



DEPARTMENT FOR
LOCAL GOVERNMENT

COMMONWEALTH OF KENTUCKY
SUBSTANTIAL AMENDMENT 1
ACTION PLAN FOR DISASTER RECOVERY



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Approved by HUD:

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1 Executive Summary

1.1 Changes to the Action Plan

In January 2023, the U.S. Department of Housing and Urban Development (HUD) announced that the Commonwealth of Kentucky would receive an additional \$48,983,000 in Community Development Block Grant–Disaster Recovery (CDBG-DR) funding via publication in the Federal Register (FR), Vol. 88, No. 11, January 18, 2023 (88 FR 3198)¹ to support long-term recovery and mitigation efforts following the 2021 severe storms, flooding, landslides, and mudslides (DR-4595)² and the 2021 severe storms, straight-line winds, flooding, and tornadoes (DR-4630).³ This allocation was made available through the Continuing Appropriations Act, 2023 (Public Law 117–180), approved September 30, 2022.⁴

This additional allocation will supplement the initial allocation of \$74,953,000 of CDBG-DR funding announced by HUD in May 2022 via publication in the Federal Register, Vol. 87, No. 100, May 24, 2022 (87 FR 6326).⁵ That allocation was made available through the Disaster Relief Supplemental Appropriations Act of 2022 (Public Law 117–43)⁶ and approved on September 30, 2021.

Both allocations will be administered by the Kentucky Department of Local Government (DLG).

The total amount of CDBG-DR funding allocated to the Commonwealth will be \$123,936,000 to address the severe storms of 2021.

The initial Public Action Plan detailed how the \$74,953,000 grant would be allocated to address the remaining unmet needs in Kentucky. That plan was approved by HUD on February 2, 2023.

This substantial amendment to the approved Public Action Plan will detail how the additional funding of \$48,983,000 will be allocated. The information on damaged units from the Dawson Springs Public Housing Authority (PHA) has been added to Table 2 in Section 2.2.3.2, Public

¹ U.S. Department of Housing and Urban Development. (2022, January 18). Allocations for Community Development Block Grant–Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice. Federal Register, Vol. 88, No. 11. Retrieved from <https://www.govinfo.gov/content/pkg/FR-2023-01-18/pdf/2023-00721.pdf>

² U.S. Federal Emergency Management Agency. (2021). DR-4595: Kentucky Severe Storms, Flooding, Landslides, and Mudslides. Retrieved from <https://www.fema.gov/disaster/4595>

³ U.S. Federal Emergency Management Agency. (2021). DR-4630: Kentucky Severe Storms, Straight-line Winds, Flooding, and Tornadoes. Retrieved from <https://www.fema.gov/disaster/4630>

⁴ United States 117th Congress. (2022, September 30). Public Law 117–180: Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023. Retrieved from <https://www.congress.gov/117/plaws/publ180/PLAW-117publ180.pdf>

⁵ U.S. Department of Housing and Urban Development. (2022, May 24). Allocations for Community Development Block Grant–Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice. Federal Register, Vol. 87, No. 100. Retrieved from <https://www.govinfo.gov/content/pkg/FR-2022-05-24/pdf/2022-10969.pdf>

⁶ United States 117th Congress. (2021, September 30). Public Law 117–43: Extending Government Funding and Delivering Emergency Assistance Act. Retrieved from <https://www.congress.gov/117/plaws/publ43/PLAW-117publ43.pdf>

Housing Authorities Damaged. This amendment also details changes to the Small Business Grant Program by clarifying the eligibility and award requirements for the Program as well as changing the program award caps and adding an eligible applicant for the owner-occupied and rental rehabilitation/ reconstruction, and Single Family New Construction housing programs. The multi-family new construction program has also been modified to update the program description and the other program details section as well as adjust the program award caps. In anticipation of receiving future CDBG-DR awards from HUD for additional disasters, section 4.2.6 provides a full explanation of interchangeability of CDBG-DR grant funds.

