U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

NOV 19 2018

Mr. Mark Havens
Deputy Land Commissioner
Texas General Land Office
1700 N. Congress Street, Suite 935
Austin, TX 78701-1495

Dear Mr. Havens:

I am pleased to inform you that the Department is approving the State of Texas' Action Plan Amendment #2 for Community Development Block Grant disaster recovery (CDBG-DR) funds appropriated under the Consolidated Appropriations Act, 2017 Public Law (P.L.) 115-31. On December 27, 2017, the Department allocated $57,800,000 to the State in response to Hurricane Harvey. The State published the proposed substantial amendment for public comment on August 28, 2018-September 11, 2018, and sent out an email to over 1,800 recipients across the 49 eligible counties targeting local emergency management coordinators, county and local government officials, public housing authorities and other interested parties. The State did not receive any comments on the amendment, and the Department received the State's submission on September 13, 2018. This substantial amendment will now be considered part of the State's approved Action Plan for Hurricane Harvey recovery under the grant number B-17-DL-48-0002.

Action Plan Amendment #2 is considered substantial as it will add new construction as an eligible activity under the Affordable Rental Recovery program. Now, eligible activities for the program include rehabilitation, reconstruction, and new construction of affordable multi-family housing projects. The program will benefit low- and moderate-income persons, and the total program allocation remains at $10,866,400.

As described in the Action Plan, the State will use CDBG-DR funds solely for necessary expenses related to disaster relief, long-term recovery, restoration of housing, infrastructure, and economic revitalization in the impacted and distressed Texas counties as declared in DR-4332. Additionally, the State will expend at least 80 percent of its allocation in HUD-identified "most impacted and distressed" areas and at least 70 percent of the aggregate of CDBG-DR program funds will be used to support activities that benefit low- and moderate-income persons, as defined in 81 FR 83254 (published November 21, 2016), 82 FR 5591 (published January 18, 2017), 82 FR 36812 (published August 7, 2017), and 82 FR 61320 (published December 27, 2017).

The Department looks forward to continuing to work with you and your staff in partnership to address the State's recovery needs. If you have any questions regarding this allocation, please contact Mr. Stanley Gimont, Deputy Assistant Secretary for Grant Programs, at (202) 708-2111.

Sincerely,

Neal Rackleff
Assistant Secretary

State of Texas Plan for Disaster Recovery:

Hurricane Harvey

Amendment No. 2

Published: August 28, 2018

Public Comment Period:
August 28 – September 11, 2018

HUD Approved:
November 19, 2018

PREPARED BY

THE TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT & REVITALIZATION PROGRAM

Section 421 of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, approved May 5, 2017)

TXGLO

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Amendment No. 2

This document constitutes the Second Amendment to the *State of Texas Plan for Disaster Recovery: Hurricane Harvey* (Action Plan), for CDBG disaster recovery funds related to the August 2017 Hurricane Harvey event (DR-4332). This amendment is being made to the Action Plan which responds to Section 421 of the Consolidated Appropriation Act 2017 (Public Law 115-31, approved May 5, 2017).

Changes contained in Action Plan Amendment No. 2 are highlighted.

This amendment will:

- Add new construction as an eligible activity under the Affordable Rental Recovery Program.

Changes have been made to the appropriate sections of this Action Plan. All other information, requirements, and certifications contained in the Action Plan remain in force unless addressed in this amendment.

Action Plan Amendment No. 2 will be posted for the required 14-day comment period. Recipients of the public comment period notice will include but are not limited to, low-income housing advocates and community organizations representing homeless and special needs populations, all mayors, county judges, and tribal leaders in the declared areas.

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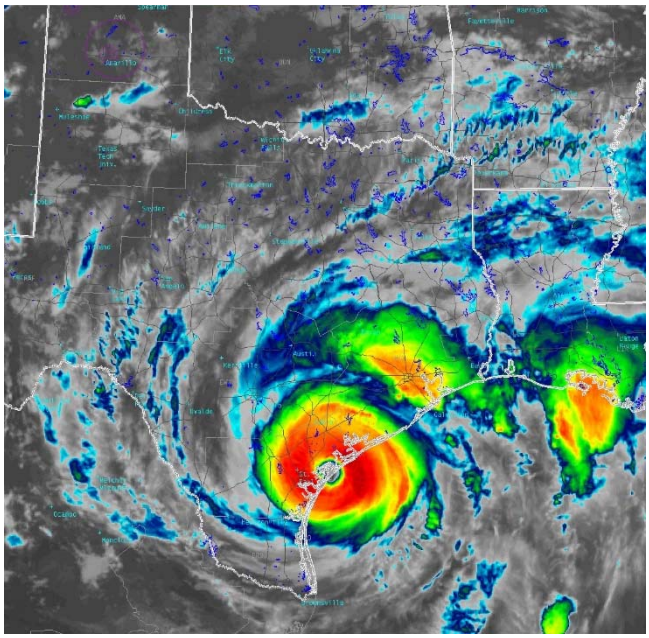
I. Executive Summary

The hurricane season of 2017 proved to be the most expensive in United States history, impacting families from Puerto Rico to Florida and across the Texas coast. Hurricane Harvey made landfall on August 25, 2017, between Port Aransas and Port O'Connor as a Category 4 hurricane with sustained winds over 130 mph. After initial impact, Hurricane Harvey's winds began to decrease, but due to two high-pressure systems to the east and west, it remained fixed over the Texas coast for the next 4 days. During this period, as much as 60 inches of rain fell over the impacted area.

The General Land Office (GLO) estimates the cost of damages from Hurricane Harvey at $160 billion, making it the costliest event in U.S. history. The hurricane shut down ports, trade, tourism, oil and gas production, agricultural production, and general businesses across most of the Texas coast, including the fourth-largest city in the nation for almost a week and, in some cases, significantly longer. The impact of these interruptions is difficult to quantify at this time, but the effects of this disaster were felt across the nation, with commodities such as gas increasing in price by $0.33 a gallon in the weeks following Hurricane Harvey.[1]



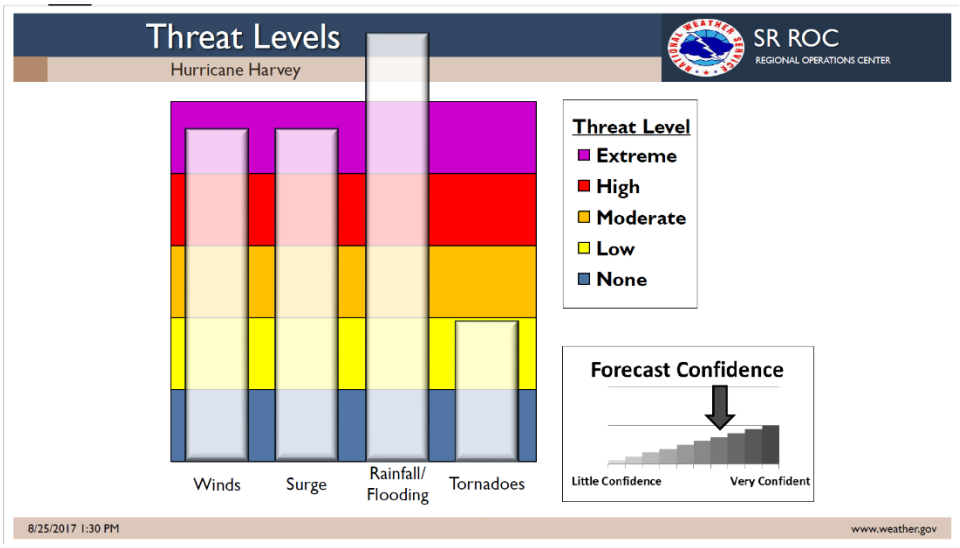
Weather.gov - Hurricane Harvey Satellite and Radar Landfall Image

Hurricane Harvey resulted in record rainfall totals of 34 trillion gallons of water.[2] Combining this record rainfall together with the fact that Hurricane Harvey made landfall twice creates a three-event narrative: the initial landfall in Aransas County; the unprecedented rainfall in the Houston metroplex and surrounding areas; and Hurricane Harvey's second landfall which caused massive flooding in Southeast Texas. Following these three events, tens of thousands of homes that had never been flooded took on water, and evacuations continued for days after landfall.

[1] U.S. Energy Information Administration. 2018. "Petroleum & Other Liquids." Webpage accessed January 8, 2018. https://www.eia.gov/petroleum/gasdiesel/

[2] San Antonio Express-News. September 17, 2017. "Harvey Dumped Record-Setting 34 Trillion Gallons of Rain." Webpage accessed January 10, 2018. http://www.expressnews.com/news/local/article/Harvey-dumped-record-setting-34-trillion-gallons-12204769.php

The GLO estimates over 1 million homes were impacted by Hurricane Harvey. The state of Texas has already spent over $1 billion on response and recovery.[3] As of December 15, 2017, the Federal Emergency Management Agency (FEMA) Public Assistance program estimates damage costs related to non-housing categories at approximately $2.4 billion. As of December 7, 2017, the FEMA Individuals and Households program received over 889,000 applications and has disbursed over $1.4 billion in housing assistance and other related emergency disaster assistance. As of December 14, 2017, FEMA's National Flood Insurance Program received over 89,000 claims and disbursed more than $3.4 billion to claimants. The Small Business Administration (SBA) has disbursed over $2.5 billion in home loans and $579 million in business loans as of December 7, 2017. This information was provided to the GLO from FEMA and the SBA.



Source: www.weather.gov

The U.S. Department of Housing and Urban Development (HUD) has allocated $57.8 million in Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the state of Texas in response to Hurricane Harvey, FEMA-DR-4332, through the publication of the Federal Register, Vol. 82, No. 247, Wednesday, December 27, 2017. This allocation is the remaining amount from $400 million appropriated under Public Law 115-31 that allocated CDBG-DR funds to Texas for the 2015 and 2016 flood events. The state of Texas is expected to receive additional CDBG-DR allocations for long-term recovery from Hurricane Harvey. The GLO has been designated by the governor to administer CDBG-DR funds on behalf of the state of Texas.

This Action Plan will detail the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure, housing, and economic revitalization in the most impacted and distressed areas. The use of funds for this allocation is limited to unmet recovery needs from Hurricane Harvey, DR- 4332.

HUD has identified Harris County as the "most impacted and distressed" area in the Federal Register notice and has required that at least 80 percent of the allocation must address unmet needs within the County. The remaining 20 percent will address unmet needs within the "most impacted

[3] The Texas Tribune. 2017. "How Much has been Raised for Harvey Relief – and How's it Being Spent." Webpage accessed December 2, 2017. https://www.texastribune.org/2017/11/28/how-much-money-going-hurricane-harvey-relief-texas/

and distressed" areas determined by the GLO through the unmet needs assessment in Section II of this Action Plan. The GLO has allocated the remaining portion of these initial funds to Aransas, Nueces, and Refugio Counties. Section IV of this Action Plan will outline the budget, the use of funds, and criteria for eligibility.

For the purpose of this Action Plan, the four counties (Bexar, Dallas, Tarrant, and Travis) that received FEMA disaster declarations for emergency protective measures only (Category B), including direct federal assistance under the Public Assistance program, are not included in the 49 CDBG-DR eligible counties identified on the map below.

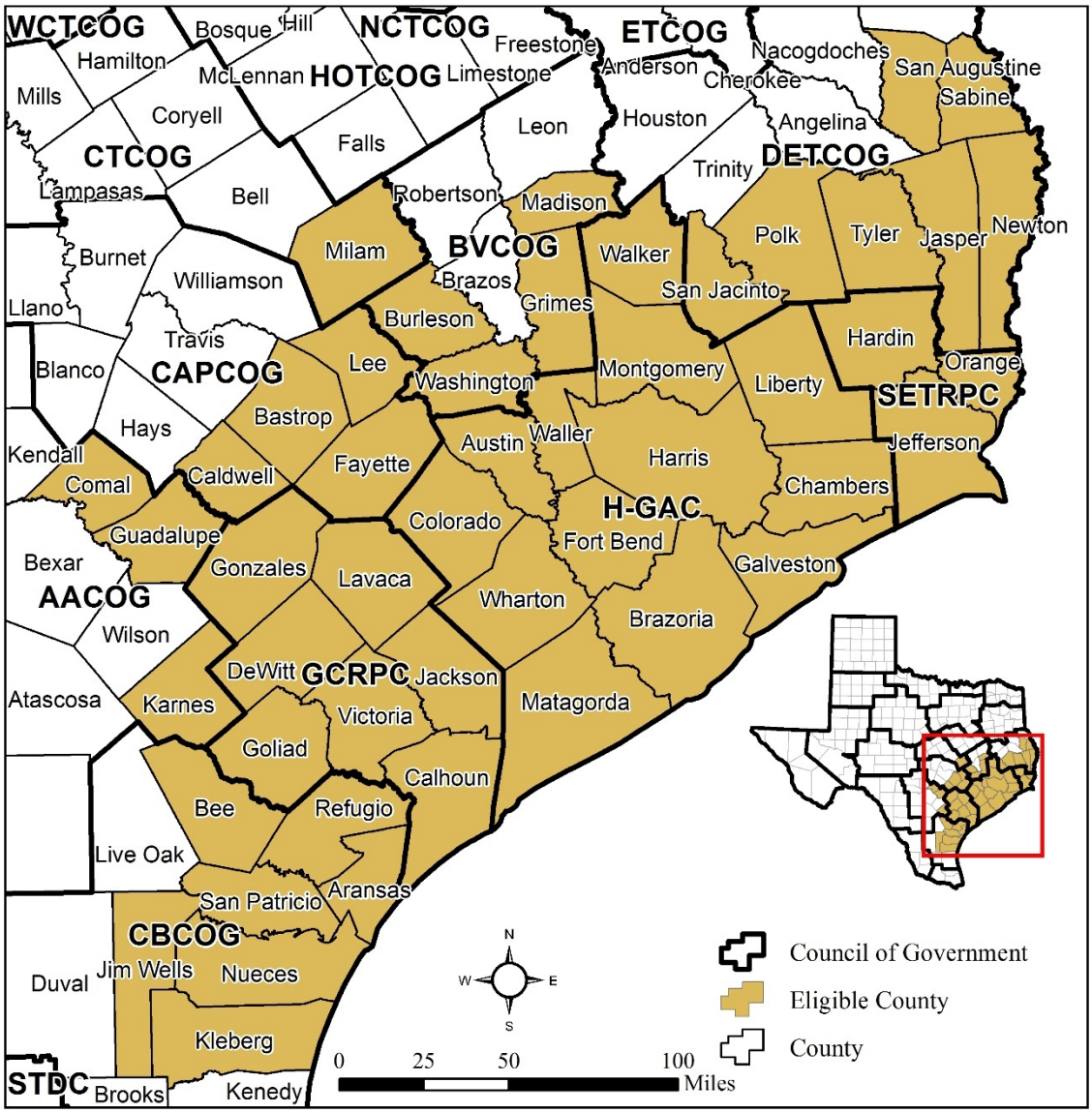


Figure 1: DR-4332 49 CDBG-DR Eligible Counties

II. Needs Assessment

The State of Texas completed the following needs assessment to identify long-term needs and priorities for CDBG-DR funding allocated as a result of Hurricane Harvey. This assessment takes into account a comprehensive set of data sources that cover multiple geographies and sectors and was completed according to guidelines set forth by the U.S. Department of Housing and Urban Development (HUD) in Federal Register, Vol. 82, No. 247, Wednesday, December 27, 2017. The information focuses on the statewide impacts and the impacts on the 49 CDBG-DR eligible counties (see list in Appendix A), as well as Harris County—the most impacted and distressed county—as identified by HUD in the Federal Register. The information for the assessment was compiled using federal and state sources, including information from FEMA, HUD, TDEM, SBA, Health and Human Services Commission (HHSC) and other federal and state agencies. The GLO was able to work with these agencies to gather the most up-to-date information regarding the impacts of the hurricane, actions taken during and following the storm, and unmet need.

This needs assessment includes specific details about unmet needs within the eligible and most impacted and distressed communities. This includes details for housing, infrastructure, and economic revitalization. This assessment will take into consideration pre-disaster needs, in addition to needs resulting from Hurricane Harvey. It will also discuss additional types of assistance that may be available to affected communities and individuals, such as insurance, other federal assistance, or any other possible funding sources. Taking the above into consideration, mitigation and resiliency measures to protect against future hazards will also be examined. This needs assessment is expected to be amended as additional information is available or updated.

A. Cumulative Impact of Prior Disasters

The state of Texas is vulnerable to various extreme weather events. Recently, Texas experienced a historic drought that began in 2010. According to the Office of the State Climatologist, the driest 12-month period on record for Texas was October 2010 to September 2011, with a statewide average of only 11.18 inches of rain. This led to catastrophic wildfires that lasted from November 15, 2010, through October 31, 2011. A total of 3.9 million acres and approximately 5,900 structures were damaged and/or destroyed during this wildfire season. Many factors contributed to this record-breaking season, including the La Niña weather pattern that caused extreme drought conditions, high winds from Tropical Storm Lee, and unprecedented high temperatures. These weather conditions, combined with the availability of large amounts of dry fuels that had built up over 5 years of drought, led to the intensity of these wildfires.

The extended drought that Texas experienced made the state susceptible not only to wildfires but to flash flooding as well. These drought factors contributed to the inability of soils to effectively absorb water runoff. The 2011 wildfires also removed vegetation that usually work to slow down and absorb rainfall.

In 2015 and 2016, the state received record amounts of rain—not once but multiple times. This resulted in six Federal disaster declarations spread over 160 of the state's 254 counties. The critical infrastructure damage and already saturated grounds from the 2015 floods greatly enhanced the

devastation experienced by counties during the 2016 floods. These multiple events caused multiple human fatalities and did severe damage across nearly half the state, or 134,000 square miles. To date, the state of Texas still estimates $2 billion in unmet need from these events.

The below map highlights the counties that have been impacted by the last 3 years of disasters. The majority of counties in the eligible area have been impacted by disasters in each of the last three years. This further demonstrates the compounding impacts of recent disasters in Texas and the impacts that these disasters are having on housing, infrastructure, and local economies along the coast.

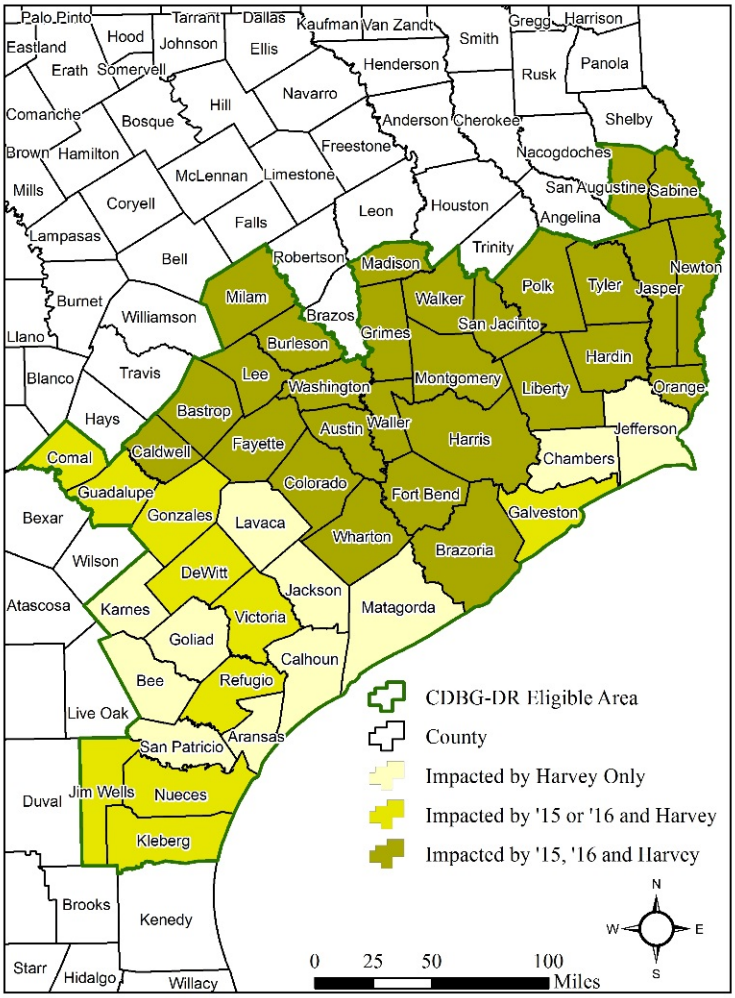


Figure 2: Hurricane Harvey CDBG-DR Eligible Counties Impacted by 2015 Floods, 2016 Floods and Harvey Declarations

B. Impact of Hurricane Harvey

In 2017, communities that had not yet had a chance to fully recover from the 2015 and 2016 floods were impacted again. Hurricane Harvey, a regenerated tropical depression, made landfall on August 25, 2017, as a Category 4 hurricane, bringing with it extreme wind gusts and, in some places, up to 60 inches of rain in 5 days. The hurricane caused catastrophic flooding and at least

82 human fatalities,[4] due in part to the weather system stalling over the Texas coast. The windspeeds recorded over South Texas may have been underestimated, especially near the coast and close to the eyewall of Hurricane Harvey, as many observation stations were disabled prior to landfall of the eye of the hurricane. However, a peak wind gust of 150 mph was reported near Rockport.[5]

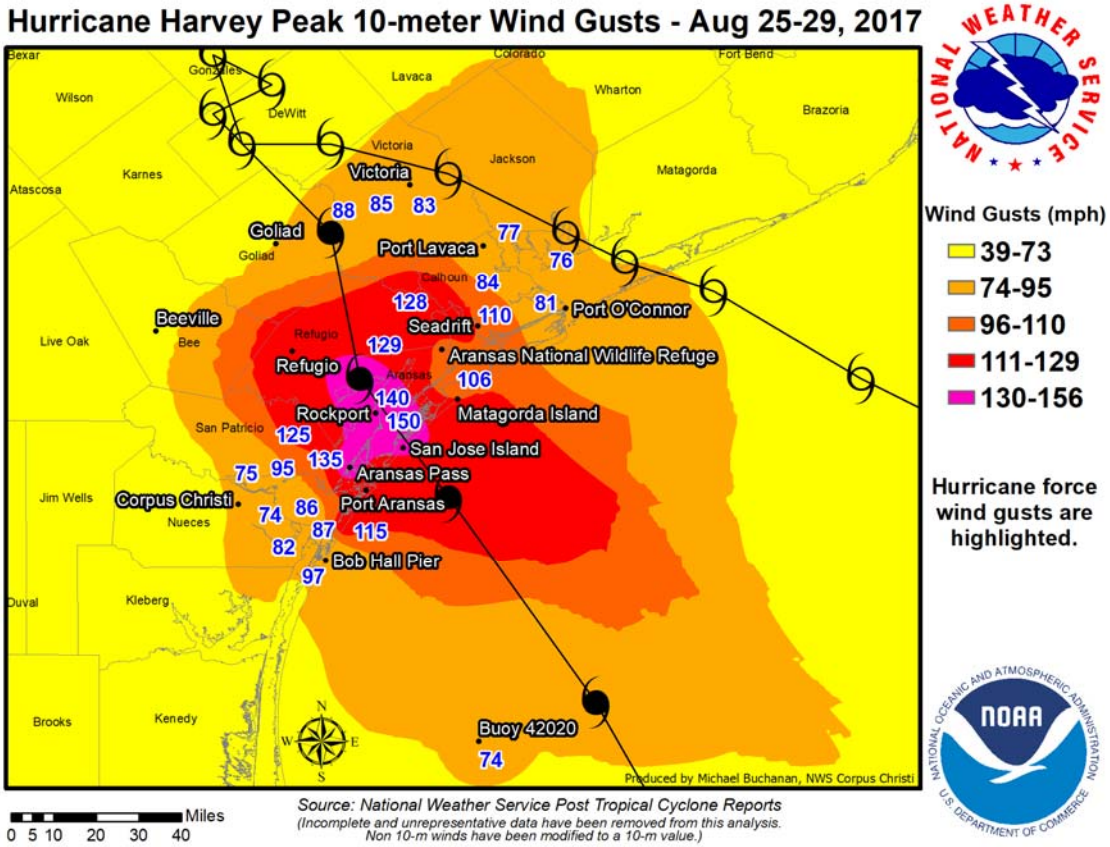


Figure 3: Hurricane Harvey Peak Wind Gusts

Hurricane Harvey made landfall twice and is viewed by many as three separate events: the initial landfall in Aransas County; unprecedented rainfall in the Houston metroplex and surrounding areas; and the second landfall on August 29, 2017, in southeast Texas near the cities of Orange, Beaumont, and Port Arthur. These events caused not only wind damage, but also widespread flooding.

[4] The Washington Post. "Texas officials: Hurricane Harvey death toll at 82, 'mass casualties have absolutely not happened.'" Webpage accessed January 10, 2018. https://www.washingtonpost.com/national/texas-officials-hurricane-harvey-death-toll-at-82-mass-casualties-have-absolutely-not-happened/2017/09/14/bff3ffea-9975-11e7-87fc-c3f7ee4035c9_story.html?utm_term=.dfe744e2fbe8

[5] National Weather Service. "Major Hurricane Harvey - August 25-29, 2017." Webpage accessed January 10, 2018. http://www.weather.gov/crp/hurricane_harvey

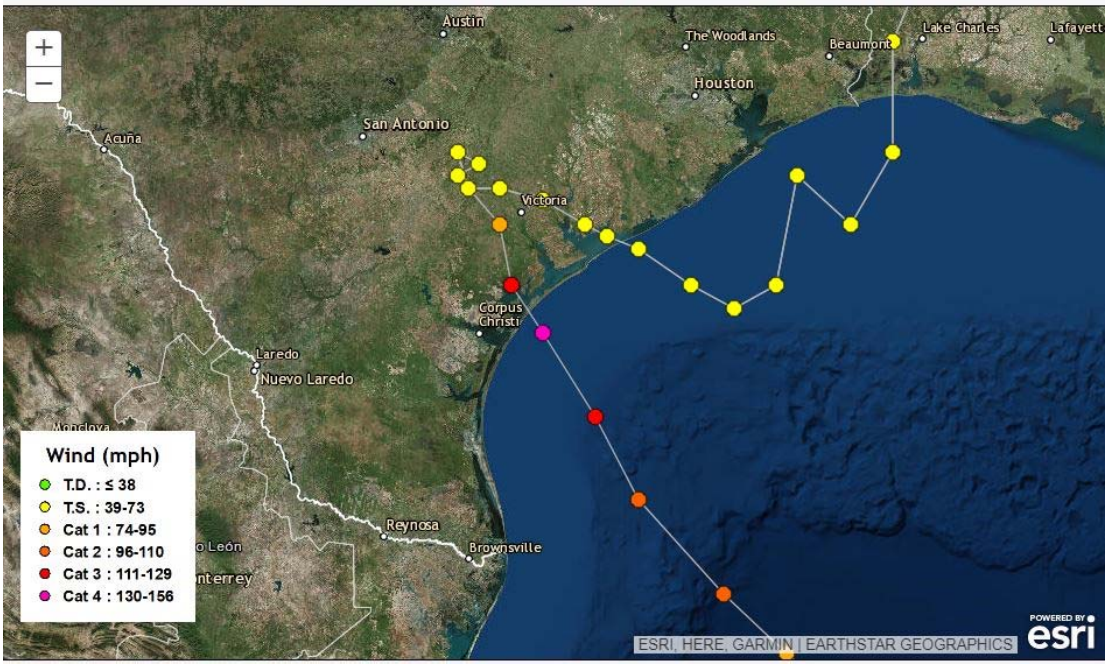


Figure 4: Track of Hurricane Harvey[6]

The 49 CDBG-DR eligible counties affected by Hurricane Harvey cover 15 percent or 39,496 square miles of land area in the state and contain approximately 32 percent of the state's population. The land area affected is roughly the size of the state of the Kentucky.[7] Nearly 8.9 million Texans live in the affected counties.

As can be seen in the following map, the initial landfall caused severe wind damage (demonstrated by the number of windstorm damage insurance claims in red). This map also portrays the extent of National Flood Insurance Program (NFIP) claims in the northern section of the coast, where storm rains caused severe flooding in Houston and the surrounding areas. This graphic further demonstrates the two catastrophic characteristics of Hurricane Harvey: (1) hurricane-force winds and (2) a slow-moving storm bringing historic rainfall and flooding.

[6] National Weather Service. "Major Hurricane Harvey - August 25-29, 2017." Webpage accessed January 10, 2018. http://www.weather.gov/crp/hurricane_harvey

[7] The United States Census Bureau. "QuickFacts Kentucky; UNITED STATES." Webpage accessed January 10, 2018. https://www.census.gov /quickfacts/fact/table/KY,US/LND110210

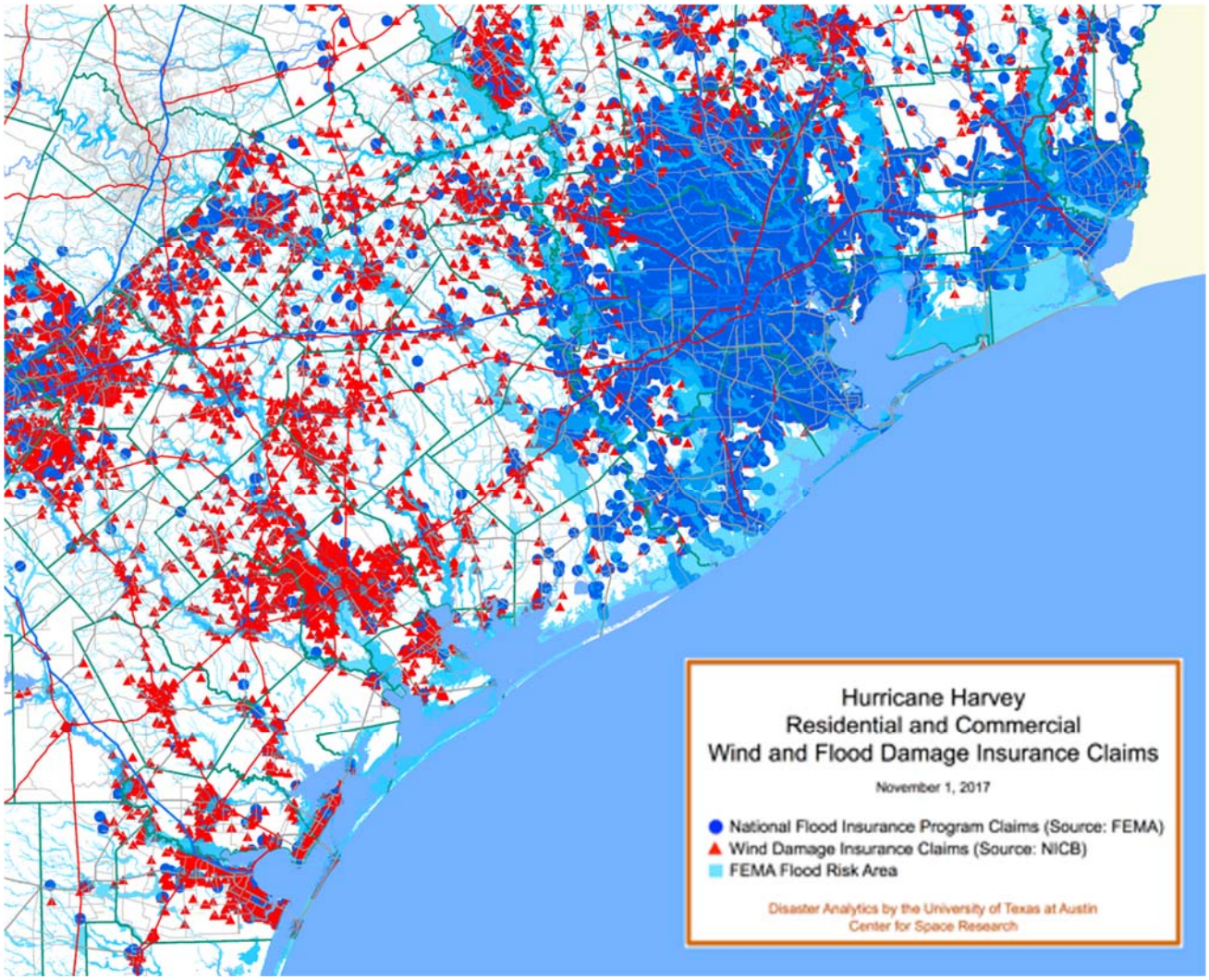


Figure 5: Residential and Commercial Windstorm and Flood Damage Insurance Claims

By the time the rain stopped, Hurricane Harvey had dumped almost a year's worth of rainfall in just a few days. So much rain fell during the hurricane that the National Weather Service had to update the color charts on their graphics in order to effectively map it. Two additional shades of purple were added to represent rainfall totals for 20-30 inches and "greater than 30 inches" ranges.

