

**Disaster Recovery Initiative**  
**U.S. Department of Housing and Urban Development (HUD)**  
*[Docket No. FR-5051-N-01]*  
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**Department of Defense Appropriations Act, 2006**

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

**Louisiana Recovery Authority**

**Action Plan Amendment Number 12 for Disaster Recovery Funds**

**Long Term Community Recovery Program**

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## 1. Long Term Community Recovery Program

### Eligible Activity: Section 105 (a)

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

**Activity Amount: \$200,000,000**

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

The State wishes to create the Long-Term Community Recovery Program within the Infrastructure Program, the purpose of which is to provide funding for implementation of local long-term recovery plans in the most heavily impacted areas of the state. The initial allocation of funding to this program will be \$200 million, and the distribution among the parishes will be based on an estimate of damage inflicted by Hurricanes Katrina and Rita. The basis of that damage estimate will be damage to housing stock and infrastructure, as described in the attached memo from the LRA, Appendix 1.

Eligible Activities for this program include, but are not limited to the following, to the extent that those activities are recovery related and part of the recovery plan for a grantee:

- acquisition of real property;
- public facilities and improvements;
- clearance, rehabilitation, reconstruction, and construction of buildings;
- removal of architectural barriers to access by the elderly and handicapped;
- disposition of real property, including costs associated with maintenance and transfer of acquired properties;
- provision of public services, such as job training;
- payment of the non-federal share of other federal matching grant programs;
- relocation associated with projects that utilize one or more of the other eligible activities listed here;
- activities carried out through nonprofits;
- assistance to neighborhood-based organizations, local development corps, and nonprofits serving the development needs of communities; and
- energy efficiency/conservation programs.

Very robust planning efforts are on-going at the local, regional, and state levels to ensure wise, forward-looking investment of very limited resources. These planning efforts have provided and continue to provide guidance to our recovery effort. Prioritization of projects that drive local recovery must ultimately come from the local communities, and consistency of locally-selected projects with regional plans is also important.

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

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

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

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

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

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

This activity is considered to be a low risk activity. Monitoring will be performed by the Office of Community Development staff in accordance with the original Local Government Emergency Infrastructure Program monitoring plan.

\*Note: Amendment 10 to Action Plan 1, which originally included the Long Term Community Recovery Program described above, was published for public comment on Dec 29, 2006. At their January meeting, the LRA Board of Directors approved other parts of the published Action Plan Amendment, but did not approve the Long Term Community Recovery Program. The approved components of Amendment 10 went to the Louisiana Legislature without the Long Term Community Recovery Program. The LRA has since approved (on February 12) the Long Term Community Recovery Program. In order to allow the public an opportunity to view the details of the allocation process, the plan, along with all appendices, was published for public comment again.



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## MEMORANDUM

**TO:** LRA Board Members and Interested Parties  
**FROM:** Andy Kopplin, LRA  
**DATE:** February 4, 2007  
**RE:** CDBG Allocation in Support of Local Plans

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**Purpose:** The following percentages will be used to allocate CDBG dollars that are distributed to local government for recovery plan implementation. These percentages are based on our best estimates of infrastructure need as determined by losses due to the hurricanes.

**Note:** Previous versions of this document used the identical formula as described below, but arrived at different percentages. The first document was based on housing damage numbers from February of 2006 and Public Assistance dollars from October. Since that time, FEMA has conducted more housing inspections to verify damages and additional project worksheets have been submitted. In addition, we were able to earmark most of the statewide projects to the appropriate parish. These new numbers are based on housing inspections through November and Public Assistance projects through December 28, 2006. The housing inspections numbers are not expected to change since the application deadline for IA has expired. The Public Assistance numbers may change slightly, but are not expected to result in a significant shift in the percentages.

### Methodology:

Calculations are based on a combination of two factors:

- 1) Dollar amount of current obligated project worksheets submitted for categories C through G and any 'statewide' projects that can be associated with a particular parish, and
- 2) Level of damage to housing units.

The obligated project worksheets for categories C through G plus statewide projects that can be allocated to a particular parish are the best available data that reflect total infrastructure damage at the parish level. 2/3 of the weight goes to the dollar amount of the obligated project worksheets. Note that to the extent possible, projects designated as statewide were allocated to the parish in which the damage occurred. Only obligated projects were considered as these have gone through FEMA and GOHSEP review and are more consistent across parishes.

