ORANGE COUNTY RECOVERS

Orange County Recovers

Program Guidelines

Version Control

Version Number	Date	Summary of Changes
1.0	January 8, 2025	Original Version
1.1	May 20, 2025	Lead Safe Housing Rule reference and income-documentation clarification
2.0	June 23, 2025	Added homeowners' association provisions
3.0	January 22, 2026	Integrated Milton funding; revised prioritization; added TRAB
4.0	June 11, 2026	Clarified MHU policies and incorporated Universal Notice requirements
4.1	November 5, 2026	Updated Compliance Forgiveness Criteria
4.2	November 9, 2026	Updated Income Verification language

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Version Control

Orange County maintains version control for these Program Guidelines to document when policies are approved, become effective, and are made publicly available. Version history is maintained in the Version Control table (page i), which identifies the approval date, effective date, public posting date, summary of changes, applicability, and approving authority for each version. Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy changed after the issuance of Version 1.0 would result in the issuance of Version 2.0 and increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of an existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.). Because OCRP administers funds governed by both the Consolidated Notice and the Universal Notice, each substantive revision will identify whether it applies to Hurricane Ian funding, Hurricane Milton funding, or both.

Policy Change Control

Policy clarifications, additions, or deletions may be needed during the course of the program to more precisely define the rules by which the Program will operate. Policy decisions will be documented and will result in the revision of the document in question. Unless otherwise noted, policy revisions are applied prospectively, beginning on the effective date identified in the Version Control table. Revisions will identify whether they apply to Hurricane Ian-funded activities, Hurricane Milton-funded activities, or the Program as a whole.

Revisions required by statute, regulation, Federal Register notice, HUD memorandum, grant condition, or other binding federal authority will apply on the date required by the applicable authority, regardless of when the corresponding revision is incorporated into these Guidelines.

If a policy change results in an applicant, previously deemed ineligible, becoming eligible, the Program will review impacted cases and, where appropriate, notify those applicants to resume processing, subject to funding and program timelines. The Program will also evaluate whether a substantive policy revision, correction, or new federal requirement materially affects a prior applicant determination, including eligibility, prioritization, award, benefit, case closure, recapture, or compliance requirements. Where appropriate, the Program will review affected cases and take corrective action consistent with applicable federal requirements, available funding, and program timelines.

This does not apply to administrative or procedural updates that do not materially affect an applicant's eligibility, benefits, obligations, notice rights, or opportunity to participate in the Program.

No policy clarification, revision, or exception may waive or conflict with an applicable statutory, regulatory, or federal grant requirement.

Unless a binding federal requirement specifies otherwise, substantive revisions to these Guidelines will apply prospectively beginning on the effective date identified in the Version Control table. Orange County will not retroactively apply a newly adopted discretionary Program requirement to an activity completed under an earlier approved policy. When a revision corrects noncompliance with a requirement that applied at the time of the original determination or activity, Orange County will evaluate affected cases and take appropriate corrective action consistent with HUD direction, available records, project status, and applicable federal requirements.

Program Roles and Responsibilities

The Orange County Recovers Program may involve multiple program staff, County representatives, contractors, and consultants, throughout the application, eligibility, award, construction and closeout process. The following roles may participate in program activities as needed. Specific functions may be performed by Orange County staff, contractors, or consultants in accordance with established policies, procedures, contracts, and delegated authorities. However, Orange County retains responsibility for oversight of the Program, compliance with applicable CDBG-DR requirements, and final approval of program determinations.

- **Case Manager:** Serves as the applicant's primary point of contact, assists with the application process, requests documents, provides status updates, and helps move the case through program phases. The Case Manager also coordinates applicant notices, appointments, and requests for information and documents material applicant communications in the system of record.
- **Damage Assessor/Program Inspector**: Conducts property inspections, documents storm damage, confirms structure type, identifies observed repair needs, and supports development of repair or replacement cost information. The Damage Assessor/Program Inspector also documents completed repairs, as applicable, and supports the Program's determination of remaining disaster-related damage and unmet need.
- Construction Manager: Reviews construction-related needs, scopes of work, cost estimates, feasibility issues, contractor coordination, and construction progress matters. The Construction Manager also supports review of change orders, construction quality concerns, inspections, and project-completion documentation in accordance with assigned authority.
- **Contractor:** Performs approved repair, rehabilitation, reconstruction, replacement, demolition, mitigation, or related construction activities in accordance with program requirements. For purposes of this role, "Contractor" means the General Contractor or other construction contractor assigned to perform an approved construction scope of work. Contractors and consultants performing program administration or implementation services are distinguished from construction contractors throughout these Guidelines.
- **Environmental Team:** Reviews environmental conditions, supports environmental review requirements, identifies mitigation needs, and ensures compliance with applicable environmental standards. The Environmental Team documents environmental-review findings and required mitigation measures and confirms when environmental review requirements have been completed. Only the Responsible Entity

and its authorized officials may provide final environmental approval or authorize activities to proceed, as applicable.

- **DOB Analyst:** Reviews prior assistance received by the applicant, such as FEMA, SBA, insurance, or other funds, and determines whether any duplication of benefits affects the award. The DOB Analyst documents the sources, amounts, purposes, availability, and eligible exclusions associated with prior assistance and calculates any amount that must be deducted from or otherwise resolved before the Program award is finalized.
- **County Public Information Officer:** Coordinates public-facing program communications, including website content, social-media notices, outreach materials, application-period announcements, deadlines, public hearings, and other public information, in coordination with appropriate program staff and in accordance with applicable accessibility and language-access requirements.

Additional program functions, including eligibility and income review, award approval, quality assurance and quality control, financial review, appeals and complaints, relocation, compliance monitoring, recapture, and closeout, will be performed by authorized Orange County staff or contracted personnel in accordance with written procedures and established approval authorities. Orange County will maintain appropriate review and approval controls and segregation of duties for material eligibility, award, construction, payment, appeal, recapture, and closeout determinations.

1 Introduction

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

Orange County was awarded Community Development Block Grant-Disaster Recovery (CDBG-DR) funding through the U.S. Department of Housing and Urban Development (HUD) to address remaining unmet disaster recovery needs in areas impacted by Hurricane Ian in September 2022 and Hurricane Milton in October 2024 (the "qualified storms"). Federal Register Volume 88, Number 96, published May 18, 2023 (88 FR 32046), allocated a total of $219,712,000 in CDBG-DR funds to Orange County for recovery from Hurricane Ian. Federal Register Volume 90, Number 10, published January 16, 2025 (90 FR 4759), allocated a total of $33,357,000 in CDBG-DR funds to Orange County for recovery from Hurricane Milton. Orange County has allocated these CDBG-DR funds to housing, infrastructure, planning, public services, and mitigation programs. These funds will be administered through Orange County's Department of Housing & Community Development. The Department of Housing & Community Development is the County department responsible and accountable to HUD for the administration of the County's CDBG-DR funding.

Activities funded in response to Hurricane Ian are governed by 88 FR 32046 and the CDBG-DR Consolidated Notice incorporated into that notice, including applicable amendments, waivers, alternative requirements, grant conditions, and HUD guidance. Activities funded in response to Hurricane Milton are governed by 90 FR 4759 and the CDBG-DR Universal Notice published at 90 FR 1754, as amended, together with applicable waivers, alternative requirements, grant conditions, and HUD guidance. OCRP will apply a uniform program standard when that standard complies with both governing frameworks. When separate treatment is required, OCRP will apply and document the requirements associated with the qualifying disaster and CDBG-DR funding source supporting the activity.

The unmet needs assessments included in the applicable Action Plans demonstrate significant unmet need related to the repair and reconstruction of owner-occupied single-family properties throughout the County impacted by Hurricane Ian in September 2022 and Hurricane Milton in October 2024. As such, Orange County has allocated $35,000,000 in Hurricane Ian CDBG-DR funding and $6,000,000 in Hurricane Milton CDBG-DR funding for the Orange County Recovers Program which will assist eligible owners of single-family, owner-occupied properties that sustained damage from an applicable qualified storm and continue to have an eligible unmet housing recovery need..

2 Program Overview

The Orange County Recovers Program (OCRP) provides housing assistance to eligible applicants affected by Hurricane Ian in September 2022 or Hurricane Milton in October 2024 (the "qualified storms"). OCRP assists eligible property owners by providing CDBG-DR assistance to repair, reconstruct, or replace single-family homes that have remaining eligible damage from an applicable qualified storm and an eligible unmet recovery need.

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

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

2.1 Purpose and Objective of OCRP

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

This program is designed to ensure that the housing needs of low to moderate-income households, protected classes and vulnerable populations are addressed to the greatest extent feasible. To this end, the program will address disaster-related damage and may address additional eligible conditions when necessary to complete the approved recovery activity or bring the assisted property into compliance with applicable codes and Program standards for decent, safe, and sanitary housing. Any such work must be included in the Program-approved scope of work, determined necessary and reasonable, and completed in accordance with the applicable CDBG-DR requirements and award cap. OCRP will incorporate mitigation, green building, and energy efficiency measures in accordance with the requirements applicable to the funding source and activity to make assisted homes more resilient in the face of future disasters.

2.1.1 OCRP Eligibility

In order for an applicant to be eligible for assistance for the following criteria must be met:

- Applicant must have owned the damaged property at the time Hurricane Ian made landfall on Sept. 28. 2022 or at the time Hurricane Milton made landfall on Oct. 9, 2024.
- Applicant must currently own the damage property
- Applicant's damaged property must have been their primary residence at the time of Hurricane Ian or Milton (property must have been occupied by the applicant for the majority of the calendar year)
- The damaged property is in Orange County and its municipalities
- The damaged property must not be subject to bankruptcy proceedings or in foreclosure

2.2 National Objective and Eligible Activities

Activities funded through OCRP will primarily meet the Low to Moderate Income Housing (LMH) HUD National Objective[1] of providing benefit to Low- and Moderate Income (LMI) households. A household qualifies under the LMH national objective when its total household income does not exceed 80 percent of Area Median Income (AMI), adjusted for household size, in accordance with the income limits and methodology applicable at the time required by the Program.

On a limited, case-by-case basis, OCRP may consider an otherwise eligible household with income above 80 percent but not exceeding 120 percent of AMI when authorized by the applicable HUD requirements and approved Action Plan. Before committing funds, OCRP must document the applicable national objective, eligible activity, qualifying disaster, funding source, unmet need, and basis for serving the household.

OCRP will track expenditures and accomplishments by qualifying disaster, funding source, activity, and national objective to ensure compliance with the requirements applicable to each CDBG-DR grant.

Eligible activities under this program are as follows:

- Repair, rehabilitation, reconstruction, or replacement of housing units damaged by an applicable qualified storm, which may include bringing the home into compliance with applicable building codes and Program standards and incorporating eligible mitigation improvements to lessen the impact of future disasters, including elevation when required or otherwise eligible.
- The completion of eligible work on storm-damaged homes that have been partially repaired but are not currently under construction or subject to an active construction contract, subject to environmental-review, duplication-of-benefits, procurement, cost-reasonableness, and other applicable Program requirements.
- Replacement of manufactured housing units impacted by an applicable qualified storm.
- Temporary Housing Assistance, when necessary and eligible, based on individual applicants' needs and their participation in the OCRP.

2.3 Program Education

Program education will be provided to applicants and participating applicants, as applicable, to explain the details of the program, the application process, qualification, and prioritization criteria, impacts of accepting an award, requirements for compliance during construction as well as after completion of activities, and long-term obligations as a result of accepting a program award. Program education may be provided through written materials, electronic communications, group or public information sessions, and one-on-one interactions between applicants and program staff members. Program education includes but is not limited to:

- Regular status updates through the applicant's designated or available communication method, as appropriate to the application phase;

[1] LMI National Objective 24 CFR 570.208(a)(3)

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

Program information and applicant communications will be provided in accessible formats and through language assistance, reasonable accommodations, or alternative communication methods when required by applicable law and County policy.

2.4 Award Caps

The maximum award granted to repair any one eligible stick-built or concrete masonry unit home is $250,000; the maximum award granted to reconstruct any one eligible home is $375,000; and the maximum award granted to replace any one eligible manufactured housing unit is $200,000.

- Stick-built/concrete masonry units qualify for a repair if the estimated cost to repair the structure is less than $250,000 and the property is otherwise suitable for rehabilitation.
- Stick-built/concrete masonry units qualify for a reconstruction award if the estimated cost to repair the structure is equal to or greater than $250,000 or the property is otherwise deemed “Not Suitable for Rehabilitation.
- Manufactured Housing Units (MHUs) qualify for a repair award if the estimated cost to repair the structure is less than $25,000 and repair is feasible under Program standards.
- Manufactured Housing Units (MHUs) qualify for a replacement award if the estimated cost to repair equals or exceeds $25,000 or repair is otherwise determined infeasible under Program standards.

Award caps and award-type thresholds will be applied consistently with the applicable Action Plan, approved Program budget, cost-reasonableness requirements, construction standards, and the award-determination provisions of these Guidelines.

2.5 Exceptions to Maximum Assistance

Orange County Recovers Program (OCRP) may grant exceptions to the maximum award amounts established in Section 2.4 when necessary to address an eligible unmet recovery need, ensure decent, safe, and sanitary housing, provide an approved reasonable accommodation, or comply with applicable building codes, floodplain requirements, environmental mitigation measures, historic-preservation requirements, or mitigation standards. Exceptions will be considered on a case-by-case basis and must be supported by clear justification, a cost-reasonableness determination, available Program funding, approval by the authorized Orange County official or designee, and documentation maintained in the applicant file.

Exceptions are not guaranteed and will only be approved when no other feasible program pathway can meet the applicant’s eligible disaster-related housing needs.

When the Program identifies that the estimated cost of an otherwise eligible project exceeds the applicable maximum award amount, Program staff will evaluate the circumstances creating the need for additional assistance. The evaluation will consider, as applicable:

- The applicant’s remaining eligible unmet housing recovery need;

- The approved scope of work and the costs necessary to complete the eligible repair, reconstruction, or manufactured housing replacement activity;
- Required building-code, permitting, elevation, floodplain, environmental, historic-preservation, accessibility, reasonable-accommodation, or mitigation measures;
- Site-specific conditions or other documented circumstances outside the applicant's control;
- Whether the project can be completed through another feasible and compliant Program pathway;
- Whether the scope contains costs or features that are unnecessary, ineligible, duplicative, elective, or beyond the Program's applicable construction standards;
- Whether the proposed costs are adequately supported and reasonable; and
- The availability of Program funds and the effect of the exception on the Program's ability to assist other eligible households.

To demonstrate that the amount of additional assistance is necessary and reasonable, the Program will review the approved scope of work, detailed cost estimate, contractor pricing or bids, applicable cost data, inspection or assessment reports, code or permitting requirements, environmental or engineering documentation, and other relevant supporting information. The amount approved as an exception will be limited to the additional eligible and reasonable cost necessary to complete the approved activity and achieve applicable Program standards.

Program staff will prepare a written exception request or determination that identifies the circumstances supporting the exception, the alternatives considered, the applicable maximum award, the amount of additional assistance requested, the basis for determining that the additional amount is necessary and reasonable, and the funding source supporting the activity. The exception must be reviewed and approved by the authorized Orange County official or designee before the additional assistance is committed. The approved determination and all supporting documentation will be maintained in the applicant's file.

An approved exception to a Program award cap does not waive or modify applicant eligibility requirements or any applicable statutory, regulatory, environmental, fair-housing, civil-rights, or federal grant requirement.