1.2 Unmet Needs and Proposed Allocation

In the Public Action Plan approved by HUD in early 2023, the Commonwealth of Kentucky calculated that the total unmet needs were \$123,936,000 because of the devastating storms of 2021.

As a result of understanding the remaining unmet needs, as well as hearing comments from the public, partners, and stakeholders, the Commonwealth will fund housing and infrastructure programs with the second allocation. Even with the majority of the second allocation of funding going toward housing, the calculated unmet housing need will still not be met. The calculated infrastructure unmet need has been met and exceeded; however, the projects planned for the second allocation will be mitigation-based. Therefore, most of the projects will not necessarily be directly tied back to damage associated with the disaster. Instead, the funded infrastructure projects will harden existing infrastructure to make it more resilient to future disasters, as well as create new infrastructure that will ameliorate impacts such as flooding. It is anticipated that 100% of the infrastructure funding will utilize the 15% mitigation set-aside. Table 1 summarizes the unmet needs and the amount of funding dedicated from the first and second allocations of funding to the housing and infrastructure programs. Section 4 of the Public Action Plan described the housing and infrastructure programs, including the eligible activities, applicants, beneficiaries, and other Program details. The second allocation will follow the same Program design.

Table 1. Unmet Needs and Program Allocation

| Category | Remaining Unmet Need (\$) | May 2022 Program Allocation Amount (\$) | January 2023 Program Allocation Amount (\$) |
|-------------------------|---------------------------|---|---|
| Administration | N/A | \$3,747,650 | \$2,449,150 |
| Planning | N/A | \$1,500,000 | \$0 |
| Housing | \$110,156,908 | \$46,905,350 | \$40,144,850 |
| Infrastructure | \$21,844,475 | \$18,000,000 | \$6,389,000 |
| Economic Revitalization | \$69,533,671 | \$4,000,000 | \$0 |
| Public Services | \$800,000 | \$800,000 | \$0 |
| TOTAL | \$202,335,054 | \$74,953,000 | \$48,983,000 |

2 Updated Unmet Needs Assessment

2.2 Housing Unmet Needs

From the public feedback, DLG understands the need for more federal funds to be allocated to the housing programs. With the initial allocation, DLG needed to consider all affected areas of the Commonwealth of Kentucky when developing the housing programs and, by developing a variety of housing programs, the correct strategy can be utilized in the appropriate part of the State. The new allocation will fund more of the housing needs in the State and address the recovery.

2.2.3.2 Public Housing Authorities Damaged

Table 2 has been updated with the most recent information to include damage sustained in Dawson Springs, Kentucky. Dawson Springs has a total of 150 public housing units in the community and of those units, 50 dwelling units (26 buildings) were completely destroyed and 64 dwelling units (32 buildings) were severely damaged, but not completely destroyed. The damage resulted in about 60 families being displaced. The priority for this community is finding housing for those displaced families who lost their homes and are currently being housed by other area housing authorities or with friends and family.

Table 2. Public Housing Authorities Damaged

| County/Municipality | Total PHAs | Total PHAs Damaged | Units Damaged | Remaining Unmet Needs |
|------------------------------------|------------|--------------------|---------------|-----------------------|
| Graves County (Mayfield) | 1 | 1 | 141 | \$2,000 |
| Warren County (Bowling Green) | 1 | 0 | 0 | 0 |
| Hopkins County (Dawson Springs) | 150 | 58 | 114 | \$16,100,000 |

Source: Kentucky Public Housing Authorities (Mayfield, Bowling Green, and Dawson Springs)

3 General Requirements

3.1 Updated Citizen Participation

Once DLG understood that the Commonwealth of Kentucky would be receiving additional funding, it began discussing how to allocate that funding with the legislature, the Governor's office, and other governmental and community partners. DLG management has attended meetings and hosted events to discuss CDBG-DR programs. Most of the discussions and feedback from partners centered on unmet housing needs. During the weekly disaster meetings with State stakeholders attended by the DLG executive staff, housing has been the main concern and it is the Governor's main focus.

