

# ISLE DE JEAN CHARLES (IDJC) RESETTLEMENT



## PERMANENT RELOCATION & HOUSING INCENTIVE

### PROGRAM POLICIES

PUBLICATION VERSION 5.0  
APRIL 28, 2020



## Contents

Version History.....	4
Background .....	5
Program Goals.....	6
Purpose .....	6
Summary of IDJC Housing Program Options .....	7
Eligible Activities .....	8
Ineligible Activities .....	8
National Objectives.....	8
Parameters for Benefits.....	9
Program Options.....	9
Unit Conveyance Policy (Who Gets a Unit?).....	10
Primary Residence Requirements.....	11
Occupancy Requirements & Securitization .....	11
Unit Size .....	12
Provision for Replacement Housing.....	12
Closing Costs .....	12
Moving Expenses .....	12
Requirements Relative to Replacement Property.....	12
Forgivable Mortgage.....	12
Island Property Use Restrictions.....	13
Eligibility.....	14
Eligibility Verification .....	14
Episodic Homelessness, Unsettled Housing Situations & Cost Reasonableness.....	16
Homeowner Education Requirement.....	17
Income Verification & Requirements .....	17
Administration .....	17
Program Length.....	18
Option A: Real Estate and Benefit Structure .....	18
New IDJC Community Real Estate Structure.....	18
Transfer of Residential Property & HOA.....	18
Option D Benefit Calculation .....	19
Location Requirements.....	20
Subsequent Options and Timing.....	20

- Option B ..... 20
  - Eligibility ..... 20
  - Eligibility Verification ..... 21
  - Transfer of Residential Property ..... 22
  - Primary Residence Requirement ..... 23
  - Occupancy Requirements & Securitization ..... 23
  - Other Requirements ..... 23
  - Island Property Use Restrictions ..... 24
  - Closing Costs ..... 24
  - Application Process ..... 25
- Program Requirements ..... 25
  - Duplication of Benefits ..... 25
  - Program Appeals ..... 26
  - Administrative Records ..... 26
  - Personal Identifiable Information ..... 26
  - File Security ..... 26
  - Record Retention and Management ..... 27
  - Applicant Files ..... 27
  - Other Federal Requirements ..... 28
  - Fair Housing/Civil Rights ..... 28
  - Section 504 of the Rehabilitation Act of 1973 ..... 28
  - Americans With Disabilities Act (ADA) Compliance ..... 28
  - Anti-Fraud Waste and Abuse ..... 28
  - Program Applicants ..... 29
  - Vendors ..... 29

## Version History<sup>1</sup>

03/08/2019	Version 1.0 Published
04/30/2019	Version 2.0 Published
	<ul style="list-style-type: none"> <li>• Clarified eligible parishes</li> <li>• Included eligibility flowchart</li> <li>• Addition of Duplication of Benefits language</li> </ul>
11/19/2019	Version 3.0 Published
	<ul style="list-style-type: none"> <li>• Clarification of the forgivable mortgage terms, tying it to the new home</li> <li>• Clarification of unit sizes within new community, with new community home sizes ranging from 2-4 bedrooms</li> <li>• Removes requirement for completion of Personal Undertaking Agreement</li> <li>• Clarifies eligibility requirements for ORA participants</li> <li>• Removes parcel assignment/prioritization section</li> </ul>
02/05/2020	Version 4.0 Published
	<ul style="list-style-type: none"> <li>• Clarification of Option B contractor requirements</li> <li>• Clarification of bedroom count determinations</li> <li>• Clarification of parish eligibility requirements</li> <li>• Clarification of Option B requirements relative to participants with existing owned residences</li> </ul>
04/14/2020	<ul style="list-style-type: none"> <li>• Clarification of Option B eligibility</li> </ul>

---

<sup>1</sup> Policy updates are retroactive.

## Background

Isle de Jean Charles (IDJC or the Island)<sup>2</sup> was once surrounded by more than 22,000 acres of marsh off the southern Louisiana coast. Today, approximately 320 acres of the Island remain. The Island's population is comprised largely of long-time residents who have deep ties to the land, the local culture and the natural environment that has shaped their history, livelihoods, and perspective. As such, the [IDJC Resettlement Permanent Relocation and Housing Incentive Program](#) (IDJC Housing Program or the Program) is an initiative led by the [State of Louisiana's Office of Community Development \(OCD\)](#) to help the Island's residents develop a new home in a safer, less flood-prone location where they can enjoy a prosperous future.

In September 2014, the [U.S. Department of Housing and Urban Development \(HUD\)](#), in partnership with the Rockefeller Foundation, launched the [National Disaster Resilience Competition \(NDRC\)](#). Sixty-seven states and municipalities experiencing a presidentially declared disaster between 2011-2013 were eligible to compete for nearly \$1 billion in federal funding to increase their resilience to future disasters and disruptions, both chronic and acute. In January 2016, HUD named the State of Louisiana as one of 13 winning entities. Louisiana's \$92.6 million in grant funding included the Isle de Jean Charles Resettlement (\$48.3 million) and the development and implementation of the LA SAFE planning process and policy framework (\$39.75 million). This grant is in the form of a Community Development Block Grant – National Disaster Resilience (CDBG-NDR) award.

With this funding, Louisiana is working directly with the residents, the parish and other stakeholders to facilitate a structured retreat from Isle de Jean Charles that is thoughtful, equitable and maximizes opportunities for current and displaced Island residents. Further, elements of this work can also serve as a model for other states and communities facing similar challenges by establishing a proactive climate-based relocation framework to assist communities throughout the nation and across the globe facing similar types of issues including ongoing land loss and increasing flood risk.

The state's expressed purpose for the project is to provide all IDJC residents options for resettling in a location that is safer and suitable to their cultural values and economic wellbeing through a process that accommodates the resettled population as well as their new neighbors.

A dual purpose is to give former Island residents who still live in locations impacted by Hurricane Isaac, many of whom were displaced over time following repetitive disaster events, an opportunity to rejoin the community in its new location – an approximately 515-acre site located near Gray in Terrebonne Parish, Louisiana. The new site is located approximately 40 miles northwest – as traveled by automobile – of the current Island.

---

<sup>2</sup> Isle de Jean Charles is defined as locations with a fixed address of 300 Island Road or above in Terrebonne Parish, Louisiana.

## Program Goals

The goals of the Isle de Jean Charles Resettlement include:

- Assist willing Island residents in moving out of harm's way to safe, new homes in a community that provides an improved quality of life; or, if they prefer not to join the community, they may move to an established home in a lower-risk area of Louisiana;
- Collaborate with current and past Island residents on the design of the new community;
- Ensure that the community is economically sustainable in its new location;
- Facilitate preservation and continuity of Islanders' diverse cultural identities and traditions; and
- Create a holistic approach to the Resettlement that will illustrate best practices and lessons learned for consideration by other diverse and culturally rich communities facing climate-driven relocation.

## Purpose

The *Isle de Jean Charles Resettlement Permanent Relocation & Housing Incentive Program (IDJC Housing Program or the Program)* offers eligible current<sup>3</sup> and past permanent, primary resident families displaced from the Island a series of assistance options toward safe, permanent housing alternatives in conjunction with the Isle de Jean Charles Resettlement initiative.

---

<sup>3</sup> "Current" is defined as the date of program launch, which is March 9, 2019.

