

Grantee: State of Kentucky

Grant: B-10-DF-21-0001

October 1, 2011 thru December 31, 2011 Performance Report



Grant Number:

B-10-DF-21-0001

Obligation Date:**Award Date:**

11/10/2010

Grantee Name:

State of Kentucky

Contract End Date:**Review by HUD:**

Reviewed and Approved

Grant Amount:

\$13,000,000.00

Grant Status:

Active

QPR Contact:

Michael Hale

Estimated PI/RL Funds:**Total Budget:**

\$13,000,000.00

Disasters:

Declaration Number

No Disasters Found

Narratives

Disaster Damage:

COMMONWEALTH OF KENTUCKY
 >AMENDED ACTION PLAN (#2) FOR
 >CDBG 2010 DISASTER RECOVERY FUNDS

>U.S. Department of Housing and Urban Development
 > Docket No. FR-5452-N-01
 >Federal Register: November 10, 2010 (Volume 75, Number 217)

Steven L. Beshear, Governor

>Tony Wilder, Commissioner

Prepared by:
 Office of Federal Grants
 >Department for Local Government
 >1024 Capital Center Drive, Suite 340
 >Frankfort, Kentucky 40601

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Summary of Changes

After consultation with HUD and local governments, the following changes have been made:

Page 4, Paragraph 3 was added: The Department for Local Government requested applications from affected local governments for the \$12,350,000 allocation. However, the total amount requested did not equal the total allocation; therefore DLG has a balance left to distribute. DLG worked with applicants to determine whether more funds were needed in excess of the previously set \$300,000 maximum award. Many applicants indicated that additional funds were needed to complete the project that they had in

Disaster Damage:

ied fand after consulting with applicants, it became apparent that many projects were scaled back to comply with the \$300,000 maximum. In addition, DLG will also reevaluate current CDBG projects and applications to see if they were in response to the 2010 flooding. If the projects fit within the DRI parameters, the DRI allocation will be used to fund these CDBG projects. If additional DRI funds remain after increasing the grant maximum for current DRI applicants and using DRI funds for current eligible CDBG projects and applications, then DLG will call for additional project applications from local governments using its normal procedure.

Page 5, Paragraph 3 was added: On October 28th, 2011, DLG solicited feedback from current 2010 DRI applicants asking if additional funds were needed to complete the projects, and if so, how much. This feedback assisted us in determining changes to the Action Plan.

Page 8, Paragraph 5, the following sentence was deleted: The maximum grant amount per jurisdiction was omitted.

Page 17, a new public comment period was referenced for the amended (#2) action plan.

INTRODUCTION

The Commonwealth of Kentucky through the Department for Local Government (DLG) is required to publish an Action Plan for Disaster Recovery (Action Plan) that describes the proposed use of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2010 (Public Law 111-212, approved July 29, 2010) for disaster relief, long term recovery, and restoration of infrastructure, housing, and economic revitalization in the areas affected by severe storms and flooding from May 1, 2010 through June 1, 2010.

This document will describe:

- >• The citizen participation process used to develop the Action Plan;
- >• Eligible areas and applicants, methodology used to distribute the funds;
- >• Activities for which funding may be used; and
- >• Grant administration standards.

This Action Plan will be used by the state to guide the distribution of CDBG funds for the necessary expenses related to disaster relief, long-term recovery and restoration of infrastructure, housing and economic revitalization in Presidential declared disaster areas, as directed by Public Law 111-212 and HUD. This Action Plan is in response to the U.S. Department of Housing and Urban Development’s Notice of Funding Availability provided in Federal Register/Volume 75, No. 217, Docket No. FR-5452-N-01. These funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency (FEMA), the Army Corps of Engineers, however, these funds may be used as matching funds for those funding sources.

This Action Plan will be used by the state to guide the distribution of \$12,350,000 (net of administration) CDBG funds for the necessary expenses related to disaster relief, long-term recovery and restoration of infrastructure, housing and economic revitalization in Presidential declared disaster areas.