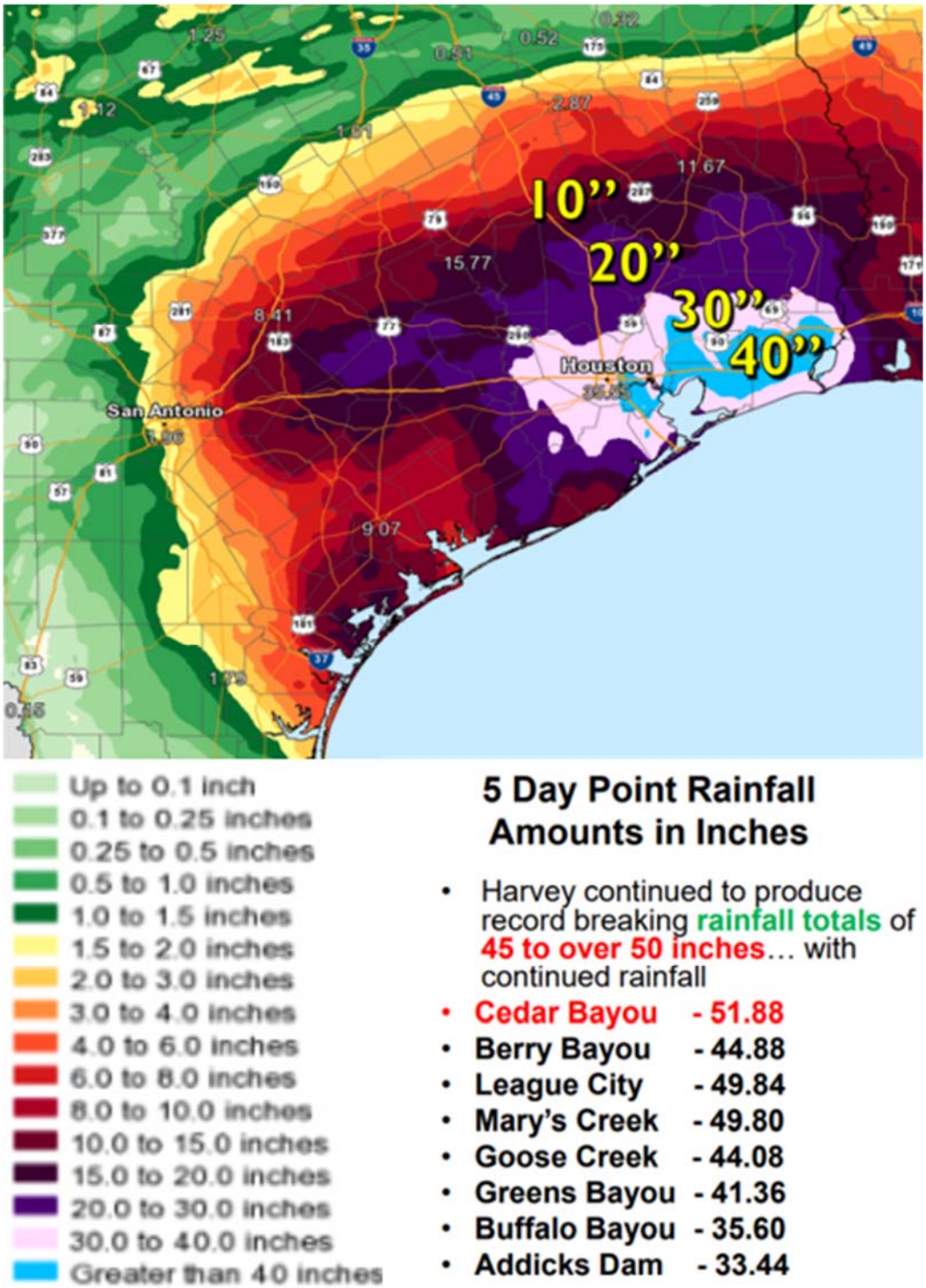


Figure 6: National Weather Service’s 5 Day Point Rainfall in Inches

C. Resiliency Solutions and Mitigation Needs

Recognizing the state’s long and well-documented history of flooding, hurricanes, wildfires, and droughts, as well as its ongoing efforts to mitigate future disaster effects in its most vulnerable

areas, the GLO continues its commitment to rebuilding while prioritizing resiliency. In assessing unmet needs, it is important to consider the additional costs of safeguarding housing and community infrastructure investments from future disasters. As such, Texas will not only assess projects and consider state-run programs that replace or repair lost property but will also seek to invest resources in efforts that promise to mitigate damage from a wide range future disaster types. Although this can increase costs initially, mitigating efforts can greatly reduce the cost of future damages. The success of this long-term recovery practice was seen firsthand during Hurricane Harvey. Resilient-enhanced projects from previous CDBG-DR efforts suffered less damage from Hurricane Harvey: construction projects designed to prevent future flooding, mitigate further loss, and decrease evacuation times.

Single family home resiliency solutions are expected to add approximately 10 to 15 percent to the total cost per home; multifamily resiliency solutions add 15 to 20 percent to the total cost per project; and infrastructure resiliency solutions add 15 to 20 percent to the total cost per project. Resiliency solutions are varied and dependent on the respective area's Threat and Hazard Identification and Risk Assessment (THIRA).

Single family home resiliency solutions may include elevating the first floor of habitable area; breakaway ground floor walls; reinforced roofs; storm shutters; use of ENERGY STAR appliances and fixtures; and mold and mildew resistant products. Multifamily resiliency solutions include elevation; retention basins; fire-safe landscaping; firewalls; and landscaped floodwalls.

Buyout programs support hazard mitigation, floodplain management goals, and resiliency by removing homeowners from the floodplain, thus eliminating vulnerability to future flooding situations. After homes are purchased, the structures are demolished or relocated. The land reverts to a natural floodplain, converts into a retention area, or is retained as green space for recreational purposes. The buyout option serves multiple objectives and provides a resiliency option versus rebuilding within a floodplain. Buyouts help prevent repetitive loss and extreme risk to human health and safety. Buyouts conducted sooner rather than later prevent homeowners from making repairs and investing funds in properties that they then may not want to sell.

In the case of infrastructure resiliency solutions, improvements may include:

- Elevating critical systems, facilities, and roadways above base flood elevation;
- Installing backup power generators for critical systems (water, sewer, etc.);
- Avoiding an increase in impervious cover by keeping projects in their original footprint and encouraging the use of building practices that allow for more pervious coverage, when possible;
- Replanting with only native vegetation to preserve the natural environment;
- Installing retention basins, larger culverts and debris guards, erosion control solutions, and back-up communication systems; and
- Supporting local community efforts to enhance building codes and regulations.

The resiliency multiplier will be a standard 15 percent for both housing and infrastructure activities to calculate unmet need, as has previously been applied in other Texas CDBG-DR programs.

D. Demographic Profile of Impacted Counties

The demographic profile data was generated using a wide range of data sets from the U.S. Census Bureau, unless otherwise noted. The 49 CDBG-DR eligible counties affected by Hurricane Harvey cover 15 percent, or 39,496 square miles of the state, and contain approximately 32 percent of the state's population. This equals nearly 8.9 million Texans living in the eligible counties. These counties have seen almost a 1 million person, or 12 percent, increase from 2010 to 2016.

Of the 3.4 million housing units in the eligible counties, 62.5 percent are owner-occupied units. Some housing and income demographics are slightly different in the eligible counties versus the statewide averages. The 49 eligible counties have an estimated median owner-occupied housing unit value and median household income lower than the state as a whole. The median value of owner-occupied housing units is $105,800—almost $37,000 less than the statewide median value of $142,700. The 49 eligible counties have a median household income of $50,145 – $4,582 less than the statewide average of $54,727. In addition to a lower median household income, the per capita income is also lower than the state as a whole. Approximately 14.9 percent of the population in the 49 eligible counties is living in poverty. This is just less than the statewide average of 15.6 percent.

By percentage, the 49 eligible counties have a higher African-American population when compared to the state as a whole. The 49 eligible counties have a 16.27 percent African-American population—approximately 3.67 percent higher than the statewide total. The minority population as a whole in all 49 eligible counties is approximately 62.21 percent—2.7 percent higher than the statewide total.

In the 49 eligible counties, veterans account for 4.9 percent of the population; the elderly account for approximately 11.73 percent; and disabled persons under the age of 65 account for 7.65 percent of the population. These numbers are in line with state averages.

Table 1: 2016 Demographic Statistics for Texas and the 49 CDBG-DR Eligible Counties from the U.S. Census Bureau

	Texas	**49 CDBG-DR Eligible Counties**	
Fact	**Estimates**	**Estimates**	**Percent of Area**
Population estimates, 2016	27,862,596	8,861,831	32% of Texas Population
Population, percent change - April 1, 2010, (estimates base) to July 1, 2016	10.80%	12%	
Persons under 5 years, percent, 2016	7.20%	645,145	7.28% of Eligible Population

	Texas	49 CDBG-DR Eligible Counties	
Fact	**Estimates**	**Estimates**	**Percent of Area**
Persons under 18 years, percent, 2016	26.20%	2,319,282	26.17% of Eligible Population
Persons 65 years and over, percent, 2016	12.00%	1,039,153	11.73% of Eligible Population
White alone, percent, 2016	79.40%	6,593,176	74.40%
Black or African American alone, percent, 2016	12.60%	1,441,957	16.27%
American Indian and Alaska Native alone, percent, 2016	1.00%	88,954	1.00%
Asian alone, percent, 2016	4.80%	565,728	6.38%
Native Hawaiian and Other Pacific Islander alone, percent, 2016	0.10%	8,875	0.10%
Two or More Races, percent, 2016	1.90%	163,599	1.85%
Hispanic or Latino, percent, 2016	39.10%	3,244,050	36.61%
White alone, not Hispanic or Latino, percent, 2016	42.60%	3,558,315	40.15%
Housing units, 2016	10,753,629	3,444,036	
Owner-occupied housing unit rate, 2012-2016	61.90%	2,152,669	62.5% of Housing Units
Median value of owner-occupied housing units, 2012-2016	$142,700	$105,800	
Median gross rent, 2012-2016	$911	$777	
With a disability, under age 65 years, percent, 2012-2016	8.10%	678,268	7.65% of Eligible Population
Median household income (in 2016 dollars), 2012-2016	$54,727	$50,145	
Persons in poverty, percent	15.60%	14.9% of Eligible Population	
Land area in square miles, 2010	261,231.71	39,496	15% of Texas

E. Low to Moderate Income Analysis

The following map identifies census block groups that have a low- to moderate-income population of 51 percent or more for the 49 eligible counties using HUD's 2017 Low and Moderate Income Summary Data (LMISD) for the state of Texas.[8]

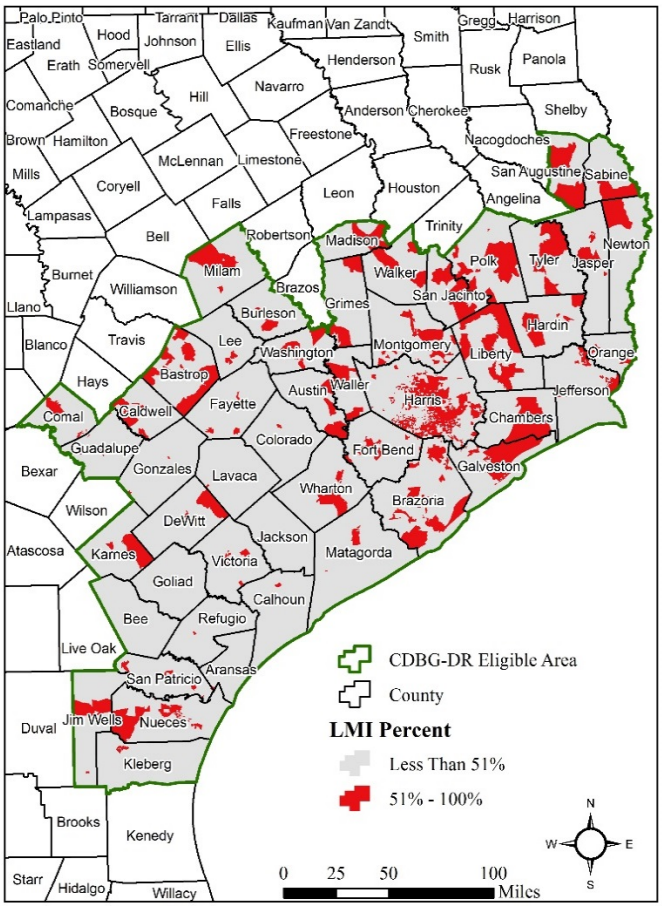


Figure 7: Percentage of LMI Population by Block Group

F. Housing Impact

1. Real Estate Market

The housing real estate market in Texas remains strong with a high housing demand and a tight supply. As stated by Texas A&M's Real Estate Center's August 2017 report prior to Hurricane Harvey, the months of inventory of Texas houses increased to 3.9 months for the first time since 2014; this indicates strong housing demand and tight supply. Around 6 months of inventory is considered a balanced housing market. Texas housing affordability continues to

[8] HUD Exchange. "FY 2017 LMISD by State - All Block Groups, Based on 2006-2010 American Community Survey." Webpage accessed January 10, 2018. https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/

worsen due to limited supply for homes under $300,000, along with increasing construction costs.[9] In an already tight market, the loss of housing associated with Hurricane Harvey only compounds affordability issues in the state.

The housing markets on the Gulf Coast dipped substantially in August due to Hurricane Harvey; however, the market saw a large rebound in September. Housing sales that were delayed because of Hurricane Harvey in August caused a 2.6 percent increase in September, as those sales were executed post-storm. Third quarter increases in vacant, developed lots also generated a 5.4 percent monthly increase in single family housing construction permits. This increase was directly related to recovery efforts in places like Houston.[10]

2. Homelessness

Based on the assessment regarding pre-disaster homeless persons and the GLO's work with other state agencies and organizations, the state is working to address the needs of pre-disaster homeless persons.

In January 2017, Texas accounted for 4.25 percent of the nation's total homeless population. However, given the size and population of the state, Texas has seen one of the largest decreases (30.8 percent decline) in homelessness from 2012 to 2017. The point-in-time count revealed that 23,548 persons in the state were physically counted as homeless in January 2017.[11] From January 2016 to January 2017, there was a slight increase of 1.8 percent in the Texas total homeless population.

The HUD 2017 Continuum of Care data reports 29.05 percent of the total homeless population in the state is comprised of households with one adult and at least one child under the age of 18 years.[12]

A Continuum of Care (CoC) is the group of representatives that takes on the coordination of homeless services and homelessness prevention activities across a specified geographic area and that implements community-wide, coordinated efforts for assessing and addressing the housing and service needs of individuals and families that are homeless or at risk of homelessness.13

[9] Texas A&M Real Estate Center. "Outlook for the Texas Economy." Webpage accessed January 10, 2018. https://www.recenter.tamu.edu/articles/technical-report/outlook-for-the-texas-economy

[10] Texas A&M Real Estate Center. "November 2017 Housing Reports by MSAs." (data as of October 31, 2017)

[11] HUD Exchange. "2007 – 2017 Point – Time Counts by CoC." Webpage/Excel document accessed January 10, 2018. https://www.hudexchange.info/resources/documents/2007-2017-PIT-Counts-by-CoC.xlsx

[12] HUD Exchange. "2017 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations." Webpage accessed January 10, 2018. https://www.hudexchange.info/resource/reportmanagement/published/CoC_PopSub_State_TX_2017.pdf

[13] TDHCA. "Continuum of Care." Webpage accessed January 10, 2018. https://www.tdhca.state.tx.us/tich/coc.htm

(a) State Homeless Support Services

Texas has a fairly widespread and robust homeless support services program. The GLO actively coordinates and collaborates with localities and nonprofits to comprehensively address pre-disaster homelessness separately from CDBG-DR funding.

The Texas Homeless Network is a statewide nonprofit organization funded in part by the Texas Department of Housing and Community Affairs (TDHCA) and the Texas Department of State Health Service (DSHS). The Texas Homeless Network provides training and technical assistance around the state to help service providers and communities better serve the homeless population with the end goal of preventing and ending homelessness.[14]

TDHCA's Homeless Housing and Services Program (HHSP) provides funding to the eight largest cities in support of services to homeless individuals and families. The cities currently served through HHSP are Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, and San Antonio. For fiscal years 2015, 2016, and 2017, $15 million has been allocated to HHSP. The allowable activities include construction, development, or procurement of housing for homeless persons; rehabilitation of structures targeted to serving homeless persons or persons at risk of homelessness; provision of direct services and case management to homeless persons or persons at risk of homelessness; or other homelessness-related activities.

The Emergency Solutions Grants (ESG) program, formerly the Emergency Shelter Grants Program, is a competitive grant that awards funds to private nonprofit organizations, cities, and counties in the state of Texas to provide the services necessary to help persons that are at risk of homelessness or homeless quickly regain stability in permanent housing. The ESG program is funded by HUD and is administered by TDHCA. In 2016 and 2017, TDHCA has awarded over $17 million to eligible subrecipients battling homelessness across the state.

The Texas HOME Disaster Relief program is administered by TDHCA. The program is available to local governments, nonprofit organizations, and public housing authorities within a federal or state-declared county to serve households earning at or below 80 percent Area Median Family Income (AMFI). Eligible activities include the HOMEowner Rehabilitation Assistance Program, Tenant-Based Rental Assistance Program, and HOMEbuyer Assistance Program. As of December 2017, over $10 million is available in the Texas HOME Disaster Relief Program.[15]

Additionally, the Texas Interagency Council for the Homeless (TICH) was established in 1995 and coordinates the state's resources and services to address homelessness. TICH serves as an advisory committee to TDHCA. Representatives from 11 state agencies sit on

[14] Texas Homeless Network. Webpage accessed January 10, 2018. http://www.thn.org/

[15] TDHCA. "HOME Disaster Relief Program." Webpage accessed January 10, 2018. http://www.tdhca.state.tx.us/home-division/disaster-relief.htm

the council, along with members appointed by the governor, lieutenant governor, and speaker of the house of representatives.[16] The council's duties include:

- Survey current resources for services for the homeless in the state;
- Assist in coordinating and providing statewide services for all homeless individuals;
- Increase the flow of information among separate providers and appropriate authorities;
- Provide technical assistance to TDHCA in assessing the need for housing for individuals with special needs in different localities; and
- Maintain a centralized resource and information center for homeless services.

The Department of State Health Services (DSHS) Projects for Assistance in Transition from Homelessness (PATH) program provides outreach in the form of (1) screening, diagnostic assessment, and treatment; (2) habitation and rehabilitation; (3) community mental health services; (4) outpatient alcohol or drug treatment (for clients with serious mental illness); (5) staff training and case management; (6) referrals for primary health services, job training, educational services (including HIV prevention activities), and relevant housing services; (7) assistance in obtaining income support services including Social Security Income and representative payee per appropriate regulations; (8) housing services including planning for housing; (9) technical assistance in applying for housing assistance; and (10) improving coordination of housing and services and the costs of matching individuals with appropriate housing and services. The service areas are Amarillo, Austin, Beaumont, Conroe, Corpus Christi, Dallas, El Paso, Fort Worth, Galveston, Harlingen, Houston, Laredo, Lubbock, San Antonio, and Waco.

Additionally, the Community Services Block Grant program is administered by TDHCA. For program years 2015 to 2018, over $120 million has been awarded to eligible entities across Texas for the delivery of services to very low-income Texas residents. The services are designed to eliminate poverty and foster self-sufficiency.[17]

The GLO has been in communication with the Texas Homeless Network (THN) and the Ending Community Homelessness Coalition (ECHO) for data tied to the impacts of Hurricane Harvey on the homeless population in Texas. THN and ECHO informed the GLO that they are currently engaged in efforts to identify homeless persons impacted by the hurricane. Data gathering will be completed at the end of January 2018. It will then be assessed and provided to the GLO so that further determinations can be made on how local communities can better assist their homeless populations.

No funds from this allocation will be set aside specifically to offset and prevent homelessness, but the next allocation is expected to be much larger. The GLO plans to create a more substantial homelessness prevention program from future funds.

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[16] TDHCA. "Texas Interagency Council for the Homeless" (TICH). Webpage accessed January 10, 2018. http://www.tdhca.state.tx.us/tich/

[17] TDHCA. "Community Services Block Grant (CSBG)." Webpage accessed January 10, 2018. http://www.tdhca.state.tx.us/community-affairs/csbg/index.htm

3. Social Services: 2-1-1 Texas Program

The Texas Health and Human Services Commission (THHSC) 2-1-1 Texas program helps Texas citizens connect with state and local health and human services programs service by phone or internet. THHSC works through 25 Area Information Centers (AICs) across the state. 2-1-1 Texas is a free, anonymous, social service hotline available 24-hours a day, 7 days a week, 365 days a year. State and local health and human services programs address housing/shelter, employment, food/nutrition, veterans, crisis/emergency, income/expenses, legal aid/victims, criminal justice, aging/disability, health/medical, mental health, and child care/education.

According to information received by the GLO from the Health and Human Services Commission (HHSC), 2-1-1 staff observed a 37 percent increase in call volume beginning Thursday, August 24, 2017. Top caller needs included calls from the public requesting general evacuation information and evacuation transportation and calls from city and county emergency services. On Friday, August 25, 2017, Texas Information and Referral Network (TIRN) staff created a new menu option that routed callers with Hurricane Harvey needs to the first available agent statewide, thus prioritizing those callers.

Between August 25 and October 31, 2017, the 2-1-1 TIRN received approximately 670,000 calls. The call summary below shows the volume of calls received pre-Harvey, during Harvey (August 25–September 30) and post-Harvey.

The table below shows the approximate number of calls divided into time periods before, during, and immediately following Hurricane Harvey, as well as post-Hurricane Harvey. In the period during Hurricane Harvey and directly after, there was a large jump in State of Texas Emergency Assistance Registry (STEAR) calls. STEAR is a free registry that provides local emergency planners and emergency responders with additional information about the needs in their local community. This program allows the public to add their information to the registry if they feel they will require additional assistance during an emergency or disaster event.

Table 2: 2-1-1 Call Volume

	Option 1, 4, 8 (TIRN Agents)	**Option 5** (TIRN Agents)	**Total**
Calls Pre-Hurricane Harvey: August 1–24, 2017	154,509	N/A	154,509
Calls during Hurricane Harvey: August 25–September 30, 2017	282,811	170,105	452,916
Calls post-Hurricane Harvey: October 1–31, 2017	177,800	36,577	214,377

Legend:

- Option 1: Community Resources Information and Referral Calls.
- Option 4: STEAR Registration Calls.
- Option 5: Harvey-Related Disaster Calls.
- Option 8: Mental Health and Substance Abuses Information and Referral Calls.

The types of needs also varied during these time periods. Prior to Hurricane Harvey, the top two needs TIRN agents addressed were calls about were electric service payment assistance and rent payment assistance. During and directly following the hurricane, the top two needs were disaster food stamps and electric payment assistance. Disaster food stamps were available through Texas Health and Human Services Disaster Supplemental Nutrition Assistance Program (D-SNAP) to provide short-term food assistance benefits to families recovering from a disaster.[18]

The following chart shows top 10 needs of calls received and the volume of calls for the period during and directly following Hurricane Harvey.
Top 10 call types from August 23–September 30, 2017

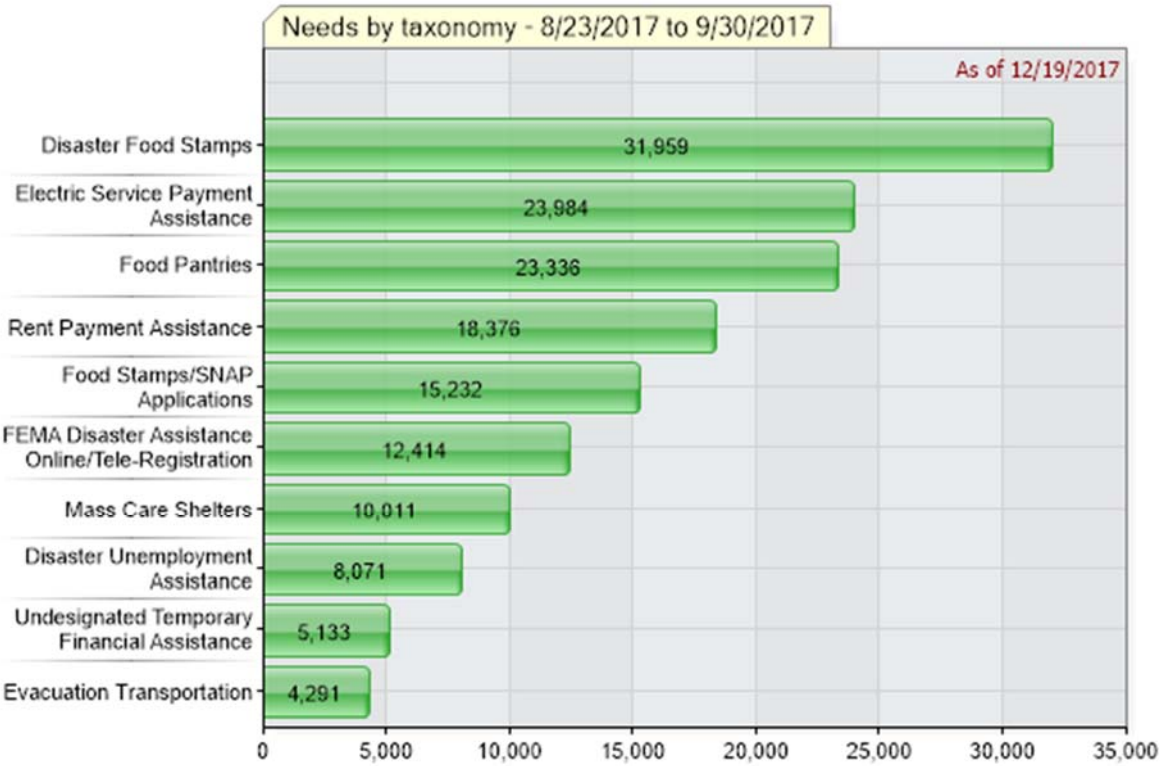

Figure 8: Top 10 call types from August 23–September 30, 2017

The latest numbers, as of December 19, 2017, show that while calls have decreased somewhat, TIRN is still experiencing a higher call volume than prior to Hurricane Harvey. Also, the types of calls show that the call center is still receiving calls related directly to disaster recovery from Hurricane Harvey, as seen in the following chart.

[18] Texas Health and Human Services. "Disaster SNAP." Webpage accessed January 10, 2018. https://hhs.texas.gov/services/financial/disaster-assistance/disaster-snap

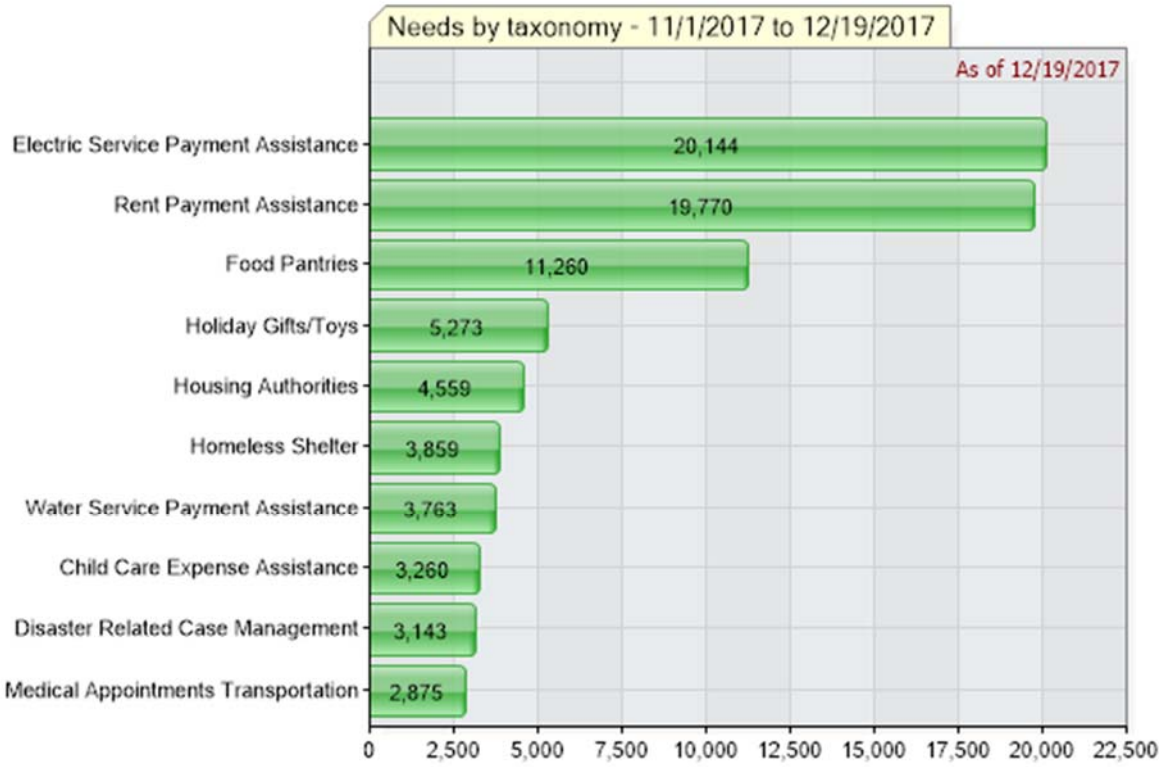

Figure 9: Top 10 call types from November 1–December 19, 2017

4. Interim Housing Assistance

On September 14, 2017, Governor Greg Abbott designated the GLO as the state lead for short-term housing recovery programs in partnership with FEMA. These programs are intended to provide direct housing solutions for permanent repairs and temporary solutions to applicants deemed eligible by FEMA. The GLO will continue to administer these programs until February 25, 2019. Program descriptions include:

(a) Multi-Family Lease and Repair

This program provides repairs to existing multifamily housing, such as apartments, in order to provide more housing for eligible applicants. By accepting repairs, property owners must agree to lease eligible applicants for up to 18 months following the disaster declaration. This program provides much needed housing for applicants, as well as much needed repairs to multifamily housing units that may have been impacted during the disaster.

(b) Direct Lease

This program allows the GLO and its subrecipients to enter into leases for properties. Through the utilization of these properties, the program provides housing for eligible applicants for up to 18 months following the disaster declaration.

(c) Manufactured Housing Options

This program places manufactured housing units, such as mobile homes and travel trailers, on private land or commercial pads to temporarily house eligible applicants for up to 18 months following the disaster declaration.

(d) Direct Assistance for Limited Home Repair

This program provides permanent partial repairs to homes with significant damage. Repairs cannot exceed the lesser of 50 percent of the home's fair market value or $60,000.

(e) Partial Repair and Essential Power for Sheltering (PREPS)

This program provides temporary repairs of up to $20,000 for homes with less than $17,000 in damage. Temporary repairs may include window units, one functional bathroom, and small cooking appliances to ensure that the home can serve as a shelter for eligible homeowners. PREPS requires 10% cost share from the state.

5. National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a FEMA program that works to provide affordable insurance to property owners in participating communities and works to encourage communities to adopt and enforce floodplain management regulations. In areas at high risk of flooding, Congress has mandated that federally regulated or insured lenders require flood insurance on mortgaged properties.[19] The NFIP offers two types of flood insurance coverage for homeowners: building property coverage up to $250,000; and personal property coverage (contents) up to $100,000.[20]

The following information shows the major increase in NFIP claims in the state of Texas as a direct result of Hurricane Harvey. More than 89,000 claims were filed. With the data broken down daily during that time, a large jump in claims began on August 25, the day Hurricane Harvey made landfall.

[19] FEMA. "The National Flood Insurance Program." Webpage accessed January 10, 2018. https://www.fema.gov/national-flood-insurance-program

[20] FEMA. "NFIP Summary of Coverage." Webpage/PDF accessed January 10, 2018. https://www.fema.gov /media-library-data /20130726-1620-20490-4648/f_679_summaryofcoverage_11_2012.pdf

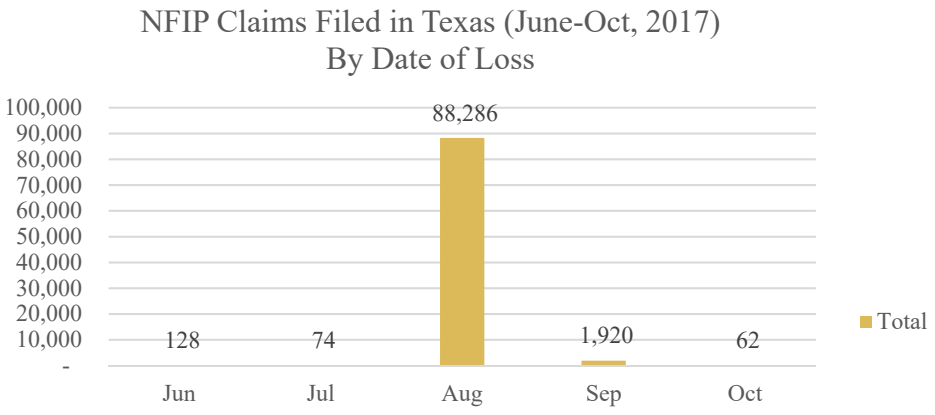

Figure 10: NFIP Claims in Texas June to October, 2017

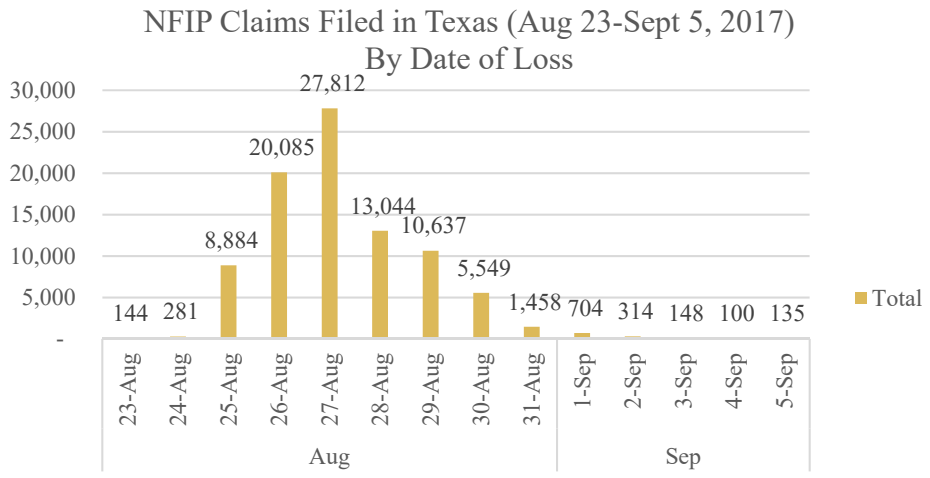

Figure 11: NFIP Claims Filed in Texas By Date of Loss

As the claims are broken down into geographic areas, it is even more evident that the claims are Hurricane Harvey-related, as the biggest number of claims are coming from areas that are included in the 49 eligible counties, with the largest number of claims coming from the Houston area.