## Summary of IDJC Housing Program Options

	Option A	Option B	Option C	Option D
<i>Options Provided</i>	A lot improved with a new housing unit constructed within a newly developed IDJC community	A lot within a newly developed IDJC community to be improved with a new housing unit by an eligible recipient	If properties remain after earlier portions (Options A, B, and D) of the program conclude, those properties will be processed in a manner consistent with CDBG requirements while taking community needs into consideration	A housing incentive toward the purchase of a lot improved with an existing housing unit meeting <b>HUD Housing Quality Standards</b> , located in Louisiana and outside of the <b>currently recognized 100-year floodplain</b> , but apart from a newly developed IDJC community
<i>Eligibility</i>	<ul style="list-style-type: none"> <li>• Current permanent primary resident on the Island OR</li> <li>• Past permanent primary Island resident* who was a resident as of August 28, 2012 and has been displaced since that date.</li> </ul> <p><i>*Such residents who currently live in an <b>owned home off the Island</b> are eligible only in Option B.</i></p>	<ul style="list-style-type: none"> <li>• Any past permanent Island resident displaced prior to August 28, 2012 who lived in a program eligible parish at the time of Isaac OR</li> <li>• Past permanent primary Island resident* who lived on the Island after Isaac, and lived in a program eligible parish<sup>4</sup> at the time of Isaac, OR</li> <li>• Any past permanent resident who lived on the Island on or after Isaac and owns a home off-Island* as their current primary residence.</li> </ul> <p><i>*These applicants are required to sell their home prior to moving into their completed home in the new community. Alternatively, if eligible applicants choose to retain their current owned home, they may acquire the lot at fair market value. This requirement is due to the prohibition against providing assistance for a second home.</i></p>		Same as Option A.
<i>Timing</i> <sup>5</sup>	1 <sup>st</sup> Quarter 2019	1 <sup>st</sup> Quarter 2020	Post-2020	1 <sup>st</sup> Quarter 2019

The first phase of the IDJC Housing Program includes Option A (housing incentive *within* a newly developed IDJC Community) and Option D (housing incentive toward homeownership *outside* of a newly developed IDJC Community). The program is designed to first (1) meet the needs of current Island residents and those displaced

<sup>4</sup> “Program eligible parishes” are the six parishes identified as the Most Impacted and Distressed Areas impacted by Hurricane Isaac and targeted in the NDR grant, which are Terrebonne, Lafourche, Plaquemines, St. John the Baptist, Jefferson and St. Tammany parishes.

<sup>5</sup> Listed timeframes for launch are tentative. Option A, B, C or D launch periods may be preempted by “soft launch” dates gauging program Option demand.

after the date of the [Qualifying Disaster – Hurricane Isaac’s August 28, 2012 Louisiana landfall](#), second (2) provide former Island residents displaced prior to August 28, 2012 an opportunity to join a newly developed IDJC community, and third (3) meet all requisite HUD and CDBG-NDR legal and regulatory obligations – toward full residential buildout capacity within the newly developed IDJC community. As such, subsequent IDJC Housing Program Options B and C will be phased in until which time the Program’s goals are achieved.

### Eligible Activities

The following activities under the Housing and Community Development Act of 1974 (HCDA) are eligible: 105(a)1, 2, 4, 7, 8, 11, 14-15, 17, 20 and 24 as well as (42 U.S.C. 5305(a)(4)); Housing Incentive and FR 5989-N-01 VI.B.28:

Applicants must meet all eligibility requirements as specified in the *Eligibility* section of these guidelines.

### Ineligible Activities

The following are ineligible activities for which CDBG-NDR grant funds cannot be used:

- Forced mortgage payoffs,
- SBA home/business loan payoffs,
- Funding for second homes, and/or
- Compensation payments.

### National Objectives

The primary objectives of the CDBG-NDR Program are to provide decent housing and suitable living environments, and to expand economic opportunities, principally for persons of low and moderate income (LMI). These objectives are achieved by ensuring that each funded activity meets one of three named National Objectives – benefitting LMI persons; preventing or eliminating slums or blight; or meeting urgent needs in the community. The IDJC Housing Program will serve LMI persons and/or meet urgent need National Objectives as defined below:

- **Low to Moderate Income (LMI) National Objective** – Activities which benefit households whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size. Income eligibility will be determined and verified in accordance with HUD guidelines for adjusted gross income. The most current income limits, published by HUD annually, shall be used to verify the income eligibility of each household applying for assistance at the time the assistance is provided.
  - *Very Low*: Household’s annual income is up to 30% of the area median income, as determined by HUD, adjusted for family size;
  - *Low*: Household’s annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size;
  - *Moderate*: Household’s annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.
- **Urgent Need (UN) National Objective** – An urgent need that exists because existing conditions pose a serious and immediate threat to health/welfare of community, the existing conditions are recent or recently became urgent (typically within 18 months) and the recipients cannot finance the activities on their own because other funding sources are not available.



Every household assisted under this program will meet one of these national objectives in the following ways:

- Low to moderate Income Housing (direct benefit) if the household to be assisted is LMI and is occupying replacement housing.
- Urgent Need (direct benefit) – if the activity addresses the serious threat to community welfare following the disaster and the household assisted is above 80% AMI.

### Parameters for Benefits

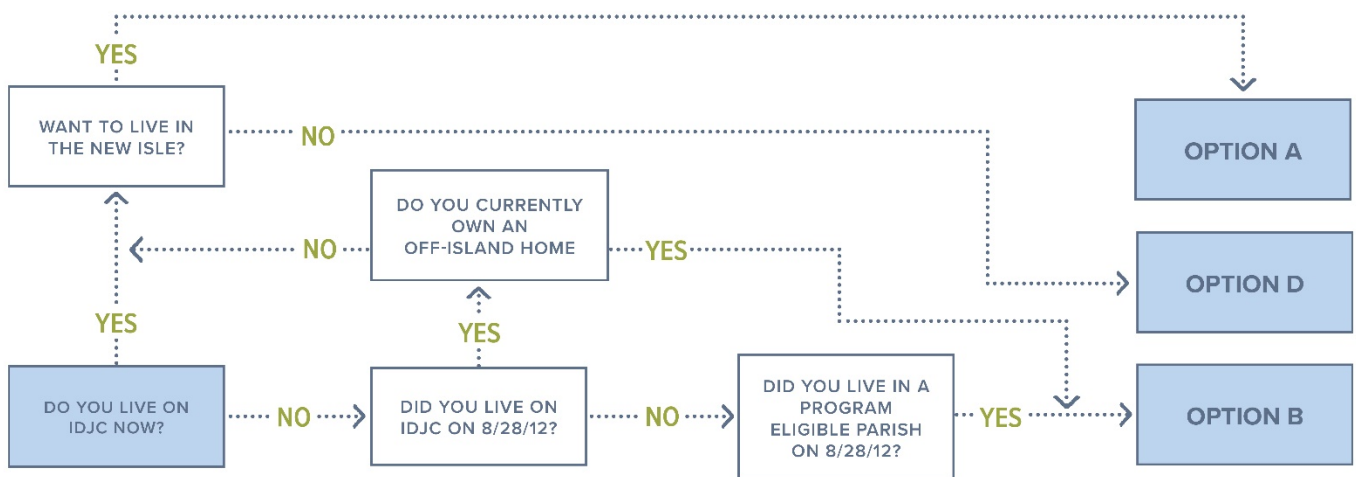
The following parameters detail the general terms and conditions under which benefits may be conveyed to an eligible resident and their family.

