NEBRASKA

STATE OF NEBRASKA

DISASTER RECOVERY ACTION PLAN

Severe Winter Storm, Straight-line Winds, and Flooding (DR-4420)

JULY 2020

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RECORD OF AMENDMENTS

The following table summarizes amendments to the State of Nebraska DR-4420 Disaster Recovery Action Plan.

Summary of Nebraska DR-4420 Disaster Recovery Action Plan Amendments

Date Amendment Approved	Amendment Number	Description of Amendment

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EXECUTIVE SUMMARY

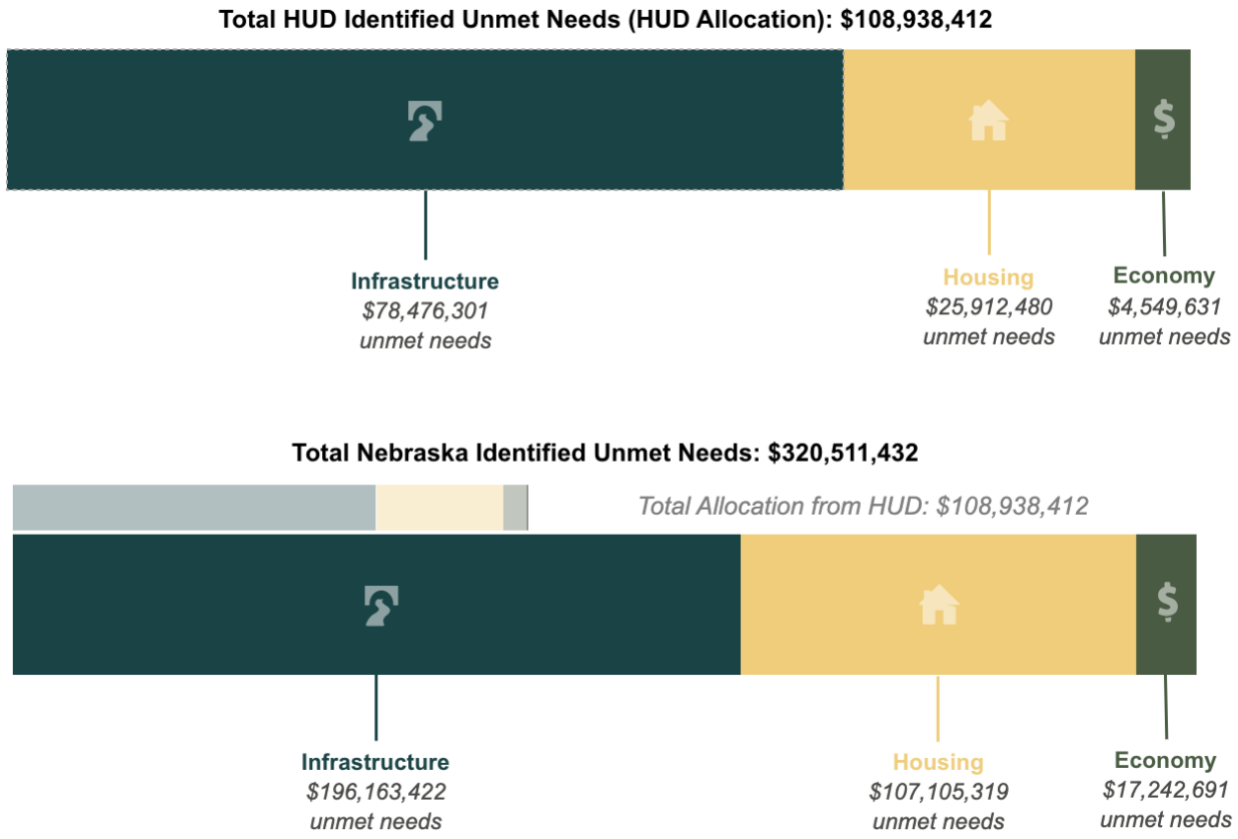
In early 2019, the State of Nebraska suffered record-breaking damage from severe winter weather, straight-line winds, and its worst flooding event in 50 years, leading to a federal major disaster declaration (DR-4420) under the Stafford Act. Damage from DR-4420 was widespread, leading to disaster declarations in 84 of the State's 93 counties (and four tribal areas), with the worst damage located in the eastern part of the state.

To support long-term recovery, the State will receive a $108.9 million grant through the United States Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. HUD requires CDBG-DR grantees to submit an Action Plan describing its unmet needs, the programs that will be implemented to address those unmet needs, the method of distribution across those programs, and how the programs and activities will meet the requirements of HUD. As the administrator of these funds, the Nebraska Department of Economic Development (DED), on behalf of the State of Nebraska (grantee), will submit this Action Plan to HUD pursuant to these requirements.

UNMET NEEDS ASSESSMENT

Unmet needs, as defined by HUD, are needs that are not covered by other funding sources and can be covered by CDBG-DR funds. This Action Plan includes an Unmet Needs Assessment (UNA) that analyzes the impacts of DR-4420 and unmet needs related to housing, infrastructure, and the economy. Figure 0-1 illustrates the unmet needs calculated by HUD for this allocation. HUD estimated a total of $108,938,412 in unmet needs, including $78,476,301 in infrastructure, $25,912,480 in housing, and $4,549,631 for economic recovery. This Action Plan utilizes more current and comprehensive data to estimate unmet needs. As a result, we estimate a total of $320,511,432 unmet needs, including $196,163,422 in infrastructure, $107,105,319 in housing, and $17,242,691 million in economic recovery needs (see Figure 0-1).

Figure 0-1: HUD and Nebraska Identified Unmet Needs



PROGRAM DESIGN

Nebraska will implement three programs to address its unmet needs, as summarized in Table 0-1 below. For infrastructure, the State will implement an Infrastructure Match Program to meet the local match requirement for the Federal Emergency Management Agency (FEMA) Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs. As discussed in the Foreword (located in the next section of the document), the economic and fiscal crisis brought on by Coronavirus Disease of 2019 (COVID-19) increases the challenge for local governments to meet match requirements. This means that projects eligible for funding under PA and HMGP may not be feasible without match resources from CDBG-DR. For Housing, Nebraska will implement two programs designed to increase the supply of affordable housing and support low- and moderate-income households with home purchases. These programs will be augmented with additional support from state initiatives as well as the annual CDBG and Home Investment Partnerships Program (HOME) programs for home repairs. Unmet economic recovery needs will be met with other resources, including resources related to COVID-19 recovery as appropriate.

Table 0-1: Program Design

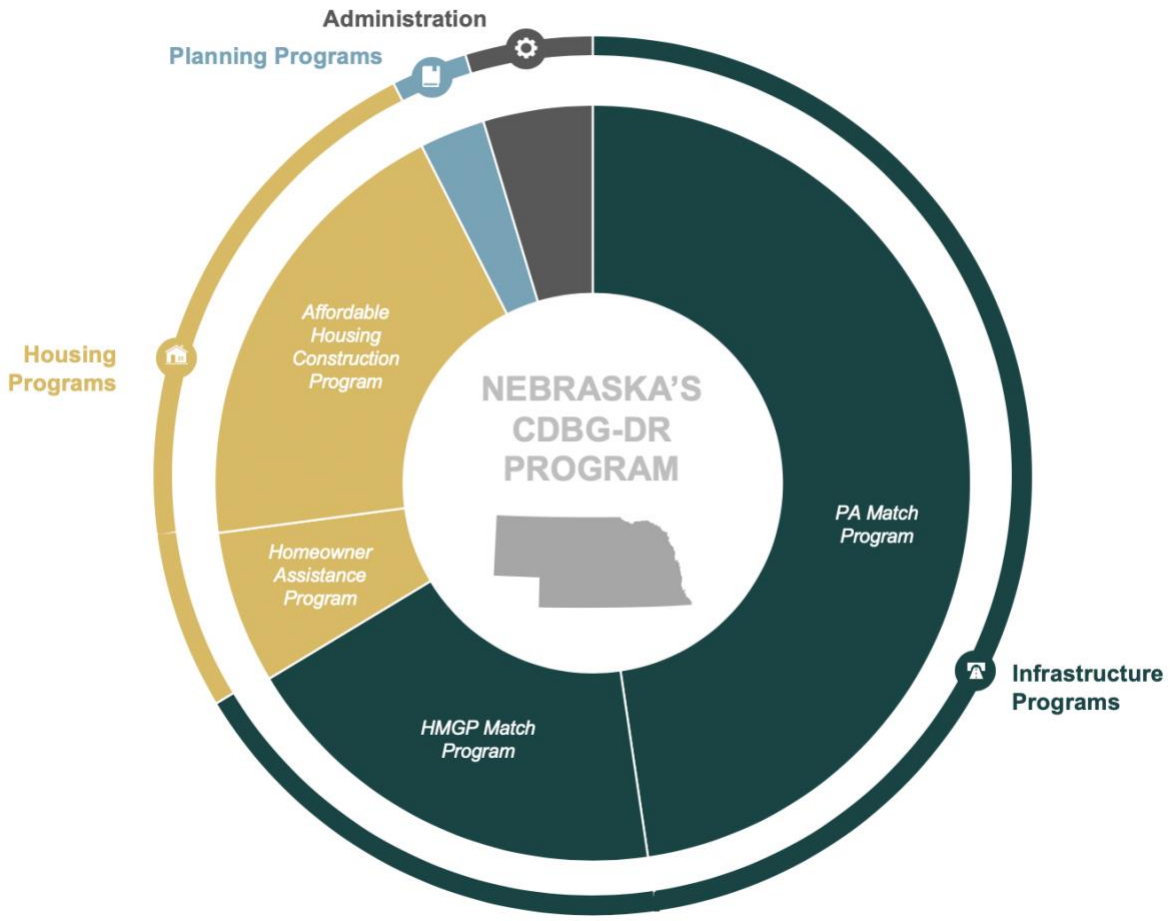
Program	Name	Description
Infrastructure Programs	**Infrastructure Match Program**	This program will utilize CDBG-DR funding to alleviate the burden for local communities in meeting the local match requirements for the PA program and HMGP in the aftermath of the 2019 disaster. **PA Funding Allocation: $**49,778,602 (45.7%) **HMGP Funding Allocation:** $13,712,498 (12.6%)
Housing Programs	**Affordable Housing Construction Program**	This program is intended to increase affordable housing supply in flood-impacted areas. The program will be administered by DED and be delivered between two applications. The first application will be in partnership with the Nebraska Investment Finance Authority (NIFA), where Low Income Housing Tax Credits (LIHTC) and Collaborative Resources Allocation for Nebraska (CRANE) Program funding will be leveraged. The second application will be through DED directly, where LIHTC is not a funding source. **Funding Allocation:** $26,000,000 (23.9%)
	Homeowner Assistance Program	This program will utilize CDBG-DR funding to provide grants to local governments and non-profit organizations to provide housing counseling, training, and homebuyer down payment and closing cost assistance. The program will also provide forgivable loans to LMI homeowners who lost their homes in the disaster and have insufficient funds from other sources to afford another moderately priced home. **Funding Allocation:** $11,000,000 (10.1%)
Planning Programs	**Risk Awareness Planning Program**	This program will utilize CDBG-DR funding to reduce risk to private levee failure. The program will be administered by DED in partnership with the Nebraska Department of Natural Resources (DNR). **Funding Allocation:** $500,000 (0.5%)
	Housing Resilience Planning Program	This program will utilize CDBG-DR funding to support local jurisdictions and economic development districts in developing plans for housing recovery, resilience and affordability. The plans will support communities in identifying and leveraging both CDBG-DR and other resources and strategies for housing recovery, resilience, and affordability. **Funding Allocation:** $2,00,000 (1.8%)
	Other Planning Activities	Action Plan, Action Plan amendments, and other planning activities. **Funding Allocation:** $500,000 (0.5%)

METHOD OF DISTRIBUTION

As illustrated below, Nebraska will allocate $63.5 million for infrastructure through the Infrastructure Match program, and $37 million for housing through the Homeowner Assistance and Affordable Housing Construction programs. The remainder of the grant will be allocated for

administration and planning activities related to housing recovery, risk communication, Action Plan development, and other planning activities. As required by HUD, 80% of funds will be expended in the Most Impacted and Distressed (MID) communities, Sarpy, Dodge and Douglas counties. Seventy percent of funds will benefit low- and moderate-income (LMI) households, as required by HUD.

Figure 0-2: Method of Distribution



FOREWORD

On December 3, 2019, HUD announced an allocation to Nebraska of $108.9 million in CDBG-DR funding. Issuance of the associated Federal Register Notice followed on January 27, 2020. These funds are intended to assist Nebraskans and their communities in recovering from the devastating effects of the severe weather conditions and subsequent flooding that occurred during the first half of 2019. The impacts of these disasters on Nebraska's infrastructure, housing, and economy were widespread, with damage particularly focused in the eastern part of the state.

In the few months since HUD took the steps outlined above, the nation has experienced the leading edge of the COVID-19 pandemic. Along with the rest of the nation and larger world, this unprecedented public health crisis is profoundly changing economic conditions within the state for the foreseeable future and, as a result, tax revenues are declining due to reductions in economic activity. Although extensive federal resources are being directed to governments, businesses, and individuals to mitigate the impact of the COVID-19 pandemic, just as with the 2019 disasters, the actual needs far exceed the amount of funds available. While working to ensure that this downturn is as short-lived as possible, it is incumbent upon the state to pursue policies and outcomes that maximize the financial resources available. The State of Nebraska faces the difficult work of assessing where the greatest needs and impacts lie.

It is in this emerging environment that the state must consider how best to make use of the CDBG-DR funding which, by federal law, is intended to address unmet recovery needs arising from the 2019 event. This Action Plan responds to unmet needs arising from the 2019 disasters, yet it has been shaped by the current and projected impacts of the COVID-19 health crisis. While this Action Plan may not be what was envisioned when the drafting effort was launched in February of 2020, the use of CDBG-DR funds is consistent with enabling the plan to provide substantial and lasting benefit to Nebraskans in the years to come.

In addition to the significant CDBG-DR funds, the state will be receiving an estimated $307 million from FEMA through its PA program for the repair and reconstruction of public infrastructure. Additionally, through HMGP, the state will receive $57 million to protect against future damage via acquisition and elevation projects. The funding allocated under these two programs has the potential to generate positive direct and indirect impacts on housing across Nebraska.

These FEMA resources, while generous, can only cover up to 75% of a project's cost, leaving the state and/or local governments in the position of having to fund the remaining 25%. Prior consideration by the state to partially address this requirement using tax revenues is now problematic, as those tax receipts have fallen and are likely to remain abnormally low over the next few years. This largely leaves the burden to local governments to meet the 25% match requirement. Many governments were already in an arduous financial environment prior to the pandemic and associated economic downturn.

To this end, to ensure that FEMA funds are made available and invested in projects beneficial to Nebraska, it has become apparent that an alternative source of the necessary matching funds must be identified. One of the attractive features of CDBG-DR is that, in most cases, it can be

used as the state or local matching funds for other federal programs, including FEMA PA and HMGP. As such, **this Action Plan devotes approximately 60% of the available CDBG-DR funding as matching funds to FEMA programs to maximize the overall investment in Nebraska's flood recovery effort.**

The Action Plan does not put forward economic development programming. The COVID-19 crisis has had a profound impact on businesses in the State of Nebraska and offers unique funding opportunities to address needs of these businesses. Given the timing of this crisis, it would have been challenging for businesses to separate ongoing unmet needs from the 2019 disasters from the needs arising from the current economic crisis. This challenge was avoided in order to maintain compliance with the Federal Register, which strictly dictates that the CDBG-DR allocation is not allowed to contribute to needs not related to DR-4420.

CDBG-DR represents a down payment against unmet long-term recovery needs, which this Action Plan estimates at more than $292.6 million. The reality is that difficult decisions on the deployment of the CDBG-DR funds were always on the horizon, and the COVID-19 crisis has altered the state's evaluation of the alternatives. In making these decisions, it is important for Nebraskans with unmet recovery needs and for Nebraska's federal partners to understand that there is a concerted commitment to finding the best possible options to address those remaining needs. Many such needs can be resolved more quickly, effectively, and reasonably with resources other than CDBG-DR. Our goal is ensuring that Nebraska recovers from the 2019 floods and is more resilient in the face of any similar event in the future.

1 INTRODUCTION

1.1 PURPOSE

In early 2019, the State of Nebraska suffered record-breaking damage due to severe winter weather (Winter Storm Ulmer), straight-line winds, and flooding, all of which contributed to a major disaster declaration (DR-4420) under the Stafford Act. Due to the magnitude of this damage and initial understanding of unmet needs, the State of Nebraska will receive a $108,938,000 grant through the HUD CDBG-DR program to support long-term recovery efforts. The CDBG-DR program is intended to fund activities that specifically address unmet recovery needs in impacted communities.

The State of Nebraska will serve as the grantee for the CDBG-DR program and the Nebraska Department of Economic Development (DED) will be responsible for overseeing the administration of different grant-funded recovery programs. In compliance with the policies and procedures of the CDBG-DR program, DED has developed this Action Plan ("Plan" or "AP") to:

- Summarize the unmet needs of recovery from DR-4420;
- Describe the method of distribution of funding; and
- Describe the programs and activities that DED will implement using the funding.

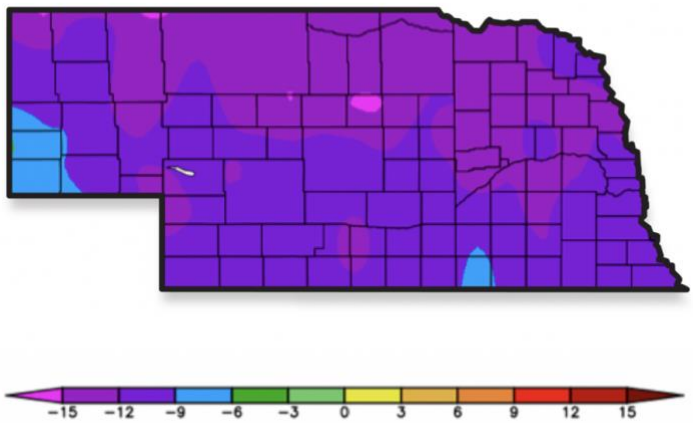
DED also administers the State CDBG Program. The purpose of CDBG-DR funding is similar to the CDBG program in terms of the core principles (e.g., meeting of the national objectives) and cross-cutting requirements (e.g., procurement requirements). Key differences between the CDBG program and the CDBG-DR funding includes elements of eligibility (e.g., "tie-back" to the declared disaster) and some flexibility in program delivery that allows for activities to be carried out in non-entitlement and entitlement areas.[1]

[1] HUD, n.d. CDBG and CDBG-DR: A Comparison. Retrieved at: https://www.hudexchange.info/resources/documents/CDBG-and-CDBG-DR-Comparison.pdf

1.2 SUMMARY OF STORM IMPACT

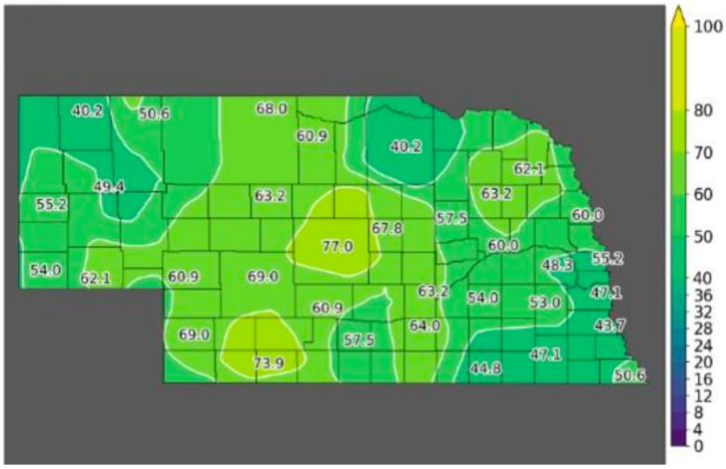
Flooding is not new to Nebraska. Notable storms have impacted the state in 1993, 2000, 2010, and 2011, resulting in numerous presidential disaster declarations and hundreds of millions of dollars spent on recovery, funded by FEMA's PA Program.[2] Despite this history of flooding, the impacts of the 2019 disasters were unprecedented and created devastating results.

Figure 1-1: Departure from Normal Temperature (F), 2/1/2019 to 2/28/2019



During the 2018-2019 winter season, Nebraska experienced record low temperatures that created frost depths approximately two feet deep and ice cover on rivers and creeks that eventually caused ice jams in several locations. February 2019 was also the coldest month in 18 years in Nebraska. Recorded temperatures were 12 to 15 degrees lower than normal across most of the state during this period (Figure 1-1). These factors contributed to the unprecedented damage Nebraska experienced in the months that followed.

Figure 1-2: Peak Wind Gusts (mph) in Nebraska on 3/14/2019



Winter Storm Ulmer, a bomb cyclone – or "winter hurricane," a term given to rapidly intensifying storm – roughly equivalent in power to a Category 2 hurricane, moved across Nebraska between March 12 and 15, 2019. Recorded wind gusts during the cyclone approached 80 mph in many parts of the state and contributed to blinding blizzard conditions that closed highways and stranded motorists (Figure 1-2[3]).

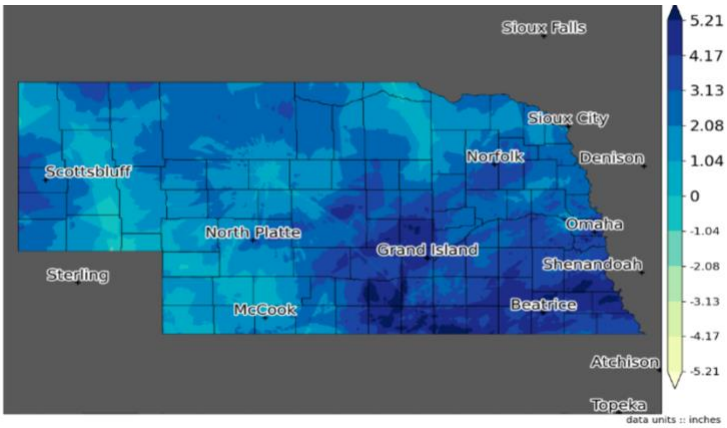
The bomb cyclone also brought heavy snow, blizzard conditions, rainfall, and above-freezing temperatures into much of the interior of the US. This part of the country already had significant snowpack on the ground due to above-average precipitation during the 2018-2019 winter season.

[2] Nebraska Department of Natural Resources, 2013. "State of Nebraska Flood Hazard Mitigation Plan." Retrieved at: https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/floodplain/Nebraska_Flood_Mitigation_Plan_2013.pdf.

[3] *Daily Automated Station Summaries* distributed by Iowa Environmental Mesonet. https://mesonet.agron.iastate.edu/.

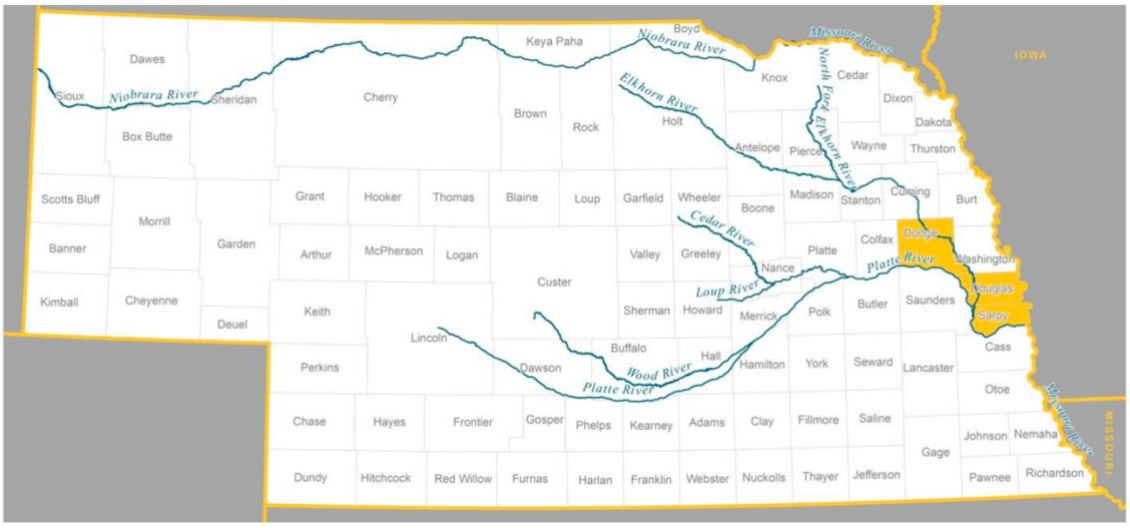
The six-month period between September 1, 2018 and March 1, 2019, comprised the fifth wettest fall and winter seasons in 124 years of records, resulting in high water tables and several inches of saturating snowpack.[4] As shown in Figure 1-3[5], some areas of Nebraska received as much as 10 inches of precipitation above average between September and December 2018.

Figure 1-3: Precipitation Departure from Average (inches), 1/1/2019 to 3/31/2019



Nebraska experienced its worst flooding event in 50 years between March and July 2019. As temperatures warmed in April and May 2019, the heavy snow and excessive rainfall from the 2018-2019 winter season contributed to rapid melting of ice and snow, resulting in flooded rivers and ice jams that breached levees, damaged infrastructure, and destroyed thousands of homes and businesses.[6] The worst flooding occurred along the banks of the rivers (Figure 1-4).[7] The eastern side of the state was particularly impacted by flooding, resulting in fatalities, evacuations, and search and rescue missions.

Figure 1-4: Nebraska's Rivers that Experienced Flooding during the 2019 Disasters



[4] Gaarder, 2019. "Record snowfall, 'historic' bomb cyclone are forces behind Nebraska floods, blizzard." Retrieved at: https://www.omaha.com/weather/record-snowfall-historic-bomb-cyclone-are-forces-behind-nebraska-floods/article_b7b6547d-d4d2-5363-ad64-1142f87a513a.html.

[5] *Daily Automated Station Summaries* distributed by Iowa Environmental Mesonet. https://mesonet.agron.iastate.edu/.

[6] National Weather Service, 2019. "Mid-March 2019: Historical, Catastrophic Flooding Impacts Parts of Central/South Central Nebraska." Retrieved at: https://www.weather.gov/gid/march2019flood

[7] Rivers that experienced flooding included the Niobrara River, North Fork Elkhorn River, Elkhorn River, Loup River, Cedar River, Wood River, Platte River, and Missouri River.

In many areas, the flood damage was exacerbated by thick river ice breaking off in an atypically severe manner. Bridges were washed away by flooding or rendered impassable due to accumulated ice chunks. The scale of the dislodged ice can be seen in Figure 1-5.

Figure 1-5: Photo of Ice Accumulation after 2019 Disaster

1.3 DISASTER RECOVERY IN NEBRASKA

To help address recovery needs, Nebraska's CDBG-DR program will work within the context of a larger group of recovery programs available to communities. These efforts are spearheaded by the Governor's Task Force for Disaster Recovery, which meets on a regular basis to identify long-term recovery needs and prioritize funding to coordinate recovery. Through the Task Force, three planning documents are being developed to guide the state's recovery:

- The *Baseline Conditions and Impact Assessment Report* summarizes the impacts of DR-4420 so that Nebraska's leaders and communities can make informed decisions about long-term recovery. Information from this report informed parts of the Unmet Needs Assessment section of this Action Plan.

- The *Long-Term Recovery and Resilience Plan* builds on the findings presented in the *Baseline Conditions and Impact Assessment Report* to generate a series of recommendations for long-term recovery, informed by stakeholders across the state.[8] The findings of this plan will be used to responsibly prioritize and allocate finite resources in each of the categories assessed to meet the needs of disaster survivors as effectively as possible. The *Long-Term Recovery and Resilience Plan* will represent the formal record of this resource prioritization and allocation effort.
- The *Disaster Recovery Action Plan* presents the formal HUD Unmet Needs Assessment and a plan for implementation for the CDBG-DR program to support recovery efforts across the state. This plan meets the requirements as outlined by HUD, but also aligns with the recovery priorities of the state.

Based on these planning documents, the State of Nebraska must also consider the need for additional support (e.g., increase in staffing needs, contractor support) to manage federally funded recovery programs, educate localities on implementing mitigation measures to prevent against future losses, and additional needs that are likely to arise during the recovery process.

[8] The *Long-Term Recovery and Resilience Plan*'s development was initiated prior to the Disaster Recovery Action Plan for CDBG-DR and thus CDBG-DR funding will not be used to develop a disaster recovery and response plan.

2 UNMET NEEDS ASSESSMENT

2.1 INTRODUCTION AND BACKGROUND

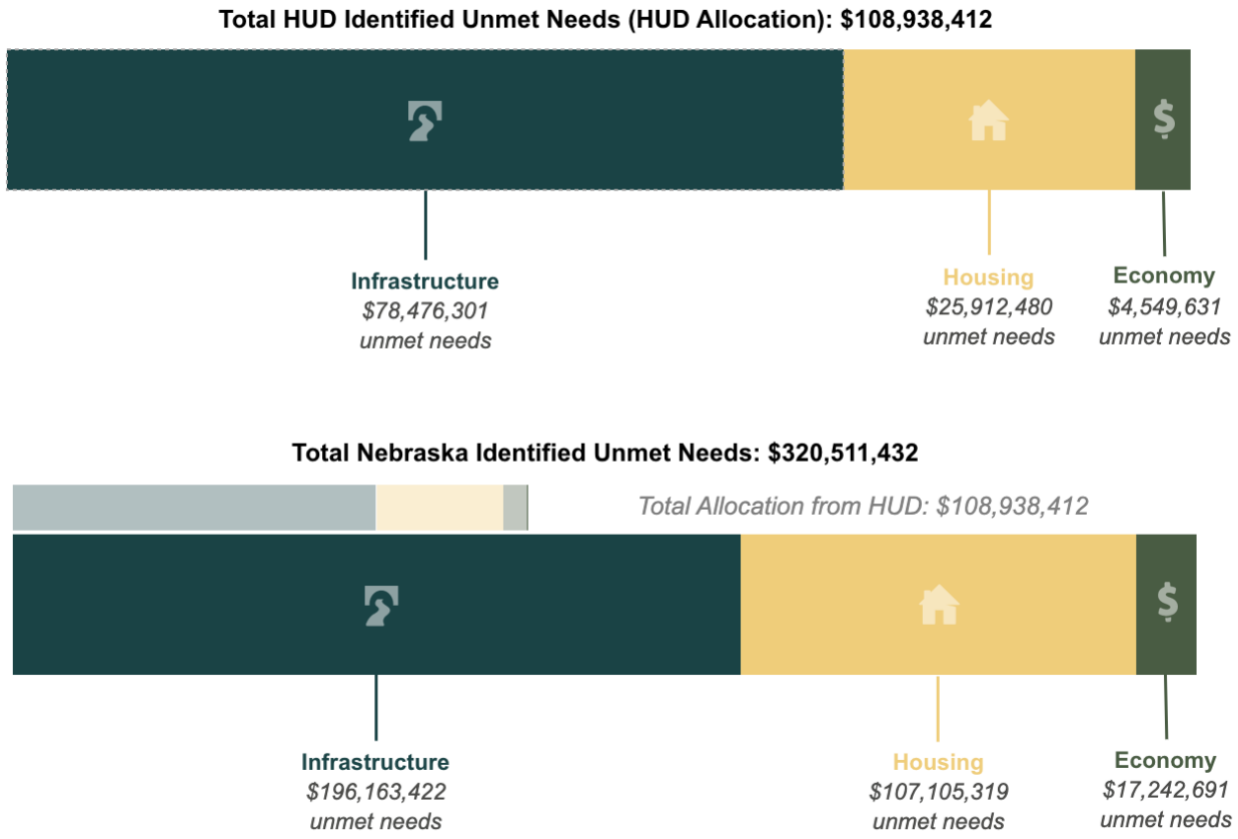
Through the Additional Supplemental Appropriations for Disaster Relief Act 2019,[9] HUD allocated the State of Nebraska $108.9 million to address housing, infrastructure, and economic recovery unmet needs[10] and to support the long-term recovery efforts following the 2019 disasters.[11] Grantees, such as the State of Nebraska, that are awarded CDBG-DR funding after a major disaster declaration are provided an allocation of funding based on unmet needs as defined and calculated by HUD, using damage estimates reported by FEMA and the US Small Business Administration (SBA). Nebraska's $108.9 million allocation represents the aggregate of unmet infrastructure needs, serious unmet housing needs in the most impacted and distressed areas (see Section 2.2.2), and serious unmet economic revitalization needs as calculated by HUD (Figure 2-1).

[9] Per Public Law 116-20.

[10] The unmet need is defined as the anticipated gap in estimated costs of damage and the federal assistance that can be met with local and state contributions and/or other sources.

[11] Allocations, Common Application, Waivers, and Alternative Requirements for Disaster Community Development Block Grant Disaster Recovery Grantees**,** 85 Fed. Reg. 17 (January 27, 2020). *Federal Register: The Daily Journal of the United States*. Web. 27 January 2020.

Figure 2-1: HUD and Nebraska Determined Unmet Needs



2.1.1 UNMET NEEDS ASSESSMENT PURPOSE

Grantees who receive an allocation through the CDBG-DR program are required to conduct an Unmet Needs Assessment (UNA) to assist in the identification and prioritization of critical unmet needs following a disaster and to identify long-term recovery efforts that will mitigate against future disasters. The goal is to enable the grantee to design recovery programs to meet the needs of its citizens and to be responsive to the types and locations of actual needs on the ground. As a grantee, the State of Nebraska must use the funds allocated in a strategic manner, utilizing the funding in the most-impacted, vulnerable areas while addressing a wide range of projects and needs throughout the impacted areas.

The UNA analyzes short- and long-term impacts of the disaster, assesses immediate recovery needs of the communities affected, and describes the ongoing recovery efforts. The assessment also includes mitigation and resilience measures for long-term planning. The analysis of unmet needs will evolve over time and will be re-evaluated as assistance is provided and needs shift.

The UNA presents findings based on best available data at the time of publication. These findings represent a point-in-time snapshot of disaster impacts and are subject to change as new data is collected or identified. The maps and graphics contained in this report are intended to help synthesize available information to convey the scale and location of impacts; however, no single

map or image can effectively summarize the impacts of the 2019 disasters. These images are intended to supplement the narrative contained within the report.

2.1.2 CALCULATING UNMET NEEDS

CDBG-DR funds are intended to primarily address unmet needs in the Most Impacted and Distressed (MID) areas with a focus on housing for low- and moderate-income (LMI) households and individuals.[12] HUD defines LMI as households and individuals that are 80% of the area median income (AMI). The following sections describe how HUD determines which areas represent the MID and how unmet infrastructure needs, serious unmet housing needs, and serious unmet economic revitalization needs are calculated by HUD.

2.1.2.1 DETERMINING THE MOST IMPACTED AND DISTRESSED AREAS

In accordance with the Federal Register[13] and statutory requirements, HUD is required to identify the MID areas and directs grantees to use a majority of their award (no less than 80% of the total allocation) in these areas. HUD also takes into consideration:

- **Individual Assistance (IA) Individuals and Households Program (IHP) designation.** HUD limits its allocations to the areas where FEMA determined damage was sufficient to declare the county as eligible to receive IHP funding. IHP is a FEMA program that provides financial and direct services to eligible individuals and households affected by a disaster who have uninsured or underinsured necessary expenses and serious needs.
- **Concentrated damage.** HUD limited its estimate of *serious unmet housing needs* to counties and zip codes with high levels of damage, collectively referred to as MID areas. For this allocation, HUD defines the MID areas as either most impacted counties—counties exceeding $10 million in serious unmet housing needs—and most impacted zip codes—zip codes with $2 million or more of serious unmet housing needs.
- **Disasters meeting the most impacted threshold.** HUD only provided funds to 2018 and 2019 disasters that met the “most impacted” damage threshold described above.

Serious unmet housing needs are defined as: FEMA-inspected housing units with damage that exceed the major-low threshold for real property or personal property damage (Table 2-1). It is relevant to note that this data does not account for whether a household is low- to moderate-income (refer to Sections 2.3.2 and 2.4.2 for further discussion).

[12] 85 Fed. Reg. 17 (January 27, 2020).

[13] Ibid.

Table 2-1: HUD Damage Categories

Category	Real Property Damage	Personal Property Damage
Minor-Low	Less than $3,000	Less than $2,500
Minor-High	$3,000 to $7,999	$2,500 to $3,499
Major-Low	$8,000 to $14,999	$3,500 to $4,999
Major-High	$15,000 to $28,800	$5,000 to $9,000
Severe	Greater than $28,800, destroyed or 6+ feet of flooding	Greater than $9,000, destroyed or 6+ feet of flooding

2.1.2.2 SERIOUS UNMET HOUSING NEEDS

Housing unmet needs are calculated using data obtained by FEMA and SBA from housing inspections completed on damaged properties as of November 1, 2019. Based on the amount of real and personal property damage, HUD categorizes each inspected unit into five categories (Table 2-2). The calculation HUD uses to determine unmet housing needs is based on verified damage above the Major-Low threshold in the MID areas, which does not account for all inspected units that experienced damage (Table 2-2).