The Department for Local Government requested applications from affected local governments for the \$12,350,000 allocation. However, the total amount requested did not equal the total allocation; therefore DLG has a balneftdstiue

Disaster Damage:

DG worked with applicants to determine whether more funds were needed in excess of the previously set \$300,000 maximum award. Many applicants indicated that additional funds were needed to complete the project that they had initially applied for and after consulting with applicants, it became apparent that many projects were scaled back to comply with the \$300,000 maximum. In addition, DLG will also reevaluate current CDBG projects and applications to see if they were in response to the 2010 flooding. If the projects fit within the DRI parameters, the DRI allocation will be used to fund these CDBG projects. If additional DRI funds remain after increasing the grant maximum for current DRI applicants and using DRI funds for current eligible CDBG projects and applications, then DLG will call for additional project applications from local governments using its normal procedure.

THE EFFECT OF THE DISASTERS AND KENTUCKY’S RECOVERY NEEDS

The magnitude of the effects of the 2010 disaster on the Commonwealth has been among the worst in its history. Eighty-three (83) Kentucky counties out of 120 have been included in this presidentially declared disaster.

DR-1912, a major disaster declaration, provides funding for assistance in 83 counties as a result of strong thunderstorms which produced tornadoes, floods, hail, mudslides and landslides, which resulted in over \$74,819,677 of unmet needs.

FEDERAL AND STATE RESPONSES TO DATE

From the disaster incident (DR-1912), the federal and state governmental agencies worked together to provide funds to the areas that desperately needed assistance. Their cooperation has resulted in the timely provision of assistance to local governments and individuals in the impacted areas. FEMA has provided over \$20 million in individual assistance and over \$18 million in public assistance, which was



demolition, individual housing restoration, housing relocation, flood proofing, financial assistance, and homeownership.

Applications will be evaluated using the following criteria in a single competitive round:

1. The importance of the project as it relates to the disaster recovery of the applicant;
- >2. The percentage of Low-to-Moderate income persons served; and
- >3. The ratio of persons served to dollars spent.

It is anticipated that the primary two National Objectives will be benefitting Low-and-Moderate Income persons and communities with an Urgent Need. If there is a variation, it will be noted for each individual activity.

Actual grant amounts maybe negotiated on a case by case basis and the amount of assistance will depend upon the factors described above.

Allocation: \$12,350,000

>Administration

DLG will set aside \$390,000 of its CDBG Disaster Recovery Funds for the state's costs associated with administering the Program. This constitutes three percent (3%) of the State's CDBG Disaster Recovery administration allocation of 5%. These funds will be used by the Office of Federal Grants for expenses associated with administering the 2010 CDBG Disaster Recovery Program, including direct personnel services and fringe benefits of DLG CDBG staff, direct and indirect expenses incurred in the proper administration of the state's program and monitoring activities respective to Disaster Recovery grants awarded to units of local government. The additional 2% will be the maximum allowable grantee administrative cost per project.

Allocation: \$650,000

>ANTI-DISPLACEMENT AND RELOCATION

Recipients implementing activities identified in this Action Plan are expected to ensure the assistance and protections afforded to any persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies (URA) of 1970, as amended and section 104 (d) of the Housing and Community Development Act of 1974 (HCD) as amended.

>HIGH QUALITY, DURABILITY AND ENERGY EFFICIENCY

Any housing activity involving the construction and rehabilitation of multi-family and single-family dwellings must meet all building codes and standards adopted and enforced by the Commonwealth of Kentucky as well as any local ordinances that exceed the State codes and standards.

Recovery Needs:

vities shall be desined to achieve maximum energy efficiency to the extent that it can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the structure. Efficiency may be demonstrated through design based on LEED, Green Globes, Energy Star and/or other comparable guidelines and rating systems. Historic, aesthetic and local sourced materials shall be afforded value in this analysis.

PROVISION OF ADEQUATE, FLOOD-RESISTANT HOUSING FOR ALL INCOME GROUPS THAT LIVED IN THE DISASTER IMPACTED AREAS

The Commonwealth of Kentucky will encourage the grant recipients to provide information about affordable housing choice available from the various housing agencies such as the KY Housing Corporation, Public Housing Authorities and federal agencies such as HUD, Rural Development and FEMA to the residents affected by the disaster using all forms of media. Many impacted communities have convened a long term recovery committee. An integral responsibility of these committees is developing strategic solutions to address unmet housing needs. Local Continuums of Care have been actively engaged in the long term recovery committees to ensure that the homeless or those at risk of homelessness due to flooding have adequate housing and support services.

ACTION PLAN AMENDMENTS

The following events would require a substantial amendment to the Action Plan:

- • Addition or deletion of any allowable activity described in the Plan;
- • Change in the planned beneficiaries.