The level of damage to housing units is based on statewide inspections of residential housing units. Homes classified as “major” damage were assumed to be 50% damaged and homes with “severe” damage were assumed to be complete losses. In the damage level calculation, homes with severe damage counted as 1 unit and homes with major damage counted as ½ a unit. This was to fairly account for parishes that had a larger percent of their housing stock wiped out as opposed to just damaged.

### **Additional Questions and Considerations regarding the methodology**

#### ***Why did the LRA choose to use housing damage and obligated PA?***

The LRA research and policy staff considered a number of data sources, but these two indicators capture the primary components of infrastructure. In addition, only these two data sets provided a level of consistency that could be applied fairly across all parishes.

#### ***What other data sources were considered?***

**Categories A & B** (debris removal and emergency protective measures) were considered; however, they were excluded for two main reasons. Categories C-G represent permanent infrastructure damage, and are therefore a better proxy for actual physical damages. In the debris removal category, category A (debris removal) data are incomplete because some parishes relied more heavily on mission assignments from the Corps of Engineers, Coast Guard or other interagency agreements. Only about ¼ of the mission assignment data were reportable by parish with entire parishes having no data available. Even had the data been available, it would have been questionable as to whether cubic yards or dollars for debris removal would be appropriate measures of infrastructure damage. A cubic yard of vegetation is not comparable to a cubic yard of value-added products such as houses, vehicles and personal property. The same issues above regarding mission assigned work also disqualifies Category B data as a reliable indicator.

**Insured losses** were also considered. For the most part, insured losses tracked fairly consistently with housing damage except that it tends to favor the more affluent parishes over the less affluent parishes. The purpose is to consistently gauge damages and need across all parishes; the housing damage assessments are consistent across parishes and do not factor in affluence.

#### ***Why were statewide funds allocated to the parishes?***

The purpose of the allocations was to get the best reflection of total damage. Statewide C-G represented mostly state buildings that were damaged in a particular parish. Local government buildings were already picked up in the individual C-G, but including the statewide damages provides a more complete picture of infrastructure damage at the parish level. Areas that benefited the most from this inclusion were areas that had heavy damage and provide services on a more regional basis.

#### ***Why was housing weighted only 1/3 and PA weighted 2/3?***

Obligated PA provides direct funding for damaged infrastructure and better represents actual infrastructure damage. The Road Home program is focused exclusively on restoration of housing stock, and expenditures under that program will reflect almost exactly the damage to housing. Most of the money allocated through this process will be spent on the recovery of infrastructure, so weighting PA more heavily is appropriate when considering the purpose of the funds. The reasons it makes sense to leave housing in the calculation are as follow:

- While housing and obligated PA both provide a good indicator of total damage, weighting PA more heavily tends to favor parishes that are struggling the most with

recovery. The housing damage is probably more consistent and adds consideration for those parishes that are more residential and less commercially based.

- Housing damage provides a good proxy for overall damage, whereas obligated C-G PA money provides a good proxy for infrastructure specific damage.
- The inclusion of housing damage also helps smooth out any differences in the quality of work orders submitted.

***Are parishes that rely on more private infrastructure being penalized?***

LRA staff considered the effect of removing category F (utilities) from the equation due to this concern. However, upon closer examination, the data appeared to be fairly consistent across parishes as most parishes have some mix of private and public or non-profit utilities. This question was originally raised by St Tammany parish officials; upon closer examination, the St. Tammany allocation would actually decrease slightly if category F were removed from the allocation formula.

***Why is the parish allocation limited to \$150,000 or greater?***

According to officials at OCD, \$150,000 is a bare minimum for which applications should be considered. Grants are costly to administer due to the federal requirements imposed on the funding. Smaller grants would be much less cost-effective to employ and would waste already limited resources.

***Why not limit the money for the only the most impacted parishes?***

To some degree that has been done by limiting the grant amount to no less than \$150,000. There was some debate as to whether the allocation should go to the four most impacted parishes, the eight most impacted parishes or some other (somewhat) arbitrary number. All of the parishes that meet the \$150,000 dollar minimum have a parish plan with more infrastructure needs than can be met, and all are deserving of funding. As it stands, over 80% of the money is going to the four most affected parishes and 95% of the money is going to the eight most affected parishes. With the extra 5%, we can help many more parishes, a total of 23, move toward their recovery goals.

***Was any special consideration given in the formula for the four parishes that lost the largest proportion of their property and infrastructure?***

There is no explicit part of the formula that factors in the percent of total devastation to a parish that would obviously favor such massively damaged parishes such as Orleans, St Bernard, Plaquemines and Cameron. However, weighting the PA C-G to 2/3 does help account for this discrepancy and these four parishes do receive 80% of the funds and are among the highest in allocation on a per capita basis.

***Why is the money directed at parish governments at the possible expense of municipalities?***

There are two reasons. One is mentioned above in terms of the expense of managing multiple smaller grants. The other is that the LRA is supporting and encouraging the parish planning processes that were initiated by FEMA's ESF-14 process and continued through the LouisianaSpeaks initiative. A logical use of these funds is to directly provide resources to accomplish these plans. The LRA is available to provide assistance, but the local communities are better suited to determine where in their parish their limited dollars will be most effective for recovery. Having said that, the LRA supports language within the funding resolution that encourages the equitable distribution of funds within the parish, and will be glad to assist parishes and municipalities with data and information as they prioritize their projects.

**Conclusion:** Developing a fair and equitable method of distributing funds is a challenging, yet critical task. The LRA has strived to be responsible and transparent in the methods used. Unfortunately, this is a zero-sum game. Any changes to the formula that increase funding for one parish or group of parishes, inherently takes money away from other parishes in need. The LRA recognizes that there is not enough money to accomplish a full recovery of all affected communities and complete the goals of every planning process. But having an equitable method

of distributing funds as they become available will help speed the recovery by moving funds to the local communities as quickly as possible. The LRA is committed to assisting the parishes and municipalities by fairly allocating funds, helping them identify and build the highest priority projects available, and continuing to seek additional funding for recovery.

AK/db

**Appendix: Recommended Allocation by Parish**

Parish	C-G & Statewide	Hsg %	Prior Release	Prior Release	Updated Release	Updated Release
Orleans	59.48%	56.59%	58.26%	\$116,520,000	58.51%	\$117,294,201
St. Bernard	14.02%	10.91%	13.14%	\$26,280,000	12.99%	\$26,033,717
Jefferson	4.02%	13.39%	7.16%	\$14,320,000	7.14%	\$14,321,406
Plaquemines	7.84%	3.52%	6.50%	\$13,000,000	6.40%	\$12,835,332
St. Tammany	2.45%	6.55%	3.76%	\$7,520,000	3.82%	\$7,656,578
Cameron	5.67%	1.32%	4.21%	\$8,420,000	4.22%	\$8,466,458
Calcasieu	2.62%	2.63%	2.66%	\$5,320,000	2.62%	\$5,258,422
Vermilion	1.14%	1.00%	1.08%	\$2,160,000	1.09%	\$2,192,216
Terrebonne	0.31%	0.91%	0.51%	\$1,020,000	0.51%	\$1,020,282
Lafourche	0.61%	0.20%	0.48%	\$960,000	0.47%	\$948,104
Washington	0.25%	0.53%	0.35%	\$700,000	0.34%	\$689,579
Iberia	0.27%	0.38%	0.31%	\$620,000	0.31%	\$615,677
Tangipahoa	0.29%	0.35%	0.32%	\$640,000	0.31%	\$625,030
St. Charles	0.14%	0.18%	0.15%	\$300,000	0.15%	\$305,968
St. John the Baptist	0.12%	0.14%	0.13%	\$260,000	0.12%	\$247,644
Acadia	0.05%	0.17%	0.09%	\$180,000	0.09%	\$181,301
Jefferson Davis	0.06%	0.14%	0.08%	\$160,000	0.08%	\$168,174
Beauregard	0.04%	0.18%	0.09%	\$180,000	0.09%	\$178,206
St. Mary	0.09%	0.12%	0.10%	\$200,000	0.10%	\$199,764
East Baton Rouge	0.19%	0.08%	0.15%	\$300,000	0.16%	\$311,944
Livingston	0.03%	0.14%	0.07%	\$140,000	0.07%	\$150,000
Vernon	0.03%	0.08%	0.05%	\$100,000	0.05%	
Allen	0.06%	0.07%	0.06%	\$120,000	0.06%	\$150,000
St. James	0.03%	0.04%	0.04%	\$80,000	0.04%	
Lafayette	0.08%	0.04%	0.07%	\$140,000	0.07%	\$150,000
Ascension	0.01%	0.06%	0.02%	\$40,000	0.02%	
Assumption	0.01%	0.05%	0.02%	\$40,000	0.02%	
St. Landry	0.02%	0.04%	0.03%	\$60,000	0.03%	
St. Helena	0.03%	0.02%	0.03%	\$60,000	0.03%	
Iberville	0.02%	0.03%	0.02%	\$40,000	0.02%	
St. Martin	0.00%	0.03%	0.01%	\$20,000	0.01%	
Sabine	0.01%	0.02%	0.01%	\$20,000	0.01%	
Evangeline	0.01%	0.02%	0.01%	\$20,000	0.01%	
East Feliciana	0.00%	0.01%	0.00%		0.00%	
West Baton Rouge	0.00%	0.01%	0.00%		0.00%	
Pointe Coupee	0.00%	0.01%	0.00%		0.00%	
West Feliciana	0.00%	0.00%	0.00%		0.00%	
<b>TOTAL</b>	<b>100.00%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>\$199,940,000</b>	<b>100.00%</b>	<b>\$200,000,000</b>

## **Appendix 2 - Plan Approval and Project Funding Process**

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

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

## Appendix 3 - Citizen Participation Plan for Local Governments

### CITIZEN PARTICIPATION REQUIREMENTS FOR LOCAL GOVERNMENTS PARTICIPATING IN THE LCDBG PROGRAM

To ensure applicant and subrecipient compliance with Section 508 of the Housing and Community Development Act of 1974, as amended, the citizen participation requirements for units of general local governments applying for or receiving Disaster Recovery funds from the State are as follows:

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, hold a minimum of one public hearing at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the applicant's previous community development performance.

All units of local government which receive CDBG funds must have a written and adopted Citizen Participation Plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;
3. provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
4. provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled;
5. provides for a timely written answer to written complaints and grievances, within fifteen working days where practicable;
6. identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

7. Establishes procedures and policies to ensure non-discrimination, based on disabilities, in programs and activities receiving federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

The plan must be made available to the public at the beginning of the planning stage, i.e., the first public hearing. The plan must include procedures that meet the following requirements:

### **Scheduling and Providing Notices of Public Hearings**

In order to provide adequate notice of all public hearings, a minimum of five calendar days notice shall be given. The hearing may be convened on the fifth day excluding the date the notice was published. The applicant must provide citizens with reasonable and timely access to all hearings. The location and time of these hearings must be scheduled in such a manner as to be convenient to potential or actual beneficiaries. Citizens must be made aware of where they may submit their views and proposals should they be unable to attend any public hearing. Where a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking citizen and this must be so stated in the public notice. Additionally, all notices for public hearings shall state that accommodations for persons with disabilities will be provided.

A public hearing must be scheduled early in the planning process to ensure adequate public participation and still have time to develop an application. Citizens, with particular emphasis on persons of low and moderate income, and those who are residents of slum and blighted areas, must be encouraged to submit their views and proposals regarding community development and housing needs.

Citizens must be provided with the following information at the public hearing prior to application submittal to the state, and these items must be included in the **first** public notice as items to be discussed at the hearing:

1. The amount of funds available for proposed community development and housing needs;
2. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
3. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities;
4. If applicable, the applicant must provide citizens with information regarding the applicant's performance in prior LCDBG programs funded by the State.

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

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

A **second** notice regarding the content of the application must be published after the first public hearing has been held but before the application is submitted. This notice must be published a minimum of seven calendar days prior to application submittal, and must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities, and the amount of funds to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must state the proposed submittal date of the application, and provide the location at which, and hours when, the application is available for review.

Applicants must submit a notarized proof of publication of each public notice with the application.

### **Technical Assistance**

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

### **Amendments**

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

### **Complaint Procedures**

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

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

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

All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination will be forwarded to the following address for disposition: Louisiana Department of Justice, Public Protection Division, Post Office Box 94095, Baton Rouge, Louisiana 70804-9095. The telephone numbers for that office are 1-800-273-5718 (voice) or 1-225-342-7412.

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

1. The applicant's description of needs and objectives is plainly inconsistent with available facts and data;
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
3. The application does not comply with the requirements set forth in the Disaster Recovery Plan and amendments to the plan or other applicable laws.

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

### **Performance Hearings**

Prior to close-out of the disaster recovery program, the recipient must have a public hearing to obtain citizen views and to respond to questions relative to the recipient's performance. This hearing shall be held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided.

Documentation must be kept at the local level to support compliance with the aforementioned requirements.

## Appendix 4 – Summary and State’s Response to Public Comment

This Action Plan Amendment was available for Public Comment from July 17<sup>th</sup>, 2007 through July 31<sup>st</sup>, 2007 at 5:00 p.m. The State received no public comments on this Amendment. This plan was also reviewed and approved by the Louisiana Legislature and the Louisiana Recovery Authority Board. During this process, the State received several Long Term Community Recovery Plans from the local governments that will be eligible, and as a result, the State has decided to expand the list of eligible activities for this program.