



OFFICE OF COMMUNITY DEVELOPMENT

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Steven M. Neuhaus
County Executive

Dear Urban County Consortium Member:

In 2012, Orange County was awarded supplemental Community Development Block Grant Disaster Recovery (CDBG-DR) funds to address recovery activities and to rebuild areas affected by **Hurricane Irene and Tropical Storm Lee**, as well as provide crucial funding to assist the recovery process in response to these storm events. The projects originally awarded under this grant have since been completed and the remaining unspent funds can now be allocated to eligible infrastructure projects.

At this time, the County will consider funding public infrastructure projects that demonstrate a clear, direct tieback to Hurricane Irene and/or Tropical Storm Lee. Applicants may request assistance with the “local share” of a FEMA Public Assistance project; however, CDBG-DR may not be used to pay for any part of the federal portion of the approved Public Assistance project. Funds may also be used to improve systems that did not function to serve the needs of the community prior to the disaster event or to improve systems that failed during the disaster event. Applicants may also request funding for projects that do not have FEMA Public Assistance dollars in them but that will improve the community’s ability to respond to future disaster events. All applicants of funding must prepare and submit an application in accordance with the format and specifications contained herein.

All Municipal Infrastructure CDBG-DR-DR applications are to be submitted to the Office of Community Development (OCD) no later than 6/25/2021.

Thank you for your interest in this important program, and we look forward to assisting you with your disaster recovery needs. If you have any questions, please do not hesitate to contact Alaina Walag, Community Development Assistant Director at (845) 615-3817 or awalag@orangecountygov.com.

Sincerely,

Nicole Andersen

Nicole Andersen
Director of Community Development

**Orange County Urban County
Consortium
Community Development Block Grant-Disaster
Recovery (CDBG-DR) Application**

*****CDBG-DR Applications must be submitted to the Orange County Office of Community Development no later than 4:00 p.m. on Friday, June 25, 2021*****

This program is funded and regulated at the federal level by the U.S. Department of Housing and Urban Development (HUD) and administered locally by the Orange County Office of Community Development. The CDBG-DR-DR Program provides supplemental assistance to Entitlement Communities to assist in disaster recovery needs necessitated by Hurricane Irene and/or Tropical Storm Lee.

Projects must serve Orange County residents with low to moderate incomes. Census data and Municipal maps depicting the low-moderate income areas in each of the participating municipalities is provided on the Orange County Office of Community Development website: (<https://www.orangecountygov.com/1786/Census-Maps>).

Other Federal Cross-Cutting Regulations apply, including but not limited to, the Uniform Relocation Act, Davis Bacon and Contract Work Hours and Safety Standards and other labor standards, Environmental Review requirements, adherence to federal procurement regulations and other administrative conditions outlined in 2 CFR Part 200.

CDBG-DR Application and Process:

Technical Assistance

Staff is available to provide technical assistance during the application process and implementation. Contact Alaina Walag, Community Development Assistant Director at (845) 615-3817 or awalag@orangecountygov.com to have your application reviewed or to discuss potential projects for eligibility.

Project Award

Only one (1) application per applicant will be considered at this time. If additional funding is or becomes available, additional RFAs may be issued.

There is a minimum application amount of \$100,000. Matching funds are not required but recommended.

Project Term Completion Date

Once all conditions of award are met (see Successful Applicant Requirements below) and a contract is executed with the County, **the project must be completed within 12 months from the Notice to Proceed date.** OCD will monitor the progress of project work and will recapture awarded funds if significant progress is not made.

Eligible Applicants and Project Benefit Area

CDBG-DR funds are available through the Orange County Urban County Consortium for all municipalities in Orange County which have elected to be a member of the consortium. The following municipalities have elected not to participate in the County's program and therefore projects that primarily serve these communities generally are not eligible: City of Newburgh, City of Middletown, City of Port Jervis, Town of Palm Tree, and Village of Kiryas Joel.

Application Requirements

- The CDBG-DR application requires an approval by the governing body (municipal or non-profit) and must be signed by the Supervisor, Mayor, Village Manager, or an authorized representative of the non-profit applicant.