2.6 Rapid Unsheltered Survivor Housing (RUSH) Alignment

Orange County received Rapid Unsheltered Survivor Housing funding through the Emergency Solutions Grants program (ESG-RUSH) to address eligible homelessness and housing-stability needs associated with Hurricanes Helene and Milton. Orange County administers ESG-RUSH separately from OCRP and has awarded or may award ESG-RUSH funds to qualified nonprofit organizations to provide eligible homelessness assistance and homelessness-prevention services.

In accordance with the Universal Notice, OCRP will coordinate, as appropriate, with Orange County's ESG-RUSH program and participating service providers to support the transition of

eligible Hurricane Milton-impacted households from emergency or interim housing assistance to long-term housing recovery. OCRP provides long-term, sustainable housing solutions through the repair, rehabilitation, reconstruction, or replacement of eligible disaster-damaged owner-occupied homes. Where applicable, households initially served through RUSH may be referred to OCRP for permanent housing assistance.

A referral from ESG-RUSH does not establish eligibility or guarantee assistance under OCRP. Referred households must independently satisfy all applicable OCRP eligibility, prioritization, environmental-review, duplication-of-benefits, award, and funding requirements. OCRP will coordinate with ESG-RUSH providers, as permitted, to identify potentially overlapping assistance, avoid duplication of benefits, and document the purpose and period of assistance provided through each program.

2.7 Outreach & Public Engagement

OCRP will utilize official County social media platforms as one component of its outreach efforts to notify residents when applications for housing activities open, when deadlines approach, and when public hearings are scheduled for CDBG-DR plans or projects. Notifications will be posted on platforms such as Facebook, Instagram, X/Twitter, and Nextdoor, in coordination with the County's Public Information Officer. OCRP may also use the County or Program website, direct communications, community partners, public meetings, printed materials, media notices, and other outreach methods appropriate to the intended audience.

Required public notices, comment periods, and hearings will be conducted in accordance with the applicable Action Plan, Citizen Participation Plan, governing CDBG-DR requirements, and County policies. Outreach and public-facing materials will be accessible, accurate, and provided in accordance with applicable language-access requirements and the County's operative language-access policies. Posts will be accessible, accurate, and compliant with the County's Limited English Proficiency (LEP) Plan.

3 Application Intake Process

Applicants will be required to complete an OCRP application and provide supporting documents required for eligibility review, income verification, and duplication of benefits review. All documentation submitted by the applicant must be valid at the time of submission or otherwise acceptable under the documentation standards established in these Guidelines. The Program may request updated or additional documentation when information expires or when necessary to complete a determination.

Applicants who are interested in assistance may apply for the Orange County Recovers Program via the following methods.

- Complete an application online at www.orangecountyrecovers.com, identifying Hurricane Ian, Hurricane Milton, or both storms, as applicable to the reported damage;

- Visit the program Intake Center at the address below[2] (by appointment only). Appointments can be made by calling the number below.

[2] Please note that County-recognized holidays may impact these hours. The Intake Center is open Monday through Friday from 8 :00a to 5:00p by appointment only.

Holden Heights Community Center
1201 20th Street
Orlando, FL 32805

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

Applicants are responsible for accurately reporting the qualified storm or storms believed to have caused the property damage and all assistance received in response to each storm. OCRP will make the final determination regarding the qualifying disaster, applicable funding source, governing requirements, and allocation of eligible costs. An applicant will not be required to independently determine the appropriate federal funding source.

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

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

OCRP will provide reasonable accommodations, language assistance, accessible formats, and alternative application methods when required by applicable law and County policy. Applicants may request assistance completing the application or submitting required documentation. Application assistance does not constitute a determination of eligibility, priority, or approval for assistance.

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

- Orange County Recovers Program website www.orangecountyrecovers.com
- Email: info@orangecountyrecovers.com
- Telephone: 321-382-3514; AND
- Mail correspondence to 1201 20th Street, Orlando, FL 32805.

OCRP will publish information regarding application intake and aggregate application status on the County's official disaster-recovery website in accordance with applicable HUD requirements. Public application-status reporting will use unique application identifiers and will not disclose applicant names, addresses, or other personally identifiable information. Applicant-specific

[3] A complete list of required documentation can be found in the Eligibility Requirements section of this manual.

information will be available through the secure applicant portal or other authorized communication methods.

OCRP Applications will be accepted until the budget is fully committed or exhausted. Orange County may adjust the intake period at its discretion to accommodate program needs and will post deadlines online and through other outreach methods described in these Guidelines.

3.1 Applicant Identification & Proof of Residency

Applicants and adult household members aged eighteen (18) or older will be required to submit reliable documentation sufficient to verify identity. Ordinarily, this will include valid photo identification. Expired photo identification will not be accepted. Forms of identification accepted by OCRP may include:

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

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

Identity documentation collected under this subsection does not, by itself, establish primary residency, household income, ownership, citizenship, or qualified-alien status. Those determinations will be made under the applicable sections of these Guidelines.

3.1.2 Proof of U.S. Citizenship or Qualified Alien Status

The Program will comply with Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA"), as amended, and all other applicable federal immigration eligibility and verification requirements, including requirements established by HUD, the U.S. Department of Justice, the U.S. Department of Homeland Security, or U.S. Citizenship and Immigration Services.

Subject to applicable federal exceptions, a person applying for or receiving a covered federal public benefit through OCRP must be a U.S. citizen, U.S. national, or qualified alien, as defined by applicable federal law. The term "qualified alien" is not limited to lawful permanent residents and includes other immigration categories recognized under 8 U.S.C. § 1641.

OCRP will identify the applicant, co-applicant, co-owner, or other person whose citizenship or immigration status must be verified based on the person's ownership interest, application status, receipt of the federal public benefit, household composition, and applicable federal requirements. Household members who are not applicants, co-applicants, owners, or recipients of the federal public benefit will not be required to establish citizenship or qualified-alien status unless verification is required by applicable law. OCRP will apply its approved written procedures when evaluating mixed-status households and will not deny an otherwise eligible household solely because a non-recipient household member does not establish an eligible status.

Each person required to establish eligibility under this subsection must complete the Program's citizenship or eligible immigration-status declaration and provide documentation sufficient to support the declared status. OCRP will provide a fair and nondiscriminatory process for documenting U.S. citizenship and will apply the same verification standards consistently to similarly situated applicants.

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

One of the following

- U.S. Passport or Passport Card
- Certificate of Naturalization
- Certificate of Citizenship

Or

- US Birth Certificate; or
- Consular Report of Birth Abroad; or
- U.S. military records showing U.S. birthplace; and

Permanent Resident

- Immigration documents, such as a Permanent Resident Card, must be verified through the Systematic Alien Verification for Entitlements (SAVE) system or another DHS-approved verification method.
- Examples of eligible Immigration documents
- Permanent Resident Card (I-551)
- Employment Authorization Document (I-766)
- Arrival/Departure Record (I-94)
- Refugee Travel Document
- I-797 Notice of Action
- Foreign Passport with Visa/Stamp
- Other documentation containing an immigration identifier accepted by SAVE or another federally approved verification system.

Possession or submission of a listed immigration document does not, by itself, establish eligibility for OCRP assistance. The documentation will be used to verify the person's status and determine whether the verified status satisfies the requirements applicable to the federal public benefit.

Applicants, co-applicants, and co-owners must meet the eligibility and verification requirements under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended (8 U.S.C. §§1601-1646), and as required by the Universal Notice. Assistance is limited to U.S. Citizens and qualified aliens as defined in 8 U.S.C. § 1641.

Verification Process

Subject to applicable PRWORA exceptions, OCRP will verify the citizenship or immigration status of each person who must establish eligibility through the Systematic Alien Verification for Entitlements program or another verification system approved by the Federal Government.

SAVE provides citizenship or immigration-status information but does not determine eligibility for OCRP assistance. Orange County is responsible for applying the Program's eligibility requirements to the verification result.

OCRP will conduct verification using the applicant's identifying information and documentation in accordance with current SAVE requirements. OCRP will not use a driver's license number, passport number, Social Security number, or other identifier as a substitute for the documentation and verification necessary under applicable federal requirements.

Additional Verification and Applicant Opportunity to Respond

If SAVE does not immediately verify a person's status or requests additional information, OCRP will complete the additional-verification steps required by SAVE before making an adverse eligibility determination. OCRP may request supplemental, corrected, or updated documentation from the applicant and will provide a reasonable period for response. A request for additional verification, delayed response, or initially inconclusive result will not, by itself, be treated as evidence that the person is unlawfully present or ineligible.

Before denying assistance based on citizenship or immigration status, OCRP will provide written notice identifying the basis for the proposed determination, the information or documentation needed to resolve the issue when applicable, the deadline to respond, and the available reconsideration or appeal process. OCRP will document the final SAVE result and Program eligibility determination in the applicant file.

Privacy and Recordkeeping

Citizenship and immigration-status records will be treated as sensitive personally identifiable information. OCRP will limit access to authorized personnel, use the information only for authorized eligibility and compliance purposes, and maintain records in accordance with applicable privacy, security, and record-retention requirements. OCRP will not include citizenship or immigration information in public application-status reporting.

When a verification remains pending, OCRP may continue processing portions of the application that do not commit or disburse CDBG-DR funds, but no covered federal public benefit will be committed or provided until the required verification is complete.

3.2 Applicant Designees

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

- **Power of Attorney:** A Power of Attorney is someone who is legally authorized to act on behalf of the applicant. The powers afforded to legally authorized Powers of Attorney vary, based on the duly executed Power of Attorney document. OCRP will not aid applicants in designating or securing a Power of Attorney but will recognize the powers of a legal Power of Attorney as outlined in a Power of Attorney document submitted by the applicant.

- **Co-Applicant:** A Co-Applicant must be an adult, and co-owner of the storm-impacted property. For Applicants, a Co-Applicant must also be a household member of the storm-impacted property. Co-Applicants will have the same authority over the OCRP application as the Applicant. If a Co-Applicant is designated by the Applicant, Co-Applicants must sign all program documents with the Applicant. The Co-Applicant will be granted decision-making authority over the OCRP application. However, Applicants are not required to designate a Co-Applicant, regardless of whether or not the storm-impacted property is owned jointly.

- **Communication Designee:** A communication designee may be an adult person the applicant wishes to designate as an authorized person to receive information about the Applicant's OCRP application. OCRP shall be authorized to share information with the communication designee, but the Communication Designee is not authorized to make any decisions regarding the OCRP application or affect the OCRP application on the applicant's behalf.

Any duly designated representative may attend Program inspections when permitted by the Program. However, only a person with legally sufficient written authority may sign documents or act on behalf of another applicant. A Communication Designee may receive information but may not make decisions, modify the application, sign Program documents, or bind an applicant. A Co-Applicant acts in the Co-Applicant's own capacity as an applicant, household member, and co-owner and does not act as the Applicant's attorney-in-fact unless separately authorized through a valid Power of Attorney. When Program documents require the signatures of all applicants, co-applicants, or owners, one applicant may not sign for another without legally sufficient authority.

OCRP will obtain written authorization before disclosing nonpublic applicant information to a Communication Designee. The applicant may revoke the designation in writing, subject to actions already taken in reliance on the authorization.

3.3 Required Applicant Certifications

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

Certification	General Description
Release of Information	Authorization from the applicant to share and receive personal information from third parties in connection with OCRP and for purposes of progressing the applicant's case through OCRP
Right of Entry	Authorization from the applicant for the program to access the storm-impacted property throughout the life of the application.
Certification of Truthfulness	Applicant affirmation that all information provided in the application is accurate.

Subrogation Agreement	Applicant affirmation that any funds received for the same purpose as funds provided under OCRP after provision of assistance through OCRP must be returned to Orange County.
Construction Stop Work	Applicant acknowledgment that, after application, the applicant must not begin, contract for, commit funding to, or continue rehabilitation, demolition, reconstruction, acquisition, relocation, or other potentially choice-limiting activity without prior written Program authorization. The applicant must immediately notify OCRP of emergency work necessary to protect life, health, safety, or the property from further damage. OCRP will evaluate any work or commitment to determine its effect on environmental compliance, eligibility, scope, and duplication of benefits.
Uniform Relocation Act Compliance (if applicable)	Applicant acknowledgment of applicable relocation and nondisplacement requirements, including the obligation to disclose all tenants and occupants, refrain from requiring an occupant to move without Program authorization, cooperate with required notices and relocation procedures, and comply with applicant or property-owner responsibilities identified by OCRP. Orange County retains responsibility for determining and administering applicable URA and section 104(d) requirements.
Conflict of Interest Disclosure	Applicant's report of relationship with any public servant, employee, agent, consultant, officer, or elected official or appointed official of Orange County, or any designated public agencies, or of subrecipients that are receiving funds under the CDBG-DR Program (collectively, "Public Servant") and the nature of the relationship. Applicants who do not have a relationship with Public Servants must report that no such relationship exists.

Table 1: Applicant Certifications Collected at Intake

3.4 Order of Assistance (Prioritization)

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

1. **Priority 1**: Applicants with
    a. Income level at or below 30% AMI. Applicants with minor children and/or household member with a documented disability will receive priority.
2. **Priority 2:** Applicants with
    a. Income level 31-50% AMI. Applicants with minor children and/or a household member with a documented disability will receive priority.
3. **Priority 3:** Applicants with
    a. Income level 51-80% AMI ONLY
4. **Priority 4:** Otherwise eligible applicants with
    a. Income level 81-120% AMI who are approved for assistance on a case-by-case basis in accordance with the applicable Action Plan, governing requirements, and national objective.

Orange County Recovers will prioritize assistance based solely on the established program priority factors. Prioritization determines the order in which applications are reviewed or funded and does not establish eligibility or guarantee assistance. OCRP will document the priority assigned to each application and the information supporting that determination.

Orange County will separately track compliance with the LMI expenditure requirement applicable to each CDBG-DR grant. Assistance to applicants with household income above 80 percent of AMI will only be provided when authorized under the applicable Action Plan and governing requirements and will not be counted toward the LMH national objective or the applicable LMI expenditure requirement.

3.4.1 Verification of Documented Disability

To be considered as a household with disabled household member(s), a Verification of Disability Form must be completed by the applicant. The Verification of Disability form requires that the applicant document the disability via one of the following acceptable methods:

1. Receipt of Federal Disability;
2. Certification of a Medical Professional; or the
3. Presentation of a government issued disability placard or tag.

OCRP will not require disclosure of a diagnosis, detailed medical history, or other information unrelated to the requested priority or reasonable accommodation. Disability-related records will be maintained confidentially. Verification for a prioritization preference is separate from verification of the disability-related need for a particular reasonable accommodation.

3.5 Applications

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

- Only completion and submission of the official OCRP for Hurricane(s) Ian or Milton application, www.orangecountyrecovers.com, including the submission of all supporting documentation, will be considered as an application for program benefits.
    - An application is considered submitted when OCRP receives the required application form. An application is considered complete when OCRP has received the information and documentation necessary to complete the applicable review. OCRP will notify the applicant of missing information and provide an opportunity to respond in accordance with the applicant-responsiveness provisions of these Guidelines.
- Regardless of the number of individuals in a household or owners associated with an assisted property, OCRP will maintain one active application for each eligible housing unit, unless separate records are required for funding, environmental-review, or grant-reporting purposes. When multiple applications concern the same housing unit, OCRP will review the submissions, notify the affected applicants, consolidate relevant information where appropriate, and close only those records determined to be duplicative. Applications associated with different qualified storms will not be closed solely as duplicates until OCRP determines the applicable disaster, remaining unmet need, funding source, and treatment of the reported damage.
- Submitting an application does not guarantee assistance. Applications will be served based on availability of funds, prioritization, and qualification of benefits.
- Qualification for assistance will be certified by program staff prior to the commitment of any funds to an activity or beneficiary. The applicant file will document the qualifying

disaster, eligible activity, applicable national objective, funding source, remaining unmet need, and satisfaction of applicable eligibility requirements.