Table 2-2: Details of HUD MID Area

County	Zip Codes	Serious Unmet Housing Need Estimate - MID	Total Any Damage	Total Serious Damage	Owner Serious Unmet	Renter Serious Unmet	Total Serious Unmet
Dodge	68025	$4,961,936	681	277	137	32	169
Douglas	68064	$4,659,244	345	182	100	31	131
	68069	$2,287,482	167	81	58	5	63
Sarpy	Entire County	$14,003,818	729	561	280	67	347
	Total	**$25,912,480**	**1922**	**1101**	**575**	**135**	**710**

HUD's calculation only accounts for 1,101 FEMA IA applicants (out of 6,878 total) to determine the unmet needs. This UNA accounts for all inspected properties with reported damage to demonstrate the State of Nebraska's total comprehensive unmet housing need. Table 2-3 shows the comparison of HUD's unmet needs versus the unmet needs calculated in this assessment, which utilizes the entire population of damaged housing units.

Table 2-3: Comparison of HUD versus UNA Calculated Housing Unmet needs

Category	HUD Serious Unmet Housing Need in MID	UNA Calculated Housing Need - All Counties	Difference (HUD vs UNA Calculation)
Unmet Needs	$25,912,480	$107,105,319	$81,192,839
Total Damaged Housing Units	1,922*	6,878	4,956

2.1.2.3 SERIOUS UNMET ECONOMIC REVITALIZATION NEEDS

To estimate serious unmet economic revitalization needs, HUD analyzes SBA disaster loan data to create five categories of damage based on the combined verified real estate and content losses of the pool of applicants. Of the five categories HUD establishes, serious unmet needs include only Category 3 and above:

- Category 1: real estate + content loss = below $12,000
- Category 2: real estate + content loss = $12,000 - $29,999
- Category 3: real estate + content loss = $30,000 - $64,999
- Category 4: real estate + content loss = $65,000 - $149,000
- Category 5: real estate + content loss = $150,000 and above

For properties with real estate and content loss of $30,000 or more (i.e., Category 3 and above), HUD calculates the estimated amount of unmet needs for small businesses by multiplying the median damage estimate by the number of small businesses denied an SBA loan. This amount includes those denied a loan prior to inspection due to inadequate credit or income (or where a decision had not been made), under the assumption that damage among those denied at pre-inspection have the same distribution of damage as those denied after inspection.

HUD's estimation of total unmet economic revitalization need equates to $4,549,631 (based on data from November 2019). While this approach yields an estimate that seems appropriate for the extent of damage reported by SBA, there is concern for the small businesses that did not apply and may still need financial assistance. Further, the UNA considers all categories of economic revitalization needs, not just those associated with Category 3 or higher (Table 2-4).

Table 2-4: Comparison of HUD versus UNA Calculated Economic Revitalization Unmet Needs

Category	HUD Serious Unmet Economic Recovery Need	UNA Calculated Economic Recovery Need	Difference (HUD vs. UNA Calculation)
Unmet Need	$4,549,631	$22,417,026	$17,867,395
Total Business Disaster Loans	39	1,398	1,359

2.1.2.4 UNMET INFRASTRUCTURE NEEDS

Infrastructure unmet needs are calculated by estimating the required state and local contribution (25%) of the cost to repair or reconstruct damaged permanent infrastructure (FEMA PA Categories C-G). These needs, as estimated by HUD, are represented in Table 2-5.

Table 2-5: Details of HUD Infrastructure Unmet Needs Calculation

Category	Value
HUD Permanent Facilities (FEMA Cat C-G) Estimate	$313,905,205
Federal Share	$235,428,904
Local Share (Unmet Need)	$78,476,301

These estimates were made in November 2019 and do not account for any additional damage reported after that date, nor does HUD's calculation include the cost of promoting resilience through FEMA HMGP (Table 2-17), underrepresenting the total infrastructure unmet needs (Table 2-6).

Table 2-6: Comparison of HUD versus UNA Calculated Infrastructure Unmet Needs

	HUD Permanent Facilities (FEMA Cat C-G) Estimate	UNA Calculated Infrastructure Need	Difference (HUD to UNA Calculation)
Unmet Need	$78,476,301	$196,163,422	$117,687,121

2.1.3 UNMET NEEDS ASSESSMENT SCOPE

The State of Nebraska worked from HUD's estimates to determine broader unmet needs, incorporating additional information and data provided by local and state stakeholders and federal agencies. This UNA provides an analysis of the impacts from the 2019 disasters to inform how the State of Nebraska will utilize this allocation to address the many identified gaps.

Table 2-7, derived from data obtained from FEMA, SBA, and the Nebraska Emergency Management Agency (NEMA), shows losses currently estimated at $947 million across housing, infrastructure, and economic revitalization using all data available, rather than focusing on "serious" unmet needs. As of March 2020, the total amount of assistance received is currently estimated at $627 million, with total unmet needs estimated at $320 million across housing, infrastructure, and economic revitalization in the State of Nebraska. The value of unmet needs in Nebraska will likely increase over time as additional recovery projects are identified.

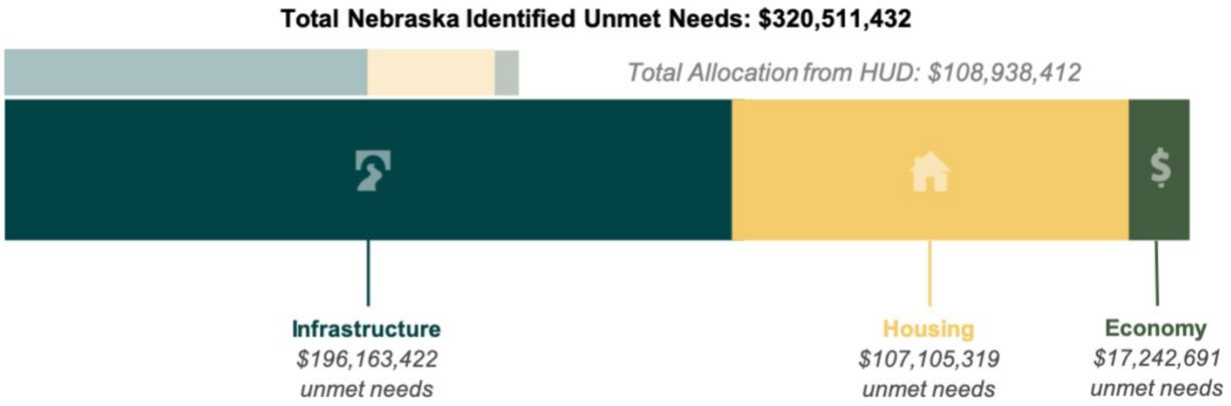
Table 2-7: UNA Estimated Impact and Unmet Need[14]

	Housing	Infrastructure	Economic Revitalization	Total
Current Estimated Damage	$199,974,488	$725,474,250	$22,417,026	$947,865,764
Funds Available	$92,869,169	$529,310,828	$5,174,335	$627,354,332
Percentage of Total Unmet Needs	34%	61%	5%	100%
Unmet Needs	**$107,105,319**	**$196,163,422**	**$17,242,691**	**$320,511,432**

The difference between HUD's allocation and Nebraska's total unmet needs is demonstrated in Figure 2-2. The calculations in Figure 2-2 demonstrate that HUD estimated the serious unmet housing needs at roughly 24% ($25.9 million) of the total unmet housing needs; and unmet infrastructure needs at roughly 40% ($78.4 million) of the current total of unmet infrastructure needs.

[14] Housing data obtained from FEMA Database last updated 03/16/2020; infrastructure data obtained from NEMA PA projects data last updated 01/16/2020; economy data obtained from the Small Business Administration data last updated 03/10/2020.

Figure 2-2: Nebraska's Unmet Needs and HUD's CDBG-DR Allocation



The data represents the state's estimated unmet needs based on best available data provided during the development of this assessment. These estimates represent a point-in-time analysis that will continue to evolve and does not include unreported losses, which may be attributed to:

- Impacted individuals not applying for assistance to repair their damaged homes;
- Damage exacerbated before repairs could begin;
- Economic impacts as a result of the disaster; and
- Infrastructure repairs that are necessary but deemed ineligible for federal assistance.[15]

Throughout the state, recovery efforts are underway for public and private housing and infrastructure facilities. Local jurisdictions reported having completed repairs on homes that were damaged or destroyed as well as repairing infrastructure facilities. Data gathering regarding these repairs is ongoing to determine if these expenses were federally or locally funded.

2.2 IMPACTED COUNTIES

FEMA and HUD designate certain eligible counties to receive financial assistance based on the damage caused by the disaster. The initial determination is made by FEMA, designating certain counties as eligible to receive assistance at a much broader level than HUD. HUD focuses on the areas determined to have sustained the most impact as a result of the disaster. To receive federal financial assistance, counties must first have a designation with FEMA.

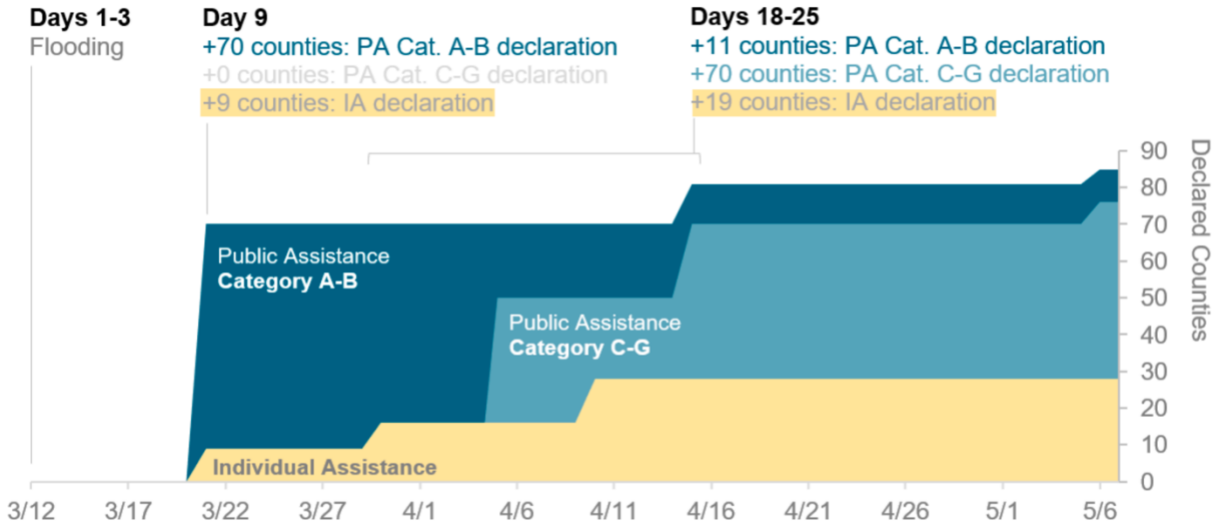
2.2.1 ELIGIBLE COUNTIES

The disaster declaration for Winter Storm Ulmer through FEMA made available financial assistance to certain eligible counties determined to have sustained damage from the impact of the storm. The initial declaration designated nine counties eligible to receive assistance for individuals and 69 counties to receive financial assistance for emergency protective measures in the immediate aftermath of the disaster. Between March and July 2019, through a series of

[15] Note this list is not comprehensive of all potential sources of unreported loss.

amendments after the original disaster declaration, the number of eligible counties expanded over time (Figure 2-3).

Figure 2-3: Timeline of DR-4420 Disaster Declaration[16]

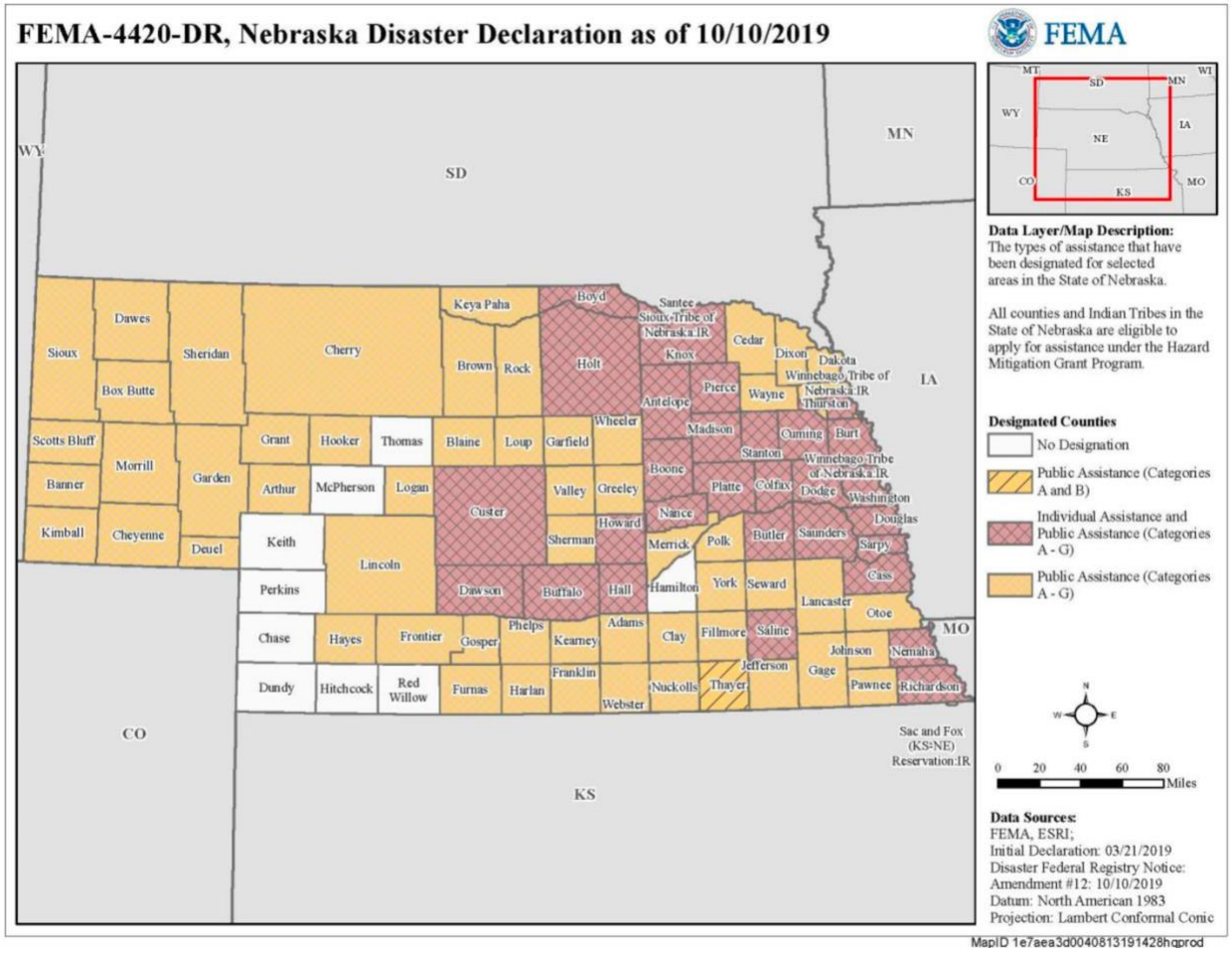


As shown in Figure 2-4, 84 of Nebraska's 93 counties[17] (90%) were ultimately covered by DR-4420, of which 29 counties (and one tribal area) were deemed eligible to receive IA funding.

[16] Reference to FEMA's Individual Assistance (IA) and Public Assistance (PA) programs. PA Categories A-B refer to emergency work while Categories C-G are permanent work.

[17] Does not include tribal areas that received a declaration.

Figure 2-4: Map of Federal Disaster Declaration for Nebraska[18]



Disaster declarations allow financial assistance to be made available to support the recovery efforts. The funding made available to designated counties is categorized in the following way (see Table 2-8):

- **FEMA Individual Assistance (IA):** Direct assistance provided to individuals and households through IHP. IHP provides financial assistance and direct services to eligible individuals and households who have uninsured and underinsured necessary expenses and serious needs. IHP is not a substitute for insurance and cannot cover all losses.[19]
- **FEMA Public Assistance (PA):** Assistance provided to state and territorial governments, local governments, Indian tribal governments and private non-profit organizations. PA is provided through two categories of activities:
    - Emergency Protective Measures for Debris Removal (Category A) and Emergency Protective Measures (Category B); and

[18] FEMA, 2019. Nebraska Severe Winter Storm, Straight-line Winds, and Flooding (DR-4420). Retrieved at: https://www.fema.gov/disaster/4420.

[19] FEMA, 2019. *Individuals and Households Program*. Retrieved at: https://www.fema.gov/media-library-data/1571949706314-838a916aad698391afe34b45ac13100a/1_FACTSHEET_Individuals_and_Households_Program.pdf.

- Permanent Work for the Restoration of Roads and Bridges (Category C), Water Control Facilities (Category D), Buildings and Equipment (Category E), Utilities (Category F), and Parks, Recreational, and Other Facilities (Category G).[20]

Table 2-8: FEMA Disaster Declaration, by County[21]

County	IA	PA (A-B)	PA (C-G)	County	IA	PA (A-B)	PA (C-G)	County	IA	PA (A-B)	PA (C-G)
Antelope	✓	✓	✓	Adams		✓	✓	Johnson		✓	✓
Boone	✓	✓	✓	Arthur		✓	✓	Kearney		✓	✓
Boyd	✓	✓	✓	Banner		✓	✓	Lancaster		✓	✓
Buffalo	✓	✓	✓	Blaine		✓	✓	Lincoln		✓	✓
Burt	✓	✓	✓	Box Butte		✓	✓	Logan		✓	✓
Butler	✓	✓	✓	Brown		✓	✓	Loup		✓	✓
Cass	✓	✓	✓	Cedar		✓	✓	Merrick		✓	✓
Colfax	✓	✓	✓	Cherry		✓	✓	Morrill		✓	✓
Cuming	✓	✓	✓	Cheyenne		✓	✓	Nuckolls		✓	✓
Custer	✓	✓	✓	Clay		✓	✓	Omaha[22]		✓	✓
Dawson	✓	✓	✓	Dakota		✓	✓	Otoe		✓	✓
Dodge	✓	✓	✓	Dawes		✓	✓	Pawnee		✓	✓
Douglas	✓	✓	✓	Deuel		✓	✓	Phelps		✓	✓
Hall	✓	✓	✓	Dixon		✓	✓	Polk		✓	✓
Holt	✓	✓	✓	Fillmore		✓	✓	Rock		✓	✓
Howard	✓	✓	✓	Keya Paha		✓	✓	Sac and Fox[23]		✓	✓
Knox	✓	✓	✓	Kimball		✓	✓	Scotts Bluff		✓	✓
Madison	✓	✓	✓	Franklin		✓	✓	Seward		✓	✓
Nance	✓	✓	✓	Frontier		✓	✓	Sheridan		✓	✓
Nemaha	✓	✓	✓	Furnas		✓	✓	Sherman		✓	✓
Pierce	✓	✓	✓	Gage		✓	✓	Sioux		✓	✓
Platte	✓	✓	✓	Garden		✓	✓	Valley		✓	✓
Richardson	✓	✓	✓	Garfield		✓	✓	Wayne		✓	✓
Saline	✓	✓	✓	Gosper		✓	✓	Webster		✓	✓
Santee[24]	✓	✓	✓	Grant		✓	✓	Wheeler		✓	✓

[20] FEMA, 2018. *Public Assistance Program and Policy Guide*. Retrieved at: https://www.fema.gov/media-library-data/1525468328389- 4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf.

[21] FEMA, 2019. Nebraska Severe Winter Storm, Straight-line Winds, And Flooding (DR-4420). Retrieved at: https://www.fema.gov/disaster/4420.

[22] Refers to Omaha Reservation.

[23] Refers to Sac and Fox Reservation.

[24] Refers to Santee Reservation.

County	IA	PA (A-B)	PA (C-G)	County	IA	PA (A-B)	PA (C-G)	County	IA	PA (A-B)	PA (C-G)
Sarpy	✓	✓	✓	Greeley		✓	✓	Winnebago[25]		✓	✓
Saunders	✓	✓	✓	Harlan		✓	✓	York		✓	✓
Stanton	✓	✓	✓	Hayes		✓	✓	Thayer		✓	
Thurston	✓	✓	✓	Hooker		✓	✓				
Washington	✓	✓	✓	Jefferson		✓	✓				

2.2.2 AREAS DESIGNATED "MOST IMPACTED AND DISTRESSED"

HUD identified three areas in Nebraska as the MID:

- Sarpy County (entirety);
- Dodge County zip code 68025 (Fremont, Inglewood, and Woodcliff); and
- Douglas County zip code 68064 and 68069 (Valley and Leshara).

Sarpy County was designated in its entirety as MID, whereas Dodge and Douglas received designation for three zip codes. Based on authorization[26] from HUD, Nebraska will expand the MID areas to cover the entire counties of Dodge and Douglas (Figure 2-5). This step enables the state to direct additional funding to those two counties where a portion (the three zip codes) were identified as being among the most impacted.

[25] Refers to Winnebago Reservation.

[26] The January 27, 2020 Federal Register Notice, HUD states that if a zip code is identified as a MID designated area, the grantee may indicate in their action plan that it intends to expand the MID to cover the entire county.

Figure 2-5: Most Impacted and Distressed Areas

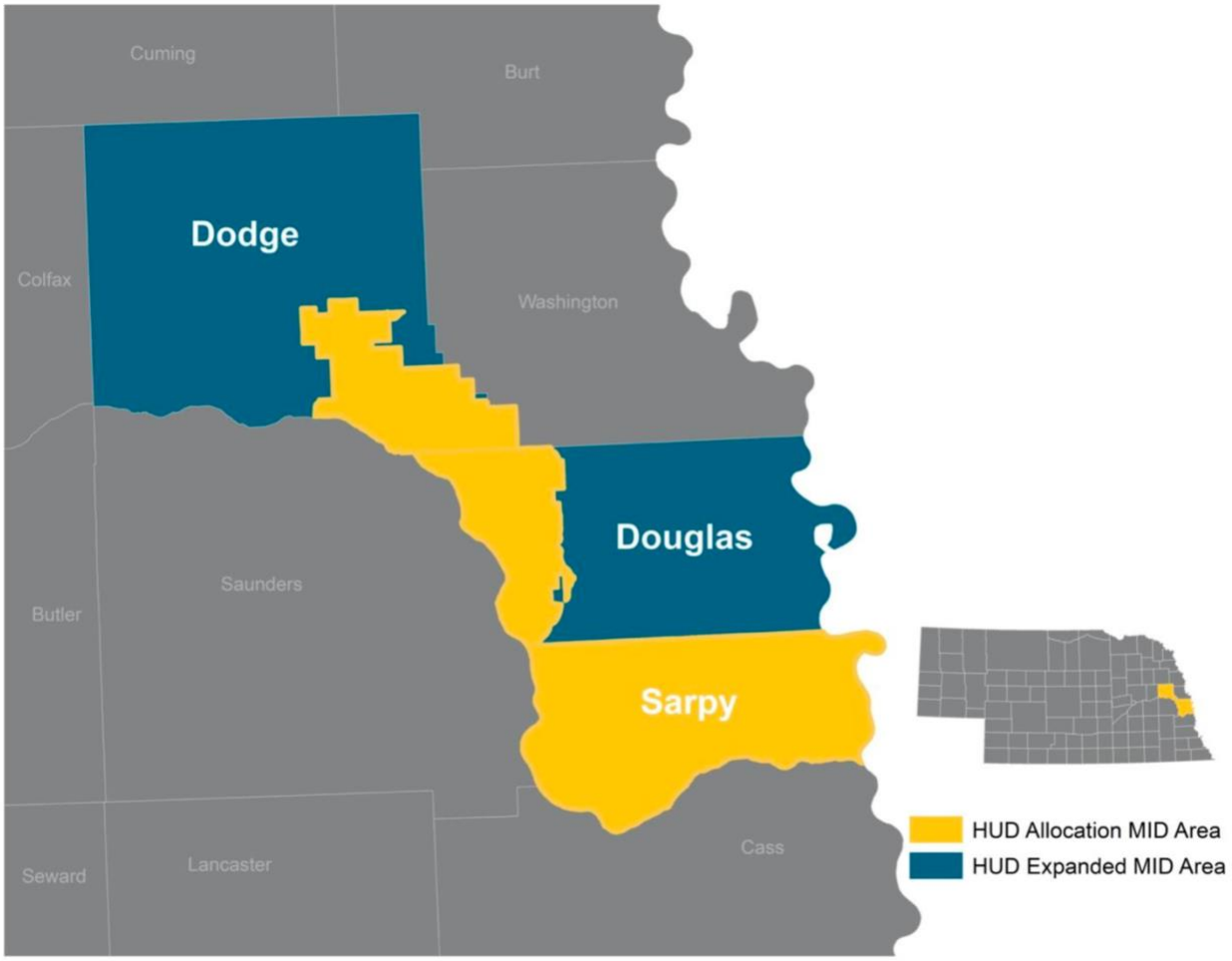


Table 2-9 outlines the number of FEMA and SBA applicants based on the HUD Unmet Need determination analysis. This analysis considers the number of applicants with insurance coverage and who were approved for an SBA loan in the MID areas.

Table 2-9: HUD Unmet Need Estimating Factors

	Insurance Coverage		SBA Loans		HUD Category		
County	**Homeowners** *(Number of Claims)*	**NFIP** *(Number of Claims)*	**Applied** *(Number)*	**Approved** *(Number)*	**Real Property** *(Claims)*	**Personal Property – Owner** *(Claims)*	**Personal Property – Renter** *(Claims)*
Dodge	676	319	441	189	832	86	77
Douglas	666	222	466	206	623	136	55
Sarpy	552	201	609	283	398	264	172
Remaining Counties	2,374	290	1,119	559	2,561	184	67
Total	**4,268**	**1,032**	**2,635**	**1,237**	**4,414**	**670**	**371**

2.3 COMMUNITY PROFILE

Understanding the community profile of the impacted areas will help guide the decision-making process to determine where to focus the use of funds. Evaluation of the environmental, housing, infrastructure, and community characteristics assist in determining what types of projects and programs should be prioritized. Measuring specific social vulnerabilities is a key aspect in determining the areas that will have the highest unmet needs, not only in actual disaster recovery losses, but also the ability to recover in a manner that will build resilience in a community and mitigate against future disasters. The ramifications of a disaster can go beyond just the physical damage and can impact the financial well-being of the residents for years following the disaster.

2.3.1 SOCIOECONOMIC STATUS

Table 2-10 shows the socioeconomic demographics of the FEMA designated counties that were eligible for both IA and PA. The table compares the socioeconomic demographics of the HUD and FEMA designated counties. Of Nebraska's total population, 96.6% reside in areas that were damaged by the disaster and were designated as areas eligible to receive FEMA IA or PA.[27]

[27] US Census Bureau. *2015-2018 American Community Survey 5-year Data Profile*. Retrieved at: https://data.census.gov/cedsci/

Table 2-10: Nebraska Socioeconomic Demographics[28]

	MID Designated Counties	Non-MID IA and PA Declared Counties	PA Only Declared Counties	Total-All Designated Counties[29]	State
Total Population	770,026	406,506	687,539	1,864,071	1,929,268
Percent of Total Population	39.9%	21.0%	35.6%	96.6%	-
Total Households	296,121	160,884	383,377	840,382	852,984
Percent of Total Households	34.7%	18.8%	44.9%	98.5%	-
SOCIOECONOMIC STATUS					
Below Poverty	9.0%	11.2%	12.6%	12.0%	12.0%
Unemployment Rate	3.7%	2.4%	2.6%	2.5%	2.5%
Median Household Income	$64,779	$55,299	$51,446	$53,114	$52,963
HOUSEHOLD COMPOSITION					
Minority Group	4.0%	3.0%	3.0%	2.7%	2.8%
Non-Native English Speakers	11.7%	8.5%	5.0%	6.4%	6.3%
Age 65 and Over	14.7%	19.6%	22.8%	21.6%	21.7%
17 and Under	25.8%	24.7%	22.2%	23.1%	23.0%
Age 5 and Under	7.2%	6.7%	5.9%	6.2%	6.2%
Disability	7.6%	7.9%	8.4%	8.2%	8.1%

Vulnerable populations tend to lack the financial resources for rapid post-disaster recovery. Analyzing the age dependent (under 5 and over 65), disabled, minority groups, and poverty levels, demonstrates the need for additional community outreach in the areas where these populations are prevalent. These populations may need additional services and special accommodations to ensure they can apply for and receive disaster recovery aid.

2.3.2 IMPACT ON LOW- AND MODERATE-INCOME HOUSEHOLDS

A core principle of the CDBG program is the "development of viable urban communities, by providing decent housing, a suitable living environment and expanding economic opportunities,

[28] Ibid.

[29] Percentages in this column reflect the percent of total state population.

principally for persons of [LMI]."[30] To meet this core principle, the CDBG authorizing statute requires that no less than 70% of the aggregate of CDBG program funds be expended for activities benefitting LMI persons and this requirement is also applicable to CDBG-DR funds.

For purposes of the CDBG program, low- and moderate-income is defined as total household income at or below 80% of Area Median Income (AMI) as defined by HUD. AMI is calculated yearly at the state level with each county and for certain metropolitan areas having defined income limits. Table 2-11 below shows the statewide AMI for the Extremely Low-Income Limit (ELIL, 30%), Very Low-Income Limit (VLIL, 50%) and Low-Income Limit (LIL, 80%).

Table 2-11: State of Nebraska Income Limits[31]

FY 2019 Income Category	Income Limit							
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Median Family Income	$78,100							
Low-Income Limit (80%)	$43,750	$50,000	$56,250	$62,500	$67,500	$72,500	$77,500	$82,450
Very Low-Income (50%)	$27,350	$31,250	$35,150	$39,050	$42,150	$45,300	$48,400	$51,550
Extremely Low-Income Limit (30%)	$16,400	$18,750	$21,100	$23,450	$25,300	$27,200	$29,050	$30,950

HUD provides grantees[32] with LMI data to justify area basis benefit activities that is accessible via HUD's website.[33] Grantees, such as the State of Nebraska, and their subrecipients must maintain documentation verifying the LMI benefit for each beneficiary of the grant funding. Figure 2-6, Figure 2-7, and Figure 2-8 highlights the percentage of the total population that is LMI by census tract in the MID designated counties. This map provides a visual representation of the geographic distribution of income in the MID. In the counties designated to receive FEMA IA assistance, 40.2% of individuals have an income less than 80% of the AMI (Table 2-11).

[30] Per 42 USC. 5301(c).

[31] HUD Exchange, 2019. *CDBG Income Limits.* Retrieved at: https://www.hudexchange.info/resource/5334/cdbg-income-limits/.

[32] Low- and moderate-income benefit can be demonstrated in four ways: area basis, limited clientele, housing, and creation/retention of jobs. The "area basis" approach is based on HUD-supplied income data from the US Census, while the "limited clientele" approach makes an assumption based on income characteristics of a specific group being assisted. Demonstrating low- and moderate-income benefit through housing and jobs is focused on the income of the individual or household receiving the direct benefit of the activity.

[33] HUD Exchange, n.d. *CDBG Low- and Moderate-Income Data.* Retrieved at: https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/.

Figure 2-6: Percentage LMI Populations in Douglas County

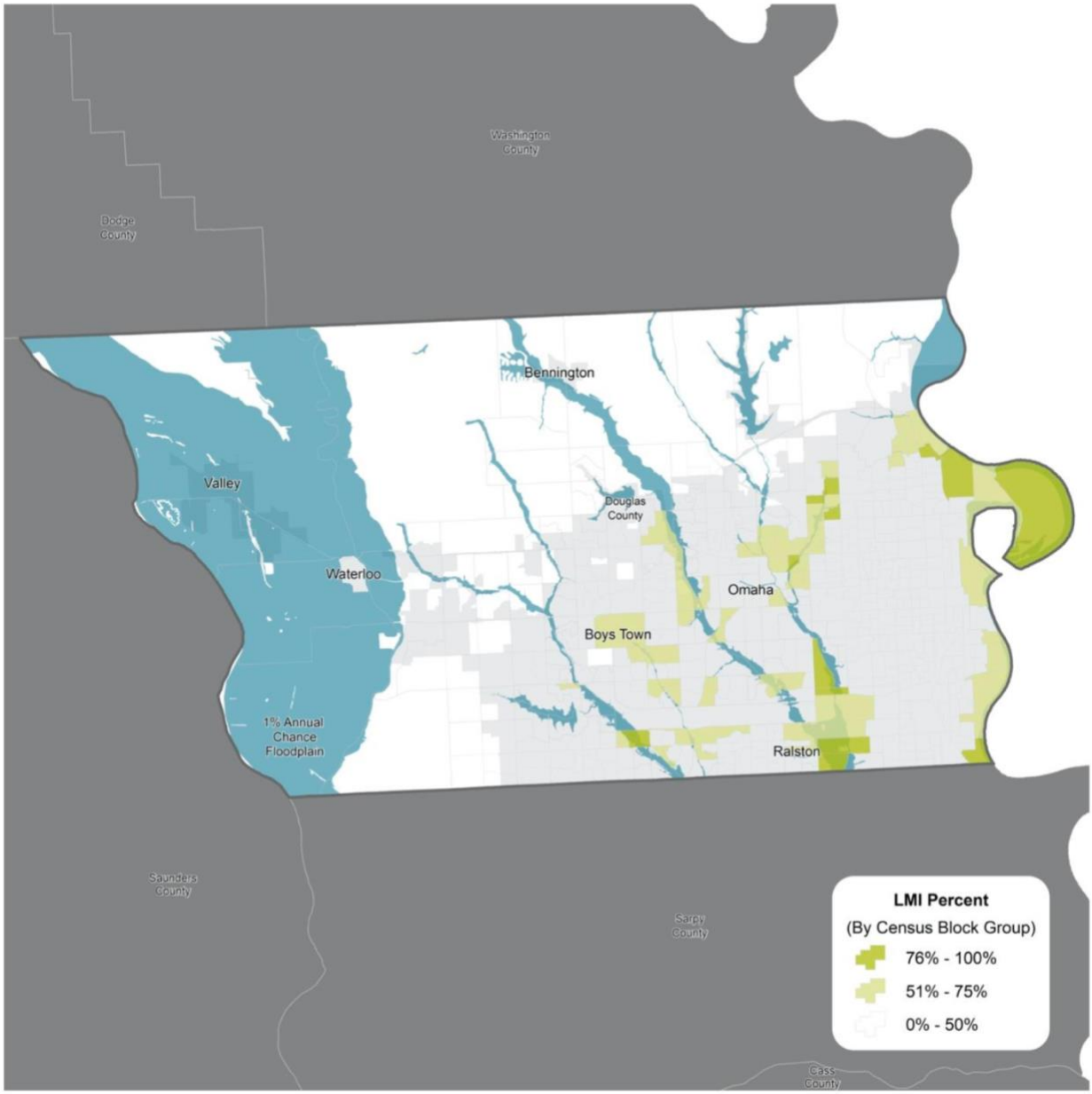


Figure 2-7: Percentage LMI Populations in Dodge County

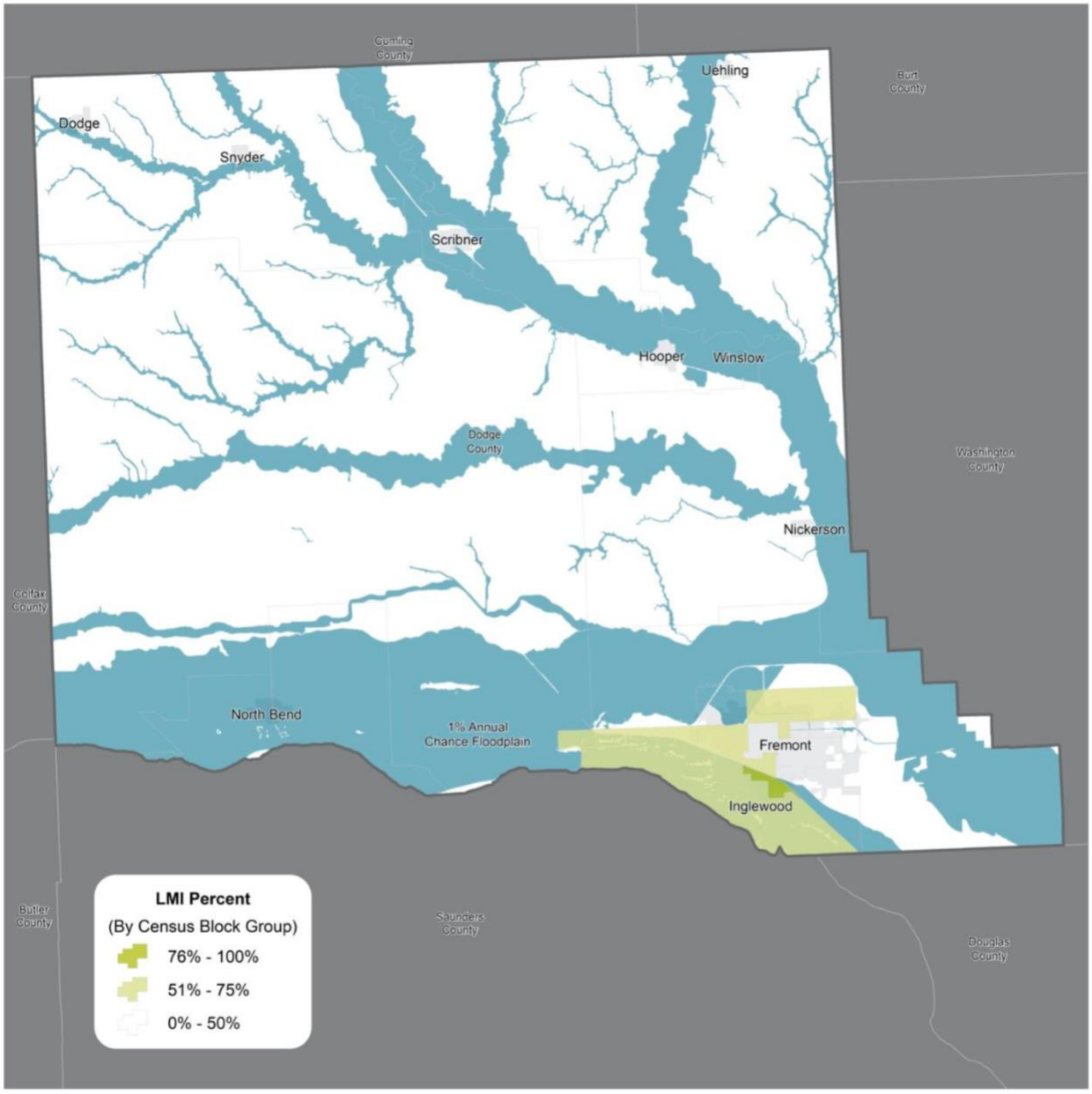
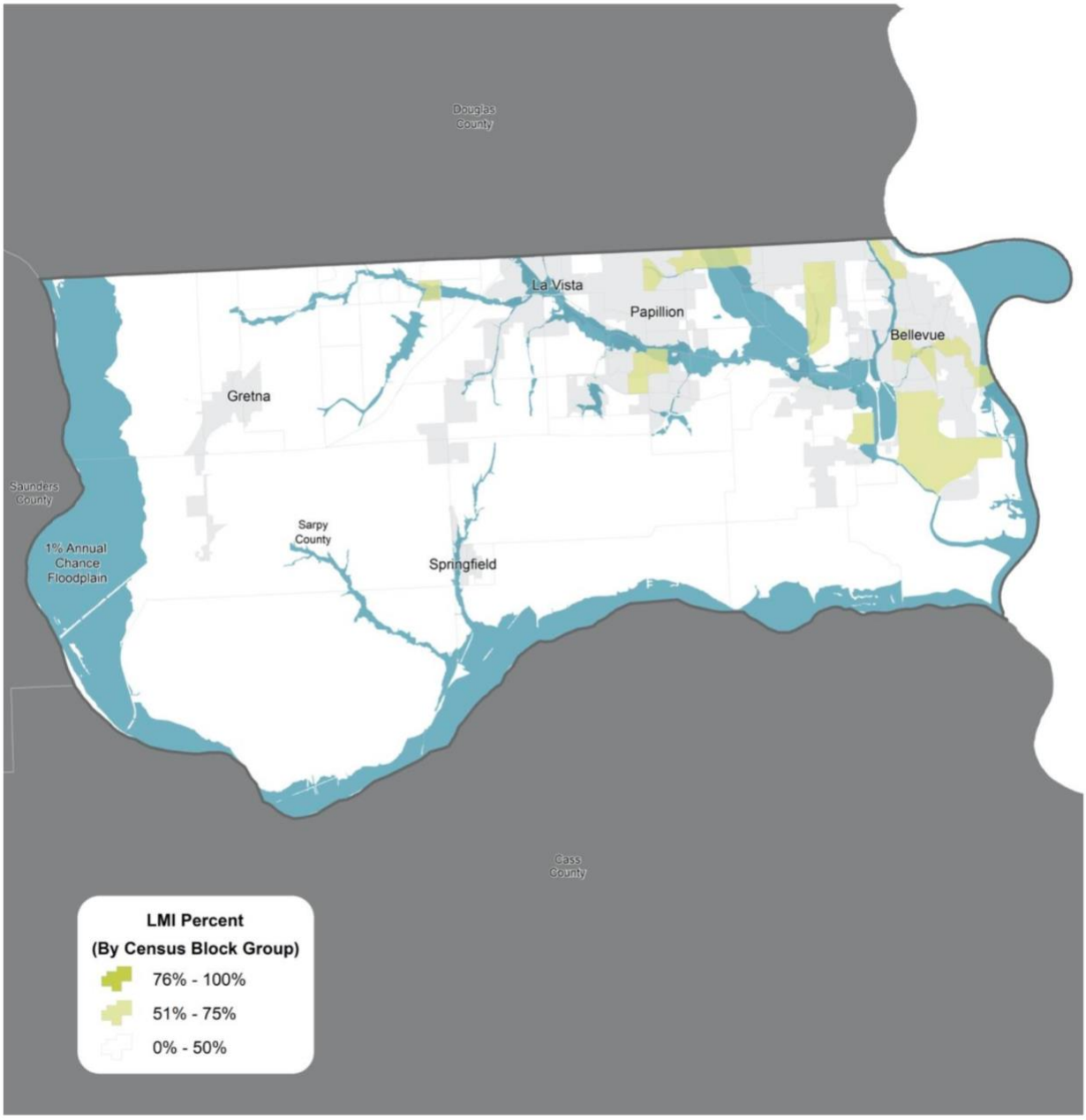