- Renovation or construction of buildings used for the general conduct of government (Town or Village Halls or Office buildings or garages) is **NOT** an eligible activity.
- **Current Cost Estimate** prepared by an individual knowledgeable in the preparation of such estimates, using federal construction requirements, including, but not limited to, Federal wage rates **MUST** be included with application.
- **Application must include evidence of tieback to Hurricane Irene and/or Tropical Storm Lee.** Disaster recovery plan documents, engineer evaluations of performance of system/infrastructure before and after storm, evidence of failure of existing system are all satisfactory.
- **Application must include mitigation plan to minimize damage in the event of future disasters.**
- **Incomplete applications will NOT be considered for funding.** Be sure to complete all sections of the application and provide all requested documentation.
- **Application must demonstrate that no duplication of benefits has or will occur.** CDBG-DR funds must be “last-in” and are meant to supplement rather than supplant other federal sources of funding. If funding from FEMA or some other federal source have been approved for the project, those must be disclosed in the application documents by completing the Duplication of Benefit worksheet contained in Exhibit A.
- **DUNS Number:** § 200.32 Data Universal Numbering System (DUNS) number. DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify entities. A non-Federal entity is required to have a DUNS number in order to apply for, receive, and report on a Federal award. A DUNS number may be obtained from D&B by telephone (currently 866–705–5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
- **Registration on www.sam.gov** is required by HUD for all entities in order to receive CDBG-DR funding. Proof of registration along with CAGE code is required at the time application. ***Register as soon as possible.
- **Fair Housing Resolution** - Orange County takes fair housing responsibilities very seriously. All participating municipalities must adopt the attached draft municipal resolution that reinforces the municipality’s commitment to federal and state fair housing regulations and post the Fair Housing Notice (note attached) on the website.

Project Selection Process and Scoring of Applications

The County’s CDBG-DR Program is funded by the Federal government. Federal laws, regulations and guidance supersede County policies and procedures in any case where they conflict.

Applications are reviewed for completion. Applications that lack required items or contain technical errors will be notified by email and given ten (10) calendar days to correct the error. Failure to submit the missing items by the deadline will result in ineligibility.

Members of the CDBG Advisory Committee are appointed by County Executive to review applications and make project and funding allocation recommendations. Applicants might be asked to give a tour of the project or a presentation to the Committee as part of the process. Committee recommendations are published in draft form and public comment will be invited. The County Executive makes the final project award selections which will be posted for public review on the OCD Website.

In selecting projects for funding, Orange County will consider the following factors:

- Direct tieback to Hurricane Irene/Tropical Storm Lee
- Sound administrative infrastructure and capacity, including demonstration of project planning, administrative structures, turnover in staff, weaknesses identified in prior onsite or offsite reviews, and audit or financial statement findings in management letters
- Project can be completed within a reasonable time frame of one year
- Past performance on prior CDBG-DR funded projects - Consideration may be given to how timely an applicant completed previously funded CDBG-DR projects, including its reporting requirements; how successful it was in outreach, especially to minority- and woman-owned businesses; the ongoing

upkeep and maintenance of the funded project; and its cooperation in inspections, monitoring, and other activities

- Municipalities that have received funding from other state or federal sources for the same project will be given lower priority unless municipality can demonstrate that CDBG-DR fills an unmet gap and project cannot proceed without an award of funding.
- Project application demonstrates that the facility/infrastructure/services are essential to disaster recovery efforts.

Successful Applicant Requirements

Successful applicants are advised NOT to begin work until a project contract with the County of Orange has been fully executed and written notice to proceed from the Office of Community Development has been issued. Proceeding without advance OCD approval will jeopardize grant reimbursement. ***Certain conditions of award must be met to the satisfaction of OCD before any choice limiting actions are undertaken by the applicant/grantee including environmental and historic preservation reviews (including archeological review) and documentation of all necessary approvals to undertake the project.***

Project costs are eligible for CDBG-DR funds only if the specified work meets HUD and Orange County Office of Community Development standards and the expenditures are made in compliance with federal, state and county requirements. Failure to comply with these requirements could jeopardize full eligibility for payment of project costs. Requirements include:

- **NEW REQUIREMENT:** In accordance with the Federal Funding Accountability and Transparency Act (FFATA), any funds awarded in excess of 25,000 trigger the requirement to report in the FFATA Subaward Reporting System (FSRS), evidence of registration must be submitted ahead of the written agreement execution if your project is awarded. <https://www.fsr.gov/>
- Pursuant to Article 15A of the Executive Law, Minority and Women-owned Business Enterprises/Equal Employment Opportunity, grant recipients will be required to solicit MWBEs before commencing work and to document efforts involving MWBEs during the project term. The Orange County Office of Community Development has a goal of 15% each for MWBE Firms (30%) total. This is not a requirement, but contractors must show that efforts were made to solicit MWBE Firms. Contractors who respond to bids and have MWBE subconsultants or are an MWBE firm themselves will be given preference during the award process. A list of current MWBE Firms can be found on the Empire State Development (NYS ESD) Website: <https://ny.newnycontracts.com/FrontEnd/SearchCertifiedDirectory.asp?XID=6812&TN=ny>
- **Contracts awarded in the amount of \$200,000 or more are subject to requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3).** The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low- income persons, particularly persons who are recipients of HUD assistance for housing.
- A list of local Section 3 Business Concern can be found on the HUD Website: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness>
 - **NEW REQUIREMENT:** It is required that the Notice of Invitation for Bids for Section 3 covered contracts is sent directly to all qualified Section 3 Business Concerns in the area. Documentation that the invitation was sent to these businesses directly is required to be submitted to the Office of Community Development after the bid opening is conducted. (PDF of an Email Transmission is sufficient for documentation.)
 - If a Section 3 Business Concern is not the Prime Contractor or Subcontractor on the awarded bid, the awarded contractor must aim to employ 25% of their workforce on the CDBG-DR funded project as Section 3 Persons (low-income persons).
 - A copy of the Orange County Office of Community Development's Section 3 Policy can be found on our website at: <https://www.orangecountygov.com/207/Plans-Reports>