- During the open application period, any individual who inquires about the program will be given an opportunity to apply and will be provided assistance in completing and submitting an application. The provision of application assistance does not constitute a determination of eligibility or approval for CDBG-DR assistance. If an applicant undertakes, contracts for, commits funding to, or continues an activity that may constitute a choice-limiting action[4], after applying with OCRP, Program staff will evaluate the action and its effect on environmental compliance, eligibility, the proposed scope of work, and the availability of reasonable alternatives. The applicant may be determined ineligible when the action prevents completion of the required environmental review, eliminates reasonable alternatives, or otherwise makes the proposed activity ineligible. Emergency work necessary to protect life, health, safety, or the property from further damage must be reported to OCRP as soon as practicable and will be evaluated based on the specific circumstances. No applicant should assume that work is authorized unless OCRP provides written approval.

4 Conflict of Interest

Orange County employees, agents, officers, elected or appointed officials, consultants, and employees, agents, officers, or officials of designated public agencies or subrecipients who exercise functions with respect to CDBG-DR activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, are prohibited from receiving any benefit from the activity either for themselves or for those with whom they have family or business tie, during their tenure and one year thereafter, in accordance with 24 CFR 570.611.

Conflict-of-interest requirements applicable to the procurement of supplies, equipment, construction, and services will be administered in accordance with 2 CFR 200.317 and 200.318 and applicable Orange County procurement policies.

For purposes of this section, “family” is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), spouses, and children of an official covered under CDBG conflict of interest regulations at 24 CFR 570.611.

Applicants must disclose actual or potential conflicts of interest through the Program’s Conflict of Interest Disclosure. Program staff will review and document each disclosed relationship before assistance is approved or CDBG-DR funds are committed. A person with an actual or potential conflict may not participate in the review, approval, or administration of the affected application or activity.

An exception to the conflict-of-interest provisions may only be granted by HUD upon Orange County’s written request and satisfaction of the applicable threshold requirements and other

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

factors set forth at 24 CFR 570.611(d). Before submitting an exception request to HUD, Orange County will obtain an opinion from its legal counsel that the interest does not violate state or local law and will provide the required public disclosure of the nature of the conflict. No participation, benefit, or commitment of CDBG-DR funds involving the conflict may occur unless and until HUD grants the exception in writing.

5 Projected Expenditures, Outcomes, and Timeliness

In accordance with applicable CDBG-DR requirements, Orange County has established projected expenditures and outcomes for the Orange County Recovers Program (OCRP). These projections are based on anticipated quarterly performance beginning with the quarter in which funds are made available to the County and continuing through full expenditure of allocated funds.

Orange County will monitor actual expenditures and program outcomes against these projections on a quarterly basis to ensure timely obligation and expenditure of CDBG-DR funds. Monitoring will include internal financial and performance reviews, reconciliation of production metrics (applications, awards, construction starts, and completions), and corrective actions as necessary to address delays or performance risks.

Projected expenditures and outcomes will be uploaded into HUD's Disaster Recovery Grant Reporting (DRGR) system and posted on the County's public disaster recovery website in accordance with Universal Notice requirements. Updates to projections will be made as necessary to reflect material changes in program performance, funding availability, or implementation timelines.

6 Eligibility Requirements

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

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

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

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

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

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

- The storm damaged property must have unrepaired storm damage caused by Hurricane Ian (DR-4673), which made landfall in Florida in September 2022 and Hurricane Milton (DR-4834), which made landfall in Florida in October 2024, or both qualified storms, as applicable. OCRP will document the applicable qualifying disaster, establish that the proposed activity responds to a disaster-related impact, and identify the CDBG-DR funding source supporting the activity. When damage is associated with both qualified storms, OCRP will determine and document the eligible unmet need and allocation of costs attributable to each funding source, as applicable.
- The storm-impacted property must be located within Orange County, Florida.
- Applicant must have owned the storm-impacted property at the time of one of the qualified storms and must still own the property; For applicants who own a MHU but do not own the land, ownership of the MHU must be documented, and a completed MHU Landowner Authorization Form must be provided;
- The applicant must have occupied the home as a primary residence at the time of one of the qualified storms;
- Property must not be located in a regulatory floodway;
- The storm-impacted property must be an eligible single-family unit;
- The applicant must be current on their property taxes or on a payment plan in good standing;
- If there is a mortgage on the property, the mortgage must be in good standing.
- The applicant's household must qualify as low to moderate-income, with a combined annual household income equal to or less than 80 % or less of the AMI, adjusted for the family size. On a limited, case-by-case basis, an otherwise eligible household with income above 80 percent and not exceeding 120 percent of AMI may be considered when authorized by the applicable Action Plan and governing requirements. Assistance to a household above 80 percent AMI must be supported by a documented eligible activity and Urgent Need national objective.
- The storm-impacted property must not be subject to bankruptcy proceedings or in foreclosure.

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

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

Eligibility Criterion	Document(s) Required
Must have owned the damaged property at the time of Hurricane Ian (September 28, 2022) or Hurricane Milton (October 9, 2024). Applicant must still own the property to receive assistance.	One (1) of the following documents must establish ownership of the damaged home: • Deed • Mortgage Statement • Title (for manufactured housing only) • Probated Will • Court order or judgment granting ownership of the property • Other documents that establish ownership may be considered on a case-by-case basis When an applicant owns an MHU but not the underlying land, the applicant must separately provide the required landowner authorization and documentation of the legal right to occupy the site. Landowner authorization does not establish ownership of the MHU.
Must have occupied the home as a primary residence at the time of Hurricane Ian or Hurricane Milton.	Homestead exemption at the storm-damaged property address in 2022 for Hurricane Ian or 2024 for Hurricane Milton, which was the year of the qualifying storm(s) OR 2 of the following: • FEMA Individual Assistance award letter for damaged property address for damages caused by Hurricane Ian/Milton • SBA Disaster Home Loan award letter for damaged property address for damages caused by Hurricane Ian/Milton; • Driver's license or state-issues ID card showing the damaged property address; issued prior to the date of the hurricane(s) and expiring after; • Utility bills addressed to the applicant at the damaged property address showing that services were provided in the month preceding or month of the disaster (must indicate household utility usage during pre-hurricanes time period); • Credit card bill or bank statement sent to the application at the damaged property address in the month preceding or the month of the disaster; • Insurance documentation indicating primary residence in 2022 for Hurricane Ian and 2024 in Hurricane Milton, such as homeowner's endorsement; • Employer's statements, including pay stubs and similar employment documents (must be dated in the month preceding or month of the disaster) • Other documents may be considered on a case-by-case basis
Property is located in Orange County	Verified by the program using the storm-damaged property address and GIS mapping if needed

Property must have unrepaired damaged from Hurricane Ian or Hurricane Milton.	Verified by the program via a Damage Assessment OR If it is impossible to verify storm damage via a program damage assessment, such as in cases where the storm damaged property has been demolished, the applicant may be required to provide proof of storm damage, which may include: • FEMA Individual Assistance award letter for damaged property address for damages caused by one of the qualified storms; • SBA Disaster Home Loan award letter for damaged property address for damages caused by one of the qualified storms; • Insurance claim noting damages at the damaged property address caused by one of the qualified storms; • Date-stamped, color photos of storm damage at the damaged property address; or • Other documents may be considered on case-by-case basis
The storm-damaged property must not be located in a regulatory floodway.	Verified by the program.
The storm-damaged property must be an eligible single-family structure	Verified by the program via a Damage Assessment OR If it is impossible to verify structure type via a program damage assessment, such as in cases where the storm damaged property has been demolished, the applicant may be required to provide proof of storm damage, which may include: • Pre-storm information on structure type from the property appraiser's office; • Date-stamped, color photos of the damaged property address; or • Other document considered on a case-by-case basis
Property Taxes Current	Proof from the County tax assessor of property taxes paid in full at the time of application OR Proof of a payment plan in good standing at the time of application

Eligibility Criterion	Document(s) Required
If there is a mortgage on the property, the mortgage is in good standing	Most recent mortgage statement, at the time of application, showing no arrearages

Household is low- to moderate-income[5]	Proof of income is required for the application and all household members aged 18 or older. Proof of income required varies by the type of income and individual earnings. Required documents to demonstrate income for the most common sources of income are as follows:
	• Most recent year tax return
	
	OR, if tax return is not available:
	
	• **Wages:** Three (3) recent paystubs dated within the past three (3) months
	• **Retirement/Social Security:**
	  ○ Current Social Security Benefits Letter (including benefits paid to minors),
	  ○ Current Pension/Retirement Benefit Letter (if applicable), or prior year 1099 form,
	  ○ Current Annuity Payment Letter (if applicable), or prior year 1099 form, or
	  ○ Past three (3) Months Bank Statements (Social Security Benefits & Pension only)
	  ○ VA Benefits
	• **Self-Employment Income:** Most recent tax return (1040 or 1040A), W-2 Forms; and/or Current year profit and loss statement;
	• **Rental Income:** Current lease agreements;
	• **Unemployment Benefits:** Current benefit letter with gross benefit amount;
	• **Court Ordered Alimony/Spousal Maintenance:** Copy of court order documentation;
	• **Taxable Interest and Dividends** (including amounts received by, or on behalf of minors);
	• **No Income:** Adult household members who do not earn income will be required to submit a Certification of No Income.

[5] For further information on how household income is calculated, please see Household Income Verification Section of this guideline

6.1 Ownership

To qualify for OCRP, applicants must have owned the property at the time of the applicable qualified storm, either September 28, 2022 for Hurricane Ian, or October 9, 2024 for Hurricane Milton, and must currently own the damaged property in order to be eligible for the program. Applicants must be able to demonstrate that they owned the property at the time of the qualifying storm. Note this is for standard owner-occupied housing units, manufactured housing units are covered below.

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

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

6.1.1 Stick-Built/Concrete Masonry Unit (CMU) Ownership

Applicants applying for assistance for a stick-built/CMU home must establish ownership of the property as of September 28, 2022 for Hurricane Ian or October 9, 2024 for Hurricane Milton.

Proof of ownership can be established with the following documents:

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

6.1.2 MHU Ownership

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

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

- Manufactured Housing Unit Title showing applicant/co-applicant's name as owner;
- Bill of Sale showing applicant/co-applicant's name as owner and date of purchase prior to September 28, 2022 for Hurricane Ian and October 9, 2024 for Hurricane Milton;
- MHU Registration with date of purchase prior to September 28, 2022 for Hurricane Ian and October 9, 2024 for Hurricane Milton, showing applicant and/or co-applicant's name as owner; or
- Warranty Deed identifying the MHU showing applicant/co-applicant's name as owner and date of purchase prior to September 28, 2022 for Hurricane Ian and October 9, 2024 for Hurricane Milton.

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

Documentation of land ownership or the legal right to occupy the site may include:

- Landowner Authorization form signed by the legal landowner. When a Landowner Authorization form is required, OCRP case managers may provide guidance and assistance throughout the process; however, it is the applicant's responsibility to obtain the required signature from the landowner. The Landowner Authorization form will be provided to the applicant by email during the application intake process. Upon the applicant's request, a hard copy of the form may also be mailed via the U.S. Postal Service;
- Warranty deed identifying the land showing applicant and/or co-applicant's name as owner and date of purchase prior to September 28, 2022 for Hurricane Ian and October 9, 2024 for Hurricane Milton;
- Probated Will
- Court order or judgement granting ownership of the property, or
- Other documents may be considered on a case-by-case basis

6.1.3 Alternative Methods for Documenting Ownership

OCRP will accept a range of alternative documentation to establish ownership when traditional records are unavailable due to disaster impacts or informal ownership arrangements. Acceptable documentation includes: deed, title, mortgage documentation, property tax receipts or bills, property insurance, home purchase contracts, will or affidavit of heirship, receipts for major repairs completed prior to the disaster, court documents, letters from manufactured housing community owners or public officials, utility bills, or self-certification when permitted. Program staff will evaluate all submitted documentation to determine whether it reasonably establishes ownership and will document the justification in the applicant's file.

When standard ownership documents are unavailable, Program staff will review the alternative documentation individually and collectively to determine whether it reasonably establishes the applicant's ownership interest as of the applicable disaster date and continued ownership at the time of assistance. The applicant file must identify the documents reviewed, any inconsistencies or limitations, the basis for accepting or rejecting the evidence, and the staff approval of the ownership determination. Self-certification may be accepted only when permitted by applicable requirements and when other available evidence supports the certification.

6.2 Special Circumstances Related to Type of Ownership

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

6.2.1 Reverse Mortgages

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

6.2.2 Purchase Contracts

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

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

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

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

6.2.4 Trust

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

The following is required to confirm eligibility:

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

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

6.2.5 Life Estate

Applicants in a life estate situation are encouraged to apply for the program. An applicant who has a valid life estate over the damaged property is potentially eligible for program assistance provided he or she also occupied the damaged property as his or her primary residence on the date of Hurricane Ian or Milton. Any such applicant shall provide evidence of the claimed life estate by way of an executed deed, trust, will or other documentary evidence that conclusively established the existence of the claimed life estate that was filed prior to the storm in the conveyance records of Orange County. The program will review the applicant provided evidence of the life estate to determine if the documentation is sufficient for program eligibility purposes.

Remainderman will not be required to execute the grant agreement provided there is an occupant with life estate.

6.2.6 Death of Eligible Owner Occupant

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

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

If no eligible household member-heir is identified, the application will be closed. If the applicant passes away after program construction has begun, the program will complete construction of the property. Completion remains subject to environmental, legal, funding, property-access, estate, and grant-compliance requirements. OCRP will document the authority permitting work to continue and the party authorized to receive notices, sign required documents, and accept the completed property.

6.3 Proof of Primary Residency

The applicant(s) must have occupied the storm-damaged property as their primary residence as of the date of Hurricane Ian on September 28, 2022 or Hurricane Milton on October 9, 2024.

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

- Homestead exemption at the storm-damaged property address in 2022 for Hurricane Ian and 2024 for Hurricane Milton, which was the year of the qualifying storm;

OR two (2) of the following documents:

- FEMA Individual Assistance award letter for storm-impacted property address for damages caused by either qualified storm;
- SBA Disaster Home Loan award letter for storm-impacted property address for damages caused by either qualified storm;
- Driver's license or state-issued ID card showing the storm-impacted property address; issued prior to the date of the applicable storm and expiring after;
- Insurance documentation indicating primary residency in 2022 for Hurricane Ian or 2024 for Hurricane Milton, such as homeowner's endorsement;
- Employer's statements, including pay stubs and similar employment documents (must be dated in the month preceding or month of the disaster)
- Bank or credit-card statements
- Utility bills addressed to the applicant or co-applicant at the storm-impacted property showing that services were provided in the month preceding or month of the disaster (must indicate household utility usage during pre-hurricane time period);

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

6.4 Location

In order to be eligible for assistance through OCRP, the applicant's damaged property must be located in Orange County, Florida, which is the Most Impacted and Distressed (MID) area for both Hurricanes Ian and Milton.

6.5 Structure Types

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

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

For applicants who own both the MHU and the land on which the MHU is located, no separate landowner authorization is required. These applicants must satisfy the standard OCRP eligibility, ownership, primary residency, right-of-entry, and documentation requirements applicable to the program.

For applicants who own the MHU but do not own the land on which the MHU is located, the applicant must demonstrate a legal right to occupy land where the replacement MHU will be installed. Acceptable documentation may include a current lease agreement, lot rental agreement, written authorization from the landowner (Landowner Authorization form), or other documentation deemed acceptable by the program. The applicant must remain in good standing with applicable lot rent or occupancy obligations throughout program participation.