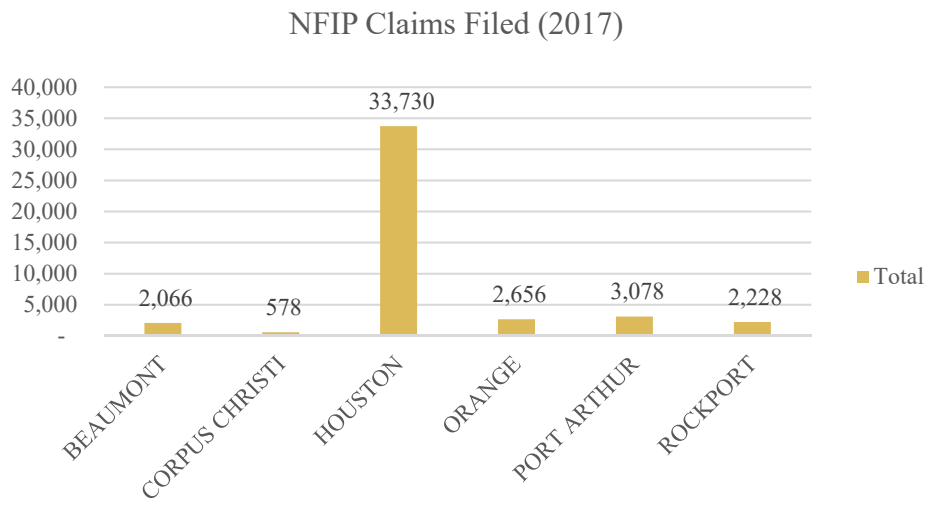

Figure 12: NFIP Claims Filed in 2017 by City

The NFIP data identifies insurance claims that fall into the Repetitive Loss (RL) category. An RL property is any insurable building for which two or more claims of more than $1,000 were paid. There are over 120,000 RL properties nationwide, with Texas having more than 27,000. These RL structures strain the NFIP fund, and currently are the biggest draw on the fund. They not only increase the NFIP's annual losses (increasing the need for borrowing), but drain fund reserves needed to address future catastrophic events.[21]

Hurricane Harvey resulted in approximately 4,500 NFIP claims that were designated as Repetitive Loss. The vast majority of these claims—3,073 or 68 percent—were made in Harris County. The following graph highlights the counties with the largest numbers of RL properties that were reported during this period.

[21] FEMA. "Repetitive Loss FAQ." Webpage/Text accessed January 10, 2018. https://www.fema.gov/txt/rebuild/repetitive_loss_faqs.txt

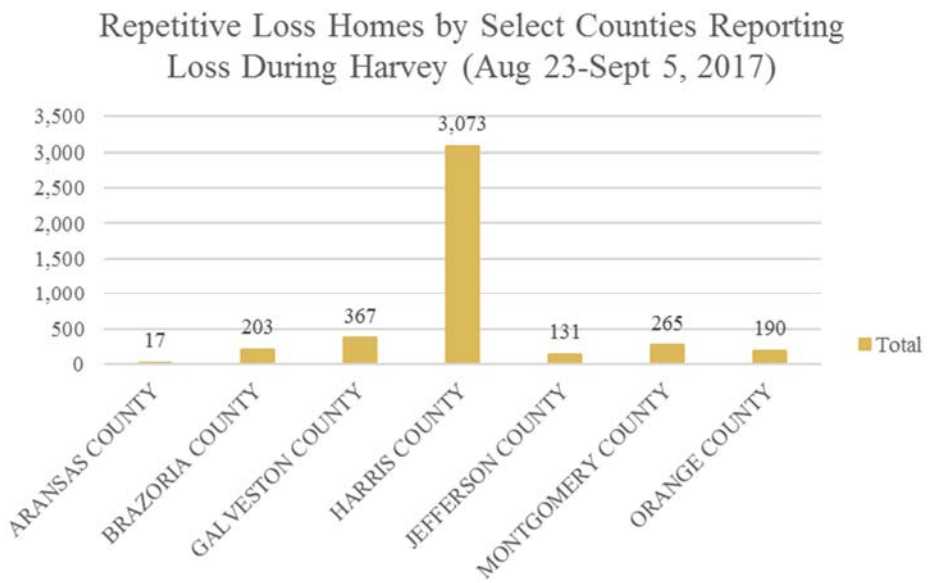

Figure 13: NFIP Repetitive Loss Homes by Select Counties

Additionally, the following map shows the concentration of RL properties with Hurricane Harvey claims by zip code. While there may be a correlation between zip codes and those RL properties along rivers such as the Guadalupe River, there is a high concentration of RL properties located throughout Harris County.

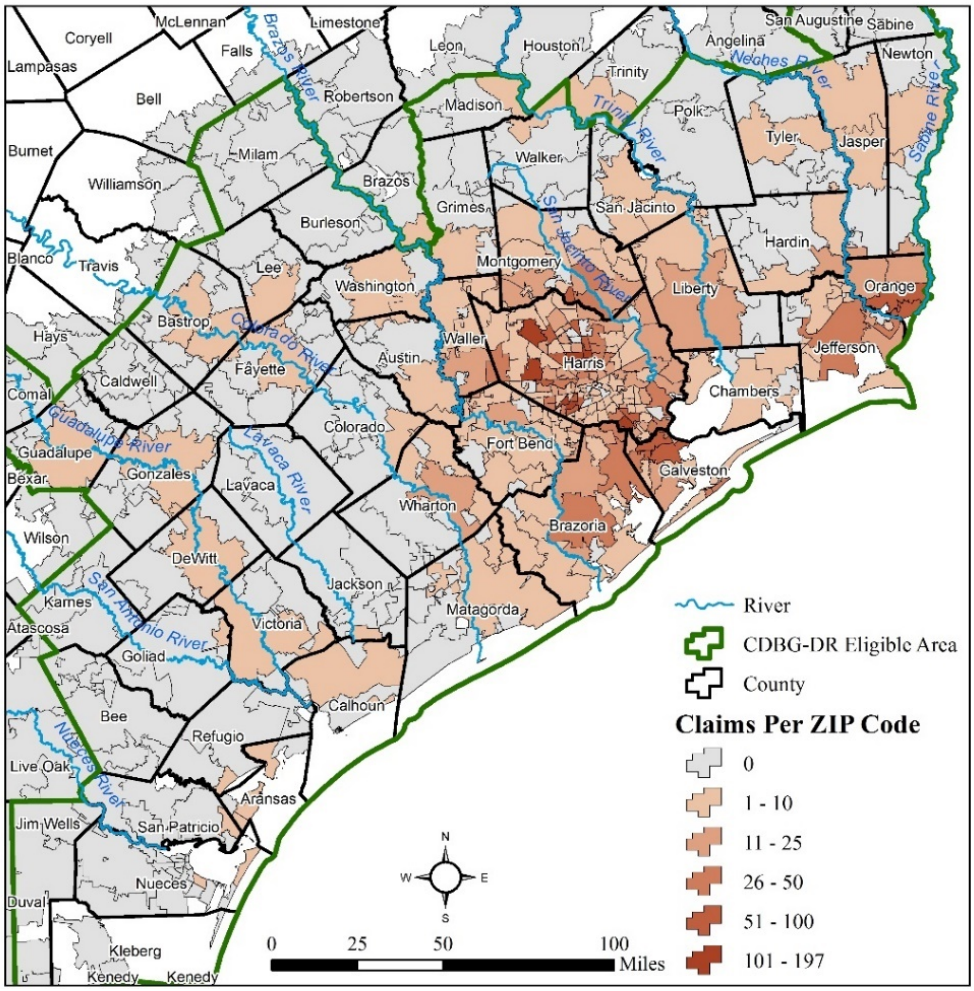

Figure 14: NFIP Repetitive Loss Claims by ZIP Code (August 23 – September 5, 2017)

6. Small Business Assistance (SBA) Disaster Home Loans

Another resource for homeowners that sustained damage from Hurricane Harvey is the Small Business Administration's (SBA) disaster loans. These loans are the basic form of federal disaster assistance for homeowners whose private property sustained damage that is not fully covered by insurance. Homeowners and renters whose property was damaged by a declared disaster can apply for an SBA low-interest loan. Interest rates on these loans are determined by law and are assigned on a case by case basis.

Specific to Hurricane Harvey assistance, interest rates are 1.75 percent if the applicant does not have credit available elsewhere and 3.5 percent if credit is available elsewhere. The home loans are limited to $200,000 for the repair or replacement of real estate and $40,000 maximum to repair or replace personal property.[22]

[22] U.S. Small Business Administration Fact Sheet. November 7, 2017. "Disaster Loans, Texas Declaration #15274 and #15275."

As of December 7, 2017, over $2.5 billion in home loans have been approved by the SBA. A breakdown of the approved loans is categorized by county and Councils of Governments (COG) in the table below.

Table 3. Total Home Loans Approved by SBA

County	COG	Total Home Loans
KARNES	AACOG	$ 244,500
Total AACOG		**$ 244,500**
GRIMES	BVCOG	$ 66,400
Total BVCOG		**$ 66,400**
BASTROP	CAPCOG	$ 1,037,700
CALDWELL	CAPCOG	$ 482,600
FAYETTE	CAPCOG	$ 3,853,300
LEE	CAPCOG	$ 135,500
Total CAPCOG		**$ 5,509,100**
ARANSAS	CBCOG	$ 58,387,400
BEE	CBCOG	$ 1,359,200
KLEBERG	CBCOG	$ 117,300
NUECES	CBCOG	$ 50,410,000
REFUGIO	CBCOG	$ 8,184,000
SAN PATRICIO	CBCOG	$ 29,469,000
Total CBCOG		**$ 147,926,900**
JASPER	DETCOG	$ 3,268,300
NEWTON	DETCOG	$ 5,591,900
POLK	DETCOG	$ 1,509,000
SABINE	DETCOG	$ 16,800
SAN JACINTO	DETCOG	$ 2,385,800
TYLER	DETCOG	$ 1,485,300
Total DETCOG		**$ 14,257,100**
CALHOUN	GCRPC	$ 8,089,500
DEWITT	GCRPC	$ 1,290,800
GOLIAD	GCRPC	$ 1,769,300
GONZALES	GCRPC	$ 316,400
JACKSON	GCRPC	$ 1,114,400
LAVACA	GCRPC	$ 653,600
VICTORIA	GCRPC	$ 19,325,500
Total GCRPC		**$ 32,559,500**
AUSTIN	H-GAC	$ 901,800
BRAZORIA	H-GAC	$ 110,839,900
CHAMBERS	H-GAC	$ 46,932,500
COLORADO	H-GAC	$ 857,800
FORT BEND	H-GAC	$ 262,415,100

County	COG	Total Home Loans
GALVESTON	H-GAC	$ 206,936,400
HARRIS	H-GAC	$ 1,088,729,500
LIBERTY	H-GAC	$ 23,513,800
MATAGORDA	H-GAC	$ 5,435,500
MONTGOMERY	H-GAC	$ 50,882,400
WALKER	H-GAC	$ 765,700
WALLER	H-GAC	$ 4,655,200
WHARTON	H-GAC	$ 15,949,200
Total H-GAC		**$ 1,818,814,800**
HARDIN	SETRPC	$ 93,195,600
JEFFERSON	SETRPC	$ 223,166,700
ORANGE	SETRPC	$ 230,145,700
Total SETRPC		**$ 546,508,000**
GRAND TOTAL		**$ 2,565,886,300**

7. Public Housing Assistance (PHA) Data

The GLO is currently working with its partners to gather information on the impact of Hurricane Harvey on public housing. Although the GLO can reasonably assume that there was a negative impact on this population, complete data is not currently available. Once data gathering is complete, the information will be assessed and determinations of unmet need, based on this data, will be included in future iterations of this Action Plan.

8. FEMA Individual Assistance

The Individual Assistance (IA) data received from FEMA on December 7, 2017, was used to quantify all housing applicants impacted by Hurricane Harvey. This information was then used to calculate the unmet need by county and COG and divided into renter and owner subsets. More than 889,000 applications were received according to FEMA. Of that number, FEMA verified that over 278,000 applicants had a FEMA Verified Loss (FVL) over $0.

The total number of owner-occupied applicants in the eligible counties with over $8,000 in real property damage is 91,561. The greatest number of these owner-occupied applicants are in Harris County, with a total over 45,800.

The total number of renter applicants in the eligible counties with over $2,000 in personal property damage is 36,838. The greatest number of these renter-occupied applicants are, again, in Harris County, with a total of 22,800.

Using the above thresholds to calculate unmet need, 91,561 (71 percent) of the 128,399 applicants are owner-occupied homes, while 36,838 (29 percent) are renters.

Table 4: Total IA Applications as of December 7, 2017

Occupancy Type	Total Applications	FEMA Verified Loss (FVL) Over $0	Applicants with Unmet Need
Owner	442,097	200,618	91,561
Renter	443,198	77,997	36,838
Not Specified	4,089	103	0
Totals	**889,384**	**278,718**	**128,399**

a. Total Unmet Needs

The GLO has compiled information from FEMA for individual assistance in order to document estimated repair costs and unmet housing needs by eligible county. The population structure used includes owner-occupied households and renter households. For the purpose of this analysis, the GLO is utilizing certain components of HUD's methodology for unmet need for both types of households.

Owner-occupied Homes

To calculate the level of real property damage for owner-occupied homes, the following criteria was used:

- **Major-Low:** $8,000 to $14,999 of FEMA verified loss.
- **Major-High:** $15,000 to $28,800 of FEMA verified loss.
- **Severe:** Greater than $28,800 of FEMA verified loss.

Renter-occupied Homes

To calculate the level of personal property damage for renters, the following criteria was used:

- **Major-Low:** $2,000 to $3,499 of FEMA verified loss.
- **Major-High:** $3,500 to $7,499 of FEMA verified loss.
- **Severe:** Greater than $7,500 of FEMA verified loss.

To calculate estimated unmet need, the GLO used multipliers provided by HUD. These multipliers are based on the SBA median repair cost for the specific disaster category less the weighted average of expected SBA and FEMA repair costs. Based on FEMA individual assistance data provided to the GLO, the estimated weighted average of expected SBA and FEMA total repair costs for each category is represented in the following table.

Table 5: Unmet Need Multiplier by Damage Category

Category	Multiplier Amount
Major-Low	$58,956
Major-High	$72,961
Severe	$102,046

The following table provides a breakdown of total unmet needs for owner- and renter-occupied households. It provides the repair cost category and the total count and unmet need for those three categories as previously defined.

Table 6: Category of Unmet Needs by Owner-Occupied and Renters

Damage Category/ Multiplier	Total Count	Total Owner-Occupied and Rental Unmet Needs	Owner-Occupied Count	Total Owner Occupied Unmet Needs	Rental Count	Total Rental Unmet Needs
Major-Low: $58,956	**45,363**	**$2,674,421,028**	32,512	$1,916,777,472	12,851	$757,643,556
Major-High: $72,961	**61,267**	**$4,470,101,587**	41,887	$3,056,117,407	19,380	$1,413,984,180
Severe: $102,046	**21,769**	**$2,221,439,374**	17,162	$1,751,313,452	4,607	$470,125,922
Total	**128,399**	**$9,365,961,989**	91,561	$6,724,208,331	36,838	$2,641,753,658

As defined by the table, the owner-occupied unmet need in dollars is $6.7 billion (72 percent) and the renter unmet need is $2.6 billion (28 percent), resulting in a total unmet need of $9.3 billion.

A breakdown of total unmet need by total cost per county is represented in the following map. Harris County shows the highest estimated unmet need, with an estimated total count of major-low damage or greater count of more than 68,000, with an estimated countywide total unmet need of over $4.9 billion.

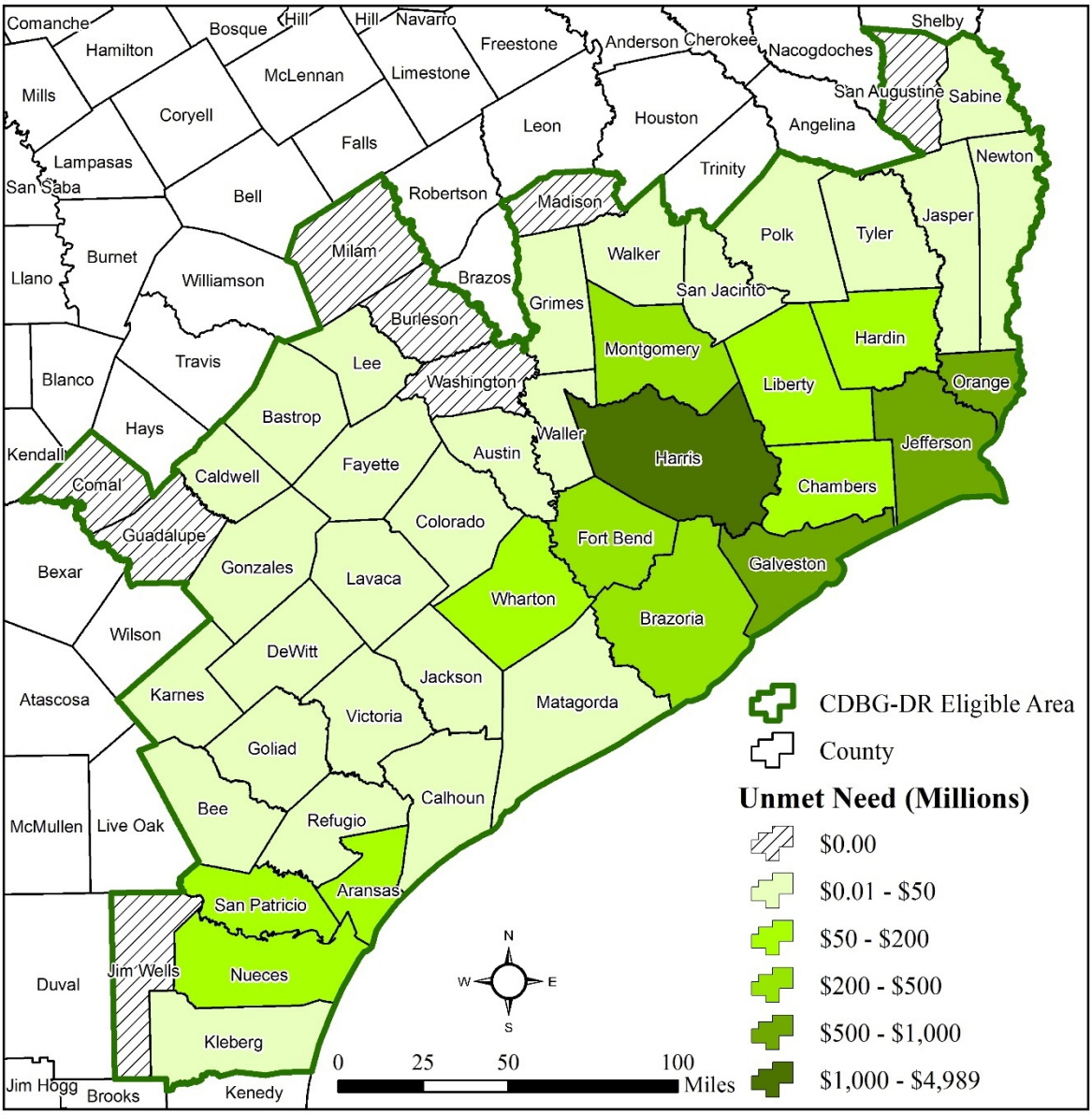

Figure 15: Total Count of Unmet Need by County (as of December 7, 2017).

HUD requirements for this CDBG-DR allocation specify that the GLO must expend a minimum of 70 percent to benefit LMI populations. The GLO used self-reported applicant information provided by FEMA to calculate what percentage of the population in the eligible counties falls into certain income categories. Approximately 45 percent of the unmet need is below 80 percent in the LMI category. The unmet need for the LMI population is over $4.28 billion dollars. The unmet need by income category for all eligible counties can be seen in the following table.

Table 7: Unmet Need by Income Category/Owner-Occupied and Renter

Income Category	Count	Unmet Need	% of Count	% of Unmet Need
0-30%	26,819	$1,913,842,869	21%	20%
31-50%	13,443	$955,895,868	10%	10%
51-80%	19,689	$1,417,781,539	15%	15%
Not LMI	52,436	$3,898,284,351	41%	42%
Not Reported	16,012	$1,180,157,362	12%	13%
Total	128,399	$9,365,961,989	100%	100%

b. Owner-occupied Unmet Need

A breakdown of unmet need by total cost per county for owner-occupied homes is represented in the following map. Harris County had an applicant count of 45,802 totaling over $3 billion.

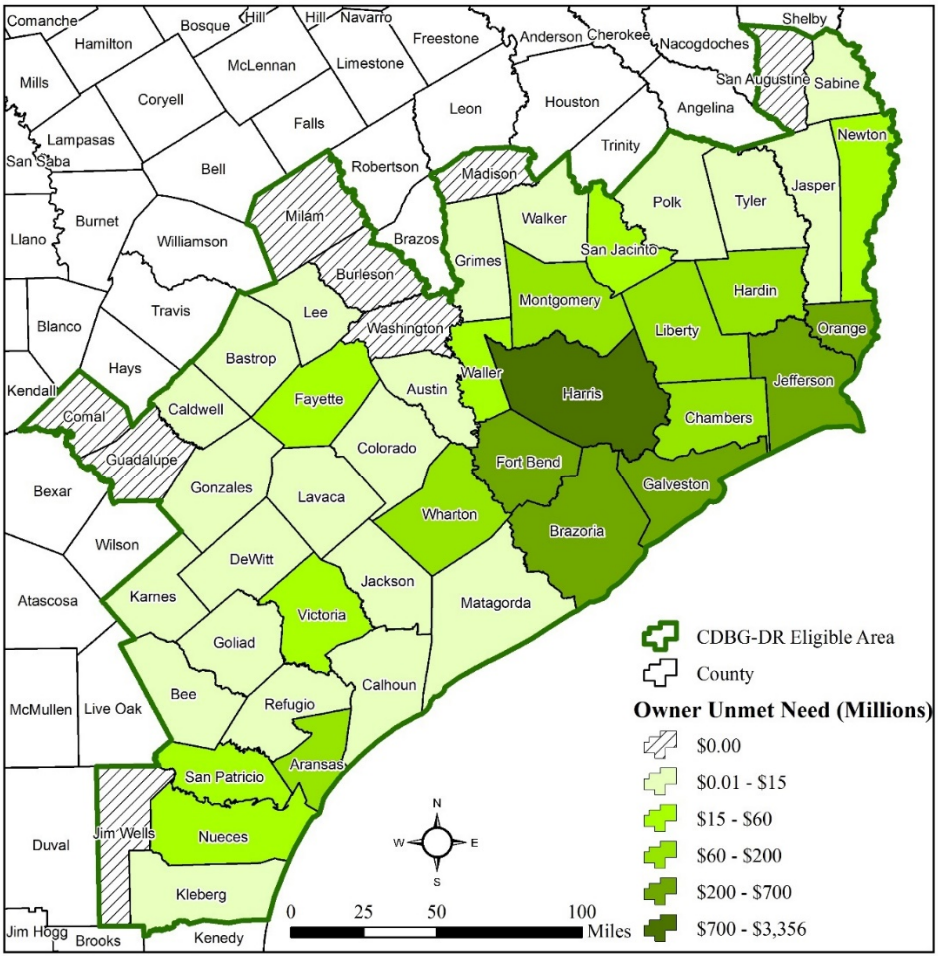

Figure 16: Owner-occupied Unmet Need by County

Approximately 38 percent of the owner-occupied unmet need is below 80 percent LMI category. The unmet need by income category for owner-occupied households for all eligible counties can be seen in the following table.

Table 8. Owner Unmet Need by Income Category

Income Category	Count	Unmet Need	% of Count	% of Unmet Need
0-30%	13,105	$929,680,285	14%	14%
31-50%	8,227	$584,904,417	9%	9%
51-80%	13,625	$979,819,790	15%	15%
Not LMI	45,171	$3,374,105,811	49%	50%
Not Reported	11,433	$855,698,028	12%	13%
Total	91,561	$6,724,208,331	100%	100%

c. Renter-occupied Unmet Need

Harris County had the highest amount of unmet need again with approximately 22,800 renter applications with a total estimated unmet need of over $1.6 billion. A breakdown of unmet need per county by total cost for rental applicants is represented in the following map.

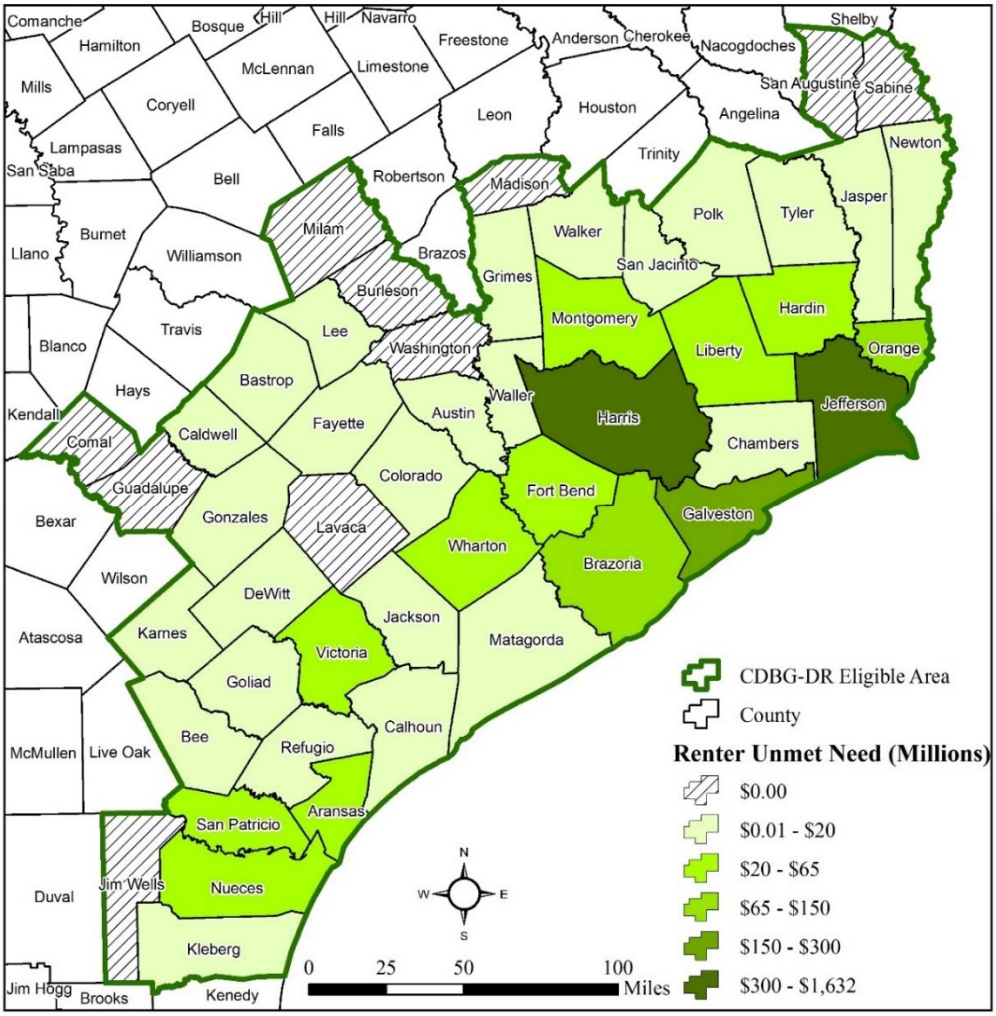

Figure 17: Renter Unmet Need by County

The GLO calculated the percentage of population of renter households within LMI categories. Approximately 68 percent of the unmet need is below 80 percent LMI category. The unmet need by income category for renters in all eligible counties can be seen in the following table.

Table 9. Renter Unmet Need by Income Category

Income Category	Count	Unmet Need	% of Count	% of Unmet Need
0-30%	13,714	$984,162,584	37%	37%
31-50%	5,216	$370,991,451	14%	14%
51-80%	6,064	$437,961,749	17%	17%
Not LMI	7,265	$524,178,540	20%	20%
Not Reported	4,579	$324,459,334	12%	12%
Total	36,838	$2,641,753,658	100%	100%

G. Infrastructure Impact

Texas infrastructure all along the Gulf Coast was affected by Hurricane Harvey. This event caused damage to roadways, bridges, sections of the coastline, and many other infrastructure systems still being determined.

1. Governor's Commission to Rebuild Texas

Governor Greg Abbott established the Governor's Commission to Rebuild Texas (the Commission) in the immediate aftermath of Hurricane Harvey for the swift and effective restoration of damaged public infrastructure throughout disaster impacted areas. As stated in the Governor's Proclamation on September 7, 2017, for the establishment of the Commission, the effective restoration of damaged public infrastructure throughout the disaster area is of paramount importance to the Texas economy and to the people of Texas who live and work in the communities affected by Hurricane Harvey. The Commission will assist local governmental entities and nonprofit organizations to assess and identify rebuilding needs and to navigate state and federal resources available for the rebuilding effort. The Commission will advocate for the interests of state and local governments on matters related to disaster response and provide expertise and assistance to local governmental entities and nonprofit organizations throughout the rebuilding process.[23]

Source: HOU District Twitter feed – Aug 28, 2017 (https://twitter.com/TxDOTHoustonPIO)

The "October 31, 2017, Request for Federal Assistance Critical Infrastructure Projects" reported $61 billion in projects identified at state and local levels. This amount does not include current FEMA expenditures or CDBG-DR housing allocations. The $61 billion was compiled based on information available in September and October from impacted communities that identified and prioritized their needs. This amount is expected to increase as more information becomes available.

The types of identified projects include restoration and mitigation projects for roads, bridges, schools, government buildings, public facilities, as well as projects to protect coastal

[23] RebuildTexas: The Governor's Commission to Rebuild Texas. "Proclamation." Webpage assessed January 10, 2018. https://www.rebuildtexas.today/proclamation/

infrastructure, homes, businesses, critical facilities, and national assets such as petrochemical complexes. Over 60 percent of the projects identified were for flood control projects.[24]

2. Texas Coastal Resiliency Study

With previous CDBG-DR funds, the GLO commissioned a Texas Coastal Resiliency Study to identify critical infrastructure within a coastal multi-county project study area that would be most vulnerable to future storm events. During this study, sites considered to be at risk were identified and new projects were proposed to mitigate potential damage to vulnerable infrastructure. As expected, many of these sites were impacted by Hurricane Harvey, but to what degree is still being determined. The improvements identified in this study should provide practical solutions that communities can quickly utilize for repairs and mitigation. This study identified 2,256 projects in the coastal region.[25]

Figure 18: Texas Coastal Resiliency Study Area

[24] Ibid. "Request for Federal Assistance Critical Infrastructure Projects." Webpage/PDF accessed January 10, 2018. https://www.documentcloud.org/documents/4164748-Rebuild-Texas-REQUEST-FOR-FEDERAL-ASSISTANCE.html

[25] The Texas General Land Office. "Texas Coastal Resiliency Study, Final Report." Webpage/PDF accessed January 10, 2018. http://www.glo.texas.gov/coastal-grants/_documents/grant-project/texas-coastal-resiliency-study.pdf

3. FEMA Public Assistance

Due to the vast size of the impact area and different types of recovery that will be necessary, Public Assistance is not the ideal data set to determine infrastructure need but it does serve as a statewide metric to begin the discussion. Public Assistance values are very preliminary, with mostly emergency protective measures being calculated to date. Estimates for permanent work will continue to be forthcoming over the next several months. For this Action Plan, given the limited amount available in this first allocation and the availability of data, housing unmet needs have been prioritized.