- Bidders failing to meet the benchmarks must demonstrate compliance with the Section 3 requirements in 24 CFR Part 75 by certifying that they have followed the prioritization efforts identified in 24 CFR Part 19.
 - Indicate whether Section 3 Business Concerns were solicited for each type of work the bidder expects to subcontract for and for all materials which the bidder expects to procure and, if not, the reason(s) why no such solicitation was made;
 - Indicate the reason why a Section 3 Business Concern has not been committed to for a type of subcontract work or materials in any area where a quote was received from a Section 3 Business Concern, and;
 - In any case where no quotations are received nor commitments made to a Section 3 Business Concern, indicate on Contract/Solicitation and Commitment Statement that no quotes were received, and if there is another reason for no commitments being made, the reason for the lack of commitments.
 - If the bidder fails to submit such evidence, the bid submission shall be considered nonresponsive and the bid rejected.
- Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money and must also adhere to CDBG-DR procurement guidance. If you need technical assistance to better understand the procurement process, please refer to 2 CFR part 200: <https://www.law.cornell.edu/cfr/text/2/200.320>
- All projects on property eligible or listed on the National or State Registers of Historic Places must be satisfactorily documented so that the State Historic Preservation Office can ensure work was done in conformance with the Secretary of the Interior Standards. These types of projects will be submitted to the State Historic Preservation Office (SHPO) and work will need to be completed in adherence with any recommendations received. This consultation is conducted by the Office of Community Development as part of our Environmental Review Compliance under 24 CFR Part 58.
- Projects involving “new” ground disturbance (trenching, grading, demolition, new construction, etc.), may be subject to an archeological investigation if recommended by SHPO. In addition, new ground disturbance triggers the need for compliance with Section 7 of the Endangered Species Act and Consultation with the United States Fish and Wildlife Service (USFWS) and/or the NYS Department of Environmental Conservation (DEC). Any consultation needed is the responsibility of the Office of Community Development and will be conducted during the Environmental Review. All recommendations from Consultations must be adhered to when the project is implemented.
- Any permits required from agencies such as the NYS Department of Transportation (DOT), NYS Department of Environmental Conservation (DEC) or the US Army Corps of Engineers (USACE) must be filed before construction begins. Our Office strongly suggests starting permit applications as soon as possible in this process as permitting can lead to project delays which will affect the ability for the project to be completed in the required 12-month timeframe.
- No “choice limiting actions” such as acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation, and leasing or any other activities that commit to future activities can be undertaken before the Office of Community Development has completed its Environmental Review responsibilities under 24 CFR Part 58. The municipality and engineer will get written notification to proceed when the Environmental Review is complete.
- The Office of Community Development must accept/approve plans and specifications, bid documents, competitive bidding procedures, and Force Account Labor Utilization Plans.
- Federal wage rates (Davis-Bacon Act) apply to all CDBG-DR funded construction or renovation projects unless force account labor is being used. Confidential Labor interviews will be conducted to ensure the correct wages are paid to laborers.
- State Bid Lists cannot be used for procurement unless a specific project “Mini-Bid” is completed and the Office of Community Development has reviewed the bid and approved the process for procurement.
- Office of Community Development staff will conduct periodic inspections, including a final inspection of the project, and may conduct post completion inspections as warranted to ensure the public benefit is maintained as part of our project monitoring requirements

Thank you for considering the submission of an application to the Orange County Community Development Block Grant Disaster Recovery Program. We look forward to working with you to ensure a successful application. Please do not hesitate to contact our office with any questions concerning the enclosed grant application:

Orange County Office of Community Development

40 Matthews Street, Suite 307A, Goshen, NY 10924

Telephone: 845-615-3820 - e-mail: CommDev@orangecountygov.com

<https://www.orangecountygov.com/192/Community-Development>

Orange County CDBG-DR Application Required Checklist

The following documentation is required. Applications lacking these attachments (or an acceptable explanation) are considered incomplete, and may cause the application to be deemed ineligible, or adversely affect the rating points. To check a box, Double click on each box and click "checked"