The state worked with IDJC residents and the broader IDJC community, the parish and other stakeholders in the development of a comprehensive master development plan for the new community (site design, legal structure, on-site commercial development, public facilities and infrastructure, housing, environmental features and resilience and financial sustainability plan) and the structured retreat from the Island. The final master development plan was completed in early 2019, and program application intake began in March 2019.

On March 5, 2018, OCD entered an option to purchase a 515-acre site near Gray, Louisiana for the development of a new IDJC community. The site underwent the requisite environmental reviews and assessments and the state’s sub recipient, the Louisiana Land Trust (LLT) closed on the property in late 2018.

As part of the Resettlement, the state committed to providing eligible families safer housing options either within (Option A) or outside (Option D) of a newly developed IDJC community. Therefore, Option A and Option D guidelines should be considered in tandem. **For the purposes of the sections below, all Option A benefits refer to the conveyance of a parcel of real property, improved with a home within the new IDJC community. All Option D benefits refer to a housing incentive provided toward the acquisition of a parcel of real property, improved with an existing housing unit in an eligible area outside of the new IDJC community.**

### Program Options



## Unit Conveyance Policy (Who Gets a Unit?)

Units will be offered to families fitting within two primary eligibility requirements:

1. Families 'currently'<sup>6</sup> maintaining permanent residency on IDJC<sup>7</sup>;
2. Families displaced from a permanent residence on IDJC on or after August 28, 2012.

Eligible IDJC residents can include both households and families. Both entities can receive assistance toward a housing at a 1:1 ratio. No one person can have ownership in more than one structure in the new community.

For the purposes of the Program,

A household is defined as:

1. An individual or a group whose income is reported singly or together on one (1) income tax return in the most recent tax year prior to program application.

A family is defined as:

1. All the people who occupy a housing unit, including blood relatives and unrelated people, if any, such as lodgers, foster children, wards, or employees who currently share a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers<sup>8</sup>;
2. Two or more persons related by blood, marriage, or operation of law, who occupy the same dwelling or unit<sup>9</sup>;

Family composition will be determined through the following methodology<sup>10</sup>:

1. All full-time members of a family, living in a common unit at the time of application, will be counted for the purposes of conveying a unit;
2. Anticipated children will additionally be counted as part of a family. Anticipated children include the following:
  - a. Children expected to be born to a pregnant woman;
  - b. Children in the process of being adopted by an adult family member;
  - c. Children whose custody is being obtained by an adult family member;
  - d. Foster children who will reside in the unit;
  - e. Children who are temporarily in a foster home who will return to the family; and,
  - f. Children in joint custody arrangements who are present in the family 50 percent or more of the time.
3. The Program may count family members that are temporarily in a correctional facility, so long as the family member is expected to be released from a correctional facility and return to the family within 6-months of the conveyance of a unit through the Program;
4. The Program will not count nonfamily members, such as adult children on active military duty, permanently institutionalized family members, or visitors;

---

<sup>6</sup> For the purposes of this program, current refers to those families maintaining permanent residency on the Island as of the date of Program launch (March 9, 2019) or who are in the ORA program at that time. Any family establishing residency on Isle de Jean Charles after the date of Program launch will not be eligible for assistance through the Program.

<sup>7</sup> 'On Isle de Jean Charles' refers to permanent residences with an affixed address of house numbers of 300 or higher on Island Road in Terrebonne Parish, Louisiana.

<sup>8</sup> Adapted from "[Glossary of HUD Terms](#)"

<sup>9</sup> Adapted from "[HUD Definitions, Policy Statements and General Rulings](#)"

<sup>10</sup> Adapted from "[Occupancy of Subsidized Multifamily Housing \(Section 8\)](#)"

5. The Program will count foster adults living in a common unit.

Applicants who were legally minors at the time of Hurricane Isaac's landfall on August 28, 2012, but are adults as of the date of Program launch may be eligible to qualify as a family if the applicant meets the following requirements:

1. If the applicant applies as a family displaced from IDJC on or after August 28, 2012, the applicant must illustrate their IDJC residence was their permanent residence at the time of Hurricane Isaac's landfall. Please refer to the section on Eligibility for reference on appropriate documentation methodology;
2. Be of legal contract age at the time of Program launch;
3. Have established a family separate from parents or legal guardians for at least one year prior to Program launch date of March 9, 2019 (as established by acceptable occupancy documentation), or have been accepted and established permanent residency off the Island through the ORA Program and are in good standing with the ORA Program at time of application;
4. Applicant cannot be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.

### Primary Residence Requirements

Option A and Option D program participants are required to occupy the new home as a primary residence for at least 5 years as a condition of ownership. As such, homeowners will be required to maintain a homestead exemption at the new property for 5 consecutive years from date of the new property acquisition in order to comply with the terms of their mortgage agreement. Failure to comply with the primary residence requirement may result in an event of default with the terms of the forgivable mortgage.

### Occupancy Requirements & Securitization

All recipients will be subject to a 5-year primary occupancy requirement during which the participating owner(s) must occupy the housing unit conveyed as a primary residence. For Option A participants who move into the new community, this requirement will be secured in the form of a forgivable mortgage equal to 100 percent of the appraised value of the new community property. For Option D participants who choose to purchase a qualifying home in Louisiana outside of the currently recognized 100-year floodplain and apart from the newly developed community, this requirement will be secured in the form of a forgivable mortgage equal to the amount of the housing incentive awarded by the IDJC Housing Program.

The mortgage will carry terms at a rate of zero percent interest with all payments deferred and forgiveness conditional upon compliance with the 5-year occupancy requirement.

The mortgage will be forgiven at a rate of 20 percent (1/5) per year with compliance until the obligation is met completely. If the improved parcel is transferred via cash sale prior to conclusion of the 5-year occupancy period, the balance of the unforgiven portion of the mortgage will be due and payable at time of closing.

Exceptions to the primary residence requirement may be provided on a case-by-case basis arising from hardship beyond the homeowner's control in the sole discretion of the Program. The balance of the forgivable mortgage is forgiven in the event of the death(s) of all awarded homeowner(s).

## Unit Size

Unit sizes in the new community shall adhere to generally accepted HUD Housing Quality Standard (HQS) Rules. One-bedroom units will not be available; therefore, the minimum occupancy for a two-bedroom unit will be one person for this program.

Unit Size	Minimum Occupancy	Maximum Occupancy
2-BR	1	4
3-BR	4	6
4-BR	6	8

While it is not contemplated housing units in excess of four (4) bedrooms will be constructed within a newly developed IDJC community, all housing units are anticipated to include a flex space that can be utilized as the owner chooses. Additionally, it is not contemplated most housing units will exceed a total living space area in excess of 2,000 square feet.

## Provision for Replacement Housing

Program participants may request a larger unit than specified by the chart illustrated above if the participant can demonstrate that the household composition warrants a larger unit.

## Closing Costs

Families conveyed an improved parcel will not bear any closing costs related to the transfer of the improved parcel in the new community. Families conveyed a housing unit may not bear any closing cost related to the transfer of the real property; however, this cost will be included as a cap on the total eligibility benefits conveyed.