Due to the 90 percent federal cost share tied to the approximate cost amount, the total PA infrastructure unmet need for these localities will be calculated from the remaining 10 percent of the projected cost amount plus 15 percent of the approximate cost as a resiliency multiplier.

Though impossible to determine at this time, future property valuations and the overall impact of Hurricane Harvey on property values should be taken into consideration for the long-term struggle that communities will face as they continue to recover using their own resources. While unmet housing needs will be addressed, there still remains significant unmet need in infrastructure and other non-housing sectors, including future tax revenue loss due to Hurricane Harvey. Projects affiliated with economic revitalization or infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas as well as ensure the ongoing viability of the impacted areas and beyond.

H. Economic Impact

1. Employment

a. Statewide Statistics

As of August 2017, jobs had grown in the state from 12,035,300 to 12,328,400, according to figures published by the Texas Workforce Commission. That is a 2.4 percent year-over-year increase from August of 2016, a net increase of 293,100 new jobs. In addition, the statewide unemployment rate for August decreased to 4.5 percent from 4.9 percent in 2016. In a growing economy like Texas, long-term job growth and unemployment increases were impacted by Hurricane Harvey, but to what extent is impossible to determine at this time. The October 2017 figures show an unemployment rate of 3.5 percent and an increase in employment numbers from 12,328,400 in August to 12,922,084 in October 2017.

b. County Level

Of the 49 eligible counties, almost all follow the statewide trend. There are, however, two counties that have higher unemployment rates following Hurricane Harvey according to the statistics provided on the Texas Workforce Commission website. The unemployment rate in Aransas County went up from 5.5 percent in August 2017 to 8 percent in October 2017, and Refugio County's unemployment rate increased from 5.7 percent to 6.2 percent. Although the unemployment rates increased, the employment numbers in both counties slightly increased. Aransas County increased from 9,568 to 9,645 (0.8 percent) and Refugio County increased from 2,809 to 2,837 (0.9 percent).

c. Disaster Unemployment Assistance

The Disaster Unemployment Assistance program, administered by FEMA and the Texas Workforce Commission, provides unemployment benefits for individuals who lost their jobs or are no longer working as a direct result of Hurricane Harvey. The application deadline for applications was November 13, 2017. Through this program, a total of 24,758 claims were received, and 12,997 people were approved for assistance totaling $11,201,909.

2. Small Business Assistance (SBA) Business Disaster Loans

The SBA provides Business Physical Disaster Loans and Economic Injury Disaster Loans (EIDL) to businesses to repair or replace disaster-damaged property owned by the business, including real estate, inventories, supplies, machinery, equipment, and working capital until normal operations resume. Businesses of all sizes are eligible. Private, non-profit organizations such as charities, churches, and private universities are also eligible. The law limits these business loans to $2,000,000, and the amount cannot exceed the verified uninsured disaster loss.[26]

[26] U.S. Small Business Administration Fact Sheet. November 7, 2017. "Disaster Loans, Texas Declaration #15274 and #15275."

The SBA has already approved over $579 million in business loans as of December 7, 2017. The breakdown by county and COG can be seen in the following table.

Table 10: Total Business Loans Approved by the SBA

County	COG	Business/EIDL Loans	
BURLESON	BVCOG	$	50,000
Total BVCOG		**$**	**50,000**
BASTROP	CAPCOG	$	40,000
FAYETTE	CAPCOG	$	547,900
Total CAPCOG		**$**	**587,900**
ARANSAS	CBCOG	$	58,461,900
BEE	CBCOG	$	4,801,000
KLEBERG	CBCOG	$	43,300
NUECES	CBCOG	$	20,309,300
REFUGIO	CBCOG	$	1,710,900
SAN PATRICIO	CBCOG	$	14,822,900
Total CBCOG		**$**	**100,149,300**
NEWTON	DETCOG	$	50,000
POLK	DETCOG	$	631,600
SAN JACINTO	DETCOG	$	266,400
Total DETCOG		**$**	**948,000**
CALHOUN	GCRPC	$	2,806,400
GOLIAD	GCRPC	$	99,100
GONZALES	GCRPC	$	75,000
JACKSON	GCRPC	$	2,506,100
LAVACA	GCRPC	$	18,800
VICTORIA	GCRPC	$	13,550,100
Total GCRPC		**$**	**19,055,500**
AUSTIN	H-GAC	$	248,900
BRAZORIA	H-GAC	$	7,625,900
CHAMBERS	H-GAC	$	13,355,600
COLORADO	H-GAC	$	1,183,600
FORT BEND	H-GAC	$	22,460,200
GALVESTON	H-GAC	$	32,364,700
HARRIS	H-GAC	$	288,656,700
LIBERTY	H-GAC	$	3,049,600
MATAGORDA	H-GAC	$	1,530,100
MONTGOMERY	H-GAC	$	10,625,200
WALKER	H-GAC	$	120,600
WALLER	H-GAC	$	428,100
WHARTON	H-GAC	$	3,205,600
Total H-GAC		**$**	**384,854,800**

County	COG	Business/EIDL Loans
HARDIN	SETRPC	$ 7,975,300
JEFFERSON	SETRPC	$ 31,350,100
ORANGE	SETRPC	$ 34,368,900
Total SETRPC		**$ 73,694,300**
GRAND TOTAL		**$ 579,389,800**

The following table provides details from SBA as of January 1, 2018, on the application status for the 11,701 business applications that have been received. The application period for physical damages was scheduled to close on November 30, 2017, but SBA is accepting applications postmarked (or submitted electronically) within 60 days of the November 30 deadline without a justification requirement of the applicant. The deadline for small businesses and most nonprofits to apply for economic injury (working capital) is May 25, 2018.

Table 11: SBA Applicant Breakdown

Application Type	Amount	Percent
Total Business Applications	11,701	100.00%
Processed Applications	10,502	89.75%
In-Process Applications	1,199	10.25%
Declined Applications	5,030	47.90%
Withdrawn Applications	2,670	25.42%
Approved Applications	2,802	26.68%

3. Agricultural Impacts

Texas has a varied agricultural industry across the state. Agriculture provides jobs, food sources, trade, and port facilities used in the distribution of goods. This industry experienced serious loss from the rains and winds of Hurricane Harvey.

Source: AgriLife Extension Twitter Feed; https://twitter.com/txextension

As of November 1, 2017, Hurricane Harvey caused more than $200 million in crop and livestock losses, according to Texas A&M AgriLife Extension

Service economists.[27] Estimated losses by commodity include $93 million in livestock loss; $100 million loss in cotton crops; and $8 million in loss to the rice and soybean industry. While the livestock numbers do include industry infrastructure such as fencing that must be repaired or replaced and approximately 200,000 bales of hay lost,[28] it does not include an estimated number of dead livestock. These numbers are estimated to be in the tens of thousands. The reports also do not include losses to the fishing industry, including decreased fishing activity and storm-related damage to vessels and equipment. This estimate will not be available until after oyster season ends in late spring 2018.[29] These forthcoming numbers will cause the losses in the agriculture industry to continue to increase.

4. Tourism

The Texas coast has many communities that rely on employment and income from tourism. According to the governor's 2017 report, *The Economic Impact of Travel in Texas*, the total for direct travel spending in the state was $69.1 billion in 2016.

Among the impacted counties along the coast are some of the long-established and most-visited tourist destinations. 11.6 percent of the employment in Aransas County and 6.7 percent in Galveston County is directly connected to travel and tourism.[30] Retail, hospitality, and entertainment are venues that contribute to the local community as well as overall state employment and business tax revenue. In 2016, the Gulf Coast region of Texas provided jobs to over 3.4 million people.[31]

Although current figures are not available at this time, it is expected that the tourism industry will lose revenue as a direct result of Hurricane Harvey. Due to the timing of Hurricane Harvey, areas that rely on tourism have already seen a decline in revenue over Labor Day 2017. It is expected that the areas will also see losses during Spring Break 2018 and Summer 2018 due to the ongoing recovery process. The impacts will continue to be seen until tourists choose to return to the Texas coast they once frequented. The impact could be prolonged if tourists have a misconception of the actual amount of damage. Even areas with little to no disaster damage will likely see a decline in tourism based on public perception.

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[27] Texas A&M Agrilife Extension. "Texas agricultural losses from Hurricane Harvey estimated at more than $200 million." Webpage accessed January 10, 2018. https://today.agrilife.org/2017/10/27/texas-agricultural-losses-hurricane-harvey-estimated-200-million/

[28] Texas Farm Bureau. "Hurricane Harvey ag losses top $200 million." Webpage accessed January 10, 2018. http://texasfarmbureau.org/hurricane-harvey-ag-losses-top-200-million/

[29] The Texas Observer. "New Estimate Puts Harvey Agriculture Losses at $200 Million, One-Tenth of Irma." Webpage accessed January 10, 2018. https://www.texasobserver.org/agriculture-losses-estimated-200-million-harvey/

[30] Texas Tourism, Office of the Governor, Texas Economic Development & Tourism. The Economic Impact of Travel in Texas." July 2017. Webpage/PDF accessed January 10, 2018. https://travel.texas.gov/tti/media/PDFs/TXImp16p_1.pdf

[31] Ibid.

III. General Requirements

A. Public Housing, Affordable Housing, and Housing for Vulnerable Populations

The GLO will identify opportunities for public housing, affordable housing and housing for vulnerable populations and address the rehabilitation, reconstruction, and replacement of the following types of housing affected by the disasters: public housing (including administrative offices), HUD-assisted housing, affordable housing, McKinney-Vento Homeless Assistance Act-funded shelters and housing for the homeless, including emergency shelters and transitional and permanent housing for the homeless; and private market units receiving project-based assistance, or with tenants that participate in the Section 8 Housing Choice Voucher Program.

Various target populations are eligible to be served, including homeless, special needs, and other vulnerable populations. CDBG-DR funds received by the state will be used in the recovery efforts from Hurricane Harvey for specific disaster-related purposes. Due to the limited amount of funds for this allocation, the GLO is not setting aside funds for these target populations. The GLO will re-evaluate setting aside funds for these target populations with subsequent Hurricane Harvey CDBG-DR fund allocations.

All proposed projects will undergo Affirmatively Furthering Fair Housing (AFFH) review by the GLO before approval. Such review will include assessments of (1) a proposed project's area demography, (2) socioeconomic characteristics, (3) housing configuration and needs, (4) educational, transportation, and health care opportunities, (5) environmental hazards or concerns, and (6) all other factors material to the AFFH determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard-related impacts. All subrecipients will certify that they will satisfy the AFFH rule in their grant agreements and will receive GLO training and technical assistance in meeting their AFFH obligations.

B. Displacement of Persons and/or Entities

To minimize the displacement of persons and/or entities that may be affected by the activities outlined in this Action Plan, the GLO will coordinate with other state agencies, local governments, and local non-profit organizations to ensure minimal displacement. However, should any proposed projects cause the displacement of people, the GLO will ensure that subrecipients follow the requirements set forth under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as waived.

The relocation assistance requirements at section 104(d)(2)(A) of the Housing and Community Development Act and 24 CFR 42.350 are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified by the notice, for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation). Both FEMA and CDBG funds are subject to the requirements of the URA; however, CDBG funds are subject to Section 104(d), while FEMA funds are not. The URA provides that a displaced person is eligible to receive a rental assistance payment that covers a period of 42

months. By contrast, Section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months. This waiver of the Section 104(d) requirements assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under the federal register notice.

C. Maximum Assistance

The maximum amount of assistance available to subrecipients under the GLO's disaster recovery program will be the maximum allocated to the HUD most impacted and distressed areas. For all housing and buyout programs, the GLO's housing guidelines establish housing assistance maximums. Each subrecipient will set the maximum amount of assistance available to a beneficiary under its program to be equal to or less than the GLO's housing assistance maximums. A waiver request must be submitted to the GLO if a subrecipient's housing assistance maximums exceed the GLO amounts. The GLO will evaluate each housing assistance waiver request for cost effectiveness.

D. Elevation Standards

The GLO will apply the following elevation standards to new construction, repair of substantial damage, or substantial improvement of structures located in an area delineated as a flood hazard area or equivalent in FEMA's data source identified in 24 CFR 55.2(b)(1). All structures, as defined under 44 CFR 59.1, designed principally for residential use and located in the annual (or 100-year) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined under 24 CFR 55.2(b) (10), must be elevated with the lowest floor, including the basement, at least 2 feet above the annual floodplain elevation. Residential structures with no dwelling units and no residents below the annual floodplain must be elevated or floodproofed in accordance with FEMA floodproofing standards under 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least 2 feet above the annual floodplain. Applicable state, local, and tribal codes and standards for floodplain management that exceed these requirements, including elevation, setbacks, and cumulative substantial damage requirements, will be followed.

The GLO has established elevation costs caps at $60,000 for elevation of homes along the coast, and $35,000 for non-coastal elevation. These elevation costs caps were established considering costs associated with past GLO CDBG-DR housing rehabilitation/reconstruction programs. Elevation costs higher than these established caps will require a waiver request to the GLO. Elevation requirements are taken into consideration when determining whether to rehabilitate or reconstruct a home. Generally, a home will be reconstructed when home repair costs are greater than $65,000, an exception to this may include a home that has been determined eligible on the National Register of Historic Places.

E. Planning and Coordination

The GLO's recovery projects will be developed in a manner that considers an integrated approach to address long-term recovery and restoration of infrastructure, housing, and economic revitalization in the most impacted and distressed areas.

The GLO will continue to work with state and local jurisdictions to provide guidance on promoting a sound short- and long-term recovery plans in the affected areas by coordinating available resources to help in the restoration and recovery of damaged communities. Disaster recovery presents affected communities with unique opportunities to examine a wide range of issues such as housing quality and availability, road and rail networks, environmental issues, and the adequacy of existing infrastructure. The GLO will support long-term plans put in place by local and regional communities that promote sound, sustainable, long-term recovery planning informed by a post-disaster evaluation of hazard risk, especially land-use decisions that reflect responsible floodplain management and take into account continued sea level rise, if applicable. This information should be based on the history of FEMA flood mitigation efforts and take into account projected increases in sea level (if applicable), as well as frequency and intensity of precipitation events that are not considered in current FEMA maps and National Flood Insurance Program premiums.

The GLO will coordinate as much as possible with local and regional planning efforts to ensure consistency, to promote community-level and/or regional (e.g., multiple local jurisdictions) post-disaster recovery and mitigation, and to leverage those efforts.

Due to the limited amount of funds for this allocation, the GLO is not setting aside funds for planning. The GLO anticipates setting aside funds for planning with subsequent Hurricane Harvey CDBG-DR fund allocations.

F. Infrastructure Activities

The GLO will encourage subrecipients to integrate mitigation measures into rebuilding activities and the extent to which infrastructure activities funded through this grant will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction.

The GLO will encourage subrecipients to consider the costs and benefits of the project when selecting CDBG-DR eligible projects.

The GLO will seek to ensure that infrastructure activities will avoid disproportionate impact on vulnerable communities and will create, to the extent practicable, opportunities to address economic inequities facing local communities. All project applications will undergo an AFFH review by the GLO before approval. AFFH application reviews will include assessments of a proposed project's (1) area demography, (2) socioeconomic characteristics, (3) housing configuration and needs, (4) educational, transportation, and health care opportunities, (5) environmental hazards or concerns, and (6) all other factors material to the AFFH determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard-related impacts. All subrecipients will certify that they will satisfy the AFFH rule in their grant agreements and will receive GLO training and technical assistance in meeting their AFFH obligations.

The GLO will coordinate with federal, state, local, private, and nonprofit sources to assistant subrecipients to align investments with other planned state or local capital improvements and infrastructure development efforts. The GLO will also work with subrecipients to foster the potential for additional infrastructure funding from multiple sources, including existing state and local capital improvement projects in planning and the potential for private investment.

The GLO will rely on professional engineers procured by subrecipients to employ adaptable and reliable technologies to guard against premature obsolescence of infrastructure.

G. Leveraging Funds

The GLO will encourage subrecipients to leverage CDBG-DR funds with funding provided by other federal, state, local, private, and nonprofit sources to utilize the limited CDBG-DR funds to the fullest possible extent. The GLO will report on leverage funds in the DRGR system.

H. Protection of People and Property

1. Quality Construction Standards

The GLO will require both quality inspections and code compliance inspections on all projects. Site inspections will be required on all projects to ensure quality and compliance with building codes. The GLO will encourage and support subrecipients' efforts to update and strengthen local compliance codes to mitigate hazard risks due to sea level rise, high winds, storm surge, and flooding where applicable. In the project application, subrecipients will submit an explanation of both current and future planned codes to mitigate hazard risks. The GLO will provide technical guidance on hazard mitigation code examples.

For reconstruction or new construction of residential buildings, the GLO will follow the ENERGY STAR program for Green Building Standards. For rehabilitation of non-substantially damaged residential buildings, the GLO will follow the guidelines to the extent applicable as specified in the HUD CPD Green Building Retrofit Checklist. For infrastructure projects, the GLO will encourage, to the extent practicable, implementation of green building practices.

2. Housing Contractors Standards

The GLO will establish standards in the request for qualifications (RFQ) for housing contractors and encourage subrecipients to do the same. The standards will include, but are not limited to, information on the company's (1) organizational structure and capabilities, (2) ability to perform, (3) recent construction projects completed or underway over the past 5 years, (4) performance and payment bond capacity, (5) financial statements for the past two years, (6) evidence of insurance coverage, and (7) business registrations, certifications, and licenses.

To ensure full and open competition, subrecipients are required to follow federal procurement and contract requirements outlined in 2 CFR 200.318 – 200.326. The GLO

will monitor subrecipient procurement. The GLO will require a warranty period post-construction for housing; all work performed by the contractor will be guaranteed for a period of 1 year.

I. Appeals Processes

The GLO responds to complaints and appeals in a timely and professional manner to maintain a quality level of operations. The GLO's appeals processes apply to appeals received from homeowners, contractors, cities, counties, housing authorities, and other entities. The GLO will respond to homeowners by coordinating with the applicable subrecipient and/or housing contractor to resolve issues.

A record of each complaint or appeal that the GLO receives is kept in an information file. When a complaint or appeal is received, the GLO will respond to the complainant or appellant within 15 business days where practicable. For expediency, the GLO will utilize telephone communication as the primary method of contact; email and postmarked letters will be used as necessary to document conversations and transmit documentation.

Information about the complainant's rights and how to file a complaint shall be printed on all program applications, guidelines, the GLO public website, and subrecipients' websites in all local languages, as appropriate and reasonable. Procedures for appealing a GLO decision on a complaint shall be provided to complainants in writing as part of the complaint response.

J. Dam and Levee Requirements

As stated in the Federal Register, Vol. 81, No. 224, Monday, November 21, 2016, CDBG-DR funds are prohibited from being used to enlarge a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. The GLO will ensure that if subrecipients use CDBG-DR funds for levees and dams, the subrecipients will (1) register and maintain entries regarding such structures with the U.S. Army Corps of Engineers National Levee Database or National Inventory of Dams, (2) ensure that the structure is admitted in the U.S. Army Corps of Engineers PL 84–99 Program (Levee Rehabilitation and Improvement Program), and (3) ensure the structure is accredited under the FEMA National Flood Insurance Program. The GLO will upload into the DRGR system the exact location of the structure and the area served and protected by the structure and maintain file documentation demonstrating that the grantee has conducted a risk assessment prior to funding the flood control structure and that the investment includes risk reduction measures.

K. Program Income

Any program income earned as a result of activities funded under this grant will be subject to alternate requirements of 24 CFR 570.489(e), which defines program income. Program income generated under individual contracts with the subrecipients will be returned to the GLO. At the GLO's discretion, program income could be allowed to remain with a community to continue recovery efforts.

L. Monitoring Standards

The GLO provides program-wide oversight and monitoring activities for all applicable CDBG and related federal requirements in its administration of the CDBG-DR Program. The GLO will provide technical assistance to recipients from the application stage through the completion of the projects to ensure that funds are appropriately used for the CDBG-DR activities, as well as meeting one of the three national objectives.

The GLO will monitor all contract expenditures for quality assurance and to prevent, detect, and eliminate fraud, waste, and abuse as mandated by Executive Order (EO) RP 36, signed July 12, 2004, by the Governor of Texas. The GLO will particularly emphasize mitigation of fraud, abuse, and mismanagement related to accounting, procurement, and accountability which may also be investigated by the State Auditor's Office (SAO). In addition, the GLO and the grantees are subject to Uniform Guidance Standards of 2 CFR 200, which encompasses the review of compliance with program requirements and the proper expenditure of funds by an independent Certified Public Accountant (CPA) or by the SAO. Reports from the SAO's office will be sent to the Office of the Governor, the Legislative Committee, and the GLO.

The GLO has an internal audit staff that performs independent internal audits of programs and can perform such audits on these programs and grantees. The GLO will utilize a monitoring plan to specifically ensure that the recovery allocation is carried out in accordance with state and federal laws, rules, and regulations, as well as the requirements set forth in the Federal Register Notices. The monitoring plan will also include duplication of benefits review to ensure compliance with the Stafford Act.

M. Broadband Infrastructure

As required by the Federal Register, Vol. 81, No. 224, Monday, November 21, 2016, any new construction or substantial rehabilitation, as defined by 24 CFR 5.100, of a building with more than four rental units will include installation of broadband infrastructure, as defined in 24 CFR 5.100, except where the grantee documents that: (i) the location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; (ii) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or (iii) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

IV. State Administered Disaster Recovery Program

A. Action Plan

As required by the Federal Register, Vol. 82, No. 247, Wednesday, December 27, 2017, this Action Plan must describe uses and activities for all funds that: (1) Are authorized under Title I of the Housing and Community Development Act of 1974 (HCDA) or allowed by a waiver or alternative requirement; and (2) respond to disaster-related impact to infrastructure, housing, and economic revitalization in the most impacted and distressed areas.

The needs assessment, Section II, of this action plan was conducted for the development and prioritization of recovery activities. In addition, the GLO consulted with affected citizens, stakeholders, local governments, and public housing authorities to assess needs.

This Action Pan will outline the eligible affected areas and subrecipients, the methodology used to distribute funds to those subrecipients, activities for which funding may be used, and outline program requirements, including non-duplication of benefits.

B. Program Budget

Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of housing, infrastructure, and economic revitalization in the impacted and distressed Texas counties as declared in DR-4332.

As required by the Federal Register, Vol. 82, No. 247, Wednesday, December 27, 2017, the GLO will allocate 80 percent of the allocation to address unmet needs within Harris County, the HUD-identified 'most impacted and distressed' area.

The GLO will ensure, as is required and identified in the Federal Register, that at least 70 percent of the aggregate of CDBG-DR program funds will be used to support activities that benefit low- and moderate-income persons.

To determine the allocation amounts for Harris County and the other most impacted and distressed areas, 1 percent of state project delivery costs and 5 percent of state administration costs were subtracted from the 80 percent for Harris County and the remaining 20 percent.

Table 12: Allocation Budget

HUD's Most Impacted and Distressed Area (Harris County)	$43,465,600.00
Other Most Impacted and Distressed Areas	$10,866,400.00
State Project Delivery (1%)	$578,000.00
State Administration (5%)	$2,890,000.00
Total Allocation	**$57,800,000.00**

C. Use of Funds

HUD has identified Harris County as the "most impacted and distressed" areas impacted by Hurricane Harvey and has required that at least 80 percent of the allocation must address unmet needs within the County. The remaining 20 percent will address unmet needs within "most impacted and distressed" areas determined by the GLO through the unmet needs assessment in Section II of this Action Plan. Due to the limited amount of funds available with this first allocation and the tremendous amount of unmet needs in the impacted areas, the GLO has identified Aransas, Nueces, and Refugio Counties as the next "most impacted and distressed" counties. The State of Texas is expected to receive additional CDBG-DR allocations for the long-term recovery from Hurricane Harvey.

Based on the analysis of the unmet needs assessment in Section II of this Action Plan and after consultation with Harris County officials, this first allocation of funds for Harris County will be used for residential buyouts to prevent as many homes as possible from rebuilding in harm's way. According to the National Flood Insurance Program data, Harris County had the highest number of properties, over 3,000, that were flooded during Hurricane Harvey and had been flooded at least one prior time.

Aransas, Nueces, and Refugio Counties experienced widespread devastation from Hurricane Harvey and the category 4 winds, storm surge, and flooding associated with the hurricane's landfall, as evidenced by the increased unemployment rates following Hurricane Harvey. Hurricane Harvey destroyed hundreds of affordable rental units making the availability of workforce housing all but nonexistent. Because of the unique economy and workforce needs in the region, Aransas, Nueces and Refugio Counties have been identified as "most impacted and distressed" for the purposes of this allocation. To begin resolving this issue the state will administer an affordable rental set aside in these counties.

1. Harris County Residential Buyout Program

The Harris County Residential Buyout Program will be administered by Harris County. Harris County will be a subrecipient to the GLO. Harris County will submit an application to the GLO that will include at a minimum the program budget, proposed number of buyouts, the target areas, and how the program supports long-term recovery. Harris County will develop and submit Residential Buyout Program guidelines to the GLO for approval. These guidelines will be developed in accordance with CDBG-DR requirements and regulations to set maximum assistance amounts, target area locations, and additional eligibility requirements. At a minimum, the Residential Buyout program guidelines will include the following criteria:

a. Allocation for Activity: $43,465,600
b. Eligible Applicants: Homeowners whose primary residences sustained flooding damage from Hurricane Harvey.
c. Eligibility Criteria:
    i. Home must have been owner-occupied at the time of the storm
    ii. Home must have served as primary residence
    iii. Home must be owned by LMI household

iv. Home must be located in Harris County

d. National Objective: Low and moderate income

Eligible Activities: Acquisition buyout of residential property, clearance and demolition, and relocation payment and assistance.

The proposed program start date is 30 days after HUD's approval of this Action Plan. The proposed end date is two years from the start date of the program.

2. Affordable Rental Recovery Program

The Affordable Rental Recovery Program will be administered by the GLO. The GLO's Notice of Funding Availability (NOFA)/Request for Proposals will establish the application process and acceptance period, threshold criteria (including applicable building codes), selection criteria, and the award process.

a. Allocation for Activity: $10,866,400
b. Multifamily projects including multifamily repair, rehabilitation, and new construction;
c. Eligible Activity: Rehabilitation, reconstruction, and new construction of affordable multi-family housing projects
d. Eligible Applicants:
    i. Acting individually or as participants in a limited partnership (LP) or limited liability corporation (LLC):
    ii. For-profit Developers/ Borrowers;
    iii. Public housing authorities;
    iv. Units of local governments;
    v. Not-for-profit Developers/ Borrowers.
e. Eligibility Criteria:
    i. Development must meet CDBG-DR eligibility requirements.
    ii. Development must be located in Aransas, Nueces, and Refugio Counties.
    iii. A minimum of 51% of the units must be restricted for ten or more years to low to moderate income (LMI) individuals earning 80% or less of the Area Median Family Income (AMFI) at affordable rents. The rents must comply with High HOME Investment Partnership (HOME) Rents and other existing Land Use Restriction Agreement (LURA) restrictions, if applicable.
    iv. Property Types: Multifamily Rental Development is eight or more rental units under common ownership.
    v. The Affordable Rental Program Notice of Funding Availability (NOFA)/Request for Proposal will clearly establish the application process and acceptance period, threshold criteria (including applicable building codes), selection criteria, and the award process.
    vi. Project construction must be completed within 18 months of the effective date of the contract, unless otherwise extended.
f. Selection Criteria:

i. Located in High Opportunity Zones;
ii. Targets extremely low-income (30 percent AMFI);
iii. Exceeds the number of LMI units eligibility requirement;
iv. Serves persons with disabilities beyond minimum requirements;
v. Leverages public and private financing;
vi. Activity type; and
vii. Cost-effectiveness.

g. National Objective: Low and moderate income

The proposed program start date is 30 days after HUD's approval of this Action Plan. The proposed end date is three years from the start date of the program.

D. Ineligible activities

Ineligible activities identified in the Federal Register, Vol. 81, No. 224, Monday, November 21, 2016, are the use of CDBG-DR for forced mortgage payoff, construction of dam/levee beyond original footprint, incentive payments to households that move to disaster-impacted floodplains, assistance to privately owned utilities, not prioritizing assistance to businesses that meet the definition of a small business, or assistance for second homes and activities identified in 24 CFR 570.207. All activities and uses authorized under Title I of the Housing and Community Development Act of 1974, allowed by waiver, or published in the Federal Register, Vol. 81, No. 224, Monday, November 21, 2016, are eligible. The GLO will not limit any eligible activities beyond what is specifically excluded by HUD to allow communities as much flexibility as possible.

E. Administrative Funds

State administrative costs will not exceed five percent. Planning and administrative costs combined will not exceed 20 percent. The provisions outlined under 42 U.S.C. 5306(d) and 24 CFR §570.489(a)(1)(i) and (iii) will not apply to the extent that they cap state administration expenditures and require a dollar-for-dollar match of state funds for administrative costs exceeding $100,000. Pursuant to 24 CFR §58.34(a)(3), except for applicable requirements of 24 CFR §58.6, administrative and management activities are exempt activities under this Action Plan. Once contracted, the GLO will allow the drawdown of pre-agreement costs associated with eligible disaster recovery activities dating back to the date of the disaster for subrecipients and the GLO with appropriate documentation.

No disaster recovery assistance will be considered with respect to any part of a disaster loss that is reimbursable by the Federal Emergency Management Agency (FEMA), the Army Corps of Engineers (USACE), insurance, or another source due in part to the restrictions against duplication of benefits outlined in this Action Plan. An activity underway prior to the Presidential Disaster Declaration will not qualify unless the disaster directly impacted said project.

F. Location

All CDBG-DR funded activities under this Action Plan will occur within the disaster-declared counties of FEMA DR-4332. For the purpose of this Action Plan, counties that received FEMA disaster declarations for emergency protective measures only (Category B) including direct federal assistance, under the Public Assistance program are not included in the 49 CDBG-DR eligible counties.

G. Mitigation Measures

The GLO will encourage subrecipients to incorporate preparedness and mitigation measures into rebuilding activities. This helps to ensure that post-recovery communities are safer and stronger than prior to the disaster. Incorporation of these measures also reduces costs in recovering from future disasters. Mitigation measures that are not incorporated into those rebuilding activities must be a necessary expense related to disaster relief, long-term recovery, and restoration of infrastructure, housing, or economic revitalization that responds to declared disaster FEMA DR-4332.

H. Use of Urgent Need

Each subrecipient receiving Hurricane Harvey CDBG-DR funds will document how all activities or projects funded under the urgent need national objective respond to a disaster-related impact identified by the subrecipients. The CDBG certification requirements for documentation of urgent need, located at 24 CFR 570.208(c) and 24 CFR 570.483(d), are waived for the grants under this notice until 24 months after HUD first obligates funds to the grantee.

It is anticipated that the use of the urgent need national objective will be limited. At least 70 percent of the aggregate of CDBG-DR program funds will be used to support activities that benefit low- and moderate-income persons.

V. Citizen Participation

The citizen participation plan for the Hurricane Harvey allocation as required by the Federal Register, Vol. 82, No. 247, Wednesday, December 27, 2017, will provide a reasonable opportunity of at least fourteen (14) days for citizen comment and ongoing citizen access to information about the use of grant funds.

Before the GLO adopts the Action Plan for this grant or any substantial amendment to this grant, the GLO will publish the proposed plan or amendment on http://www.glo.texas.gov/recovery/reports/action-plans/index.html, the GLO's main website and will cross-reference with additional agency websites: TexasRebuilds.org and TexasRebuilds.com.

The GLO and/or subrecipients will notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, newsletters, contacts with neighborhood organizations, and/or through social media.

The GLO will ensure that all citizens have equal access to information about the programs, including persons with disabilities (vision and hearing impaired) and limited English proficiency (LEP). A Spanish version of the Action Plan will be available. The GLO consulted the "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," published on January 22, 2007, in the Federal Register (72 FR 2732), in order to comply with citizen participation requirements.

Upon subsequent publication of the Action Plan or substantial amendments, the GLO will provide a reasonable opportunity of at least fourteen (14) days and have a method for receiving comments.

The GLO will take comments via USPS mail, fax, email, or through the GLO's website:

Texas General Land Office
Community Development and Revitalization
P.O. Box 12873
Austin, TX 78711-2873
Fax: 512-475-5150
Email: cdr@glo.texas.gov
Online Form: http://www.glo.texas.gov/recovery/reports/action-plans/index.html

A. Public Website

The GLO will make the following items available on www.glo.texas.gov/recovery: (1) the Action Plan (including all amendments); each Quarterly Performance Report (QPR) as created using the Disaster Recovery Grant Reporting System (DRGR) system; (2) procurement,

policies and procedures; (3) executed CDBG-DR contracts; and (4) status of services or goods currently being procured by the GLO (e.g., phase of the procurement, requirements for proposals, etc.).

B. Consultation

The GLO consulted and conducted outreach for the 49 impacted counties. The GLO consultation and outreached included the following:

The GLO participated in all impacted counties roundtable meetings coordinated through the Governor's Commission to Rebuild Texas.

Roundtable meetings allowed all impacted cities and counties to identify needs following Hurricane Harvey.