<input type="checkbox"/>	Incomplete applications will not be accepted. Prepare the CDBG-DR application in a clear, comprehensive and concise manner. Answer ALL questions completely.
<input type="checkbox"/>	Email one (1) single sided application with original signatures: the PDF electronic copy should include a scan of the original signature page and include a one (1) page word document narrative to awalag@orangecountygov.com. Alternatively, you may submit by mail or in person to the Office of Community Development, 40 Matthews Street, Suite 307A, Goshen, NY 10924 postmarked by Friday, June 25, 2021, 4 p.m. Please, no staples, binders, hole punches, or presentation folders.
<input type="checkbox"/>	Provide an <u>area map</u> noting the project location and boundaries of the service area that will directly benefit from the project. Use census maps and/or info from the Office of Community Development website: (https://www.orangecountygov.com/192/Community-Development) Note street names/ landmarks for ease of identification. Applicants should submit a color printout of the site/service area map and email the map as a PDF or JPG.
<input type="checkbox"/>	Letters of Commitment and/or written agreements from funding sources and with partners. This includes letters and/or agreements with FEMA or other federal funding partners. If project was not eligible for other sources of federal funding, include documentation/denial letters. If requesting funds for local share, include FEMA's Public Assistance Worksheet Cost Estimates.
<input type="checkbox"/>	Evidence of tieback to Hurricane Irene or Tropical Storm Lee. This could be engineer estimates, evidence or certification of failure of system prior to storm that was exacerbated by the storm.
<input type="checkbox"/>	Provide current Architect and/or Engineer's cost estimates, as applicable. All applications proposing construction activities MUST include a current cost estimate prepared by an individual knowledgeable in the preparation of such estimates, using federal construction requirements, including Federal Davis-Bacon wage rates.
<input type="checkbox"/>	Photographs as JPGs of project site and surrounding area documenting current conditions. Include photos of any structures more than 50 years old within or immediately adjacent to the project area. Provide views to these features from the project site, as well as views of the project site from them. Also provide photos of damage and/or failure resulting from 2011 storm event.
<input type="checkbox"/>	Public Participation: Resolutions of governing body authorizing Application and Fair Housing Resolution (must contain the language referenced in Exhibits "D" and "E").
<input type="checkbox"/>	Environmental Reports & Maps: Phase I or Phase II Environmental Assessments, any prior SHPO Review consultations, Floodplain Map and Topographic Map, if readily available. <i>Status of Flood Insurance on property must be submitted with application if applicable.</i> These can be submitted after project approval and may or may not be a requirement, but are helpful for us in conducting our Environmental Review Compliance. You will be contacted if a specific study is required for your project once the Environmental Review is completed

APPLICANT INFORMATION AND PROJECT ABSTRACT FOR CDBG-DR-DR

1.	Project Name (must be different from prior submissions):		
2.	Eligible CDBG-DR Activity:		
4.	Legal Name of Applicant (Municipality):		
4a.	Municipal Official (Name and Title):		
4b.	Principal Contact Person at Municipality (Name, Title and Email):		
4c.	Mailing Address:		
4d.	Phone #:	4e.	Fax #:
4f.	Federal Tax ID # (EIN):	4g.	DUNS #:
4h.	Attach www.SAM.gov Proof of Registration	4i.	CAGE Code:
5.	CDBG-DR funds requested (minimum \$50,000, no max): \$		
6.	Funds committed from other sources: \$		
7.	Total project cost (Line 13 + Line 14): \$		
8.	Location of proposed project: (For purposes of GIS mapping, please provide a specific, US Post Office recognized address in or near the project site – i.e.: 132 Main St. Please do not provide a range or intersection. Also include the Tax Parcel ID Number(s) associated with the project location)		
9.	Brief project description and tieback to storm (further details requested later in application)		

Certification by the Authorized Representative of the Municipality

By signing below, under penalty of perjury, you certify that you are authorized on behalf of the applicant and its governing body to submit this application. You further certify that all of the information contained in this Application and in all statements, data and supporting documents which have been made or furnished for the purpose of receiving assistance for the project described in this application, are true, correct and complete to the best of your knowledge and belief. You acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law. You further certify that the information given herein is true and correct in all respects for the Municipality applying for funding, presently and for the past five years:

- the Municipality is not a party to any litigation or any litigation is not pending or anticipated that could have an adverse material effect on the Municipality's financial condition;
- the Municipality does not have any contingent liabilities that could have a material effect on its solvency;
- the Municipality, its affiliates or any member of its management or any other concern with which such members of management have been officers or directors, have never been involved in bankruptcy, creditor's rights, or receivership proceedings or sought protection from creditors;
- the Municipality is not delinquent on any of its state, federal or local tax obligations;
- No principal, officer of the Municipality, owner or majority stockholder of any firm or corporation, or member of the management has been charged or convicted of a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment, or the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for: (i) any business-related activity including, but not limited to, fraud, coercion, extortion, bribe or bribe receiving, giving or accepting unlawful gratuities, immigration or tax fraud, racketeering, mail fraud, wire fraud, price fixing or collusive bidding; or (ii) any crime, whether or not business related, where the underlying conduct relates to truthfulness, including but not limited to, the filing of false documents or false sworn statements, perjury or larceny;
- the Municipality or any of the Municipality's affiliates, principal owners or Officers has not received a violation of State Labor Law deemed "willful";
- the Municipality or any of its affiliates has never been cited for a violation of State, Federal, or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices;
- there are not any outstanding judgments or liens pending against the Municipality other than liens in the normal course of business;
- the Municipality or any of its affiliates, principal owners or officers the Municipality has not been the subject of any judgments, injunctions, or liens including, but not limited to, judgments based on taxes owed, fines and penalties assessed by any governmental agency, or elected official against the Municipality;
- the Municipality or any of its affiliates, principal owners or officers the Municipality has not been investigated by any governmental agency, including, but not limited to, federal, state and local regulatory agencies;
- the Municipality or any of its affiliates, principal owners or officers the Municipality has not been debarred from entering into any government contract; been found non-responsible on any government contract; been declared in default ore terminated for cause on any government contract; been determined to be ineligible to bid or propose on any contract; been suspended from bidding on any government contract; received an overall unsatisfactory performance rating from any government agency on any contract; agree to a voluntary exclusion from bidding or contracting on a government contract;
- the Municipality or any of its affiliates, principal owners or officers the Municipality has not failed to file any of the required forms with any government entity regulating the Municipality.

*Note: If any of the statements above are not true, in addition to signing your name, also include an explanation, indicating which issue you are addressing.

If this grant application is awarded funding, the _____ (Municipality/Organization) agrees that:

- Successful applicants will be required to sign a contract with the County, which will state all the requirements to be placed on the applicant.
- CDBG-DR funds will only be used toward eligible project costs.
- **The proposed project will be complete within 12 months from the executed agreement date which will occur in the late fall of 2021.**
- **The written agreement will expire on 12/31/2022. All documentation and final vouchers must be received before the contract end date. Amendments and Extensions will be considered as deemed necessary by OCD and are not guaranteed to be provided.**
- **In the event that US HUD should determine that CDBG-DR funds were improperly spent, and that money should be reimbursed to the U.S. Treasury, the Applicant/Municipality will be responsible for this reimbursement.**
- **In the event that US HUD or Orange County determines that a duplication of benefit, as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (42 U.S.C. 5121–5207), as amended, (Stafford Act), occurs, the Applicant will be responsible for reimbursing Orange County and/or US HUD in the amount of the duplication.**
- The Applicant is currently registered at <http://sam.gov> and the registration will be updated as necessary.
- Applicant must comply with 2 CFR Part 200.302 and agree to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred. Applicant must comply with 2 CFR Part 200.203 and maintain effective internal controls over the funds awarded herein. The program must be administered in conformance with 2 CFR Part 200, Subpart E, “Cost Principles.” These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.
- Financial records, support documentation, statistical records, and all other records pertinent to demonstrate compliance with CDBG-DR regulations for all funding shall be retained for a period of five years following completion of project/activity. The records will be subject to review by the Orange County Office of Community Development and the United States Department of Housing and Urban Development (HUD).
- In accordance with 2 CFR Part 200, the federal government requires that Applicants expending \$750,000 or more in federal financial assistance in a fiscal year must secure an audit. Agencies spending \$750,000 or more must choose one of the following ways of meeting this requirement and state which method they choose: If the Applicant already conducts audits of all its funding sources including CDBG-DR, the Applicant must submit a copy of its most recent audit, and may, at its discretion, include the CDBG-DR portion of the audit cost in its CDBG-DR project budget. OR If the Applicant already conducts audits of its other funding sources but has neither received nor included CDBG-DR in the past, the scope of the audit would be modified to incorporate CDBG-DR audit requirements. The associated cost of the augmentation could then be included in the CDBG-DR project budget, accompanied by the auditor’s written cost estimate.
- All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open free competition. Required bonding and bid guarantees will be in place prior to the execution of a contract to award the funds.
- Applicant will be required to provide annual reports stating the total number of people served, including their ethnic origin, and whether they are female heads of household. These figures are required to be reported by US HUD.
- The Applicant shall establish safeguards to prohibit employees from using their positions for a purpose that has the appearance of being motivated by a desire for private gain for themselves or others.