Figure 2-8: Percentage LMI Populations in Sarpy County



2.4 OVERVIEW OF IMPACTS TO CORE SECTORS

Three core sectors define disaster recovery: infrastructure, housing, and economic revitalization. To understand the need, each sector is summarized, including defining aspects and pivotal areas to be addressed for a successful recovery effort. The sectors are each allotted a certain percentage of funding that may be spent on projects in their respective sector. HUD may grant a waiver to shift funding allocations to other sectors depending on the needs in each community. If a community can demonstrate that their housing needs have been addressed, the grantee may request that the allocation be shifted to allow for additional infrastructure or economic recovery funding.

2.4.1 IMPACT ON INFRASTRUCTURE

Winter Storm Ulmer and the subsequent flooding caused severe damage to the State of Nebraska's infrastructure facilities, creating cascading impacts across many sectors. Infrastructure damage was widespread, with 84 out of 93 counties impacted, reporting damage to roads, bridges, levees, dams, and many other critical infrastructure facilities.[34]

The estimated cost to repair infrastructure facilities is currently valued at more than $640 million,[35] but the number is thought to be significantly higher, as data on flood control works is not currently available. FEMA defines flood control works as structures, such as levees, flood walls, flood control channels, and water control, that are designed and constructed to have an appreciable effect in preventing damage due to an irregular and unusual rise in water levels.[36] State and local governments moved quickly after the disasters to repair roads and other public infrastructure; however, rebuilding and mitigating for future events is an ongoing effort. Infrastructure remains a critical component in unmet needs and, due to a lack of centralized data and data that may not exist, the full extent of the damage to these systems is still unknown.

Figure 2-9: Flooded Railway Bridge

In addition, several fire stations were damaged during Winter Storm Ulmer, most notably the Fremont Rural Fire Station and the North Bend Fire District. North Bend reported

[34] FEMA, 2019. Nebraska Severe Winter Storm, Straight-line Winds, And Flooding (DR-4420). Retrieved at: https://www.fema.gov/disaster/4420.

[35] $640 million is the sum of estimated damage presented in Table 2-7.

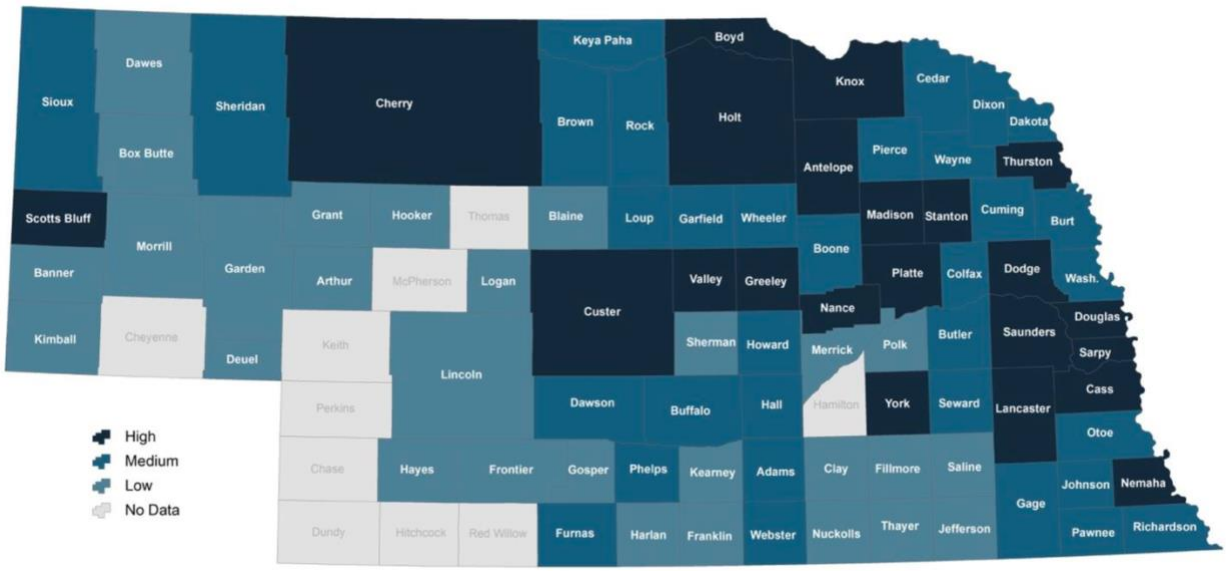
[36] FEMA Fact Sheet: Public Assistance. Retrieved at: https://www.fema.gov/media-library-data/1579196182575-ca576e176a344d81c01557191d2337ac/PA_Fact_Sheet_Flood_Control_Works_2017_508.pdf.

spending $30,000 on repairs, although estimated mitigation measures are between $3 and $4 million.

While an actual figure is not known for how much the wide-ranging damages to infrastructure resulted in subsequent damages to housing and businesses, anecdotally from the widely reported and numerous personal accounts of individuals and businesses affected, it is broadly acknowledged that infrastructure is, in large part, the backbone of community and commerce, and the tangible systems connecting housing to businesses and both to their larger communities.

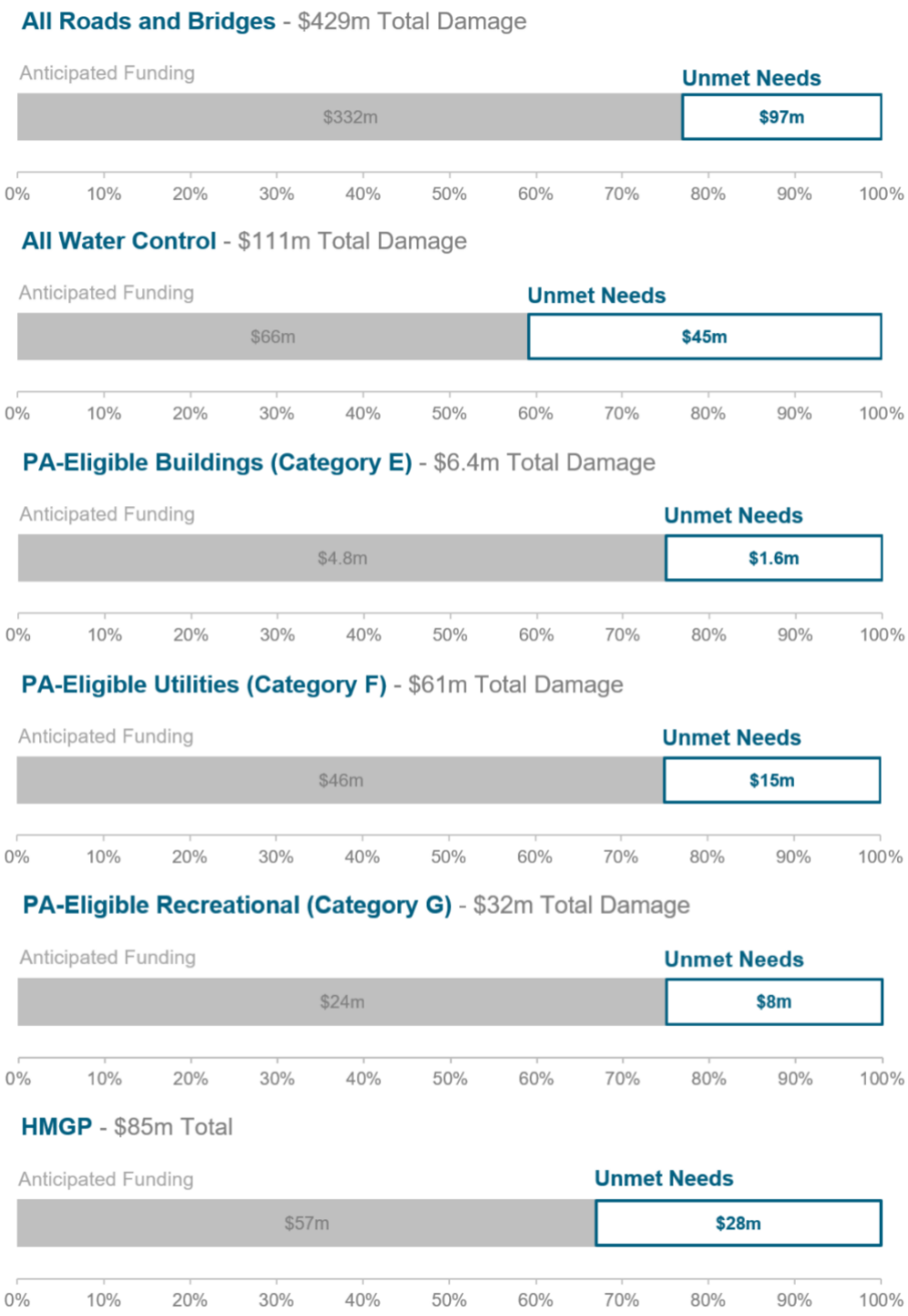
Figure 2-10 shows the widespread damage to infrastructure across the state and the concentration of PA-eligible projects in each county using best available data.

Figure 2-10: Total Number of PA-Eligible Projects per County[37]



[37] More information about this analysis can be found in Appendix C. For this map, high represents 24–111 projects, medium represents 5–24 projects, and low represents 1–5 projects.

Figure 2-11: Infrastructure Costs by Category[38]



[38] This figure represents current repair estimates, which are subject to change. Additionally, (1) roads and bridges unmet needs include funding from FEMA and the Federal Highway Administration; and (2) water control unmet needs include funding from FEMA, Natural Resources Conservation Service, and US Army Corps of Engineers. See Section 2.4.1.1 and Section 2.4.1.2.

2.4.1.1 ROADS AND BRIDGES

The 2019 disasters devastated roads and bridges throughout the State of Nebraska. Currently, the estimated value of damage to roads and bridges is $429 million (Table 2-12). Local, state, and federal roads and bridges were all impacted with closures of 3,300 state highway miles and 27 state highway bridges, approximately one-third of the state highway miles in Nebraska.[39] Local governments reported damage to streets and culverts remain in varying states of repair. In the aftermath of the disaster, the Nebraska Department of Transportation and local governments moved quickly to provide emergency and temporary repairs to enable roads to reopen. However, over a year after the flooding began, work still remained to fully restore roads throughout the state.

Table 2-12: Damage to Roads and Bridges[40]

Funding Source	Damage	Anticipated Funding	Unmet Needs
Federal-Aid Roads	$201,000,000	$160,800,000	$40,200,000
PA-Eligible Roads (Category C)	$227,824,784	$170,868,588	$56,956,196
All Roads and Bridges	**$428,824,784**	**$331,668,588**	**$97,156,196**

Due to closures on many of the roadways, other local roads that were not rated for heavy-use were more heavily used, causing additional wear and tear. These indirect impacts on local roads and privately-owned roads made recovery efforts even more difficult. The local roads are used for personal travel for Nebraska's individuals and families and for the transportation of agricultural equipment, livestock, feed, and milk trucks, making these roads critical to the state economy. These indirect impacts may not be covered by federal disaster recovery assistance, with responsibility potentially falling on the local and state governments.

[39] Nebraska Department of Transportation, 2019. "About Us." Retrieved at: https://dot.nebraska.gov/about/.

[40] This table represents current repair estimates, which are subject to change.

Figure 2-12: Washed-Out Road Under Repair

2.4.1.2 WATER CONTROL AND WASTEWATER TREATMENT FACILITIES

Water control facilities are those built for channel alignment, recreation, navigation, land reclamation, maintenance of fish and wildlife habitat, interior drainage, irrigation, and erosion prevention.[41] Damage to the State of Nebraska's water control facilities was extensive, currently estimated at $111 million (Table 2-13). Dams, levees, and other drainage facilities were breached, overtopped, or otherwise compromised. The full extent of damage to water control facilities is not yet known due to a lack of information and data from privately owned facilities.

Table 2-13: Damage to Water Control and Treatment Facilities[42]

Funding Source	Damage	Anticipated Funding	Unmet Need
PA-Eligible Levees (Category D)	$38,147,327	$28,610,495	$9,536,832
Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWPP)	$40,000,000	$4,100,000	$35,900,000
United States Army Corps of Engineers (USACE) Rehabilitation and Inspection Program (RIP)	$32,963,283	$32,963,283	N/A

[41] Public Assistance Handbook, FEMA. Retrieved at: https://www.fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf.

[42] This table represents current repair estimates, which are subject to change.

Funding Source	Damage	Anticipated Funding	Unmet Need
All Water Control	$111,110,610	$65,673,778	$45,436,832

The largest impact of Winter Storm Ulmer on dams in Nebraska was the failure and collapse of the Spencer Dam. The Spencer Dam, which failed on March 14, 2019, is a hydroelectric dam[43] located on the Niobrara River and owned by the Nebraska Public Power District. Large chunks of ice (measuring 18 to 24 inches thick) carried by flood waters contributed to the dam failure—the first time such a cause has been cited.[44] The dam failure immediately destroyed a saloon, a cattle herd, a portion of US Highway 281, and is thought to have caused at least one death.[45] This failure demonstrates the need for additional mitigation and resilience measures to be taken when completing recovery repairs on infrastructure.

Dodge County relies on a network of flood control infrastructure that includes 85 miles of drainage ditches, 32.71 miles of public levees, and private levees/berms. Private levees/berms, unable to qualify for public dollars (e.g., FEMA or USACE), are left unrepaired or with ad hoc repairs. Dodge County has identified $584,000 to repair privately owned dikes throughout the county, which at the time of this report, do not have a funding source to assist with the expense. The City of North Bend has identified $600,000 to repair the dike on the north side of the Platte River that sustained substantial damage and 605 water meters were reportedly destroyed. Privately-owned stormwater infrastructure was impacted in addition to the public infrastructure, but the damage and repairs costs are only available anecdotally.

2.4.1.3 UTILITY SYSTEMS

Winter Storm Ulmer resulted in significant disruptions to electrical services throughout the impacted areas. Power, water, and sewer services throughout the State of Nebraska reported damage and the current total estimated cost for utility repair projects is $61 million (Table 2-14), based on FEMA PA data.[46] The flood waters caused damage to individual electrical meters and hydroelectric dams, ranging from limited to extensive damage. Due to the nature of the storm and its lingering effects, the continued flooding made it difficult to determine the exact extent of the damage to these facilities. Furthermore, road and bridge closures also hindered the state's ability to make expedient repairs.

[43] Structure placed across a flowing river that converts the kinetic energy of the water into electricity by spinning turbines.

[44] Hammel, 2019. *Spencer Dam collapse may be first in nation caused by giant ice chunks, inspector says.* Omaha World Herald. Retrieved at: https://www.omaha.com/news/state_and_regional/spencer-dam-collapse-may-be-first-in-nation-caused-by/article_e0af7571-9264-5691-bd5c-344f4e940e85.html.

[45] Salter, 2019. *11-foot wall of water: One dam breaks, three counties suffer.* Lincoln Journal Star. Retrieved at: https://journalstar.com/news/state-and-regional/nebraska/foot-wall-of-water-one-dam-breaks-three-counties-suffer/article_eaf487d7-acc0-53a8-8786-9eccb43942ed.html.

[46] Data obtained from NEMA and current as of January 17, 2020.

Table 2-14: Damage to Utility Systems[47]

Funding Source	Damage	Anticipated Funding	Unmet Need
PA-Eligible Utilities (Category F)	$61,348,430	$46,011,322	$15,337,108

The Omaha Public Power District (OPPD) lost two substations and two transmission lines. These facilities provide electricity to a portion of Bellevue, and South Omaha. The two substations and transmission lines were fully operational prior to the flood but were inundated with water and destroyed. The two transmission lines were in standing water and had to be removed from service for public safety. The cost to rebuild the substations is approximately $4 million. OPPD has expressed the need to replace the service provided by the substations and transmission lines. However, due to the locations being in a floodplain, rebuilding outside of their current location will be required for mitigation purposes. This need to rebuild outside the floodplain has resulted in a higher estimated cost to rebuild such that the proposed Bellevue Redesign is approximately $25 million.

Immediately after the disaster, publicly owned water treatment systems and privately-owned wells were at risk of becoming contaminated due to the floodwaters. The Nebraska Department of Health and Human Services determined the disasters impacted 51 public water systems (3.8%) in the state, and 22 of these water systems were forced offline. Portions of Boyd County had no running drinking water for six months after the Spencer Dam collapsed and destroyed the Rural Water District pipeline.[48] Damage to privately owned wells remains largely unknown because the state does not monitor these; however, as a result of this missing data, there was a marked concern with contaminated drinking water. The damage to these wells may not be known for some time.

Wastewater treatment services are publicly owned and treat both domestic and industrial sewage. The State of Nebraska reported that 81 wastewater treatment facilities were damaged from the 2019 disasters.[49]

2.4.1.4 PARKS, RECREATIONAL, AND OTHER FACILITIES

In total, 33 counties applied for FEMA PA to fund the restoration of municipal parks, sports facilities, trail facilities, natural resource protection, and marina facilities. The Village of Inglewood has identified, among many items, the need for parks-related repairs estimated at $50,000 for leveling, reseeding, and shelter stabilization. This may not account for all the damage incurred to these facilities as only about one-third of the PA-eligible counties reported damage in this category. Moreover, it is possible that the impacts caused damage to recreational facilities that are ineligible for FEMA assistance. In Sarpy County, the Fontanelle Forest Flood Recovery Project has identified damaged or washed away boardwalks, docks, and bridges that once

[47] This table represents current repair estimates, which are subject to change.

[48] NET News, 2019. "Boyd County Drinking Water Restored After Six Months." Retrieved at: http://netnebraska.org/article/news/1191729/boyd-county-drinking-water-restored-after-six-months

[49] Nebraska Department of Environment and Energy, 2020. "Storm Recovery and Flooding in Nebraska: Environmental Guidance." Retrieved at: http://deq.ne.gov/NDEQProg.nsf/OnWeb/Disaster

provided access to wetland areas in the Great Marsh. The estimated cost to repair is at $318,450 with FEMA covering $175,000 and a local foundation providing $30,000. Table 2-15 summarizes unmet needs specific to parks, recreational, and other facilities.

Table 2-15: Damage to Parks, Recreational, and Other Facilities[50]

Funding Source	Damage	Anticipated Funding	Unmet Need
PA-Eligible Buildings (Category E)	$6,451,172	$4,838,378	$1,612,794
PA-Eligible Recreational (Category G)	$32,328,977	$24,246,733	$8,082,244
All Buildings and Recreational Facilities	$38,780,149	$29,085,111	$9,695,038

2.4.1.5 INFRASTRUCTURE DAMAGE IN THE MOST IMPACTED AND DISTRESSED AREAS

The county and three zip codes that HUD designated as MID (Sarpy County, Dodge – 68025, and Douglas – 68069, 68064) experienced a disproportionate amount of damage from the 2019 disasters. This is clearly demonstrated in the FEMA PA data from the disaster, as MID counties account for 23% of total PA costs despite only representing three percent of all counties eligible for PA funding. Accordingly, it is helpful to compare the cost of infrastructure damage per capita within and outside of the MID across FEMA PA categories of work (Table 2-16).

Table 2-16: PA Cost per Capita in MID Counties[51, 52]

	Dodge	Douglas	Sarpy	Non-MID Counties
Population	36,683	554,992	178,351	1,094,045
Cat. A – Debris Removal	$59.40	$13.77	$20.03	$8.95
Cat. B – Emergency Measures	$112.95	$13.75	$3.53	$17.61
Cat. C – Roads and Bridges	$528.43	$9.87	$10.42	$158.08
Cat. D – Water Control Facilities	$27.39	$3.16	$2.64	$29.86
Cat. E – Buildings and Equipment	$14.93	$2.65	$31.62	$5.18
Cat. F – Utilities	$27.98	$28.16	$8.45	$49.91
Cat. G – Parks, Rec. Facilities, and Other Items	$25.87	$13.79	$24.50	$17.14
Total	**$796.96**	**$85.15**	**$101.19**	**$286.73**

2.4.1.6 PROMOTING RESILIENCE

The HMGP will be a critical part of long-term resilience improvements for infrastructure in the impacted areas, as these funds can be used for mitigation and planning activities. HMGP is generally allocated based on 15% of the total PA funds provided by FEMA, in addition to the

[50] This table represents current repair estimates, which are subject to change.

[51] FEMA database last updated 03/16/2020

[52] US Census Bureau. *2015-2018 American Community Survey 5-year Data Profile*. Retrieved at: https://data.census.gov/cedsci/

FEMA IA funds made available. Despite the size of the total award, jurisdictions that receive HMGP awards are expected to contribute a portion of funding to the eligible project or activity, likely yielding unmet needs for resilience improvements.

CDBG-DR funds may be used as a non-federal share match in specific instances where a particular project can meet CDBG-DR requirements. These funds can also be used to address mitigation measures for housing and infrastructure where it is not reasonable to build back to pre-disaster status due to the damage of the structures. Integral to the CDBG-DR program is rebuilding structures to meet code and be resilient in the face of another disaster.

Table 2-17: Infrastructure Resilience Unmet Needs

Funding Source	Damage	Anticipated Funding	Unmet Need
HMGP	$84,775,971	$56,872,028	$27,903,943

2.4.2 IMPACT ON HOUSING

Evaluating the FEMA applications for housing assistance will demonstrate the impact on housing throughout the State of Nebraska, highlighting the housing unmet needs resulting from the 2019 disasters. While the MID areas demonstrate the areas with the highest unmet needs, these areas may not represent the LMI areas of highest unmet needs. HUD's unmet needs calculation does not consider the LMI population, which may inadvertently misrepresent the highest need areas in terms of vulnerable populations and the directive to address LMI persons with CDBG-DR funds.

Figure 2-13: Damage to Multifamily Housing Units Due to Flooding

Following the disaster declaration, individuals may apply for assistance through FEMA and SBA for home repairs, rental assistance, and other needs assistance. Figure 2-14 shows the total FEMA renter applications and Figure 2-15 shows FEMA owner-occupied applications submitted in all counties eligible for FEMA IA assistance, total approved applications, and percentage of approved applications. The total number of applicants in the MID designated areas (Sarpy, Dodge, and Douglas) represent 46.6% of the total applications submitted to FEMA and 57.4% of all approvals for individual assistance. Looking at the MID designated areas, including the entire county of Dodge and Douglas, these areas have a substantially higher rate of applications submitted and applications approved for both owner-occupied and renter-occupied applications.

Figure 2-14: FEMA Individual Assistance Renter Applications[53]

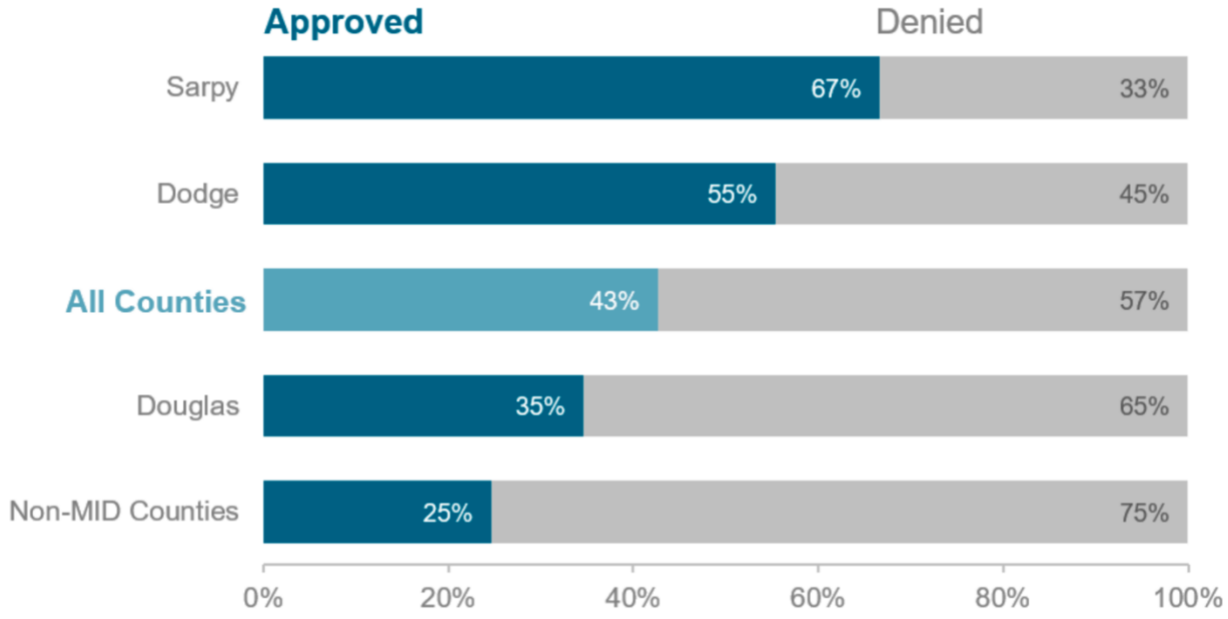
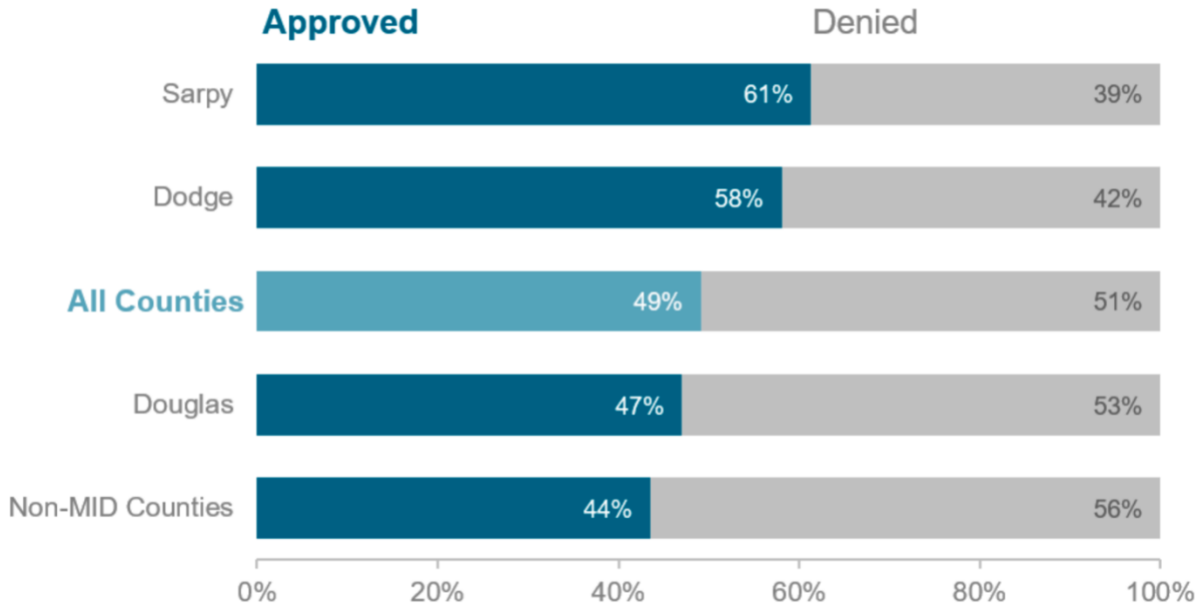


Figure 2-15: FEMA Individual Assistance Owner-Occupied Applications[54]



[53] FEMA Individual Assistance Database. Last updated: 03/16/2020.

[54] Ibid.

Figure 2-16: Total Individual Assistance Claims by Census Block Group for Douglas County

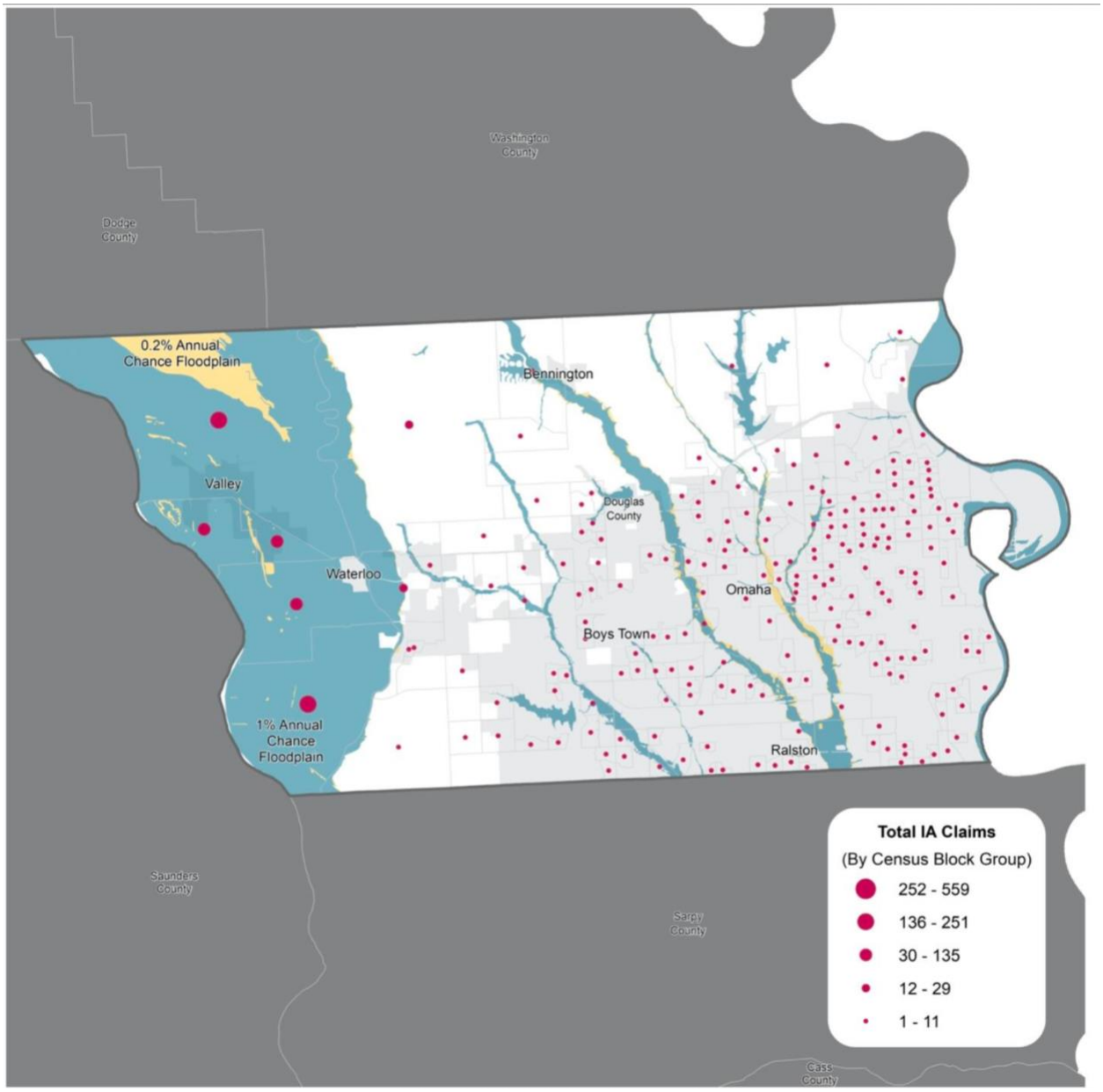


Figure 2-17: Total Individual Assistance Claims by Census Block Group for Dodge County

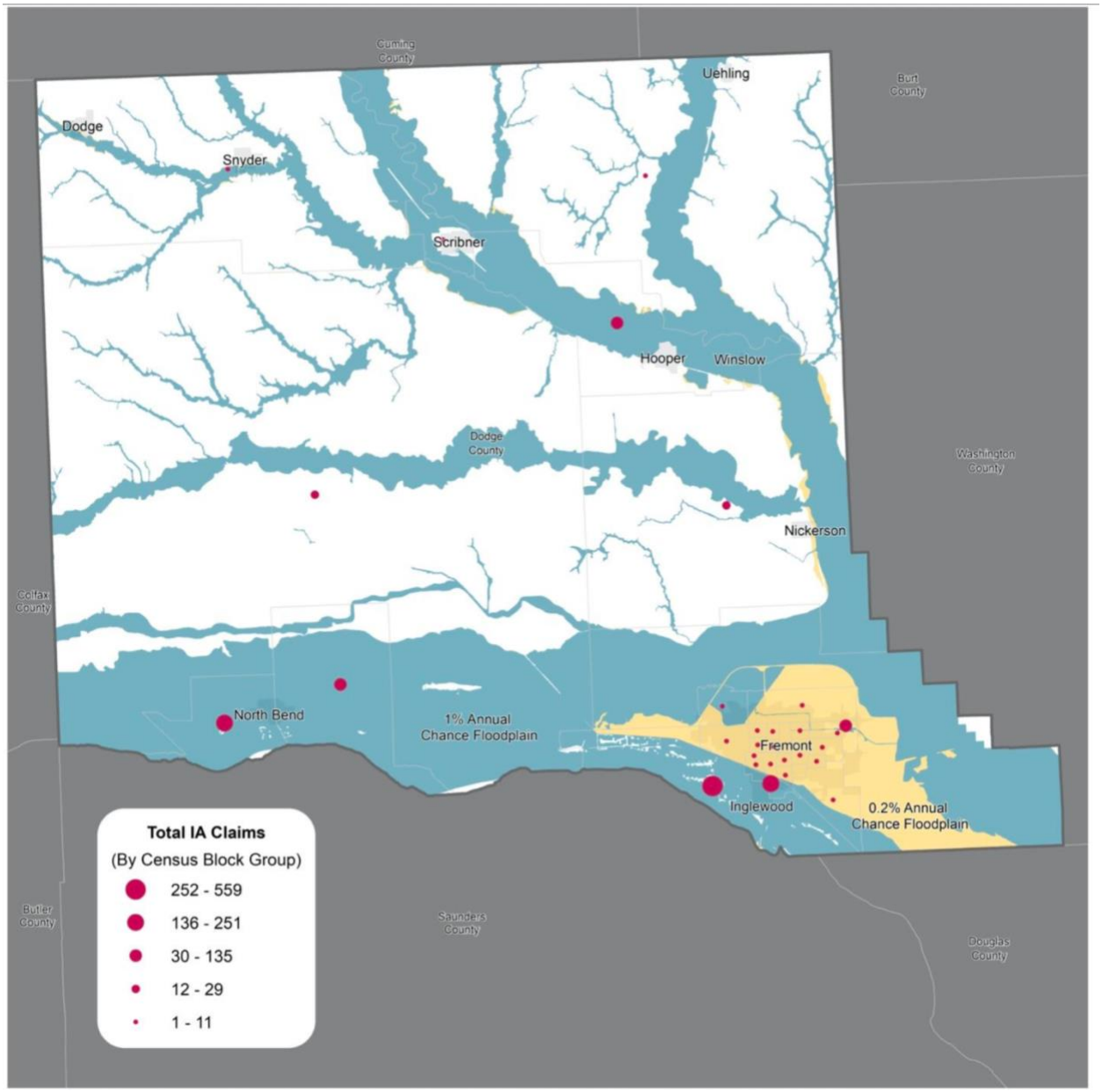
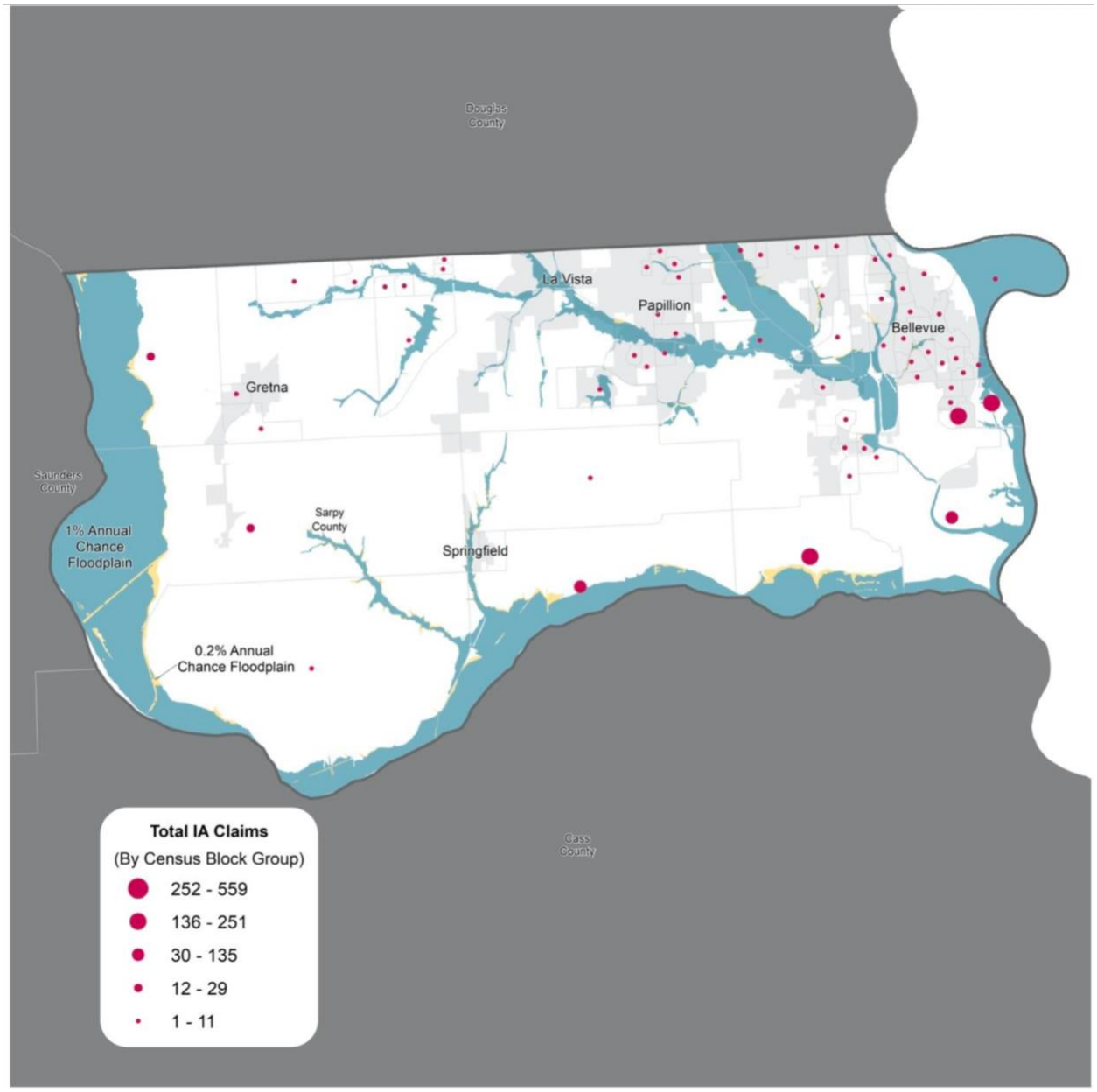


Figure 2-18: Total Individual Assistance Claims by Census Block Group for Sarpy County



2.4.2.1.1 Owner-Occupied and Renter-Occupied Housing

Throughout the State of Nebraska, the 2019 disasters impacted owners and renters throughout the State of Nebraska. While HUD identified Dodge, Douglas, and Sarpy as the MID areas, the impacts were felt statewide. Table 2-18 details FEMA IA applications submitted by owners and renters, housing units inspected, and the demographics of those applications in each county. According to the US Census Bureau, as of 2018, Nebraska has an average poverty level of 11%, and is home to vulnerable populations including aging individuals (19%) and people with disabilities (7.9%). Additionally, 40.2% of the impacted communities earn income at or below 80% of the AMI.[55]

Table 2-18: FEMA Owner-Occupied and Rental Unit Application Data[56]

County	Total Owner Application s	Total Rental Application s	Inspections Completed	Less than 80% AMI	Poverty	Disabled	English as Second Language	Age Dependent (Less than	Minority Group	Unemployment
Antelope	33	2	20	44.6%	12.6%	8.3%	3.3%	23.6%	0.9%	1.3%
Boone	66	11	54	37.3%	9.2%	6.4%	1.8%	22.8%	0.9%	1.2%
Boyd	196	34	100	45.1%	13.9%	9.3%	2.1%	30.6%	0.9%	0.9%
Buffalo	325	75	305	40.4%	10.7%	7.8%	7.8%	14.5%	2.4%	2.2%
Burt	24	2	14	39.4%	10.8%	10.4%	2.5%	24.1%	1.4%	1.8%
Butler	78	7	48	37.9%	9.1%	8.3%	5.7%	20.9%	1.2%	2.1%
Cass	211	38	171	33.1%	7.4%	6.5%	2.2%	17.5%	1.2%	3.0%
Colfax	91	15	76	44.3%	10.4%	5.8%	44.3%	13.5%	9.7%	2.2%
Cuming	70	5	35	41.8%	8.9%	5.1%	8.0%	22.0%	2.3%	2.5%
Custer	183	15	143	42.2%	12.0%	8.0%	3.8%	22.4%	1.2%	1.9%
Dawson	328	39	308	45.6%	12.1%	8.3%	30.2%	16.6%	7.5%	2.6%
Dodge	1,001	323	1,020	40.2%	9.8%	8.8%	11.5%	19.2%	3.2%	4.6%
Douglas	814	274	861	43.6%	11.6%	7.5%	14.9%	13.0%	5.4%	4.2%
Hall	185	21	166	42.7%	13.0%	8.8%	22.0%	14.9%	6.3%	3.2%
Holt	59	5	37	41.8%	12.1%	8.0%	4.6%	21.6%	1.3%	0.8%
Howard	113	10	74	36.7%	10.2%	7.3%	2.3%	21.1%	0.9%	2.2%
Knox	156	26	126	42.5%	13.4%	7.5%	5.2%	24.7%	2.7%	2.1%
Madison	131	28	127	41.7%	11.7%	7.6%	13.5%	15.9%	3.9%	2.1%
Nance	37	4	22	45.4%	11.7%	10.5%	1.6%	21.4%	1.1%	2.1%
Nemaha	27	10	20	39.0%	12.7%	10.1%	2.8%	20.1%	1.2%	2.8%

[55] These populations, among others, will likely require targeted outreach. The Citizen Participation Plan in Section 8 of the Action Plan addresses the outreach requirements as outlined in the federal register for this allocation.

[56] Application and inspection data obtained from FEMA database last updated 03/16/2020. American Community Survey data obtained from https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/.

County	Total Owner Applications	Total Rental Applications	Inspections Completed	Less than 80% AMI	Poverty	Disabled	English as Second Language	Age Dependent (Less than	Minority Group	Unemployment
Pierce	159	13	140	35.1%	9.8%	6.8%	1.8%	19.3%	0.9%	1.6%
Platte	88	14	59	35.6%	8.5%	5.6%	16.3%	17.2%	4.1%	3.8%
Richardson	14	7	14	46.8%	13.0%	9.4%	1.1%	24.7%	1.7%	2.2%
Saline	15	1	10	35.7%	12.4%	6.8%	23.2%	15.0%	5.8%	2.1%
Santee Indian Res.	4	0	0	-	-	-	-	-	-	-
Sarpy	726	270	767	30.2%	5.7%	6.6%	8.6%	11.8%	3.5%	2.2%
Saunders	146	16	110	33.7%	7.8%	8.3%	2.8%	18.7%	1.0%	1.7%
Stanton	32	7	21	36.3%	7.5%	6.5%	5.9%	17.9%	1.8%	2.0%
Thurston	90	35	94	55.3%	23.9%	8.9%	3.9%	11.8%	13.7%	9.6%
Washington	55	26	59	32.7%	6.9%	9.8%	2.5%	17.8%	1.0%	1.6%
Total	**5,457**	**1,333**	**5,001**	**40.2%**	**10.9%**	**7.9%**	**8.8%**	**19.1%**	**3.1%**	**2.5%**

Communities impacted by disasters face numerous challenges in the aftermath of the event. Health and safety risks increase when residents inhabit damaged properties and when properties damaged beyond repair sit vacant. Table 2-19 shows that of FEMA IA applicants:

- Nearly 56% of residents remained in their damaged homes post-disaster.
- Roughly 37% were displaced from their residence at the time of the disaster, living in various reported situations.
- Twenty-one applicants reported residing in mass shelters after the storms.[57]

Table 2-19: Owner and Renter Displacement Status[58, 59]

	Damaged Dwelling	New Rental Unit	Displaced	Total
Owner	3,298	289	1,869	5,456
Renter	481	229	623	1,333
Total	3,779	518	2,492	6,789
Percent of Total	56%	7%	37%	100%

Renters are eligible to apply for assistance to help pay for monthly rental assistance and replace damaged or destroyed personal property. In total, there were 1,333 applications submitted by renters with only 569 (42%) approved to receive assistance. The average payment for rental assistance was $1,430.[60] When compared to Nebraska's median monthly rental payment

[57] FEMA Database last updated 03/16/2020.

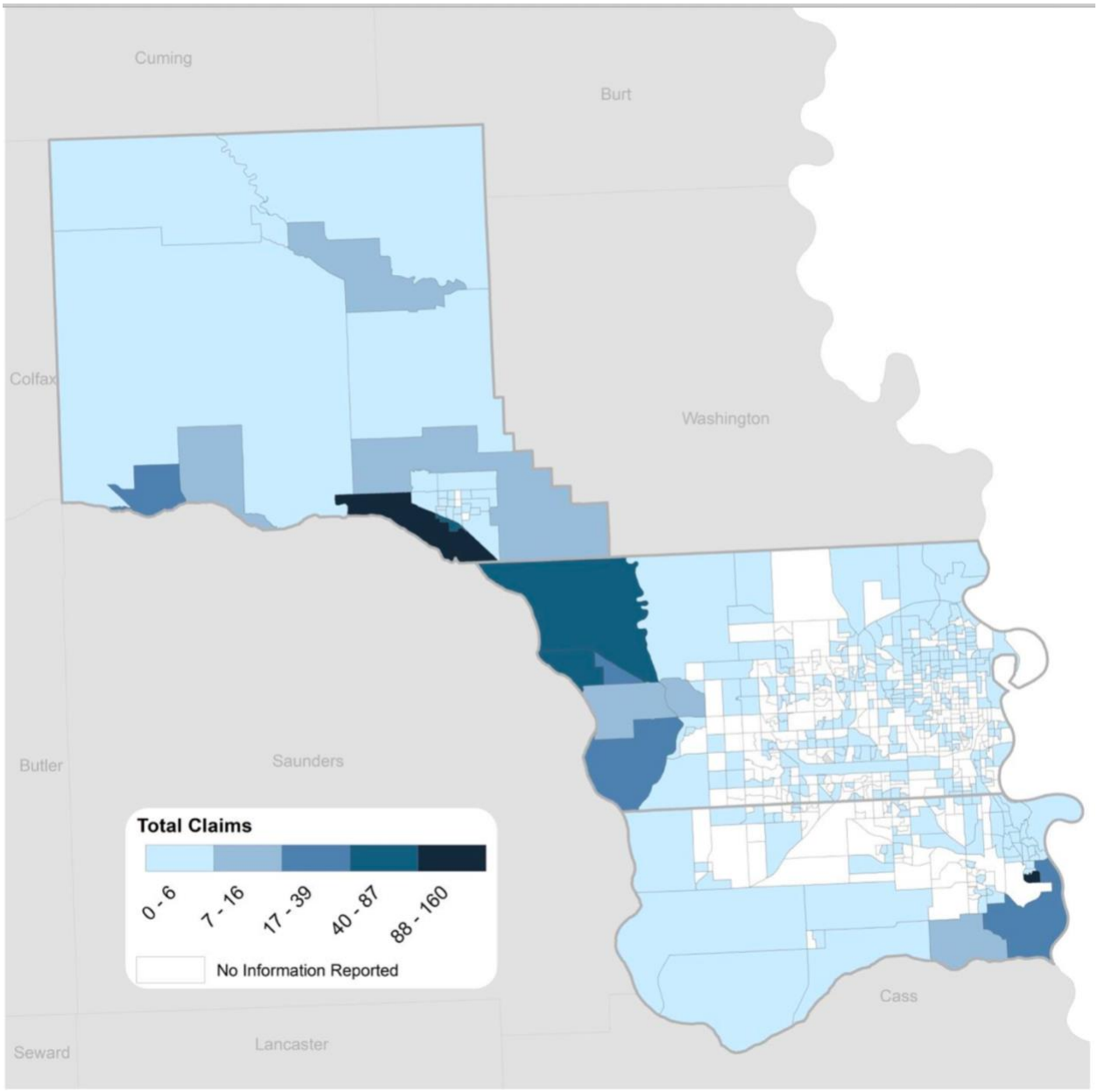
[58] Ibid.

[59] This data does not specify the reason for displacement.

[60] FEMA database last updated 03/16/2020: average of all rental assistance awarded.

($805),[61] the average rental assistance received accounts for less than two months of rent. Figure 2-19 shows the density of rental applications in the MID counties (69% of applicants approved for rental assistance were located in the MID).

Figure 2-19: Total Individual Assistance Claims from Renters by Census Block Group



[61] US Census Bureau. *2015-2018 American Community Survey 5-year Data. Retrieved at:* https://data.census.gov/cedsci/table?d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP04&tid=ACSDP5Y2018.DP04&g=0400000US31

2.4.2.2 HOUSING CHARACTERISTICS

While moving homes from floodplains and replacing (versus repairing) mobile homes may provide residents with more suitable living situations, cost-effectiveness must be taken into account when making determinations about the programs that will be more beneficial to Nebraskans. Table 2-20 outlines the housing types reported on FEMA applications and Figure 2-20, Figure 2-21, and Figure 2-22 show the distribution of these housing types. These figures show the high density of mobile homes within the MID.

Table 2-20: Owner and Renter Housing Types Impacted[62]

Housing Type	Owner Applicants	Renter Applicants	Unknown	Total
Apartment	4	142	3	149
Boat	0	1	0	1
College Dorm	0	1	0	1
Condo	14	5	0	19
House/Duplex	4,278	809	62	5,149
Military Housing	0	1	0	1
Mobile Home	685	221	6	912
Other	400	132	15	547
Townhouse	13	3	0	16
Travel Trailer	63	18	2	83
Total	**5,457**	**1,333**	**88**	**6,878**

[62] FEMA database last updated 03/16/2020.

Figure 2-20: Most Impacted Housing Type by Census Block Group for Douglas County

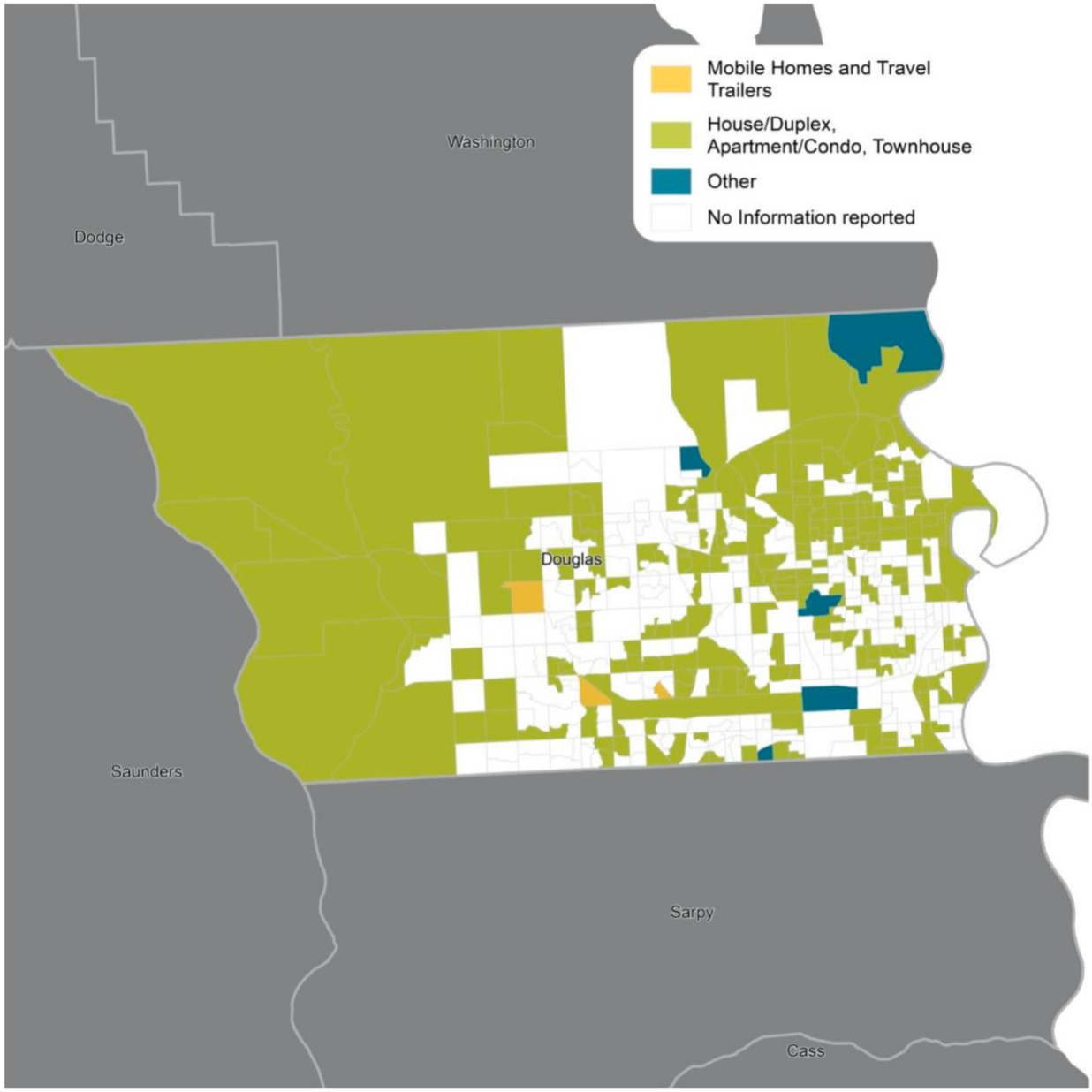


Figure 2-21: Most Impacted Housing Type by Census Block Group for Dodge County

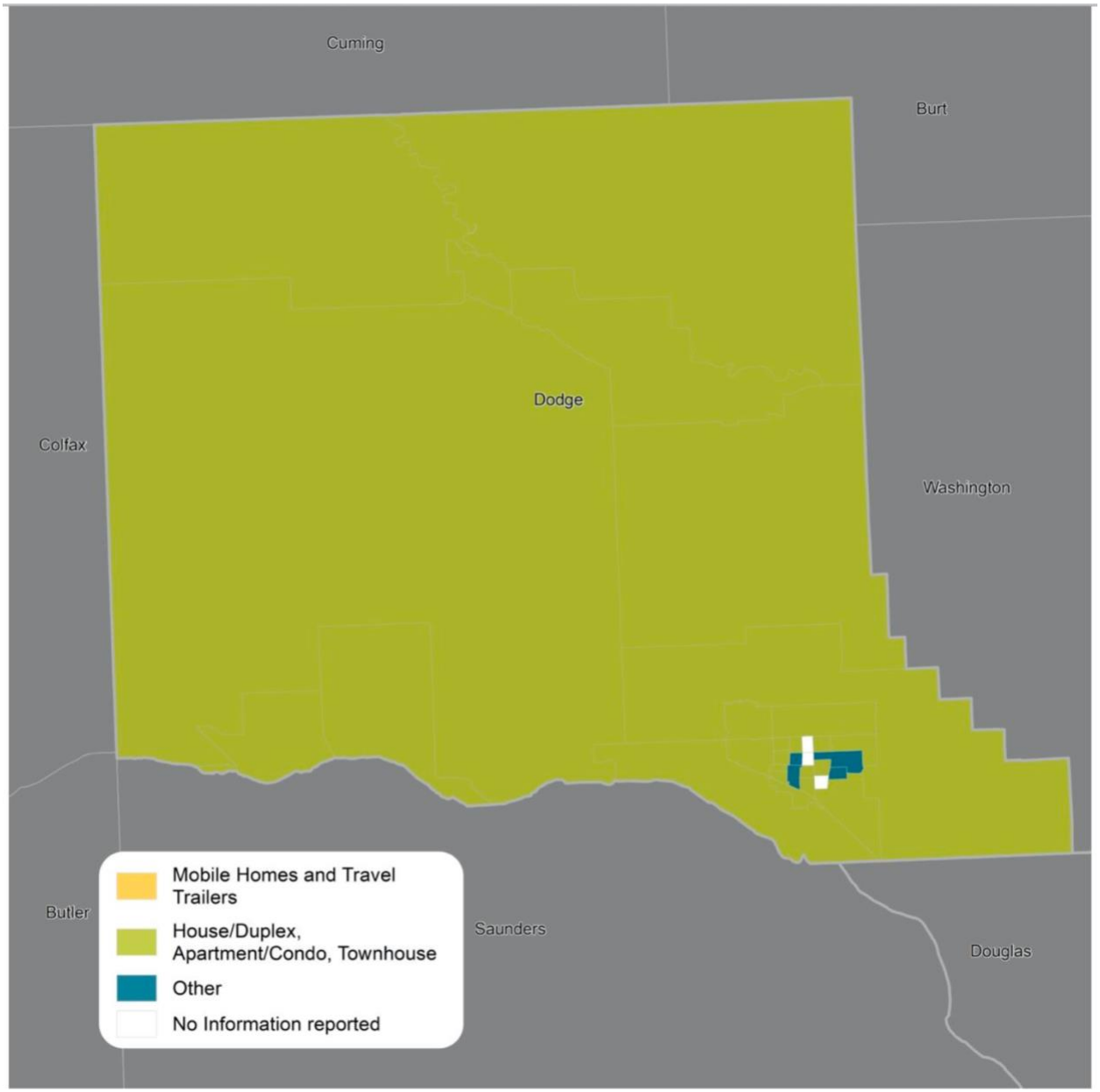
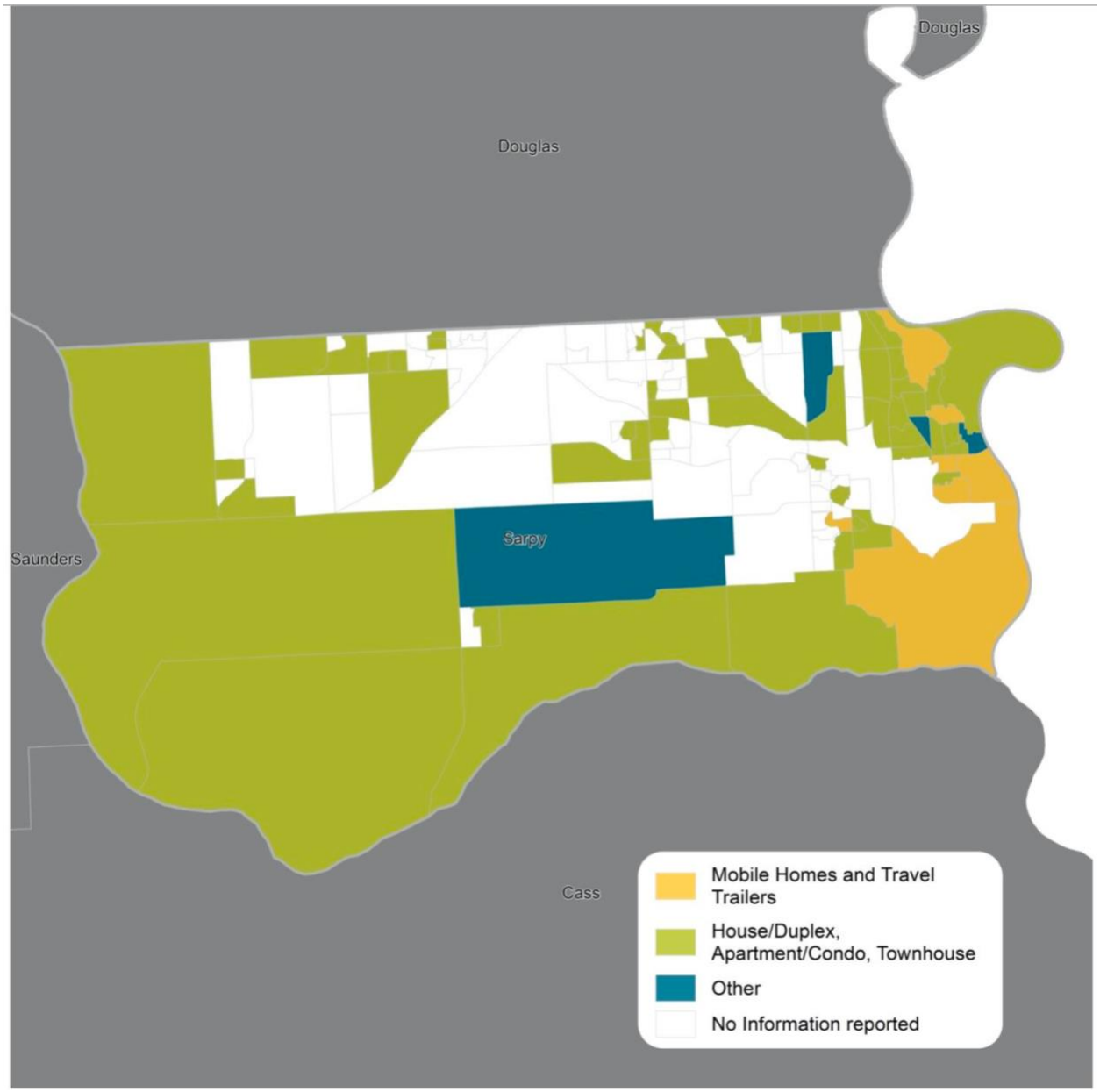


Figure 2-22: Most Impacted Housing Type by Census Block Group for Sarpy County



2.4.2.3 AFFORDABLE AND PUBLIC HOUSING

Lack of affordable housing throughout the State of Nebraska presented challenges prior to the 2019 disasters. Various housing authorities have conducted studies and outreach to communities with vulnerable populations to determine the need to address the lack of affordable housing.[63] The City of Omaha (Douglas County) identified several factors contributing to the housing needs, citing location, unit type, and size.

The Douglas County Housing Authority and the Jefferson House Youth Shelter, a 501(c)(3),both sustained damage from the 2019 disasters, the unmet needs for these facilities were estimated at $22,100 and $41,750 accordingly.[64] In Douglas County, 16 public housing units were directly impacted, resulting in an estimate of over $500,000 in repairs. Outside of the MID counties, the Lynch Public Housing Authority, located in Boyd County, also sustained damage valued at approximately $28,394.[65] The estimated cost to repair 10 housing units is more than $200,000; however, as of the writing of this report, some repairs have been made, leaving just over $28,000 in repairs yet to be completed. In addition, the Bright Horizons Shelter, located in Norfolk, sustained damaged valued at over $17,000.[66]

The need to identify additional housing units impacted by the 2019 disasters is an ongoing effort and currently being studied by the Sherwood Foundation on behalf of the City of Omaha.[67] The intent of the study is to develop strategies for affordable housing for the City of Omaha and identify gaps between their current stock and the future need. As results are released, the state will continue to coordinate with the City of Omaha and the Sherwood Foundation, as well as other public housing authorities, to evaluate how CDBG-DR may potentially assist with closing this gap. If other such studies are conducted within other areas of the state, that information will also be taken into account where it is made available to the State of Nebraska.

2.4.3 IMPACT ON THE ECONOMY

To understand the impacts on the state's economy, pre-disaster economic conditions and issues must be considered. Statewide and regional unemployment rates limit the pool of available skilled workers, hindering rebuilding and recovery efforts. Long-standing patterns of college-educated adults moving from smaller communities within the state to its larger cities, or out of state entirely, have compounded these workforce issues.[68] The economic after-effects of the 2019 disasters, combined with the onset of COVID-19 and preexisting factors, will likely impose long-term impacts on the state as a whole.

[63] This information was obtained from the Sarpy County Housing Study and to be obtained from the Doge County housing study (ongoing).

[64] As of 6/9/20 for the Douglas County Housing Authority and 6/4/20 for the Jefferson House Youth Shelter.

[65] As of 5/29/20.

[66] This information was obtained using surveys issued to public housing authorities and other local jurisdictions. Surveys were used to gather damage information that was not captured in FEMA or SBA total costs of damage and repairs. The State of Nebraska continues to gather information from public housing authorities to gain insight on unmet needs that have not yet been addressed.

[67] Ibid.

[68] Nebraska Department of Economic Development, January 22, 2020. Economic Recovery Support Function Coordination Meeting.

2.4.3.1 SMALL BUSINESS UNMET NEEDS ANALYSIS

The Small Business Administration (SBA) makes low-cost disaster loans available to qualified small businesses. The SBA defines small business as a "business with a maximum of between 250 and 1,500 employees, depending upon the industry. They're privately owned corporations, partnerships, or sole proprietorships that have less revenue than larger businesses."[69] According to the SBA's business and economic injury loss data, 228 businesses across the state applied for SBA business loans after the 2019 disasters. Among the 228, 176 of these applications came from within the MID. Of the businesses that applied for assistance, 68 were approved for loans, totaling approximately $8,548,200. Thirty-one of the approved loans totaling $3,698,900 were cancelled for reasons such as changed circumstances, notification of insurance payout, or identification of alternate sources of funding.

SBA calculated total verified business losses (losses verified for initial loan determination) of $22,417,026 for real estate repair and reconstruction, debris removal, land improvements, lost inventory, machinery and equipment, furniture and fixtures, and leasehold improvements. SBA and insurance payouts to businesses totaled $5,174,335, resulting in potential unmet needs of $17,242,691 (Table 2-21).

Table 2-21: Summary of Economic Assistance[70]

	Economy
Amount of Estimated Damage: *Property + Content Losses*	$22,417,026
Amount of Funds Available: *Insurance Payouts + Approved Loans*	$5,174,335
Unmet Needs: *Damage – Funds Available*	$17,242,691

Despite arriving at a higher estimation of unmet economic revitalization needs, this Action Plan does not allocate funding for these needs due to a subsequent injection of financial support for the private sector (COVID-19 relief). Upon preliminary review of applications for COVID-19 related funding, it was apparent that the economic needs attributed to that event, along with available economic recovery resources, were much more significant than those attributed to the 2019 disasters. Furthermore, these mitigating factors make it increasingly difficult to draw the necessary nexus between needs and the 2019 disaster. See the *Foreword* section of this Action Plan for further discussion of how funds are being prioritized in the wake of COVID-19.

2.4.4 FEDERAL ASSISTANCE PROVIDED

Various funding streams are available to assist with the recovery from DR-4420. These funding sources range from local to federal assistance with varying degrees of allowable uses and

[69] Small Business Administration, 2020. Size Standards. Retrieved at https://www.sba.gov/federal-contracting/contracting-guide/size-standards.

[70] Data obtained from SBA database provided and current as of March 10, 2020.

amounts. Communities should assess all available sources to determine the viability of each source and their capacity to administer the funds appropriately.

2.4.4.1 FEDERAL EMERGENCY MANAGEMENT AGENCY

The presidential declaration for DR-4420 enabled FEMA to allocate funding for immediate emergency recovery needs in Nebraska. With the declaration, IA and PA was made available to supplement local recovery efforts in the designated counties and tribal areas.[71] Designated counties (areas included in disaster declaration as sustaining damage) are eligible for one or more of the following types of assistance:

- **FEMA Individuals and Households Program (IHP):** Through IHP, FEMA provides IA directly to individuals and households, as well as state, local, and tribal territory government to support individual survivors. For this declaration, assistance available through the IHP program included: Federal IHP Housing Assistance and Other Needs Assistance (ONA).
- **FEMA PA Emergency Work Assistance (Categories A and B):** FEMA is authorized to provide PA funding for Emergency Work, including emergency protective measures and debris removal. Emergency Work is that which must be done immediately to save lives, protect public health and safety, protect improved property, or eliminate or lessen an immediate threat of additional damage.
- **FEMA PA Permanent Work Assistance (Categories C through G):** Permanent Work is work required to restore a facility to its pre-disaster design (size and capacity) and function in accordance with applicable codes and standards.

Table 2-22 represents the final awards for each category of funding available to eligible counties in Nebraska.

Table 2-22: FEMA Approved Financial Assistance

Category	FEMA Dollars Approved (as of 03/2020)		
Individuals and Households Programs	**Housing Assistance (HA)**	**Other Needs Assistance (ONA)**	**Total**
	$24,155,059.49	$2,919,755.91	$27,074,815.40[72]
Public Assistance Grants	**Emergency Work – Category A-B**	**Permanent Work – Categories C-G**	**Total**
	$9,998,764.41	$26,571,683.28	$36,570,447.69[73]

2.4.4.1.1 Individuals and Households Program

IHP assistance provides financial help and direct services to eligible individuals and households who have uninsured or underinsured necessary expenses and serious needs. IHP assistance is

[71] Funding will be provided directly to federally recognized tribes.

[72] IHP dollars have been approved but not necessarily disbursed.

[73] Dollars obligated will be made available to the state following FEMA review and approval.

not a substitute for insurance and cannot compensate for all losses caused by a disaster; it is intended to meet basic needs and supplement disaster recovery efforts.

IHP assistance is limited to 18 months following the date of the disaster declaration. The period of assistance begins at the date of the presidential declaration and not the date on which the disaster is designated for IA. Disaster declaration DR-4420 was issued on March 21, 2019 and, as of the date of this report, assistance for the State of Nebraska under DR-4420 is slated to end September 21, 2020.

2.4.4.1.2 Public Assistance: Emergency and Permanent Work

Eligibility for public assistance is based on four factors: applicant, facility, work, and cost.

- **Applicant**: must be a state, territory, tribe, local government, or nonprofit organization.
- **Facility**: must be a building, public works, system, equipment, or natural feature.
- **Work**: categorized as either emergency or permanent. The work must be required as a result of the declared incident, located within the designated disaster area, and the legal responsibility of the applicant.
- **Cost**: funding must be tied directly to eligible work and be adequately documented, authorized, necessary and reasonable. Eligible costs include labor, equipment, materials, contract work, as well as direct and indirect administrative costs.[74]

FEMA evaluates the estimated cost of federal and non-federal public assistance against the statewide population to give some measure of the per capita impact within the state. FEMA uses a figure of $1 per capita, which is adjusted annually based on the Consumer Price Index for All Urban Consumers, as an indicator that the disaster is of such size that it might warrant federal assistance. For a jurisdiction to qualify for a presidential disaster declaration, the estimated cost of damage must meet or exceed $1 million in public assistance damage per disaster.[75]

FEMA also examines the reported damage at the county and local government level because at times there are extraordinary concentrations of damage that might warrant federal assistance even if the statewide per capita is not met. This is particularly true where critical facilities are involved or where localized per capita impacts might be extremely high.

Counties deemed ineligible for PA may still have sustained damage, but it was not severe enough to include that county in the declaration based on the pre-determined threshold.

2.4.4.1.3 Hazard Mitigation Assistance

FEMA's Hazard Mitigation Assistance (HMA) program is an umbrella of funding programs FEMA uses to support communities in their effort to reduce risk to hazards and increase resilience. Specific to recovery, FEMA HMGP provides funding for hazard mitigation projects to states following a presidentially declared disaster. HMGP can fund both housing and infrastructure projects; elevation and the acquisition and demolition of private homes; and community flood

[74] Federal Emergency Management Agency, 2020. *Public Assistance: Local, State, Tribal, Private Nonprofit. Retrieved at: http://www.fema.gov/public-assistance-local-state-tribal-and-non-profit*

[75] Per 44 CFR § 206.48.

control projects such as repairing drainage issues, ditch improvements, and repairing or replacing flood walls. HMGP funding is dependent on the amount of FEMA IHP and PA provided to states post-disaster. FEMA provides 15% of the first $2 billion provided through FEMA IHP and PA and 10% of the next $8 billion. Based on the estimated funding provided through FEMA IHP and PA, currently, the state understands that $55 million is expected in the next six months; however, the total expected amount of funding and delivery time is unknown.

2.4.4.2 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY

Public Law 116-20 appropriated CDBG-DR funds for 2019 disasters with HUD allocating $108.9 million to Nebraska in response to damage caused by Winter Storm Ulmer and related events (DR-4420). The CDBG-DR allocations are based on the sum of the following factors:

- Repair estimates for seriously damaged owner-occupied units without insurance (with some exceptions) in the MID areas after FEMA and SBA repair grants or loans are applied;
- Repair estimates for seriously damaged renter-occupied units with very low-income renters in the MID areas;
- Repair and content loss estimates for small businesses with serious damage denied by SBA; and
- The estimated local cost share for Public Assistance Categories C to G.

Grantees are required to spend no less than 80% of the total allocation on the MID designated counties and zip codes. Table 2-23 shows the total amount required to be spent in the MID counties on housing and infrastructure needs and the balance to be spent in the remaining counties.

Table 2-23: Nebraska HUD CDBG-DR Allocation for Unmet Needs[76]

	Allocation
Allocation Required for MID Counties/Zip codes *80% of Total Allocation*	$80,392,880
Balance for Remaining Counties	$20,098,220
Administration and Planning	$8,446,900
Total Allocation	**$108,938,000**

2.4.4.3 FEDERAL HIGHWAY ADMINISTRATION EMERGENCY RELIEF

Federal Highway Administration (FHWA) classifies urban and rural roadways by *road function.* Each function class is based on the type of service the road provides to the motoring public, and

[76] Allocations, Common Application, Waivers, and Alternative Requirements for Disaster Community Development Block Grant Disaster Recovery Grantees**,** 85 Fed. Reg. 17 (January 27, 2020). *Federal Register: The Daily Journal of the United States*. Web. 27 January 2020.

the designation is used for data and planning purposes.[77] Recovery of road and bridge infrastructure is dependent on the type of road or bridge damaged. The FHWA certified roads are potentially eligible for Federal Highway Administration Emergency Relief (FHWA ER) funding, while all other roads are potentially eligible for FEMA PA funding. A summary of damage and funding available to support recovery of FHWA is summarized in Table 2-24. FEMA's PA Program may pay for repairs to roads not covered by the FHWA ER program. shows the distribution of FHWA roads in the state.

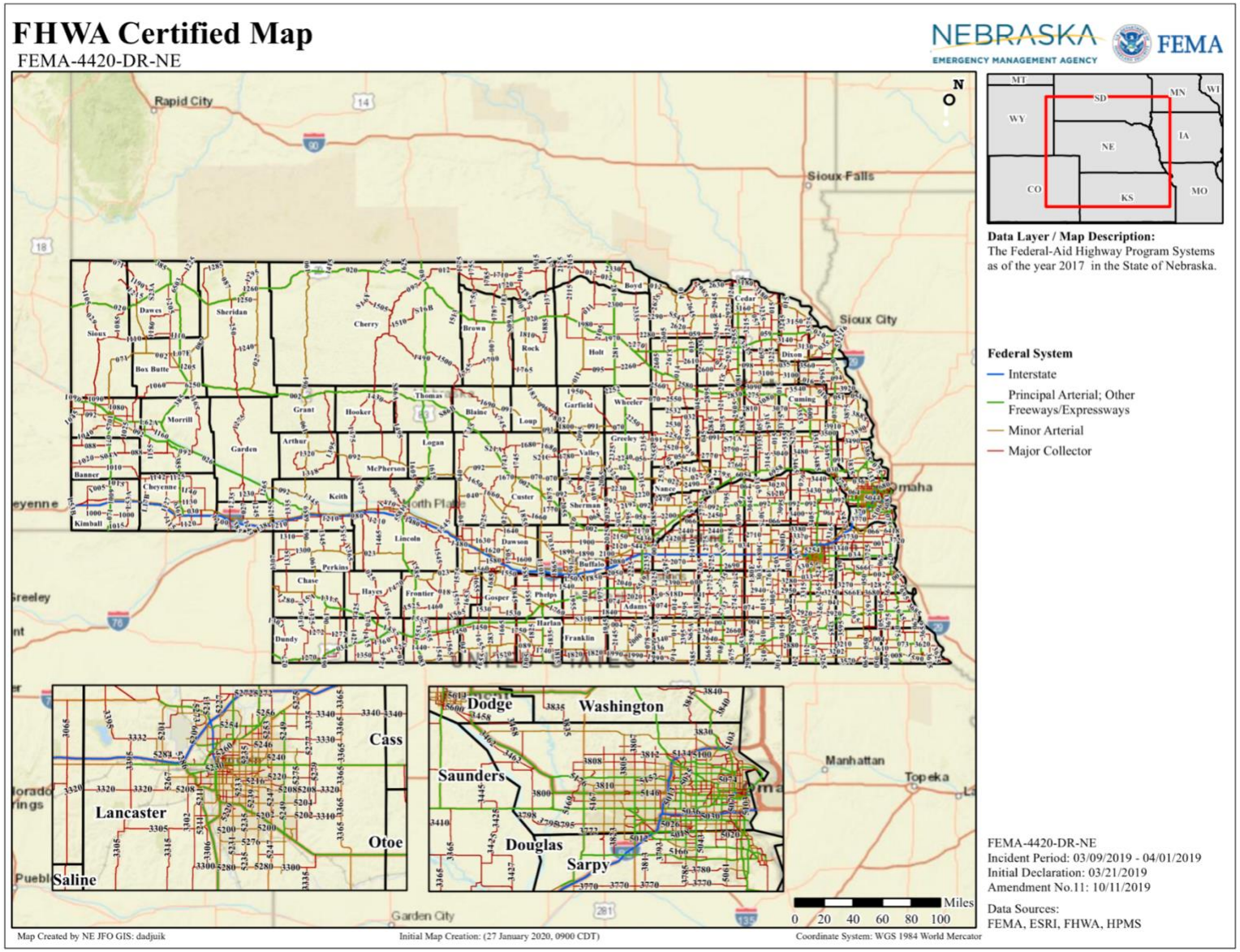
Table 2-24: Summary of FHWA-ER Program[78]

	Amount
Damage to FHWA roads	$201,000,000
Anticipated Funding for FHWA Road Recovery	$160,800,000
Unmet Needs for FHWA Road Recovery	$40,200,000

[77] Federal Highway Administration, 2000. *Road Functions Classification. Retrieved at:* https://safety.fhwa.dot.gov/speedmgt/data_facts/docs/rd_func_class_1_42.pdf.

[78] United States Department of Transportation Federal Highway Administration, 2019. *Special Federal-aid Funding: Emergency Relief Program.* Retrieved at: https://www.fhwa.dot.gov/programadmin/erelief.cfm

Figure 2-23: Map of Statewide FHWA Roads



2.4.4.4 US ARMY CORPS OF ENGINEERS REHABILITATION AND INSPECTION PROGRAM

The USACE RIP supports community recovery by providing funding for flood control and restoration projects. This program was created to ensure flood control projects continue to protect communities and if they are damaged, restored immediately. The extent of the damage to flood control and restoration projects from the 2019 disasters supported by the USACE RIP has continued to evolve throughout the recovery process. As of February 2020, the total damage has been reported as high as $500 million for USACE RIP eligible projects, but under $33 million has been obligated. The USACE RIP requires a non-federal cost-share of 20% for repairs to non-federal systems.

This cost was unaccounted for in the unmet needs calculation by HUD and may reflect a potential recovery gap not reflected in the UNA.

2.4.4.5 UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECTION PROGRAM

The United States Department of Agriculture (USDA) NRCS EWPP provides recovery funding to local communities to support long-term restoration of infrastructure and the environment. Cities, counties, towns, conservation districts, and federally recognized tribes are eligible. The extent of the damage to flood control projects from the 2019 disasters supported by the USDA NRCS EWPP has continued to evolve throughout the recovery process. After evaluating the potentially eligible EWPP sites, the NCRS began working with eight levee sponsors, for 73 project sites, in seven different counties.[79] The total approved funding for the EWPP as of January 2020 is $4.1 million, but this number is expected to increase.[80] Depending on the project, NRCS will fund between 75% and 90%, with the local cost-share between 10% and 25%.

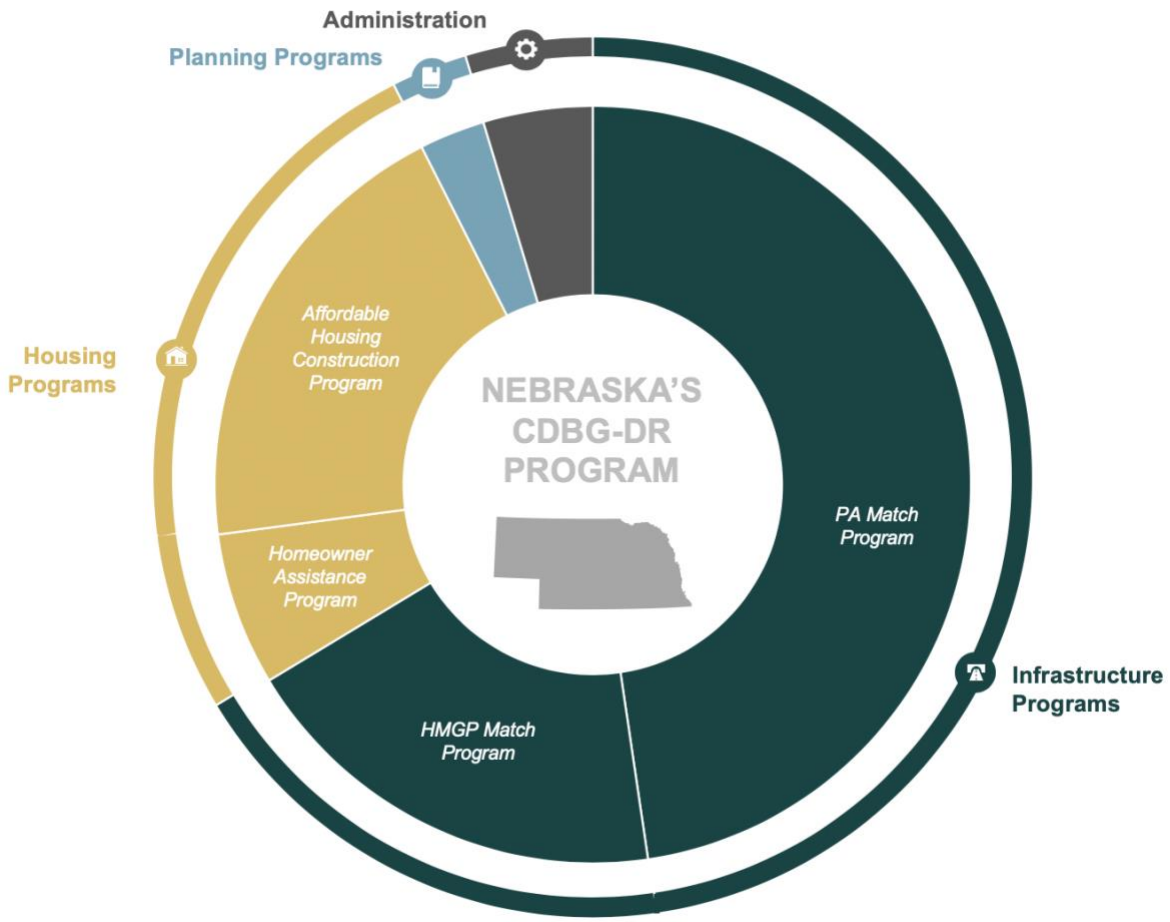
This cost was unaccounted for in the unmet needs calculation by HUD and may reflect a potential recovery gap not reflected in the UNA.

[79] USDA, n.d. "NRCS Emergency Watershed Protection Program Implementation in Nebraska Following the 2019 Disaster."
[80] Ibid.

3 METHOD OF DISTRIBUTION

As the UNA and HUD's early assessments both indicate (see Figure 2-2), DR-4420 generated catastrophic impacts to infrastructure, resulting in significantly higher losses in that category than economic and housing needs. To address the extensive infrastructure needs within the state, the state is prioritizing CDBG-DR funding under DR-4420 for infrastructure recovery. This decision was also informed by subsequent allocations of funding under the CARES Act, which made additional funds available for housing support and economic recovery. Further still, the realized and forecasted revenue loss across municipal and state governments are likely to prove challenging for municipalities struggling to contribute to local match requirements. CDBG-DR funds will be distributed in accordance with Figure 3-1, which is described in greater detail in Section Figure 3-1.

Figure 3-1: Nebraska's CDBG-DR Program Method of Distribution



3.1 PROGRAM BUDGET

Table 3-1 presents the details of Nebraska's CDBG-DR program. According to the program budget, 86% of the CDBG-DR program funding will be distributed through the housing and infrastructure programs. This program budget accounts for the programmatic administration and planning requirements, including the provisions that five percent of the grant total (plus program income) may be used for administrative costs and 15% of the grant total can be used for planning.[81] Eighty percent of the outlined budget will be allocated to the MID areas per the applicable Federal Register Notices.

Table 3-1: Program Budget

Program Category	Program Name	Allocation	Percentage of Total Budget[82]
Infrastructure Programs	*Public Assistance Match*	*$49,778,602*	*45.7%*
	Hazard Mitigation Grant Program Match	*$13,712,498*	*12.6%*
	Total Infrastructure Programs	$63,491,100	58.3%
Housing Programs	*Affordable Housing Construction Program*	$26,000,000	23.9%
	Homeowner Assistance Program	$11,000,000	10.1%
	Total Housing Programs	$37,000,000	34.0%
Planning and Administration	**Planning Programs**	$3,000,000	3.0%
	Administration	$5,446,900	5.0%
Total CDBG-DR Program Funding		**$108,938,000**	

[81] 83 Fed. Reg. 83 (February 9, 2018).

[82] The percentage of total budget excludes all administrative costs, which are collectively accounted for under the line item "Administration."

4 PROGRAM PRIORITIES

The following section outlines the program priorities for Nebraska's CDBG-DR program; this not only includes the CDBG-DR national objectives, but also additional state priorities for disaster recovery.

4.1 NATIONAL OBJECTIVES

The national objectives of the CDBG program will guide development of activities to be funded through Nebraska's CDBG-DR program. To be funded, each activity and program needs to be eligible and tied to a specific national objective.[83] The national objectives include:

- **Benefiting LMI persons:** This is the primary national objective in that at least 70% of the funding be expended for activities that benefit LMI populations.[84] Four approaches may be utilized to meet this objective, each with their own requirements for the CDBG program. These categories include: Low- and Moderate-Income Area Benefit (LMA), Low- and Moderate-Income Limited Clientele (LMC), Low- and Moderate-Income Housing Activities (LMH), and Low- and Moderate-Income Job Creation or Retention Activities (LMJ).[85]
- **Aiding in the prevention or elimination of slums or blight:** This national objective benefits areas that are deteriorating by upgrading the physical environment. Meeting this objective is achieved by determining the extent of blight and physical conditions that contribute to it in the proposed area. There are two approaches, Slum Blight Area Basis (SBA) and Slum Blight Spot Basis (SBS) to demonstrate compliance with this national objective, each with its own requirements under the CDBG program.[86]
- **Meeting a need having a particular urgency (urgent need):** This objective alleviates emergency conditions and while its use is rare within the regular CDBG program, it does have utility in CDBG-DR. The criteria for the Urgent Need objective include existing conditions pose an immediate threat to the health or welfare of the community, these conditions developed recently, and there is no alternative way for the project to be funded.[87]

Table 4-1 describes the connection between the national objectives and Nebraska's CDBG-DR program.

[83] Meeting a national objective is a requirement for a program activity to be funded according to 42 USC 5304(b)(3).

[84] 42 USC 5301(c).

[85] 24 CFR 570.483.

[86] Ibid.

[87] Ibid.

Table 4-1: CDBG National Objectives and Their Connection to Nebraska's CDBG-DR Program

Program Name	Description	Connection to National Objectives
Infrastructure Match Program	This program will utilize CDBG-DR funding to alleviate the burden for local communities in meeting the local match requirements for the PA program and HMGP in the aftermath of the 2019 disasters.	Benefiting LMI Persons; Urgent Need
Affordable Housing Construction Program	This program is intended to increase affordable housing supply in flood-impacted areas. The program will be administered by DED and will be consist of two application types. The first application will be in partnership with the Nebraska Investment Finance Authority (NIFA), in the joint Low Income Housing Tax Credit (LIHTC) program. The second application will be through DED directly, where LIHTC is not a funding source.	Benefiting LMI Persons
Homeowner Assistance Program	This program will utilize CDBG-DR funding to provide grants for housing counseling, training, and homebuyer down payment and closing cost assistance. The program will also provide forgivable loans to LMI homeowners who lost their homes in the disaster and have insufficient funds from other sources to afford another moderately priced home.	Benefiting LMI Persons; Urgent Need

4.2 ADDITIONAL PRIORITIES

4.2.1 PRIORITIZING VULNERABLE POPULATIONS

In addition to the objective of benefiting LMI persons, a priority for the plan will be to support recovery for vulnerable populations. Vulnerability is a fluid term, which, depending on the vulnerability and hazard, can refer to a broad spectrum of the population with unique needs in the context of a disaster. This Action Plan addresses:

- Housing (transitional, supportive, and permanent) for homeless or at-risk individuals;
- Prevention of low-income households (particularly below 30% AMI) from becoming homeless; and
- Needs of populations requiring supportive housing.

To support the prioritization of vulnerable populations, Nebraska will maintain an awareness of disparities in access to opportunities, including:

- Poverty areas;
- School proficiency;
- Labor market engagement;
- Jobs proximity;
- Transportation costs;

- Transit trips index; and
- Environmental health indicator.[88]

Additionally, this also includes maintaining an awareness of potential housing problems, including:

- Lack of complete plumbing or kitchen facilities;
- Severe overcrowding; and
- Housing cost burden.[89]

The priority of prioritizing vulnerable populations aligns closely with the HUD Fair Housing requirement.

4.2.2 ENHANCING RESILIENCE

Nebraska's CDBG-DR program aims to invest in programs to increase strength and resilience of the state. Overall, funding allocated under Nebraska's CDBG-DR program will incorporate concepts of resilience, including preparedness, mitigation, and sustainability in order to enhance the state's resilience, build back stronger communities, and prepare for future conditions. There are multiple benefits for allocating funding with the concepts of resilience in mind, including fiscal responsibility and protection of Nebraska's communities. Specifically, this includes consideration of hazard risk (e.g., flood risk) in the determination of resource allocation during the planning phase. This also includes implementation of policy measures such as resilient, green building, and infrastructure codes and standards that address durability, utility efficiency, public health, and hazard risk. Additionally, this will include encouraging the rebuilding high quality, healthy, and sustainable construction.

4.2.3 LEVERAGING RECOVERY PROGRAMS

The Nebraska CDBG-DR program will not work in isolation. Section 1.3 describes additional disaster recovery-related activities that are ongoing concurrent to the development of the Nebraska CDBG-DR Action Plan and program implementation. A priority of the program will be to leverage funds with supplementary funding sources (at the federal, regional, state, local, private, or non-profit level) in order to maximize efficiency and efficacy of recovery efforts. Moreover, consideration of ongoing recovery funds and activities will streamline the recovery process, support comprehensive recovery, and limit redundancy of activities.

[88] DED, 2020. State of Nebraska 2020 Analysis of Impediments to Fair Housing Choice. Retrieved at: https://opportunity.nebraska.gov/wp-content/uploads/2020/03/Nebraska_AI_DPR_20200318_Website.pdf.

[89] Ibid.

5 PROGRAM DESIGN

5.1 INFRASTRUCTURE MATCH PROGRAM

The following section introduces Nebraska's CDBG-DR Infrastructure Match Program. Consistent with the data HUD used in determining Nebraska's allocation amount and the findings of the Unmet Needs Assessment (Section 2), **Nebraska proposes investing a considerable portion of its allocation toward unmet infrastructure needs**. Furthermore, it is apparent that the infrastructure damage sustained in the disaster had an immediate and, in many cases, ongoing impact on access to housing in many communities.

The 2019 disasters, which wreaked havoc on Nebraska, signaled a new reality of extreme weather events that occur with increased frequency and destructive power. They also signaled the need to rebuild communities in a way that will mitigate against future risk and increase resilience. The Infrastructure Match Program is focused on designing and implementing projects that will strengthen and build more resilient communities driven by the needs, opportunities and strategies to mitigate future impacts throughout the state. Aligned with the CDBG-DR program priorities (Section 4) the state will work to identify projects that:

- Emphasize green infrastructure,[90]
- Increase capacity for resilience by upgrading stormwater and drainage infrastructure,
- Demonstrate a tie to housing recovery,
- Align with local planning efforts, and
- Align with needs outlined in the UNA (Section 2) and Nebraska's Baseline Conditions and Impact Assessment Report.[91]

DED and its partners have identified the following categories with unmet needs:

- **Roads and Bridges:** foundational to transportation in Nebraska, enables residents to access jobs, schools, food and other daily supplies, medical services, and social networks.
- **Water Control Facilities**: performs critical flood control, irrigation, navigation, erosion control, and critical to the safety and economy of Nebraska.
- **Buildings and Equipment:** support the wellbeing of the community, provides government services, fosters arts and culture, supports the health and safety of the community, and cultivates community education.
- **Utilities:** includes power service, water service, and sewer service; the lifelines to Nebraska's communities.
- **Parks and Recreational Facilities:** core component of restoring the quality of life in communities throughout the state.

The above categories and gaps identified in this Action Plan will assist in identifying projects for funding through the Infrastructure Match Program.

[90] Green infrastructure is defined as "...the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters" (Section 502 of the Clean Water Act).

[91] See Section 1.3 for additional information on Nebraska's Baseline Conditions and Impact Assessment Report.

5.1.1 INFRASTRUCTURE MATCH PROGRAM

Program Total: $63,491,100

PA: $49,778,602

HMGP: $13,712,498

National Objective(s): LMI; Urgent Need

Activity Type: Public Facilities and Improvements

Projected Start and End Date:
Start: Q4 2020 End: Q3 2026

Eligible Activities:

- Acquisition of Real Property
- Public Facilities and Improvements
- Code Enforcement
- Clearance
- Public Services
- Non-Federal Share
- Planning

Connection to Unmet Needs

Winter Storm Ulmer and the subsequent flooding caused severe damage to the state's infrastructure systems and created cascading impacts across many sectors. Infrastructure damage was widespread, with 84 out of 93 counties impacted, reporting damage to roads, bridges, levees, dams, and many other critical infrastructure facilities. As of the date of the release of this report, estimated repair costs to infrastructure damage exceed $640 million, but the number is thought to be significantly higher, as full data on flood control works is not currently available.

Eligible Area

Projects must be located within the DR-4420 FEMA declared areas.

Eligible Applicants

Entities eligible for FEMA PA, FEMA HMGP, FHWA, USACE, and other federal agencies requiring a match include, but are not limited to:

- State and local governments;
- State agencies and authorities, including housing agencies and publicly assisted housing;
- Public Schools (K-12)
- Universities;
- Critical infrastructure facilities as defined by FEMA (e.g., water and wastewater facilities);

- Other local program applicants eligible to receive federal recovery funds, including eligible private non-profit organizations.

The program will be managed and run by DED. DED may implement the program by providing grants to assist local jurisdictions to increase resilience throughout storm-damaged communities after factoring in FEMA funding, other federal and/or state funds, private insurance proceeds, and other resources. While the program is expected to be primarily state managed, the state may enter into subrecipient agreements (SRAs) with units of government within the MID and outside the MID to implement specific projects if the need is identified.

For a project to be eligible, Applicants must demonstrate all of the following:

- The damage and need to implement the project were directly impacted by the disaster (DR-4420) (i.e., “tie-back”),
- An unmet recovery need remains,
- Meeting of a CDBG National Objective
- Other avenues for funding have been exhausted, and
- The project is critical to enhancing housing recovery.

Administering Entities

Nebraska Department of Economic Development

DED will oversee all activities and expenditures in connection with the CDBG-DR funds. DED will ensure that the program meets all requirements, including but not limited to: ties to the disaster; eligible activities; national objectives; procurement regulations; and compliance and cross-cutting requirements (e.g., fair housing, labor standards, nondiscrimination, and environmental regulations).

DED staff will provide technical assistance to subrecipients (SRs) to meet these requirements as needed. DED will identify priority projects (formerly known as Project Worksheets) for match based on reporting on project obligation and draw status provided by the Nebraska Emergency Management Agency (NEMA).

FEMA PA and HMGP work, which is sometimes initiated before CDBG-DR is awarded, will be reviewed by DED to determine, in consultation with HUD, what eligibility requirements remain. All projects must comply with applicable federal and state laws and regulations and effectively meet project goals.

Nebraska Emergency Management Agency

NEMA is responsible for processing and approving drawdown requests under the FEMA PA and HMGP programs requiring local cost shares. DED and NEMA will coordinate closely on the timing of draw requests, document sharing, and payment schedules to ensure eligible invoices are paid in a timely and compliant manner. NEMA is responsible for reporting on the status of project obligations and drawdowns to DED, so priority projects can be identified.

Nebraska Investment Finance Authority

DED will work with NIFA to identify any current community development needs and opportunities that increase resilience and housing recovery throughout project evaluation.

Program Objective and Description

Many federal programs require local governments to pay a share of the cost of a project, called the *local share* or *match*. In the aftermath of a disaster, the match requirements can be burdensome on grant recipients with limited resources who have been overwhelmed by emergency and recovery work and further weakened by lost government revenues. The PA local match program and HMGP match programs, under the Nebraska infrastructure program, will help alleviate this burden through utilization of CDBG-DR funding.

As DED reviews projects for funding under the PA and HMGP local match programs, the following criteria will be applied to assist in the selecting of projects:

- Projects that support local housing recovery needs will be prioritized;
- Projects that meet the LMI national objective will be prioritized over projects that meet the Urgent Need national objective;
- Projects located in MID areas will be prioritized over projects outside the MID;
- Projects that are complete, underway, or shovel ready will be prioritized;
- Projects that represent a significant proportion of the local entity's non-federal cost share will be prioritized;
- Projects located in communities where there was extensive damage, and the local cost share per capita is higher, will be prioritized.

DED has evaluated current FEMA PA projects to identify those that will directly impact LMI communities. It is the intent of DED to continue to vet the LMI projects to further evaluate their eligibility under CDBG-DR.

The portion of funds applied as match for any project must meet CDBG-DR eligibility requirements in addition to the requirements of the federal and state agency administering the project. CDBG-DR funds may be used to fund improvements to PA or HMGP funded projects that demonstrate an unmet recovery need remains, that other avenues for funding have been exhausted, and that the project is critical to restoring and making the community more resilient. The local match is determined by the extent of damage as a result of the disaster (DR-4420). As per Table 5-1, the federal/local cost-share ratio is 75% in federal funds and 25% state or local funds. Under FEMA regulations, HMGP is a 75-25 cost share program.

Table 5-1: Nebraska DR-4420 Match Requirements for Federal Programs

Federal Agency	FEMA Section	Category of Work	Program	Type of Work	Federal Cost Share[92]	Local Cost Share
FEMA	Section 407	A	PA: Debris Removal	Emergency	75%	25%
FEMA	Section 403	B	PA: Emergency Protective Measures	Emergency	75%	25%
FEMA	Section 403	B	PA: Sheltering and Temporary Essential Power	Emergency	75%	25%
FEMA	Section 406	C-G	PA: Public Assistance and Mitigation	Permanent	75%	25%
FEMA	Section 428	C-G	PA: Public Assistance Alternative Procedures	Permanent	75%	25%
FEMA	N/A	N/A	PA: Direct Administrativ e Costs	N/A	75%	25%
FEMA	N/A	Z	PA: State Management Costs	N/A	100%	0%
FEMA	Section 404	N/A	HMGP	Mitigation	75%	25%
FHWA	N/A	N/A	Emergency Relief Program	Emergency , Permanent	75%	25%
USACE and Other Federal Agencies	N/A	N/A	Mission Assignment	Permanent	75%	25% $250,00 0 max. per project

Public Assistance Program 'Local Match'

As a result of the damage sustained in 2019 disasters, DED has allocated $55,266,776 CDBG-DR to administer and assist local entities with the match share associated with eligible projects under the FEMA PA categories C-G (permanent repair) to date in the MID counties. These categories include:

- Category C: Roads and Bridges

[92] Subject to change per Congress.

- Category D: Water Control Facilities
- Category E: Buildings and Equipment
- Category F: Utilities
- Category G: Parks, Recreational Facilities, and Other Facilities

As part of its process for its programs, FEMA validates that projects are storm related and calculates the reduction for insurance, which helps reduce the duplication of benefit (DOB) issue. DED, through its review of projects and supporting documentation, will ensure that projects are CDBG-DR eligible and that DOB does not occur.

While the PA Program has many applicants across the state, DED is paying close attention to applicants who provide services to vulnerable populations and entities that provide in-kind services that benefit housing and community recovery. While these entities may not have large amounts of PA funding, they provide critical resources to their communities. Table 5-2 summarizes the best available non-federal PA cost share for the MID areas.

Table 5-2: Total PA Local Match for MID Counties[93]

Eligible Counties	Number of Eligible Applicants	Best Available Total Project Cost	Best Available Non-Federal Cost Share (25%)
Dodge County	34	$30,106,311.02	$5,653,421.98
Douglas County	18	$38,248,470.63	$7,172,678.88
Sarpy County	7	$7,809,915.70	$1,466,085.28
Total	**59**	**$96,759,811.62**	**$24,189,952.87**

Hazard Mitigation Grant Program

As result of the damage sustained from the 2019 disasters, DED has allocated $15,224,324 CDBG-DR to administer and to assist local entities with the match share associated with eligible projects under FEMA HMGP.

DED, through its coordination with NEMA, will ensure that projects meet CDBG-DR eligibility requirements in addition to the requirements of FEMA HMGP. Activities may include but are not limited to:

- Structural elevations,
- Flood risk reduction, and
- Infrastructure retrofits.

As projects are evaluated through the HMGP process, DED will pay close attention to those that benefit housing recovery and address long-term housing needs throughout communities. The HMGP process is in its initial stages at this time and will be rolled out over the coming months from the date of release of this report. Additional information about HMGP is available in Sections 2.4.1.6 and 2.4.4.1.3.

[93] NEMA PA Datasets; Estimates current as of 04/15/2020.

Table 5-3 summarizes the best available non-federal HMGP cost share for the MID areas.

Table 5-3: Total HMGP Match for MID Areas[94]

Eligible Counties	Number of Eligible Applicants	Best Available Total Project Cost	Best Available Non-Federal Cost Share (25%)
Dodge County	3	$6,459,842.42	$1,614,960.86
Douglas County	2	$24,045,155.00	$11,011,288.75
Sarpy County	1	$908,791.00	$227,197.75
Total	**6**	**$24,953,946.00**	**$11,238,486.50**

[94] NEMA HMGP Datasets; Estimates current as of 04/15/2020.

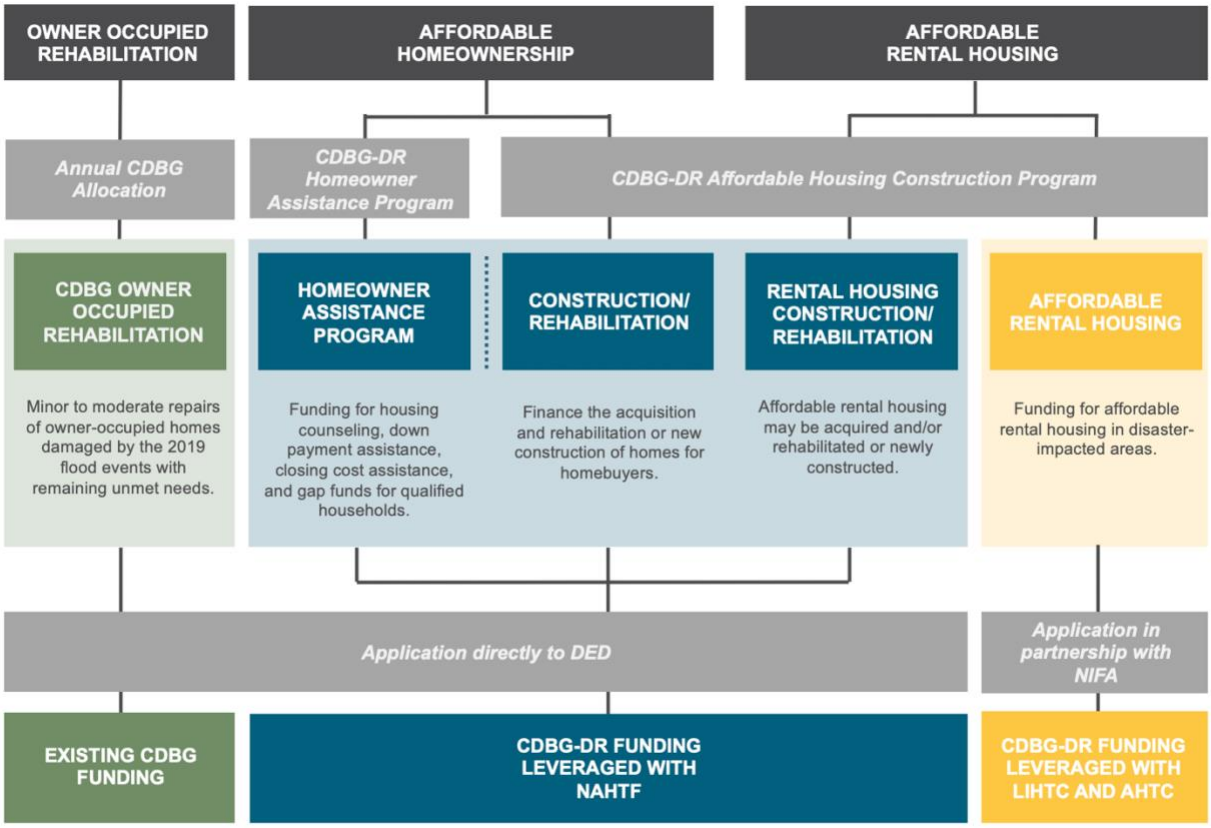
5.2 HOUSING PROGRAMS

The 2019 disasters caused widespread damage to homes throughout the state. While the counties identified as the MID (Sarpy, Douglas, and Dodge) experienced the greatest damage overall, estimates indicate 30% of major to severe damage occurred in areas outside of the MID, with 28 counties reporting at least one home substantially impacted.[95] This is a common occurrence in flood events along rivers and tributaries that stretch across the state, with pockets of rural communities located near waterways experiencing flooding.

DED and NIFA worked alongside federal partners (e.g., HUD, FEMA, USDA), local jurisdictions, and a consortium of volunteer agencies to assess unmet needs and assist communities with rebuilding. DED staff assisted in the formation of and continue to participate in the Long Term Recovery Groups (LTRG). In 2019, during an existing Nebraska Affordable Housing Trust Fund (NAHTF) funding round, DED moved quickly to establish a priority funding disaster set-aside to help fund the repair of damaged homes whose owners did not have the resources for complete repair and allow for new construction of rental and homeowner units in response to the flooding. This action required an amendment to the Qualified Allocation Plan (QAP) and public comment period. Additionally, scoring priority for disaster related projects was incorporated into the joint NIFA and DED LIHTC/HOME/HTF funding program for 2020 applications received in the fall of 2019. Refer to Figure 5-1 for a summary of programs outlined in the CDBG-DR Action Plan.

[95] FEMA Individual Assistance data effective March 2020.

Figure 5-1: Summary of Nebraska's Proposed Housing Recovery Programs



This team effort, through both the federally guided and Nebraska Housing Recovery Support Functions (RSFs), developed housing priorities based on the needs as communicated by local long-term recovery groups and through outreach efforts. These priorities are reflected in the housing programs outlined in this Action Plan along with activities DED and its partners will implement using other funding sources. Through the federally guided Housing RSF, HUD developed a needs assessment that identified the following primary needs:[96]

- **There is an increased need for affordable rental housing stock, particularly for affordable and accessible units.** DED will use CDBG-DR funds to leverage existing resources: LIHTC, Nebraska Affordable Housing Tax Credits (AHTC), CDBG, HOME, National Housing Trust Fund (HTF), and the Nebraska Affordable Housing Trust Fund (NAHTF) to increase the supply of affordable rental housing stock. Preference will be given to projects that target households earning less than 50% of AMI.
- **Rebuilding needs to incorporate resilience standards.** DED will incorporate sustainability and resilience requirements within its CDBG-DR Affordable Housing Construction Program, to include restricting building activity within the 100-year floodplain and requiring elevated utilities and floodproofing in flood-prone areas. Additionally, DED will give preference to permanent structures over mobile home replacements for the estimated 200 mobile homeowners who lost their homes.

[96] Housing Recovery Support Function, "Nebraska Housing Needs Assessment, DR-4420," August 29, 2019.

- **Impacted rural areas need more workforce housing, especially near rural employment hubs, to support agricultural workers and reduce commute times.** DED will partner with NIFA to develop workforce housing in the areas that experienced significant flooding through the joint HOME/HTF and LIHTC Program. CDBG-DR funds will be used as gap funding for LIHTC developments in impacted communities, incentivizing developers to target these communities.
- **Smaller communities with limited capacity will need assistance in housing rehabilitation and new construction.** For example, Boyd County, with 70 damaged homes, has the highest number of FEMA registrants of all counties per capita. DED, in partnership with NIFA, will incorporate the CDBG-DR Affordable Housing Construction Program into the Collaborative Resource Allocation for Nebraska (CRANE) Program. The CRANE Program is a joint application within the LIHTC program and provides additional technical assistance and financial support for difficult-to-develop projects supported by local jurisdictions. DED and NIFA will engage with rural impacted communities using the existing Nebraska Housing RSF and Voluntary Organizations Active in Disaster (VOAD) network to identify potential partnerships specific to DR-4420 disaster recovery that will give priority to these difficult-to-develop projects. NIFA and DED accept applications in the concept stage and then work closely with communities and developers to acquire the necessary permitting, approvals, and funding to begin construction.

DED will prioritize projects addressing DR-4420 in its existing CDBG Owner-Occupied Rehab Program in 2020 and 2021 to address minor to moderate homeowner repair needs. Additionally, the 2021 NAHTF Program will prioritize projects related to DR-4420 disaster recovery needs in the annual funding cycle. New construction and rehabilitation of rental and homeowner projects are eligible NAHTF activities.

5.2.1 FAIR HOUSING

DED's Affordable Housing Construction Program will incorporate Nebraska's existing fair housing regulations and housing priorities, which include preference to:

- Housing provided to one or more of the following populations: serious/chronic mental illness, physical or developmental disabilities, substance abuse issues, or homelessness. At least 30% of the units must serve one or more of these populations; or
- Housing developments in response to settlement agreements or consent decrees relating to housing deficiencies, housing discrimination or other housing issues.

DED will also coordinate with the Housing RSF to identify flood-impacted, Spanish-speaking communities and ensure these communities have the information, networks, and resources needed to navigate the recovery programs and available resources.

5.2.2 AFFORDABLE HOUSING CONSTRUCTION PROGRAM

Program Total: $26,000,000

National Objective(s):
LMI Housing

Activity Type: Construction of Housing; Rehabilitation

Projected Start and End Date:
Start: Q1 2021 End: Q1 2025

Eligible Activities:

- Construction of rental housing
- Construction of owner-occupied housing
- New construction of homes for sale to LMI homeowners
- Rehabilitation of rental housing
- Land acquisition for eligible construction activities

Connection to Unmet Needs

The flood events of 2019 caused major to severe damage to an estimated 1,414 housing units, including 1,043 owner-occupied units and 371 renter-occupied units,[97] and 80% of owners (834 homeowners) did not have flood insurance.[98,99] According to HUD estimates, there are serious remaining unmet needs for 575 owner-occupied homes and 135 rental units in the most impacted and distressed areas.[100]

In 2019, DED moved quickly during an existing funding round to establish a priority funding disaster set-aside within the Nebraska Affordable Housing Trust Fund (NAHTF) to help fund the repair of damaged homes whose owners did not have the resources for complete repair and allow for new construction of rental and homeowner units in response to the flooding. As a result of that program, NAHTF awards were made to 6 projects in the Disaster Declared counties for 7 new single family units for sale or rent and the rehabilitation of 53 homeowner or rental units. In the 2019 HOME CHDO funding round, rehabilitation and down payment assistance was awarded for four existing homebuyer units and in the 2019 HOME/LIHTC round the construction of 63 single family rental units were awarded in three Disaster Declared Counties. 2019 CDBG Owner Occupied Rehabilitation funds were awarded for 20 homeowner units in a disaster-declared county. In collaboration with the federally guided Housing RSF, the state worked with HUD, FEMA, and local volunteer and non-profit organizations to repair damaged homes as well as providing funding for the construction of new housing units. As of March 2020, Nebraska has funded the rebuilding or repair of 147 homes for DR-4420 with an overall investment

[97] FEMA Individual Assistance data effective March 2020.

[98] Housing Recovery Support Function coordinated by HUD, Nebraska Housing Impact Assessment DR-4420, August 27, 2019.

[99] Housing Recovery Support Function Meeting.

[100] HUD Memorandum, "Funding Allocations Under Public Law 115-254 and 116-20," December 3, 2019.

of $3 million in Nebraska Housing Trust Funds, $1.9 million in LIHTC/HOME funds, and $547,000 in CDBG.

To address minor and moderate homeowner repairs for the estimated 146 remaining units, DED intends to utilize its existing Owner-Occupied Repair Program (OOR) using annual CDBG funding in program years 2020 and 2021. DED revised the 2020-2024 Consolidated Plan in May and June 2020 to include a new priority for repairing homes damaged in the 2019 flood event, DR-4420. The 2021 NAHTF program will also include priority for disaster recovery housing projects related to DR-4420.

To address the needs of the estimated 495 remaining homeowners who lost their homes and to replace the estimated 302 remaining damaged or destroyed rental units, DED will allocate CDBG-DR funds to construct new units or substantially rehabilitate damaged units for low- and moderate- income households in impacted areas, including rental housing and affordable homeownership.

The non-federal, state programs are accessible to populations that do not meet HUD's LMI definition and may address unmet needs included in HUD's estimated unmet needs that cannot be met under CDBG-DR due to the adherence to a national objective and priority of LMI benefit.

Eligible Area

All disaster-declared counties pursuant to DR-4420.

Eligible Applicants

- Units of local government
- Non-profit 501(c)(3) and 501(c)(4) organizations that access and use state or federal housing grants to develop affordable rental housing or affordable homeownership
- Public housing authorities

Administering Entity

Nebraska Department of Economic Development

Program Objective and Description

The primary purpose of this program is to increase affordable housing supply in flood-impacted areas, including affordable rental housing and affordable homeownership for low-income homeowners who lost their homes in DR-4420. Administered by DED, the Program includes two application processes.

The first application is a joint application in partnership with NIFA for the LIHTC program. Applicants working in conjunction with a unit of local government, public housing authority, or non-profit organization may apply for LIHTC and CDBG-DR funds to develop affordable rental housing in impacted areas. This application process also includes the Collaborative

Resource Allocation for Nebraska (CRANE) program, which includes technical assistance for difficult to develop projects and those in small communities.

The second application will be through DED directly, where LIHTC is not a funding source. In this application, non-profits, units of local government, and public housing authorities may apply to DED for technical assistance and funding for affordable rental and affordable homeownership construction/rehabilitation activities. DED will create a CDBG-DR funding pool for projects specific to DR-4420 recovery, including affordable rental housing production within impacted areas and homeownership programs for LMI homeowners who lost their homes in the 2019 floods.

DED will leverage CDBG-DR funding with Nebraska's other housing programs, including LIHTC, HOME, HTF and NAHTF dollars. As with any application for funding, DED seeks to ensure the most appropriate resource is paired with the project need and outcome. Technical assistance is expected to facilitate this effort. Furthermore, because the federal regulations associated with CDBG-DR may not be able to assist all flood-impacted households (e.g., unable to meet the income requirements), the 2021 NAHTF application cycle will prioritize projects that serve flood-impacted areas that address unmet needs that cannot benefit through the CDBG-DR program.

Affordable Rental Housing

Application 1: Joint Application with NIFA

DED will coordinate with NIFA to leverage CDBG-DR with LIHTC and AHTC to increase the supply of affordable rental housing in impacted areas. DED anticipates this program will be coordinated with NIFA's 2020/2021 Qualified Allocation Plan. DED will leverage HOME, HTF, and NAHTF programs through the joint NIFA/DED program.

Additionally, DED will use CDBG-DR funding within the CRANE program to assist areas impacted by the 2019 flood events with difficult-to-develop affordable rental projects. For years, DED and NIFA have partnered through the CRANE program. Under this partnership, unique housing projects supported by the local community apply for technical assistance and grant funding outside of the competitive, joint DED/NIFA LIHTC application cycles. As done for all applicants to the CRANE program, applicants will receive technical assistance from DED and NIFA to support the proposed development of affordable rental housing.

Application 2: Application to DED Directly

DED will issue a CDBG-DR funding round specific to public housing authorities, units of local government, and eligible non-profits in impacted communities to address unmet housing needs related to DR-4420. To address affordable rental housing needs not utilizing LIHTC and to leverage NAHTF and other resources alongside CDBG-DR funding, the CDBG-DR funding round may utilize the existing NAHTF annual application process, where affordable rental housing is eligible. However, this does not imply that the two resources will be paired within a single application to compete against each other, rather

that the application will allow the applicant to designate the need so the appropriate resource(s) can be identified. This approach allows applicants to complete a more familiar application process while also accessing a new funding resource.

Priority will be given to:

- Public housing authorities who incurred damage in the 2019 floods,
- Affordable rental housing damaged in the 2019 floods, and
- Projects that provide affordable rental housing and supportive services to vulnerable populations, including persons with disabilities, seniors, and homeless, or households at risk of homelessness.

Affordable Homeownership

Providing a funding opportunity for non-profit organizations and supporting jurisdictions to build or substantially rehabilitate homes for LMI homeowners who lost their homes, assist renters in becoming first-time homebuyers, and assist in rebuilding severely impacted communities in a sustainable manner, DED will develop a new application to access CDBG-DR funding. Wherever reasonably possible, DED intends to make use of established, familiar policies and procedures to enable expedient implementation. Serving households up to 80% Area Median Income (AMI), CDBG-DR resources will likely address unmet needs among the most vulnerable homeowners.

In addition, to address such needs of disaster-impacted homeowners, applicants to the NAHTF program for the 2021 (and, if the need/demand is there, 2022) application cycle will receive priority. Households up to 120% AMI are eligible under the NAHTF program.

Leveraging CDBG-DR funding, NAHTF, and other funds to construct new homes for sale to households in impacted areas, will provide affordable housing opportunities, while also making resources available to households that may not qualify as LMI. There are several neighborhoods and rural communities in Nebraska that were substantially impacted by the 2019 floods and may not have the resources or competitive advantage in a standard housing application to address unmet needs.

Award

Maximum award of $1,000,000, not to exceed $150,000 per housing unit constructed. DED may increase subsidy in exceptional cases.

Priority Applicants

Homeownership: Priority will be given to projects that provide homes for LMI homeowners whose homes were severely impacted by the 2019 flood events, DR-4420.

Rental Housing: Priority will be given to LMI households whose residences experienced substantial damage from the 2019 disasters. Additionally, projects that provide housing and/or supportive services to vulnerable populations, including persons with disabilities,

seniors, and homeless, or households at risk of homelessness will be prioritized.

Affordability and Income Requirements for Rental Units

Rental units will be restricted to households earning less than 80% of AMI and affordable for a 15-year period. Homeownership will be restricted to households earning less than 80% of AMI at the time of application and purchase of the home and must remain affordable for 5 years.

Other Considerations

Structures within the one percent annual chance (100-year) floodplain will not be eligible.

Estimated Benefit

The program is anticipated to build 220–260 affordable housing units in flood-impacted counties, increasing affordable housing supply for workers needed to aid in recovery and displaced households.

5.2.3 HOMEOWNER ASSISTANCE PROGRAM

Program Total: $11,000,000

National Objective(s):
LMI Housing; Urgent Need

Activity Type: Homeowner Assistance

Projected Start and End Date:
Start: Q1 2021 End: Q1 2025

Eligible Activities:

- Down payment and Closing Cost Assistance
- Gap Financing
- Housing Counseling

Connection to Unmet Needs

The primary purpose of the Homeowner Assistance Program is to assist LMI homeowners who lost their homes in the 2019 flooding and must find new housing. According to a preliminary analysis of FEMA Individual Assistance data, the flood events of 2019 caused *severe* damage to 216 owner-occupied homes and 88 occupied rental units (versus 1,414 units that suffered *major* or *severe damage* as noted earlier).[101]

Eligible Area

All disaster-declared counties pursuant to DR-4420.

Eligible Applicants

Units of local government or non-profit organizations approved to provide housing counseling, homeownership education, and homebuyer programs.

Administering Entity

Nebraska Department of Economic Development

Program Objective and Description

To address the needs of homeowners who lost their homes in the 2019 floods, and to support affordable homeownership for low income renters impacted by the floods, DED will provide CDBG-DR funding specific to this need. The program may be incorporated into the NAHTF annual funding cycle. Grants will be made to units of local government or non-profit organizations to provide housing counseling, training, and homebuyer down

[101] FEMA, 2011. "A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action." Retrieved at: https://www.fema.gov/media-library-data/20130726-1813-25045-3330/whole_community_dec2011__2_.pdf

payment and closing cost assistance. The program will also provide forgivable loans to LMI homeowners who lost their homes in the disaster and have insufficient funds from DED will provide grant assistance to units of local government or non-profit organizations for housing counseling, homeowner education, homebuyer program delivery, and financial management services. Where appropriate, participating organizations will coordinate with developers funded through the Affordable Housing Construction Program to match displaced homeowners and prospective homeowners with new housing units.

Award

The maximum award is $1,000,000. DED may increase the subsidy in exceptional cases. The amount of assistance available to the individual will depend on the financing affordability analysis of the applicant. Renters will be eligible for housing counseling as well as closing cost and down payment assistance. Homeowners whose homes were destroyed will also be eligible for gap funding (equivalent to the difference between the cost of the home, and the amount received from FEMA, insurance, proceeds from the sale of the former home and lot, and charitable donations), along with down payment assistance and closing cost assistance.

The maximum grant amount to a homebuyer will be $75,000, although DED reserves the right to increase this amount under extraordinary circumstances, which may include, but are not limited to: mobile home owners who received nominal funds from FEMA and insurance; homeowners whose lots have little to no value; and/or households with accessibility needs that increase housing prices. The maximum home value cannot exceed moderate home prices for the area, as defined by DED, not to exceed median sale price of a single-family home within the county.

Priority Applicants

Applications will only be available to units of local government or non-profit organizations working within impacted areas who will provide housing counseling and homeowner assistance programs to LMI homeowners and renters. Applications from entities working in coordination with a project funded under the Affordable Housing Construction Program (Section 5.2.2) will be given priority. Applications will be available in 2021 and 2022 and may be incorporated into the NAHTF application cycle. Projects addressing the needs of eligible homeowners whose homes were destroyed in the 2019 flood event will be given highest priority. Impacted renters earning less than 80% of AMI will also have priority.

Affordability Requirements

The program is restricted to households earning less than 80% AMI at the time of application. Homeowners will be required to reside in their homes for a minimum of five (5) years prior to sale.

Other Considerations

Structures within the one percent annual chance (100-year) floodplain will not be eligible.

Estimated Benefit

The program is anticipated to support 100 flood-impacted homeowners and renters in purchasing a home.

5.3 PLANNING AND CAPACITY BUILDING

Nebraska recognizes the importance of strong planning efforts to achieve an equitable and effective recovery. To support these efforts, planning and capacity building funded through the CDBG-DR program will maintain a Whole Community[102] approach and follow the program priorities as outlined in Section 4, including:

- Meeting of a CDBG National Objective (benefiting LMI persons, aiding in the prevention or elimination of slums or blight, and meeting an urgent need);
- Prioritizing vulnerable populations;
- Enhancing resilience; and
- Leveraging recovery programs.

As discussed in Section 1.3, the State of Nebraska has ongoing recovery and resilience planning efforts that are helping direct recovery efforts in the state. A comprehensive evaluation of storm impacts and thorough understanding of future hazards is the basis of this Action Plan. Therefore, Nebraska's CDBG-DR allocation for planning and capacity building, $3 million will primarily be utilized to support future planning efforts related to program implementation, Action Plan development, and future Action Plan amendments.

[102] FEMA, 2011. "A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action." Retrieved at: https://www.fema.gov/media-library-data/20130726-1813-25045-3330/whole_community_dec2011__2_.pdf.

5.3.1 RISK AWARENESS PLANNING PROGRAM

Program Total: $500,000

Projected Start and End Date:
Start: Q4 2020 End: Q3 2026

Eligible Activities:

- Risk Analysis and Risk Communication

Eligible Area

All disaster-declared counties pursuant to DR-4420.

Administering Entities

- DED
- DNR

Program Objective and Description

The Risk Awareness Planning Program will target areas with risk exposure from private levees. The program will educate individuals on the risk associated with private levees as water control infrastructure and provide alternative flood mitigation options to promote resilience. DED, in partnership with DNR, will allocate CDBG-DR funds to support developing an outreach plan for risk communication and consultation on alternative mitigation activities. DED will support a Whole Community[103] approach to implementation of the program, educating all members of the community. Funds may be used to better quantify the impacts of private levees on the damage from the 2019 disasters or the potential impacts of future disasters. Additionally, funds may be utilized for risk awareness plans at both a local and regional scale.

[103] FEMA, 2011. "A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action." Retrieved at: https://www.fema.gov/media-library-data/20130726-1813-25045-3330/whole_community_dec2011__2_.pdf

5.3.2 HOUSING RESILIENCE PLANNING PROGRAM

Program Total: $2,000,000

Projected Start and End Date:
Start: Q4 2020 End: Q3 2026

Eligible Activities:

- Housing Recovery Planning
- Housing Resilience Planning
- Affordable Housing Planning

Eligible Area

MID areas.

Eligible Applicants

All counties, municipalities, and economic development districts representing MID areas.

Administering Entities

- DED

Program Objective and Description

The Housing Resilience Planning Program will support local jurisdictions and economic development districts in developing plans for housing recovery, resilience and affordability. The plans will support communities in identifying and leveraging both CDBG-DR and other resources and strategies for housing recovery, resilience and affordability. The overarching goal of the program is to promote comprehensive community resilience.

6 PROGRAM ADMINISTRATION

This section outlines policies and program requirements that guide CDBG-DR program administration.

6.1 GRANT ADMINISTRATION

The CDBG-DR grant will be administered by DED, through procurement contracts, or through subrecipients in compliance with all applicable laws and regulations. Grant administration will begin after HUD makes the required certifications and approves the Action Plan. Upon Action Plan approval, HUD will obligate the funds to the State of Nebraska.

6.1.1 GRANT MANAGEMENT CAPACITY

The CDBG-DR program will provide unprecedented financial support to the State of Nebraska for the purpose of disaster recovery. In order to support management and maintain compliance, DED developed a framework for ensuring the capacity needs of administering the grant are met. This framework was presented to HUD via the CDBG-DR Financial Management and Grant Compliance Certification for States and Grantees ("Grantee Certifications Package"). Modification to positions approved in the CDBG-DR Grantee Certifications Package will require a formal amendment to the Implementation Plan (and will require HUD approval). Modification to non-key positions, however, are considered a function of operations and will be reported as a part of the regular grant reporting cycle as it affects operations.

To support scaling up DED's capacity, key staff will be trained on all program-related activities. This training will support maintaining compliance and providing a high quality of service to beneficiaries.

6.1.2 EXPENDITURES

DED will initiate drawing down funds immediately after HUD's approval of the Action Plan in the Disaster Recovery Grant Reporting (DRGR) system. Funds will be spent within six years of the date HUD obligates the funds to DED.[104]

6.1.3 AMENDMENT PROCESS

Should the needs of the state throughout the disaster recovery process change, DED will be responsible for amending the Action Plan to most effectively use the CDBG-DR funds. Amendments may include updates to the UNA, the program sections, or redistribution of funding allocations. The process required for completing a plan amendment varies based on the size of the amendment.

A substantial amendment is defined by the minimum threshold for requiring substantial amendment procedures, including:

[104] The Appropriations Act; 24 CFR 570.494 and 24 CFR 570.902.

- A change in program benefit or eligibility criteria;
- An addition or deletion of an activity; or
- An allocation or reallocation of $5 million or more.

As appropriate, DED will be responsible for coordinating with partner agencies or jurisdictions to update the plan. All amendments will be clearly marked in the body of the plan. Moreover, at the beginning of each amended plan there will be a summary of the amendment (i.e., record of change). Substantial amendments will utilize the process for public participation as outlined in the Citizen Participation Plan (Attachment A). After finalization, the most up-to-date version of the plan will be available on the CDBG-DR public website and available upon request from DED.

6.1.4 ADMINISTRATIVE REQUIREMENTS

The following requirements guide the administration of the CDBG-DR grant programs regarding the expenditure of funds. Additional requirements are outlined in the Program Priorities section (Section 4) and in the individual program descriptions (Section 1).

6.1.4.1 DUPLICATION OF BENEFITS

In the administration of the CDBG-DR programs, the State of Nebraska will implement its CDBG-DR Duplication of Benefits (DOB) Policy to assure beneficiaries do not receive DOB.[105] DOB refers to a situation where a beneficiary receives assistance from multiple sources (e.g., private insurance, FEMA, NFIP, non-profits, etc.), and the total assistance amount exceeds the need for a particular recovery purpose. This ensures that beneficiaries receive assistance to the extent that the recovery need has not been fully met. In accordance with HUD Federal Register Notices of 2019, declined, cancelled, and undisbursed loans are not considered DOB. Receiving DOB could result in required repayment of duplicative funds and de-obligation of funding. DOB policies apply to any recipient of CDBG-DR funds, including homeowners, property and business owners, and local governments. Additional information regarding DOB can be found in the State of Nebraska CDBG-DR DOB Policy.[106]

6.1.4.2 PRE-APPLICATION COSTS

Grantees of the CDBG-DR programs are permitted to charge eligible pre-award and pre-application costs incurred in response to the 2019 disasters.[107] DED is seeking reimbursement for pre-award and pre-application costs allowed under the regulation. These costs include employee salaries, employer fringe benefits, and direct operating costs. Reimbursement for these costs will be based on the individual percentage of time spent on the CDBG-DR program during a pay period by employees. DED will also seek reimbursement for pre-award and pre-application costs of procured contractors to assist in the development of the Action Plan.

[105] In accordance with Section 312 of the Robert T. Stafford Act, as amended, 76 FR 71060 published November 16, 2011, 84 FR 28848 published June 20, 2019, and 84 FR 28836 published June 20, 2019.

[106] Nebraska DED Duplication of Benefits Policy for CDBG-DR Disaster Recovery, April 2020.\

[107] US HUD, 2015. "Guidance for Charging Pre-Application Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants." Retrieved at: https://www.hud.gov/sites/documents/15-07CPDN.PDF

6.1.4.3 PROGRAM INCOME

DED does not anticipate generating program income throughout the duration of the grant period. If program income is generated, DED will follow the procedures as outlined in Chapter 8 – Program Income of the Nebraska CDBG Administration Manual.[108]

6.2 PROGRAM IMPLEMENTATION

The program implementation section discusses eligibility requirements, the application process, and implementation requirements for Nebraska's CDBG-DR grant program.

6.2.1 ELIGIBLE AND INELIGIBLE ACTIVITIES

The CDBG-DR funds must be used toward disaster recovery activities, addressing disaster relief, restoration of infrastructure, and housing and economic revitalization, directly related to the 2019 disasters.

6.2.1.1 ELIGIBLE ACTIVITIES

CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG activities.[109] The assistance may be provided for eligible projects to which FEMA has provided assistance, or that other sources, including FEMA, cannot fund or cannot fund in full, but that are nevertheless critical to recovery, or for activities where the costs significantly exceed the amount of assistance that FEMA or other sources can fund. However, any appropriation covered by this Plan[110] shall be reviewed for compliance with duplication of benefits (DOB) guidelines.[111] A key update is described by HUD, "CDBG–DR grantees shall not treat declined subsidized loans, including declined SBA loans, as a DOB (but are not prohibited from considering declined subsidized loans for other reasons, such as underwriting)."[112] Funds may also be used as a matching requirement, share, or contribution for any other federal program, provided all activities are CDBG-DR eligible and in compliance with DOB guidelines.

- Program delivery costs may include, but are not limited to: applicant intake, development of cost estimates, engineering design, and compliance actions for environmental hazards.
- By the terms of the applicable HUD Federal Register Notices, activities using 80% of the CDBG-DR funding may be funded in the following MID Counties: Dodge County, Douglas County, and Sarpy County. Per the January 27, 2020, Federal Register Notice, Nebraska elected to expand the MID per automatic waver to cover the extent of the three counties.[113]
- Activities using 20% of the CDBG-DR funding may be funded outside of the MID Counties outlined above.

[108] DED, 2016. "Nebraska CDBG Administration Manual." Retrieved at: http://opportunity.nebraska.gov/files/crd/cdbg_admin_manual/CDBGAdminMan16_All.pdf.

[109] Eligible activities are as identified at 42 USC 5305 (a), that meet the state CDBG program regulations as found at 24 CFR 570.482 or any activity for which HUD has issued a waiver/alternative requirement in the applicable Federal Register Notices

[110] Per Public Law 116-20.

[111] As noted in 84 FR 28836, which updates existing DOB requirements to reflect recent CDBG–DR supplemental appropriations acts and amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

[112] Per 84 FR 28836.

[113] 83 Fed. Reg. 83 (February 9, 2018)

- Structures used by faith-based organizations may be assisted where a structure is used for both religious and secular uses, and the rehabilitation and/or construction costs are attributable to the non-religious use. As of this writing, no specific CDBG-DR eligible projects for religious institutions have been identified; however, the state reserves the right to assist eligible projects as need and identified.

6.2.1.2 INELIGIBLE ACTIVITIES

Ineligible activities include, but are not be limited to, the following:

- General government expenses;
- Political activities;
- Operations and maintenance;
- Income payments;
- Assistance to second homes;
- Replacement of lost business revenue as a result of the storm;
- Assistance to private utilities;
- Purchase of equipment (with several exceptions, e.g., as part of an eligible economic development activity, a public service activity, a solid waste disposal facility, or an integral part of a public facility project);
- Any assistance to a business or property owner who received FEMA assistance in the past where required flood insurance has not been maintained.

6.2.2 IMPLEMENTATION REQUIREMENTS

The following requirements guide the implementation of the CDBG-DR grant programs. Additional requirements are outlined in the Program Priorities section (Section 4) and in the individual program descriptions (Section 1).

6.2.2.1 PROCUREMENT

The State of Nebraska will require full and open competition and evaluation of the cost for procurement of contractor support utilizing procurement policies as outlined in the State of Nebraska Procurement Manual, which applies to all programs regardless of source of funds. Procurement for CDBG programs are governed by those specific requirements set forth under 24 CFR 570.489(g) and 2 CFR 200.317-200.326 (adopted verbatim by the state) and all applicable state laws and regulations.[114] These rules and regulations are applicable for all applicants and any potential subrecipients. The state's procurement policies were submitted in the State of Nebraska Grantee Certifications Package.

Procurement requirements will depend on the type of program. When construction contractors are required, a licensed contractor with the State of Nebraska and local jurisdictions will be required. According to each local jurisdiction, permits may be required for work conducted utilizing CDBG-DR funding. For all work being performed, construction contractors will be required to have

[114] Department of Administrative Services, 2018. State of Nebraska Procurement Manual. Retrieved at: https://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/2017%20Procurement%20Manual.pdf

a one-year warranty. Each homeowner will have the right to appeal work performed by a contractor.

6.2.2.2 PROJECT CONSTRUCTION COSTS

Controls to assure that project construction costs funded by CDBG-DR programs are necessary and reasonable are outlined in the CDBG-DR Financial Management and Grant Compliance Certification for States and Grantees. Furthermore, the State of Nebraska Procurement Manual outlines specific policies for determining and demonstrating necessary and reasonable project costs.

6.2.2.3 USE OF TECHNICAL ASSISTANCE

The State of Nebraska plans will utilize technical assistance resources provided through HUD staff to support program implementation and program management, including potential support for local governments and other eligible applicants under the programs described in this Action Plan where appropriate.

6.2.2.4 EXCEPTIONS

DED recognizes that it might be necessary to grant exceptions to the maximum amount of assistance designated per program (outlined in Section 1) and any such exception will be instituted through an appropriate Action Plan amendment. Exceptions will have to demonstrate good cause and will be considered case-by-case, based on funding availability as well as competing accessibility, environmental compliance, or historic preservation requirements. All exceptions will be made in accordance with the CDBG-DR policies and procedures and will be documented.

6.2.2.5 MINIMIZING DISPLACEMENT

DED plans to minimize displacement of grant recipients and support recipients that have been displaced based on the implementation of the CDBG-DR program. Minimizing displacement is not designed to limit the programs that DED can implement, but rather support a fair recovery process. To minimize displacement when implementing CDBG-DR programs, DED will utilize the Residential Anti-Displacement and Relocation Assistance Plan.[115]

6.2.2.6 ELEVATION REQUIREMENTS

To promote a resilient recovery (Section 4), DED will require the use of the following elevation standards as outlined in the Federal Register[116] by HUD:

- Per HUD requirements, residential structures located in the one percent annual chance floodplain where assistance is provided for new construction, repair of substantially damaged structures, or substantial improvements in flood hazard areas, are required to elevate such that the lowest floor (including the basement) is two feet above the base

[115] DED, 2018. State of Nebraska 2018 Annual Action Plan. Retrieved at: https://opportunity.nebraska.gov/wp-content/uploads/2018/09/2018-AAP-and-Appendix_Final_20180814.pdf.

[116] 83 Fed. Reg. 83 (February 9, 2018).

flood elevation. This Plan does not allow for any construction in the one percent annual chance floodplain.

- Mixed-use structures with no dwelling units and residents below two feet above base flood are required to be elevated or floodproofed up to at least two feet above base flood elevation.
- Nonresidential structures are required to be elevated or floodproofed up to at least two feet above the one percent annual chance floodplain.
- All critical actions[117] located within the 0.2% annual chance (500-year) floodplain are required to be elevated or floodproofed to the 0.2% annual chance floodplain or three feet above the one percent annual chance floodplain elevation. If the 0.2% annual chance floodplain is unavailable, any critical action in the one percent annual chance floodplain must be elevated three feet above the floodplain elevation.

Nebraska Department of Natural Resources Floodplain Management Section will work with DED to support local community floodplain managers to ensure that all federal, state, and local floodplain regulations are met.

DED's priority is to support a resilient recovery. If elevation is proposed, DED will demonstrate that elevation is cost reasonable relative to alternative programs. This demonstration of cost reasonableness will be documented by calculating the cost of elevation as compared to alternative solutions.

6.2.2.7 FAIR HOUSING

As discussed in Section 4, the State of Nebraska prioritizes vulnerable populations, which will include increasing housing opportunities for the Whole Community.[118] Specifically, this will apply to the implementation of Nebraska's CDBG-DR Action Plan by requiring all projects to affirmatively further fair housing for all project types (Title VIII of the Civil Rights Act of 1968).[119] This is not restrictive to housing program projects, but rather any project implemented using CDBG-DR funding. Fair housing choice promotes program implementation that does not discriminate based on race, color, religion, sex, disability, familial status, or national origin. More information regarding fair housing requirements can be found in the Nebraska CDBG Program Administration Manual.[120]

Specifically, Nebraska will provide reasonable accommodation and access to language resources to affirmatively further fair housing. Nebraska is committed to ensuring that individuals with disabilities are able to participate and benefit from the CDBG-DR programs as outlined in this action plan. As a part of the planning process, DED considered the needs of individuals with disabilities. Additionally, individuals with disabilities can request accommodation, including those that require modification of policies and programs or exceptions, unless doing so would be a

[117] Critical Actions are defined as an ''activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property" (24 CFR 55.2[b][3]).

[118] FEMA, 2011. "A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action." Retrieved at: https://www.fema.gov/media-library-data/20130726-1813-25045-3330/whole_community_dec2011__2_.pdf.

[119] Department of Administrative Services, 2018. State of Nebraska Procurement Manual. Retrieved at: https://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/2017%20Procurement%20Manual.pdf

[120] Ibid.

fundamental alteration of the program. Additionally, Nebraska is committed to ensuring that individuals with Limited English Proficiency (LEP) are able to participate and benefit from the CDBG-DR programs as outlined in this action plan. More information regarding this accommodation is available in the Citizen Participation Plan (Attachment A).

6.2.2.8 GREEN BUILDING REQUIREMENTS

In the implementation of the CDBG-DR program, residential structures must meet at least one of the following green building standards for new construction and repair of substantially damaged structures, including:

- ENERGY STAR (certified homes or multifamily high-rise);
- Enterprise Green Communities;
- LEED (new construction, homes, midrise, existing buildings operations and maintenance, or neighborhood development);
- ICC–700 National Green Building Standard;
- EPA Indoor AirPlus (ENERGY STAR certification is a prerequisite); or
- Any other equivalent comprehensive green building program acceptable to HUD.

6.2.2.9 USE OF EMINENT DOMAIN

The use of eminent domain is not anticipated in the implementation of the CDBG-DR program. In the case that eminent domain is exercised, it will only be used for acquisition for public purpose.

6.3 MONITORING AND COMPLIANCE

Monitoring and compliance are critical to successful implementation of the CDBG-DR program to ensure the program is carried out in accordance with state and federal requirements. Monitoring and compliance activities will include documenting compliance with program rules; ensuring timely expenditure of CDBG-DR funds and timely closeout of projects, tracking program and project performance; and identifying technical assistance needs.[121] The state will conduct monitoring activities, including the following:

- **Desktop Monitoring** is conducted offsite and allows for performance to be monitored (via progress reports and other supporting documentation).
- **On-site Monitoring** is conducted at the location of the project activity and is generally conducted once, unless otherwise identified.

After monitoring is conducted, a report will be produced summarizing what was reviewed; the applicable state or federal statute; and the conclusion reached through the monitoring process (Table 6-1).

[121] Department of Administrative Services, 2018. State of Nebraska Procurement Manual. Retrieved at: https://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/2017%20Procurement%20Manual.pdf

Table 6-1: Monitor Report Determinations[122]

Determination	Description
Satisfactory Performance	No identifiable issues.
Concern	An issue is identified but does not involve a statute, regulation or requirement, such as a management issue.
Question of Performance	Monitoring review is inconclusive as to if there is a violation of a statute, regulation, or requirement and additional information will be required.
Clear Violation	Clear violation of a statute, regulation, or requirement and a remedy is required.

6.4 STAKEHOLDER ENGAGEMENT

6.4.1 PUBLIC WEBSITE

Throughout the duration of the grant, DED will maintain a public website[123] to provide information on how the CDBG-DR program funds are being used and administered.[124] Specifically, this will include:

- The Action Plan, including any and all amendments;
- The current approved Disaster Recovery Grant Reporting (DRGR) system action plan;
- Each quarterly performance report (QPR), as created using the DRGR system;
- Citizen participation requirements;
- Procurement policies and procedures;
- Announcements of public hearing;
- Instructions on how to apply for assistance;
- The grievance procedure;
- A directory of names of staff, responsibilities, and contact information;
- Statement on Anti-Fraud, Waste, and Abuse;
- Description of services or goods currently being procured by the grantee;
- A copy of contracts the grantee has procured directly; and
- A summary of all procured contracts.[125]

6.4.2 CITIZEN PARTICIPATION

A Citizen Participation Plan (CPP) (Attachment A) was developed to establish citizen participation efforts to be conducted throughout the implementation of the Action Plan. This plan specifically outlines the 30-day public comment period. As discussed in the CPP, the State of Nebraska recognizes the importance of public participation in the process of disaster recovery, particularly for those most vulnerable to the impacts of the disaster. These individuals include low- and

[122] Department of Administrative Services, 2018. State of Nebraska Procurement Manual. Retrieved at: https://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/2017%20Procurement%20Manual.pdf

[123] The public website can be viewed at: https://opportunity.nebraska.gov/program/cdbg_dr/

[124] DED's plan for creation and maintenance of the public website was approved by HUD in the Grantee Certifications Package.

[125] 83 Fed. Reg. 83 (February 9, 2018)

moderate-income persons; residents of low- and moderate-income areas; residents of slums and blighted areas; individuals and organizations located where federal and state resources may be used; minorities and non-English speaking residents, including those with Limited English Proficiency (LEP); and persons with disabilities. The CPP was used for the development of the Action Plan and will be utilized throughout program implementation and for review of substantial amendments as defined in Section 6.1.3.

6.4.3 JURISDICTIONAL ENGAGEMENT

To support efficient and effective use of the CDBG-DR allocation, DED will engage with local and regional governments, federal partners, non-governmental organizations, private sector stakeholders, and other entities to sufficiently assess the needs of all areas affected by the 2019 disaster.[126] Additionally, comprehensive jurisdictional engagement supports:

- Alignment and consistency between the action plan and other regional recovery efforts;
- Development of relationships to enhance resilience;
- Information sharing of best practices, challenges, and resources; and
- Creating mechanisms for Whole Community engagement.[127]

DED will make use of the existing Governor's Task Force for Disaster Recovery, along with the Recovery support functions (RSFs) – particularly the Housing and Infrastructure RSFs – as a method of engaging relevant stakeholders.

6.4.3.1 APPLICATION STATUS

Once an application has been submitted, DED will ensure adequate means of informing applicants on application status are maintained throughout program implementation. This will include utilization of the public website, contact through program representatives, and via email, phone, or mail. DED will ensure that personally identifiable information (PII) is protected.

[126] This engagement includes CDBG entitlement communities.

[127] FEMA, 2011. "A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action." Retrieved at: https://www.fema.gov/media-library-data/20130726-1813-25045-3330/whole_community_dec2011__2_.pdf

7 APPENDICES

A. ACRONYM LIST

Table 7-1: Acronym List

Acronym	Term
AHTC	Affordable Housing Tax Credits
AMI	Area Median Income
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
CFR	Code of Federal Regulations
COVID-19	Coronavirus Disease 2019
CPP	Citizen Participation Plan
CRANE	Collaborative Resources Allocation for Nebraska
DED	Nebraska Department of Economic Development
DOB	Duplication of Benefits
DNR	Nebraska Department of Natural Resources
DR	Disaster Recovery
DRGR	Disaster Recovery Grant Reporting
ELIL	Extremely low-income limit
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FR	Federal Register
HMGP	Hazard Mitigation Grant Program
HOME	Home Investment Partnerships Program
HTF	National Housing Trust Fund
HUD	United States Department of Housing and Urban Development
IA	Individual Assistance
IHP	Individuals and Households Program
LEP	Limited English Proficiency
LIHTC	Low income housing tax credit
LIL	Low-income limit
LMI	Low- and moderate- income
MID	Most Impacted and Distressed
NAHTF	Nebraska Affordable Housing Trust Fund
NEMA	Nebraska Emergency Management Agency
NIFA	Nebraska Investment Finance Authority
NFIP	National Flood Insurance Program
OFA	Other Federal Agencies
PA	Public Assistance
PII	Personally Identifiable Information
PW	Project Worksheet
QPR	Quarterly Performance Report

Acronym	Term
RSF	Recovery Support Function
SBA	Small Business Administration
SR	Subrecipient
SRA	Subrecipient Agreement
UNA	Unmet Needs Assessment
USACE	United States Army Corps of Engineers
VLIL	Very low-income limit

B. ELIGIBLE AREAS

The following table summarizes the eligible areas (including counties and federally recognized Indian tribes) for the NE CDBG-DR programs.

Table 7-2: Summary of Eligible Areas

MID Area		
Dodge	Douglas	Sarpy
Non-MID Area		
Adams	Furnas	Omaha
Antelope	Gage	Otoe
Arthur	Garden	Pawnee
Banner	Garfield	Phelps
Blaine	Gosper	Pierce
Boone	Grant	Platte
Box Butte	Greeley	Polk
Boyd	Hall	Richardson
Brown	Harlan	Rock
Buffalo	Hayes	Sac and Fox
Burt	Holt	Saline
Butler	Hooker	Santee
Cass	Howard	Sarpy
Cedar	Jefferson	Saunders
Cherry	Johnson	Scotts Bluff
Cheyenne	Kearney	Seward
Clay	Keya Paha	Sheridan
Colfax	Kimball	Sherman
Cuming	Knox	Sioux
Custer	Lancaster	Stanton
Dakota	Lincoln	Thayer
Dawes	Logan	Thurston
Dawson	Loup	Valley
Deuel	Madison	Washington
Dixon	Merrick	Wayne
Dodge	Morrill	Webster
Douglas	Nance	Wheeler
Fillmore	Nemaha	Winnebago
Franklin	Nuckolls	York
Frontier		

C. DATA REPRESENTED IN FIGURES AND TABLES

The data presented in figures and tables throughout the Action Plan are described further below. Figures that are photographs are not included in the matrix.

Table 7-3: Description of Data Represented in Figures and Tables

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Unlabeled	This table summarizes the amendments made to the Nebraska DR-4420 Disaster Recovery Action Plan. This will include the date the amendment was approved, the amendment number, and a comprehensive description of the amendment.	N/A	N/A	N/A
Figure 0-1	This figure summarizes the HUD identified unmet needs in infrastructure, housing, and the economy.	This information was provided by HUD and demonstrated by calculating a percentage.	HUD	N/A
Figure 0-2	This figure demonstrates a comparison between the HUD identified unmet needs and the Nebraska identified impact and unmet need in infrastructure, housing, and the economy.	This information was provided by HUD and otherwise calculated throughout the document. The information is demonstrated by calculating a percentage.	HUD	N/A
Table 0-1	This table provides a summary of the programs as outlined in the Action Plan.	N/A	N/A	N/A
Figure 0-3	This diagram summarizes the method of distribution as defined by DED.	N/A	N/A	N/A
Figure 1-1	This map displays by how many degrees temperatures differed, or departed, from normal between 2/1/2019 and 2/28/2019. This map was generated using Applied Climate Information System data available through an online map viewer on the High Plains Regional Climate Center website.	Retrieved online	Applied Climate Information System Climate Maps, High Plains Regional Climate Center	3/20/2019

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Figure 1-2	This map displays the peak wind gusts (miles per hour) recorded in Nebraska on 3/14/2019. This is during the period when the Bomb Cyclone was moving across Nebraska and represents a snapshot of the most severe weather to impact Nebraska during this time. This map was generated using ASOS/AWOS station data on the Automated Data Plotter, available through the Iowa Environmental Mesonet at Iowa State University.	Retrieved online	Automated Data Plotter, Iowa Environmental Mesonet	3/27/2019
Figure 1-3	This map displays the total inches of precipitation above average that fell across Nebraska between 1/1/2019 and 3/31/2019. This map was generated using ASOS/AWOS station data on the Automated Data Plotter, available through the Iowa Environmental Mesonet at Iowa State University.	Retrieved online	Automated Data Plotter, Iowa Environmental Mesonet	3/31/2020
Figure 1-4	This map displays the rivers that experienced flooding during the 2019 disasters. This map also identifies the MID area.	Rivers selected and displayed on the State map.	N/A	N/A
Figure 2-1	See Figure 0-1			
Table 2-1	This table summarizes the HUD damage categories.	N/A	HUD	N/A
Table 2-2	This table summarizes the data related to housing damage in the MID area as determined by HUD.	N/A	HUD	N/A
Table 2-3	This table is designed to compare the housing unmet needs as calculated by HUD and the unmet needs as calculated by Nebraska in the UNA	N/A	HUD	N/A
Table 2-4	This table summarizes the details of the HUD economic revitalization unmet needs calculation.	N/A	HUD	N/A
Table 2-5	This table is designed to compare the economic revitalization unmet needs as calculated by HUD and the unmet needs as calculated by Nebraska in the UNA	N/A	HUD	N/A

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Table 2-6	This table explains the details of the HUD calculation of unmet needs.	N/A	HUD	N/A
Table 2-7	This table is designed to compare the infrastructure unmet needs as calculated by HUD and the unmet needs as calculated by Nebraska in the UNA	N/A	HUD	N/A
Table 2-8	This table is designed to compare the infrastructure unmet needs as calculated by HUD and the unmet needs as calculated by Nebraska in the UNA	N/A	HUD	N/A
Figure 2-2	See Figure 0-2			
Figure 2-3	This figure demonstrates a timeline of the counties included in the federal disaster declarations for both PA and IA.	N/A	FEMA	2020
Figure 2-4	This map indicates the FEMA disaster declarations from DR-4420 by County, including FEMA IA, FEMA PA Categories A-B, and FEMA PA Categories C-G.	N/A	FEMA	10/10/2019
Table 2-9	This table indicates the FEMA disaster declarations from DR-4420 by County, including FEMA IA, FEMA PA Categories A-B, and FEMA PA Categories C-G. This information also includes federally recognized Indian tribes.	N/A	N/A	N/A
Figure 2-5	This map provides a visualization of the original MID zip codes (the entirety of Sarpy County and zip codes 68025 (Dodge), 68064 (Douglas), and 68069 (Douglas). The map also shows the expanded MID which includes all of Sarpy, Dodge, and Douglas counties.	N/A	HUD	1/27/2020
Table 2-10	This table shows the number of applicants for FEMA and SBA assistance based on the HUD guidance to determine unmet needs.	Aggregate of each category broken down by MID County and sum of all other counties outside of MID.	FEMA and SBA databases.	March 2020

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Table 2-11	This table shows the populations, households, household composition and socioeconomic factors in each category (MID, IA/PA eligible and PA only Eligible) based on census bureau data. Information is used to demonstrate population demographics and need for additional federal funding.	Aggregate of each category broken down by MID, IA/PA, PA Only eligible counties.	US Census Bureau. *2015-2018 American Community Survey 5-year Data Profile*	Data pulled March 2020
Table 2-12	This image was obtained from the HUD website, which shows the current 2020 income limits for the State of Nebraska.	N/A	HUD.gov	April 2020
Figure 2-6	This map displays the percent of the total population that is low to moderate income (LMI), by census block group for Douglas County. Included with this map is the FEMA floodplain.	LMI population data was symbolized using graduated colors with a categorization based on equal intervals.	US Census Bureau 2018 American Community Survey; FEMA	2018
Figure 2-7	This map displays the percent of the total population that is low to moderate income (LMI), by census block group for Dodge County. Included with this map is the FEMA floodplain.	LMI population data was symbolized using graduated colors with a categorization based on equal intervals.	US Census Bureau 2018 American Community Survey; FEMA	2018
Figure 2-8	This map displays the percent of the total population that is low to moderate income (LMI), by census block group for Sarpy County. Included with this map is the FEMA floodplain.	LMI population data was symbolized using graduated colors with a categorization based on equal intervals.	US Census Bureau 2018 American Community Survey; FEMA	2018
Figure 2-10	This map displays the total number of PA eligible projects per county through three categories: High = 24 - 111 Medium = 5 - 24 Low = 1 - 5	This map was developed using the total estimated PA-eligible projects (Categories C-G) per county. The symbology of the map was graduated colors with the categorization based on geometric intervals.	NEMA PA Database	January 17, 2020
Figure 2-11	This figure shows the cost of damage to infrastructure facilities as reported by NEMA, anticipated FEMA PA funding and the unmet needs.	Unmet need determined by calculating the difference of cost of damage and anticipated funding amount.	NEMA PA Database	January 17, 2020

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Table 2-13	This table shows the cost of damage to roads and bridges as reported by NEMA, anticipated FEMA PA funding and the unmet needs.	Unmet need determined by calculating the difference of cost of damage and anticipated funding amount.	NEMA PA Database	January 17, 2020
Table 2-14	This table shows the cost of damage to water control and treatment facilities as reported by NEMA, anticipated FEMA PA funding and the unmet needs.	Unmet need determined by calculating the difference of cost of damage and anticipated funding amount.	NEMA PA Database	January 17, 2020
Table 2-15	This table shows the cost of damage to utility systems as reported by NEMA, anticipated FEMA PA funding and the unmet needs.	Unmet need determined by calculating the difference of cost of damage and anticipated funding amount.	NEMA PA Database	January 17, 2020
Table 2-16	This table shows the cost of damage to parks, recreational, and other facilities as reported by NEMA, anticipated FEMA PA funding and the unmet needs.	Unmet need determined by calculating the difference of cost of damage and anticipated funding amount.	NEMA PA Database	January 17, 2020
Table 2-17	This table provides a breakdown of FEMA PA categories and the per capita damage analysis based on population size and damage incurred.	N/A	N/A	N/A
Figure 2-14	This figure represents the total number of applications submitted for FEMA rental assistance and the percent of approvals in the MIDs and remaining counties.	Data filtered by Counties and approvals for assistance.	FEMA database	March 2020
Figure 2-15	This figure represents the total number of applications submitted for FEMA owner occupied assistance and the percent of approvals in the MIDs and remaining counties.	Data filtered by Counties and approvals for assistance.	FEMA database	March 2020
Figure 2-16	This map displays the total FEMA Individual Assistance claims submitted, summarized by census block group for Douglas County. This data is overlaid on the 1% annual chance and 0.2% annual chance floodplains. In general, total claims were the highest in census block groups within the floodplain.	This map was developed by summarizing the total FEMA Individual Assistance claims in each census block group. The total claims are symbolized using graduated yellow circles. The 1% annual chance floodplain is symbolized with a light blue color, and the 0.2% annual chance floodplain is symbolized in dark blue.	FEMA database	March 2020

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Figure 2-17	This map displays the total FEMA Individual Assistance claims submitted, summarized by census block group for Dodge County. This data is overlaid on the 1% annual chance and 0.2% annual chance floodplains. In general, total claims were the highest in census block groups within the floodplain.	This map was developed by summarizing the total FEMA Individual Assistance claims in each census block group. The total claims are symbolized using graduated yellow circles. The 1% annual chance floodplain is symbolized with a light blue color, and the 0.2% annual chance floodplain is symbolized in dark blue.	FEMA database	March 2020
Figure 2-18	This map displays the total FEMA Individual Assistance claims submitted, summarized by census block group for Sarpy County. This data is overlaid on the 1% annual chance and 0.2% annual chance floodplains. In general, total claims were the highest in census block groups within the floodplain.	This map was developed by summarizing the total FEMA Individual Assistance claims in each census block group. The total claims are symbolized using graduated yellow circles. The 1% annual chance floodplain is symbolized with a light blue color, and the 0.2% annual chance floodplain is symbolized in dark blue.	FEMA database	March 2020
Table 2-18	This table provides a breakdown of applicants in each county based on assistance type, inspections completed and socioeconomic factors that represent communities' vulnerabilities.	Data sorted by county using FEMA database for assistance type and incorporating socioeconomic information from the Census Bureau.	N/A	N/A
Table 2-19	This table shows breakdown of owner versus rental applications and how many applicants remained in the damaged dwelling after the disaster, how many applicants moved to a new unit and how many were displaced from their time of disaster residence.	Data filtered by Owner/Renter status. A comparison of the Residence Type column and Current Residence Type column to determine displacement status.	FEMA database	March 2020
Figure 2-19	This map shows the total FEMA Individual Assistance claims submitted by renters, summarized by census block group for the MID counties.	This map was developed by summarizing the total FEMA Individual Assistance claims made by renters, by census block group. The data is symbolized using graduated colors with a categorization based on natural breaks.	FEMA database	March 2020

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Table 2-20	This table shows the total number of owner versus renter applicants in each residence type category after the disaster.	Data filtered by owner/renter and residence type.	FEMA Database	March 2020
Figure 2-20	This map shows the type of housing most impacted within each census block group for Douglas County.	This map was developed by counting the number of FEMA Individual Assistance claims submitted by housing type in each census block group. Housing types were grouped into three types: mobile homes and travel trailers; house/duplex, apartment/condo, townhouse; and other. No information was reported in several census block groups. The housing type with the highest count of claims in each census block group was symbolized on the map using the color corresponding to the housing type	FEMA database	March 202
Figure 2-21	This map shows the type of housing most impacted within each census block group for Dodge County.			
Figure 2-22	This map shows the type of housing most impacted within each census block group for Sarpy County.			
Table 2-21	This table shows the unmet needs for economic recovery.	Calculated using the SBA reported content and property losses minus insurance payout and approved loans.	SBA Database	March 2020
Table 2-22	Table shows the aggregate of all assistance received from FEMA for IA and PA.	Summed total assistance received from FEMA for HA, ONA and PA assistance.	FEMA database	March 2020
Table 2-23	This table shows the allocation breakdown provided by the Federal Register (FR) for the Nebraska Winter Storm.	Total allocation and required MID allocation pulled directly from FR with the balance being the sum of total allocation minus MID allocation.	January 27, 2020 Federal Register Notice	January 27, 2020
Table 2-24	This table displays a summary of unmet needs for FHWA road recovery.	Calculated from the damage to FHWA roads and anticipated funding for FHWA road recovery.	NEMA	N2019
Figure 2-24	This figure is a map of FHWA certified roads in the State of Nebraska.	N/A	FEMA; ESRI; FHWA; HPMS	2017
Figure 3-1	This table displays the method of distribution for the Action Plan.	N/A	DED	2020
Table 3-1	See Figure 0-3			

Number	Explanation	Analysis Technique	Source(s)	Last Updated
Table 4-1	This table describes how Nebraska's CDBG-DR programs fulfill the CDBG National Objectives.	N/A	N/A	N/A
Table 5-1	This table displays the number and costs of FEMA PA projects, followed by the 25% local share to indicate potential projects to fund for the Infrastructure Match Program.	N/A	NEMA PA Dataset	April 15, 2020
Table 5-2	This table displays the number and costs of FEMA HMGP projects, followed by the 25% local share to indicate potential projects to fund for the Infrastructure Match Program.	N/A	NEMA HMGP Dataset	April 15, 2020
Table 5-3	This table indicates the FEMA PA category and match requirements.	N/A	N/A	N/A
Figure 5-1	This diagram explains the Nebraska CDBG-DR housing programs and their administration. Specifically, it demonstrates how all of the unmet needs will be met and how the CDBG-DR programs will funnel into existing programs.	N/A	N/A	N/A
Table 6-1	This table indicates the potential determinations for the monitoring reports conducted during programmatic monitoring and compliance.	N/A	N/A	N/A

D. RECORD OF PUBLIC COMMENT

The following section provides a record of public comments regarding the Nebraska CDBG-DR Action Plan received during the public comment period from 06/23/2020 through 7/23/2020. In the week following the end of the public comment period, DED received two additional comments submitted; those comments and their responses included below.

Table 7-4: Record of Public Comment

Number	Comment and Response
1	**Comment:** There was concern over how all housing rehabilitation needs will be met between the regular CDBG and CDBG-DR programs. Specifically, there was a concern that housing rehabilitation needs were not included in the CDBG-DR programs. **Response:** DED noted that the department has added a priority to the 2020 regular CDBG program and for 2020 NAHTF program for areas impacted by the DR-4420. The application for the 2020 NAHTF grant cycle is in July 2020 and CDBG in September 2020. Moreover, the programs included in the CDBG-DR program utilize existing mechanisms (e.g., CDBG, NAHTF, LIHTC, etc.) to support utilization of the funding. See Figure 5-1, Summary of Nebraska's Proposed Housing Recovery Programs, of the Action Plan. A priority for DED in determining the allocation was to utilize the unique funding for opportunities that are ordinarily inaccessible to the department and where need was prevalent, and resources limited. This is in part why infrastructure was funded so heavily. The decision-making process for writing the action plan involved trying to link appropriate resources to issues and find the best way to invest the funding available. All items are subject to change.
2	**Comment:** The City of Fremont noted an issue with a fully repaired gravel road that the City would like to go back and mitigate risk to by paving over the road. The City did not submit a notice of interest for HMGP funding for this purpose. Will there be opportunities to fund this type of mitigation action through CDBG-DR funding? **Response:** The Infrastructure Match Program applies to projects receiving funding under the FEMA PA and HMGP programs. Projects that are not tied to a PA or HMGP grant may be eligible for funding via the regular CDBG program, for example, through Public Works or Emergent Threat.
3	**Comment:** There is large-scale infrastructure damage in the City, including levees, a water treatment plant, and a wastewater treatment plant. While the estimates for repairs are still being determined, it is understood there will be a high cost associated with the repairs (e.g., six to seven million for repair of the water treatment facility). This cost is a significant burden on the City of Peru. **Response:** To address the issue of small communities with significant unmet needs relative to their size, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost share per capita.

Number	Comment and Response
4	**Comment:** Habitat for Humanity and case workers have been in contact with approximately 351 households who moved out of Sarpy County post-disaster. Many are interested in coming back, if eligible, in affordable housing through Habitat for Humanity. Can the CDBG-DR Housing Program funding be utilized to purchase the land for affordable housing? **Response:** Yes, program funding can be used to purchase land for the affordable housing project. It is important to note, however, this can only take place with program funds after a successful application and after the funds are awarded.
5	**Comment:** In the City of Fremont, much of the residential damage occurred to housing in the floodplain. According to the regulations, this housing is not eligible for rehabilitation. Question regarding how to integrate these homeowners into the housing programs. **Response:** Construction and rehabilitation activities are not permitted within 1% floodplains under the draft Action Plan.
6	**Comment:** The Nebraska Statewide Independent Living Council (NESILC) partners with the Independent Living Network to promote Independent Living and facilitate systemic change that promotes independence, inclusion, non-discrimination, and dignity for all people with disabilities in Nebraska. We appreciate the opportunity to provide comment on how the disaster of 2019 negatively impacted the disability community. Many people with disabilities are forced into poverty by the very systems that are set up to help them. It was difficult to find housing that was affordable and accessible in Nebraska prior to the disastrous events of 2019, afterwards it was impossible. Also, since none of the disaster preparedness plans include people with disabilities, we don't have an accurate count of number of people that were impacted. NESILC appreciates the opportunity to provide comments on this especially important issue, especially the unmet needs of the disabled community. **Response:** DED is committed to ensuring that housing programs funded under CDBG-DR address the requirements of households with access and functional needs. Similar to the data HUD uses in calculating the allocation amounts and MID areas, data available to DED did not include specific details regarding impacted households, such as information regarding disabilities, income, etc. As described in this plan, the unmet needs assessment is an ongoing effort; therefore, if such data exists, DED requests it be shared to better facilitate long-term recovery.

Number	Comment and Response
7	**Comment:** Please accept my letter of support for funding the City of Peru water project. I'm certain you are well aware of the challenges brought to the town and Peru State College as a result of the fund. The purpose of this letter is to urge DOD to help meet the challenge. I'm on the Peru State College Foundation board and spent my career at the college. In addition, I'm a native of southeast native and acutely aware of the college's impact on this corner of the state. The Foundation has a history of supporting students and the College which in turns adds to the prosperity of the region and Nebraska. However, without reliable water there is no college and in turn fewer opportunities for people who deserve a chance to improve their life. The Foundation will continue to support students and I hope you will help make water available so that we have students to support. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

8	**Comment:** Members of the community of Peru, Nebraska wish to take this opportunity to express to the Department of Economic Development the hardship that the 2019 flooding brought to Peru and surrounding areas. For the past several months, the City of Peru, Peru State College, the Peru Community Impact Group, and the Natural Resources District have worked diligently with Senator Slama and the Nebraska Department of Economic Development to document both the immediate impacts to Peru as well as the residual economic damage the region has sustained due to the flooding. This letter documents our work.
	
	At the time HUD made its determination of the most impacted and distressed counties, FEMA had been able to survey housing damages only. Due to continued flooding, infrastructure damage was not able to be surveyed.
	
	It wasn't until mid-November of 2019 that the water receded from a majority of the 5500 farmable/tillable acres flooded in Peru. Those acres have continued to flood off and on since, due to levee system damage. The water returned in early March 2020, then receded, and crops were planted. In mid-May the water returned, destroying fifty percent of the planted crops before receding again in mid-June.
	
	Peru State College, located in Peru, is one of the largest employers in several counties, and plays a vital economic role in our community. Having a reliable water source is imperative for the college to continue to fulfill its mission and contribute to the vitality of the region and the state.
	
	The city has spent much of the past year seeking a permanent water solution (we are currently dependent on a temporary water treatment plant), restored wastewater treatment, repaired streets, and repaired levee and riverbank to protect from recurring flooding.
	
	The areas of impact, many of which were not included in the FEMA study, include the following:
	
	• Regional:
	  ○ $7.91 million in economic loss
	  ○ 56 percent decrease in real estate value ($28,636,296)
	  ○ 139 farms impacted
	  12,438 acres prevented from being planted
	  ○ $4.2 million in ag revenue losses due to levee damage
	  ○ $7.2 million "spillover" revenue loss due to decreased ag production
	  ○ 1,529 fewer out-of-state visitors due to loss of tourist attractions
	  ○ Damaged roads, water and wastewater infrastructure
	• Levee System:
	  ○ 10,800 feet of breaches on the 7.55-mile levee system
	  ○ Bid process has started with private contractors
	• City Infrastructure:
	  ○ $6 million to replace water plant
	  ○ $4 million to rebuild roads
	  ○ $2-$10 million to repair and protect wastewater treatment
	• Local Businesses:
	  ○ 100 percent of businesses adversely affected
	  ○ 50 percent of businesses closing due to flood impact
	  ○ 56 percent decrease in real estate value ($28,636,296)
	• Peru State College:
	  ○ Closed for several days
	  ○ Lack of permanent water solution
	  ○ $92.9 million economic multiplier
	• School District:

Number	Comment and Response
	○ $656,000 in lost revenue ○ $53 million decrease in property valuation • Peru Housing: ○ 4% of homes in Peru destroyed ○ 7 families moved away from Peru According to US Census Data, Peru's population in 2018 was 755. The town ranked 38th in the state in household income, and 576th out of 580 (lowest percentile) in per capita income, with average weekly wages of $1,038, according to the 2018 US Bureau of Labor Statistics. In 2018, the estimated median house or condo value was $63,567 (city-data.com). CDBG-DR funds are one of the few remaining options to help Peru recover from the flood. These funds are critical to the City of Peru's ability to complete long-term solutions that will return the town to pre-flood conditions. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan. HUD follows a set, data-driven formula, published in the Federal Register, for determining which areas meet its criteria for Most Impacted and Distressed (MID). Although the MID is determined by HUD, not DED, DED recognizes that there are communities outside of the HUD-designated MID with concentrated damages that present major recovery challenges. In an effort to address situations where communities have significant unmet needs relative to their size, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost share per capita. Furthermore, as described in this plan, the unmet needs assessment is an ongoing effort; therefore, if additional data exists now or as programs are implemented, DED requests such data be shared to better facilitate long-term recovery.

9	**Comment:** The Nemaha Natural Resources District encompasses 1.6 million acre of southeast Nebraska including Nemaha County and the City of Peru. In 2019 record flooding devastated portions of Nemaha County. Almost all the flood damage was the result of a federal levee failing which had safely protected the area for 70 years. The area impacted by the flooding included cropland, country road infrastructure, several homes and Peru's water supply and sewage treatment systems. It also severely damaged 12 miles of the Steamboat Trace Trail, a popular hiking and biking trail which is owned and operated by the Nemaha NRD; the trail remains closed. Flood water did not recede until November 2019 and the levee remains one of the few unrepaired levees along the Missouri River and its future is uncertain. The economic impact of the flooding has been estimated at $7.9 million, but the potential long-term impacts far exceed that amount. Peru is a small community made up of permanent residents, mostly with moderate and low incomes, and seasonal college students living on limited finances. Funding provided by federal and state sources would greatly aid Peru's ability improve the housing and services needed for residents to remain in the community. Peru and surrounding area are highly dependent on the positive economic and social impact provided by Peru State College. The relationship is symbiotic as the college needs the water, sewer, residential and retail services provided by Peru to operate and successfully carry out its mission. Peru State, like most institutions of higher education, is highly dependent on the resources it can provide its students as a motivating factor to get them to attend their school. Inadequate housing, retail services and utilities would greatly impact the school's ability to recruit students and faculty. The city, county and NRD have all worked with FEMA to obtain FEMA disaster aid funding, but those funds only will cover a small portion of the cost to bring Peru and impacted areas of Nemaha County back to pre-flood viability. Much of the damaged infrastructure must be upgraded or relocated to assure that future flooding will not impair the county and community as the 2019 flood did. Those upgrades will cost millions more dollars then FEMA will provide, or the community can afford. Additional funding sources are critical to assure that the necessary work can be completed. For the past year the NRD has been a member of the Northeast Nebraska Long Term Recovery Group which has a goal to restore the pre-flood quality of life that the citizens of Nemaha County and City of Peru impacted by the flood enjoyed. We are participating as a member not only because we have a vested interest in repairing our trail infrastructure but want to see the area impacted by the flood thrive and grow. It is our understanding that $108.9 million in disaster recovery funding from the U.S. Department of Housing and Urban Development was provided to the Nebraska Department of Economic Development. Those funds are to be allocated to the most distressed and impacted counties in the State. It is our opinion that Nemaha County meets the "most distressed and impacted" criteria and should be considered as such in the DED action plan. We strongly encourage DED to evaluate the impacts to Nemaha County and include Nemaha County in the plan. We appreciate the opportunity to provide comments on the action plan. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

Number	Comment and Response
10	**Comment:** Peru, Nebraska is a very historic community and home to one of the best colleges in America - Peru State College. I am a member of the PSC Foundation are we are trying to make Peru, Nebraska a healthier place to live for the citizens, student body and professors. The infrastructure needs major repairs and updating. How can the PSC Foundation work together with the DED to achieve a revitalization of Peru, NE. If we can be of assistance, please contact Sara Beth Donovan, the Executive Director of the Peru State College Foundation. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan. However, other non-DR resources may be available to assist in revitalization efforts, including but not limited to the CDBG funding opportunities of Downtown Revitalization, Public Works, and Water/Wastewater.
11	**Comment:** Am I interpreting this correctly? CDBG may be used for local share on FEMA projects? **Response:** CDBG-DR can indeed be used for local match on FEMA PA and HMGP projects.
12	**Comment:** For PA projects this is just Cat A and Cat B, is this correct? **Response:** For those who are not familiar, Categories A and B, refers to debris and emergency protective measures. These categories are actually not allowed under the CDBG-DR rules and regulations. Under the Infrastructure Match Program, PA only refers to infrastructure projects, not debris or protective measures.
13	**Comment:** Can you talk more about the rehab of rental housing? Is this only for homes that have been affected by the flood? **Response:** The CDBG-DR allocation that Nebraska received is in direct relation to the flooding that occurred March 2019 – July 2019 (DR-4420). It is really intended to help those that were impacted directly or indirectly by that event. One of the things that has been discussed internally is for supporting a community where a substantial amount of residential housing was damaged, and the community is looking at multi-family housing to bring those individuals back into the community. There are a number of houses that are in the floodplain or at a high risk of being flooded. We want to protect our community by getting these individuals out of the floodplain.

Number	Comment and Response
14	**Comment:** The rehab of rental housing would be included, I understand new construction would be included, but I don't understand the rehab of rental housing unless it has been specifically affected. **Response:** The intention is to work with rental units that have been affected by the flood, and there have been quite a few that were affected in Eastern Nebraska, particularly Sarpy County. We do intend to see a direct tie to flooding on those rental units.
15	**Comment:** Please articulate how the 80% commitment to Dodge, Douglas, and Sarpy Counties was determined. **Response:** This is a HUD requirement based on what was published in the Federal Register and the areas they determined to be the most impacted and distressed.
16	**Comment:** Is CDBG-DR housing investment limited to people who have been personally impacted by the flood or can it include people who currently live in a floodplain? The reason why I am asking the question is that the goal is to get people out of the floodplain. So just thinking about someone who is getting a subsidy for gap financing that currently lives in the floodplain but hasn't been affected yet, would they qualify to buy a house outside of the floodplain with this funding. **Response:** The housing programs in the draft Action Plan cannot be used to fund construction in the 100-year floodplain. The Action Plan prioritizes individuals that were directly impacted by the flood, however new construction or rehabilitation must be outside the 100-year floodplain.
17	**Comment:** I am the one who asked about the question about the 80% to Dodge, Douglas, and Sarpy. I am frankly mystified by it based on what I know of the utility infrastructure in Cass County. I am trying to understand the numbers. I am going to suggest that there is some missing data then. **Response:** HUD requires that 80% of the allocation, after subtracting planning and administration, must be allocated for areas HUD has designated as Most Impacted and Distressed (MID). This is a HUD requirement based on a formula published in the Federal Register. HUD also determines the MID areas, not DED.
18	**Comment:** How do you determine costs amongst projects across the grant projects? If we are submitting a project and there is $15 million in the bucket for projects and there are two applications. How is it handled which percentage goes to which project? For example, is there a rating system? **Response:** Additional details will be provided as policies and procedures are developed, and following HUD approval of the Action Plan.

Number	Comment and Response
19	**Comment:** Is there a reason Purchase Rehab Resale (PRR) is not included in the homeownership program that would serve flood impacted households? **Response:** PRR and CDBG (thereby CDBG-DR) are not the greatest bed fellows, there are a lot of issues. The State determined that some programs such as PRR would fit better within, for example, our Nebraska Affordable Housing Trust Fund Program. That is why during the 2020 cycle we provided some points for projects that are specifically responding to disaster needs. That is also why we had a special cycle for 2019 to provide funding for disaster related projects, and we did fund PRR projects there. We also anticipate in our 2021 cycle there being additional points for disaster related projects. Single-family homes may have experienced some of the greatest damage according to the UNA. However, we don't know how many or which of those households are in the floodplain nor how many or which households are LMI individuals (which is 80% of area-median income (AMI)). This is what we are trying to address in the program design. We are trying to address some of the unique opportunities the CDBG-DR program provides while also addressing those needs through existing programs. Looking at maps and data of the damaged areas, it is likely that many of the impacted households will not meet the LMI requirements of the funding.
20	**Comment:** Am I understanding correctly that funds will not be released until 2022 for the 2nd round of housing allocation via DED? **Response:** The Action Plan lists the projected start date for all housing programs at Q1 2021. However, there are other non-DR housing programs that are operational through DED and other organizations that can help to address needs.
21	**Comment:** Would these funds be available for rental LIHTC homes flooded in Lexington, NE? I was actually asking about when they got the 13 inches of rain in an hour, we had two houses that were actually flooded in Lexington with over $60,000 worth of damage. Would they be eligible? They are not in a flood zone. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Dawson County, such as Lexington, are eligible for assistance under the proposed housing programs. Any use of CDBG-DR funds under this allocation must have a "tie-back" to DR-4420/Winter Storm Ulmer. Additional details will be forthcoming as more detailed policies and procedures are developed for the housing programs.
22	**Comment:** I am still trying to understand the unmet needs, particularly in infrastructure. Our water and wastewater working with FEMA, we will have 75% of the facility repairs will be reimbursed, but we will still have the 12.5% state share and the 12.5% local share. Am I hearing that the CDBG-DR may be used for the local share on the repair projects? **Response:** Yes, the Infrastructure Match Program can be used to meet unmet local match needs. For the Infrastructure Match Program, applicants should apply for the actual local match that they expect to bear (i.e., their unmet needs). As described in the Action Plan, use of CDBG-DR resources also requires meeting of a CDBG National Objective. Not all projects funded by PA or HMGP may meet the additional requirements for accessing CDBG-DR funds.