During the HUD site visits on February 13, 2023 in Western Kentucky and on February 16 in Eastern Kentucky, staff heard directly from the public and local governments that housing was a serious concern. During the Western Kentucky visit, they saw the complete devastation caused by the tornado and, during the Eastern Kentucky visit, they experienced firsthand how fast rain makes the rivers/creeks spill over their banks and the damage this causes in a short amount of time.

DLG advertised the availability of Substantial Action Plan Amendment 1 via public notice by publishing it in seven newspapers in the Commonwealth including the Louisville Courier Journal, Lexington Herald, Paducah Sun, Mayfield Messenger, Benton Tribune Courier, Breathitt Advocate, Hazard Herald.

The notice also was available on the DLG CDBG-DR webpage. DLG also emailed the public notice to cities, counties, and area development districts, as well as State stakeholders. DLG also promoted the availability of the Action Plan via press releases.

DLG will use the contact information collected during development of the initial action plan from the Disaster Recovery Survey and the Disaster Recovery Information Request webform to send out notice of the availability of Substantial Action Plan Amendment 1.

The public is encouraged to comment on the Substantial Action Plan Amendment 1 by contacting DLG via email, letter, phone, or in person. The Substantial amendment will be available to the public from April 25, 2023 until 4:30 p.m. on May 26, 2023.

A copy of Substantial Action Plan Amendment 1 can be found on the DLG website: https://kydlgweb.ky.gov/FederalGrants/16_DRP.cfm. To request a paper copy of Substantial Action Plan Amendment 1, contact the DLG offices: Department for Local Government, ATTN: Office of Federal Grants: DR Team, 100 Airport Road, 3rd Floor, Frankfort, KY 40601

There are multiple methods for the public to contact DLG. These include the following:

- TTY and relay services: TTY 711; TDD 1-800-648-6056
- Email: DLG.DR@ky.gov
- Fax: 502-227-8691
- Mail: Department for Local Government, ATTN: Office of Federal Grants: DR Team, 100 Airport Road, 3rd Floor, Frankfort, KY 40601

4 Grantee Proposed Use of Funds

4.1 Overview

The additional allocation in January 2023 did not result in DLG creating new programs. As per the comments received on the initial Public Action Plan, DLG will increase the project allocation for existing programs to ensure that the programs can adequately address the recovery needs. Housing programs are receiving \$40.14 million (or 81.9% of the allocation) and the infrastructure program is receiving \$6.4 million (or 13.0% of the allocation). This allocation of funding addresses the proportionality of the remaining unmet needs and specifically addresses housing needs.

4.2 Program Budget

Table 3. Total Grant Allocations by the Initial and Second Allocations

| Program Category | Program | Initial Allocation | New Allocation | Total Allocation | Percentage Allocated |
|-------------------------------------|---|---------------------|---------------------|----------------------|----------------------|
| Housing | Single-Family New Housing Construction | \$4,000,000 | \$15,000,000 | \$19,000,000 | 15.33% |
| Housing | Owner-Occupied Rehabilitation/ Reconstruction | \$17,905,350 | \$12,000,000 | \$29,905,350 | 24.13% |
| Housing | Multifamily Rental New Construction | \$10,000,000 | \$8,144,850 | \$18,144,850 | 14.64% |
| Housing | Rental Rehabilitation/ Reconstruction | \$15,000,000 | \$5,000,000 | \$20,000,000 | 16.14% |
| Economic Revitalization | Small Business Grant Program | \$4,000,000 | \$0 | \$4,000,000 | 3.23% |
| Infrastructure and Other Activities | Public Infrastructure and Stormwater Management | \$18,000,000 | \$6,389,000 | \$24,389,000 | 19.68% |
| Public Services | Housing Counseling and Legal Aid | \$800,000 | \$0 | \$800,000 | 0.65% |
| Planning | Resilience Planning | \$1,500,000 | \$0 | \$1,500,000 | 1.21% |
| Administration | Administration | \$3,747,650 | \$2,449,150 | \$6,196,800 | 5% |
| TOTAL | | \$74,953,000 | \$48,983,000 | \$123,936,000 | 100% |