Substantial amendments to the Disaster Recovery Action Plan, if any will be published on the DLG website and emailed to the affected units of local government and will provide for a public comment period. All comments will be considered.

MONITORING

DLG will utilize time-tested Commonwealth of Kentucky CDBG Program monitoring policies and procedures for ensuring compliance with federal guidelines. These policies and procedures are consistent with those used by HUD to monitor state-administered and entitlement program. In addition, the Auditor of Public Accounts and HUD frequently perform monitoring or auditing to ensure that DLG is in compliance with state and federal rules and regulations and to assist the state in providing guidance to CDBG recipients. The CDBG Program responds to these independent internal audit functions by modifying internal and external administration of the funding. DLG may conduct at least one monitoring visit for every grant project that receives CDBG Disaster Recovery funds, unless staff determines more visits are necessary. The on-site visit is a structured review conducted by DLG staff at locations where project activities are being carried out and project records are being maintained. These visits combine on-site technical assistance with compliance review. The grantee must ensure that all records relating to the award are available at DLG's monitoring.

DLG will use its existing monitoring process to ensure that all contracts funded under this disaster recovery allocation are carried out in accordance with federal and state laws, rules and regulations.

DLG will develop a revised monitoring checklist to include a set of questions designed to address the non-duplication of benefits issue.

STEP THE COMOWEATH

Recovery Needs:

ILL TAKE TO AVOID OR MITIGATE OCCURRENCES OF FRAUD, ABUSE AND MISMANAGEMENT

Administration and Staffing

DLG's Office of Federal Grants will provide technical assistance to local government grant recipients and undertake administrative and monitoring activities to ensure compliance with applicable federal requirements.

National Objective

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight,



urgent need or primarily benefit low and moderate income people). At least 50% of the Disaster Recovery funding will be used for activities that meet the national objective of primarily benefiting persons of low and moderate (LMI) income.

Administrative Costs

Grantees are strongly encouraged to minimize their administrative costs in order for program activities to be maximized. To promote this goal, the amount of allowable grantee administrative costs will be capped at 2 percent (2%) per project.

Program Changes through Contract Amendments

All grantees will be encouraged to carefully plan projects that meet the stated requirements and to specify activities, associated costs and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. Grantees must contact DLG prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries or time frame for accomplishing the proposed activities. Substantial amendments may be cause to review the entire application to determine if the project is meeting its stated goals and its timelines.

Documentation

The use of the disaster funding is contingent upon certain requirements, both the state and local government will be expected to certify that these requirements will be met or carried out. The chief elected official authorized by the local governing body to apply for funds will be required to certify in writing that the grant will be carried out in accordance with applicable laws and regulations. In addition, local governments will be required to submit or maintain documentation that fully supports the application submitted to the State. Failure to document project need as a result of the disaster(s), or to mitigate the effects of future disasters, will result in an application being declared ineligible. If this discovery is made after a project award, the contract with the local government will be terminated and the local government will have to repay any funds received to that point.

Reporting

Each grant recipient must report as to the status of activities undertaken and the funds drawn. This form will be provided by DLG. Additional reporting requirements (i.e., annual audits, contractual obligations and minority business enterprise reports, as applicable) will be specified in the grant agreement.

>Citizen Complaints

All grantees should establish procedures for responding to citizens' complaints regarding activities carried out utilizing these funds. Citizens should be provided with an appropriate address, phone number and times during which they may submit such complaints. Grantees should provide a written response to every citizen complaint within 15 working days of receipt of the complaint.

Regulatory Requirements

Grantees

Recovery Needs:

must comply with fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program, as follows:

1. Fair Housing: Each grantee will be required to take steps to affirmatively further fair housing; and when gathering public input, planning and implementing housing related activities, will include participation by neighborhood organizations, community development organizations, social service organizations, community housing development organizations and members of each distinct affected neighborhood which might fall into the assistance category of low and moderate income communities.
2. Nondiscrimination: Each grantee will be required to adhere to the State's established policies which ensure that no person be excluded, denied benefits or subjected to discrimination on the basis of race, color, national origin, religion, sex, familial status, and/or mental handicap under any program funded in whole or in part by federal CDBG funds. Grantees will be required to document compliance with all nondiscrimination laws, executive orders, and regulations.
3. Labor Standards: Each grantee will be required to oversee compliance with Davis-Bacon labor standards and related laws and regulations. Regulations require all laborers and mechanics employed by contractors and subcontractors on CDBG funded or CDBG assisted public works construction contracts in excess of \$2,000, or residential construction or rehabilitation projects involving eight or more units be paid wages not less than those prescribed by the Department of Labor and in accordance with Davis Bacon Related Acts.
4. Environmental: Specific instructions concerning environmental requirements at (24 CFR Part 58) will be made available to all grantees. Some projects may be exempt from the environmental assessment process, but all grantees will be required to submit a Request for Release of Funds and Certification. Funds will not be released for expenditure until DLG is satisfied that the appropriate environmental review has been conducted. Grantees will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood plain 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.