Number	Comment and Response
23	**Comment:** I write you this letter in support of your consideration for funding assistance for the city of Peru, Nebraska, as they continue their on-going efforts to recover from the devastating floods of 2019. I am an active real estate agent in southeast Nebraska and Peru is one of the communities I serve. When the floods hit Peru early last year, all real estate activity came to a screeching halt. People will not make a major investment in real estate unless they are reasonably certain that the community will be viable in the future. That issue hangs over the town today and will continue to cast a dark shadow until the water issue is resolved. The infrastructure repair to the Peru water system will be the key to determining if the town survives. I make no exaggeration when I say that this is the most important and challenging problem this town has ever faced. And needless to say, if the city cannot provide water to the city, it will also be the death knell to Peru State College, Nebraska's first College, founded in 1867. I visited with some clients, who have children, who had to relocate to temporary housing in a neighboring town after the floods made their home uninhabitable. The father works at an area manufacturing plant and the mother works weekends at a convenience store on weekends. They want to relocate back to Peru but have concerns about re-investing in Peru without the water issue being resolved. Their financial status does not allow them to make a mistake of buying a home in a town with an uncertain future. I strongly encourage you to consider this application for the City of Peru. Thank you for your time and effort as we try to establish a strong future for southeast Nebraska. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

Number	Comment and Response
24	**Comment:** I am writing in support of disaster relief funds for the City of Peru and Peru State College. The 2019 flooding had a major impact on Peru's water system, and they are still dependent on a temporary fix. Disaster relief funds will help support a permanent water solution for Peru and the college. The state has invested millions of dollars in the college over the past decade, but without a reliable source of water the college cannot succeed, and the state's investment will not be fully realized. Peru State College serves the SE portion of Nebraska and due to its low tuition, a high percentage of its students are in the low to moderate income levels. Thank you for your consideration. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

Number	Comment and Response
25	**Comment:** The Northeast Nemaha County Long-Term Recovery Group (LTRG) was formed last fall in response to the historic 2019 Missouri River flooding. This group* is working to support the City of Peru in its flood recovery efforts, pursuing funding so the community can have a permanent water solution (the City is currently still dependent on a temporary water treatment plant), restored wastewater treatment, repaired street, and a repaired levee and riverbank to protect from future flooding. The flooding devastation to Peru and other portions of Nemaha County has resulted in over $58 million in economic loss, with more than $11 million additional loss due to decreased ag production. Local businesses have all been adversely affected, including Peru State College, which is one of the largest employers in southeast Nebraska. Homes were destroyed, families moved from Peru, and the community still awaits recovery due to the need for funding assistance. Restoring Peru's water source and wastewater treatment is vital for its residents, including the College's students who spend the school year on campus and those who are daily commuters. Repairing flood-damaged roads and the Steamboat Trace Trail, which passes through Peru as it runs from Nebraska City to Brownville, are high-priority needs for the community. Protecting the community from future flooding by repairing the levee breach north of Peru is of the utmost importance. All of these fundamental needs will require funding assistance for the City of Peru. This LTRG is asking the DED to consider supporting Nemaha County and Peru through the $108.9 million disaster recovery funds received from HUD. We believe that Nemaha County should also be included in the Most Impacted and Distressed (MID) areas of the State, along with the counties previously identified for this level of funding. Thank you for your consideration. **Response:** HUD follows a set, data-driven formula, published in the Federal Register, for determining which areas meet its criteria for Most Impacted and Distressed (MID). Although the MID is determined by HUD, not DED, DED recognizes that there are communities outside of the HUD-designated MID with concentrated damages that present major recovery challenges. In an effort to address situations where communities have significant unmet needs relative to their size, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost share per capita.

26	**Comment:** Good afternoon, please find a letter of support for the City of Peru related to a request for disaster recovery funding from the U.S. Department of Housing and Urban Development for essential water and wastewater infrastructure projects. As outlined in the support letter, the City of Peru was adversely impacted by the Spring 2019 flooding in Nebraska. The flooding caused the levees to be compromised and then overran the existing water treatment facility. If you have any questions regarding the letter or the request on behalf of the City of Peru, please feel free to contact me directly. Peru State College and the City of Peru were both significantly impacted by the record flooding throughout Nebraska in the Spring of 2019. Much of the eastern portion of the state suffered substantial property damage, costly delays for spring planting, and business disruption. However, in addition to the immediate aftermath, the levee breach along the Missouri River just south of Peru will continue to adversely impact the city, College, and portions of Nemaha County. Specifically, the levee breach caused the Peru Water Treatment facility to be overrun, ceasing its capacity to provide an adequate water supply to the city and Peru State College. As a result, the College was forced to close on-campus operations for three days in March 2019 until a strategy was implemented for hauling water from Auburn, NE, to replenish the Peru Water Tower on a daily basis. It wasn't until late August, just before the start of the Fall 2019 semester, that sustainable water supply could be established when a portable water treatment unit was installed at a temporary well. Although the work of many College, City, and County personnel greatly assisted in addressing the short-term water shortage issues facing Peru, a long term strategy must be in place to ensure the viability of both Peru and Peru State College into the next century. Therefore, the Nebraska State College System strongly supports the request for the Nebraska Department of Economic Development to use Nebraska Emergency Management Agency (NEMA) funds to match the necessary FEMA funds for a critical infrastructure project in Peru. Students assess several factors when selecting the College or University that is the best fit for meeting their educational needs. Seldom during this selection process are students asked to consider whether an adequate water supply will be in place throughout their educational journey. This issue confronted more than 2,000 students in March 2019 when flooding occurred across Nebraska, and despite returning to Peru State College, the short-term strategy required students to engage in water conservation, use of portable bathroom facilities, and the dining facility to make significant changes to meal plan offerings. Students visiting Peru State in the Spring were presented with this reality when making college selection decisions, along with future students who participated in a wide range of summer camps that are critical for future recruitment efforts at the College. One of the critical goals for the State College System is to maintain access and affordability for many Nebraska students who want to pursue a four-year degree. We work diligently to maintain a low net price for students, but the open enrollment policy across all three colleges underscores the fact that a sizable number of low-income and first-generation students have relied upon and will continue to rely on Peru State College to fulfill their postsecondary aspirations. As Nebraska's first public four-year College, the 152-year partnership between Peru State College and the City of Peru are intrinsically linked, whereby funding for water and wastewater infrastructure is a critical investment to ensure the long-term survival of both entities for the State of Nebraska. With this context in mind, I ask that the City of Peru be included in the "most distressed and impacted" calculation completed by NEMA for the allocation of funding for infrastructure projects across Nebraska.

Number	Comment and Response
	Response: HUD follows a data-driven formula, published in the Federal Register, for determining which areas meet its criteria for Most Impacted and Distressed (MID). Although the MID is determined by HUD, not DED, DED recognizes that there are communities outside of the HUD-designated MID with concentrated damages that present major recovery challenges. In an effort to address situations where communities have significant unmet needs relative to their size, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita.
27	**Comment:** We are writing in response to your request for comments on the use of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. Like much of Nebraska, both the private and public sectors in Valley County suffered devastating losses from the 2019 flooding, winds and winter weather and many of the greatest hardships are still being dealt with today. Funding for Valley County (Ord, Arcadia, North Loup and Elyria) would be most impactful with the support for infrastructure improvements, specifically paved and gravel county roads, not covered by FEMA. Washed out and damaged roads have affected not only rural traffic but have created hardships for farmers and ranchers in accessing their fields and tending to livestock. Additionally, parks within the City and Villages in Valley County are still being repaired and redeveloped to this day. Seeding new grass, reinforcing the Ord Golf Course bridge and redoing tennis courts have all been unforeseen expenses due to last year's winter weather conditions. These damages have impacted residents' and travelers' ability to utilize our parks and recreational facilities. Thank you for your consideration of these needs in Valley County and for your leadership and service to our Nebraska communities. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Valley County are eligible for the Infrastructure Match Program. However, this program only applies to the local cost-share for the FEMA PA and HMGP programs, and where, among other requirements discussed in this plan, a CDBG National Objective is met. Infrastructure projects not awarded resources under PA or HMGP will need to identify other funding sources, which may include the regular, annual CDBG allocation.

Number	Comment and Response
28	**Comment:** As the State Senator for District 1 in the Nebraska Legislature, I am sending this letter in regard to the public comment for the State of Nebraska's Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan. Southeast Nebraska was hit hard by the 2019 bomb cyclone and many citizens are still paying for it today. I am requesting that funds from the $108.9 million in CDBG-DR grant be put towards rebuilding the livelihoods of those in southeast Nebraska. Thousands of acres of good farmland have been damaged and many farmers are still unable to farm due to the flooding. It will cost millions of dollars to repair the levee system in Peru. Roads are still damaged and causing a safety hazard. These are just some of the repercussions southeast Nebraska is still facing today. These funds will allow communities like Peru and Brownville to keep their very limited local funds to pay for other necessary items in their budgets. I would encourage the Department of Economic Development to consider allocating funds to rebuilding southeast Nebraska. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru and Brownville, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

Number	Comment and Response
29	**Comment:** I am writing to you on behalf of the Peru Community Impact Group (PCIG), a local Peru non-profit of which I am the President. Our mission is to impact the community through engagement opportunities, programs and services benefiting residents of Peru and its visitors. The flood has greatly shaped our mission and continued purpose in the community as we remain instrumental in meeting the needs of the community throughout this hardship. PCIG is represented on the Northeast Nemaha County Long-Term Recovery Group (LTRG) that was formed last fall to further address needs of affected infrastructure in our community. Our community is still dependent on a temporary water treatment plant to supply the community, as well as the college, with this vital resource. At the present time residents rely on weekly deliveries from our group to supply additional water needs and to ensure residents conserve as much as possible as there is still no permanent water solution in place and continued uncertainty regarding the levee repair. Damage to our water treatment plant, sewage lagoons, levee and riverbank have had a ripple effect on the rest of our community in terms of streets, housing, loss of businesses, farming and loss of recreation. As a group we are now seeing fewer visitors to our community and fewer residents living in our community equating additional losses to our town post flood. All these needs will require funding assistance for the City of Peru as we look at surviving as a town. The Peru Community Impact Group is asking the DED to consider supporting Nemaha County and Peru through the HUD Disaster Recovery Funds. We strongly believe Nemaha County should be included as a "Most Impacted and Distressed (MID)" area of the State. **Response:** HUD follows a set, data-driven formula, published in the Federal Register, for determining which communities meet its criteria for Most Impacted and Distressed (MID). Although the MID is determined by HUD, not DED, DED recognizes that there are communities outside of the HUD-designated MID with concentrated damages that present major recovery challenges. In an effort to address situations where communities have significant unmet needs relative to their size, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost share per capita. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan. However, as described within this plan, CDBG-DR is a "down-payment" on long-term recovery and other non-DR resources may be available to assist in recovery efforts, including but not limited to the CDBG funding opportunities of Emergent Threat, Public Works, and Water/Wastewater.

Number	Comment and Response
30	**Comment:** The City of Peru, Nebraska, and Peru State College, located in Southeastern Nebraska, has been greatly impacted by the Flood of 2019. The City and College of Peru have been impacted by the lack of a permanent water solution. How are the people in the City of Peru and the people (students, faculty, staff, and administration) at Peru State College supposed to continue living a healthy life? The livelihood of the City and of the College is of utmost importance to the Southeastern Nebraska region. The millions of dollars caused by the flood and the impact that the flood has to the region, local businesses, levee system, city infrastructure, Peru housing, Peru State College, and the school district is astounding! In order for the City and the College to continue in the future, there must be funds now to enable long-term solutions. As Interim Chair of the Peru State College Foundation, one of our Foundation goals is to financially support the students attending Peru State College in order for them to achieve a college education. This College is of paramount importance for all students; it is an open enrollment College; and the College enables students to graduate with a college degree which may have not ever had the opportunity to even attend a college. The Foundation is continuing to work extremely hard to reach donors asking them to start and/or continue with their donations for the reason to financially assist students in their goals of achieving a college degree. In your Action Plan, and because the City of Peru qualifies for funding, I urge you to strongly and seriously consider the millions of dollars that are necessary for the City of Peru and the Peru State College to survive. The Peru State College Foundation will continue our financial support for the students of the College. Thank you for reading this email! And….our Alumni believes….Once a Bobcat, Always a Bobcat! **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Nemaha County are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. DED understands that there are communities, such as Peru, that experienced major damage relative to their size. As a result, DED will include a prioritization criterion for the Infrastructure Match Program that considers the local cost-share per capita to address situations where communities have significant unmet needs relative to their size. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan. However, as described within this plan, CDBG-DR is a "down-payment" on long-term recovery and other non-DR resources may be available to assist in recovery efforts, including but not limited to the CDBG funding opportunities of Emergent Threat, Public Works, and Water/Wastewater.

Number	Comment and Response
31	**Comment:** Originally formed in 1981 in Nebraska, Mercy Housing's mission is to create stable, vibrant and healthy communities by developing, financing and operating affordable housing for family, seniors, and people with special needs who lack the economic resources to access quality, safe housing opportunities. As our portfolio ages, we are looking for ways to continue to be good stewards of our properties. This includes maintaining properties in good condition and renovating the properties when necessary to ensure that they remain safe and viable homes for low income residents for many years to come. We appreciate the opportunity to provide comment to the State of Nebraska Disaster Recovery Action Plan. Our main request is in regard to section 5.2.2 of the plan which discusses the Affordable Housing Construction Program component. This section of the plan details the application process for the $26,000,000 in available program funds as including two application processes: the first in partnership with NIFA for the nine percent LIHTC program, and the second through DED directly for projects in which LIHTC is not a funding source. We request that the Plan be revised to allow the use of these program funds in partnership with the NIFA 4% LIHTC Program as well as the currently defined partnership with NIFA on the 9% LIHTC Program. Rehabilitation of rental housing is noted as an eligible activity under the Affordable Housing Construction Program portion of the plan. Tax exempt bonds and 4% LIHTC are a preferred method for rehabbing existing rental properties when additional soft funding, rental subsidy or some combination of the two are available. Allowing the Affordable Housing Construction Program funds to be used on 4% LIHTC projects would make feasible certain rehabilitation projects that otherwise would have required 9% LIHTC from NIFA's limited allocation pool. Allowing 4% LIHTC projects to make use of these funds could ultimately result in a larger number of units preserved and produced through the NIFA and DED partnership. Thank you again for providing the opportunity to submit comments on the proposed Nebraska Disaster Recovery Action Plan. We hope you will consider incorporating our suggestions moving forward. **Response:** In consultation with NIFA, DED will clarify LIHTC Program eligibility in the final version of the Action Plan to allow for this increased flexibility in program delivery.

32	**Comment:** For more than 35 years, Habitat for Humanity has served Dodge, Douglas and Sarpy Counties by providing affordable housing solutions to low-to-moderate income families. In that time, we have created pathways to homeownership for 700+ LMI households by building and renovating homes; additionally, we have provided more than 1000 critical repairs to owner-occupied houses that have allowed homeowners to remain in their homes safely. Through this work, we have witnessed the extent and effects of substandard housing in our communities firsthand. We have been a proud to partner with HUD and to work hand-in-hand with Nebraska Affordable Housing Trust Fund to address the need for safe, affordable housing in Douglas and Dodge Counties. Habitat for Humanity has also leveraged our volunteer capacity and expertise in home repair and affordable housing to contribute to flood response and recovery. In the immediate aftermath of the March 2019 floods, we mobilized 435 volunteers in clean-up efforts and crisis hotline coverage. More than 850 individuals were served by our clean-up assistance efforts, in which 588 tons of debris was removed from properties affected by the floods. Our Home Improvement Program has added a Flood Repair Initiative to its services in order to provide flood-specific assistance to those impacted by this crisis and to get families back into clean, safe homes as soon as possible. To date, Habitat Omaha has performed nearly $300,000 worth of repair work under this initiative. Habitat Omaha has worked with Sarpy County Long Term Recovery Group to gauge interest in homeownership through Habitat. Thirty-six households who were the victim of the flood have expressed interest in partnering with Habitat to achieve homeownership. Habitat Fremont has also been highly active in disaster response in recovery and has provided volunteers to assist in recovery and supported homeowners who were impacted by the flood. Habitat Omaha is lucky to have a resident expert on flood response and recovery specifically as it relates to housing. Mark Coffin is a retired military officer with 27 years of cumulative operations, planning, and leadership experience. He leads Habitat Omaha's disaster response efforts. In addition, he is a member of NE Voluntary Organizations Active in Disaster (NEVOAD), a member of Heartland Community Organizations Active in Disaster (COAD), and serves on the Executive Committee of the Sarpy County Long Term Recovery Group (Construction/Flood Repair). Mark initiated and served as the lead for Disaster Response Training Exercises 2016-2018 which was a collaborative effort between Habitat Omaha, Team Rubicon, and the Salvation Army. He led the Douglas and Sarpy County flood response logistics and coordination for Habitat Omaha and the collaboration with Team Rubicon in 2019. Mark participated in the public comment session and helped inform our public comments below. In partnership with Habitat for Humanity of Sarpy County and Habitat for Humanity of Fremont, Habitat for Humanity of Omaha submits the following public comments on the CDBG-DR Action Plan Fact Sheet and Action Plan-PC. We eagerly support the following: • The Homeowner Incentive Program – to provide housing counseling, training, and homebuyer down payment and closing cost assistance (as outlined on Table-4, page 55 of the document, page 73 of the pdf) • We specifically support that eligible applicants include non-profits and units of local government (page 74) • We support the following language on page 75 of the document: Where appropriate, participating organizations will coordinate with developers funded through the Affordable Housing Construction Program to match displaced homeowners and prospective homeowners with new housing units.

- The Affordable Housing Construction Program – to increase affordable housing supply with new construction (as outlined on Table-4, page 55 of the document, page 73 of the pdf)
- Construction/Rehabilitation – to finance the acquisition and rehabilitation or new construction of homes for homebuyers (as outlined on Figure 5-1 on page 68, page 86 of the pdf)
- Clearance – Habitat supports the use of funds for Clearance related to flood impact and encourage "Clearance" to include demolition of unsalvageable properties

We have the following requests for changes to the plan based on our experience in working directly with LMI and vulnerable populations:

Acquisition and rehabilitation that is outlined on the Fact Sheet and on Figure 5-1 on page 68 is not included on page 55. We strongly encourage acquisition and rehabilitation be included in the Affordable Housing Construction Program.

Rental Housing – Habitat supports the inclusion of LIHTC support for disaster-affected households as well as public housing that has been impacted. We are unclear how CDBG-DR funding would affect single-family rentals owned by investors. We would only support single-family rental investments in cases where the property is owned by a non-profit or government entity.

We strongly encourage an increase of the $500,000 maximum for the Homeowner Incentive Program OR for the ability to apply for more than $500,000.

We have the following recommendations:

- That the application period for CDBG-DR open as soon as possible. The need is now. To date, 35 flood-affected, LMI households have expressed an interest in homeownership through Habitat.
- That the applications for CDBG-DR be separate from the traditional NAHTF applications. The need for affordable housing is great, and it would be best if these programs focused on separate priorities. As mentioned, we have 36 flood-affected, LMI households who are interested in homeownership, and they would likely require a higher subsidy. We have more than 400 applications annually for our traditional homeownership program. The need is significant, and we wouldn't want one program to detract from the other.
- We ask that those who currently own homes or rent in a flood plain be included as households who could be served through the Affordable Housing Construction Program or the Homeowner Incentive Program for future prevention and resiliency. This was mentioned in the public comment session but was not mentioned in the Action Plan.
- We strongly recommend your consideration in having HOUSING EXPERTS be part of the scoring process in the application review.

We appreciate the good work of DED in executing so many good programs for the people of our state and look forward to continued partnership in providing affordable housing solutions.

Response: DED appreciates our continued partnership with Habitat for Humanity in meeting housing needs throughout the state. For clarity and consistency, the Homeowner Incentive Program (so named and described in the draft for public comment) is now referred

to as the Homeowner Assistance Program throughout the document. See below for responses to the specific issues raised by Habitat for Humanity Omaha:

- Regarding acquisition and rehabilitation, the Table 4-1 on page 55 is intended to illustrate which HUD National Objective(s) each program addresses. For details on each program, see the respective program descriptions in Section 5.
- Regarding rental housing, for-profit organizations (e.g., investors) are not eligible entities under the proposed housing programs.
- Regarding the maximum award for the Homeowner Assistance Program, this will be increased to $1,000,000 to facilitate applications from entities with a larger number of survivors to support.
- Regarding the application period, DED understands and appreciates the urgency of implementing these programs; however, it is also important to understand that these are new programs and there are a number of interrelated steps required to launch, including, but not limited to, compliance with all federal regulations and cross-cutting requirements, HUD review and approval, establishing processes and procedures, training staff and applicants to ensure compliance with state and federal regulations, marketing programs to ensure beneficiaries to programs are not limited to those with the most access and rather to those with greatest need, etc.
- Regarding the recommendation to separate applications for CDBG-DR and NAHTF, these are separate funding sources with varied requirements. This recommendation seems to refer to two distinct areas of the Affordable Housing Construction Program, "Application 2" for Affordable Rental Housing and, separately, Affordable Homeownership. For the former, as described in the Action Plan, the NAHTF application process may be amended for use in accessing CDBG-DR; this does not imply that the two resources will be paired within a single application to compete against each other, rather that the application will allow for the applicant to designate the need so the appropriate resource(s) can be identified. This approach allows applicants to complete a more familiar application process while accessing a new funding resource. DED will clarify this distinction in the final version of the Action Plan. As with any application for funding, we want to ensure the most appropriate resource will be paired with the project need and outcome. Furthermore, because the federal regulations associated with CDBG-DR may not be able to assist all flood-impacted households (e.g., unable to meet the income requirements), the 2021 NAHTF application cycle will prioritize projects that serve flood-impacted areas that address unmet needs that cannot benefit through the CDBG-DR program. Wherever reasonably possible, DED intends to make use of established, familiar policies and procedures to enable expedient implementation. As to Affordable Homeownership, this subsection will be clarified to follow a similar approach as provided for Affordable Rental Housing.
- Regarding applicants in the floodplain, the programs do not permit construction or rehabilitation within the 1% Special Flood Hazard Area (SFHA). However, DR-4420 survivors from within the 1% SFHA may be eligible for units outside the SFHA under the programs. We understand that there are a number of homes that are in the floodplain or otherwise at a high risk of being flooded (again or for the first time). And, we want to protect the health and safety of our communities by getting these individuals out of the floodplain. However, the Federal Register and CDBG-DR regulations require all investments "tie-back" directly or indirectly to the declaration, DR-4420.

Number	Comment and Response
	• Regarding the scoring process, as with other DED resources for housing, application review committees include housing experts and others with relevant knowledge, experience, and training.
33	**Comment:** The Homeowner Incentive Program will be a huge benefit to LMI homeowners. This piece will have a direct impact on our community as the majority of the 1,300 homes affected by the 2019 floods are/were homes for LMI families. Our question is: Is a non-profit the only entity eligible to apply for this category? The Affordable Housing Construction Program will also be a huge benefit. With all of our affected homes being located in the floodplain and the inability to expend traditional grant funding in a floodplain, this program will allow us to rehabilitate existing and construct new rental units to help relocate people out of the floodplain. We attended the first public meeting regarding CDBG-DR and learned that the Infrastructure Program is only for helping communities with the non-federal local match for approved FEMA PA and HMGP projects. We had hoped that mitigation projects, not just the match to FEMA PA or Hazard Mitigation Grant Program (HMGP), would have been allowed. By the time we learned that CDBG-DR had to be a match to FEMA or HMGP, NEMA had allocated their entire HMGP allocation. Entities can still submit NOIs for that funding, but at this point, it would be last on the list. We also have all but two of our FEMA PA projects completed and are waiting on reimbursement. We have a couple of questions: Will we be allowed to submit an application for the 25% that is our responsibility? Early on, the State had said they would be reimbursing communities 12.5% so that the remaining responsibility of the community was only 12.5%. If reimbursement is allowed through CDBG-DR, does one need to apply for only 12.5%? **Response:** For clarity and consistency, the Homeowner Incentive Program (so named and described in the draft for public comment) is now referred to as the Homeowner Assistance Program throughout the document. Eligible entities for the Homeowner Assistance Program include units of local government or non-profit organizations. In either instance, the entity must be approved to provide housing counseling, homeownership education, and homebuyer programs. For the Infrastructure Match Program, applicants should apply for the actual local match that they expect to bear (i.e., their unmet needs). As described in the Action Plan, use of CDBG-DR resources also requires meeting of a CDBG National Objective. Not all projects funded by PA or HMGP may meet the additional requirements for accessing CDBG-DR funds. Furthermore, CDBG-DR is a "down-payment" on long-term recovery and other non-DR resources may be available to assist in recovery efforts, including but not limited to the CDBG funding opportunities of Emergent Threat, Planning, Public Works, and Water/Wastewater.

Number	Comment and Response
34	**Comment:** As Assistant Director of Utilities for Lincoln, Nebraska, I welcome this opportunity to provide comments on the Action Plan for the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) for Disaster Recovery program. These funds are ideally suited for our unmet needs as a result of the Flood in 2019 designated DR-4420. We are working closely with the Federal Emergency Management Agency (FEMA) to address the damage to Lincoln's wellfields that are located near Ashland, Nebraska along the Platte River. One of our horizontal collection wells and the island it is located on are in Sarpy County. The other damages are located in Saunders County. Total damage is estimated at almost $15 M and mitigation is estimated to be as much as $31M. A damage and mitigation inventory are attached. As you know, FEMA provides funding to repair or rebuild infrastructure under the Public Assistance (PA) program and provides funding for mitigation projects under both the PA and HMGP programs but requires a 25% match from the recipients. The City of Lincoln's Water System sustained heavy damage and needs to restore our full capacity. The wellfields near the Platte are Lincoln's only source of drinking water. In closing, I look forward to application for the HUD CDBG Disaster funding available to Nebraska and encourage Lincoln's unmet needs to be considered for funding. This funding would provide additional assistance in restoring this vital infrastructure and continue to provide safe, high quality and adequate supply of drinking water for the City of Lincoln. **Response:** As a county with a federal disaster declaration under DR-4420, communities located in Lancaster County, such as Lincoln, are eligible for assistance under the FEMA PA and HMGP programs, and the CDBG-DR Infrastructure Match Program may provide further support for the local share of eligible costs. Applications for this program are under development and cannot be finalized nor made available prior to HUD approval of this Action Plan.

8 ATTACHMENTS

A. CITIZEN PARTICIPATION PLAN

NEBRASKA

CDBG-DR STATE ACTION PLAN: CITIZEN PARTICIPATION PLAN

STATE OF NEBRASKA

JULY 2020

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RECORD OF CHANGE

The following table summarizes changes to the State of Nebraska DR-4420 CDBG-DR Citizen Participation Plan.

Version	Date	Summary of Changes

INTRODUCTION

The State of Nebraska Department of Economic Development (DED) sets forth the following Citizen Participation Plan (CPP).[128] The goal of the CPP is to ensure an equal opportunity for all of Nebraska's residents to participate in the planning and assessment of the Nebraska CDBG-DR recovery programs funded by the Department of Housing and Urban Development (HUD), as outlined in this Action Plan. This CPP is therefore separate and distinct from the CPP that is part of the State of Nebraska's Consolidated Planning process.

The policies and procedures outlined in the CPP are applicable to the development and implementation of the Action Plan, any substantial amendments to the Action Plan, and quarterly progress reports. The CPP applies to any activities financed from the CDBG-DR grant, administered by Nebraska DED, including activities carried out by local governments in accordance with 24 C.F.R. § 91.115(e).

PUBLIC PARTICIPATION GOAL

Why is public participation needed?

Nebraska DED seeks public involvement in the planning process to generate ideas, solve problems, make decisions, and collect feedback about proposed disaster recovery programs, including those within and outside of the most impacted and distressed (MID) areas.

Why should you participate?

All individuals living in communities where CDBG-DR-funded activities will or may take place are encouraged to participate—to advise and provide input on the planning, assessment, and implementation of the recovery programs and projects. Every effort will be made to ensure equal access to information and equal opportunity to participate.

Who should participate?

The intended audience of this information includes residents of impacted areas, public agencies (local, regional, and statewide), municipal elected officials, long-term recovery groups, advocacy organizations, special interest groups, non-profit organizations, philanthropic organizations, community- and faith-based organizations, continuums of care, real estate developers, commercial and industrial interests, and other interested parties.

[128] This plan is pursuant to the citizen participation requirements of 24 CFR Section 91.115, 83 FR 5844, and 83 FR 40314.

EQUAL ACCESS

All publications and communication related to this Action Plan will comply with effective communications requirements of 24 CFR § 8.6 and other fair housing and civil rights requirements, such as the effective communications requirements under the Americans with Disabilities Act.

INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

All program materials, including plans, forms, and online information, will be made available in English and Spanish on the DED CDBG-DR website, https://opportunity.nebraska.gov/cdbg-dr.

For individuals needing information translated into a language other than English or Spanish, please call 800-426-6505 or send an email using the contact form available at https://opportunity.nebraska.gov/contact-us/. DED will coordinate with municipalities and their government agencies, non-profits, and non-governmental organizations to distribute program materials to populations with limited English proficiency. Any in-person, web-based, or hybrid meetings related to the recovery programs will include at least one Spanish translator.

INDIVIDUALS WITH DISABILITIES

All program materials will be made readily available, upon request, to persons with disabilities. The Action Plan and other materials on the DED CDBG-DR website are already conducted in accessible formats for visually impaired individuals. Meetings will be provided in a manner to provide a meaningful opportunity for persons with disabilities to participate. Any in-person, web-based, or hybrid meetings related to the recovery programs will include at least one American Sign Language (ASL) interpreter.

For any assistance related to accessibility, please contact DED:

- **Telephone**: 800-426-6505
- **Online/Email**: fill out the contact form available on DED's website at https://opportunity.nebraska.gov/contact-us/
- **Postal Mail**:
  Nebraska Department of Economic Development
  301 Centennial Mall South
  PO Box 94666
  Lincoln, NE 68509-4666
- **In person**:
  Nebraska Department of Economic Development
  301 Centennial Mall South, 4th Floor
  Lincoln, NE 68508

PUBLIC COMMENT

There are three documents related to the distribution and administration of CDBG-DR funding that will be published for public comment according to the procedures outlined in the table below. All documents will be published online on the Nebraska DED's CDBG-DR website, https://opportunity.nebraska.gov/cdbg-dr. DED will receive comments via USPS mail, email, or through the DED's website:

Nebraska Department of Economic Development
ATTN: CDBG-DR Program Manager
PO Box 94666
Lincoln, NE 68509-4666
Email: DED.publiccomment@nebraska.gov
Website: https://opportunity.nebraska.gov/cdbg-dr

Table 1 – Methods for Public Comment

Document	Purpose	Outreach for Public Comment
Action Plan	Outline the State of Nebraska's plan to spend CDBG-DR grant money to fund programs to address unmet recovery needs because of 2019 Severe Flooding and Winter Storms.	• Plan posted on Nebraska DED CDBG-DR website. • Notice of publication communicated via email as a press release. • Publication will be communicated via email with housing, community development, and economic development advocates, inclusive of individuals and entities that collaborate with the department and others in advocacy and delivery of existing programs. Correspondence for the Action Plan also encouraged recipients to communicate with local leaders, constituents, etc. using press releases, public statements, media postings, and contacting neighborhood organizations. DED anticipates undertaking similar actions for substantial amendments. • The Action Plan comment period will be advertised through the League of Nebraska Municipalities, having exposure to all municipal officials who have an email address (e.g., mayors, clerks, administrators, utilities personnel, etc.). • Publication announcement will be presented through the media, including commonly used social media platforms that, as of this writing, include Facebook, LinkedIn, and Twitter. • In-person, hybrid, and/or virtual public meetings, as appropriate. The Action plan comment period will include virtual public meetings[129][130] • Comment period of no less than **30 days**[131]
Substantial Amendments to the Action Plan	Significant amendments to the Action Plan, specifically defined in the Program Administration Section of the Action Plan.	
Quarterly Performance Reports	Identifies the progress DED and subgrantees are making toward meeting recovery program objectives and summarizes expenditures to date.	• Report posted on Nebraska DED CDBG-DR website. • Publication will be communicated via email with housing, community development, and economic development advocates, inclusive of individuals and entities that collaborate with the department and others in advocacy and delivery of existing programs. • Comment period of no less than **15 days**[132]

[129] Virtual public meetings in place of in-person public meetings given the ongoing pandemic of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

[130] 83 Fed. Reg. 83 (February 9, 2018)

[131] Ibid.

[132] 24 CFR § 91.115

Nebraska DED will notify HUD when any non-substantial amendments are processed but will not seek public comment, consistent with HUD's guidance. This notification will be made at least five business days before the amendment becomes effective.[133] Every amendment, substantial or not, will be posted sequentially on the CDBG-DR website. Refer to Online Engagement for information about how to access content online.

The public will have the opportunity to review this documentation to comment on the design of the CDBG-DR funded recovery programs. The information available for public comment will include, but is not limited to:

- Amount of assistance the state expects to receive,
- Range of activities that may be undertaken,
- Estimated assistance that will benefit persons of low- and moderate-income, and
- Plans to minimize displacement of persons and to assist any persons displaced.

All public comments received by DED will be published with the Action Plan and after each substantial amendment. Feedback and recommendations will be considered and integrated into the documents as appropriate at the sole discretion of DED and in accordance with HUD guidance and policy.

PARTICIPATION STRATEGIES

ONLINE ENGAGEMENT

The Nebraska DED will maintain a public CDBG-DR website regarding all disaster recovery activities supported with these funds.

This website is dedicated to hosting the following content related to the state's CDBG-DR program:

- State Action Plan and all amendments (substantial and non-substantial);
- Quarterly Performance Reports, as created using the Disaster Recovery Grant Reporting System (DRGR);
- Applicable laws and regulations related to the CDBG–DR program;
- Recovery program information (e.g., policies and procedures for programs and key recovery operations to be implemented by the grantee with CDBG-DR funds);
- Citizen participation resources (e.g., public comment forms, contact information, meeting dates);
- Procurement policies and procedures, as well as status of procurement of goods and services;
- Executed CDBG-DR contracts; and

[133] Per procedures outlined in 83-FR-4681, February 9, 2018

- Application status for the CDBG-DR programs.

Nebraska DED will update this website in a timely manner to ensure the most current information is available publicly. At a minimum, the website will be updated monthly.

COMMUNITY MEETINGS

Community meetings will be held as part of the program implementation process.[134] These meetings may assume a variety of formats, including in-person meetings and online webinars. The purpose of these meetings will be to provide residents of impacted areas, public agencies (local, regional, and statewide), municipal elected officials, long-term recovery groups, advocacy organizations, special interest groups, non-profit organizations, philanthropic organizations, community and faith-based organizations, continuums of care, real estate developers, commercial and industrial interests, and other interested parties with an opportunity to learn more about the CDBG-DR activities in their area and provide input on programs and activities.

At a minimum, all meetings will be announced online 15 days prior to the date of the meeting. The announcement will include the date, time, and location of the meeting. Efforts will also be made to advertise meetings through other means like social media and through representatives of community groups.

Meetings will be held at an ADA-accessible location and outside of business hours when possible. Interpretation services will be provided for Spanish and ASL for in-person, web-based, or hybrid meetings. Additional accommodations may be made available upon request. For information about where to direct these requests, refer to the Equal Access section.

The structure of these meetings may vary, but topics likely to be discussed include:

- Education on the CDBG-DR program, including the purpose and type of activities, timing of funding, clarification of resources available, and how the program contributes to long-term recovery.
- Review of the Action Plan contents.
- Status update on long-term recovery as a whole, and an opportunity for the public to ask questions about the CDBG-DR program and recovery.
- Overview of the process of identifying and integrating the Action Plan process into existing public meetings in impacted areas.

[134] Given the ongoing pandemic of COVID-19 caused by SARS-CoV-2, DED and any subgrantees are prepared to pivot any community meetings designed to be held in person to virtual meetings if social distancing requirements prevent the whole community from participating in person. This may include a hybrid alternative, where virtual and in-person options are available if the public health situation allows.

COMPLAINTS AND GRIEVANCES

Residents who wish to submit a complaint related to the DED's published Action Plan, substantial amendments to the Action Plan, quarterly progress reports, or any other matters related to CDBG-DR funded programs, may do so using one of the following methods:

- **Telephone**: 800-426-6505
- **Online/Email**: fill out the contact form available on DED's website at https://opportunity.nebraska.gov/contact-us/
- **Postal Mail**:
  Nebraska Department of Economic Development
  301 Centennial Mall South
  PO Box 94666
  Lincoln, NE 68509-4666
- **In person**:
  Nebraska Department of Economic Development
  301 Centennial Mall South, 4th Floor
  Lincoln, NE 68508

Consistent with HUD's requirements, all complaints will be responded to within 15 days of receipt of the complaint, if practicable. Complaints related to fraud, waste, or abuse of government funds should be forwarded directly to the HUD Office of Inspector General (OIG) Fraud Hotline at phone: 1-800-347-3735 or email: hotline@hudoig.gov.

B. CERTIFICATION DOCUMENTATION

CERTIFICATIONS

Per the Federal Register[135] the State of Nebraska certifies that with its Action Plan:

a. The State of Nebraska 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 (See Section 6.2.2.5).
b. The State of Nebraska certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
c. The State of Nebraska certifies that the Action Plan for disaster recovery is authorized under State and local law (as applicable) and that the State, and any entity or entities designated by the State, 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 funding, in accordance with applicable HUD regulations and this notice. The State of Nebraska certifies that activities to be undertaken with funds under this notice are consistent with its Action Plan.
d. The State of Nebraska 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 State of Nebraska 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 State of Nebraska certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government 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) (See Section 6.4.2 and Attachment A.).
g. The State of Nebraska certifies that it has consulted with affected local governments 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 State of Nebraska 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 2016 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
    (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

[135] 83 Fed. Reg. 28 (February 9,2018).

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 State of Nebraska 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 State of Nebraska certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

i. The State of Nebraska 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), the Fair Housing Act (42 U.S.C. 3601– 3619), and implementing regulations, and that it will affirmatively further fair housing (see Section 6.2.2.7).

j. The State of Nebraska certifies that it has adopted and is enforcing the following policies, and, in addition, that the State of Nebraska will require local governments 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.

k. The State of Nebraska certifies that it 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. The State of Nebraska certifies to the accuracy of its Public Law 115–56 Financial Management and Grant Compliance certification checklist, or other recent certification submission, if approved by HUD, and related supporting documentation and its Implementation Plan and Capacity Assessment and related submissions to HUD.

l. The State of Nebraska 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 (or 100-year floodplain) 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.

m. The State of Nebraska 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.
n. The State of Nebraska certifies that it will comply with environmental requirements at 24 CFR part 58.
o. The State of Nebraska certifies that it will comply with applicable laws.

The State of Nebraska acknowledges that any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.