- The Applicant complies with Generally Accepted Accounting Principles and all expenditures must have adequate documentation prior to being paid.
- All materials submitted shall become public records retained by Orange County
- The Applicant has a personnel policy manual with an affirmative action plan and grievance procedure.
- No person, on the basis of race, color, national origin, sex, gender identity, familial status, religion, disability, age, veteran status, or any other characteristic protected under applicable federal, state, or local laws should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or part by CDBG-DR funds. The Applicant agrees to furnish copies of applicable policies and procedures upon request.
- Employment made by or resulting from CDBG-DR funding from Orange County shall not discriminate against any employee or applicant on the basis of disability, age, race, color, religion, sex, or national origin.
- Applicant will be required to obtain written proof of income of each person or household which you assist, unless the clients are abused children, battered spouses, elderly persons, handicapped persons, homeless persons, illiterate persons, or migrant farm workers.
- Applicant must have a written policy designed to ensure the facilities are free from the illegal use, possession, or distribution of drugs or alcohol.
- If any income is derived from the activities funded by CDBG-DR, that income must be returned to Orange County as program income.
- None of the funds, materials, property, or services provided directly or indirectly under CDBG-DR funding from Orange County shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.
- The Applicant will comply with requests regarding liability insurance coverage, fidelity bond coverage for principal staff who handles the agency's accounts, and payment of payroll taxes and worker's compensation as required by Federal and State laws.
- If any project costs, regardless of their funding source, are incurred prior to the CDBG-DR award date and the approval of the Request for Release of Funds by HUD, the entire project may be deemed ineligible for CDBG-DR funds.
- Authorization to request funds: I acknowledge the statements above and certify the information contained in this application is true and correct. I further understand material omission or false information contained in this application constitutes grounds for disqualification.
- The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted project, if approved for funding. Also, the Applicant gives assurances and certifies with respect to the grant that if approved, the grant will be conducted and administered in compliance with:
 - Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by section 1210 of the Disaster Recovery Reform Act (DRRA) of 2018
 - Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. Section 2000 d et seq.);
 - Title VIII of the Civil Rights Act of 1968, as amended (Pub. L. 90-284; 42 U.S.C. Section 3601 et seq.);
 - Section 109 of the Housing and Community Development Act of 1974, as amended;
 - Section 3 of the Housing and Community Development Act of 1968, as amended;
 - Executive Order 11246, as amended by Executive Orders 11375 and 12086;
 - Executive Order 11063 as amended by Executive Order 12259;
 - The Age Discrimination Act of 1975, as amended;
 - Section 504 of the Rehabilitation Act of 1973, as amended;
 - The labor standards requirements as set forth in 24 CFR Section 570.605 and HUD implementing regulations;
 - Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;

- The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973;
- All other applicable State and Local requirements.
- No member, officer, or employee of the Grantee, or its designees or agents, who exercises any functions or responsibilities with respect to the program during his/her tenure in office or for one year thereafter, shall have any interest, direct or indirect, in contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this grant, if approved;
- Applicant will comply with the provisions of the Hatch Act which limits political activities of employees (Chapter 15, Title 5, United States Code);
- Applicant will comply with the lead-based paint notification, inspection, testing, and abatement requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 USC 4801 et seq.)

Applicant/Municipality Signature: _____ Date: _____

Authorized Representative Name and Title: _____

US HUD CDBG-DR STATUTORY OBJECTIVE JUSTIFICATION *

SELECT HOW THE PROJECT MEETS A NATIONAL OBJECTIVE

1. Activity benefitting People with Low to Moderate Income (Choose one of the options in A or B)

- A. LMI Service Area Benefit** # People Served: _____
- ___ **Census Data** – (Please reference the **LMI Area map and data** provided on OCD webpage)
1. Service Area Census Tract/s and Block Group/s #: _____
 2. Total # of low/mod income (LMI) persons residing in block groups within which the service area is located: _____
 3. Total # of persons residing in block groups within which the service area is located: _____
 4. Percentage of low/mod income (LMI) person residing in block groups within which the service area is located: _____%

Note: Orange County is an “exception level” community. Service areas with Census populations containing at least 44.69% of people with low to moderate incomes qualify for funding. The activity may also be available to all people in the area regardless of income, so long as minimum 44.69% of persons residing in the service area are LMI per the Census.

CDBG-DR PROJECT NARRATIVE

Complete the Application Narrative in a clear, comprehensive and concise manner. Answer ALL questions and include proper documentation to ensure fair consideration of your application. Write N/A for any questions that are Not Applicable to your project. Attach additional sheets if necessary.

Eligible Activities include:

1. Acquisition of real property by purchase, long-term lease (15+ years), donation, or otherwise, of real property for any public purpose, subject to limitations.
2. Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and/or infrastructure and improvements, except buildings for general conduct of government.
3. Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites.

Project Description. Concisely describe the project, indicating the location, what will be planned, designed, acquired, and/or constructed, the issues/opportunities to be addressed, and expected outcomes and deliverables. Describe the specific need that has arisen as a result of the Hurricane Irene or Tropical Storm Lee. *(Be sure to include who is impacted, how many are impacted directly and indirectly, and any short and long-term effects. Also include an explanation of any repetitive damage, including numbers and years, and associated costs, as applicable. Include a statement of the cause, such as: Flash flooding caused by rainfall over xx inches in xx amount of time, or backwater flooding caused by...)* Include how the project will benefit people with low to moderate income.