Elected Officials Meetings held included the following:

09/12/2017	Meeting in Harris County with state legislative delegation, Harris County officials, and city of Houston officials.
09/18/2017	Meeting in Jefferson County with state and federal legislators, county officials, and city officials.
09/18/2017	Meeting in Orange County with state and federal legislators, county officials, and city officials.
09/28/2017	Meeting in Liberty County with state elected officials, county officials, and city officials.
09/28/2017	Meeting in Sour Lake with local officials.
09/28/2017	Meeting in Hardin County with state legislators, county officials, and city officials.
10/04/2017	Meeting in Baytown with city staff.
10/10/2017	Meeting in Wharton County with local officials, Matagorda County, and Brazoria County officials.
11/16/2017	Meeting in Victoria County with local officials.
11/21/2017	Meeting in Chambers County with city and county officials and staff.
11/21/2017	Meeting in Newton County with county and state officials.
11/28/2017	Meeting in Fort Bend County with federal, state, county, and city officials.

The GLO provided additional outreach through updates provided as part of legislative testimony for standing state legislative committees. The GLO held conference calls to include members of the legislature, county judges and mayors providing updates on Hurricane Harvey efforts.

Stakeholder/Partner Meetings – Outreach

- Local officials weekly conference calls
- State elected officials weekly conference calls
- Councils of Governments (COGs) bi-weekly call meetings
- Texas Association of Regional Councils (TARC) briefings
- Unified Federal Review (UFR) State Agencies meetings
- University of Texas meetings
- Houston-Galveston Area Council (H-GAC)
- Coastal Bend Council of Governments (CBCOG)
- South East Texas Regional Planning Commission (SETRPC)
- Capital Area Council of Governments (CAPCOG)
- Deep East Texas Councils of Governments (DETCOG)
- Golden Crescent Regional Planning Commission (GCRPC)
- Appleseed
- Texas Homeless Network
- Robinhood Foundation
- OneStar Foundation
- Texas Association of Builders
- American Planning Association of Texas
- Texas Apartment Association
- Clayton Homes
- Habitat for Humanity Texas
- Kasita
- Housing Strike Teams
- CHRISTUS Health
- American Red Cross
- Various state and federal agencies

Websites

September 20, 2017: Created www.TexasRebuilds.com website for information related to Hurricane Harvey for individuals and local governments related to short term and long-term housing.

Additional information is posted on TexasRebuilds.org and main GLO website.

Newsletters / Emails / Press Releases / Conference Calls

Prior to Hurricane Harvey's landfall, GLO emailed a recovery checklist to all

entities in the projected impact area.

Following landfall, the GLO has provided informative disaster recovery emails, hosted conference calls and provided weekly newsletters to eligible cities, counties, and councils of government located in the disaster-declared counties. This included Texas state representatives, Texas state senators, and congressional representatives.

C. Consideration of Public Comments

The GLO will consider all written comments regarding the Action Plan or any substantial amendment. A summary of the comments and the GLO's response to each located in Appendix C must be submitted to HUD with the Action Plan or substantial amendment.

D. Citizen Complaints

The GLO will provide a timely written response to every citizen complaint. The response will be provided within fifteen (15) working days of the receipt of the complaint, if practicable.

E. Substantial Amendment

As additional information and funding becomes available through the grant administration process, amendments to this Action Plan are expected. Prior to adopting any substantial amendment to this Action Plan, the GLO will publish the proposed plan or amendment on the GLO's official website and will afford citizens, affected local governments, and other interested parties a reasonable opportunity to examine the plan or amendment's contents. At a minimum, the following modifications will constitute a substantial amendment:

- A change in program benefit or eligibility criteria;
- The allocation or reallocation of more than $1 million; or
- The addition or deletion of an activity.

F. Non-substantial Amendment

The GLO will notify HUD when it makes any plan amendment that is not substantial. HUD will be notified at least five business days before the amendment becomes effective. HUD will acknowledge receipt of the notification of non-substantial amendments via email within five (5) business days.

G. Waivers

The Appropriations Act authorizes the Secretary of HUD to waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards,

and the environment (including requirements concerning lead-based paint), upon: (1) A request by the grantee explaining why such a waiver is required to facilitate the use of such funds or guarantees; and (2) a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of the Housing and Community Development (HCD) Act. Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.

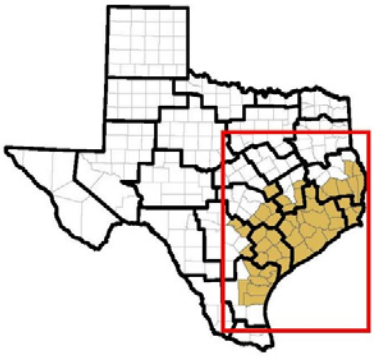
VI. Appendix A – CDBG-DR Eligible Counties

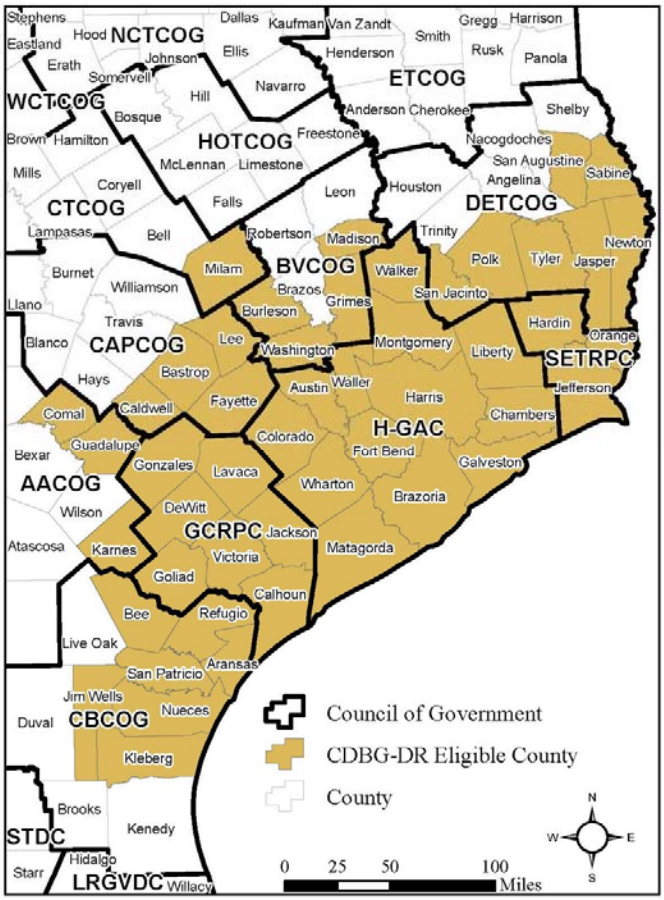
State of Texas
Hurricane Harvey: DR-4332
August 25-30, 2017

Incident Period: August 25 - September 15, 2017
Major Disaster Declaration
Declared on: August 25, 2017

County Designations as of 10/11/2017

Counties Eligible for
CDBG-DR Funds: 49





Aransas	Grimes	Newton
Austin	Guadalupe	Nueces
Bastrop	Hardin	Orange
Bee	Harris	Polk
Brazoria	Jackson	Refugio
Burleson	Jasper	Sabine
Caldwell	Jefferson	San Augustine
Calhoun	Jim Wells	San Jacinto
Chambers	Karnes	San Patricio
Colorado	Kleberg	Tyler
Comal	Lavaca	Victoria
DeWitt	Lee	Walker
Fayette	Liberty	Waller
Fort Bend	Madison	Washington
Galveston	Matagorda	Wharton
Goliad	Milam	
Gonzales	Montgomery	

VII. Appendix B – Certifications

24 CFR 91.325 is waived. Each State receiving a direct allocation under this notice must make the following certifications with its Action Plan:

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

b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.

c. The grantee certifies that the action plan for Disaster Recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking to fund, in accordance with applicable HUD regulations and this notice. The grantee certifies that activities to be undertaken with funds under this notice are consistent with its action plan.

d. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in this notice.

e. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

f. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each UGLG receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

g. Each state receiving a direct award under this notice certifies that it has consulted with affected UGLGs in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the state in determining the uses of funds, including the method of distribution of funding, or activities carried out directly by the state.

h. The grantee certifies that it is complying with each of the following criteria:

> 1. Funds will be used solely for necessary expenses related to disaster relief, long- term recovery, restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.) but prior to September 29, 2016.

2. With respect to activities expected to be assisted with CDBG-DR funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

3. The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register notice) of the grant amount is expended for activities that benefit such persons.

4. The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

(a) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or

(b) For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

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

j. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, states receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

k. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, states receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

2. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice and requirements of the Appropriations Act applicable to funds allocated by this notice, and certifies to the accuracy of its certification documentation referenced at A.1.a. under section VI and its risk analysis document referenced at A.1.b. under section VI.

m. The grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.

n. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.

o. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.

p. The grantee certifies that it will comply with applicable laws.

VIII. Appendix C – Public Comment

State of Texas Plan for Disaster Recovery: Hurricane Harvey: Amendment No. 2

Amendment No. 2 was released on August 28, 2018. The public comment period for the document ran from August 28, 2018, to September 11, 2018. The GLO distributed a Statewide press release announcing the availability of the Plan on the GLO website. Additionally, the GLO sent out an email to over 1,800 recipients across the 49 eligible counties targeting local emergency management coordinators, county and local government officials, public housing authorities and other interested parties.

Name	Individual, County, City or Organization
None	None

Comments: The GLO did not receive any comments on Amendment No. 2.

State of Texas Plan for Disaster Recovery: Hurricane Harvey: Amendment No. 1

Amendment No. 1 was released on May 10, 2018. The public comment period for the document ran from May 10, 2018 to May 24, 2018. The GLO distributed a Statewide press release announcing the availability of the Plan on the GLO website. Additionally, the GLO sent out an email to over 1,800 recipients across the 49 eligible counties targeting local emergency management coordinators, county and local government officials, public housing authorities and other interested parties.

Name	Individual, County, City or Organization
James R. Brinkley	Private Individual

Comment #1: In some communities, streets have been gradually raised without regard for home foundation levels. In these cases, the lowering of streets should be included in feasibility plans.

Staff Response #2: The GLO is committed to ensuring CDBG-DR funds are utilized to not only to rebuild and recover from the recent storm, but to build in resiliency with valuable mitigation measures. The GLO is committed to diligently working with local leaders in impacted areas to ensure that all recovery programs and activities compliment long-term recovery plans that consider these resilient mitigation measures.

State of Texas Plan for Disaster Recovery: Hurricane Harvey

The State of Texas Plan for Disaster Recovery was released on January 18, 2018. The public comment period for the document ran from January 18, 2018 to February 20, 2018. The GLO distributed a Statewide press release announcing the availability of the Plan on the GLO website. Additionally, the GLO sent out an email to over 1,800 recipients across the 49 eligible counties targeting local emergency management coordinators, county and local government officials, public housing authorities and other interested parties.

List of Those that Submitted Comment:

Name	**Individual, County, City or Organization**
Amy Ledbetter Parham	Habitat for Humanity Texas
Bob Bullard	Coalition for Environmental Equity and Resilience ("CEER")
Chrishelle Palay Christina Rosales John Henneberger	Texas Low Income Housing Information Service
Christopher Boone	City of Beaumont
Colin Cox Amy Dinn	Lone Star Legal Aid Equitable Development Initiative
Colin Cox	Lone Star Legal Aid
Commissioner Rodney Ellis	Harris County
Cyrus Reed	Sierra Club
David Alamia	Sheldon Area Flood Enhancements Initiative
Gerhard Meinecke	Private Individual
Joe Ritch	Lawyers Committee
John Henneberger	Texas Low Income Housing Information Service
Karen Julian	Private Individual
Kate Rainey	Texas Rio Grande Legal Aid
Linda Litzinger	Texas Parent to Parent
Maddie Sloan	Texas Appleseed
Maria Sosa	Organizer for Harvey Survivors for FIEL Houston
Mary Faithfull	Disability Rights of Texas
Mayor Paul Polasek	City of Victoria
Michelle Tremillo Christina Quintero Feldon Bonner	Texas Organizing Project
Roderick Scott	International Association of Structural Movers
Scott Jones	Galveston Bay Foundation
The Honorable Nate McDonald	Matagorda County
The Honorable Leah Tarrant	City of Patton Village, Montgomery County
The Honorable Judge Emmett	Harris County
TMO Houston	The Metropolitan Organization
Zoe Middleton	Houston Rising Coalition

The following is a summary of the comments received as well as the response.

Comment #1: Will there be other CDBG DR funds made available for the other affected counties or will we be able to access some of these $57.8 million dollars for other affected counties?

Staff Response #1: An additional $5.024 billion in CDBG-DR has been allocated to the State of Texas for Hurricane Harvey disaster recovery funding. It is anticipated that these funds will be made available to the other affected counties as determined in the Federal Register Notice

Comment #2: "Please do not disregard the needs for the small cities in Montgomery and Liberty Counties."

Staff Response #2: The GLO remains committed to ensuring the needs of all Texans impacted by Hurricane Harvey are addressed; however, the allocation of funding to specific communities remains under the limitations imposed by the Federal Register. It is the goal of the GLO to ensure that the remaining 20% is allocated to communities in a manner that is as equitable as possible.

Comment #3: "20% of the funds not restricted by HUD to Harris County are being distributed to the three most affected out of the forty-nine counties that suffered significant damage by Harvey, as measured by the public assistance being given to-date by FEMA as response to that disaster, namely Aransas, Nueces, and Refugio. Not Galveston, Dickinson."

Staff Response #3: The expected multi-billion dollar next relief package that is coming in the $5.024 billion allocaiton will be distributed to all affected Counties subject to any HUD restrictions.

Comment #4: "One of our most immediate needs is the sixty (60) families that are not able to begin repair to their homes as they are "substantially damaged" within the flood plain in Beaumont."

Staff Response #4: The GLO is dedicated to serving as many impacted Texans as possible within the limitations imposed by the federal requirements. If disaster survivors are excluded from a program because of the federal rules for eligibility, the GLO will make every effort to pursue other options of recovery assistance on their behalf.

Comment #5: Why couldn't a portion of the $57m be provided to Galveston County where so many are still without homes due to Harvey?

Staff Response #5: The GLO's proposed method of distribution was made in anticipation of a future allocation that shall foster greater recovery efforts over a wider impacted area. The unmet needs of those counties not accounted for in this initial allocation are still being considered in their entirety, and the GLO shall work diligently to ensure that those unmet needs are addressed as predicted future funds are allocated by Congress.

Comment #6: The Plan maintains that a complete telling of the story of Harvey includes Port Arthur and Jefferson County, but its initial funding allocation does not: Jefferson County deserves priority in the first allocation of funds.

Staff Response #6: The GLO remains committed to adequately assessing the unmet needs of every impacted community to ensure that allocated funds are distributed in the most efficient and effective manner possible. Given the relatively small dollar amount of funding associated with this initial allocation and the anticipation of a much larger allocation, the GLO sought a method of distribution with the most potential for the immediate recovery process.

The GLO shall take into consideration all of the information presented in this area of your comment in its analysis of future funding allocated for Hurricane Harvey relief. It should be noted that the GLO is also working to compile and analyze other data sources, like the Social Vulnerability Index, to ensure that a more complete picture of unmet need is developed to guide all future allocation decisions.

Comment #7: Cumulative impacts are important, but this was a really big rain and the impacts of this particular storm should be considered above all else.

Staff Response #7: The GLO is committed to ensuring CDBG-DR funds are utilized to not only to rebuild and recover from a recent storm, but to build in resiliency with valuable mitigation measures. The cumulative report analysis presented in the Action Plan tells the story prior impacts to ensure an understanding of the importance of utilizing CDBG-DR funds associated with Hurricane Harvey to actively and effectively consider projects that mitigate future damages from similar weather events.

It should be noted that although the Action Plan presents this analysis, the conclusions reached in this section were not the sole basis for determining the method of distribution of funding.

Comment #8: The Plan's Low- and Moderate-Income (LMI) Analysis is inadequate as it fails to adequately address the LMI needs for the region.

Staff Response #8: In order to address issues associated with the potential skewing of FEMA provided data, the GLO is working with several partners to ensure that other data sets are used in identifying the unmet need of the LMI population. As stated previously, one such data set, the Social Vulnerability Index, works to address issues that arise when one standard is used to determine LMI classification. The GLO remains committed to adequately accessing the unmet need of the LMI population in impacted areas and shall continue to work with its partners to ensure the most effective analysis plausible.

Per the Federal Register, housing recovery shall be the primary objective for this round of CDBG-DR funding. If any other type of project (including infrastructure) were to be undertaken, the grantee must identify how any remaining unmet housing needs will be addressed or how the activity will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas. In sum, HUD has established a standard by which all projects that are not

housing must be measured and approved to ensure that funds are being expended in compliance with the rules of the Federal Register.

Finally, 42 USC 5301(c) mandates that 70% of the aggregate of CDBG-DR funds be used to support activities benefitting Low- and Moderate-Income persons. It is the intention of the GLO the adhere to this standard and, as a byproduct, foster priority for LMI families.

The GLO is committed to ensuring that all activities arising from Hurricane Harvey CDBG-DR funding are in adherence with all applicable requirements, laws, and regulations.

Comment #9: GLO's duty to Affirmatively Further Fair Housing, State omitted Jefferson County in the Plan allocation making it difficult to assess whether the State has complied with Title VI of the Civil Rights Act of 1964.

Staff Response #9: The GLO is committed to administering Hurricane Harvey CDBG-DR funds in a manner that is consistent with all applicable laws.

Second, the Federal Register mandates that the GLO conduct an Affirmatively Further Fair Housing (AFFH) review, at the programmatic level, for all projects and/or activities conducted with CDBG-DR funds. In order to meet this requirement, staff augmentation is being considered as programs developed and processes and procedures are being refined.

Finally, the GLO is committed to evaluating all aspects of housing including, but not limited to, public housing, affordable housing, and housing for vulnerable populations to ensure CDBG-DR recovery programs are as effective as possible and in full compliance with AFFH and Civil Rights Act requirements.

Comment #10: The Plan's provisions for Citizen Participation are inadequate.

Staff Response #10: The GLO remains committed to fully complying with all citizen participation requirements outlined in the Federal Register. This includes taking steps to translate the action plan into languages tailored to the demographic, publication of the action plan for 14 days (as required by the Federal Register), and an extension of the public comment period as requested by advocacy agencies. The GLO has also been conducting weekly and/or bi-weekly meetings with Council of Government leaders and elected officials to communicate, on the most local level practicable, the needs of each individual community. It should be noted that the GLO, in coordination with advocacy groups and HUD, recognized the need for additional language translations and has diligently worked to provide those translations as needed.

In terms of minimizing displacement, the GLO is committed to developing and distributing these plans as programs and projects are proposed within communities. It should be recognized that the possibility of relocation and/or relocation assistance varies depending on the type of program sought for implementation within the community. The GLO shall, upon solidification of these programs, ensure all potentially impacted citizens are made aware of the possibilities associated with potential displacement.

Finally, the Federal Register specifically states that this allocation is subject to the regulations presented in 81 FR 224 (11/21/2016). This prior Federal Register state that, in order to streamline the disaster recovery process, 42 USC 5304(a)(2) and (3), 42 USC 12707, 24 CFR 570.486, and 25 CFR 91.115(b) are all explicitly waived. In sum, the alternate requirement does not require a hearing, but the 14-day minimum public comment period remains.

Comment #11: "When can we expect a Spanish language version of the plan to be made available? Are there any plans to extend the public comment period to allow Spanish only speaking Texans the chance to read and respond appropriately?"

Staff Response #11: The GLO is committed to remaining in compliance with all Citizen Participation Requirements presented in the Federal Register. These requirements include translation of vital documents into languages the ensure effective participation for persons with Limited English Proficiency (LEP). Since receipt of this comment the Spanish translation was posted to the GLO website and the comment period was extended.

Comment #12: "Is there any plan to issue a Spanish language version of the Action Plan published on January 18th"

Staff Response #12: The GLO is committed to remaining in compliance with all Citizen Participation Requirements presented in the Federal Register. These requirements include translation of vital documents into languages the ensure effective participation for persons with Limited English Proficiency (LEP). Since receipt of this comment the Spanish translation was posted to the GLO website and the comment period was extended.

Comment #13: "I understand that the focus for the initial funding round is unmet housing needs and the City of Victoria does not meet the criteria established."

Staff Response #13: The GLO remains committed to utilizing the most recent data to ensure that all unmet needs are assessed properly and CDBG-DR funds are allocated in the most effective manner possible. The GLO will, as future rounds of CDBG-DR allocations become available, take the needs of all impacted areas, including the City of Victoria, into consideration. We greatly appreciate your feedback and encourage you to continue to engage as the primary goal of this agency is to responsibly utilize and specifically tailor all current and future CDBG-DR allocations to the needs of each respective community.

Comment #14: "We hope to see the GLO incorporate the four rights into the front section of the action plan. These are rights that community leaders in Houston developed that frame what the public can and should expect their government to promote. They are: the right to choose; the right to stay; the right to equal treatment; and the right to have a say."

Staff Response #14: The four rights of Disaster Survivors (The Right to Choose, The Right to Stay, The Right to Equal Treatment, and The Right to Have a Say), present valid and useful points upon which several basic tenants of disaster recovery are built. It should be noted that the points presented shall be considered in detail and serve as a basis upon which meaningful discussion can a be built to better serve recovering Texans.

Comment #15: "We request that the GLO adopt provisions into the action plan that were used during Hurricanes Ike and Dolly after our 2010 conciliation agreement. These provisions helped provide civil rights guidance to cities and states who were given federal dollars to rebuild. They also promoted accountability and transparency and provided for more robust citizen participation."

Staff Response #15: The 2010 Fair Housing Conciliation Agreement remains an agreement between the two parties involved and has not legal bearing on future grantees. It should be noted that the primary issues that resulted in the drafting of the Agreement have served as lessons learned and policies and procedures have been substantially altered to ensure those issues do not repeat in the future. Many of the program documents from the Hurricane Ike /Dolly grant will be the basis for the Hurricane Harvey programs.

Comment #16: "We expect state officials to promote robust citizen participation that helps the public truly understand what multi-billion dollar plans for rebuilding means to them and their communities. We encourage town halls and door knocking that can help meet impacted populations where they are. The four rights mentioned above can help guide that."

Staff Response #16: The development of a comprehensive Citizen Participation Plan, as required by the Federal Register, is the responsibility of the GLO and currently includes compliance with all mandated means of publication, comment periods, and response deadlines. The GLO continues to evaluate and identify areas in which the Participation Process can be made more adequate and shall work to correct any deficiencies in compliance with the law that may arise with an eye toward beginning programs as quickly as possible to get families and communities back to their norm as soon as feasible.

Comment #17: "The four rights of Disaster Survivors (The Right to Choose, The Right to Stay, The Right to Equal Treatment, and The Right to Have a Say), present valid and useful points upon which several basic tenants of disaster recovery are built."

Staff Response #17: The GLO strives to advocate for survivors by administrating CDBG funds in the most responsive and effective manner possible. It should be noted that the points presented shall be considered in detail and serve as a basis upon which meaningful discussion can a be built to better serve recovering Texans.

Comment #18: "General Fair Housing and Civil Rights Recommendations for the Draft Plan, adopt provisions the State used to administer Hurricane Dolly/Ike CDBG-DR funds."

Staff Response #18: The formulation of an Action Plan, as outlined by each Federal Register publication that allocates CDBG-DR funding, requires specific content that must subsequently be reviewed and approved by HUD before any access to CDBG-DR funds are available. The requirements include, but are not limited to, reviewing the State's Analysis of Impediments, a review to ensure compliance with all Affirmatively Furthering Fair Housing law, the development of Methods of Distribution, and establishing policies and procedures to monitor recipient performance. All processes and procedures utilized by the GLO to meet these requirements are

continually developing as the agency incorporates lessons learned from prior grants to ensure increasing levels of efficiency in the administration of CDBG funds.

The GLO shall maintain all policies and procedures in compliance with the law. This includes rebuilding standards that ensure accessibility to vulnerable populations and meaningful access to documentation for public participation. It is the responsibility of the GLO to develop the processes through which compliance with these laws are regulated. These internal procedures are ongoing and shall be formulated in a manner that fosters efficient compliance.

Comment #19: "Draft plan does not recognize or propose how the State will assess an secure compliance with fair housing certifications"

Staff Response #19: The GLO is committed to administering disaster recovery programs in a manner that is consistent with all federal requirements, including the adherence to all fair housing laws. The GLO is committed to ensuring all of the requirements associated with this allocation of money are adequately met.

Comment #20: "Include in the Action Plan a process for direct State administration of CDBG-DR funds earmarked for the City of Houston"

Staff Response #20: The GLO shall, as with every grant, effectively communicate with localities to ensure that recovery processes are tailored to the needs of the community while maintaining compliance with all requirements under the law. The City of Houston and its prior pending complications with other grant funds shall not impede the current disaster survivors from starting the recovery process by placing burdensome restrictions and regulations that fall outside of the those required under the law.

Comment #21: Citizen Participation "ensure that individuals and communities affected by disasters do not face unlawful discrimination on the basis of race, color, or national origin (including limited English proficiency (LEP)) in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)"

Staff Response #21: The GLO remains committed to ensuring all Texans impacted by Hurricane Harvey have meaningful access to recovery programs in a manner that does not, in any form, discrimination on a basis of race, color, or national origin. The GLO shall achieve this goal by adhering to all federal laws related to this topic.

Comment #22: "Citizen Participation Plan is Inadequate"

Staff Response #22: The development of a Citizen Participation Plan shall be built around the requirements presented under the Federal Register and all other applicable federal rules and regulations. As outlined in the current Federal Register, Citizen Participation was deemed adequate by HUD via a streamlined process for developing the Action Plan which allowed for a 14-day comment period and did not require the usage of public hearings. The streamline requirements are deemed acceptable to HUD and the GLO, in an effort to expedite the recovery process, followed

said streamline requirements in complete compliance. Though upon request the comment period was extended.

Comment #23: Topic B: "Draft Plan is not Accessible to Persons with Limited English Proficiency"

Staff Response #23: The GLO, through an analysis of data of the impacted area, is working in coordination with HUD to ensure that all LEP populations are adequately served in a manner that satisfies Title VI of the 1964 Civil Rights Act. Given the diversity of languages within the impacted area, the GLO has sought further guidance on LEP access and shall be translating in accordance with that guidance.

Comment #24: "provide translations of the Draft Plan, disaster related websites and related notices in languages other than English as required by federal laws, regulations and guidance; repost the Draft Plan for public comment after all the translations are available"

Staff Response #24: The GLO is working in coordination with HUD to ensure that the translation of all vital documents, including the Action Plan, is done in a manner that effectively reaches those LEP population as required under the law.

Comment #25: "Public Notification of Opportunity to Comment on changes to the plan must be explicit"

Staff Response #25: The policies and procedures outlining the processing of amendments to an Action Plan are all outlined in the Federal Register. These rules and regulations shall be adhered to by the GLO for any and all substantial and non-substantial amendments to any Action Plan.

Comment #26: "Reasonable comment period for amendments should be 30 days from the posting of the amendment or 14 days from the date the GLO responds to any information request made to it by a party for data related to the amendment request, whichever is longer; a. include in the Draft Plan a statement that the reasonable comment period for amendments should be 30 days from the posting of the amendment or 14 days from the date the GLO responds to any information request made to it by a party for data related to the amendment request, whichever is longer; provide that a request by the State of Texas to the HUD Secretary to waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers should be subject to this same public notification and comment period"

Staff Response #26: The Federal Register establishes the policies by which all amendments, both substantial and non-substantial, and waiver requests are to be processed. The GLO shall maintain these policies, as established by HUD, as they satisfy the law.

Comment #27: "Access, use and methodological approaches to data necessary to produce the draft plan, FEMA data used in draft plan is outdated and inaccurate"

Staff Response #27: The GLO, in its formulation of the Draft Action Plan, must determine a cut-off date for data in order to formulate an initial draft. The GLO fully understands that data is continually developing and it is the goal of the GLO to utilize these evolving data sets as the program progresses.

Comment #28 "Revise the Draft Plan to use the most current available FEMA data; update needs analysis periodically thereafter as updates to the FEMA data are issued and use this to update the geographic and LMI analysis that is used for program administration"

Staff Response #28: The Draft Action Plan was formulated using the most recent and up-to-date data available at the time of drafting. The GLO is committed to ensuring that all Actions Plans reflect the most accurate data to ensure a comprehensive evaluation of need.

Comment #29: "FEMA Data Alone is Insufficient to Assess Need and Survivor Characteristics"

Staff Response #29: The GLO is currently utilizing other data sets, including the Social Vulnerability Index, in order to gain a more wholistic assessment of the need and characteristics of survivors. The GLO shall make its best efforts to utilize similar data sets, outside of FEMA data.

Comment #30: "Analyze evidence in legal claims brought against FEMA, establish a reasonable multiplier to apply FEMA unmet housing needs, fund attorneys to work with homeowners to establish title so FEMA can conduct inspections, establish a "2nd look inspection"

Staff Response #30: The role of the GLO in the administration of FEMA Direct Temporary Housing Assistance programs has been purely administrative in nature. Any complaints regarding FEMA performed duties should be addressed using established FEMA policies and procedures. FEMA has multiple appeals processes for several areas of its programs.

Comment Received #31: "Analyze FEMA housing claims for denials based on deferred maintenance and pre-existing condition"

Staff Response #31: The role of the GLO in the administration of FEMA Direct Temporary Housing Assistance programs has been purely administrative in nature. Any complaints regarding FEMA performed duties should be addressed using established FEMA policies and procedures. FEMA has multiple appeals processes for several areas of its programs and the GLO will not be duplicative in these efforts.

Comment #32: "Deficiencies of Draft Plan Demonstrate Need for GLO to Undertake Disaster Recovery Planning"

Staff Response #32: Given the overall amount of funding for this initial allocation and the larger anticipated allocation to come, the GLO did not find it beneficial to communities to carve out a certain percentage of funds for planning at this time. Despite this, the GLO does intend to set aside

a certain percentage of future funds specifically for recovery planning. The details of such set-aside will be made public once the allocation is made and the Action Plan for that allocation is drafted.

Comment #33: "Utilize $1.5 million to undertake robust research of the nature and characteristics of unmet housing needs of each geographic region; the adequacy of flood control infrastructure at the neighborhood level paying special attention to missing or substandard infrastructure in low-income communities"

Staff Response #33: The Federal Register allocates a maximum cap of 15% of the overall grant funds for the provision of planning as it relates to the long-term recovery of the disaster impacted communities. The GLO is committed to working with each community to ensure that all planning studies are based in accurate data, address specific community concerns, and provide a meaningful basis upon which long-term recovery needs may be built.

Comment #34 "Data used to produce draft plan has been improperly withheld from the public"

Staff Response #34: The GLO, as the primary administer of FEMA Direct Temporary Housing, gained access to certain levels of FEMA data. This data is not the property of the GLO nor is the GLO able to provide such data outside of express permission from FEMA. Federal privacy laws prohibit such disclosures and all safeguarding of Personally Identifiable Information has been done in accordance with all Federal Privacy laws.

Comment #35: "Grant TxLIHIS's request for the data in our January 19, 2018 letter to GLO; State in the Draft Plan that the State's policy will be to provide public notice and access to all data used by the GLO to determine program priorities and any fund allocations at least fourteen days prior to those decisions; include in the Draft Plan and subsequent amendments a single chart or table that illustrates, at the most practical level, how all funds are budgeted (e.g., by program, sub recipient, grantee-administered activity, or other category)"

Staff Response #35: All data, particularly data gathered and belonging to FEMA, is subject to Federal Privacy laws and not available for dissemination absent FEMA approval. If this data, or parts of data, were used in determining program priority, prior FEMA approval is required before any release of data is permitted under the law.

The Draft Plan and all subsequent amendments shall have, as required by the Federal Register, a chart or table diagramming (at the most practical level) how all funds are budgeted.

Comment #36: "Inadequate analysis and data provided on the status of temporary housing programs"

Staff Response #36: The GLO administration of FEMA Direct Temporary Housing Assistance is an ongoing mission that has not reached completion. The GLO is not in a position to analyze data resulting from these programs until a substantial number of participants have been served. As

presented in prior responses, any analysis of data remains subject to the federal privacy laws and certain levels of data required FEMA approval before release.

Comment #37: "Data related to temporary housing programs administered by the GLO must be reported (number of applicants, number housed, locations of housing units, demographic characteristics of assisted households, etc.) and analyzed in the Draft Plan to inform long-term housing needs; the performance of short-term housing activities must be regularly reported for public review"

Staff Response #37: The provision of FEMA Direct Temporary Housing Assistance programs are ongoing and any analysis of data shall not be conducted until a substantial number of participants have been served. Any data analysis remains subject to federal privacy laws and may only be released at the discretion of FEMA.

Comment #38: "Methodology used to determine costs to serve unmet need for homeowners and renters is flawed"

Staff Response #38: The GLO is committed to continually evaluating methodologies utilized at all levels of program administration.

