		
rohibits waivers/alternative requirements related to air housing, nondiscrimination, labor standards, and environment.	CDBG Grants before FY 19	3100000000		Not applicable.	×
HUD has additional regulatory waiver and statutory uspension authorities that it may use for CDBG					

Quick Guide to CDBG Eligible Activities to Support Infectious Disease Response March 19, 2020

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19).

Examples of Eligible Activities to Support Infectious Disease Response

For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).				
Buildings and Improvements, Including Public Facilities				
Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).	Construct a facility for testing, diagnosis, or treatment.			
	Rehabilitate a community facility to establish an infectious disease treatment clinic.			
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.			
Rehabilitation of buildings and improvements (including interim assistance). See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).	Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system.			
	Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery.			
	Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.			
Assistance to Businesses, inclu	ding Special Economic Development Assistance			
Provision of assistance to private, for-profit entities, when appropriate to carry out	Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.			
an economic development project.	Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.			
See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).				
Provision of assistance to microenterprises. See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).	Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.			

Public Services (Capped at 15 Percent of the Grant, With Some Exceptions) ¹		
Provision of new or quantifiably increased public	Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.	
services. See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).	Provide testing, diagnosis or other services at a fixed or mobile location.	
	Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.	
	Provide equipment, supplies, and materials necessary to carry-out a public service.	
	Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.	
Planning, Capacity Building,	and Technical Assistance	
States only: Planning grants and planning only grants. See section 105(a)(12).	Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap.	
States only: use a part of to support TA and capacity building. See section 106(d)(5) (42 U.S.C. 5306(d)(5).	Grant funds to units of general local government to hire technical assistance proto deliver CDBG training to new subrecipients and local government department are administering CDBG funds for the first time to assist with infectious diseas response. This activity is subject to the State's 3 percent administration, planning technical assistance cap.	
Entitlement only. data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. See 24 CFR 570.205.	Gather data and develop non-project specific emergency infectious disease response plans.	

Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a "substantial amendment" in the grantee's citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).

Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG Funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: CPDQuestionsAnswered@hud.gov
- COVID-19 ("Coronavirus") Information and Resources: https://www.hud.gov/coronavirus
- CPD Program Guidance and Training: https://www.hudexchange.info/program-support/

¹ Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

DRAFT SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN TO ADD COMMUNITY DEVELOPMENT BLOCK GRANT - CORONAVIRUS (CDBG-CV) FUNDS

On March 27, 2020 the United States Congress passed The Coronavirus Aid, Relief, and Economic Security Act (H.R. 748). The bill provided \$5 billion for Community Development Block Grant to rapidly respond to COVID-19 and the economic and housing impacts caused by it, including the expansion of community health facilities, childcare centers, food banks, and senior services.

The Brevard County Board of County Commissioners will receive \$848,028 in Community Development Block Grant – Coronavirus (CDBG–CV) funding, which will be administered by the Housing and Human Services Department. A Substantial Amendment to the FY 2019-2020 Annual Action Plan is required and normally a thirty (30) day public comment period is necessary, however, the United States Department of Housing and Urban Development has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment.

The CDBG-CV funds allocated under the CARES Act may be used for a range of eligible activities that prevent and respond the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19). The proposed activities must meet the three National Objectives as required by CDBG regulations:

- Benefit low-and-moderate income persons
- Aid in the prevention or elimination of slums or blight, and
- Meet an urgent need.

Brevard County staff is recommending to allocate the funds as follows:

CDBG-CV	Allocation
Fiscal Year 19-20 CDBG-CV	\$848,028.00
Administration (20%)	\$169,605.60
Public Services	\$678,422.40
Total Community Development Block Grant Allocations	\$848,028.00

In addition and for the purpose of an expedited use of the CDBG-CV funding, the bill eliminates the cap on the amount of funds a grantee can spend on public services, removes the requirement to hold in-person public hearings

in order to comply with national and local social gathering requirements, and allows grantees to be reimbursed for COVID-19 response activities regardless of the date the costs were incurred.

Public Review

Pursuant to United States Department of Housing and Urban Development regulations, the Brevard County's Citizen Participation Plan and current United States Department of Housing and Urban Development waivers for grant programs and consolidated plan requirements to prevent the spread of COVID19, staff published a 5-day comment period and public hearing. Public comments and the Brevard County Board of County Commissioner's allocation recommendations will be included in the Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.