## Moving Expenses

Option A and D-eligible families are eligible for assistance for moving expenses at a flat rate based on the chart below, whether through a self-move or a commercial mover, based on the number of furnished rooms of the current household, and cannot be duplicated from other funding sources:

	1 ROOM	2 ROOMS	3 ROOMS	4 ROOMS	5 ROOMS	6 ROOMS	7 ROOMS	8 ROOMS
Max Amt.	\$600	\$800	\$1,000	\$1,200	\$1,300	\$1,550	\$1,700	\$1,900

## Requirements Relative to Replacement Property

In exchange for assistance under this program, participants will agree to certain terms contained within the Act of Mortgage (New Home) associated with property in the new community (Option A) or within the Act of Mortgage (Home) associated with property acquired outside the IDJC community (Option D) as well as the Homeowner Assistance Agreement. All documents can be reviewed in the Policy Addendum online.

## Forgivable Mortgage

The Forgivable Mortgage is required in exchange for the transfer of the New Home for both Option A and Option D participants. In Option A, the forgivable mortgage will be valued at 100 percent of the appraised value of the new community property. In Option D, the forgivable mortgage will be valued at the amount of the Housing Incentive awarded by the IDJC Housing Program.

The forgivable mortgage will have terms including, but not limited to, the following:

- 5-year occupancy requirement;
- 5-year primary residency requirement, during which homeowners commit to:
  - Not sell or lease property to others
  - Pay property taxes
  - Maintain homeowners' insurance on property, and
  - Maintain flood insurance on property.

The Option D Mortgage must always be senior to any other mortgage or lien filed on the property.

### Island Property Use Restrictions

All participants will be required to agree to certain terms relative to Island property. Those terms are outlined in the Homeowner Assistance Agreement.

The Homeowner Assistance Agreement has terms related to Island property including, but not limited to, the following:

- Participants will not convey or sell island property to any person or entity other than OCD or its designee;
- Participants will not use any local, state, or federal funds to repair or improve island property;
- Participants will not make or permit substantial repairs with personal funds;
- Participants will not apply for subsequent disaster assistance;
- Participants will not use the island property for purposes other than recreational, cultural and historical purposes;
- Participants will not use or permit use of island property for residential use;
- Participants will not rent or lease island property;
- Participants will not mortgage or grant any security interest or lien on island property

Activities that are allowable as non-substantial repair activities on island property are limited to minor maintenance and repairs undertaken using non-federal funds, costing less than the greater of \$2,500 or 2% of the assessed value of the improvement on the property, if conducted by an independent third party, regardless of whether the repairs are conducted by the owner, a related party of the owner or an independent third party. Participant property owners may not build additions to existing structures, may not undertake new construction activities or any other improvements. CDBG–NDR funds may not be used for rehabilitation of structures on the Island.

If an event of default occurs, and the action giving rise to the default is committed by the Mortgagor, the Mortgagee may foreclose on Mortgagor's new home under the mortgage. If someone other than the Mortgagor violates the use restrictions of the island property, Mortgagee will not foreclose on the new home property.

If at the time of Transfer or property acquisition the participant does not have any ownership interest in Island property, he or she must personally agree that if he or she ever acquires an ownership interest, in whole or in part, in island property, whether by acquisition, gift, inheritance, succession or otherwise, he or she will comply with the terms in the Homeowner Assistance Agreement with respect to the Island property ownership interest acquired by the participant.

Note: Any person who owned any full or partial interest in their island primary residence but voluntarily transferred that interest to another person subsequent to the date of program launch (March 9, 2019), shall be ineligible for the program as a result.

## Eligibility

Families eligible to receive IDJC Housing Program – Option A or D assistance are:

- Current<sup>11</sup> permanent, primary IDJC resident families who were also permanent, primary IDJC resident families on August 28, 2012;
- Former permanent, primary IDJC resident families who were permanent, primary IDJC resident families on August 28, 2012 and displaced after August 28, 2012<sup>12</sup>, who do not currently own a home off-island; OR
- Current permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012 but were living in a program eligible parish at that time.

## Eligibility Verification

Note: With applicant permission, program staff will work to assist program participants in gathering eligibility documents from third party sources.

*Current permanent, primary IDJC resident families who were also permanent, primary IDJC resident families on August 28, 2012:*

Site visits will be conducted to IDJC applicant residences. If parish records demonstrate homestead exemptions for the homeowner applicant for both 2012 and 2018 for the island property, no further proof of occupancy is needed. If the applicant is not an owner-occupant, the applicant must provide one (1) of the following for program review to establish eligibility:

All records must show service was provided in the month preceding (July 2012) or the month of Hurricane Isaac's landfall (August 2012), confirm sufficient usage, and match the name and one of the island addresses on the applicant file. NOTE: If the applicant file indicates applicant lived at more than one location on Isle de Jean Charles during their period of domicile on the island, documents showing their occupancy at those specific multiple addresses on the island (with house numbers of 300 or above) may be combined in overall program documentation if circumstances such as marriage or moves from one location to another account for the additional address.

---

<sup>11</sup> For the purposes of the IDJC Housing Program, "current" is defined as the date of Program launch (March 9, 2019). No households establishing a primary residence on the Island after the application launch date shall be eligible for assistance for the purposes of the IDJC Housing Program.

<sup>12</sup> All participants in the IDJC Optional Relocation Assistance (ORA) program and considered in good standing with the ORA program as of program launch date are eligible to apply for Options A or D. ORA program guidelines and documentation may be reviewed at <http://isledejeancharles.la.gov/article/idjc-resettlement-optional-relocation-assistance-program>. ORA participants must maintain good standing in the ORA program in order to receive assistance through the Resettlement Program.

- Copy of electric, gas, water, trash, sewage, cable or landline phone bill
- Letter from electric, gas, water, trash, sewage, cable or landline phone company
- Voter registration records submitted together with valid driver's license or state photo identification (unexpired as of date of application)
- Copy of credit card bill sent to island address in the month preceding (July 2012) or month of Hurricane Isaac's landfall (August 2012) and matching the name and address on the IDJC Housing Program application
- Copy of bank statement sent to island address in the month preceding (July 2012) or month of Hurricane Isaac's landfall (August 2012) and matching the name and address on the IDJC Housing Program application
- Copy of school records listing island address for the 2012-2013 school year and matching the name and address on the IDJC Housing Program application
- Title search results that yield proof of homestead exemption.

In addition, current residents must show occupancy documentation from lines above for February or March 2019 showing proof of current occupancy at island address(es), or if an ORA program participant, from the month preceding their entry into the ORA program.

*Former permanent, primary IDJC resident families who were permanent, primary IDJC resident families on August 28, 2012 and displaced after August 28, 2012:*

The following procedure will be utilized to establish proof of Island residency on August 28, 2012 (applicant must supply any two (2) of the following):

- 2012 tax records demonstrating homestead exemption for the property
- Copy of electric, gas, water, trash, sewage, cable or landline phone bill. The bill must confirm that service was provided in the month preceding (July 2012) or the month of Hurricane Isaac's landfall (August 2012) and must match name and address on the IDJC Housing Program application
- Letter from electric, gas, water, trash, sewage, cable or landline phone company. The letter must confirm that service was provided in the month preceding (July 2012) or month of Hurricane Isaac's landfall (August 2012) and must match name and address on the IDJC Housing Program application
- Voter registration records submitted together with valid driver's license (unexpired as of date of application) must match the name and address on the IDJC Housing Program application
- Copy of credit card bill sent to on-Island address in the month preceding (July 2012) or month of Hurricane Isaac's landfall (August 2012) and matching the name and address on the IDJC Housing Program application
- Copy of bank statement sent to on-Island address in the month preceding (July 2012) or month of Hurricane Isaac's landfall (August 2012) and matching the name and address on the IDJC Housing Program application
- Copy of school records listing on-Island address for the 2012-2013 school year and matching the name and address on the IDJC Housing Program application