All suspected cases of fraud or abuse will be reported to the Auditor of Public Accounts. The Auditor will make a determination on further investigation.

Public Comment:

APPENDIX A: CITIZENS PARTICIPATION AND RESPONSE TO PUBLIC COMMENT

The Draft Disaster Action Plan was released for public comment on March 1, 2011. The public comment period for the document ran from March 1, 2011 through March 9, 2011. The Draft Plan was posted on the website of the Department for Local Government (www.dlg.ky.gov). The Draft Plan was also emailed to all Area Development Districts, cities and counties in Kentucky. DLG also requested cities and counties to respond to a disaster survey seeking comments about the types of projects needed to help them recovery from the disaster event. Over 50 responses were received which helped with the formulation of the Draft Action Plan.

The comments received by DLG and the response to the Draft Action Plan are as follows:

- 1). Comment from a party of the Red River Wastewater Authority to assist with the partial funding of the construction of a regional wastewater treatment facility.

DLG response-this project may be eligible, however, additional review would be necessary.



2). Comment received for an Area Development District asking about the 2008 disaster funds and wanting some ideas to give their local government representatives about eligible projects.

DLG response-eligible projects consists of the following examples: infrastructure restoration, job retention, economic revitalization, high capacity permanent generators, demolition, individual housing restoration, housing relocation, flood proofing, financial assistance, and homeownership.

3). Comment received from the Logan County Judge/Executive about the possibility of funding the construction of a road bridge to provide for the safe passage of residents cut-off by flood waters.

DLG response-this appears to be an eligible activity for the disaster funds and the county is encouraged to submit an application for assistance when the funds are made available.

4). Comment received from the Lyon County Judge/Executive about the possibility of receiving funding for the elevation of a county road that is continually covered by flood waters.

DLG response-this appears to be an eligible activity for the disaster funds and the county is encouraged to submit an application for assistance when the funds are made available.

APPENDIX B: CERTIFICATINS FOR STATE GOVERNMENTS, WAIVER AND ALTERNATIVE REQUIREMENTS

In accordance with the applicable statutes and the regulations governing the consolidated plan and the Supplemental Appropriations Act, 2010, the State certifies that:

a). The state certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects

Public Comment:

identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487 (b)(2).)

b). The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.

c). The state certifies its compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms, if required by Part 87.

d). The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state and any entity or entities designated by the state, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.

e). The state certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24, except where waivers or alternative requirements are provided for this grant.

f). The state certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17001u), and implementing regulations at 24 CFR Part 135.

g). The state certifies that it is following a detailed citizens participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

h). The state certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the nonentitlement, entitlement and tribal areas of the state in determining the method of distribution of funding;

i). The state 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 and restoration of infrastructure, housing and economic revitalization in areas affected by sever storms and flooding that occurred between March and May, 2010, for which the President declared a major disaster covering an entire State or States with more that 20 counties declared major disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assisance Act (42 U.S.C. 5121 et seq.).

2) With respect to activities expected to be assisted with CDBG disaster recovery 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 disaster recovery funds shall principally benefit low and moderate income families in a manner that ensures that least 50 percent of the amount is expnddfraciistabnftsu

Public Comment:

h persons during the designated period.

4) The state will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery 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



Public Comment:

; Frankfort, Kentucky 40601

Additional information may also be obtained from Michael Hale by email Mike.Hale@ky.gov or by phone 1-800-346-5606.

The Commonwealth of Kentucky does not discriminate on the basis of race, color, national origin, sex, age, religion or disability, and provides upon request reasonable accommodation, including auxiliary aids and services, to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. The TDD number for the hearing impaired is 1/800-648-6056.

DEPARTMENT FOR LOCAL GOVERNMENT WILL ACCEPT PUBLIC COMMENTS ON THE AMENDED (#1) COMMONWEALTH OF KENTUCKY ACTION PLAN FOR CDBG 2010 DISASTER RECOVERY FUNDS MAY 5 &ndash MAY 12, 2011

The draft Commonwealth of Kentucky Amended Action Plan for CDBG 2010 Disaster Recovery Funds is available for public review and comment. To view click here _____, the proposed revisions are highlighted in yellow.

The Commonwealth of Kentucky Amended Action Plan (#1) for CDBG 2010 Disaster Recovery Funds will be available for public review and comment May 5 &ndash May 12, 2011. Written comments will be accepted, addressed and, where applicable, incorporated into the document. A summary of comments will be submitted to HUD.

Those who are hearing-impaired may call TTY 800-648-6056. Please send written comments to Michael Hale, DLG, 1024 Capital Center Drive, Suite 340, Frankfort, Kentucky 40601, by email to mike.hale@ky.gov, or by facsimile at 502-573-1519. You may also contact Mr. Hale at (502)573-2382 ext. 262. Equal Housing and Equal Employment Opportunity

The grant application deadline was extended until August 15, 2011. A number of the potential grantees asked for an extension of the grant application deadline to complete surveys and qualify their projects for the Low/Mod income national objective.

DEPARTMENT FOR LOCAL GOVERNMENT WILL ACCEPT PUBLIC COMMENTS ON THE AMENDED (#2) COMMONWEALTH OF KENTUCKY

>ACTION PLAN FOR CDBG 2010 DISASTER RECOVERY FUNDS

>JANUARY 5 &ndash JANUARY 13, 2012

The draft Commonwealth of Kentucky Amended Action Plan for CDBG 2010 Disaster Recovery Funds is available for public review and comment. To view click here _____, the proposed revisions are highlighted in yellow.

>The Commonwealth of Kentucky Amended Action Plan (#2) for CDBG 2010 Disaster Recovery Funds will be available for public review and comment January 5 &ndash January 13, 2012. Written comments will be accepted, addressed and, where applicable, incorporated into the document. A summary of comments will be submitted to HUD.

Those who are hearing-impaired may call TTY 800-648-6056. Please send written comments to Michael Hale, DLG, 1024 Capital Center Drive, Suite 340, Frankfort, Kentucky 40601, by email to mike.hale@ky.gov, or by facsimile at 502-573-1519. You may also contact Mr.Haleat (502)573-2382ex

Public Comment:

t. 262. Equal Housing and Equal Employment Opportunity

THE DEPARTMENT FOR LOCAL GOVERNMENT DID NOT RECEIVE ANY COMMENTS ABOUT THE PUBLISHED AMENDED #2 ACTION PLAN.

Overall	This Report Period	To Date
Total Projected Budget from All Sources	N/A	\$0.00
Total Budget	\$0.00	\$0.00
Total Obligated	\$0.00	\$0.00
Total Funds Drawdown	\$0.00	\$0.00
Program Funds Drawdown	\$0.00	\$0.00
Program Income Drawdown	\$0.00	\$0.00
Program Income Received	\$0.00	\$0.00
Total Funds Expended	\$0.00	\$0.00
Match Contributed	\$0.00	\$0.00



Progress Toward Required Numeric Targets

Requirement	Required	To Date
Overall Benefit Percentage (Projected)		0.00%
Overall Benefit Percentage (Actual)		0.00%
Minimum Non-Federal Match	\$0.00	\$0.00
Limit on Public Services	\$1,950,000.00	\$0.00
Limit on Admin/Planning	\$1,300,000.00	\$0.00
Limit on State Admin	\$0.00	\$0.00

Progress Toward Activity Type Targets

Progress Toward National Objective Targets

Overall Progress Narrative:

All of the applications from the grantees have been reviewed and three have been awarded. Expect to make the additional awards very soon. The three approved projects have received environmental clearance and are almost ready to receive release of funds approval.

Project Summary

Project #, Project Title	This Report Period	To Date	
	Program Funds Drawdown	Project Funds Budgeted	Program Funds Drawdown
9999, Restricted Balance	\$0.00	\$0.00	\$0.00
DI-10-11D-000-03, Community Development	\$0.00	\$0.00	\$0.00