> If Landowner Authorization or site control cannot be obtained or verified, the application is not eligible to proceed under the Manufactured Housing Unit (MHU) Replacement program and will be evaluated for any alternative eligible program outcomes in accordance with the Orange County Recovers Program Guidelines. The applicant will be notified of this determination by email and, upon request, by U.S. mail. The following structure types are ineligible for OCRP assistance:

- Garages, sheds, and outbuildings not attached to the main dwelling unit are not eligible for repair but may be eligible for demolition only, as part of an eligible project, if deemed a safety hazard or in the path of the proposed construction activities. Garages, sheds, and outbuildings will not be addressed as stand-alone activities. OCRP reconstructed homes do not include reconstruction of garages (attached or detached), sheds, pool houses, or other outbuildings. Such outbuildings may be demolished during

reconstruction to allow enough space for the new home to be built or because such structures pose a health or safety issue;
- Recreational Vehicles and camper trailers used as a residence are not eligible for the program;
- Houseboats used as a residence are not eligible for the program;
- Second homes;
- Seasonal, short-term, and vacation rental properties;
- Housing units located where federal assistance is not permitted by federal regulation, including floodways, or within a Coastal Barrier Resources System unit;
- Properties located on sites with extraordinary site conditions that are determined to be not feasible for demolition and reconstruction or replacement. Extraordinary site conditions may include but are not limited to properties with environmental concerns, properties where local building codes prohibit program scopes of work, scopes of work that would exceed the respective award cap or properties located in a floodway; and
- Properties currently under construction and/or contract by private contractor, Homeowner Association/Property Owners Association (HOA/POA), apartment complexes.

6.5.1 Condominiums, Townhomes, Duplexes, and Other Structures with Shared Walls

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

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

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

common areas such as meeting rooms or recreational spaces are ineligible for program assistance.

6.6 Property Taxes

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

Owners of MHUs on non-owned land will be required to complete a landowner authorization form confirming that the landowner consents to the construction. Property-appraiser or tax-collector records may be used to verify the identity of the landowner who executes the required landowner authorization.

Properties with delinquent real property taxes are ineligible.

6.7 Mortgage in Good Standing

If the subject property has a mortgage, the mortgage must be in good standing, with no arrearages. Applicants who have a mortgage on the subject property must submit proof of mortgage in good standing at the time of application (shown in the table above at the beginning of section 6). Applicants who have previously fallen into arrears on a mortgage may be eligible, if the applicant can demonstrate the mortgage is currently in good standing or that a payment plan has been agreed to by the lender and the payment plan is in good standing.

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

6.8 Homeowners Associations (HOAs)

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

7 Income Verification

In order to meet the income prioritization for OCRP, Applicants have a total household annual income that does not exceed 80 percent AMI, adjusted for family size, as published annually by HUD; however, on a case-by-case basis exceptions to address unmet needs may allow applicants up to 120% AMI. The program will use the Internal Revenue Service (IRS) Form 1040 definition of income, as set forth in HUD regulations, for the purpose of determining

applicant's eligibility for the Orange County Recovers Program. The IRS Form 1040 method of calculating income is often referred to as the Adjusted Gross Income or AGI method. The Program will use the IRS Form 1040 adjusted-gross-income methodology permitted under applicable HUD requirements. The selected methodology will be applied consistently to all OCRP applicants.

OCRP will determine the anticipated adjusted gross income of all household members whose income must be counted under the selected methodology for the applicable twelve-month period. Income inclusions, exclusions, and adjustments will be determined under the current IRS Form 1040 definition rather than the Part 5 annual-income definition at 24 CFR 5.609. The collection of an income document does not mean that every amount shown on the document is included in adjusted gross income.

The program will use HUD's published income limits for the Orlando-Kissimmee-Sanford, FL, or metropolitan statistical area to determine eligibility. The special CDBG-DR 120 percent income limits may be used only when authorized by the applicable Federal Register notice, Action Plan, and Program requirements. The program certifies income at the point at which sufficient documentation is provided and remains valid for one year.

Income will be certified when OCRP has obtained sufficient documentation to complete the determination. The certification will remain valid for twelve months. Income must be recertified if assistance has not been committed through execution of the Homeowner Grant Agreement within twelve months of the certification date or when the Program becomes aware of a material change that requires recertification under its written procedures.

The program may collect and analyze appropriate income documentation for adult household members through third-party verification or source documentation when necessary. This process may include obtaining copies of the most recent tax form(s), and any appropriate back up documentation if tax return is old and taxable income changes occur.

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

HUD's guidelines specify certain income sources to be included or excluded when determining eligibility for assistance. Income will be included, excluded, or adjusted in accordance with the IRS Form 1040 adjusted-gross-income definition in effect at the time of the determination. OCRP will use the applicable IRS Form 1040, schedules, instructions, and supporting source documentation to identify anticipated taxable income and allowable adjustments.

Examples of income that may be included in adjusted gross income, when taxable and applicable, include:

- Wages,
- Salaries,
- Tips,
- Taxable interest,

- Dividends,
- Business income or loss,
- Capital gains or losses,
- Taxable retirement distributions,
- Taxable pension or annuity income,
- Rental income or loss,
- Unemployment compensation,
- Taxable Social Security benefits, and
- Other income reported through the applicable Form 1040 and schedules.

Nontaxable amounts will not be included solely because OCRP collects documentation showing that the amount was received. For example, Social Security documentation may be collected to evaluate the taxable amount, if any, under the IRS methodology. The following income documentation will be required for each adult household member only if the type of income is applicable and if a prior year income tax return is not available:

- **Wages:** 3 most recent paystubs dated within the past three (3) months, or current W-2 Forms;
- **Retirement or Social Security:**
    - Current Social Security Benefits letter (including benefits paid to minors),
    - Current Pension/Retirement Benefit letter (if applicable), or prior year 1099 form; or
    - Current Annuity Payment letter (if applicable), or prior year 1099 form;
- **Self-Employment Income:** Most recent tax return (1040 and applicable schedules), W-2 Forms; and/or Current year profit and loss statement;
- **Rental Income:** Current lease agreements;
- **Unemployment Benefits:** Current benefit letter with gross benefit amount;
- **Alimony received, when taxable under applicable federal tax law/Spousal Maintenance:** Copy of court order documentation;
- **Taxable Interest and Dividends** (including amounts received by, or on behalf of minors);
- **No Income:** Adult household members who do not earn an income will be required to submit a Certification of No Income.

These documents are collected to support an anticipated IRS Form 1040 adjusted-gross-income determination. OCRP will not automatically count the gross amount shown on each document. Program staff will determine the amount included in anticipated AGI based on the selected methodology and applicable tax treatment.

The Program may rely on a complete and applicable federal income tax return when it provides sufficient documentation to determine anticipated adjusted gross income under the IRS Form 1040 methodology. The Program will request updated or supplemental source documentation when a material change in taxable income is reported, identified, or otherwise becomes known, or when the available documentation is insufficient to support the income determination. Income will be recertified if assistance is not committed within 12 months of the certification date.

7.1 HUD Income Limits

HUD publishes income limits annually in or around April and issued the 2024 limits on April 1, 2024. For Hurricane Ian, OCRP will use the 2024 HUD income limits applicable to Orange County to verify applicant household income. For Hurricane Milton, OCRP will use the 2025 HUD income limited by county to verify applicant household income. Since application intake for Hurricane Ian began on March 5, 2025 and the HUD 2025 income limits were not available until April 1, 2025, OCRP will use the HUD CDBG income limits applicable to Orange County and in effect on the date the Program completes the income eligibility determination, unless the applicable governing requirement or HUD guidance establishes a different required date. The program will update the income tables for the program each year when the new income tables are made effective by HUD[6].

When an applicant's income certification expires before execution of the Homeowner Grant Agreement, OCRP will recertify income using the income limits and documentation applicable at the time of recertification.

HUD's CDBG-DR 120 percent income limits will be used only for applicants considered under an authorized above-LMI pathway and will not be used to establish qualification under the LMH national objective.

8 Duplication of Benefits

Eligible applicants may have received assistance from other sources for the repair, reconstruction, or replacement of their storm-damaged property. Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5155, prohibits duplication of disaster assistance. OCRP will comply with the DOB requirements applicable to Hurricane Ian under 88 FR 32046 and the Consolidated Notice and to Hurricane Milton under 90 FR 4759 and Appendix C of the Universal Notice, as amended.

During the application process, applicants must report all disaster assistance applied for, received, or reasonably expected for the same recovery need, including assistance associated with Hurricane Ian, Hurricane Milton, and any subsequent disaster affecting the property. OCRP will verify reasonably identifiable assistance and complete the DOB review before committing CDBG-DR assistance.

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

[6] HUD CDBG-DR Annual Income Limits are available online at CDBG Income Limits | HUD User Housing Eligibility Data | HUD USER

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

Assessment of Total Need: OCRP will determine the applicant's total eligible need using the Program-approved scope of work and cost estimate for the eligible repair, reconstruction, or manufactured housing replacement activity. Total need may include eligible and reasonable costs necessary to address the remaining disaster-related housing need, comply with applicable codes and Program standards, and complete required environmental, accessibility, elevation, mitigation, or site work.

OCRP will document the total need separately for Hurricane Ian and Hurricane Milton when damage, prior assistance, or eligible costs are attributable to different qualified storms. Costs may not be charged to both grants for the same purpose.

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

8.1 Common Available Assistance

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

- FEMA Individual Assistance for Home Repair (IA) or other assistance provided for the same housing recovery purpose ,
- FEMA National Flood Insurance Program (NFIP),
- Private Insurance,
- Increased Cost of Compliance (ICC),
- Small Business Administration (SBA),
- U.S. Army Corps of Engineers assistance, if applicable,
- Any other funding source available to the applicant for the same purpose as a CDBG-DR grant that may duplicate assistance.

OCRP will determine whether FEMA or USACE funding is available for the proposed activity, including whether an applicable application period remains open, and whether the proposed activity costs are eligible or reimbursable under either agency's programs. CDBG-DR funds will not be used for costs for which FEMA or USACE assistance is available or reimbursable. The determination will be documented in the applicant file, including when OCRP concludes that FEMA or USACE assistance is not available or applicable.

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

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

8.2 FEMA Individual Assistance (IA)

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

8.3 National Flood Insurance Program (NFIP)

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

8.4 Increased Cost of Compliance (ICC)

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

8.5 Private Insurance

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

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

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

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

If the insurer indicates that the deadline to file a claim for the qualifying storm(s) has passed or that the applicant’s claim is otherwise denied, OCRP may serve the applicant if an unmet need is confirmed, as the funds are no longer available to the applicant according to the Florida Statutes §627.70132.

OCRP will not automatically deny assistance solely because an applicant did not receive an insurance payment. The Program will document whether coverage existed, whether a claim was filed or remained available, the disposition of the claim, and whether insurance proceeds are reasonably available for the same purpose.

8.6 Small Business Administration (SBA)

Federal regulations deem approved SBA loans for repair and reconstruction to be available assistance for federally funded repair programs. If an applicant has executed a loan with SBA to cover the cost of repairs of reconstruction, the total amount of the approved loan is considered available assistance unless the applicant has declined the loan or requested a reduction after SBA initial approval of the loan. As described in 88 FR 32046, “The amount of the subsidized loan that is declined or canceled is not a DOB.”

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

Private loans obtained on commercially available terms are not financial assistance for DOB purposes. Subsidized disaster loans, including applicable SBA disaster loans, will be evaluated under the DOB requirements governing the applicable CDBG-DR grant. OCRP will document the loan purpose, approved amount, accepted amount, disbursed amount, canceled or declined amount, current availability, and use of proceeds. Only the amount determined to be available for the same purpose as the CDBG-DR assistance will be included in the DOB calculation.

8.6.1 Declined SBA Loans

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

8.6.2 Cancelled SBA Loans Amounts

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

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

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

8.7 Other Sources

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

Other assistance may include grants, forgivable or subsidized loans, nonprofit assistance, state or local disaster assistance, donated labor or materials when assigned a documented value, and other financial assistance available for the same purpose. Personal assets and private credit are not disaster assistance solely because they are available to the applicant.

8.8 Assistance Not Considered Duplicative

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

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

8.8.1 Funds for a Different Purpose

Any assistance provided for a different purpose other than the CDBG-DR eligible activity, or a general, non-specific purpose (e.g., “disaster relief/recovery”), and not used for the same

purpose, no longer has to be documented when calculating the amount of the DOB. There are three (3) general categories for which applicants generally receive assistance: (1) replacement housing; (2) repair assistance; or (3) interim (temporary housing). Of these three categories, the assistance provided by OCRP is generally considered to be repair assistance. Funding received for purposes different from the purpose of assistance offered under OCRP does not need to be documented for purposes of duplication of benefit determination.

8.8.2 Funds Not Available to the Applicant

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

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

Contractor Fraud

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

OCRP will document the evidence of contractor fraud, steps taken to recover the funds, the amount determined unavailable, and the basis for excluding that amount from the DOB calculation.

Forced Mortgage Payoff

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

Legal Fees

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

8.8.3 Funds for the Same Purpose, but Different Eligible Use

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

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

Allowable Cost of Repairs

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

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

8.9 Calculation of Duplication of Benefits

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

The basic framework for DOB review is as follows:

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

If the result of this is a positive number, the applicant has a duplication of benefit gap. Duplication of benefit must be deducted from the maximum award an applicant is qualified to receive under OCRP, in accordance with federal law. Because OCRP grants awards to eligible applicants in the form of home repair, reconstruction, or MHU replacement, with no funds being paid directly to the applicant, duplication of benefits must be resolved prior to award, either

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

through a reduction in the amount of benefit the applicant will be provided by OCRP, known as a scope reduction, or by the applicant providing funds to OCRP in the amount of the DOB gap. Scope reduction and applicant payment may be used in combination to reduce the DOB gap to $0.

OCRP will reassess total need and total assistance when material information changes and before final commitment or execution of the Homeowner Grant Agreement. Reassessment triggers include changes to the approved scope, cost estimate, award type, completed repairs, disaster assistance, insurance proceeds, SBA assistance, applicant-provided funds, site conditions, or damage associated with a subsequent disaster. The applicant must disclose additional assistance received after the initial DOB review. OCRP will document the revised calculation and its effect on the final award.

8.9.1 Duplication of Benefits Gap

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

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

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

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

8.9.2 Rehabilitation with DOB Gap

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

8.9.3 Reconstruction or Replacement with DOB Gap

If the program is reconstructing or replacing the damaged property and the DOB Gap is discovered, the applicant shall either (1) provide funds in the amount of the DOB gap to be

deposited into a DOB Gap Funding Account prior to the execution of the grant agreement and/or (2) take a scope reduction which reduces the dollar value of the benefit provided to the applicant through OCRP.

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

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

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

Scope reduction may be used to satisfy a DOB gap up to $25,000. If the DOB gap remains greater than zero upon scope reduction, the applicant is required to provide the DOB gap funds with a cashier's check or money order. If the applicant is unable or unwilling to provide funding for the DOB Gap within the allotted time frame, the application will be closed.

8.9.4 DOB Gap Exceeds Estimated Cost to Repair (ECR)

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

8.10 Subrogation

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

Before CDBG-DR assistance is committed or disbursed, all required applicants and recipients must execute a subrogation or repayment agreement. The agreement will require disclosure and repayment of subsequent assistance received for the same purpose when total assistance exceeds total need.

The agreement must include the following warning: "Warning: Any person who knowingly makes a false claim or statement to HUD or causes another to do so may be subject to civil or criminal penalties under 18 U.S.C. 2, 287, 1001 and 31 U.S.C. 3729."

OCRP will monitor compliance with the agreement for the period identified in its written DOB procedures, based on the risk of subsequent assistance. Newly disclosed assistance will be reviewed to determine its purpose, availability, and effect on the applicant's total need and award.

9 Damage Assessment

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

A damage assessment will be conducted at each property to confirm the property is an eligible structure type and to confirm the home has unrepaired storm damage. The damage assessment will identify the remaining damage attributable to Hurricane Ian, Hurricane Milton, or both qualified storms, as supported by physical evidence and available applicant, FEMA, insurance, inspection, or other reliable records. When precise allocation between storms is not possible, OCRP will document the methodology used to establish the disaster tie and assign eligible costs to the appropriate grant. Information collected during the damage assessment is used for the following key program determinations:

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

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

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

The ECR does not provide an evaluation that takes into account an exact replacement of the applicant's original home. In contrast to insurance estimates that may be based on replacement costs, the ECR evaluation is based on standards for basic livability developed for the program and on costs developed by the construction industry for those items. The methodology used to prepare the ECR is to account for those scope items that can be counted, measured, or observed. No destructive testing is performed during the estimation process; however, the damage assessor/program inspector will be as thorough as possible at the time of inspection. Limitations such as hidden damage exist due to the lack of destructive testing and the home generally being

lived in/non-vacant at the time of inspection. This means that hidden damage is not accounted for during this process. For example, termite damage behind a wall would not be discoverable during the estimation process if the wall covering is intact.

9.1 Feasibility of Repairs Analysis

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

During the feasibility analysis following the completion of the ECR, the determination will be made as to whether the home will proceed as a rehabilitation, MHU replacement, or a reconstruction. If the home is determined to be a reconstruction project or an MHU replacement project, the home will be replaced with a standardized floor plan of the same bedroom composition. Applicant requests to customize the floor plan or change the approved scope of work will not be authorized outside of an approved reasonable accommodation.

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

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

The feasibility determination and any change in award type will be documented in the applicant file. If the project changes from rehabilitation to reconstruction or manufactured housing replacement, OCRP will reevaluate the environmental review, DOB analysis, approved scope, award calculation, required notices, and applicant agreement before committing the revised activity.

9.2 Lead-Based Paint (LBP) and Asbestos Hazard Identification

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

conducted on reconstruction projects determined to be such at the time of the initial site inspection.

Federal asbestos regulations for testing and identification of asbestos apply to “facilities” as defined by those regulations. Single-Family housing does not meet this definition and is therefore exempt from the testing and identification requirements[8]. Additionally, the State of Florida does not have any state-level requirements for asbestos testing in housing projects. However, federal health and safety standards and materials handling and disposal requirements for Asbestos-Containing Material (ACM) still apply at the construction phase.

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

For rehabilitation projects, contractors will identify any suspect ACM during construction. If suspect ACM is identified, the contractor will be required to stop work and request a change order for asbestos testing. If asbestos testing results confirm the presence of ACM that will be impacted by the rehabilitation process, the contractor will provide a containment or mitigation plan to encapsulate or remove the ACM in accordance with proper health and safety standards. Orange County will reevaluate the project scope and construction duration to cover the containment or mitigation work, along with costs for air monitoring/clearance.

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

10 Environmental Review

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

- Historic Preservation, including State Historic Preservation Office and Tribal Reviews and National Historic Landmark;
- Floodplain Management and Flood Insurance;
- Wetlands;
- Coastal Zone Management Act;
- Sole Source Aquifers;
- Endangered Species Act

[8] OCRP will determine applicable federal, state, and local asbestos inspection, notification, handling, worker-protection, transportation, and disposal requirements based on the structure, proposed activity, and material to be disturbed. When suspect asbestos-containing material may be affected by rehabilitation or demolition, the Program will require testing or other evaluation when necessary to determine and complete the compliant scope of work.

- Wild & Scenic Rivers Act;
- Air Quality
- Farmland Protection Policy Act
- Environmental Justice
- Noise Abatement and Control;
- Siting of HUD-Assisted Projects Near Hazardous Operations;
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances;
- Airport Clear Zones and Accident Potential Zones;
- Coastal Barrier Resources Act/Coastal Barrier Improvement Act.

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

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

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

10.1 Historic Preservation

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

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

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

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

11 Award Determination

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

Upon accepting the award type, the following documents will be signed by the applicant(s):

- Homeowner Grant Agreement;
- Agreement to maintain flood insurance and notify future owners (if in 100-year floodplain);
- and
- Any other documents applicable to the applicant and required by OCRP.

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

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

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

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

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

[9] Exceptions may be on a case-by-case basis for extenuating circumstances.

11.1 Award Caps

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

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

- Stick-built properties qualify for a repair award if the estimated cost to repair the structure is less than $250,000.
- Stick-built properties qualify for a reconstruction award if the estimated cost to repair the structure is equal to or greater than $250,000.
- MHUs qualify for replacement if there is confirmed unrepaired storm damage is above $25,000, and the applicant is otherwise eligible. In instances where MHU owners also own the land on which their damaged property is located, and stick-built reconstruction option is feasible, applicants may be given the option to receive a stick-built reconstruction to increase resiliency against future disasters.

Exceptions to award caps will be reviewed under the process established in Section 2.5 and must be approved before the additional assistance is committed.

11.2 Reasonable Accommodation Requests

The program seeks to provide reasonable accommodations that enable applicants with disabilities, or applicants with household members with disabilities, to fully access and enjoy the program-assisted home. Depending on the individual's functional needs, eligible applicants may receive additional construction features, such as low-threshold showers, bathroom grab bars, outward-swinging doors, exterior ramps, comfort-height toilets with grab bars, or other accessibility improvements.

Eligibility for reasonable accommodation features will be evaluated on a case-by-case basis and will depend on the type of assistance being provided. Applicants requesting accommodations must complete a Reasonable Accommodation Request Form during the pre-construction meeting.

At the pre-construction meeting, the applicant will meet with the general contractor to review the available reasonable accommodation options and identify the features that address the applicant's or household member's functional needs. The selected accommodations will be documented and confirmed through the completed Reasonable Accommodation Request Form.

Requests for additional accommodations beyond the standard reasonable accommodations listed below must be supported by documentation and will be considered on a case-by-case basis. For more information on the pre-construction meeting, see Section 13.3 Pre-Construction

Meeting. Awards may include expenses for additional costs related to accessibility modifications for the disabled.

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

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

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

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

Standard reasonable accommodations for bathroom modifications vary slightly by award type. Award-type specific options for reasonable accommodations are outlined in each award type in the following sections: 11.3.3 Reasonable Accommodations – Rehabilitation Award Type, 11.4.2 Reasonable Accommodations- Reconstruction Award Type, 11.5.3 Reasonable Accommodations- Manufactured Housing Replacement Award Type.

Applicants may request reasonable accommodation at any point during application intake, eligibility review, award determination, preconstruction, construction, or the applicable compliance period. OCRP will evaluate requests promptly enough to incorporate approved accommodations into the environmental review, feasibility analysis, scope of work, cost estimate, award determination, and construction documents, as applicable.

OCRP will not require use of a particular form when the applicant otherwise communicates a request for a disability-related change, exception, or adjustment. Program staff may document the request using the applicable Program form. When the disability or disability-related need is not known or readily apparent, OCRP may request reliable information necessary to verify the disability-related need but will not require a diagnosis or unrelated medical information.

The Verification of Disability Form supports verification of disability status when necessary. The Reasonable Accommodation Request Form documents the requested construction or Program modification and the Program's determination. Completion of one form does not automatically establish approval of a particular construction feature.

11.3 Rehabilitation Award Type

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

11.3.1 Not Suitable for Rehabilitation

OCRP defines “not suitable for rehabilitation” as:

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

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

11.3.2 Rehabilitation Scope of Work

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

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

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

(FEMP)-designated products or appliances that achieve a similar or greater energy efficiency output range.

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

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

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

11.3.3 Reasonable Accommodations – Rehabilitation Award Type

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

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

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

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

The reasonable accommodation options are as follows:

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

11.4 Reconstruction Award Type

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

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

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

Homes that meet the threshold for a reconstruction award will be demolished and reconstructed in substantially the same footprint, when feasible. The program will develop a group of standardized reconstruction plans and specifications to accommodate the most common lot dimensions to be encountered and incorporate the bedroom/bathroom configurations identified in section 11.4.1 Size and New Unit Configuration. Reconstructed homes will meet local building codes and will incorporate Green Building Standards, energy efficiency, and resilience measures to the extent possible. The standardized plans and specifications developed by the program will incorporate program minimum standards, local code, and zoning requirements, and will include builder-grade materials. These standardized plans are not being developed to create a like-for-like replacement for reconstruction efforts. Reconstruction plans and specifications will include any environmental considerations identified through the environmental review process.

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

OCRP will not provide customized home designs. The program will determine which floor plan each applicant requiring reconstruction is eligible to receive based on the information above. The program will build the home to the Energy Star Certified Home[10] standard applicable to Florida.

If a project changes from rehabilitation to reconstruction, OCRP will complete any required environmental reevaluation, revised DOB analysis, revised cost and award determination, and amended applicant notice or agreement before reconstruction is authorized.

11.4.1 Size and New Unit Configuration

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

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

11.4.2 Reasonable Accommodations- Reconstruction Award Type

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

- 36” hallways, wide enough to accommodate a standard wheelchair

[10] More information is available at: https://www.energystar.gov/newhomes/homes_prog_regs/florida

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

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

The reasonable accommodation options are as follows:

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

11.5 Manufactured Housing Unit Replacement Award Type

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

For MHU replacement activities on land not owned by the applicant, OCRP must obtain written landowner authorization before the program may proceed with replacement-related activities. The authorization must confirm, at a minimum, that the landowner permits program access to the property; damage assessment and site evaluation; environmental review coordination, as

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

applicable; demolition and removal of the damaged MHU; installation of the replacement MHU; utility connection activities; and other site activities necessary to complete the eligible replacement scope.

If landowner authorization cannot be obtained, or if the applicant cannot demonstrate legal right to occupy the site, the applicant may not proceed with MHU replacement at that location. The program may evaluate whether the applicant has identified a suitable alternate location that meets program requirements, site control requirements, and any applicable code, zoning, floodplain, or manufactured housing park requirements.

For purposes of the Program, **replacement activities** refer to the complete process required to replace an eligible manufactured housing unit under the Manufactured Housing Unit (MHU) Replacement Program. Replacement activities include all program-required steps from initial eligibility determination through project completion and closeout. These activities may include, but are not limited to:

- Applicant eligibility verification and award determination;
- Environmental and historic preservation reviews, as applicable;
- Property and site inspections;
- Permitting, utility coordination, and other required pre-construction activities;
- Procurement and purchase of the replacement manufactured housing unit;
- Site preparation, including demolition and removal of the existing unit, when applicable;
- Delivery, installation, anchoring, and utility connections for the replacement unit;
- Required inspections and issuance of certificates or approvals, as applicable; and
- Final project completion, closeout, and any other activities necessary to deliver a safe, decent, and sanitary replacement home in accordance with Program requirements.

The term **replacement activities** encompass the entire Manufactured Housing Unit (MHU) Replacement program and should not be interpreted to refer solely to the physical installation of the replacement manufactured housing unit.

11.5.1 Size and New Unit Configuration

OCRP will provide applicants who qualify for replacement awards with 2-, 3-, and 4-bedroom singlewide or doublewide MHUs; all bedroom configurations include 2 bathrooms. Which unit configuration an applicant receives is based on the number of bedrooms present in the storm damaged property and the width (single or doublewide) of the storm damaged MHU, as verified by the damage assessment. If overcrowding exists, the program has elected to attempt to solve overcrowding situations to the extent they can be solved up to a maximum configuration of 4 bedrooms and 2 bathrooms for a MHU replacement, or a reconstruction. Policy exceptions are not required to solve overcrowding situations.

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

- If the storm damaged property had two (2) bedrooms or fewer, the applicant will receive a 2-bedroom, 2-bathroom MHU.

- If the storm damaged property had three (3) bedrooms, the applicant will receive a 3-bedroom, 2-bathroom MHU.

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

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

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

If the storm-damaged MHU was a doublewide, the applicant will generally receive a doublewide, subject to site, code, zoning, feasibility, availability, and award requirements.. If a singlewide unit is the only width unit that will fit on the lot and comply with code/zoning requirements, then the unit may be replaced with a singlewide.

To reduce the required time from award to completion as related to replacement awards, the Program will task the assigned General Contractor to source a MHz in the awarded singlewide or doublewide bedroom/bathroom configuration. OCRP does not offer standard floorplans for MHUs. OCRP offers standard bedroom/bathroom configurations in singlewide or doublewide units in the following standard square footage ranges.

Bedroom/Bathroom Configuration	Square Footage
2 bedroom/ 2 bathroom	800-1200
3 bedroom/ 2 bathroom	900-1480
4 bedroom/ 2 bathroom	1000- 1700

All MHUs sourced by the program must be new, HUD approved units and comply with local code and zoning requirements including applicable wind and thermal zones.

11.5.2 Manufactured Housing Relocation

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

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

To be allowed to replace an MHU on an alternate property, the applicant must source and obtain ownership or permission to install a MHU at the alternate location. OCRP does not provide replacement property for applicants. Alternate locations must be zoned to allow for installation of a manufactured housing unit, have ready access to sewer, water, and electric connections, and

[12] 4-bedroom, 2-bathroom doublewide MHUs will only be awarded on a case-by-case basis.

must not be located in a 100-year or 500-year floodplain. Alternate manufactured housing unit sites must pass an environmental review before the applicant makes a binding commitment to lease or purchase land. If an applicant enters into a binding agreement to lease or purchase alternate land before the program has environmentally cleared the alternate parcel, the applicant may be ineligible for assistance, as this constitutes a choice-limiting action[13].

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

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

If an applicant must relocate the replacement MHU to an alternate site, the applicant must provide documentation demonstrating site control or prospective site control before the program proceeds with the site-specific environmental review. The documentation may include an unexecuted lease agreement, written agreement to hold the lot, or other documentation acceptable to the program. The applicant must not execute a binding lease, purchase agreement, or other choice-limiting commitment before completion of the required environmental review clearance.

11.5.2.1 Environmental Review Record

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

11.5.2.2 New Site Requirements

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

- Site clearing
- Site leveling

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

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

- Concrete or other substrate installation
- Utility and sewerage infrastructure installation

11.5.2.3 Elevation and Flood Insurance

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

11.5.3 Reasonable Accommodations- Manufactured Housing Replacement Award Type

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

The program has established that wheelchair friendly MHUs should include:

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

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

12 Temporary Relocation Assistance Benefit (TRAB)

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

utility disconnection and reconnection, scheduling work to avoid unnecessary moves, providing timely notices, identifying accessible temporary housing, and allowing occupants to remain or return when safe and consistent with the approved construction activity.

Before construction begins, OCRP will identify all occupants of the assisted property, determine whether any applicant, tenant, household member, business, or other person must move, and document whether the move is temporary or permanent and whether the person qualifies as displaced under applicable requirements.

Temporary relocation assistance is not provided to tenants through TRAB. Tenants displaced by OCRP activities are eligible for temporary relocation assistance by the program as required by the Uniform Relocation Assistance and Real Property Acquisition Act (URA). TRAB is an optional Program benefit for eligible owner-occupant applicants and is separate from relocation assistance required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, section 104(d) of the Housing and Community Development Act, or other applicable law. TRAB will not replace, reduce, or satisfy any mandatory relocation benefit owed to a tenant, occupant, business, or other displaced person. OCRP will evaluate potential displacement before determining whether TRAB or mandatory relocation requirements apply. More information on relocation assistance for tenants in Appendix B: Uniform Relocation Act attached herein.

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

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

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

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

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

12.1 TRAB Eligibility

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

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

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

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

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

If TRAB is given to an awarded applicant:

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

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

12.2 TRAB Assistance Types

TRAB is dependent on the applicant(s) needs, which will be identified and confirmed by OCRP representatives to determine the best and most reasonable options available to applicants. TRAB

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

TRAB assistance types include:

- **Temporary Hotel Assistance:** Funding will be provided for temporary hotel lodging for families for up to an estimated 90 days or extended to a maximum of 6-month. Extensions exceeding the 6-months may be approved on a case-by-case basis.
- **Extended Temporary Hotel Assistance:** In the event that the construction contractor notifies OCRP that the project will exceed the original schedule and a applicant will not be able to reoccupy his or her home due to construction timelines that exceed the initial assistance, an extension of benefits may be issued to prevent homelessness or additional undue financial burden. The extension will be granted on a new estimated timeline from the construction contractor.
- All approved lodging payments will be made directly to the hotel/extended stay facility. The assigned general contractor will be responsible for securing the temporary housing accommodations, coordinating the reservation, and ensuring the unit meets program requirements for accessibility.
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12.3 TRAB Maximum Benefits

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

OCRP will identify and address the accessibility and communication needs of persons with disabilities during temporary or permanent relocation. Temporary and comparable replacement housing, transportation, notices, advisory services, and other relocation assistance will be made accessible when required.

12.4 Termination or Discontinuation of TRAB Assistance

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

OCRP recognizes that there may be unforeseen circumstances that cause a applicant to withdraw from, become inactive in, or be disqualified from the OCRP after the eligibility determination and

after the applicant has agreed to proceed in the program. Examples of termination or discontinuation of TRAB assistance include but are not limited to:

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

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

12.5 Relocation Assistance (URA-Compliant)

OCRP will provide relocation assistance to all persons or entities displaced as a result of CDBG-DR funded activities, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), Section 104(d) of the Housing and Community Development Act, and all applicable HUD regulations. OCRP will ensure that displaced person receive timely, fair, and equitable treatment and that no individual suffers disproportionate hardship as a result of program activities.

Relocation assistance under this section applies only to households or entities determined to be permanently displaced under URA. Households temporarily relocated during construction will receive assistance under the Temporary Relocation Assistance Benefit (TRAB) and are not considered displaced.

OCRP will implement relocation and displacement-minimization requirements in accordance with Orange County's CDBG-DR Residential Anti-Displacement and Relocation Assistance Plan. The RARAP is incorporated into these Guidelines by reference. If a conflict exists between these Guidelines and the RARAP, Orange County will apply the requirement that complies with the governing federal authority and will revise the affected document as necessary.

Detailed relocation procedures, notices, payment calculations, recordkeeping requirements, and appeal rights are established in Appendix B and Orange County's CDBG-DR RARAP. If potential displacement is identified, OCRP will refer the case to qualified relocation personnel before funds are committed or construction is authorized. The applicant or project file will document the occupancy review, displacement determination, notices, advisory services, accessibility assessment, comparable housing analysis, payments, and final disposition.

12.5.1 Public Disclosure

OCRP will make its Residential Anti-Displacement and Relocation Assistance Plan (RARAP) publicly available on the program website and upon request. OCRP will also publicly disclose any demolition or conversion activities requiring one-for-one replacement.

12.5.2 Determination of Displacement

OCRP will determine whether a household or entity is "displaced" based on URA definitions and HUD guidance. A person is considered displaced if they must move permanently from their residence or place of business as a direct result of a CDBG-DR funded project, including:

- Demolition of a structure
- Reconstruction requiring permanent move
- Conversion of a residential unit to a non-residential use
- Acquisition of property for a CDBG-DR project

OCRP will document all displacement determinations in the applicant's file.

12.5.2 Required URA Notices

OCRP will issue all required URA notices to displaced persons in a timely manner, including:

- General Information Notice (GIN)
- Notice of Eligibility for Relocation Assistance
- 90-Day Notice to Vacate
- Move-in notices for tenants moving into units after project initiation

All notices will be provided in plain language and in accessible formats as required by Section 504 and ADA.

12.5.3 Relocation Advisory Services

OCRP will provide individualized relocation advisory services to all displaced persons, including:

- Explanation of URA rights and benefits
- Assistance in obtaining comparable replacement housing
- Counseling on housing options, accessibility needs, and neighborhood considerations
- Coordination with social service agencies, disability services, and community resources
- Assistance completing forms and documentation

Advisory services will be documented in the applicant's file.

12.5.4 Comparable Replacement Housing

OCRP will ensure that displaced persons have access to decent, safe, and sanitary (DSS) replacement housing that is:

- Functionally equivalent to the displacement dwelling
- Affordable
- Accessible to persons with disabilities, where applicable
- Located in an area free of environmental hazards
- Reasonably close to employment, schools, and services

12.5.5 Relocation Assistance and Payments

Displaced persons may be eligible for the following URA benefits:

- Moving expense payments (actual cost or fixed schedule)
- Replacement housing payments for tenants and owners
- Increased mortgage interest payments (for owners)
- Closing costs and incidental expenses
- Rental assistance payments (for tenants)

All payments will be calculated in accordance with 49 CFR Part 24.

12.5.6 Special Accommodations for Persons with Disabilities

OCRP will ensure that all relocation assistance is accessible to persons with disabilities. This includes:

- Notices in accessible formats
- Sign language interpretation or translation services
- Accessible transportation for housing searches
- Comparable replacement housing that meets accessibility needs
- Reasonable accommodations during the relocation process

OCRP will coordinate with disability service providers as needed.

12.5.7 Recordkeeping and Documentation

OCRP will maintain complete records of:

- Displacement determinations
- Notices issued
- Advisory services provided

- Comparable housing referrals
- Relocation payments and calculations
- Appeals and resolutions

Records will be retained in accordance with HUD requirements and Orange County policy.

12.5.8 Appeals

Displaced persons may appeal:

- Eligibility determinations
- Payment amounts
- Comparable housing referrals
- Any aspect of relocation assistance

Appeals will follow the procedures outlined in Section 19 of these Program Guidelines.

13 Preconstruction

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

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

13.1 Contractor Selection and Assignment

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

The program consider the following when selecting a general contractor:

- Timeliness- Timeliness refers to how quickly the General Contractor completes each major phase of the construction life cycle. Timeliness may be evaluated for cost

estimate, pre-construction, construction, response to warranty claims, or any combination thereof.

- Quality- Quality refers to the rate at which the General Contractor fails inspections. General Contractors who have a higher rate of failure will be viewed unfavorably as continued municipal or program inspections is viewed as wasteful of valuable resources.
- Customer Service – Customer service refers to the service provided to the applicant and to the Program. Customer service may be evaluated using data on items such as, but not limited to negative or positive applicant feedback, customer satisfaction survey results, positive or negative feedback received by or from the Program Team, etc.

For MHU replacement projects located on land not owned by the applicant, the program must verify that required landowner authorization and site control documentation are complete before authorizing replacement construction, installation, utility connection, or related site activity.

13.1.1 Contractor Requirements

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

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

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

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

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

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

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

- Upon completion, the property must meet applicable program building standards. All work performed by the GC will be guaranteed for one (1) year starting at the date of key turnover. The one (1) year warranty is a warranty for repairs to the home and electrical, plumbing, and mechanical warranty (if such work is performed).

At project closeout, OCRP will provide the applicant with written warranty information identifying the warranty start date, expiration date, covered work, applicable exclusions, contractor contact information, and the process for submitting a warranty claim. OCRP will provide the applicant with formal written notification approximately six (6) months and one (1) month before the warranty expiration date. Each notice will identify the expiration date and remind the applicant how to report potential warranty issues. Copies of the warranty information and required notices will be maintained in the applicant's file.

The General Contractor must cooperate with OCRP in investigating and resolving timely warranty claims and must complete covered corrective work at no additional cost to the applicant. The contractor's obligation to correct a timely reported warranty issue will not terminate solely because the warranty expires before OCRP or the contractor completes its review or corrective work.

13.2 Cost Estimate

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

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

GCs will visit each subject property to evaluate site-specific conditions that must be factored into the OCRP cost estimate and to finalize the OCRP -provided scope of work. The applicant or his/her designee are required to attend the site visit conducted by the GC. Upon completion of the site visit and incorporation of any site-specific line items to the cost estimate, the GC must submit the cost estimate to the program for review and approval. The program must approve each cost estimate before the GC may begin construction activities. Once approved, the OCRP scope of work may only be modified via a duly authorized change order.

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

13.3 Pre-Construction Meeting

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

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

13.4 Permitting and Code Compliance

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

- Demolition
- Septic
- MHU Installation
- Mechanical, electrical, or plumbing
- Building
- Roofing
- Asbestos or Lead Based Paint Abatement

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

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

by the authority having jurisdiction. Certificate(s) of Completion issued for repair projects may vary, depending on the scope of work completed by the program.

14 Construction

14.1 Applicant Responsibilities During Construction

During the construction phase of the Program, the applicant has several ongoing responsibilities. OCRP will not be responsible for lost or damaged belongings of the applicant that may have occurred during construction. . The applicant must secure or relocate his/her belongings until construction is complete. The program will provide up to two (2) storage containers for applicants as needed. In addition, the following are requirements during construction:

- The applicant will have 30 calendar days to move out of the property from the date of the pre-construction meeting and store any valuable personal property that might be damaged during the course of construction.
- The applicant must arrange access to the property for building contractors providing construction services. If reasonable and timely access is denied to a building contractor who is attempting to make a good-faith effort to perform required repairs, the applicant will be removed from the program.
- The applicant is responsible for the security of his/her property and personal belongings. Movement, storage, and security of personal property are the applicant's responsibility. Replacement, rehabilitation, and reconstruction benefit applicants will be provided with up to two (2) temporary on-site storage units for applicant's use. Items placed in program-provided temporary storage containers shall be the responsibility of the applicant. OCRP will not assume responsibility for the condition of items placed in program-provided temporary storage containers.
- If provided with an on-site storage unit, the applicant will be required to remove all belongings from the onsite storage unit within 14 days of completion of key turnover. The unit will be removed by the contractor within the following 14 days. Any items remaining in the unit after 14 days will be removed from the unit and placed on the applicant's property so the unit can be removed.
    - If the applicant requests additional time to remove their belongings from the storage container, the applicant must coordinate within the 14 days with the general contractor and the storage container company to transfer the unit into the applicant's name. The applicant must take financial ownership of unit payments once the 14 days expires.
- During construction, the applicant must not interfere in repair areas and must stay away from the construction zone. Homeowners are required to schedule site visits with the construction superintendent if site visits are needed/wanted.
- All debris, abandoned vehicles, and buildings that pose a safety and/or health threat as determined by the local jurisdiction or person qualified to make such a determination, must be removed from the property within 30 calendar days of the pre-construction meeting. Applicants must remove dilapidated personal property.
- The applicant must provide all existing utilities as needed for use by the building contractor during construction. These utilities will be provided at the homeowner's cost. Neither the program nor the contractor will be liable for any utility payments on the property during the construction phase of the project. Applicants are responsible for maintaining utility bills

during construction so as not to delay utility reconnection efforts upon completion of construction activities.

- In accordance with the requirements in the Homeowner Grant Agreement, the applicant will agree not to transfer ownership of the property or any interest in the property except as permitted in the Homeowner's Grant Agreement.

14.2 Construction Standards

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

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

- Construction will comply with the Green Building Standard for all reconstruction of residential buildings and under the Florida Green Building Coalition for Hurricane Ian only; and

- All reconstruction must receive a Green Building Certificate from Florida Green Building Coalition for completed projects evidencing successful green building implements and energy efficiency standards were met.

- Construction standards will be based on the Florida Building Code (FBC) and must meet or exceed applicable requirements. Due to Florida's unique geography and vulnerability to hurricanes, FBC is especially stringent when compared to federal building codes (including HUD's minimum standards), as well as the building codes of other states. As such, the implementation of FBC will meet all code requirements, exceeding many current building codes and producing resilient and storm-resistant construction. Where local building codes are more stringent than FBC, OCRP will comply with local building codes.

- For repair projects, the state will follow the HUD Green Building Retrofit Checklist to the extent feasible and applicable to the repair work undertaken. This will include the use of mold-resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the repair work, repair is required to use ENERGY STAR-labeled, Water Sense-labeled, or Federal Energy Management Program (FEMP)-

designated products and appliances, or other equivalent, when feasible. The HUD Green Building Retrofit Checklist is available at:

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

- A MHU is built to the specifications required in the Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 70 § 5401 et seq. MHUs display a red certification label on the exterior of each transportable section. Manufactured Housing Units are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

OCRP will identify in each project file the green-building, energy-efficiency, and resilience standard applicable to the qualifying disaster, funding source, award type, and scope of work. The file will contain the checklist, certification, inspection, or other documentation demonstrating compliance with the applicable standard.

Rehabilitation activities will comply with the HUD CPD Green Building Retrofit Checklist to the extent required and applicable to the work performed. Reconstruction and other activities subject to a comprehensive green-building standard will comply with the standard identified in the applicable governing notice and approved Program documents.

14.3 Eligible Construction Activities

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

Program scopes of work may include:

- **Repair work**: Repair work includes items required to complete repair or renovation of a portion of a stick-built home. Repair work is intended to repair storm damage and bring the items repaired into compliance with local building codes. Repair stick-built structures will include scope associated with the HUD CPD Green Building Retrofit checklist (Ian ONLY).

- **Reconstruction**: Reconstruction consists of the demolition of existing Ian/Milton damaged structure, removal, and disposal of the storm damaged structure, followed by construction of a new home in substantially the same footprint where feasible as the storm-damaged home. Reconstruction work will be conducted in accordance with local building codes, HUD standards for green and resilient building, and HUD standards for energy efficiency. Reconstructed homes are only offered in standard OCRP floorplans. No custom designed homes are authorized.

- **Elevation:** If reconstruction requires elevation, it will be conducted by means of pier and beam foundations, piling foundations, or fill dirt, if permissible within zoning regulations, and will be determined by the architect/engineer of record.

- **Manufactured Housing Unit (MHU) Replacement**: MHU Replacement consists of the demolition, removal, and disposal of the storm-damaged MHU, followed by installation of a new MHU in substantially the same footprint where feasible as the storm-damaged MHU. MHUs provided by OCRP must be HUD certified and will be installed in accordance with local building and zoning regulations. MHUs are offered in 2-, 3-, and 4-bedroom configurations, all with 2 bathrooms. Singlewide and doublewide MHUs are offered. MHUs will be sourced and offered by the GC, in accordance with OCRP size and configuration guidance. Applicants are not permitted to select the MHU.

- **Site work**: Site work includes site-specific construction activities necessary to complete the project that are not related to the structure itself. Site work includes activities such as: flatwork, grading, septic tank repair/replacement, well repair/replacement, installation of sod, tree trimming or tree removal, etc.

- **Environmental Abatement**: Environmental abatement activities are those environmental activities identified by OCRP or the GC that must be addressed in order to comply with the current HUD Disaster Standards and Services (DSS). Environmental abatement activities may include items such as, but not limited to, lead-based paint removal or mitigation, or asbestos abatement. Costs of environmental clearance inspections are also allowable.

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

- **Reasonable Accommodations**: Scopes of work for applicants with duly approved reasonable accommodation requests will include items associated with the approved reasonable accommodation(s). Reasonable accommodations may include items such as: widened doorways, ramps, grab bars, etc. To be included in a program scope of work, the applicant must complete the Verification of Disability Form for him/herself or a household member, and the reasonable accommodations request form must be approved prior to construction start.

- **Essential Appliances**: Essential appliances, which include stove/range, oven, water heater, and refrigerator are included in program scope of work for all reconstruction and replacement award types. Scopes of work for repair award types will include replacement of essential appliances, only if the essential appliances are damaged, in non-working order, or non-existent at the time of damage assessment[15]. Appliances provided will be standard, economy grade, and energy efficient. Luxury appliances will not be provided.

- **Smoke and Carbon Monoxide Detectors**: All assisted homes will be equipped with smoke or smoke/carbon monoxide detectors, in accordance with local code requirements.

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

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

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

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

Orange County will identify and track resilience performance measures in DRGR, consistent with HUD guidance, to document how funded activities advance disaster resilience and mitigation objectives.

14.4 Lead-Based Paint Disturbance and Mitigation

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

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

Figure 1: Example Signage

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

Figure 2: Example Signage

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

14.5 Repair and Reconstruction Progress Inspections

All program inspections are conducted by an Orange County inspector assigned to the project. The number of inspections and the specific items reviewed will vary depending on whether the construction effort is a reconstruction, rehabilitation, or MHU replacement. The purpose of these inspections is to verify that construction is being completed according to the approved plans, specifications, or scope of work; that required municipal/code inspections are being achieved and that all work meets the program's quality standards. Program inspections are supplemental and do not supersede or replace any municipal or code inspection requirements. Contractors remain responsible for scheduling and passing all required jurisdictional inspections in addition to cooperating fully with Orange County program inspections.

14.6 Elevation Certificates

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

The environmental review and floodplain determination will identify the elevation standard applicable to each project based on the qualifying disaster, funding source, project type, floodplain designation, substantial-damage or substantial-improvement status, and applicable federal, state, and local requirements. The project file will include the applicable floodplain determination and required elevation certificates.

14.7 Final Inspection and Warranty Information

Once the contractor has completed all construction activities outlined in the Estimated Cost of Repair (ECR), program documents, and/or plans and specifications, the contractor will request a Final inspection to confirm that all work has been satisfactorily completed according to the appropriate state and local codes and standards and accepted by all appropriate building code enforcement and third-party inspectors, and that the home meets HUD Housing Quality Standards (HQS) as defined in the Definitions section of this document. A Program Final Inspection cannot be requested until all applicable municipal inspections have been completed and passed.

All work performed by the contractor will be guaranteed for one (1) year. The start date for this warranty coverage will begin from the date of key turnover. The one (1) year warranty is a general warranty for repairs to the home and electrical, plumbing, and mechanical warranty (if such work is performed)

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

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

In accordance with Section 13.1.1, OCRP will provide formal written warranty notifications to the applicant approximately six (6) months and one (1) month before expiration of the one-year warranty period. OCRP will document the date and method of each notification in the applicant’s file or system of record.

14.8 Re-Inspections

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

14.9 Change Orders

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

14.10 Contractor Fraud, Poor workmanship, and Quality Assurance Protections

Orange County Recovers Program (OCRP) will provide the applicant with a one (1) year general warranty and is committed to protecting beneficiaries from contractor fraud, poor-quality workmanship, and other contractor-related issues. OCRP will provide mechanisms for reporting concerns, investigating allegations, correcting deficiencies, and ensuring that beneficiaries receive safe, high-quality construction services consistent with program standards and HUD requirements.

These protections apply to all contractors participating in OCRP and to all construction activities funded by CDBG-DR.

14.10.1 Reporting Contractor Fraud or Poor Workmanship

Beneficiaries may report concerns related to contractor performance through any of the following channels:

- Directly to their Case Manager
- To the Construction Manager
- Through the program's general phone line or email
- In writing at the Intake Center

Reports may include:

- Suspected fraud

- Poor-quality or incomplete work
- Unsafe construction practices
- Unauthorized changes to the scope of work
- Contractor misconduct or unprofessional behavior
- Requests for payment or materials outside program rules

OCRP will acknowledge receipt of the report within five (5) business days. These protections apply without regard to whether the project is funded through the Ian or Milton allocation. Complaints and corrective actions will be documented in the applicant and contractor files, and suspected fraud will be referred in accordance with the Program's Anti-Fraud, Waste, and Abuse requirements.

14.10.2 Investigation of Contractor Issues

Upon receiving a report, OCRP will:

1. Review the allegation and supporting information
2. Conduct a site visit if needed
3. Interview the beneficiary and contractor
4. Review the scope of work, inspections, and documentation
5. Determine whether the issue is:
    - A warranty issue
    - A workmanship deficiency
    - A safety concern
    - A scope deviation
    - A potential fraud case

OCRP will document all findings in the applicant's file.

14.10.3 Corrective Action and Contractor Accountability

If deficiencies are confirmed, OCRP may require the contractor to:

- Correct the work at no additional cost
- Rebuild or repair defective work
- Replace materials that do not meet program standards
- Comply with safety requirements
- Adhere to the approved scope of work

OCRP may also:

- Withhold payment until corrections are completed
- Issue a performance warning
- Suspend the contractor from receiving new assignments
- Remove the contractor from the program for repeated or serious violations

All corrective actions will be documented.

14.10.4 Fraud Escalation

If OCRP identifies suspected fraud, including:

- False invoicing
- Material substitution
- Kickback requests
- Unauthorized charges
- Intentional misrepresentation

OCRP will:

- Escalate the case to Program Leadership
- Refer the matter to the County's fraud, waste, and abuse office
- Notify HUD if required
- Cooperate with law enforcement investigations

Beneficiaries will be protected from retaliation.

14.10.5 Reassignment of Contractor

If a contractor is unable or unwilling to correct deficiencies, OCRP may:

- Reassign the project to another qualified contractor
- Adjust the construction schedule
- Conduct a new inspection to confirm remaining work

Beneficiaries will not be financially responsible for contractor failure.

14.10.6 Warranty Enforcement

OCRP will ensure beneficiaries receive warranty information at project closeout. If warranty issues arise:

- OCRP will assist the beneficiary in contacting the contractor
- OCRP will intervene if the contractor fails to respond

- OCRP may require corrective action under warranty terms

Warranty enforcement will be documented in the case file.

14.11 Contractor Performance Evaluation

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

This volume of throughput methodology includes reviewing GC on:

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

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

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

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

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

14.11 Applicant Protection Procedures

OCRP will implement procedures to protect applicants from contractor misconduct, poor workmanship, fraud, and other construction-related issues. These procedures ensure that beneficiaries receive safe, high-quality services and are not financially harmed by contractor actions.

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

14.11.1 Applicant Rights

Applicants have the right to:

- Safe, high-quality construction work
- Work performed according to the approved scope
- Protection from fraud, coercion, or retaliation
- Report concerns without fear of penalty
- Receive timely responses to complaints
- Have defective work corrected at no cost
- Receive warranty information and support

These rights will be communicated during program education and at the pre-construction meeting.

14.11.2 Applicant Complaint Process

Beneficiaries may submit complaints verbally or in writing. OCRP will:

- Acknowledge the complaint within **five (5) business days**
- Investigate the issue
- Provide a written response with findings
- Implement corrective actions as needed

Complaints may be escalated if the beneficiary disagrees with the resolution.

14.11.3 Dispute Resolution

If a dispute arises between a beneficiary and a contractor, OCRP will:

1. Facilitate a meeting between both parties
2. Review documentation and the scope of work
3. Conduct a site inspection
4. Issue a written determination
5. Require corrective action if necessary

OCRP's determination is final for program purposes.

14.11.4 Protection from Financial Harm

Beneficiaries will not be responsible for:

- Paying contractors directly
- Purchasing materials
- Covering cost overruns
- Paying for corrective work
- Paying for fraud-related losses

OCRP will ensure that all payments flow through the program and are tied to verified inspections.

14.11.5 Documentation and Monitoring

OCRP will maintain records of:

- Complaints
- Investigations
- Corrective actions
- Contractor performance issues
- Fraud referrals
- Resolutions

OCRP will review trends quarterly to identify systemic issues and improve program operations.

14.12 DRGR Resilience Reporting

DRGR Resilience Reporting Requirements

Orange County Recovers Program (OCRP) will identify, document, and report all resilience and hazard-mitigation measures incorporated into CDBG-DR funded construction activities in the Disaster Recovery Grant Reporting (DRGR) system. OCRP will ensure that all investments in repair, reconstruction, and replacement of residential structures are designed to withstand chronic stresses and extreme weather events, consistent with HUD resilience requirements and applicable building codes.

OCRP will document resilience performance measures at the project level and report them in DRGR as part of the activity description, performance metrics, and completion data.

14.12.1 Identification of Resilience Performance Measures

OCRP will identify resilience measures during the damage assessment, scope development, and award determination phases. Resilience measures may include, but are not limited to:

- Elevation of structures above Base Flood Elevation (BFE)

- Installation of impact-rated windows and doors
- Roof strengthening and wind-resistant roofing systems
- Flood-resistant materials and construction techniques
- Mechanical, electrical, and plumbing (MEP) elevation or protection
- Foundation reinforcement
- Green building and energy-efficiency features
- Replacement of Manufactured Housing Units (MHUs) with HUD-compliant, wind-rated units

These measures are incorporated into the scope of work to reduce future disaster impacts and improve long-term durability.

14.12.2 Integration of Resilience Measures into Construction Activities

OCRP will integrate resilience strategies into all eligible construction activities, including:

- **Rehabilitation**: Incorporating mitigation improvements and bringing homes into compliance with current building codes.
- **Reconstruction**: Constructing new units that meet or exceed current code, floodplain, and wind-resistance standards.
- **MHU Replacement**: Installing new units that meet HUD Manufactured Home Construction and Safety Standards, including wind zone requirements.

OCRP's construction standards require the use of materials and methods that enhance durability, reduce hazard exposure, and improve long-term resilience.

14.12.3 Documentation of Resilience Measures

OCRP will document resilience measures in the applicant's file and in DRGR using:

- Damage Assessment Reports
- Feasibility of Repair Analysis
- Environmental Review Records
- Construction Scope of Work
- Elevation Certificates (if applicable)
- Final Inspection Reports

Documentation will clearly identify which resilience measures were included and the hazard risks they address.

14.12.4 DRGR Reporting of Resilience Performance Measures

OCRP will report resilience performance measures in DRGR as required by HUD, including:

- Activity Descriptions: Identifying resilience features included in the project.
- Performance Measures: Reporting elevation, wind-resistance, floodproofing, and other mitigation outcomes.
- Mitigation Indicators: Selecting applicable mitigation and resilience indicators in DRGR.
- Completion Data: Documenting final resilience outcomes upon project closeout.

OCRP will ensure that all resilience-related data is accurate, complete, and supported by documentation in the project file.

14.12.5 Compliance with HUD Resilience and Mitigation Requirements

OCRP will ensure that all CDBG-DR funded construction activities comply with:

- HUD resilience performance measure requirements
- Local and state building codes
- Floodplain management standards
- Green building and energy-efficiency requirements
- Hazard-mitigation best practices

OCRP will update DRGR reporting procedures as HUD issues new guidance or system updates.

14.12.6 Monitoring and Quality Assurance

OCRP will conduct internal monitoring to ensure:

- Resilience measures are correctly identified
- Documentation is complete
- DRGR entries accurately reflect project-level mitigation features
- Performance measures align with HUD requirements

Any discrepancies will be corrected prior to activity closeout.

15 Post Construction

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

15.1 Method of Payment/Invoicing

Upon completion of a milestone inspection and/or passing of the program final inspection, the GC will be eligible to submit their construction invoice(s) to (BDO) the implementation vendor. The GC is responsible for submitting complete invoices with all appropriate documentation. The implementation vendor will review and confirm invoice accuracy and completeness prior to submission of the invoices(s) to Orange County. The implementation vendor will submit reviewed and approved construction invoices to Orange County for review and payment on a weekly basis. The implementation vendor will pay GCs upon receipt of payment from Orange County, and make any revisions or corrections noted by Orange County, as needed.[17]

No construction payment will be approved without documentation that the invoiced work was included in the approved scope or change order, completed to the invoiced stage, inspected as required, and supported by eligible and reasonable costs. Payment approval functions will be separated from contractor invoice preparation and performance of the work.

15.2 Compliance Period

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

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

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

- If within the first 12 months monitoring period, applicants fail to comply with the compliance requirements, the applicant is responsible for repaying the total grant back to Orange County.
- If within 13-24 months monitoring period, applicants fail to comply with the compliance requirements, the applicant is responsible for repaying 2/3 of the total grant amount back to Orange County.
- If within 25-36 months monitoring period, applicants fail to comply with the compliance requirement, the applicant is responsible for repaying 1/3 of the total grant amount back to Orange County.

[17] The procurement process is included in section 13.2 Construction Standards.

- The compliance and monitoring policy include the following prorated amounts of grant repayment, if the applicant is not determined compliant within the 36-month compliance period:

If the applicant is in compliance at or on the beginning of the 37th months of the compliance and monitoring period, the promissory note is released and the total grant amount is forgiven. The applicant file and recorded compliance instrument will identify the start and end dates of the compliance period, monitoring frequency, required evidence of ownership and primary occupancy, repayment schedule, and conditions for release. OCRP will conduct and document monitoring at least annually during the three-year compliance period.

15.3 Closeout Review

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

Once the initial end-to-end file review is completed by the case manager, the file is routed to the Quality Assurance/Quality Control (QA/QC) team. The QA/QC team may correct any issues with the file, return the file to case management for additional work, or approve the file for routing to Orange County for final review and approval.

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

Closeout review will confirm, as applicable, eligibility, national objective, disaster tie, environmental clearance, DOB compliance, final construction and payment documentation, lead and environmental clearance, flood insurance, warranty information and notices, required property instruments, and resolution of findings or outstanding corrective actions.

15.4 Recapture

Rare instances may arise where an applicant must return all or part of the awarded funding to the Program. The Program is responsible for recapturing duplicative funds from applicants or from applicants who become non-compliant. All applicant files will be reviewed and reconciled for accuracy to ensure DOB did not occur and that applicants are in compliance with Program requirements and federal guidelines. If an applicant has been identified as receiving a potential overpayment, the Program will document the amount and basis for the repayment in writing via a Repayment Notification. If an applicant passes away, the project was completed, and the heirs sold the property, the heirs must return all or part of the awarded funding to the program.

Applicants who disagree with a repayment amount determined by OCRP may appeal the determination within **thirty (30) days** of receipt of the Repayment Notification. If the applicant's request is denied or there is failure on the part of the applicant to contest within the allotted timeframe, the Program will proceed with collecting the repayment amount. If the applicant's request results in a revision of the award amount or eligibility, the applicant will sign a revised

Homeowner Grant Agreement which will outline the requirements related to such changes and the requirements for repaying the remaining overdue amount, if any.

Once it has been determined that the applicant must return funds to the CDBG-DR grant fund, the applicant must repay their funds in a timely manner. All repayments shall be expected to be repaid in full as one lump sum amount. The Program will review any applicant claims of financial hardship and may make limited accommodations in some cases. All funds recovered because of this policy will be tracked in the Disaster Recovery Grant Reporting system (DRGR) and returned to the CDBG-DR account or U.S. Treasury if the CDBG-DR grant has been closed out.

Before issuing a repayment demand, OCRP will document the legal and factual basis for recapture, amount owed, calculation method, applicable agreement or requirement, applicant notice, opportunity for review or appeal, and final determination. Recoveries will be credited or returned in accordance with the requirements applicable to the grant supporting the original expenditure.

16 Exceptions to Program Policies

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

Each approved exception will identify the Program requirement being waived or modified, the facts supporting the decision, approval authority, effective date, and confirmation that the exception does not conflict with the applicable Action Plan or federal requirements. Exceptions will be applied consistently to similarly situated applicants.