Table 4. Program Allocations for the January 2023 Allocation as Part of Amendment 1

| Program Category | Program | Budget | HUD-Identified MID Budget (%) | Grantee-Identified MID Budget (%) | Percentage of Allocation |
|-------------------------------------|---|---------------------|-------------------------------|-----------------------------------|--------------------------|
| Housing | Single-Family New Housing Construction | \$15,000,000 | 80% | 20% | 30.6% |
| Housing | Owner-Occupied Rehabilitation/ Reconstruction | \$12,000,000 | 80% | 20% | 24.5% |
| Housing | Multifamily Rental New Construction | \$8,144,850 | 80% | 20% | 16.6% |
| Housing | Rental Rehabilitation/ Reconstruction | \$5,000,000 | 80% | 20% | 10.2% |
| Infrastructure and Other Activities | Public Infrastructure and Stormwater Management | \$6,389,000 | 80% | 20% | 13.0% |
| Administration | Administration | \$2,449,150 | – | – | 5% |
| TOTAL | | \$48,983,000 | – | – | 100% |

4.2.6 Interchangeability of Disaster Funds

HUD allows for CDBG-DR funds to be interchanged between grants received in separate allocations and under prior appropriations. Interchangeability means that those funds can be used without limitation for the same activities related to unmet recovery needs in the “most impacted and distressed” (MID) areas resulting from a major disaster identified in the Appropriations Act as CDBG-DR eligible or in prior or future appropriations acts, when the MID areas overlap and when the use of the funds will address the unmet recovery needs of major disasters identified in the Appropriations Act as CDBG-DR eligible or in any prior or future appropriations acts.

DLG will develop and submit a substantial action plan amendment when eligible beneficiaries for activities are being expanded or funds are being reallocated to meet this interchangeability requirement. Additionally, all waivers and alternative requirements associated with a CDBG-DR grant apply to the use of the funds provided by the applicable grant, regardless of which disaster the funded activity will address.

DLG will receive additional funding from HUD for the 2022 disaster. Some communities have been affected by both the 2021 severe storms and the 2022 Kentucky flooding. Similar to the 2021 funding, DLG will need to draft an Action Plan, seek public comment, and receive HUD approval before 2022 programs can launch, which can take time. To assist impacted communities, DLG may consider utilizing funding from the 2021 CDBG-DR allocation to assist these communities in advance of the 2022 CDBG-DR funding being made available.

4.10 Program Budget

4.10.6 Small Business Grant Program

DLG is clarifying the eligibility and award requirements for the Small Business Grant Program.

Adding low- to moderate-income (LMI) area benefit and LMI limited clientele to the Program National Objective(s) section:

The Program will meet the national objectives of LMI job creation or retention, LMI area benefit, or LMI limited clientele – microenterprise.

Adding Section 14 to the Program Eligible Activities section:

Economic Revitalization and Development; Housing and Community Development Act of 1974 (HCDA), Section 105(a)14, 15, 17, and 19

Removing the job retention or job creation requirement from the Other Program Details section:

DLG will provide funding for the following activities:

- Working capital
- Purchase of equipment

Adding the word “small” to the description of business entities and clarifying Program beneficiaries in the Eligible Beneficiaries section:

Eligible applicants will provide funding to small business entities. These business entities are the program beneficiaries. Some business entities will create or retain jobs for LMI individuals. These LMI individuals hired or retained are also program beneficiaries. Fifty-one percent of the jobs created or retained as a result of CDBG-DR funding will be for LMI individuals.

Removing the description of the maximum assistance only for operating capital and clarifying the breakdown of funding in the Program Maximum Assistance section:

Grant assistance for the Small Business Grant Program will be tiered and on a per-assisted-business basis:

- \$200,000 max assistance
- Businesses requesting \$50,000 and above will be required to create or retain jobs. \$50,000 per one job created or retained, up to \$200,000. Fifty-one percent of the jobs created or retained as a result of CDBG-DR funding will be for LMI individuals.

Clarifying that subrecipients will submit business entity applications to DLG in the Program Method of Distribution section:

There will be an open application window and review process. Subrecipients will submit business entity applications to DLG. DLG will then make funding decisions based on the completeness of the application, justification for funding, and feasibility of the project.

4.10.1 Single Family New Housing Construction

DLG is adding an additional eligible applicant for the Single-Family New Housing Construction Program.

Adjusting the Program Description and Eligible Applicants to add political subdivisions as eligible applicants. The following sentence will be added to each section:

A political subdivision can also apply directly to DLG for funding.

4.10.2 Owner-Occupied Rehabilitation and Reconstruction

DLG is adjusting the program cap amounts and adding an additional eligible applicant for the Owner-Occupied Rehabilitation and Reconstruction Grant Program.

Adjusting the program description, Program Responsible Entity or Administering Entity, Program Competitive Application Overview sections to add political subdivisions as eligible applicants. The following sentence will be added to each section:

A political subdivision can also apply directly to DLG for funding to support eligible beneficiary homeowners.

Adjusting the Program cap in the Maximum Award section from \$500,000 per applicant to \$1,000,000 per applicant and from \$100,000 per property to \$200,000 per property:

DLG is setting a maximum award of up to \$1,000,000 per applicant that will serve multiple beneficiaries within jurisdictions. Each rehabilitated or reconstructed home is eligible for a maximum award of \$200,000 per property in the form of a grant for costs less than \$50,000 and a forgivable loan for costs above \$50,000. Policies will also specify the process by which applications can be reviewed to identify situations where exceeding the maximum award amount may be necessary.

4.10.3 Multifamily New Construction

DLG is clarifying the eligible locations, mechanism for payment, and adjusting the Program cap amounts for the Multifamily New Construction Grant Program.

Removing the requirement that developments be on vacant lots within existing neighborhoods in the Project Description section:

The Multifamily New Construction Program will offer funding subsidies for the construction of multifamily structures (five or more units). The Program will offer incentives to encourage builders and developers to build new rental units in the disaster-impacted areas. The new units will incorporate green and resilient building practices to mitigate future risks of hazards.

Clarifying in the Other Program Details section that only jurisdictions that are CDBG-DR recipients need a development agreement with the developer and that the jurisdiction will act as the pass-through for funding the developer:

Eligible activities include constructing new rental units necessary to replace those that were lost from the 2021 storm events and increasing available affordable housing for residents displaced by the storm events. In conjunction with awards for new construction, applicants may identify mitigation measures to be incorporated into the new multifamily housing project. These mitigation measures include, but are not limited to, structural and utility design modifications to make the building more resistant to floods, grading and slope stabilization, and drainage improvements. New construction of multifamily properties will meet resilient green building standards and include the installation of broadband infrastructure, where feasible. Developers are responsible for establishing their project cost estimates. Cost reasonableness will be determined by a competitive comparison of projects. Additionally, DLG may use details regarding cost of materials using industry-standard, cost-estimating software; comparative and market analysis of price per square foot; and/or the comparison of multiple competitive bids. Applications will include specific details about the number, location, size, and design of the units, as well as the identified developer who will construct all units. Through the review of submitted applications, DLG will document that no other funds have been provided for the same development, ensuring no duplication of benefits. If the CDBG-DR recipient is a jurisdiction, then a development agreement will be required between the jurisdiction and the developer. When the jurisdiction is the CDBG-DR recipient, all eligible costs incurred by the developer will be claimed by the jurisdiction who will act as a pass-through for funding. Specific eligible activities will be detailed in the program guidelines.