*Current permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012:*

The following procedure will be utilized to establish proof of on-island residency (applicant must supply or coordinate all the following):

- Site visit to IDJC family residence;
- Proof of current IDJC primary residence based on a Louisiana motor vehicle or other official personal identification that evidences the purported on-Island residence address for the family;
- Secondary proof of IDJC primary residence, which can include one of the following:
  - Tax records demonstrating homestead exemption for the property for 2018;
  - Copy of electric, gas, water, trash, sewage, cable or landline phone bill. The bill must confirm that service was provided in the month preceding (February 2019) or month of Program launch (March 2019) and matching the name and address on the IDJC Housing Program application;
  - Letter from electric, gas, water, trash, sewage, cable or landline phone company. The letter must confirm that service was provided in the month preceding (February 2019) or month of Program launch (March 2019) and matching the name and address on the IDJC Housing Program application;
  - Voter registration records submitted together with valid driver's license (unexpired as of date of application) must match the name and address on the IDJC Housing Program application;
  - Copy of credit card bill sent to on-Island address in the month preceding (February 2019) or month of Program launch (March 2019) and matching the name and address on the IDJC Housing Program application;
  - Copy of bank statement sent to on-Island address in the month preceding (February 2019) or month of Program launch (March 2019) and matching the name and address on the IDJC Housing Program application; or
  - Copy of school records listing on-Island address for the current (2018-2019) school year and matching the name and address on the IDJC Housing Program application; and
- Proof of permanent residence on August 28, 2012 in a program eligible parish, i.e. one of the six parishes identified by HUD as the Most Impacted and Distressed of those impacted by Hurricane Isaac, which are Terrebonne, Lafourche, Plaquemines, St. John the Baptist, Jefferson and St. Tammany parishes.

### Episodic Homelessness, Unsettled Housing Situations & Cost Reasonableness

Under the parameters of the IDJC Housing Program, families or individuals meeting specific date and location occupancy criteria have been deemed eligible for Option A or Option D assistance.

Given the economic profile of some current and recent permanent residents of the Island, several individuals and families could best be termed *transient* residents of the Island, presenting a unique challenge in establishing specific locations where such an individual or family may have been a *permanent* resident at any given point in time.

This aligns with established HUD definitions<sup>13</sup> of individuals and families at risk of homelessness, who:

1. Have an annual income below 30% of median family income for the area; AND
2. Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency or similar shelter; AND
3. Meets one of the following conditions:

---

<sup>13</sup> [https://www.hudexchange.info/resources/documents/AtRiskofHomelessnessDefinition\\_Criteria.pdf](https://www.hudexchange.info/resources/documents/AtRiskofHomelessnessDefinition_Criteria.pdf)



- a. Have moved because of economic reasons two (2) or more times during the 60 days immediately preceding the application to the IDJC Housing Program, or another housing assistance program in place since 2016; OR
- b. Is living in the home of another because of economic hardship; OR
- c. Have been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of an application for assistance; OR
- d. Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; OR
- e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two (2) persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR
- f. Is exiting a publicly funded institution or system of care; OR
- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

As such, it is unreasonable to consider individuals or families with unsettled housing situations and those experiencing episodic homelessness ineligible for Option A and Option D housing assistance by virtue of whether their specific permanent residence may or may not have been on the Island on August 28, 2012. Rather, it is both necessary and reasonable to provide housing assistance to these transient residents who have demonstrated periodic permanent residency on the Island at any point following August 28, 2012, in such a manner that is comparable to other populations eligible for Option A and Option D housing assistance, provided such populations illustrate they have met one or more of the criteria outlined above as meeting the definition of populations experiencing episodic homelessness and unsettled housing situations.

#### Homeowner Education Requirement

Participants are required to complete specific homeowner education classes conducted by a HUD-approved housing counseling agency, or as directed in conjunction with receipt of a USDA mortgage. Copies of certificates validating completion of required educational classes will be retained for record keeping purposes.

#### Income Verification & Requirements

While there are no specific income requirements related to IDJC Housing Program eligibility, applicant families will be required to provide support documentation allowing OCD or its third-party designee to verify income statements made by the applicant for the purposes of HUD regulatory and reporting requirements. The Program will use adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual federal annual income tax purposes. The Program will collect and analyze appropriate income documentation for family members through third party verification or source documentation. This process will include the most recent tax form(s).

#### Administration

OCD or its designee serves as the IDJC Housing Program Administrator. All eligibility and assistance determinations are the sole responsibility of OCD, or its designated third-party administrator, where applicable.

## Program Length

The IDJC Housing Program application period for Options A and D shall remain open from the date of program launch and remain open for family intake and acceptance for a duration to last no less than six (6) months. The deadline for Option A and D application intake was January 31, 2020.

## Option A: Real Estate and Benefit Structure

### New IDJC Community Real Estate Structure

A newly developed IDJC community will be further detailed in the final master development plan, but will include a mix of land uses, including:

- Residential development;
- Commercial development;
- Community/Public/Recreational space development.

A nonprofit corporation ('the nonprofit') will have three primary responsibilities with regard to the newly developed IDJC community:

1. Oversight of a professional entity with experience in large-scale management of property within mixed use developments, including but not limited to, leasing related to commercial enterprises operating within the IDJC community, leasing related to any public entities agreeing to maintain and/or manage community/public facilities and/or spaces within the IDJC community, direct upkeep and/or maintenance of facilities and grounds external to parcels designated for residential development;
2. Oversight of a subsidiary Homeowners' Association (HOA) developed to govern rules and requirements specific to areas subdivided for residential development; and
3. Maintaining and managing a budget for the full mixed-use development and assets therein, and for working with residents and commercial tenants toward economic sustainability.

The nonprofit must be an organization eligible and qualified to conduct activities under Section 105(a)(15) of the Housing and Community Development Act, and will be party to a sub-recipient agreement with the State and/or the Louisiana Land Trust governing the administration of the assets transferred to it.

As the site is being developed in accordance with parish planning regulations, the public infrastructure (i.e. streets, playgrounds, parks, sewerage/water, sidewalks, etc.) is anticipated to be owned and maintained by the municipal entity, in this case Terrebonne Parish Council of Government. For the purposes of initial development and construction, OCD has conveyed its right to acquire the secured 515-acre parcel to the [Louisiana Land Trust \(LLT\)](#). LLT completed the acquisition process of the parcel and will remain owner through construction. After initial development and construction, the LLT will transfer residential parcels to eligible owners identified through IDJC Housing Program Options A, B or C and remaining contiguous real estate to the nonprofit for development and/or management of commercial and community/public activities.

### Transfer of Residential Property & HOA

Residential lots are to be subdivided within the original 515-acre parcel by LLT prior to transfer to eligible owners through the IDJC Housing Program. Option A eligible participants will receive a lot improved with a housing unit upon completion of the following items:

1. Completion of Program Application; including a signed release form authorizing OCD or its designated third-party administrator to obtain and verify all information necessary for processing the application. Once complete, the application and release authorization form shall be submitted via a designated program point of contact.
2. Satisfactory completion of Required New Homeowner Training;
3. Execution of the IDJC Permanent Relocation & Homeownership Assistance Agreement;
4. Execution of Program Mortgage Agreement for New Property; and
5. Closing on transfer of subdivided parcel within newly developed IDJC community.

Prior to transferring individual parcels to Option A-eligible households, LLT will subdivide and transfer real property interests in the form of protective covenants to the HOA. These protective covenants may include provisions outlining:

- Maintenance and upkeep requirements;
- Design and construction requirements/limitations;
- Requirements relative to upkeep of hazard and/or flood insurance policies;
- Use restrictions on residential parcels;
- Rental and resale restrictions; and
- Other restrictions as deemed applicable by OCD, the nonprofit, or HOA.

#### Option D Benefit Calculation

Option D-eligible applicants will be offered a housing incentive in the form of a 5-year forgivable mortgage applied toward the purchase of a parcel improved with a housing unit or an unimproved parcel to be improved with a new mobile home, outside the new community.

The maximum value of benefits conveyed is based on current family/household size as follows:

Program Standard Square Footage x \$118 (program-determined state average price per square foot for housing)  
 = Maximum Potential Program Assistance\*

Award Limitations:

- Program caps are based on family size, with the largest family/household size subject to an overall program cap of \$200,000;
- Participant is eligible for the program cap amount based on family/household size or the actual cost of the new home, whichever is less;
- If the participant obtains other funding that must be secured by a mortgage, that mortgage must be subordinate to the forgivable mortgage.

Family/Household Size	Number of Bedrooms	Program Standard Square Footage	Program Cap by Family/Household Size: (Square footage multiplied by program-determined state average price per square foot of \$118)
1-2	1	1000	\$118,000
3-4	2	1220	\$143,960

5-6	3	1489	\$175,702
7+	4	1954.5	\$200,000 (subject to program cap of \$200,000)

### Location Requirements

All units acquired via Option D Housing Incentive must be:

1. Located within Louisiana;
2. Approved through an environmental review from the Program PRIOR TO execution of a purchase agreement in order to be approved for funding; and
3. Located outside of Special Flood Hazard Areas based on currently best available data developed and illustrated via Flood Insurance Rate Maps (FIRMs) in conjunction with FEMA’s National Flood Insurance Program. These maps can be accessed through the following portal: <http://maps.lsuagcenter.com/floodmaps/>.

### Subsequent Options and Timing

The Program will initiate Option B, through which any past permanent Island residents displaced prior to August 28, 2012, are able to actively apply to participate in the new community, in 2020.

If properties remain after earlier portions of the program conclude, those properties will be processed (via Option C) in a manner consistent with CDBG requirements while taking community needs into consideration.

All residential parcels will be subject to HOA requirements.

These requirements notwithstanding, the [IDJC Resettlement Permanent Relocation and Housing Incentive Program](#) and related closeout procedures shall be completed no later than September 30, 2022.

### Option B

#### Eligibility

Families eligible to receive IDJC Housing Program – Option B assistance are:

- Former IDJC resident families who established a permanent, primary residence on IDJC prior to August 28, 2012, and were displaced from the Island prior to August 28, 2012.
  - These families must have lived in one of the Most Impacted and Distressed parishes as declared after Hurricane Isaac – Terrebonne, Lafourche, Plaquemines, St. John, Jefferson, or St. Tammany – on August 28, 2012.
- Former permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012, but lived in a program eligible parish at that time; were permanent, primary IDJC residents after August 28, 2012; were displaced since, and who do not currently own a home off-island.
- Former IDJC resident families who had a permanent, primary residence on IDJC at the time of Isaac, were displaced after August 28, 2012, and who currently own a home off-Island.
  - These applicants must sell their current home to participate in Option B in order to meet federal guidelines which prohibit assistance for second homes.

## Eligibility Verification

*Former permanent, primary IDJC resident families who were permanent, primary IDJC resident families before August 28, 2012, and have not lived on the Island since Hurricane Isaac:*

The following procedure will be utilized to establish proof of island residency prior to August 28, 2012 (applicant must supply any two (2) of the following):

- Tax records from a year prior to 2012 demonstrating homestead exemption for the island property;
- Copy of electric, gas, water, trash, sewage, cable or landline phone bill confirming service was provided on the Island in June 2012 or prior. The bill must match the name and on-island address on the IDJC Program application;
- Letter from electric, gas, water, trash, sewage, cable or landline phone company confirming service was provided on the Island in June 2012 or prior, and that service was in the name and island address of the IDJC Program applicant;
- Voter registration records from the period during which occupancy is claimed, submitted together with a copy of a driver's license from the period during which occupancy is claimed, and matching the name and island address on the IDJC Program application;
- Copy of credit card bill or bank statement sent to island address in June 2012 or prior, matching the name and on-island address on the IDJC Program application; or
- Copy of school records listing island address for 2011-2012 school year or prior years, matching the name and address on the IDJC Program application.

In addition, occupancy records such as those listed above must be provided showing residency at the time of Isaac (August 2012) in a program-eligible parish.

*Former permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012, but lived in a program eligible parish at that time; were permanent, primary IDJC residents after August 28, 2012; were displaced since, and who do not currently own a home off-island:*

The following procedure will be utilized to establish proof of Island residency during a time period between August 29, 2012, and January 2019 (applicant must supply any two (2) of the following):

- Tax records for 2012, 2013, 2014, 2015, 2016, 2017 or 2018 demonstrating homestead exemption for the property
- Copy of electric, gas, water, trash, sewage, cable or landline phone bill. The bill must confirm that service was provided at a point between August 2012 and January 2019 and must match name and address on the IDJC Housing Program application
- Letter from electric, gas, water, trash, sewage, cable or landline phone company. The letter must confirm that service was provided at a point between August 2012 and January 2019 and must match name and address on the IDJC Housing Program application
- Voter registration records submitted together with valid driver's license (unexpired as of date of application) must match the name and address on the IDJC Housing Program application
- Copy of credit card bill sent to on-Island address at a point between August 2012 and January 2019 and matching the name and address on the IDJC Housing Program application

- Copy of bank statement sent to on-Island address at a point between August 2012 and January 2019 and matching the name and address on the IDJC Housing Program application
- Copy of school records listing on-Island address for a school year between 2012 and 2019 and matching the name and address on the IDJC Housing Program application

In addition, applicants must provide proof of permanent residence on August 28, 2012 in a program eligible parish, i.e. one of the six parishes identified by HUD as the Most Impacted and Distressed of those impacted by Hurricane Isaac, which are Terrebonne, Lafourche, Plaquemines, St. John the Baptist, Jefferson and St. Tammany parishes.

#### Transfer of Residential Property

Residential lots, subdivided and prepared for development, within the 515-acre parcel will be transferred to eligible participants in Option B upon completion of the IDJC Program Application (including a signed release form authorizing OCD or its designated third-party administrator to obtain and verify all information necessary for processing the application), execution of the Homeowner Assistance Agreement, and the execution of a mortgage to OCD in the amount of the appraised value of the lot.

If a potential Option B participant owns a home off-Island at the time of application to the IDJC Housing Program, the Program will withhold Application approval until which time the applicant provides documentation that their existing home has been put up for sale within the Multiple Listing System (MLS). Upon providing documentation, the Program will approve the participant to proceed with the Act of Transfer of a new residential lot within The New Isle community.

For these participants, sales of existing homes must be completed prior to or within 30 days of issuance of a Certificate of Occupancy for the participant's New Isle home. The Program may choose to extend this deadline to no later than the expiration of the Program's 12-month forgivable mortgage applied to The New Isle residential lot in conjunction with the Act of Transfer. However, sale deadline extensions will only be granted at the discretion of the Program and in cases in which the participant can document they have made a "good faith effort" to sell their existing homes. Documentation justifying an extension may include, but is not limited to, documentation illustrating the participant's original home has been listed at a reasonable price validated by recent comparable sales within reasonable geographic proximity of the subject home, as well as steps taken – including open houses and showings to prospective buyers – showing the participant has taken appropriate, reasonable and timely steps to dispose of their existing homes prior to transferring their residences to The New Isle home.

The participant is required to move into the new home within 30 days of the issuance of the Certificate of Occupancy, without regard to whether the former home has sold. The participant is required to agree that the former home cannot be used for any purpose following the move to the new home. Failure to complete a sale in the manner and within the deadlines described above will constitute a default by the participant and require the participant to pay to the Program the appraised value of the lot as set forth in the mortgage. The participant must agree that the funds will be due and owing immediately at that time, and the Program can refer the debt to the Louisiana Office of Debt Recovery for collection without any further notice or process, as well as take other legal action as the Program may determine appropriate.

After all required documents are executed, the participant must complete the following actions within these specific timeframes:

Timeframe	Action
Prior to Program Application Approval	If the participant owned a home at the time of application, participant must provide documentation their existing home has been placed on the market for sale.
Within 90 days of Act of Transfer execution	Participant must submit proof of funds or construction lender financing for construction of new home to be built by a Louisiana licensed and bonded contractor to community design standards as specified by HOA covenants.
Within 60 days of approval of funding source and contractor choice	Construction of new home must begin.
Within 180 days of construction start date	Construction of new home must be complete.
Within 30 days of issuance of Certificate of Occupancy	Participant must make the new home his or her primary residence. If the participant owned a home at the time of application to the IDJC Housing Program, the participant must additionally provide documentation that the original home was sold.
12 months from date of initial occupancy	Participant must continue to use home as primary residence, maintain flood and homeowner’s insurance, and pay property taxes.

If the participant does not submit proof of funds or financing or does not begin construction within the requisite time period, the lot ownership will revert back to the State’s designee. The State may adjust the time constraints on a case-by-case basis.

OCD will allow the lot mortgage to be subordinate to approved construction loans for the construction of the new home.

#### Primary Residence Requirement

Participants are required to occupy the home in the new community as a primary residence for a minimum of 12 months from the date of initial occupancy. The participants will be required to provide the homestead exemption at the property in the new community for a minimum of one year, regardless of the point during the year at which they first occupied the property.

#### Occupancy Requirements & Securitization

All recipients of an unimproved parcel will be subject to a 12-month primary occupancy requirement (to begin at date of initial occupancy of the new home) during which the participants must occupy the home in The New Isle as a primary residence.

If the parcel is transferred via cash sale prior to conclusion of the 12-month occupancy period, the full value of the lot will be due to the Program.

#### Other Requirements

During the 12-month occupancy period, the owner(s) commit to:

- Occupy property as primary residence;
- Not sell or lease property to others;
- Maintain homeowners' insurance on property;
- Maintain flood insurance on property; and
- Pay any property taxes that become due prior to the end of the occupancy period.

#### Island Property Use Restrictions

Option B participants will be required to agree to certain terms relative to island property. Those terms are outlined in the Homeowner Assistance Agreement.

#### Closing Costs

Participants conveyed a parcel in the new community through Option B will not bear any closing costs related to the transfer.

#### Moving Expenses

No assistance with moving expenses will be provided to eligible Option B program participants.

#### Lot Selection

At full buildout, The New Isle is slated to include 14 residential "blocks" running approximately north to south within the development's residential corridor. In total, 120 residential lots are planned for the new development. Blocks will be developed sequentially from a north to south direction. As each block is "activated" indicating infrastructure is, or is slated to be, completed to support that block, and there is program demand to place housing within a new block, lots within the "active" block will become available to eligible Option B applicants on a first-come, first-served basis. However, all eligible Option A applicants will be prioritized prior to any Option B lot selections.

#### Unit Design Standards

Option B participants are strongly encouraged, but not required, to utilize housing unit floor plans and blueprints developed for Option A and used to construct New Isle units therein. These floor plans and blueprints will be made available to all Option B participants at no cost to the participant.

However, should Option B participants choose to use their own housing designs, these will be reviewed for potential approval by the program (or the HOA's architectural design committee, if constituted at the time of submittal) on a case-by-case basis. Alternative designs must maintain contextual aesthetic consistency with Option A designs to maintain a cohesive look and feel for The New Isle. As such, even if Option B participants opt to utilize their own designs, they should use Option A floor plans, blueprints and conceptual renderings as a reference point, and be prepared to illustrate how their alternative designs are consistent with those developed for Option A. Additionally, any alternative designs proposed by Option B participants must be in compliance with baseline minimum resilience standards. A checklist of these standards will be provided to Option B participants upon request.

Additionally, all Option B participants will be required to be members of The New Isle's homeowners' association (HOA). As such, all Option B designs must conform to all covenants and use restrictions stipulated by the HOA. This includes incorporation of pitched primary roofs, pier and beam foundations, lot setback and paving



requirements. No Manufactured Housing Units (MHUs) will be permitted. Detached auxiliary cottages may be suitable upon approval of the program or the HOA's architectural design committee.

### Financing

Option B participants may use their own lenders to finance the development of units within The New Isle. However, the program has developed a relationship with the United States Department of Agriculture's Rural Development (USDA RD) program, which offers a financing alternative, i.e. the Rural Home Loans (Direct Program), that may provide a financially feasible pathway to development for many Option B participants. As part of the Option B intake process, applicants may opt to allow the program to transmit applicable information to USDA RD for construction financing referral.

### Use of Contractors

Option B participants will select their own Louisiana licensed, bonded, and insured residential contractor for the development of their housing units. Participants or their Louisiana-licensed residential contractor must obtain all necessary permits. Copies of the participant's permits must be provided to the Program. These procedures do not create a contractual relationship between the Program and the participant's homebuilding contractor, and the participant's homebuilding contractor is not a third-party beneficiary of the participant's grant agreement between the applicant and the Program.

### Application Process

Families meeting IDJC Housing Program eligibility criteria must complete an Application for IDJC Permanent Relocation & Housing Incentive, including any requisite support documentation, to include a signed release form authorizing OCD or its designated third party administrator to obtain and verify all information necessary for processing the application. Once complete, the application and release authorization form shall be submitted via a designated program point of contact.

The application will be reviewed to ensure the family meets program eligibility criteria. If approved, the applicant must sign an IDJC Permanent Relocation & Housing Incentive Program Homeowner Assistance Agreement. Approved families will be assigned a Housing Support Provider/Representative to serve as the family primary point of contact for the purposes and duration of the IDJC Housing Program.

Families that are determined to be ineligible will be provided (via U.S. mail or hand-delivery), a Notice of Denial of Eligibility.

### Program Requirements

#### Duplication of Benefits

A duplication of benefit is the receipt of funding from multiple sources for the same purpose. The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern or other entity from receiving financial assistance from CDBG Disaster Recovery funding with respect to any part of the loss resulting from a major disaster as to which he/she has already received financial assistance under

any other program or from insurance or any other sources. It is an amount determined by the Program that may result in the reduction of an award value.

Applicants will be required to certify that they have reported all duplications of benefits (DOB) and any monies received both before and since the initial application. If you receive additional DOB after the date you sign your grant agreement, you must notify the Program. You will be required to enter into a subrogation agreement allowing the State to claim any additional DOB up to the grant amount. If a homeowner received or was approved for federal or other assistance related to the replacement of or relocation (ex. SBA Relocation Loan) from the damaged property, those funds will be evaluated as a possible duplication of benefits against the final award for which a homeowner is eligible under this Program. Funding received from other sources for the same purpose as this grant are considered a DOB.

### Program Appeals

The appeals process will be provided with each applicant's award or ineligibility letter, or notice of file closure. Applicants may appeal an award determination decision by filing an appeal within the prescribed deadlines. An appeal may be filed prior to execution of the mortgages and program agreements or within thirty (30) days after the date of the award decision letter, whichever occurs first.

All applicants may submit the following appeals by mail or in person for the following reasons:

- Program eligibility
- File closure

Applicants may not appeal policies that have been approved and incorporated by the Program, such as the calculated size of the approved unit, the value of the award, or the requirement to record a mortgage on property transferred via Options A, B or D.

### Administrative Records

Administrative records, kept in electronic format, are files that apply to the overall administration of the CDBG-NDR funded program. They include the following:

- Personnel files
- Property management files
- General program files
- Legal files
- Financial records
- Project/applicant files

### Personal Identifiable Information

All files containing personally identifiable information (PII) must be handled in a secure manner. To protect PII, files will be given a unique identification number.

### File Security

All records will be maintained in an electronic format. Files are secured to ensure privacy of all applicant PII located within the files. Electronic files containing PII will be secured in password protected electronic folders. OCD, or its designated vendor, will backup files on a routine basis. Required reports to stakeholders may include

applicant identification numbers or property addresses, but will not include unique identifiers such as social security number, etc.

### Record Retention and Management

In accordance with HUD regulations, as a recipient of CDBG-NDR funds, OCD follows the records retention as cited in 2 CFR Part 200.333-337, which includes financial records, supporting documents, statistical records and all other pertinent records are maintained for five years after close out of the grant between HUD and OCD. OCD established requirements in its sub recipient and contractor agreements for compliance with all HUD cross-cutting requirements outlined in 2 CFR 200 Appendix II, including record keeping requirements. Depending on the timing of the grant closeout between OCD and HUD, recipients may be required to comply with this provision beyond the other compliance requirements associated with these funds and this program.

Records are maintained to document compliance with Program requirements and federal, state, and local regulations and to facilitate an audit review by HUD. Records are maintained in accordance with 24 CFR 570.3, which states they must be maintained for a period of 5 years following the closeout of HUD's grant with to the state. Proper records management ensures that:

- The state complies with all requirements concerning records and records management practices under Federal and state regulations;
- The state has the records it needs to support and enhance ongoing business and citizen service, meet accountability requirements and community expectations;
- These records are managed efficiently and can be easily accessed and used for as long as they are required; and
- These records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner based on HUD Handbook 2225.6, Records Disposition Schedules and HUD Handbook 2228.2.

### Applicant Files

The Program must maintain electronic files for each applicant funded through the program. Each file must contain at a minimum the following information:

- Verification of program eligibility
- Determination of the national objective met
- Award calculation
- Duplication of benefits, if applicable
- Grant recapture documents, if applicable
- Environmental clearance
- Grant agreement documents, to include mortgage documents
- Monitoring QA/QC
- Appeals, if applicable
- Final determination of anti-fraud, waste, and abuse check, if applicable
- All documents submitted by the applicant
- Correspondence from the program

## Other Federal Requirements

All federal funding source compliance provisions shall include the following:

### Fair Housing/Civil Rights

The Fair Housing Act requires all grantees, sub recipients, and/or developers funded in whole or in part with HUD financial assistance to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing Program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status. OCD complies with and enforces the Civil Rights requirements of Title I of the Housing and Community Development Act and the Fair Housing Law.

### Section 504 of the Rehabilitation Act of 1973

Program applicants may require reasonable accommodation under Section 504 of the Rehabilitation Act of 1973. The program requires that project staff treat each applicant with a great level of respect, compassion, and dignity as they seek to access the benefits offered by the Program – especially persons with a disability. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency, including the U.S. Department of Housing and Urban Development (HUD) as well as in programs conducted by federal agencies including HUD. Because the Resettlement Program is funded through the U.S. Department of Housing and Urban Development (HUD), Section 504 is applicable.

Federal law defines an individual with a disability as any person who has a physical or mental impairment that substantially limits one or more major life activities. The term physical or mental impairment may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, mental retardation, drug addiction (except current illegal use of or addiction to drugs), or mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Section 504 also protects persons who have a record of such impairment, or are regarded as having such an impairment.

### Americans with Disabilities Act (ADA) Compliance

HUD-funded programs, including those funded with CDBG resources are subjected to Title II of the ADA. Per this requirement:

1. Residential dwelling units designed and constructed or altered by public entities that will be offered for sale to individuals shall comply with the requirements for residential facilities in the 2010 Standards including sections 233 and 809.
2. The requirements of item 1 also apply to housing programs that are operated by public entities where design and construction of particular residential dwelling units take place only after a specific buyer has been identified. In such programs, the covered entity must provide the units that comply with the requirements for accessible features to those pre-identified buyers with disabilities who have requested such a unit.

### Anti-Fraud Waste and Abuse

HUD requires that specific policies are developed to prevent fraud, waste and abuse. Therefore, OCD has established procedures for verifying the accuracy of information provided by Program applicants, vendors, and sub recipients. OCD's Anti-Fraud, Waste and Abuse (AFWA) check is designed to identify discrepancies and risk-

relevant issues in information provided by third parties that may be indicative of fraud, waste, and abuse. OCD will ensure that accurate information obtained from third party vendors and AFWA checks are conducted systematically, utilizing standardized research methodologies and flag identification processes for consistency and equitable treatment across relevant sources. Flag codes, notations, and relevant supporting documents are checked for errors.

#### Program Applicants

The Program will ensure that secure feeds are set up from third party vendors, which will be used to verify information provided by the applicant. Program staff will review the applicant-provided information and the third party verified information.

#### Vendors

In addition to verifying the accuracy of information provided by Program applicants, the Program verifies the accuracy of information provided by its vendors. As part of the state procurement process, contractors are required to complete a vendor background questionnaire and to report derogatory information relating to the contractor and/or its key personnel. Prior to contract execution, OCD's procedures include, but are not limited to: reviewing debarment lists, searching known databases for information (such as State of Louisiana tax liens and incorporation documents), conducting internet research, and obtaining information available from state and Federal agencies (such as substantiated investigative findings and audit reports). OCD has established regular channels of communication with other state and local government agencies who are contracting with various entities for services relating to storm recovery efforts in order to be on guard for issues relating to contractor fraud, waste, and abuse.

#### ADDENDUM

##### Legal Documents

1. Act of Mortgage (Home Property) – *for Built Home in Louisiana*
2. Act of Mortgage (New Home Property) – *for New Home in New Community*
3. Act of Transfer (New Home Property)
4. Notice of Homeowner Assistance Agreement
5. Homeowner Assistance Agreement
6. Act of Transfer (New Community Property/Option B)
7. Lot Mortgage (Option B)
8. Promissory Note
9. Template Subordination