

Disaster Recovery Initiative
U.S. Department of Housing and Urban Development (HUD)

Public Law 109-234

*The Emergency Supplemental Appropriations Act for Defense, the Global War on
Terror, and Hurricane Recovery*

**Louisiana Office of Community Development,
Division of Administration**

Louisiana Recovery Authority

Action Plan Amendment 6 (Second Appropriation)
Reallocation of Infrastructure Funds for Disaster Recovery

Public Comment: January 30, 2008
Original HUD Submittal: June 17th, 2008
Final HUD Submittal: July 29th, 2008
September 12th, 2008



Bobby Jindal
Governor

Mitch Landrieu
Lieutenant Governor

Angele Davis
Commissioner of Administration

Dr. Norman Francis
Chairman, LRA Board

Office of Community Development
301 Main Street, Suite 600
P.O. Box 94095
Baton Rouge, LA 70804-9095

<http://www.LouisianaRebuilds.info>
<http://www.doa.louisiana.gov/cdbg/cdbg.htm>



TABLE OF CONTENTS

1. Long Term Community Recovery Program. **2**

2. Infrastructure Program Delivery **5**

Appendix 1 – Long Term Community Recovery Programs Parish Submitted Plans and Funds . . **6**

Appendix 2 – Plan Approval and Project Funding Process **7**

Appendix 3 – Citizen Participation Plan for Local Governments **8**

Appendix 4 – Public Comments and State's Response **11**

Appendix 5 – CDBG Disaster Recovery Allocations **12**

Overview of Action Plan Amendment 6

Action Plan Amendment 6 – Reallocation of Infrastructure Funds for Disaster Recovery addresses an area of continuing need for parishes that were the most heavily impacted by Hurricanes Katrina and Rita. This plan allocates an additional \$78,606,666 to the Long Term Community Recovery Program and provides clarification on the implementation of the approved Long Term Community Recovery plans submitted by the most heavily impacted parishes. This amendment is a companion amendment to Action Plan Amendment 19 to the first appropriation of disaster CDBG funds. In total, the two amendments contribute \$500 million of additional funds to the Long Term Community Recovery Program. This plan also proposes an additional \$15,000,000 of CDBG Disaster Recovery funding to be used for program delivery costs associated with the existing and approved Disaster Recovery Infrastructure Programs.

1. Long Term Community Recovery Program

Eligible Activity: Section 105 (a)

National Objective: Low to Moderate Income, Elimination of Slum and Blight, or Urgent Need

Activity Amount: \$78,606,666

In addition to the direct damage they caused, Hurricanes Katrina and Rita created long-lasting problems that can only be addressed with long-term planning and implementation of projects to address these problems. These problems include damage to the economy, environment, housing stock, public safety, education, health care, and transportation, among others.

To address these challenges, the State allocated \$200 million in Action Plan Amendment 12 (First Appropriation) to the Long-Term Community Recovery Program. The allocation formula for funds through the Long Term Community Recovery Program is described in an appendix to Action Plan Amendment 12. The goal of this program is to provide additional funding for implementation of long-term recovery plans in the most heavily impacted parishes of the state and to provide additional clarification for the implementation of those long-term recovery plans.

Additional funding for the Long Term Community Recovery Program from this appropriation will come from \$78,606,666 of additional Community Development Block Grant funding, which had been budgeted for, but not allocated to, the purpose of covering Public Assistance match for local governments. This amount is being added concurrently with the companion amendment from the first appropriation of disaster CDBG funds, Action Plan Amendment 19. That amendment allocates \$421,393,334 for a combined amount of \$500,000,000 of additional funds for the Long Term Community Recovery Program.

The methods of distributing the funds to the parishes used in this Amendment are the same as those described and approved by HUD via Action Plan Amendment 12, Appendix 1 (First Appropriation), and are attached again as Appendix 1 to this Amendment.

Eligible Activities for this program include, but are not limited to the following, to the extent that those activities are recovery related, meet a national objective, are part of the recovery plan for a grantee, and are otherwise eligible by CDBG and OCD rules:

- acquisition of real property;
- public facilities and improvements;
- clearance, rehabilitation, reconstruction, and construction of buildings;
- removal of architectural barriers to access by the elderly and handicapped;
- disposition of real property, including costs associated with maintenance and transfer of acquired properties;
- provision of public services, such as job training;

Louisiana Proposed Action Plan

- payment of the non-federal share of other federal matching grant programs;
- relocation associated with projects that utilize one or more of the other eligible activities listed here;
- activities carried out through nonprofits;
- assistance to neighborhood-based organizations, local development corps, and nonprofits serving the development needs of communities; and
- energy efficiency/conservation programs.

This program expands upon the views expressed by Louisiana citizens who participated in the Louisiana Speaks program. The amendment also acts as a natural progression that highlights the pace of recovery that Louisiana's most heavily impacted parishes are currently seeing and preparing for. Of the initial \$200 million allocated, 12 of the parishes have already presented their long term recovery plans to the Louisiana Recovery Authority (LRA) Board for approval.

With rebuilding and recovery occurring at the same time as robust planning efforts at the local, regional, and state level, the State wishes to ensure wise, forward-looking investment of very limited resources. These funds and planning efforts will continue to provide momentum for Louisiana's recovery efforts. Prioritization of projects that drive local recovery must ultimately come from the parishes and their communities, in a manner that is consistent with the regional planning incorporated in Louisiana Speaks.

Recognizing the above, projects to be funded from this program must:

1. be selected by the parishes based on local recovery priorities;
2. demonstrate broad-based support from the local community, as indicated by inclusion in a broadly accepted recovery plan, or similar mechanism;
3. be consistent with regional and state plans, as determined by the LRA; and
4. include direct benefits to the most affected municipalities and communities or have the agreement from the elected officials of the most impacted municipalities.

The above requirements will ensure that issues that are a priority to the broader local community are addressed, while also ensuring that local and regional plans are complementary.

In addition to the above requirements, expenditures from the Long-Term Community Recovery Program must meet the following guidelines:

1. That the funding be provided for projects in parishes or municipalities that have adopted the latest available FEMA Flood Recovery Guidance, unless exceptions are granted by the LRA based on reasonable alternatives where safety is not minimized;
2. That the funding be provided for projects in parishes or municipalities that have adopted, implemented or are in the process of implementing the new statewide building code standards adopted in the 2005 1st Extraordinary Session of the Louisiana Legislature;
3. That each infrastructure project considers and/or proposes a mitigation plan to minimize damage in the event of future floods or hurricanes.

Because the projects will be selected and managed by the local governments, the State proposed a method of distribution of grants for this program to allow administration by the local government entities. The process for ensuring that all CDBG and Action Plan requirements are met, and for distributing the funds is described in the attached "Plan Approval and Project Funding Process" document, Appendix 2. Those requirements include following a Citizen Participation Plan, which is attached as Appendix 3, and following a process for selecting and prioritizing projects. Projects must be funded in order based on the priority list developed by the local government, unless these projects are not eligible for CDBG or can not be completed within 5 years of the date the local government's plan is approved by the LRA. Exceptions to the time constraint may be granted by the Office of Community Development (OCD) if the local government can demonstrate that project delays were outside of their control.

Louisiana Proposed Action Plan

This activity is considered to be a low risk activity. Monitoring will be performed by the OCD staff in accordance with the original Local Government Emergency Infrastructure Program monitoring plan or in accordance with a monitoring plan modified specifically for the Long Term Community Recovery program.

2. Infrastructure Program Delivery

Eligible Activity: Section 105 (a)

National Objective: Presumed by activity

Activity Amount: \$15,000,000

Up to \$15,000,000 may be used by the Office of Community Development for program delivery costs. These funds will be used to assist Infrastructure program applicants in developing their projects and complying with CDBG regulations throughout implementation. Funds will be used to provide assistance to applicants in all Disaster Recovery Infrastructure programs, including the following: Ratepayer Mitigation, Long Term Community Recovery, Local Government Emergency Infrastructure, including the allocation for Primary and Secondary Education Infrastructure, and Fisheries Infrastructure. Efforts under this activity will include, but not be limited to the following:

a. Project Development

Review Project plans and specifications for feasibility, cost reasonableness, and consistency with the Project application. Assist Grant Recipients with CDBG compliance issues, including environmental review record coordination, inclusion of CDBG contract provisions in specifications, Section 3, EEO, property acquisition, and any other CDBG requirements.

b. Bidding/Pre-Construction

Assist Grant Recipients in complying with CDBG Program requirements during the bidding/pre-construction phase, including:

- i. coordinating bid advertisements;
- ii. monitoring addenda for consistency with application;
- iii. ensuring compliance with requirements for bid selection and contract award and execution;
- iv. ensuring that contractors selected by Grant Recipients are eligible for CDBG work;
- v. monitoring contract award and execution;
- vi. processing CDBG forms and notices;
- vii. updating disclosure reports; and
- viii. assisting in the project re-design process, when necessary.

c. Construction

Assist Grant Recipients in complying with Program requirements during the construction phase. This work will include:

- i. providing technical assistance and monitoring to facilitate compliance with all labor requirements;
- ii. monitoring Grant Recipients' sub-contracts and sub-contractors for CDBG compliance;
- iii. reviewing, verifying and submitting pay requests;
- iv. monitoring change orders;
- v. monitoring construction and job progress through construction inspections;
- vi. responding to OCD monitoring visits and requests; and
- vii. facilitating contract acceptance.

d. Closeout.

Assistance with preparation and submittal of the final wage report and the project closeout package, which includes the preparation of financial reports, the clearing of any liens and finalizing outstanding payment requests.

Louisiana Proposed Action Plan

Appendix 1 – Parish Submitted Plans and Approved Funding Amounts

LOUISIANA RECOVERY AUTHORITY CDBG FUNDS COMMITTED TO SUPPORT PARISH LONG TERM COMMUNITY RECOVERY PROGRAMS



ELIGIBLE PARISHES	Plan Submitted to LRA Board for Approval	Parish Allocation Percentage	Action Plan Amendment 12 - HUD Approved (\$200M)	Action Plan Amendment 19 - LRA Proposed (\$500M)	Proposed Parish Long Term Community Fund (APA 12 + APA 19)
Orleans	June 25, 2007	58.67%	\$117,294,201	\$ 293,425,815	\$ 410,720,016
St. Bernard	June 25, 2007	13.03%	\$26,033,717	\$ 65,151,602	\$ 91,185,319
Jefferson	September 11, 2007	7.16%	\$14,321,406	\$ 35,798,931	\$ 50,120,337
Plaquemines	September 11, 2007	6.42%	\$12,835,332	\$ 32,090,460	\$ 44,925,792
Cameron	September 11, 2007	4.23%	\$8,466,457	\$ 21,156,487	\$ 29,622,944
St. Tammany	October 11, 2007	3.83%	\$7,656,577	\$ 19,158,505	\$ 26,815,082
Calcasieu	September 11, 2007	2.63%	\$5,258,422	\$ 13,133,074	\$ 18,391,496
Vermilion	July 30 ,2007	1.09%	\$2,192,216	\$ 5,459,208	\$ 7,651,424
Terrebonne	October 11, 2007	0.51%	\$1,020,282	\$ 2,559,742	\$ 3,580,024
Lafourche	October 11, 2007	0.47%	\$948,104	\$ 2,351,134	\$ 3,299,238
Washington	December 11, 2007	0.34%	\$689,579	\$ 1,697,104	\$ 2,386,683
Iberia	December 11, 2007	0.31%	\$615,677	\$ 1,560,416	\$ 2,176,093
Tangipahoa	December 11, 2007	0.31%	\$625,029	\$ 1,551,064	\$ 2,176,093
East Baton Rouge	Exp. January 2008	0.16%	\$311,944	\$ 811,201	\$ 1,123,145
St. Charles	Exp. January 2008	0.15%	\$305,968	\$ 746,980	\$ 1,052,948
St. John the Baptist		0.12%	\$247,644	\$ 594,715	\$ 842,359
St. Mary	September 11, 2007	0.10%	\$199,764	\$ 502,202	\$ 701,966
Acadia	December 11, 2007	0.09%	\$181,301	\$ 450,468	\$ 631,769
Beauregard	September 11, 2007	0.09%	\$178,206	\$ 453,563	\$ 631,769
Jefferson Davis	December 11, 2007	0.08%	\$168,174	\$ 393,398	\$ 561,572
Livingston	Exp. January 2008	0.07%	\$150,000	\$ 341,376	\$ 491,376
Lafayette	October 11, 2007	0.07%	\$150,000	\$ 341,376	\$ 491,376
Allen	December 11, 2007	0.06%	\$150,000	\$ 271,179	\$ 421,179
LTCR TOTAL		100.00%	\$200,000,000	\$ 500,000,000	\$ 700,000,000

Louisiana Proposed Action Plan
Appendix 2 - Plan Approval and Project Funding Process

LOUISIANA RECOVERY AUTHORITY
Long Term Community Recovery Program
Plan Approval & Project Funding Process

- STEP 1 After conducting necessary Public Participation plan, Parish officially approves recovery plan and prioritized project list (plan) and forwards to LRA.
- STEP 2 LRA staff receives the plan and notifies parish of date of receipt.
- STEP 3 LRA staff conducts preliminary review of parish recovery plan and, if necessary, asks for clarifications from Parish.
- STEP 4 LRA staff forwards plan to LRA Board for consideration and approval.
- STEP 5 Upon approval by LRA Board, LRA forwards Parish Recovery Plan to the Office of Community Development (OCD), Disaster Recovery Unit (DRU).
- STEP 6 OCD/DRU coordinates with parish on CDBG requirements for individual project applications / parish completes OCD/DRU application for Parish Recovery Plan project funding.
- STEP 7 OCD/DRU reviews application and issues preliminary findings for Parish Recovery Plan projects.
- STEP 8 OCD/DRU submits formal letter of final approval of parish recovery plan projects to parish and LRA.
- STEP 9 Parish commences LRA/OCD approved Parish Recovery Plan projects and begins drawdown of CDBG funds according to HUD and OCD/DRU requirements