Comment Received #39: "Use separate and accurate rental and homeowner multipliers to accurately assess single and multifamily reconstruction and rehabilitation costs; Adjust rental cost multipliers to account for differential costs of financing units at different rents to accommodate households at differing income levels; Specify the type of housing assistance to be provided to households in each damage category; use the detailed FEMA Individual Assistance data available to GLO to better determine actual rental housing needs by identifying actual renter households and apartments and develop a more accurate estimate of the costs associated with rental housing displacement in lieu of relying on data from renter household personal property losses"

Staff Response #39: The GLO is working with the University of Texas to try to improve upon the preliminary data received from FEMA pertaining to renters. The response received to the affordable rental program in the allocation and the next will also inform the potential interest.

Comment Received #40: "Methodology for Determining Unmet Need Among LMI and Non-LMI Groups is Flawed"

Staff Response #40: The GLO is required under the law to utilize the most readily available and up-to-date data at the time of drafting of the Action Plan to assess unmet need. The GLO recognizes that there are other variables and data sets that could be useful in this analysis and is working to establish a means of utilizing those data sets for the benefit of assessing unmet need. For example, the GLO is using and analyzing data from the Social Vulnerability Index as an addition factor in conducting the assessment of unmet need.

Comment #41: "The State must analyze the infrastructure needs of LMI populations, include the analysis in the Draft Plan and made it available for public comment prior to adopting

the Action Plan; at a minimum, the Draft Plan should assume that households which did not report income represent LMI groups proportional to the reported need; the Draft Plan should utilize FEMA data on households denied FEMA assistance to ensure that these unmet needs are not also overlooked by the GLO in its CDBG-DR activities; review the data and analyses behind these unmet needs determinations by income group to understand the significant drop in the 31-50% MFI group and ensure that these households are adequately served by CDBG-DR activities"

Staff Response #41: A determination of unmet need, for both housing and infrastructure, is outlined with supporting data in the Proposed Action Plan. The GLO is committed to utilizing as many data sets as feasibly possible, beyond traditional FEMA data, to ensure that a holistic view of need is developed to ensure the best recovery possible. Applicants to all housing programs will be considered regardless of FEMA eligibility determinations.

Comment #42: "Methodology fails to account for differential rental housing affordability needs and fair housing requirements"

Staff Response #42: The GLO utilized the most current available FEMA data related to housing needs and will continue to update it as possible. AFFH reviews will be completed on every project considered for eligibility and funding.

Comment #43: "Address methodological problems in the analysis of renter household housing need; define a rental housing program that proportionately serves renters with affordable rent units in proportion to their respective share of the households with unmet housing need; analyze and address the unmet needs of housing choice voucher holders at the jurisdictional level; analyze and address the unmet needs of public housing residents displaced by the disaster at the jurisdictional level; do not adopt High HOME Investment Partnership (HOME) Rents as a rent standard; rent levels should be established on a case-by-case basis and set in a manner that proportionately meets the results of local needs analysis of the economic status of the renters with unmet housing needs; the rental program design in the Draft Plan should explicitly state the rental program will not perpetuate racial and economic segregation in the funding of rental housing under the CDBG-DR program; the Draft Plan should require that developments funded under the rental program should all house households at a variety of rent levels, with care being taken to develop new rental housing in areas where low-income families, who are disproportionately persons of color in the disaster impacted region, are permitted housing options in high opportunity areas and area that are not high poverty or with high concentrations of minority populations; require any landlord receiving any CDBG-DR assistance to enter into a legally binding covenant not to engage in discrimination against a tenant with any form of government rent voucher that is enforceable by the state and local government, prospective tenants and their representatives"

Staff Response #43: The GLO is committed to working with communities to define rental housing programs that respond to that community's specific rental household housing need. The majority of this assessment is done through the data and analysis presented in the Action Plan with further evaluation done as programs are proposed for implementation. All rental housing programs are

designed to remain in compliance with all applicable federal laws. The affordable rental housing must charge no more than high HOME rents and most of the units must be affordable to LMI tenants. Extra consideration may be given in project selection for properties that set aside units for lower income brackets. An Affirmatively Furthering Fair Housing (AFFH) review will be done on every affordable rental housing project in partnership with the Texas Appleseed.

Comment #44: "Data proposed to be collected and made public on program performance is insufficient"

Staff Response #44: The Federal Register specifically outlines the required data that must be published to the GLO's Disaster Recovery webpage in order to remain in good standing with HUD. The GLO has satisfied those requirements, to date, and shall publish the other specific items to the website as they are formed.

Comment #45: "The GLO website should provide at a minimum: monitoring, correspondence, letters, findings and reports; a monthly spreadsheet report for each beneficiary without name or address but with Census Block Group reporting the following data: city, ZIP Code, county, application submission date, application status, eligibility status, race of head of household, ethnicity of head of household, if the head of household is elderly, if there is someone with a disability in the household, the household income, the household income as a percentage of area median household income, activity type, total DR amount awarded, total DR amount expended, copies of complaints received and resolutions; a report on timeline benchmark performance by each sub recipient and contractor"

Staff Response #45: The GLO's Disaster Recovery website shall, upon formulation of these documents as the grant progresses, provide all enumerated information as specified in the Federal Register. The GLO is committed to remaining compliant with Federal Register requirements as established by HUD.

Comment #46: "Fair housing Activities Must be Specified in the Draft Plan"

Staff Response #46: The GLO is committed to ensuring all projects undergo a detailed AFFH review. This commitment includes the development of a review process and the potential for staff augmentation to incorporate subject matter experts to do such reviews.

Comment #47: "Incorporate the same provisions in this Draft Plan that it agreed to in 2010 in the Fair Housing Conciliation Agreement; assess the progress of CDBG-DR sub recipients on their Fair Housing Assessment Statements and require compliance as a mandatory prerequisite to administer CDBG-DR funds; assess the past successes and failures of the Homeowner Opportunity Program (HOP) that permitted homeowners to relocate from hazard-prone areas, areas of concentrated poverty, and/or racially and ethnically segregated areas. From this assessment, modify as needed and implement the HOP program as an option for Harvey disaster victims; produce regular reporting of indicators at the individual beneficiary level of data needed to assess Title VI compliance including income, race, national origin, disability and familial status"

Staff Response #47: The 2010 Fair Housing Conciliation Agreement remains an agreement between the two parties involved and has not legal bearing on future grants. It should also be noted that the primary issues that resulted in the drafting of the Agreement have served as lessons learned and policies and procedures have been substantially altered to ensure those issues do not repeat in the future. The GLO has been in consultation with HUD regarding the use of the "new national objectives" as they relate to buyouts and acquisition that will allow for more options than were previously available to homeowners during other CDBG-DR grants in Texas.

Comment #48: "Proposed buyout program should not be the top priority / use of existing Harris County flood control district guidelines must comply with fair housing and Title VI and be subject to a public participation process, Requested Action 18: The Draft Plan should propose use of the available funds for urgent need housing repairs and providing notice to affected households that the buyout program will be administered with funds made available in the next funding round; The Harris County Residential Buyout Program guidelines should be included, or their location referenced in the Draft Plan and the public permitted to read and comment on them as part of the public comment period for the Draft Plan; The GLO should formally review and approve the buyout program and guidelines for compliance and consistency with the obligation to Affirmatively Further Fair Housing; The program must operate under an affirmative marketing plan designed to reach classes of persons protected under the Fair Housing and Civil Rights Acts; The program guidelines must provide participants not simply the current appraised value for their homes, but enough to be able to purchase a suitable replacement home in a safe, non-economically distressed neighborhood that suits the needs of the participating household; Just as the GLO provided under its Hurricane Ike CDBG-DR relocation program, the services of relocation counselors and real estate services should be provided buyout participants and should operating under the procedures established by the GLO for the "Homeowner Opportunity Program"; The guidelines for the program must be open for review through a public comment process"

Staff Response #48: Any programs funded by the GLO for any activity from CDBG-DR funds will meet all program regulations for procurement, citizen participation, uniform relocation, AFFH, and flood plain management.

Comment #49: "Draft Plan Fails to Recognize and Address Known Civil Rights Infrastructure Violations. Two unacknowledged Title VI issues are of special concern yet are not acknowledged in the Draft Plan. 1) There is evidence, some of it developed through engineering studies undertaken with Hurricane Ike CDBG-DR funds, that neighborhoods of color have been provided with no storm water collection and infrastructure or systems that afford lesser levels of storm water protection than that provided by local jurisdictions to white neighborhoods. For example, 88% of the vast and mostly substandard open ditch drainage system in the city of Houston are located in African-American and Hispanic neighborhoods. To fail to acknowledge and address these inequities in the provision of storm water protection with a disparate racial impact would violate Title VI. This issue is the subject of a pending Title VI complaint against the City of Houston. 2) With regard to the location of government subsidized rental housing there is extensive evidence which the GLO

has access to, that these developments have been historically located in areas of concentrated poverty and concentrated areas of African-American and Hispanic population and concurrently largely excluded from majority White, non-Hispanic neighborhoods. There is an outstanding and unresolved Title VI finding against the City of Houston for continuing this practice"

Staff Response #49: The GLO remains committed to ensuring all CDBG-DR funds are expended in a manner that is consistent with all federal law. Any and all previous issues involving separate grants shall remain separate from this allocation, other than the implementation of lessons learned, unless other direction is received from HUD. All projects proposed by subrecipients, including the City of Houston, must be selected and proposed by the community for eligibility determination by the GLO.

Comment #50: "The Draft Plan must require the State of Texas and local governmental jurisdictions analyze the geographic distribution of public storm water infrastructure across neighborhoods and the impact of differential levels of storm water protection based on racial and ethnic composition on communities; the GLO and local jurisdictions must assess the geographic distribution of government subsidized housing and use that information to remedy that segregation by using CDBG-DR funds to develop government-subsidized rental housing outside of the traditional and disadvantaged areas"

Staff Response #50: All analysis of data presented in the Draft Action Plan is done as outlined in the Federal Register. The GLO is committed to ensuring that the data for each of these sections is analyzed efficiently and fairly to draw educated conclusions to guide programs arising from this allocation. As communities select and propose projects they will be required complete a local citizen participation process before submittal.

Comment #51 "Geographic Needs Analysis and Assignment of Program Funds, Draft Plan Provides no Foundational Basis for the Geographic Allocation of the 20% non-Harris County Funds Requested Action #20: the Draft Plan should clearly state the basis for the decision to allocate funds to the counties it has selected; the Draft Plan disclose the rental needs assessment that justifies the commitment of funds to the counties; the Draft Plan should provide a needs analysis of renters with unmet needs and disclose data that supports the appropriateness of the rent levels proposed for CDBG-funded rental units to be created in the counties; the Draft Plan should address the apparent civil rights and Title VI factors in the selection of the countries chosen as opposed to other counties with greater levels of disaster housing need"

Staff Response #51: The GLO, in its formation of the action plan, states the reasoning behind the decision to allocate funds to the specific counties that are listed within the document. The GLO is committed to drafting action plans in accordance with the requirements established in the Federal Register for that specific allocation. This comment will be given adequate consideration.

Comment #52: "Draft Plan Does not include or rely on Analyses Required by the HUD Notice: In preparation of the Action Plan, the GLO should compile information on Disaster Impact and Unmet Need, per the HUD recommended process, from local jurisdictions,

counties, and/or COGs. This information should clearly back up the decisions for funding priority and allocation. The Draft Plan should include a summarized Unmet Needs assessment making clear the rationale for prioritization of particular projects. This should include information on: The scope of each type of damage (Infrastructure, Housing, Commercial) by county or COG region. The funding available to cover these needs, and whether these are available from other sources than CDBG-DR funds. The capacity or skills needed to cover these needs, and whether these are available"

Staff Response #52: The GLO has presented and analyzed data, as required in the Federal Register, that provides a high-level look at the disaster impact and unmet need. The GLO remains committed to ensuring that unmet need, particularly for LMI households, is continually evaluated as programs and projects progress under the allocation. This Action Plan only allocates funds to buyout and affordable rental programs due to the limited amount of funds available.

Comment #53: "Draft Plan Should Detail How Maximum Feasible Priority Will Be Given LMI Families. Certification "h" on page 60 of the Draft Plan states, "With respect to activities expected to be assisted with CDBG-DR funds, the Draft Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families"

Staff Response #53: The GLO is committed to ensuring that Low- and Moderate-Income households are the prioritized during this recovery process. This prioritization is mandated by the 70% aggregate requirement under the Federal Register and shall be adhered to.

Comment #54: "This obligation should be acknowledged in the needs analysis section of the Draft Plan; The Draft Plan should detail how the funding decisions and program design in the Draft Plan are designed to meet this requirement"

Staff Response #54: The GLO's obligation to give maximum feasible priority to activities that will benefit LMI-families is first and foremost acknowledged by the nature of CDBG-DR funding and their required usage. Second, prioritization of certain LMI programs and projects shall be justified on a case-by-case basis should there be a situation in which a program or project not benefitting LMI populations were to present a conflict. The GLO shall issue such finding if and when that issue arises.

Comment #55: "Prioritization of Funds for Programs and Survivor Populations, "The "Rebuild Texas" Assessment Is Inadequate to Assess Infrastructure Needs", Requested Action 23: Undertake a full and accurate survey of infrastructure needs and include it in the Draft Action Plan"

Staff Response #55: The GLO recognizes that data concerning infrastructure needs has been slower to manifest as communities have been primarily concerning with their immediate post-disaster housing needs. The assessment completed by Rebuild Texas was intended to identify projects needed immediately following Hurricane Harvey to request much needed funds from multiple federal sources to include CDBG-DR. It will not be the basis for future allocations to

infrastructure except as a benchmark to request further funds. Any proposed project must be requested via an application and complete eligibility review.

Comment #56: "LMI Unmet Housing Needs Should Be Fully Funded Before Other Activities. Page 36 of the Draft Plan states, "While unmet housing needs will be addressed, there still remains significant unmet need in infrastructure and other non-housing sectors, including future tax revenue loss due to Hurricane Harvey. " We propose that the Draft Plan state that all LMI unmet housing needs will be addressed before any funding will be used for non-housing needs"

Staff Response #56: The GLO shall address, to the greatest extent feasible, address unmet housing needs in impacted communities. As required by the Federal Register, any funding used for any programs other than unmet housing needs must be adequately justified. The GLO is committed to remaining in compliance with the Federal Register and other applicable provisions.

Comment #57: "Adopt the following priorities for use of CDBG-DR funds: Priority 1: Unmet housing needs of owner and renter households with incomes below 50% MFI; Priority 2: Unmet housing needs of owner and renter households with incomes between 51% - 80% MFI; Priority 3: Critical storm water and flood control in neighborhoods with more than 50% population below 50% MFI; Priority 4: Critical storm water and flood control in neighborhoods with more than 50% population between 51% - 80% MFI; Priority 5: All other unmet housing needs; Priority 6: Addressing critical storm water and flood control in all other neighborhoods"

Staff Response #57: The GLO shall continue to work with communities to establish a prioritization, within the bounds of the Federal Register and other federal law requirements, of programs and projects funded with CDBG-DR funds from this allocation.

Comment #58: Disaster Recovery Design, Rules, and Monitoring: Lack Of A Clear Program Explanation Of The Short-Term Housing Programs, "The Draft Plan should: Analyze and report each short-term housing program's performance; Analyze and report the unmet short-term housing needs by region; Clearly describe how the Draft Plan proposes to use funds to address the needs; Propose modifications and improvements to the design and operation of short-term housing programs to address the lack of program effectiveness and disaster survivor participation"

Staff Response #58: The GLO's administration of FEMA Direct Temporary Housing Assistance are separate from any and all programs administered using CDBG-DR funds. All Direct Temporary Housing Assistance Programs are governed by an Intergovernmental Services Agreement executed by and between the GLO and FEMA. All relevant documents developed and maintained as a result of this agreement are not subject to the publication regulations presented under the Federal Register. Because these programs are still being implemented, an analysis and report of each program's performance is not a possibility until a later date. Similarly, modifications and improvements of the administration of these programs shall be evaluated at a later date.

Comment #59 "Data on Public and Subsidized Housing Damage Is Missing From Draft Plan, In its entirety, the Draft Plan's analysis of public and subsidized housing need consists of the

following paragraph.7. Public Housing Assistance (PHA) Data, Requested Action #26: the Draft Plan must be amended to provide an assessment of the damage and disaster recovery needs of public and subsidized housing; condition the provision of CDBG-DR assistance to local jurisdictions on the rapid rehabilitation or reconstruction of public and subsidized housing in a manner that affirmatively furthers fair housing"

Staff response #59: As stated in the Draft Action Plan, the GLO is committed to working with its partners to gather information regarding the impact of Hurricane Harvey on public housing. Once such data is available, the GLO shall use that data to analyze to overall impact on Public Housing Assistance.

Comment #60: "Differential Assistance Levels and Housing Program Provisions By Subrecipients Are Likely To Be Discriminatory; the Draft Plan should adopt all the provisions related to housing programs and particularly the provision from the 2010 Conciliation Agreement establishing uniform housing guidelines and the across jurisdictions and the right of homeowners to relocate from their pre-disaster residence; The Draft Plan should establish standard baseline benefit levels across jurisdictions; the Draft Plan should require that equivalent housing assistance programs are offered across all jurisdictions in the disaster affected regions; GLO should train administering jurisdictions on the potential Title VI and civil rights violations of adopting program procedures and guidelines that would discourage or impede members of protected classes from rebuilding within their jurisdictions"

Staff response #60: The GLO remains committed to working with localities in developing programs and projects that serve that localities specific unmet need. In doing so, program specifics shall be tailored to each locality and the GLO remains hesitant to establish broad remedies where detailed solutions are required.

Comment #61: "Section 3 Plan Must Be Available For Public Comment Requested Action 28: "The Draft Plan should provide a link to, recognize and commit to the §3 Hurricane Ike/Dolly stablished practices as a starting point for a §3 plan; GLO should assess the effectiveness of the §3 efforts in previous disasters and report those results in the Draft Plan; GLO should propose how to improve on local hiring effectiveness under a §3 Plan in this recovery; The §3 Plan and subsequent substantive changes should be subject to the public comment process afforded citizens for the Draft Plan; All job openings related to disaster recovery, from the State, subcontractors and other recipients should be posted on a central webpage"

Staff response to #61: The GLO remains committed in its compliance with Section 3 provisions and regulations. Several processes developed during previous grants will remain in place for the Hurricane Harvey Recovery. The GLO plans to utilize a specialized team for cross cutting regulations to include Section 3 compliance.

Comment #62: "Anti-Displacement Plan Not Included in Draft Plan; on page 59 the Draft Plan offers the following certification, "a. the grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with

any activity assisted with funding under the CDBG program" Requested Action 29: develop a residential anti-displacement and relocation assistance plan; include the residential anti-displacement and relocation assistance plan in the Draft Plan and provide an opportunity for public comment"

Staff response to #62: Any and all relocation assistance offered as a result of the administration of these grant funds shall be in full compliance with the Uniform Relocation Act. Harris County is currently finalizing their Buyout program guidelines which must be reviewed and approved by the GLO after being presented locally for public comment.

Comment #63: "Certification of Subrecipient Capacity to Administer Is Not Credible, Certification "I" on page 60 of the Draft Plan states; "The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner…"

Staff Response #63. The GLO will utilize experienced staff and tested programs in the implementation of the Hurricane Harvey Recovery. HUD Community Planning and Development has received the GLO's capacity documentation and is currently reviewing them.

Comment #64: "Incorporate in the Draft Plan and enforce the provisions of the 2010 Fair Housing Conciliation Agreement that each sub recipient be assigned performance benchmarks on a timeline and if the benchmarks are not met, the State will transfer program responsibility to another contractor or take over program administration itself"

Staff response #64: The 2010 Fair Housing Conciliation Agreement shall remain separate from the administration of this grant allocation. All sub recipients, in compliance with federal law, are subject to periodic audit and review of their program administration. The GLO retains all monitoring duties and all sub recipients are made aware of potential repercussions should there be any issues.

Comment #65: "Resilience and Mitigation Strategies; Proposed Elevation Standards Are Inadequate to Prevent Repeat Structure Flooding. "Certification "m" on page 60 of the Draft Plan states, "the grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55."; conduct assessment of the maximum flood level in the area of each protected project during storm events over the past 3 years and require the elevation of structures at least two feet above the highest level as well as 2 feet above the annual floodplain elevation"

Staff response #65: The GLO shall ensure all required structural elevation is in compliance with the requirements presented in the Federal Register. Absent a different directive from HUD, changes to these requirements will not be made.

Comment #66: "Needs of People with Disabilities, Homeless, Children Aging out of Foster Care: A. Plan Fails to Analyze Needs and Denies Assistance to The Homeless. Requested Action 32: "conduct a needs assessment of the disaster recovery needs of people with disabilities, homeless, children aging out of foster care; include the assessment in the report; describe how the State intends to meet the needs of these populations in the Draft Plan; publish the plan and provide the public an opportunity to comment on it"

Staff response #66: Given the amount of this particular allocation and the anticipated larger allocation to come, the GLO remains committed to utilizing future funds to address the needs of people with disabilities, the homeless, and children aging out of foster care. As stated, the GLO is comprehensively working with different organizations to ensure that adequate information is gathered to direct projects and programs to meet these needs once a second round of grant funding is released by Congress.

Comment #67: "Fails to Assess Needs of Special Needs Populations, Including Persons With Disabilities; the provisions in the Draft Plan relating to the needs of persons with disabilities and activities to assist this population is particularly insufficient and must be corrected; the Draft Plan should require both quality inspections and code compliance inspections on all projects funded with CDBG-DR; site inspections should be required on all projects to ensure quality and compliance with building codes; b. the Draft Plan should encourage and support sub recipients' efforts to update and strengthen local compliance codes to mitigate hazard risks due to sea level rise, high winds, storm surge, and flooding where applicable; in the project application, the Draft Plan should require sub recipients will submit an explanation of both current and future planned codes to mitigate hazard risks; the Draft plan should state that GLO will provide technical guidance on hazard mitigation code examples; for reconstruction or new construction of residential buildings, the Draft Plan should require recipients to follow the ENERGY STAR program for Green Building Standards; for rehabilitation of non-substantially damaged residential buildings, the Draft Plan should require recipients to follow the guidelines to the extent applicable as specified in the HUD CPD Green Building Retrofit Checklist; for infrastructure projects, the Draft Plan should state that GLO will encourage recipients, to the extent practicable, to implement green building practices; for reconstruction or new construction of residential buildings, the Draft Plan should require recipients to follow the minimum construction standards for accessibility adopted for previous disaster recovery efforts including accessible features; for rehabilitation of non-substantially damaged residential buildings, the Draft Plan should require architectural barrier removal or accessible features as required to make assisted units accessible and/or visitable as required; the Draft Plan should state that the GLO and sub recipients will develop a process to assess the impact of the disaster on persons with disabilities and incorporate this data into program design for the next rounds of CDBG-DR programs.

Staff response #67: The GLO, in its administration of CDBG-DR grant funds, remains committed to ensuring that the unique needs of certain populations are adequately assessed and addressed. This commitment is bolstered by our commitment to remaining in compliance with all federal requirements regarding reconstruction, new construction, and rehabilitations. The Federal Register associated with this allocation specifically references and outline these requirements.

Comment #68: "Improving Clarity of The Action Plan; portions of the Draft Plan Are Confusing, Undefined and Unclear and Ambiguous, "Revise the Draft Plan to eliminate confusing, undefined and unclear statements, undefined analysis and ambiguities; provide a single chart or table that illustrates, at the most practical level, how all funds are budgeted; provide an understandable interpretation for the passage cited above from page 37"

Staff Response #68: The GLO shall, before final publication of the Action Plan associated with this allocation, review and revise all language to ensure clarity.

Comment #69: "Include the following initiatives the Draft Plan for make securing help from government of all levels accessible, understandable and timely. a. designate a permanent lead state agency for disaster recovery; establish statutory protocols and oversight for recovery efforts; b. support the coordination of government-funded recovery efforts with faith-based and community groups; c. undertake outreach and communications efforts to reach all survivors; include door-to-door canvassing and special outreach efforts to hard-to-reach populations; distribute easily understandable multilingual materials; d. federal and state authorities provide technical assistance and support to all local governmental entities implementing disaster recovery programs; e. expand the role of case managers to assist survivors to navigate the recovery process from shelter and temporary housing to permanent housing; f. operate a tracking system to keep survivors informed where they stand in processes related to application and program benefits for short-term and long-term recovery; g. fund legal aid organizations and their coordination with pro bono attorneys to help survivors access recovery assistance and handle appeals; h. all communications and meetings must be accessible to people in their primary languages and program staff able to communicate with survivors in the relevant language; i. ensure accommodations are made for people with disabilities and the process for survivors requesting accommodations is publicized and easily accessible and usable by people with disabilities."

Staff response #69: The GLO, as the lead Texas agency for the administration of CDBG-DR funds, remains committed to undertaking efficient and effective grant administration at all levels. This includes a commitment to providing technical assistance to localities who need it and working with unconventional organizations to aide in the recovery process. The GLO shall continue to use its best efforts to improve its policies and practices and, to the extent permitted under the federal regulations, use grant funds in the most effective and efficient manner to foster recovery.

Comment #70: "Include the following initiatives the Draft Plan to secure for everyone in need safe, temporary, accessible housing where they can reconnect with family and community, provide temporary housing through a FEMA/HUD disaster voucher program (DVP); fund the disaster voucher program adequately to allow tenants to access safe, quality, accessible housing, fund a regional tenants' council to help survivors who rent understand their rights and responsibilities under Texas law; enact local short-term rent stabilization policies to prevent landlord rent gouging; permit local municipalities and state agencies to suspend housing evictions during the months immediately following a disaster; enact state laws and policies to prevent landlord housing discrimination against survivors using Disaster

Recovery Vouchers and Housing Choice Vouchers; step up HUD's Fair Housing investigation and enforcement efforts"

Staff response #70: All short-term direct temporary housing assistance programs remain outside the scope of current funding and, as previously stated, are a result of the Intergovernmental Service Agreement executed by and between the GLO and FEMA.

The ability to enact laws and policies cited in this request are outside the powers of the GLO and are items that should be taken to the legislature for consideration.

Comment #71: "Include the following initiatives the Draft Plan providing displaced people access to all the resources they need to recover housing, personal property and transportation; disaster rebuilding jobs and contracts are locally sourced and provide fair wages; ensure disaster survivors have access to food, education, health care, mental health services, and other critical resources they need to recover; provide an expedited process for families to access FEMA funds to repair, replace or enter into a short-term lease for a car; employ social workers to assist survivors with special social needs; maintain and enforce worksite safety standards and prevailing wages; support legal aid and fair housing organizations to assist with survivors' legal issues as they go through the recovery process, such as consumer protection matters, mortgage foreclosure problems, and insurance claims; establish protocols to maximize the hiring and contracting of unemployed and underemployed local residents and small businesses; provide information to survivors, volunteers and workers engaged in the recovery about exposure to environmental, health and safety hazards in the cleanup"

Staff response #71: The GLO remains committed to ensuring displaced persons receive access to the resources they need to recover. The GLO shall, within the confines of the limitations placed on CDBG-DR funding, continue to seek innovative solutions to accomplish these needs.

Comment #72: "Include the following initiatives the Draft Plan so that everyone is fairly assisted to recover fully and promptly through transparent and accountable programs and compliance with civil rights laws, with survivors having a say in the way assistance is provided; make individual renter and homeowner recovery the highest priority; if Congress fails to appropriate enough CDBG-DR funds to fully cover all housing needs, use 80% of CDBG-DR assistance for low- and moderate-income families, including those making less than 30% of the median family income; use small-area aggregated FEMA claims data to fairly allocate funds across jurisdictions and neighborhoods to serve survivors in proportion to need; establish binding program performance goals and timelines for all public and private agencies administering government recovery funds; set up an independent state public commission with staff, reporting to the Governor and Texas Legislature, to oversee and advise on all aspects of the recovery; appoint a state inspector general for disaster recovery reporting to the independent recovery commission to audit, investigate and oversee recovery programs; provide effective public participation in design and oversight of disaster recovery; extend the Hurricane Ike/Dolly fair housing agreement into the Hurricane Harvey program to ensure that disaster recovery actions further fair housing; provide training and ongoing review of program design and administration to ensure compliance with fair

housing, Section 504 and Title VI laws; assist immigrants to recover homes, personal property and to rebuild their lives; prevent predatory and exploitative practices; suspend enforcement of SB; require apartment developments funded with CDBG-DR or Low Income Housing Tax Credits to provide apartments affordable for extremely low income households; require new apartments to be located in quality neighborhoods that do not flood and have access to good schools and services; FEMA, HUD and state and local government should ensure that people who were homeless at the time of the disaster are eligible for benefits"

Staff response #72: As previously stated, prioritization of programs and projects shall be determined in coordination with the locality. The GLO remains weary of instituting blanket policies and remains committed to ensuring the needs of localities are specifically tailored to ensure the highest level of effective recovery. The GLO shall continue to do everything within its defined powers to ensure that each community is served in a manner that fosters meaningful recovery.

Comment #73: "Include the following initiatives the Draft Plan so that homeowners are able to quickly repair or rebuild in safe, quality neighborhoods of their choice that fit the needs of their families; fund a rapid repair program to quickly repair and stabilize the homes of the most vulnerable homeowners within the first three months; continue the Texas Homeowner Opportunity Program (HOP) in the current recovery, permitting all homeowners to choose to: 1) rebuild on site; 2) rebuild in a safer neighborhood; or 3) purchase an existing home in a less vulnerable neighborhood; establish procedures to use recovery funds in a way that does not reinforce racial/ethnic segregation and allows homeowners to rebuild in neighborhoods with adequate public infrastructure and no hazardous environmental exposure; apply and enforce accessibility and "visitability" standards for persons with disabilities to all housing constructed under the disaster recovery; fund and support the operation of RAPIDO (rapid temporary-to-permanent homeowner rebuilding) programs as large-scale demonstrations across the disaster area; adopt terms of Senate Bill 1673 (2017 Regular Session) for advance local disaster rebuilding preparation with Texas A&M's Hazard Reduction and Recovery Center; provide property tax breaks for the reconstructed homes of low-income families; h. continue the Texas Title Project to assist lower-income homeowners with clouded titles to clear their home property titles."

Staff response #73: The GLO, through the administration of FEMA Direct Temporary Housing Assistance, has worked to provide quick repair and stabilization of impacted homes. The GLO is committed to continual development and improvement of this administration to ensure effective recovery in our communities. This commitment includes the GLO working within its defined powers to ensure all eligible disaster victims have their unmet needs addressed. Procurement, environmental compliance and eligibility standards of longer term CDBG-DR programs do not allow for the same timeframe for response.

Comment #74: "Include the following initiatives the Draft Plan for renters to quickly get quality, affordable, accessible rental housing in safe, quality neighborhoods of their choice that fits the needs of their families; provide renters with counseling on options to move to safer neighborhoods; all tenants in damaged or destroyed subsidized housing must be

provided the option of choosing between a home in a subsidized apartment development or receiving a Housing Choice Voucher to rent privately-owned housing; vouchers must be portable to allow survivors to move to other cities and regions if they choose to move; a dedicated portion of CDBG-DR funds and Low Income Housing Tax Credits should be set aside to reconstruct HUD-subsidized apartments in appropriate locations; assess survivor incomes and target funding to address their rental housing needs; rebuild (without a loss of units as mixed-income developments) HUD-subsidized and affordable, privately-owned rental housing in quality, safe, diverse neighborhoods; relocate all publicly-funded housing out of 100-year floodplains; provide for the replacement of scattered-site, single-family rental housing in quality, neighborhoods that are not vulnerable to future disasters; secure a federal allocation of Housing Choice Vouchers to achieve within disaster areas per capita parity of federally subsidized housing with other large US cities; prohibit landlords receiving recovery assistance from discriminating against tenants with housing vouchers or income derived by persons with a disability; expand landlord participation in voucher programs in safe, diverse neighborhoods"

Staff response #74: The relocation of rental tenants shall be in compliance with all standards presented in the Federal Register and the Uniform Relocation Act. The GLO shall work to ensure that all policies and procedures regarding the relocation of rental tenants are developed in a manner that fosters access to quality, accessible, and safe housing units.

Comment #75: "Include the following initiatives the Draft Plan to ensure all neighborhoods are free from environmental hazards, have equal quality public infrastructure and are safe and resilient; update FEMA flood maps and Flood Insurance Rate Maps to accurately assess where floodplains are located and to reflect the reality of current flood risk; assess the impacted areas and produce a disaster and social neighborhood vulnerability index used to target public infrastructure and environmental programs and provide information to survivors to use to choose where they want to live; invest in local drainage infrastructure and other infrastructure needed to meet a base-level standard of flood protection and safety for all residents; eliminate the racial and ethnic disparities that exist in residents' access to flood protection; develop a comprehensive, voluntary neighborhood buyout program in areas of major environmental risk near industrial facilities, refineries and rail and port facilities; provide voluntary individual buyouts to permit survivors to relocate away from flood hazards, environmental hazards, segregated areas and other unsafe conditions; fully remediate EPA Superfund and other high priority environmental hazard sites near residential and flood hazard areas; build resilient, flood-safe homes that will survive future disasters; support comprehensive and coordinated testing of water, soil and air quality in the impacted areas and create a portal to publicly share test results; establish an advisory network to oversee, coordinate and provide technical assistance during the recovery, comprised of university and other subject matter experts on environmental and fair housing law, engineering, urban planning, housing, disaster recovery, floodplain management and disaster impacted citizens; ensure the safe and proper testing, classification and disposal of cleanup waste; rebuild damaged public schools to be models of excellence and innovation.