17 Voluntary Withdrawal

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

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

fourteen (14) day period, the applicant's case will be withdrawn. Withdrawal from the program is final and not appealable.

Before finalizing a withdrawal after environmental, relocation, construction, or payment activity has begun, OCRP will determine and document any outstanding contractor obligations, relocation responsibilities, environmental conditions, applicant repayment obligations, property-safety concerns, and required file-closeout actions.

18 Applicant Responsibilities Post Construction

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

18.1 Flood Insurance

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

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

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

Applicants with OCRP assisted properties located within a 100-year floodplain must submit proof of flood insurance prior to receiving keys to the assisted property. OCRP will purchase flood insurance coverage for one year following provision of program assistance for applicants who do not already have an active policy.

Before approving assistance, OCRP will determine and document whether the property is located in a Special Flood Hazard Area and whether the applicant previously received federal flood-disaster assistance conditioned on obtaining and maintaining flood insurance. If the applicant failed to maintain required flood insurance, OCRP will determine whether Section 582 prohibits assistance for the proposed activity.

When the flood-insurance purchase requirement applies, the applicant must obtain the required coverage before assistance is provided or before the applicant occupies the completed property, as applicable. The requirement to maintain coverage for the life of the property and notify future owners will be imposed through the Homeowner Grant Agreement and a recorded covenant or other enforceable instrument.

18.1.1 Prohibition of Assistance for Lack of Flood Insurance Coverage

When a homeowner located in the 100-year floodplain allows their flood insurance policy to lapse, it is assumed that the homeowner is unable to afford insurance and/or is accepting responsibility for future flood damage to the home. Higher income homeowners who reside in a 100-year floodplain, but who failed to secure or decided to not maintain their flood insurance, should not be assisted at the expense of lower income households. To ensure that adequate recovery resources are available to assist lower income homeowners who reside in a 100-year floodplain but who are unlikely to be able to afford flood insurance, and in accordance with an alternative requirement established in Section 582 of the National Flood Insurance Reform Act, OCRP is prohibited from providing assistance for the rehabilitation/reconstruction of a house, if:

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

OCRP primarily serves LMI households. Any above-LMI assistance remains subject to the separate eligibility, national-objective, and Action Plan requirements established in these Guidelines.

18.2 Applicant Cooperation with the Program

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

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

- **Documentation:** The program requires documentation from the applicant for multiple reasons and at multiple phases throughout the program. Not all requests for documentation are for documents an applicant must produce. Some documentation

requests may be related to documents generated by the program that the applicant must sign. Applicants must submit and/or sign requested documents in a timely manner.

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

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

18.3 Applicant Responsiveness

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

Before closing an application for nonresponsiveness or failure to act, OCRP will document the required action, communication attempts, applicable notice, response deadline, any requested reasonable accommodation or extension, and final closure determination.

18.6 Compliance Period

Applicants assisted under OCRP must agree to the terms of the compliance period associated with their award. Orange County will periodically monitor Applicants throughout the compliance period. Applicants may be asked to demonstrate that they are still in compliance at any time during the compliance period. For exception-related procedures, refer to Section 15.2.

18.6.1 Reconstruction Applicant Compliance Period

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

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

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

18.6.2 Rehabilitation/Replacement Applicant Compliance Period

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

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

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

18.6.3 Compliance Forgiveness

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

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

19 Appeals and Complaints

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

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

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

A reconsideration or Program appeal concerns an individual determination affecting an application, such as eligibility, DOB, award type, approved scope, case closure, or recapture. A complaint concerns Program administration, staff or contractor conduct, service delivery, delay,

accessibility, discrimination, fraud, or another concern that does not necessarily challenge an appealable determination. A URA or section 104(d) appeal will be processed under the separate relocation appeal requirements in Appendix B.

19.1 Appeals

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

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

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

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

- Via the web portal at: www.orangecountyrecovers.com
- Via Email: info@orangecountyrecovers.com
- In Writing:

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

Appeal of program determination: A party requesting an appeal must file a written request for reconsideration with OCRP to request a review within (30) calendar days of the date of the program determination letter. The written request must include specific information relating to the reconsideration OCRP decision. Applicants are encouraged to provide individual facts or circumstances, as well as supporting documents to justify their petition. In adjudication of the appeal, the program will only review facts and information already included in an applicant's file, unless the applicant submits new documentation. The program has the discretion to accept or reject new documentation based upon its relevance to the appeal. OCRP will consider timely submitted information relevant to the appealed determination. The Program may decline information that is immaterial, duplicative, or submitted after the established deadline without good cause.

OCRP will acknowledge receipt of the request. OCRP will respond in writing to the request no later than 15 working days where practicable after the date of receipt of the request. The appeal will be reviewed by a person or body that did not make or directly supervise the original determination, to the extent practicable. The written decision will identify the issue, evidence

considered, applicable policy or requirement, findings, conclusion, and any further review rights. The response may take one of the following actions:

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

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

19.2 Complaints

19.2.1 OCRP Complaints

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

- Via the program website to complete an online complaint form at: www.orangecountyrecovers.com
- Via Email: Disaster.Recovery@ocfl.net
- In writing:

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

- Directly to a program-level representative: Via the program website to complete an online complaint form or via phone at 321-382-3514 to receive assistance from a case manager.

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

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

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

- Investigation, as necessary;
- Resolution; or
- Follow-up actions.

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

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

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

19.2.2 HUD Complaints

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

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

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

Nothing in the OCRP complaint or appeal process limits a person's right to file a fair-housing, civil-rights, accessibility, fraud, or other complaint directly with HUD or another authorized agency.

19.2.3 Fair Housing Complaints

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

- Email: complaintsoffice04@hud.gov

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

19.2.4 Anti-Fraud, Waste, and Abuse

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

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

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

Office of Long-Term Resiliency's comprehensive Anti-Fraud Waste and Abuse Policy can be found here.

20 Files, Records, and Reports

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

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

Applicant and project files will contain sufficient documentation to establish the qualifying disaster, eligible activity, national objective, MID location, eligibility, ownership and occupancy, income, DOB review, environmental clearance, approved scope and award, cost reasonableness, construction and inspections, payments, flood insurance, relocation, accessibility, warranty, compliance monitoring, appeals, recapture, and closeout, as applicable.

OCRP will protect personally identifiable information, citizenship and immigration records, disability-related information, financial information, and other sensitive records through access

controls and secure storage and transmission. Public reporting will not disclose personally identifiable information.

Appendix A -Definitions

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

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

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

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

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

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

Americans with Disabilities Act (ADA) – Effective July 20, 1990, a federal law which prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services.

Applicant – Applicant means a person who applies for OCRP assistance related to Hurricane Ian, Hurricane Milton, or both qualified storms, as applicable..

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

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

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

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

CFR – Code of Federal Regulations

Choice-Limiting Action -- A choice limiting action is any activity that a grantee undertakes, including committing or expending HUD or non-HUD funds, that reduces or eliminates a grantee's opportunity to choose project alternatives that would avoid or minimize environmental impacts or enhance the quality of the human environment. Any activity undertaken by Orange County, its partners, subrecipients, contractors, or an applicant, after submission of an application for funding but prior to environmental review and clearance are completed under 24 CFR Part 58, that commits or expends funds or limits the County's or HUD's choice of reasonable alternatives. Such actions include acquisition, rehabilitation, conversion, leasing, repair, demolition, or new construction, or any other physical or administrative action that could have an adverse environmental impact or preclude the evaluation of reasonable alternatives to avoid or minimize environmental effects.

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

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

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

Concrete Masonry Unit (CMU)- a standardized, precast rectangular block used for traditional wall construction.

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

CPD – Community Planning and Development

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

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

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

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

Demolition – Clearance and proper disposal of buildings.

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

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

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

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

Elevation – All structures, defined at 44 CFR 59.1, designed principally for residential use, and located in the 1 percent annual (or 100-year) and the 0.2 percent annual (or 500-year) floodplain, as defined at 24 CFR 55.2(b) (11) and 24 CFR 55.2(b) (5), that receive assistance for new construction, reconstruction, repair of substantial damage, or substantial improvement must be elevated with the lowest floor, including the basement, at least two feet above the base flood

elevation. Elevation will be conducted by means of pier and beam construction, as per Florida building code. Fill dirt to achieve proper elevation height will not be eligible.

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

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

Estimated Cost to Repair (ECR) – Used to verify Hurricane Ian/Milton damage to the property and determine the estimated scope of work to complete the repairs to the property and bring the property up to program standards.
Family – A household composed of two or more related persons. The term “family” also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well- being.

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

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

FEMP – Federal Energy Management Program

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

Flood Insurance – The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

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

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

Grantee – As used in this document, the grantee is Orange County, Florida, as recipient of Community Development Block Grant-Disaster Recovery funds from the U.S. Department of Housing and Urban Development.

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

GSA – Government Services Agency

HCDA – Housing and Community Development Act of 1974, as amended
Household – All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the Low- to Moderate-Income compliance test is based on the total household income.

Housing Quality Standards (HQS) – Established certain minimum standards for buildings. This includes new single-family homes and multifamily housing as outlined in 24 CFR 982.401. The OCRP uses these standards as a guide to identify basic living quality deficiencies that should be addressed during the construction process when there is other identifiable Ian/Milton-related storm damage.

HUD – United States Department of Housing and Urban Development.

IA – (Federal Emergency Management Agency) Individual Assistance

Increased Cost of Compliance (ICC) – Structures damaged by floods may be required to meet certain building requirements, such as elevation or demolition, to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the National Flood Insurance Program includes Increased Cost of Compliance coverage for all new and renewed Standard Flood Insurance Policies. Increased Cost of Compliance is a potential source of a Duplication of Benefit, as a supplement to an existing National Flood Insurance Program policy. Policyholders are only eligible to receive Increased Cost of Compliance payment if a Substantial Damage Letter has been issued by the local floodplain manager.

Income –

- Income means adjusted gross income calculated under the IRS Form 1040 methodology permitted by 24 CFR 570.3.

Landowner Authorization – is the written authorization provided by the owner of the real property on which an eligible manufactured housing unit is located when the applicant does not own the land. Landowner Authorization authorizes the Orange County Recovers Program (OCRP) to access the property and perform all activities necessary to complete the eligible Manufactured Housing Unit (MHU) replacement project. At a minimum, the written consent must authorize OCRP and its contractors to access the property for damage assessments and site evaluations; environmental review coordination, as applicable; demolition and removal of the damaged manufactured housing unit; delivery, installation, anchoring, and utility connections for the replacement manufactured housing unit; and any other site access or construction activities

required to complete the approved replacement scope of work. This authorization must be obtained before OCRP may initiate any replacement activities on property not owned by the applicant.

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

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

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

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

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

NFIP – National Flood Insurance Program.

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

Not Suitable for Rehabilitation

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

OCRP- Orange County Recovers Program

Reconstruction – The demolition, removal, and disposal of an existing housing unit and the construction of a unit on the same lot, and in substantially the same footprint, with a new unit that complies with the International Residential Codes (IRC), as required by the Florida Code. The number of units on the lot may not increase and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded; however, the number of rooms in a unit may be increased or decreased. Reconstructed homes must also comply with the Green Building Standards, elevation requirements under 24 C.F.R. Part 55, and energy efficiency requirements as outlined in the April 2025 HUD Universal Notice.

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

Replacement – Demolition, removal, and replacement of a damaged MHU with a new MHU in substantially the same footprint or at a new location, if the original damaged unit was on leased land and the MHU owner must relocate to a new property. Relocation of a new MHU will require additional environmental review. The replacement unit must meet
all HUD Manufactured Home Construction and Safety Standards (24 C.F.R. Part 3280) and local zoning and installation requirements.

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

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

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

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

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

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

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

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

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

Xactimate- A residential estimating software that is used to standardize estimates for construction costs.

Appendix B: Uniform Relocation Act

1 Overview

Every project funded in part or entirely by Community Development Block Grant – Disaster Recovery (CDBG-DR) funds, and all activities related to that project are subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, 42 U.S.C. § 4601 et seq., and section 104(d) of the Housing and Community Development Act of 1992, as amended (HCDA), 42 U.S.C. § 5304(d), except where waivers or alternative requirements have been provided by the U.S. Department of Housing and Urban Development (HUD)[18].

The implementing regulations for URA are at 49 C.F.R. Part 24. The regulations for section 104(d) are at 24 C.F.R. Part 42, subpart C. Additionally, HUD has established regulations specific to CDBG-funded housing activities at 24 CFR 570.488 and 24 C.F.R. § 570.606. The primary purpose of these laws and regulations is to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.

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

2 Waivers and Alternate Requirement

88 FR 6393 provides waivers and alternative requirements to select provisions of the URA. HUD extended these waivers and alternate requirements to funds allocated to Orange County under Federal Register Notice Vol. 88, No. 196 (88 FR 6393). Relevant waivers and alternative requirements are summarized below.

2.1 One-for-One Replacement

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

Tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with a CDBG–DR assisted activity

[18] HUD has issued alternate requirements to URA regulations for Orange County CDBG-DR grant in Federal Register Volume 88, Number 96; Published May 18, 2023

are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and these provisions are not waived.

2.2 Section 104(d) Relocation Assistance

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

2.3 URA Replacement Payments for Tenants

The requirements of sections 204 and 205 of the URA (42 U.S.C. 4624 and 42 U.S.C. 4625), and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months.

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

2.4 Displacement Due to a Major Disaster

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

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

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

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

3 General Relocation Requirements

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

• Provision of written notifications to displaced persons that inform them about potential future displacement, eligibility, and actions to be taken during the implementation of a displacing project;

• Identification of comparable dwellings or sites to those from which persons are displaced sufficiently prior to their displacement;

• Engagement in relocation planning that identifies the extent of potential displacement and needs to minimize impacts of displacement to the extent possible; and

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

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

3.1 URA Notifications

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

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

3.1.1General Information Notice (GIN)

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

OThe GIN discloses to all potentially displaced persons that OCRP may provide assistance, via federal funding subject to URA, to support the rehabilitation, reconstruction, or replacement of the property they occupy. The GIN outlines the basic requirements to be eligible for URA protections, the relocation assistance they may be eligible for, and the procedures for obtaining

the payment(s). It also provides information about the reasonable relocation advisory services available to help the displaced person successfully relocate.

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

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

3.1.2 Notice of Non-Displacement- No Relocation Required

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

3.1.3 Notice of Non-Displacement- Temporary Relocation Required

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

3.1.4 Notice of Eligibility – Temporary Relocation

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

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

3.1.5 Thirty (30) Day Notice

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

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

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

3.2 Temporary Relocation

The URA regulation at 49 C.F.R. § 24.2(a)(9)(ii)(D), Appendix A provides general guidance for assistance to tenant-occupants who are not required to relocate permanently due to federally assisted projects involving the acquisition, rehabilitation, or demolition of apartments, homes, commercial buildings, etc., which could allow for a quick return for the original occupants. HUD expands on the requirements regarding temporary relocation at section 2-7 of HUD Handbook 1378.0, Chapter 2. Together, these requirements effectively create an "exemption" from certain URA requirements by establishing how the project owner can avoid creating "displaced persons."

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

3.2.1 Eligible Expenses

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

3.2.1.1 Increased Housing Costs

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

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

3.2.1.2 Moving Costs

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

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

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

3.2.2 Ineligible Expenses

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

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

3.3 Relocation Duration and Return Home

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

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

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

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

4 URA Appeals

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

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

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

- Email: info@orangecountyrecovers.com
- Postal Mail: Attention Orange County Recovers Program Appeals

  Orange County Recovers Program

  1201 20th Street

  Orlando, FL 32805