Adjusting the Program cap in the Maximum Award section from \$1,000,000 for any new construction project to \$5,000,000:

The maximum award is \$5,000,000 for any new construction project. This award will include incentives for construction, incentives for applicable mitigation measures, and the cost of compliance, such as additional costs incurred paying Davis Bacon wages. Policies will also specify the process by which applications can be reviewed to identify situations where exceeding the maximum award amount may be necessary.

4.10.4 Rental Rehabilitation and Reconstruction

DLG is adjusting the program cap amounts and adding an additional eligible applicant for the Rental Rehabilitation and Reconstruction Grant Program.

Adjusting the Other Program Details, Eligible Property Owner, Program Responsible Entity or Administering Entity, Program Method of Distribution sections to add political subdivisions as eligible applicants. The following sentence will be added to each section:

A political subdivision can also apply directly to DLG for funding to support eligible rental property owners. Adjusting the Program cap in the Maximum Award section from \$75,000 per unit to \$100,000 per unit:

The maximum award is \$100,000 per unit for any rehabilitation or reconstruction project. Program guidelines will stipulate a process for applications to identify situations where exceeding the maximum award amount may be necessary. For example, increased costs of compliance associated with accessibility concerns, environmental mitigation, and other extenuating circumstances may warrant exceeding the maximum award amount. Such requests will be reviewed by DLG on a case-by-case basis.

5 Appendix

5.1 Certifications

- a. The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan (RARAP) in connection with any activity assisted with CDBG–DR grant funds that fulfills the requirements of Section 104(d), 24 CFR part 42, and 24 CFR part 570, as amended by waivers and alternative requirements.
- b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The grantee certifies that the action plan for disaster recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG–DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations as modified by waivers and alternative requirements.
- d. The grantee certifies that activities to be undertaken with CDBG–DR funds are consistent with its action plan.
- e. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, as such requirements may be modified by waivers or alternative requirements.
- f. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 75.
- g. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in waivers and alternative requirements). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in waivers and alternative requirements).
- h. State grantee certifies that it has consulted with all disaster-affected local governments (including any CDBG entitlement grantees), Indian tribes, and any local public housing authorities in determining the use of funds, including the method of distribution of funding, or activities carried out directly by the state.
- i. The grantee certifies that it is complying with each of the following criteria:
 - (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas for which the President declared a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).

- (2) With respect to activities expected to be assisted with CDBG–DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - (3) The aggregate use of CDBG–DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver) of the grant amount is expended for activities that benefit such persons.
 - (4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG–DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (a) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or
 - (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).
- j. State, local government grantees, and political subdivisions certify that the grant 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. An Indian tribe grantee certifies that the grant will be conducted and administered in conformity with the Indian Civil Rights Act.
- k. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, state grantees must certify that they will require local governments that receive their grant funds to certify that they have adopted and are enforcing:
- (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
 - (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements applicable to the use of grant funds.
- m. The grantee certifies to the accuracy of its Financial Management and Grant Compliance Certification Requirements, or other recent certification submission, if approved by HUD, and related supporting documentation as provided in section III.A.1. of the Consolidated Notice and the grantee’s implementation plan and related submissions to HUD as provided in section III.A.2. of the Consolidated Notice.

- n. The grantee certifies that it will not use CDBG–DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA’s most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- o. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
- p. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.
- q. The grantee certifies that it will comply with the provisions of title I of the HCDA and with other applicable laws.

5.2 Summary and Response of Public Comments

Before Substantial Action Plan Amendment 1 is submitted to HUD, this section will be a summary of the public comments received and the responses.