Staff response #75: All projects and programs shall undergo, in compliance with federal law, the requisite environmental reviews before a project or program may be executed. These reviews

include an assessment of the floodplain boundaries, potential environmental hazards, and any possibilities of mitigation of hazards. The result of these evaluations shall guide the implementation of all programs and projects.

Comment #76: Concern about the Draft Plan designating $8,000,000 of CDBG-DR funds to be used as the state's matching share for the PREPS program, when the Governor and the LBB have the authority to use their existing transfer authority to cover this program.

Staff Response #76: The GLO is committed to ensuring the responsible, effective, and efficient usage of Hurricane Harvey CDBG-DR grant funds and this includes thoughtful leverage of other funding sources. As of the date of this response (02/16/2018) and after consultation with the Governor's Office, it is the intention of the GLO to execute an amendment to the proposed action plan permitting the $8,000,000.00 referred to in this comment to be utilized by Harris County for further buyout activities instead of applying it towards the required match amount for the PREPs program. The GLO will continue to receive feedback and assess this issue further in the future if warranted.

Comment #77: "We are concerned about the draft plan designating $8,000,000 of CDBG-DR funds to be used as the state's matching share for the PREPS program"

Staff Response #77: The GLO is committed to ensuring the responsible, effective, and efficient usage of Hurricane Harvey CDBG-DR grant funds and this includes thoughtful leverage of other funding sources. As of the date of this response (02/16/2018) it is the intention of the GLO to execute an amendment to the proposed action plan permitting the $8,000,000.00 referred to in this comment to be utilized by Harris County for further buyout activities instead of applying it towards the required match amount for the PREPs program. The GLO will continue to receive feedback and assess this issue further in the future if warranted.

Comment #78: "We request that the eligibility criteria be expanded to allow the buyout of single family structures that may have been renter occupied at the time of the storm that are critical to allowing the land to return to flood plain preservation or for future flood damage reduction projects"

Staff Response #78: The GLO, in coordination with every community impacted by Hurricane Harvey, is committed to developing recovery strategies that would best serve that particular community. Commentary and feedback, as provided here, is valuable and encouraged as a means of exploring all aspects of recovery to allow the GLO to implement the most effective and efficiency policies. First priority will remain owner occupied units but if need presents itself, the GLO will consider a waiver request from Harris County.

Comment #79: "We support the Plan's consent to allow drawdown of pre-agreement costs associated with eligible disaster recovery activity dating back to the date of the disaster for subrecipients that can demonstrate appropriate documentation and eligibility of costs"

Staff Response #79: The GLO, in an effort to ensure streamlined efficiency in administration of grant funds, has consented to the allowance of pre-agreement costs associated with eligible disaster recovery activities. Positive feedback, such as this, is appreciated.

Comment Received #80: "The GLO did not outreach to any disability organization, (Stakeholder/Partner Meetings – Outreach)"

Staff Response #80: The GLO, in an effort to engage with community stakeholders and partners, has conducted weekly and/or bi-weekly meetings with local elected officials and Council of Government representatives. The GLO remains cognizant of the need to coordinate with other community partners and is working to ensure that said coordination occurs as all programs associated with Hurricane Harvey CDBG-DR funds are executed.

Comment Received #81: Unmet Need Data provided in the plan does not include the appropriate need data related to disability.

Staff Response #81: The General Land Office, in making its initial unmet needs assessment, utilized the best available data at the time of compilation. It should be noted that HUD expects needs assessment to be updated and changed as post-disaster situations evolve and more feedback is received from organizations like Disability Rights Texas. The GLO is committed to utilizing feedback like this to ensure that all areas and aspects of unmet need are properly and adequately considered moving forward.

Comment Received #82: Usage of FEMA data to present a more accurate assessment of the disabilities needs of persons in the disaster area.

Staff Response #82: Data collected and analyzed by FEMA for FEMA administered programs is entirely the property of FEMA and, in most instances, not available for GLO usage as it is protected by Federal Privacy laws that prohibit its release to the public. Although this does prohibit this route, the GLO is committed to finding alternative means and data sources to ensure an analysis of the needs of persons with disabilities in the disaster area is as a complete as possible.

Comment #83: Proposed requirements for recipients of funds for new construction, substantial rehabilitation and infrastructure projects follow minimum construction standards for accessibility, Fair Housing Design Manual by HUD, Texas Accessibility Standards (§2306.257; §2306.6705(7)).

Staff Response #83: The GLO shall take each of these into consideration as it coordinates with communities to design recovery programs.

Comment #84: Prioritize repair and rebuilding of existing homes/apartments inhabited by individuals with disabilities if it is determined that they are at risk of institutionalization.

Staff Response #84: The GLO shall take each of these into consideration as it coordinates with communities to design recovery programs.

Comment #85: The plan should consider addressing the need for administrative support for disability organizations working to meet the housing needs of individuals with disabilities.

Staff Response #85: The GLO shall take into consideration the concerns raised regarding the need for administrative support for disability organizations working to meet the housing needs of individuals with disabilities and consider all potential avenues of aid within the limitations of the governing laws, rules, and regulations associated with CDBG-DR funds.

Comment #86: Certifications should include that the grantee will remain in compliance with the American with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. §§701 et seq.).

Staff Response #86: All certification requirements are specifically spelled out in the Federal Register and any additional certification requests will be taken into consideration.

Comment #87: Immediate need in Houston is housing for residents displaced by the storms and acute lack of affordable housing in the city; we support the state's plan to prioritize this round of funding exclusively for housing.

Staff Response #87: The GLO remains committed to prioritizing housing recovery as it relates to funds allocated in association with Hurricane Harvey recovery efforts. The prioritization of housing shall remain in effect, as mandated by the Federal Register, unless other directives are received by HUD.

Comment #88: We support the state's plan to prioritize low- and moderate- income families and to focus on unmet need, especially for those denied by FEMA.

Staff Response #88: The GLO remains committed to prioritizing the unmet need of low- and moderate-income families to ensure equitable recovery. The GLO, in addressing these unmet needs, is working collaboratively with communities to ensure eligibility criteria for CDBG-DR funds are as expansive as possible to serve the maximum amount of impacted citizens.

Comment #89: We also support the state's plan to use the outlined "Affirmatively Furthering Fair Housing" review for both housing and infrastructure projects.

Staff Response #89: The GLO remains committed to ensuring all programs and projects implemented using Hurricane Harvey CDBG-DR funds remain in compliance with all federal requirements including Affirmatively Furthering Fair Housing policies.

Comment #90: Residential buyout amounts should be determined by estimated costs for a family in Harris County to move and secure a new home.

Staff Response #90: The feedback provided concerning the calculation of residential buyout amounts will be considered as buy programs are formulated.

Comment #91: We support the state's plan for the Partial Repair and Essential Power program in Harris County.

Staff Response #91: The Partial Repair and Essential Power (PREPs) Program has proven to be a successful Direct Temporary Housing Assistance Program and the GLO remains open to any and all feedback to ensure that implementing this program for future disasters is done so effectively and efficiently.

Comment #92: Affordable rental recovery is desperately needed in Houston.

Staff Response #92: The GLO, through its needs analysis, recognizes the vast unmet need of affordable rental housing needed in Houston. The GLO is committed to ensuring equitable recovery for all Texans and will strive to ensure that the unmet needs of affordable housing patrons are addressed in coming allocations as funds and regulations permit.

Comment Received #93: "Compliance with Fair Housing and Title VI Findings and Agreements"

Staff Response #93: The GLO is committed to administering Hurricane Harvey CDBG-DR funds in a manner that is consistent with all applicable federal law, rules, and regulations. This commitment is inclusive of compliance with Title VI of the Civil Rights Act of 1964, compliance with the Fair Housing Act, and meaningful actions that Affirmatively Further Fair Housing. It deserves noting that the certifications contained within the current Draft Action Plan pertain to the administration of Hurricane Harvey CDBG-DR funds and are not a retroactive certification of any prior grant administration.

Comment Received #94: Community Participation

Staff Response #94: The GLO remains committed to fully complying with all citizen participation requirements outlined in the Federal Register. This includes taking steps to translate the action plan into languages tailored to the demographic, publication of the action plan for 14 days (as required by the Federal Register), and an extension of the public comment period as requested by advocacy agencies. The GLO has also been conducting weekly and/or bi-weekly meetings with Council of Government leaders and elected officials to communicate, on the most local level practicable, the needs of each individual community. It should be noted that the GLO, in coordination with advocacy groups and HUD, recognized the need for additional language translations and has diligently worked to provide those translations as needed.

Comment Received #95: Data

Staff Response #95: The GLO is committed to exploring a multitude of data sets in order to construct a more comprehensive picture, outside of FEMA provided data, of the unmet needs of impacted Texans in the disaster area. The current unmet needs assessment was drafted using FEMA data that was best available at the time of drafting and, as specified by HUD in the Federal Register, grantees are expected to make updates and changes to the needs assessment as more data becomes available to the GLO.

There is an issue, however, with the sharing of FEMA data amongst recipients: all data collected and analyzed by FEMA is owned by the agency and subject to federal privacy laws that prevent

release of personally identifiable information. The release of FEMA data to any other organization is within the complete discretion of FEMA and outside of the purview of the GLO. The GLO has made every effort to secure data from FEMA and the lowest level practicable and has only provided that which was deemed in compliance with federal law.

Comment Received #96: Nondiscrimination Notice and Non-Discriminatory Allocations

Staff Response #96: The GLO shall take into consideration the comments made in this section regarding the posting of statements of nondiscrimination in public facilities, on public websites, and on notices distributed to the public during disasters and emergencies.

The justification for the allocation of the 20% of this initial allocation can be found in the Action Plan

Comment Received #97: Meaningful Access to LEP Individuals

Staff Response #97: The GLO, after further confirmation and consultation with HUD, is currently evaluating the undertaking of additional translations of the Action Plan in order to maintain compliance with the Safe Harbor guidance provided. Given the vast number of languages spoken within the impacted disaster area, the GLO is committed to utilizing the factor test to justify which languages are selected for further translation of the Action Plan. It should be noted, however, that coordination with advocacy groups has led to a Spanish publication of the Action Plan and an extension for public comment in an effort to meaningfully create access to LEP individuals.

Comment Received #98: Access for Individuals with Disabilities

Staff Response #98: The GLO is committed to ensuring the administration of Hurricane Harvey CDBG-DR funds is conducted in a manner that provides access for individuals with disabilities. The proposals contained within this section of your comment letter will be considered as programs are designed and implement.

Comment #99: "We strongly support the state's assessment that housing is the most urgent and critical need, is integral to successful and resilient recovery, and that prioritizing safe, resilient, and affordable housing for disaster survivors should be prioritized"

Staff Response #99: Positive feedback is greatly appreciated. The GLO attempted to utilize the funds provided in the most effective way within the spending requirements imposed in the Federal Register and with the knowledge that future, larger funds were forthcoming.

Comment #100: "We encourage the State lengthen the public comment period for the Action Plan, and for future plans, make action plan accessible to all affected households"

Staff Response #100: The GLO, after further confirmation and consultation with HUD, is currently evaluating the undertaking of additional translations of the Action Plan in order to maintain compliance with the Safe Harbor guidance provided. Given the vast number of languages

spoken within the impacted disaster area, the GLO is committed to utilizing the factor test to justify which languages are selected for further translation of the Action Plan.

The GLO remains committed to efficient and effective recovery methods and is dedicated to maintaining compliance with all publication and comments requirements presented in the Federal Register. The streamline citizen participation deadlines were utilized, as permitted, under the Federal Register. Finally, the Federal Register does enumerate specific documents that must be published to the GLO's disaster recovery website and it is the full intention of the GLO to adhere to these requirements as these documents develop throughout the life of this grant. Based on this request and others the public comment period for this Action Plan was extended to 30 days.

Comment #101: "Input from affected citizen and community groups is an integral part of the needs assessment, there is not indication that the State consulted with "affected citizens"

Staff Response #101: The GLO has engaged in ongoing communication with affected communities via weekly and/or bi-weekly conference calls and a multitude of meetings in every corner of the impacted area. For a list of meetings held see Action Plan page 54 of 61.

Comment #102: "Calculating a damage amount based on personal property loss rather than unit loss would result in an entirely accurate amount of unmet need for rental housing"

Staff Response #102: The GLO, in responding to and assessing the damage caused by Hurricane Harvey, has continually consulted with affected citizens, stakeholders, and local governments through weekly and/or biweekly conference calls with elected officials and councils of government and numerous on-site visits for direct communication of concerns with the citizens of impacted communities.

The GLO is working with multiple partners to ensure that an assessment of unmet need is conducted in an innovative manner that utilizes sources like the Social Vulnerability Index to ensure equitable recovery. The feedback provided in this section is a valuable addition to the GLO's assessment and will be given adequate consideration.

Comment #103: "FEMA's temporary housing programs disadvantaged renters and lower-income homeowners"

Staff Response #103: The FEMA funded Direct Temporary Housing Assistance Programs present specific eligibility criteria determined entirely by FEMA. The GLO is committed to ensuring that all policies and procedures going forward work to serve the largest number of impacted citizens in the most efficient way possible.

Comment #104: "FEMA data undercounts damages to low and moderate income homeowners"

Staff Response #104: FEMA damage assessments are utilized by HUD to determine allocations of appropriations to states including Texas. This data remains one of the few objective sources

that are available across the impact area. Recognizing the short falls of exclusively using FEMA data, the GLO considers other data sources as well when allocating funds.

The GLO is committed to providing equitable recovery and is consistently working to ensure that all programs and projects associated with Hurricane Harvey allocations foster this goal. FEMA policies and practices are outside the direct control of our organization and any proposed changes to those policies should be advocated to FEMA directly.

Comment #105: "Homeowners without clear title are not eligible for SBA loans which in turn contributes to the disproportionate undercounting of damage to households and neighborhoods of color"

Staff Response #105: The clear title standards regulations are established and upheld by FEMA and any changes in their policies and/or procedures regarding those regulations should be addressed to them. Real property rights are, by nature, a complicated issue and if there is a deficiency in the FEMA process for explaining those issues to applicants then those concerns should be addressed with FEMA.

Comment #106: "FEMA has repeatedly refused to make some damage data and data about application approvals and denials public"

Staff Response #106: All data collected during the administration of the Direct Temporary Housing Assistance Programs is, as outlined in the Intergovernmental Services Agreement executed by and between FEMA and the GLO, federally owned data subjected to federal privacy rules and regulations. FEMA has stated that the release of such data is only done if and when FEMA determines that release said data is done in response to a compelling need. FEMA is the sole steward of that determination.

Comment Received #107: "Concerns that alternative evaluation of infrastructure needs based on priorities identified by impacted communities, heavily damaged jurisdictions that would be expected to be on the list do not have proposed projects on the list"

Staff Response #107: The GLO does not have access to all the application data for the FEMA programs. The GLO remains committed to addressing any and all issues that arise from using FEMA data as the sole source for certain data analysis. Any and all commentary and feedback that proposes alternative means of determining unmet need are welcomed for consideration.

Comment Received #108: "Capacity barriers for smaller, poorer or more rural communities intensified by the aftermath of a disaster"

Staff Response #108: The GLO, in an effort to address capacity needs in smaller communities, fully anticipates taking on a more active role in the grant administration process. This expanded role includes aiding these smaller communities in application preparation and program implementation.

Comment Received #109 "There are several projects in the report that are economic development projects with no clear, or even claimed, tie to unmet disaster needs"

Staff Response #109: Any and all proposed projects shall be screened for compliance and subsequently approved by GLO before they are executed with CDBG-DR funding. The GLO is committed to ensuring all projects, as required by federal law, tie back to an unmet disaster need.

Comment Received #110: "Tt is critical that recovery from Hurricane Harvey is coordinated in order to leverage all available funds"

Staff Response #110: The GLO remains committed to leveraging funding sources at all levels to ensure CDBG-DR allocated funds are utilized in a manner that fosters the most effective and efficient recovery effort possible. The GLO continues to work with the State delegation and HUD leaders to assure the most possible flexibility of CDBG-DR funds possible to allow for leverage where ever possible.

Comment Received #111: "Many jurisdictions have not assessed their infrastructure on the basis of greatest need"

Staff Response #111: The GLO is committed to ensuring infrastructure projects are executed in a manner that remains consistent with addressing the unmet need low- and moderate-income 70% aggregate requirement.

Comment Received #112: "Harris County Residential Buyout Program guidelines for a buyout program be developed in a transparent process"

Staff Response #112: In developing the Harris County Residential Buyout Program the GLO is open and appreciative of all input that positively contributes to developing guidelines, processes, and procedures that align with the State's prioritization of housing needs for LMI families.

Comment Received #113: "Unclear from Action Plan what methodology the Affordable Rental Recovery Program used to award in Aransas, Nueces, and Refugio Counties"

Staff Response #113: The allocation of $10.86 million for the rehab and construction of multifamily housing projects in Aransas, Nueces, and Refugio Counties was determined to be the most impactful and effective usage of funds given the current amount of the allocation and in consideration of an anticipated larger allocation from Congress.

Comment Received #114: Allocation of CDBG-DR Funds and Future Action Plans/Action Plan Amendments, A. Housing, "A minimum of 51% of units are affordable to individuals earning 80% or less of Area Median Family Income (AMFI) or comply with High HOME Investment Partnership rents does not represent true affordability or meet the needs of disaster survivors"

Staff Response #114: The GLO remains committed to developing a housing replacement and repair strategy that would serve as many impacted storm survivors as possible while maintaining

compliance with the overall mandate of prioritizing unmet housing need and the unmet needs of LMI households. As mentioned in the comment, the GLO has previously utilized a proportionality requirement for the administration of housing programs and will continue to be a factor for consideration moving forward.

The GLO, in anticipation of a second allocation of CDBG-DR funding related to Hurricane Harvey, is currently working to incorporate all feedback regarding proposals for setting aside funds for specific programs. The information and analysis provided in this comment will be considered, particularly as it pertains to the potential partnership with of Low-Income Housing Tax Credit programs, programs to offset and prevent homelessness, programs designed to address the issue of youth facing homelessness, and the Homeowner Opportunity Plan.

Comment Received #115: Infrastructure and Economic Development, "Concerns about the data and methodology used to identify infrastructure needs, whether that analysis incorporated pre-disaster conditions, the lack of information about the proposed beneficiaries of these projects, and the shocking lack of projects proposed for some of the hardest hit areas. We understand that these are preliminary data, and that better sources will be available and incorporated into future needs assessments, but we urge GLO to conduct continuing needs assessments and evaluations of proposed projects with these issues in mind, for all of the reasons laid out in our comments above"

Staff Response #115: The GLO remains committed to the periodic evaluation of multiple data sources to determine infrastructure and economic development needs as that data becomes available. These periodic evaluations are inclusive of reviews to solidify compliance with all equity and civil rights concerns and continually work to ensure that all recovery activities work to rebuild in resiliency.

Comment Received #116: "The GLO did not outreach to any disability organization, (Stakeholder/Partner Meetings – Outreach)"

Staff Response #116: The GLO, in an effort to engage with community stakeholders and partners, has conducted weekly and/or bi-weekly meetings with local elected officials and Council of Governments representatives. The GLO remains cognizant of the need to coordinate with other community partners and is working to ensure that said coordination occurs as all programs associated with Hurricane Harvey CDBG-DR funds are executed.

Comment Received #117: "Unmet Need Data does not include the appropriate need data related to disability"

Staff Response #117: The General Land Office, in making its initial unmet needs assessment, utilized the best available data at the time of compilation. It should be noted that HUD expects needs assessment to be updated and changed as post-disaster situations evolve and more feedback is received from organizations like Disability Rights Texas. The GLO is committed to utilizing feedback like this to ensure that all areas and aspects of unmet need are properly and adequately considered moving forward.

Comment Received #118: "Usage of FEMA data to present a more accurate assessment of the disabilities needs of persons in the disaster area"

Staff Response #118: Data collected and analyzed by FEMA for FEMA administered programs is entirely the property of FEMA and, in most instances, not available for GLO usage as it is protected by Federal Privacy laws that prohibit its release to the public. Although this does prohibit this route, the GLO is committed to finding alternative means and data sources to ensure an analysis of the needs of persons with disabilities in the disaster area is as a complete as possible.

Comment Received #119: Proposed Requirements for Recipients of Funds include accessibility requirements, Fair Housing Act Design Manual produced by HUD, and the Texas Accessibility Standards (§2306.257; §2306.6705(7)), architectural barrier removal (including items like flashing smoke alarms for people who are deaf, specialized environmental control system, etc.) or accessible features as required to make assisted units accessible and/or visitable"

Staff Response #119: The GLO shall take each of these into consideration as it coordinates with communities to design recovery programs.

Comment Received #120: "The action plan should include administrative support for disability organizations working to meet the housing needs of individuals with disabilities"

Staff Response #120: The GLO shall take into consideration the concerns raised regarding the need for administrative support for disability organizations working to meet the housing needs of individuals with disabilities and consider all potential avenues of aid within the limitations of the governing laws, rules, and regulations associated with CDBG-DR funds.

Comment Received #121: "Certifications should include that the grantee will remain in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. §§701 et seq.)."

Staff Response #121: All certification requirements are specifically spelled out in the Federal Register.

Comment Received #122: The draft Action Plan fails to adequate provide funds and programs for affordable housing, which will result in the exacerbation of existing housing affordability gap.

Staff Response #122: The GLO remains committed to addressing unmet housing needs in the areas impacted by Hurricane Harvey. The data and analysis presented in this comment is recognized as valuable and will be considered as programs and activities related to housing move forward. Programs were designed within the limitations of the Federal Register, size of the allocation, and with the knowledge further funds will be provided.

Comment #123: High HOME Rent and Affordability in the Coastal Bend Area: Presentation of overall data and analysis.

Staff Response #123: The information provided in this comment regarding the affordability of housing, specifically as it pertains to renter households with lower income levels, presents a valid analysis of data that will be considered by the GLO. The GLO remains committed to ensuring all disaster recovery activities are conducted in an effective manner that fosters efficiency in reaching those Texans who need it the most.

Comment #124: Ten-Year Affordability Period on Rental Housing is insufficient and a much longer time frame should be imposed.

Staff Response #124: The GLO remains committed to providing affordable rental housing, through the implementation of recovery projects and programs, to those who qualify. The expectation for these funds is that they will likely involve rehabilitation and reconstruction of existing damaged units which seems to be in line with a 10-year affordability requirement as with previous programs.

Comment #125: Lack of Savings in case of Emergency and Racial Equity Implications: The GLO should consider that a lack of savings for emergencies disproportionately occurs within certain racial groups and this should be a factor when considering fund allocation and distribution methods.

Staff Response #125: The GLO is committed to utilizing a multitude of data sets and resources to accurately form a holistic picture of unmet need in the disaster impact areas. The analysis presented in this comment presents a valid issue that the GLO will give meaningful consideration as it moves forward with the implementation of disaster recovery programs.

Comment #126: The methodology for determining unmet needs underestimates those for low- and moderate-income (LMI) households, and especially for extremely low-income households.

Staff Response #126: The GLO, in its commitment to utilize multiple data sets and resources in assessing unmet need, is currently exploring resources like the Social Vulnerability Index in an attempt to assess an impacted person's ability to recover.

The data and analysis presented in Tables 1 and 2 of this comment outline an issue that the GLO is actively working to address through the implementation of policies and procedures that foster projects that Affirmatively Further Fair Housing. As stated above, the GLO is exploring multiple avenues of data to ensure that a holistic view, beyond the arbitrary cutoffs, is developed to ensure an accurate unmet needs assessment.

The methodology presented in this comment warrants further review by the GLO staff and it will be adequately considered as the Draft Action Plan is revised. The GLO appreciates the analysis and feedback provided by these comments and encourages all advocacy partners to continue to collaborate to ensure the most effective and efficient disaster recovery possible.

Comment #127: Proposal that the Action Plan must Prioritize Low- and Moderate-Income Communities.

Staff Response #127: The GLO, in compliance with 42 U.S.C. §5301(c), shall allocate 70% (seventy percent) of the aggregate CDBG-DR program funds to support activities benefitting low- and moderate-income persons. The GLO, and any of its partners in the recovery process, will work to ensure a fair and equitable recovery from Hurricane Harvey.

The four fundamental rights of recovery, which have been brought to the attention of this agency through multiple public comments, are being dually considered in the formation of policies and procedures moving forward. The GLO remains committed to ensuring disaster victims are guided through the recovery process to the best of our ability.

Comment #128: Housing, New Housing: the State should work to ensure all housing needs are met.

Staff Response #128: The GLO, in compliance with the Federal Register requirements, shall primarily consider and address unmet housing needs. If funds are allocated for economic revitalization and/or infrastructure activities, the GLO will identify how any remaining unmet housing needs will be addressed or how any economic revitalization and/or infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted areas.

The GLO appreciates all of the proposed suggestions in this comment and will take them into consideration as programs and activities develop.

Comment #129 Buyouts: Urging the Action Plan to utilize Buyouts as much as possible.

Staff Response #129: The GLO is dedicated to utilizing data sets beyond those provided by FEMA (like the Social Vulnerability Index) to develop a more holistic view of the unmet need of those impact by Hurricane Harvey. The GLO is committed to the continual analysis of new data sets as they become available.

As presented under federal regulation, the valuation method for a buyout program allows for discretionary determination in whether properties shall be valued at pre- or post-disaster Fair Market Value. Harris County is currently developing guidelines for the buyout program that will address this issue.

Comment #130: The Quality of Direct Assistance: Request that the GLO mandate a walk-through of repaired properties with each homeowner to ensure the home is safe and complies with local, state, and federal codes.

Staff Response #130: This Action Plan does not include any direct homeowner repairs but this comment will be considered in future programs.

Comment #131: Community Engagement and Preservation: Proposal that the State draft an Anti-Displacement Plan.

Staff Response #131: The GLO remains completely open to collaborating with local agencies to ensure adequate outreach and program development tailored to each community. Please remain active in this process as your willingness to participate only furthers the goal of the GLO to implement an effective and efficient recovery.

Comment #132: Worker Safety: The GLO should ensure that all crews are covered by worker's compensation insurance, have OSHA-10 training, and proper PPE.

Staff Response #132: The GLO shall, in its administration of all programs and activities associated with Hurricane Harvey relief funds, work to ensure compliance with all applicable federal laws as related to workplace safety.

Comment #133: Request that there are Contractor Requirements and Screening to check for prior labor law violations.

Staff Response #133: All contractors are subject to initial qualification requirements presented under the law and it is the full intention of the GLO to work to ensure that all contractors and subcontractors are properly screened within the bounds of the law.

Comment #134: Training and Development: Request that recovery dollars are leveraged towards training and career development by requiring contractors to participate in apprenticeship programs.

Staff Response #134: The GLO appreciates the feedback presented in this comment and will explore the possibility of this type of program within the boundaries of the federal requirements as programs develop.

Comment #135: Proposal that the State develop an Extended Unemployment Benefits Program to benefit disaster victims.

Staff Response #135: The GLO remains committed to aiding all disaster victims in their recovery; however, the extension of unemployment benefits may be outside of the purview of this agency and CDBG-DR funds. The GLO recognizes the logic behind this feedback and is willing to advocate on behalf of impacted Texans, but remains constrained on how it will use CDBG-DR funds under the law.

Comment #136: Environmental Health and Justice, Air Quality and Chemical Control: Request that the State create a plan for addressing relocation assistance for communities bordering polluting industries.

Staff Response #136: The GLO remains committed to developing a long-term disaster recovery plan that ensures environmental issues like air quality and chemical security are taken into consideration. The feedback in this comment is valuable and the GLO will consider these issues as planning and development of programs and activities funded with this allocation develop.

Comment #137: Building For A More Sustainable Future: Request that any major reconstruction or new construction also meet building provisions established by the City of Houston.

Staff Response #137: This Action Plan does not include any reconstruction or new construction in the City of Houston but this will be considered in future allocations that will. The GLO shall remain in compliance with all building codes and requirements presented in the Federal Register which include, but is not limited to, the Green Building Standards. The GLO remains committed to working with local jurisdictions to ensure all new construction is inclusive of all applicable building codes and regulations.

Comment #138: Physical Damage by Hurricane Harvey in the Coastal Bend and Golden Crescent was unprecedented and, without the same financial support, network of non-profit support, and larger infrastructure as larger urban areas, the situation in the Coastal Bend and Golden Crescent will not improve.

Staff Response #138: The GLO, in its commitment to the equitable distribution of Hurricane Harvey disaster relief funds, appreciates and will take into consideration the points raised in this section of your comment. It has been particularly helpful that your agency has taken the time to outline some comparative statistics to truly highlight just how devastating the impact of Hurricane Harvey has been on the smaller communities within the Coastal Bend and the Golden Crescent.

The GLO remains dedicated to a full and adequate assessment of storm damage using the most up to date data in its analysis of disaster impact.

Comment #139: Harvey's Impact on the Existing Housing Crisis in the Coastal Bend and Golden Crescent: Urging the GLO to work with local officials throughout the Coastal Bend and Golden Crescent to begin identifying developers and sites for new construction of affordable housing.

Staff Response #139: The GLO remains committed to assessing the housing need in impacted communities and appreciates the analysis presented in this comment. It should be noted that it is recognized, through the presentation of your data here, that there has been and continues to be a housing crisis in the Coastal Bend and Golden Crescent. The GLO, in anticipating subsequent CDBG-DR allocations, will take this analysis into consideration to ensure efficient and equitable disaster recovery.

Comment #140: Harvey's Impact on Industry in the Coastal Bend and Golden Crescent; Tourism: The economic impact of the anticipated drop in tourism discussed in the Proposed Action Plan, as well as the unavailability of many of the businesses and workers that support tourism in the Coastal Bend will only increase the unmet need in the region.

Staff Response #140: The GLO has worked to address the unmet needs of the Texas coastline by analyzing multiple data sets and drawing statistically based conclusions. One of the conclusions reached emphasized the projected impact that Hurricane Harvey would have on all aspects of the tourism industry on the coast. It is expected and the GLO recognizes that the unmet needs will be

updated as situations evolve and remains committed to ensuring that current and future allocations reflect those updates. This is one of the reasons the remaining 20% of the funds provided that were not identified by location were allocated to affordable rental (work force) housing in this area.

Comment #141: Agriculture: Urging the GLO to consider the challenges posed by loss of housing and opportunities to benefit from tourism and agriculture in the area as it continues to assess the actual unmet needs of residents in our service area.

Staff Response #141: The GLO is committed to a complete approach to recovery and this includes considering how housing, infrastructure, and economic revitalization efforts impact every aspect of the community.

Comment #142: Failing to identify unmet housing needs is a clear violation of law and will result in the waste of already limited federal resources. The Proposed Action plan fails to provide any information about the needs of vulnerable populations and also fails to set aside money for certain special needs populations

Staff Response #142: The GLO, in its initial assessment of unmet housing needs, has utilized the most up to date data sets to assess the unmet housing need in the impact area. The data presented in Figure 7 of the Proposed Action Plan works to present, in the most detailed level practicable, the population of low- and moderate-income households in a given area. It is expected and the GLO recognizes that needs assessments will be updated as data evolves.

The GLO, in its administration of Hurricane Harvey disaster recovery funds, will comply with all applicable federal laws as it pertains to addressing the unmet needs of specific vulnerable populations. As stated above, the detail level of data sets are evolving and the GLO is committed to ensuring all needs assessments are updated as that data becomes available.

Comment #143: The Proposed Action Plan fails to identify the extent of displacement or address the significant obstacles displaced residents face in returning to their communities. Requesting that the GLO include more data in the Proposed Action Plan on the number of individuals who are currently displayed and a description of the GLO's efforts to help these residents return to their support network communities.

Staff Response #143: The proposal to prioritize LMI applicants who were displaced by and/or experienced major or severe damage from Hurricane Harvey is valid and shall be considered by the GLO as overall policies and procedures are being composed for each program implemented with CDBG-DR funds. The implementation of a buyout program should provide displaced homeowners with resources to acquire replacement housing while the affordable rental program should make more rental units available for occupancy in the impacted areas.

Overall, the GLO shall follow all applicable federal law in dealing with displaced persons and remains committed to continually developing a process that is effective and efficient.

Comment #144: The Proposed Action Plan is missing critical details on the interim housing assistance programs administered by the GLO, and, more importantly, how each program addresses the unmet needs of LMI Communities.

Staff Response #144: The GLO executed an agreement with the Federal Emergency Management Agency to execute the five Direct Temporary Housing Assistance Programs addressed in this comment. All of the programs executed under this agreement were not funded, in any way, by CDBG-DR funds.

The GLO, as the administrator of these five FEMA programs, did not, in any way, determine the applicant eligibility criteria. All eligibility questions, comments, or disputes for these five programs have been resolved at the discretion of FEMA and outside the purview of the GLO.

At this time and absent any major change in circumstance, the GLO will not be utilizing the $8 million referenced in this comment for the PREPs Program in Harris County as that money has been determined available from another source.