Appendix 3 - Citizen Participation Plan for Local Governments
CITIZEN PARTICIPATION REQUIREMENTS FOR LOCAL GOVERNMENTS
PARTICIPATING IN THE LONG TERM COMMUNITY RECOVERY PROGRAM

In order to take advantage of waivers previously granted by HUD, the citizen participation requirements stated in Appendix 10 of the first Action Plan (for funds allocated by P.L. 109-148) and stated in Action Plan Amendment No. 12 are deleted and the following substituted:

Local governments shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. All units of local government applying for CDBG disaster recovery funds must have a written and adopted Citizen Participation Plan which, at a minimum:

1. provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of areas in which funds are proposed to be used;
2. provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution;
3. provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
4. provides for a timely written answer to written complaints and grievances, within fifteen working days where practicable;

The plan must include procedures that meet the following requirements:

Public Hearings

The local process for developing and adopting Parish Long Term Community Recovery Plans fulfills the requirements for public hearings associated with CDBG applications for all included projects. This process includes (or has included) the solicitation of public comments and input in various ways and means for the purpose of formulating parish recovery plans with a formal adoption by the parish and approval by the LRA.

If local governments desire to provide additional public hearings associated with specific projects, the following requirements are to be met. In order to provide adequate notice of all public hearings, a minimum of five calendar days notice shall be given. The hearing may be convened on the fifth day excluding the date the notice was published. The applicant must provide citizens with reasonable and timely access to all hearings. The location and time of these hearings must be scheduled in such a manner as to be convenient to potential or actual beneficiaries. Citizens must be made aware of where they may submit their views and proposals should they be unable to attend any public hearing. Where a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking citizen and this must be

so stated in the public notice. Additionally, all notices for public hearings shall state that accommodations for persons with disabilities will be provided.

Written minutes of the hearing and an attendance roster must be kept for review by State officials.

Nothing in these requirements shall be construed to restrict the responsibility and authority of the applicant for the development of the application.

Technical Assistance

The applicant must provide technical assistance to facilitate citizen participation where requested, particularly to groups representative of persons of low to moderate income. The level and type of technical assistance shall be determined by the applicant/recipient based upon the specific need of the community's citizens.

Amendments

The recipient must involve citizens in amendments to the Disaster Recovery program. This may be done by means of a public hearing or a public notice prior to the submittal of the request for a program amendment to the State.

Complaint Procedures

Each applicant/recipient must have written citizen and administrative complaint procedures. The written Citizen Participation Plan must provide citizens with information relative to these procedures or, at a minimum, provide citizens with the information relative to the location and hours at which they may obtain a copy of these written procedures.

All written citizen complaints which identify deficiencies relative to the applicant/recipient's community development program will merit careful and prompt consideration by the applicant/recipient. All good faith attempts will be made to satisfactorily resolve the complaints at the local level. Complaints must be filed with the Chief Elected Official who will investigate and review the complaint. A written response from the Chief Elected Official to the complainant will be made within fifteen working days, where practicable.

A copy will be forwarded to the Division of Administration, Office of Community Development, Disaster Recovery Unit. The complainant must be made aware that if she or he is not satisfied with the response, a written complaint may be filed with the Division of Administration, Office of Community Development, Disaster Recovery Unit.

All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination will be forwarded to the following address for disposition: Louisiana Department of Justice, Public Protection Division, Post Office Box 94005, Baton Rouge, Louisiana 70804. The telephone numbers for that office are (800) 273-5718 and (225) 326-6438.

The Citizen Participation Plan must also state that persons wishing to object to approval of a Disaster Recovery application by the State may make such objection known to the Division of Administration, Office of Community Development, Disaster Recovery Unit in writing. The State will consider objections made only on the following grounds:

1. The applicant's description of needs and objectives is plainly inconsistent with available facts and data;

2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
3. The application does not comply with the requirements set forth in the Disaster Recovery Plan and amendments to the plan or other applicable laws.

Such objections should include both identification of the requirements not met and, in the case of objections relative to item 1 above, the complainant must supply the data which she or he relied upon.

Appendix 4 – Public Comments

This Amendment was posted for Public Comment on January 30th, 2008 and remained available for review and comment through February 8th, 2008. This Amendment was also approved by the Louisiana Recovery Authority Board, the Joint Legislative Committee on the Budget, and the full Louisiana Legislature. The State received no comments on this Amendment.