How will CDBG-DR-DR funds specifically be used? Describe the specific work that will be performed, including activities to be undertaken or the services to be provided? Quantify your anticipated accomplishments (e.g. 3,275' of storm sewer, 3,000 feet of sidewalk, etc.) as a result of implementing and completing this project and how they will address disaster recovery efforts. Make sure your quantity values match the quantity values in your budget.

National Objective: Describe how you identified the area (for low mod area projects) or population (for Low mod clientele projects) that will benefit – how was the service area defined? What population will be served or what area will benefit? See previous page for low-mod qualifiers.

Americans with Disabilities Act Standards and Accessibility: Section 504 of the Rehabilitation Act of 1973 provides in part that citizens with disabilities must have access to all federally-funded services, programs, and activities. Explain how your project will meet these requirements. Will the project be located in a facility that is accessible to people with disabilities? Consider the accessible features of the building where services will be provided, such as wheelchair ramps, accessible restrooms, etc. If no, please explain valid reasoning why the improvement will not be able to be made accessible.

Explain why you consider the program to be a local priority and **its tieback to Hurricane Irene and/or Tropical Storm Lee:**

Does the project qualify for any other state or federal assistance programs? Has the project received awards of funding from other federal or state programs? *(If so, include evidence of award or denial from other funding sources).*

Describe Flood Insurance status related to the project:

Project Administration:

Describe the staff, volunteers, consultants, or board members who will be directly associated with this project/service and their responsibilities. Identify who has primary responsibility to ensure the timely procurement and completion of the project and their experience managing federally-funded projects.

BUDGET NARRATIVE ATTACHMENT

1. Describe how the project will be funded and the plans to use other funds on this project. Only describe funds that have been secured including the source of funds, amounts, and how these funds will be used. *Include a statement about the method used to estimate the cost of the project and the amount of CDBG-DR funds requested. FEMA's Public Assistance worksheet cost estimates should be included with any proposal requesting a local match.*
2. Explain your strategy for proceeding if the full amount of requested funding, required matching funds, and temporary financing are not secured as expected, or committed sources become unavailable. This explanation must address any proposed project phases, and both CDBG-DR and non-CDBG-DR sources of funds.

3. Explain how the project costs are reasonable and how the approach to the project is more effective than other possible approaches and solutions to the need.

Exhibit “B” FY 2020 Income Limits Summary

FY 2020 Income Limit Area	Median Family Income Explanation	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Poughkeepsie-Newburgh-Middletown, NY HUD Metro FMR Area	\$102,300	Very Low (50%) Income Limits (\$) Explanation	35,850	40,950	46,050	51,150	55,250	59,350	63,450	67,550
		Extremely Low Income Limits (\$)* Explanation	21,500	24,600	27,650	30,700	33,200	35,650	39,640	44,120
		Low (80%) Income Limits (\$) Explanation	54,950	62,800	70,650	78,500	84,800	91,100	97,350	103,650

Note: HUD updates income guidelines annually and the 2021 income limits are expected shortly. When income limits change, awardees will be notified. This income chart only applies to area benefit (LMA) activities when an income survey is needed in lieu of census data eligibility.

EXHIBIT “C” – PROJECT TIMELINE

For construction projects, provide a timeline next to each item below if it applies. Indicate how long all phases of the project will take to complete. Timeline should be as detailed as possible, including time increments (i.e. Number of days, weeks etc.) NOTE: If the project is funded, OCD must complete the environmental review process before construction can begin - a full set of plans and specifications will be required. Projects cannot be put out to bid prior to OCD receiving its line of credit from HUD. This typically happens between August and December. Projects should be completed by within 12 months from the Notice to Proceed Date from OCD. Project timeline accordingly.

Grant Award from OCD: no later than Sept 2021	
Engineering RFP completion:	
Conceptual Engineering/Design prepared:	
Plans, approvals, permits complete (detail each):	
Other funding sources confirmed:	
Environmental Review Completed and HUD release of funds:	
Time needed to obtain site control:	
Time needed to obtain other project financing:	
Final Engineering/Design Completed:	
Bid Specs Completed and sent to OCD for approval:	
Estimate date of bid opening:	
Pre-construction Meeting:	
Projected date for notice to proceed:	
Construction start:	
Construction Completion:	
Expected Completion Date:	

**EXHIBIT "D" - SAMPLE
GOVERNING BODY AUTHORIZING RESOLUTION**

Resolution of the governing body authorizing the submission of this application.

IMPORTANT NOTE: RESOLUTION MUST CONTAIN THE FOLLOWING LANGUAGE OR IT WILL NOT BE ACCEPTED:

At a meeting held on _____(date), the Municipal Council of _____ (name of Municipality), adopted the following resolution:

"The _____(name of Municipality) is hereby submitting its Application for consideration under the Orange County Community Development Block Grant-Disaster Recovery Program and the chief elected official or executive officer is hereby authorized to submit this Application for _____ (name of project) as described in the proposal. Input from citizens and groups has been received and considered and an application has been prepared which addresses their community concerns. They further certify that they have read and understood the Orange County Community Development Guidelines for the Disaster Recovery Program and have met all of its applicable requirements and that the information contained in the Application is accurate and true to the best of their knowledge. If awarded CDBG-DR-DR funds, the Municipality shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations."

_____ Signature of Authorized Representative	_____ Date
_____ Printed Name of Authorized Representative	_____ Telephone Number

CERTIFIED TRUE COPY
I, [name of individual holding the municipal office of Clerk], Clerk of [legal name of municipality], hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on [date], at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated:

Signature:

Affix Seal of Municipality Here

**EXHIBIT "E" - SAMPLE
GOVERNING BODY FAIR HOUSING RESOLUTION**

The _____ (name of municipality) supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. It is the policy of _____ (name of municipality) to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The _____ (name of municipality) further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. Therefore, the Municipal Council of _____(name of municipality) do hereby approve the following resolution.

BE IT RESOLVED, that within available resources, the _____ (name of municipality) will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New York State Human Rights Law and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the _____ (name of municipality) shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New York State Human Rights Law, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Approved this _____ day of _____(month), _____ (year)

ATTEST:

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Telephone Number

Exhibit “F”

Fair Housing Information for The Website

Fair Housing – It’s The Right!

Fair housing refers to free and equal access to residential housing – i.e. housing choice. The federal Fair Housing Act makes it illegal to discriminate on the basis of a person’s race, familial status (presence of children under age 18), color, national origin, religion, disability (physical or mental), or sex. The New York State Human Rights Law protects all of the same characteristics as the federal Fair Housing Act but also makes it illegal to discriminate based on creed, age, sexual orientation, marital status, or military status.

Orange County complies with the federal Fair Housing Act and the New York State Human Rights Law. The County is committed to promoting fair housing choice for all people.

Fair Housing FAQ

What kind of housing is covered by the Fair Housing Act?

Most housing is covered by the Fair Housing Act. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated private clubs that limit occupancy to members.

In New York State, fair housing laws cover most housing, with three main exceptions:

One or two family owner-occupied buildings; Room rentals in housing for individuals of the same sex; and Room rentals in owner-occupied housing.

Illegal Actions

Fair housing laws apply to the sale or rental of housing and also to mortgage lending. They cover some very specific actions. Some typical examples include: Refusing to rent, sell, finance, insure, or negotiate for housing; Making housing unavailable; Setting different terms or conditions, or providing unequal services; Printing or circulating a discriminatory advertisement; Refusing to make or provide information for a loan, or imposing different terms or conditions for a loan; or Harassing, threatening, intimidating, or coercing anyone, including sexual harassment.

Those with Disabilities Are Protected

Under the fair housing laws, a landlord may not: Refuse to make reasonable modifications to a dwelling or common use area to accommodate a person’s disability; or Refuse to make reasonable accommodations in policies or services if necessary for the disabled person to use the housing. In addition, any multi-family housing built after 1991 must comply with accessibility requirements to ensure that public and common use areas and units are accessible for people with disabilities.

Fair Housing Links

Laws

New York Human Rights Law: <https://dhr.ny.gov/law>

Federal Fair Housing Act Link: <https://www.justice.gov/crt/fair-housing-act-2>

Who can I contact if I believe I've been discriminated against?

Complaints related to discrimination on the basis of race, color, religion, sex, national origin, disability, or familial status may also be filed directly with the U.S. Department of Housing and Urban Development (HUD).

What information do I need to provide to file a fair housing complaint?

If you suspect that you have been discriminated against with regard to housing, file a complaint as soon as possible because there are time limits on when a complaint can be filed with HUD after an alleged violation.

Try to include the following information, if possible, when filing a complaint:

- The name and address;
- The name and address of the person(s) or Company the complaint is against;
- The address or other identifying information of the housing or program the complaint is being filed against;
- A brief description of what happened that caused you to file the complaint; and
- The date(s) of the alleged discrimination.

How can I file a fair housing complaint?

Fair housing complaints can be filed with HUD by telephone, online, email and by mail.

Phone

1-800-669-9777

1-800-927-9275 for TTY users only

Online

English: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

Spanish: https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm

Other languages:

https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint_filing_languages_other_english

If you have questions or believe you have been a victim of housing discrimination, you may also contact the Civil Rights Bureau of the New York State Attorney General's Office at 212-416-8250 or civil.rights@ag.ny.gov.

Repairing the Damage

If discrimination has taken place, the laws direct that steps may be taken to remedy the situation. This can include: Requiring changes in policies and practices; Making the housing or loan available; Assessing money damages and/or attorney fees; or Imposing civil fines and penalties.