Finally, FEMA retains exclusive control over all of the data associated with the Direct Temporary Housing programs. Any and all data requests are subject to federal privacy laws and only FEMA retains the right to permit the sharing of that data**.**

Comment #145: Until the GLO identifies and addresses unmet housing needs, the GLO should not direct funds to infrastructure or economic revitalization projects.

Staff Response #145: The GLO shall administer all Hurricane Harvey CDBG-DR funds in accordance with the Federal Register requirements. One such requirement states 'any proposal of using CDBG-DR funds for infrastructure activities requires the grantee to identify how any remaining unmet housing needs will be addressed or how its infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas. No funds in this Action Plan are proposed for use on infrastructure activities.

Comment #146: The Proposed Action Plan lacks critical information about long-term planning or efforts to prioritize the unmet needs of LMI communities on a statewide level.

Staff Response #146: The GLO is committed to working with local officials to ensure the most effective and efficient recovery process possible. This commitment has included weekly and/or bi-weekly meetings and conference calls with local officials and elected representatives. The GLO's outreach has been and remains separate from the allocation of FEMA controlled data. As stated above, FEMA retains complete control over all of the data generated within its agency. FEMA and only FEMA retains full discretion on the potential release of that data.

The GLO recognizes that some communities may not be properly equipped to handle the administration of CDBG-DR funds and will continue to step in and offer technical assistance and expertise when necessary. It should be noted that all projects and activities proposed are subject to an eligibility review by the GLO and this review includes an Affirmatively Further Fair Housing

(AFFH) component. The GLO is committed to ensuring all projects and activities are undertaken in a manner that satisfies all applicable federal law.

Comment #147: The Needs Assessment in the Proposed Action Plan does not accurately reflect the unmet need in our service area; the FEMA data upon which the needs assessment relies is outdated and a new assessment should be formed as new data is now available.

Staff Response 147: In forming the Proposed Action Plan, the GLO utilized the most up to date FEMA data available at the time of drafting. The GLO recognizes and, as stated in the Federal Register, it is expected that needs assessments will be updated and changed as data sets evolve and become more readily available from various sources.

Comment #148: FEMA data should be supplemented to accurately determine unmet needs of the LMI population.

Staff Response #148: The GLO, although the primary administrator of CDBG-DR funding within the State of Texas, has no power or authority to change the processes and procedures utilized by FEMA in its data collection. The GLO has, however, explored partnerships with various advocacy groups in an effort to form a more holistic view of the unmet needs of the LMI population. For example, the GLO is currently working with data sets likes the Social Vulnerability Index in an effort to address some of the very concerns presented in this comment.

Comment #149: Unmet need is skewed in favor of homeowners, and thus, more focus needs to be placed on, and more funding be provided to, renters affected by Hurricane Harvey.

Staff Response #149: As addressed above, the GLO is exploring the usage of other data sets to develop a more holistic view of unmet housing needs for those impacted by Hurricane Harvey.

Comment #150: Issues with the results of FEMA inspections underestimated loss in our service area.

Staff Response #150: The GLO is committed to ensuring that every eligible applicant for disaster recovery funds be served to the greatest extent possible. The analysis presented in this comment presents a valid issue that, although outside of the immediate control of the GLO, should be addressed. The GLO remains committed to identifying issues like this and working to reform processes and procedures to ensure disaster recovery efforts are conducted in a manner that fosters the most good.

Comment #151: Relying on insurance claims and SBA loans as indicators of damage does not accurately represent the unmet need of the LMI population in our service area.

Staff Response #151: The GLO is committed to considering all data sets in determining unmet need and those data sets presented in the Proposed Action Plan are both conventionally used and were the most up to date at the time of drafting. As previously stated, the GLO is working to ensure that a multitude of data sets are assessed to ensure a holistic view of the unmet need of those impacted by Hurricane Harvey is developed on the lowest level practicable.

Comment #152: The Proposed Action Plan fails to account for funds from the State of Texas and the private sector to ensure CDBG-DR funds are used to meet needs that are not likely to be addressed by other sources.

Staff Response #152: The GLO is aware that there are other funding sources in the private sector that may contribute to the Hurricane Harvey recovery efforts. Although these funding sources exist, the GLO has no way of knowing how those funds will be spent. Private sector recovery efforts are not subject to the same laws, rules, and requirements as CDBG-DR allocations and tend to aid in the funding of projects outside the restrictions imposed on CDBG-DR funds. The GLO does; however, analyze any and all assistance provided to potential CDBG-DR applicants to ensure a duplication of benefits does not occur for any given applicant.

Comment #153: GLO ignores HUD requirements and other best practices to protect marginalized groups; the Affordable Rental Recovery Program focuses too heavily on maintaining the status quo in that it focuses on the redevelopment of multi-family rental housing in ways that will reinforce patterns of segregation that existed prior to Hurricane Harvey.

Staff Response #153: The GLO appreciates the comments included in this section regarding affordable rental recovery and will dually consider it moving forward. This initial funding is intended to utilize existing properties to expedite getting units in place.

Comment #154: The Proposed Action Plan fails to incorporate, or allow adequate access for input of citizen comments. We encourage the GLO to provide a specific point of contact in the Proposed Action Plan to answer citizen questions or to allow citizens to request additional information.

Staff Response #154: The GLO remains in compliance with all requirements presented under the Federal Register in consulting with affected citizens as it has consulted with the entire area designated under the Presidential Disaster Declaration. All forty-nine counties have been communicated with either through their Council of Government, local emergency officials, or local elected officials. The GLO is responding to all comments received as a part of the final Action Plan to be submitted to HUD.

Comment #155: The GLO has failed to ensure equal access for persons with limited English Proficiency by failing to translate the Proposed Action Plan into the required number of languages.

Staff Response #155: The GLO, through cooperation with advocacy groups, has identified the need for additional measures to be taken to ensure LEP persons are given ample opportunity to participate in the Action Plan process. The GLO is committed to ensuring that future publications and translations occur simultaneously for each language.

Comment #156: The GLO has failed to take necessary steps to certify that it will affirmatively further fair housing by not instituting a plan to ensure that subrecipients remain in compliance with the Civil Rights Act and The Fair Housing Act.

Staff Response #156: The GLO, as the administrator of all CDBG-DR funds, maintains full and final responsibility for not only the validity of all disaster recovery programs, but for each step in the program process, including the Affirmatively Furthering Fair Housing (AFFH) review. The GLO uses an independent internal auditor to monitor the activities of all CDBG-DR functions through well established processes and procedures.

It should also be noted that, absent any change in circumstance, the GLO has plans to augment its staff to ensure there is a dedicated subject matter expert to perform these reviews and/or review and the AFFH reviews completed by subrecipients with the resources to do so.

Comment #157: The GLO has failed to set out a plan to ensure completion of projects in a timely manner, or to minimize opportunities for waste, mismanagement, fraud, and abuse.

Staff Response #157: As previously stated, the GLO utilizes an independent auditing department to ensure that all programs and activities are thoroughly inspected, throughout the life of the grant, to ensure compliance with all federal laws and all other applicable regulations. It should also be noted that the GLO recognizes lessons learned from previous grant administration and has worked to strength its policies to ensure the timely expenditure of all funds.

Comment #158: The GLO should require standard benefit levels across jurisdictions to ensure housing assistance programs are offered across all parts of the disaster affected regions.

Staff Response #158: The GLO will take the information provided in this comment into consideration as programs and activities associated with this allocation are formulated.

Comment #159: The Proposed Action Plan should provide the name and contact information of Section 3 Coordinator as well as identify its written Section 3 plan updated in connection with the Harvey-specific recovery efforts to expedite some processes.

Staff Response #159: The GLO will take the information provided in this comment into consideration as programs and activities develop. This agency remains dedicated to developing and reforming our processes to ensure the most efficient and effective means of disaster recovery.

Comment Received #160: Request that the GLO ensure consistency with existing Title VI and fair housing requirements, findings, and agreements by (1) incorporating the same provisions in the 2018 Action Plan that is agreed to in the 2010 conciliation agreement, including an updated Analysis of Impediments and utilization of the Fair Housing Activity Statement process; (2) remedy residential segregation by using disaster relief funding to develop government-subsidized rental housing outside of the traditional and disadvantaged areas to the extent that current protected class residents choose to move and ensure that the government-subsidized rental housing of those choosing to stay is not in a floodplain; and (3)

ensure equitable investments in storm water infrastructure in neighborhoods and communities with different racial and ethnic compositions.

Staff Response #160: The GLO is committed to administering programs and activities that comply with Title VI and other civil rights obligations presented under the law. The GLO recognizes and continues to refine and reform its policies and procedures for program/activity implementation using CDBG-DR funds in light of previously identified areas of improvement.

The GLO remains committed to ensuring the long-term recovery of those areas impacted by Hurricane Harvey includes adequate planning to include storm water infrastructure that benefits a variety of households and neighborhoods with different racial and ethnic compositions.

Comment #161: Request that the GLO develop and publicize a detailed community participation plan, including outreach to low- and moderate-income communities and hold public hearings in Austin and across disaster affected areas.

Staff Response #161: The GLO remains committed to actively engaging in citizen participation, as outlined in the Federal Register, to ensure that the administration of CDBG-DR Harvey funds is conducted in the most inclusive manner possible. The GLO has worked to maintain a series of townhalls, weekly conference calls with local elected officials, and bi-weekly conference calls with local and regional emergency management officials to provide opportunity for feedback. It should also be noted that the thorough consider of comments, such as this one, allows for active participation in finalizing the Action Plan.

Comment #162: Request to revise the Action Plan to use the most current available FEMA data and update the needs analysis as updated FEMA data are available; to assess need and survivor characteristics by utilizing FEMA and other data that accurately capture the needs of low- and moderate-income households and renters; and make available to the public individual-level data that the State relied on to prepare the Draft Action Plan as well as adequate data to assess the State's and sub-recipients' compliance with federal laws and regulations.

Staff Response #162: The GLO remains committed to working with FEMA and local partners to analyze all relevant data as it pertains to the formulation of recovery and mitigation plans. To date, FEMA has provided aggregate data, on the most detailed level practicable and allowable under federal law, to aid the GLO in this process. It should be noted that all data collected by FEMA is under the exclusive control of FEMA and the GLO has no authority to release any of that data without the express permission of FEMA.

As presented in the Federal Register, grantees are expected to update needs assessments as data becomes more readily available. The GLO recognizes this and is dedicated to updating the conclusions reached by analyzing this data as it becomes more readily available. The Draft Action Plan was written with the most accurate data available at the time of drafting and does not, by any means, represent the end of analysis for this allocation.

The GLO shall, in compliance with the Federal Register, make available on its Comprehensive Disaster Recovery Website all documentation required under the law.

Comment #163: Request to take action to ensure compliance with the obligation to post nondiscrimination notices and ensure non-discrimination in allocations of disaster funds.

Staff Response #163: The GLO appreciates the feedback provided in this comment as it relates to the posting of statements of nondiscrimination in all public facilities, on the public website, and on notices distributed to the public during the disaster recovery process and will take these proposals into consideration moving forward.

The GLO outlined its reasoning, within the Draft Action Plan, for allocating the remaining 20% of this particular allocation in this manner. It should be noted that this method of distribution was made in light of an anticipated larger allocation and should not be considered the binding method of distribution on any future allocations.

Comment #164: The GLO should provide translations of the draft Action Plan and all disaster-related communications in Spanish and Asian languages as required by federal law.

Staff Response #164: The GLO, through coordination with advocacy groups and HUD, is currently working to ensure that the Draft Action Plan is translated into all languages required under the law. Given the complexity of cultures, particularly in the Harris County area, the GLO is actively working with HUD to determine the best course of action for translation procedures outside of those listed in the Federal Register. At the time this response was written, the GLO is actively procuring translation services to meet the Safe Harbor standards presented under the law.

Comment #165: Request to revise the Draft Action Plan to include affirmative steps that address accessibility requirements for disaster survivors with disabilities in all impacted communities.

Staff Response #165: The GLO remains committed to ensuring victims of Hurricane Harvey receive fair and equitable disaster recovery assistance. In fulfilling this duty, the GLO shall remain in compliance with all provisions of applicable civil rights laws.

Comment #166: The GLO should confirm that all funding must address damages from Hurricane Harvey or Flooding.

Staff Response #166: The GLO is committed to comprehensive disaster recovery and is working to ensure that all recovery efforts not only respond to the damages directly caused by Hurricane Harvey, but build in resiliency to mitigate damages from future weather events. In achieving this goal, the GLO shall remain in compliance with all federal rule and regulations related to CDBG-DR funds.

Comment #167: Elevation Standards cannot be to 100-year floodplain when all layers of government agree it is inadequate: Adopt 24 inches above the 500-year floodplain like Harris County has done.

Staff Response #167: The GLO, as a baseline for its elevation standards, shall adhere to the regulations outlined in the Federal Register related to this allocation. If, during the formulation of programs and activities, it is determined that more stringent regulations should be utilized, the GLO is open to those conversations with local leaders and organizations.

Comment #168: Adopt some measure of storm water controls within Action Plan if buy outs will be prioritized to ensure cohesive long-term mitigation.

Staff Response #168: The GLO is committed to diligently working with local leaders in impacted areas to ensure that all recovery programs and activities compliment currently standing long-term recovery plans. The GLO shall give adequate consideration to the idea of building upon the Galveston Bay Estuary Plan adopted by the Texas Commission on Environmental Quality as it moves forward with forming of CDBG-DR funded projects and programs.

Comment #169: Address environmental justice principles for hazard mitigation: Request the Action Plan be amended to conduct a demographic profile of only Harris County since this first funding stream is designated mostly for buyouts within the county.

Staff Response #169: The GLO remains committed to administering CDBG-DR funds in a manner consistent with the Federal Register requirements. This includes, but is not limited to, all environmental regulations. Although the environmental justice principles are not enumerated in the Federal Register, the GLO shall give these points adequate consideration as programs and activities utilizing CDBG-DR funds progress.

Comment #170: Infrastructure Activities: Request that the GLO mandate a cost and benefit analysis for any and all future spending.

Staff Response #170: There are no infrastructure activities proposed in this Action Plan. However. the GLO is committed to ensuring that all potential infrastructure projects are given adequate consideration during the project selection process. The GLO appreciates this feedback and shall consider it for any future infrastructure spending.

Comment #171: Affirmatively Furthering Fair Housing (AFFH): Request that CDBG-DR funding be used to proactively work to preserve and further affordable housing in the region as it buys out properties.

Staff Response #171: The GLO, in its administration of CDBG-DR funds, shall conduct its programs and activities in compliance with all current Affirmatively Further Fair Housing regulations. Any proposed regulations that are more stringent than those currently outlined by federal law shall be given ample consideration as programs and activities are being formed.

Comment #172: Address Public Housing: Request that the Action Plan be amended to include a new assessment on public housing.

Staff Response #172: The GLO, in conducting an initial needs assessment to inform the Action Plan, utilized the most up-to-date data available regarding the unmet needs of Texans who utilize various forms of public housing. The GLO shall, as expected by the Federal Register, update its needs assessment as more data becomes available, needs within the impacted area change, and programs progress.

Comment #173: Future plans would benefit from more public participation from community organizations and communities that were directly impacted by Hurricane Harvey.

Staff Response #173: The GLO remains committed to actively engaging in citizen participation, as outlined in the Federal Register, to ensure that the administration of CDBG-DR Harvey funds is conducted in the most inclusive manner possible. The GLO has worked to maintain a series of townhalls, weekly conference calls with local elected officials, and bi-weekly conference calls with local and regional emergency management officials. It should also be noted that the thorough consider of comments, such as this one, allows for active participation in finalizing the Action Plan.

Comment #174: It is time the GLO and the State recognize the impacts of climate change as its impact will require more planning and better use of public funds.

Staff Response #174: The GLO, based on all relevant scientific data, shall work to ensure that future mitigation and resiliency planning are conducted in every project that is undertaken.

Comment #175: Infrastructure plan insufficient in that it has not received adequate community input nor has it been vetted properly by the GLO.

Staff Response #175: The GLO is committed to ensuring that all disaster recovery programs and activities are in compliance with all applicable laws to foster successful disaster recovery. The infrastructure plan, as mentioned in the Draft Action Plan, simply outlines a set of proposed activities and programs that, if implemented, would undergo a much more complex analysis before being implemented.

Comment #176: Preference that the GLO prioritize housing and related infrastructure in response to the actual Hurricane Harvey damage as opposed to funding project to mitigate damage from future storms.

Staff Response #176: The GLO will work diligently with communities to prioritize local unmet needs while considering mitigation measures It is the goal of the GLO to not only help disaster victims rebuild, but to build in resiliency to allow those who are recovering to fair better in the next storm.

Comment #177: Specific Considerations 1. The Action Plan should prioritize the needs of low- and moderate-income households and communities; Per 42 U.S.C. §5301(c), 70% of the aggregate of CDBG Program funds must be used to support activities benefitting low- and moderate-income persons, subject to a waiver request by the grantee.

Staff Comment #177: The GLO remains committed to this aggregate requirement and will strive to ensure that LMI disaster survivors are served efficiently and effectively.

Comment #178: The Action Plan should incorporate principles related to environmental justice, recognizing that some communities were impacted not only by flooding, but by hazards related to chemicals, oils, sewage, waste or air pollution during the event.

Staff Response Comment #178: The GLO appreciates the feedback offered in this comment and is committed to working with its partners to incorporate provisions, like those proposed here, into its policies and procedures for administering CDBG-DR funds.

Comment #179: The Action Plan should prioritize rebuilding affordable housing.

Staff Response Comment #179: The GLO shall, on the most local level practicable, work with officials to determine how housing shall be prioritized to best benefit the citizens of that local area.

Comment #180: The State should address hazard mitigation spending to lessen or eliminate the impact from pollution for future events.

Staff Response Comment #180: Through CDBG-DR funded planning activities, the GLO will work to address all issues associated with hazard mitigation to ensure that all recovery efforts are rebuilding in resiliency.

Comment #181: The State should prioritize funding construction and reconstruction that will lead to more resilient buildings that use less energy and water, and incorporate new technologies that will help mitigate future flooding and extreme weather events.

Staff Response Comment #181: As presented in the Federal Register, the Green Building Standard must be met for all new construction of residential buildings and all replacement of substantially damaged residential buildings. This means achieving certification under at least one of the following: Energy Star, Enterprise Green Communities, LEED, ICC-700 National Green Building Standard, EPA Indoor AirPlus, or any other equivalent comprehensive green building program acceptable to HUD. These construction standards also include specific elevation requirements and the incorporation of certain technologies to aid in the mitigation of future flooding and extreme weather events.

Comment #182: The State should ensure that buyout programs include funding to ensure that LMI families have a real opportunity to relocate and make the program effective, and do not violate civil rights and fair housing laws; any and all buyout programs implemented using CDBG-DR funds must comply with the requirements presented in the Uniform Relocation Assistance Act.

Staff Response Comment #182: The GLO remains committed to ensuring that any disaster survivors that partake in a buyout program receive ample assistance and protections, as afforded by the URA, in a manner consistent with all civil rights and fair housing laws.

Comment #183: Assure that the majority of funding for buyouts are focused on LMI families, and that there is a plan to build affordable housing in other areas;

Staff Response #183: The GLO is committed to working with local jurisdictions to ensure all programs implemented with CDBG-DR funds meet the aggregate requirement presented in 42 U.S.C. 5301(c). The GLO will continually work with local jurisdictions to adequately tailor comprehensive buyout programs to the area.

Comment #184: The State should incorporate equity into planning and evaluate programs and projects from the beginning, and make clear that equity is not just a legal requirement, but a best practice for all recovery programs.

Staff Response #184: The GLO remains committed to ensuring all disaster recovery activities associated with Hurricane Harvey CDBG-DR funds are administered in an effective, efficient, and equitable manner.

Comment #185: The Action Plan should emphasize mitigation and resilience by incorporating the Coastal Resiliency Plan to prioritize coastal conservation strategies and nature-based resiliency measures that are cheaper and have long-term benefits.

Staff Response #185: The GLO appreciates the feedback presented in this comment and will actively consider using the Coastal Resiliency Plan to prioritize coastal conservation strategies and nature-based resiliency measures that are cheaper and have long-term benefits.

Comment #186: Proposal that the State provide training on civil rights requirements for local grantees, a form of technical assistance that local jurisdictions have indicated they want.

Staff Response #186: The GLO, as the primary administrator of Hurricane Harvey CDBG-DR funds, is committed to offering all technical assistance and relevant training to subrecipients to ensure all programs and activities are implemented in a manner that is consistent with all applicable laws. Technical assistance may include, but is not limited to, the provision of subject matter expertise and training.

Comment #187: Propose that the State reaffirms the it's commitment to ensuring that all Texans affected by Hurricane Harvey benefit equitably from public disaster recovery funds.

Staff Response #187: The GLO is committed to the equitable, efficient, and effective administration of all CDBG-DR Hurricane Harvey Funds and will work diligently to ensure that impacted Texans recover and rebuild.

Comment #188: Additional Considerations; Matching of current elevation standards and building codes: the Action Plan should be amended to match the elevation standards adopted by Harris County.

Staff Response #188: All elevation standards associated with this round of Hurricane Harvey CDBG-DR funds are outlined in the Federal Register and the GLO shall adhere to those standards

as presented. The same applies for all Green Building Codes, Broadband Infrastructure requirements, and the Resilient Home Standard.

Comment #189: Buyouts Should Include Storm Water Controls to ensure ongoing floodplain management.

Staff Response #189: The GLO appreciates this proposed program guideline and will consider it as Buyout Programs are developed moving forward.

Comment #190: Address Environmental Justice Principles for Hazard Mitigation by adopting those principles in the Action Plan.

Staff Response #190: The GLO appreciates the feedback provided in this comment and will consider an analysis of areas that were double impacted by flood waters polluted with chemicals, oils, waste, or sewage in planning any programs or projects associated with Hurricane Harvey CDBG-DR funds.

Comment #191: Affirmatively Further Fair Housing (AFFH): Request that the GLO amend the Action Plan to require that any funds utilized to buyout homes that currently serve low- and moderate-income persons are supplement by adding two affordable homes to existing stock.

Staff Response #191: The GLO is committed to implementing programs and activities that are in full compliance with all AFFH regulations. To ensure this, staff augmentation is being considered to conduct full reviews of each project for compliance.

Comment #192: Address Public Housing: Expressing support for rental recovery programs with allocated funds.

Staff Response #192: The GLO recognizes the need for assistance to impacted persons in the form of public housing and will work to ensure that those needs are efficiently and effectively addressed. The GLO will continue ongoing work with housing advocacy groups and local officials to ensure needs are properly assessed and met through the provision of CDBG-DR recovery programs.

Comment #193: New and Reconstructed MFUs and Homes Should be Energy and Water Efficient.

Staff Response #193: As presented in the Federal Register, the Green Building Standard must be met for all new construction of residential buildings and all replacement of substantially damaged residential buildings. This means achieving certification under at least one of the following: Energy Star, Enterprise Green Communities, LEED, ICC-700 National Green Building Standard, EPA Indoor AirPlus, or any other equivalent comprehensive green building program acceptable to HUD. These construction standards also include specific elevation requirements and the incorporation of certain technologies to aid in the mitigation of future flooding and extreme weather events.

Comment #194: Community Engagement, Preservation, and Anti-Displacement: Request that the State develop an Anti-Displacement Plan to help in rebuilding culturally and economically.

Staff Response #194: The GLO is committed to participating in engaging and meaningful community engagement to ensure each locality has a voice in its recovery. The GLO remains open to considering creative solutions to address the issues raised in this comment and will give consideration to any solutions proposed.

Comment #195: Jobs, 1. Worker Safety: The State should ensure all crews have OSHA-10 training and proper PPE.

Staff Response #195: The GLO shall, in its administration of all programs and activities associated with Hurricane Harvey relief funds, work to ensure compliance with all applicable, federal laws as related to workplace safety.

Comment #196: Contractor Requirements and Screening: Require all Contractors funded by the Action Plan to be screened for previous labor violations.

Staff Response #196: All contractors are subject to initial qualification requirements presented under the law and it is the full intention of the GLO to work to ensure that all contractors and subcontractors are properly screened within the bounds of the law.

Comment #197: Training and Development: Request that recovery funds be leveraged towards training and career development by requiring contractors to participate in apprenticeship programs.

Staff Response #197: The GLO appreciates the feedback presented in this comment and will explore the possibility of this type of program within the boundaries of the federal requirements as programs develop.

Comment #198: Air Quality and Chemical Security: Request that the State create a plan for addressing relocation assistance for communities bordering polluting industries that were impacted by the storm.

Staff Response #198: The GLO remains committed to developing a long-term disaster recovery plan that ensures environmental issues like air quality and chemical security are taken into consideration. The feedback in this comment is valuable and the GLO will consider these issues as planning and development of programs and activities funded with this allocation develop.

Comment #199: The GLO has not engaged in meaningful 'Citizen Participation" around this Action Plan as it has failed to engage in robust community outreach.

Staff Response #199: The GLO remains committed to ensuring that all aspects of administering CDBG-DR funding remain in compliance with the regulations presented under the law. Throughout the post-disaster period, the GLO was engaged in weekly and/or bi-weekly conference

calls with Councils of Governments, local elected officials, and local emergency management officials to promote productive communication with impacted communities at all levels.

It should also be noted that per the Federal Register, citizen participation requirements are 'streamlined' in that no public hearing is required with the proposed Action Plan posted for a minimum of 14 (fourteen) days for public review in comment. The GLO has adhered to these federally mandated guidelines and, in coordination with advocacy groups in the impacted area, extended the public comment deadline to ensure the highest level of citizen participation.

Comment #200: The data used by GLO to allocate CDBG funds must be transparent and available for the public and interested parties to review and analyze.

Staff Response #200: The GLO, in full compliance with federal requirements, explains within the proposed Action Plan the reasoning behind the allocation of the remaining 20% of funding referenced in this comment. It should be noted that this method of distribution was made in anticipation of a second, more substantial, round of funding and that the GLO made this decision using the most up-to-date data available at the time of drafting the proposed Action Plan.

Comment #201: The initial allocations of CDBG-DR funds should be used for the recovery of housing for the most vulnerable populations in the impacted area.

Staff Response #201: The GLO remains committed to ensuring that all allocated funds are utilized in a manner that is consistent with the requirements presented in the Federal Register. These requirements include a timeline of federally required steps that must be properly executed in order to get recovery projects and programs approved and underway. The GLO will remain steadfast in its duties to ensure that all CDBG-DR funds are executed in a manner that is consistent with the law

Comment #202: Request that CDBG-DR Action Plan focuses on LMI homeownership activities through qualified housing organizations.

Staff Response #202: The GLO, as encouraged by the Federal Register, is actively seeking ways in which CDBG-DR funds can be leveraged with third party organizations to ensure the most holistic recovery possible for each person impacted by Hurricane Harvey. The GLO greatly appreciates the proposal to prioritize LMI homeownerships in recovery programs and will give that proposal consideration as programs develop.

Comment #203: Encourage the GLO to broaden the Action Plan to include owner-build programs to allow organizations like Habitat for Humanity to submit proposals on behalf of individuals who may otherwise no receive recovery aid.

Staff Response #203: The GLO appreciates this proposal and will explore in further detail the potential usage of an owner-build program using CDBG-DR funds. It is the goal of the GLO to take all proposals into consideration to ensure that the most effective and efficient form of disaster recovery is utilized.

Comment #204: The quick housing of displaced persons may be better executed through a partnership with other organizations that ca bring many resources to appropriately execute the work.

Staff Response #204: The GLO, through its administration of FEMA Direct Temporary Housing Programs, has worked diligently to address the very issues raised in this comment; however, this comment raises the fact that there is an additional need outside of those programs and the GLO is dedicated to leveraging its programs with the programs of other organizations to have the most impact possible.

Comment #205: Requesting the addition of an elevation program to the action plan so that the flood mitigation industry can help Texas be a flood resilient state.

Staff Response #205: GLO is appreciative of the comment submitted on behalf of the International Association of Structural Movers regarding the elevation expertise offered by your organization. As specified in the Federal Register requirements, there are certain elevation requirements that must be adhered to for particular programs and activities. The GLO is dedicated to maintaining compliance with these requirements and remains open to coordinating and collaborating with different organizations to ensure these processes are completed in the most effective and efficient manner possible.

Comment #206: The GLO should specify in the Action Plan projects that address the inland flooding losses rather than future modeled storm predictions.

Staff Response #206: The GLO is, first and foremost, committed to the immediate recovery needs of Texans impacted by Hurricane Harvey. In formulating immediate recovery needs and designing programs to meet those needs, the long-term resiliency effects will be considered; however, the GLO recognizes the validity of the feedback provided in this comment and will adequately consider it moving forward.

Comment #207: Elevation Standards should be improved: Adopt 24 Inches above the 500-year floodplain as current elevation standards are insufficient.

Staff Response #207: The GLO, in its implementation of all recovery programs associated with Hurricane Harvey CDBG-DR funds, is committed to maintaining compliance with the regulations outlined in the Federal Register. Although we are committed to complying with these standards, the GLO will consider adopting increased elevation standards, should adequate consideration warrant such adoption.

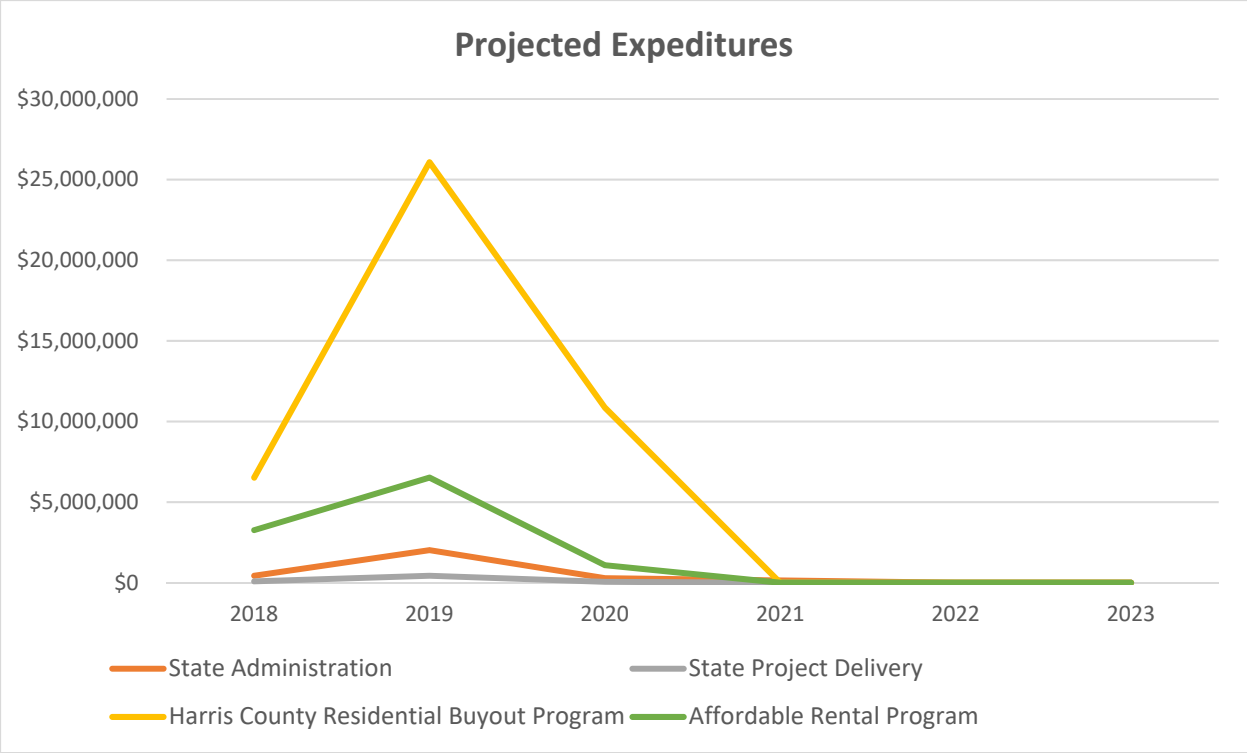
Comment #208: Proposal of the adoption of some measures of storm water controls within the Action Plan if Buyouts will be prioritized to ensure successful regional planning.

Staff Response #208: The GLO remains committed to developing a long-term comprehensive disaster recovery and mitigation plan to ensure that all implemented programs and activities foster effective recovery and future resiliency. Each buyout program shall, in accordance with the requirements presented under the Federal Register, be subject to certain land use restrictions. These

use restrictions inherently impose a level of planning for buyout properties and the GLO will work to ensure that planned uses coincide with the need for storm water controls and other methods of mitigation.

Comment #209: Infrastructure Activities: The GBF requests that the GLO specifically mandate that a cost-benefit analysis be adopted for all infrastructure or future infrastructure spending.

Staff Response #209: The GLO appreciates the feedback provided in this comment and will look for opportunities to help local communities consider cost factors as a part of project prioritization.

IV. Appendix D - Projected Expenditures

The GLO has developed a performance and expenditure schedule that includes projected performance of both expenditures and outcome measures for programs, project delivery, and administration activities shown in the graph below: