

# ISLE DE JEAN CHARLES (IDJC) RESETTLEMENT



## PERMANENT RELOCATION & HOUSING INCENTIVE PROGRAM POLICIES

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### Version History

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## Background

Isle de Jean Charles (IDJC or the Island)<sup>1</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 \(IDJC Resettlement\)](#) 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.

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<sup>1</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>2</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.

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<sup>2</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>Current primary participant in the IDJC Optional Relocation Assistance (ORA) program OR</li> <li>Past permanent primary Island resident* who was a resident as of August 28, 2012, has been displaced since that date and currently lives in an Isaac eligible parish OR</li> <li>Past permanent primary Island resident* who lived on the Island after Isaac, lived in an Isaac eligible parish at the time of Isaac and currently lives in an Isaac eligible parish.</li> </ul> <p><i>*Residents who meet these Island residency requirements, but have current permanent primary residence in an <b>owned home off the Island</b>, are not eligible under Option A but are eligible under Option B.</i></p>	<ul style="list-style-type: none"> <li>Any past permanent resident displaced prior to August 28, 2012 who lived in an Isaac eligible parish at the time of Isaac AND current resident in an Isaac-eligible parish 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 FMV. This requirement is due to the prohibition against providing assistance for a second home.</i></p>		Same as Option A.
<i>Timing<sup>3</sup></i>	1 <sup>st</sup> Quarter 2019	2 <sup>nd</sup> Quarter 2019	Post-2019	1 <sup>st</sup> Quarter 2019

<sup>3</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.

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 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:<sup>4</sup>

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.

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<sup>4</sup> Pending approval of substantial APA 4 from HUD.



- *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.

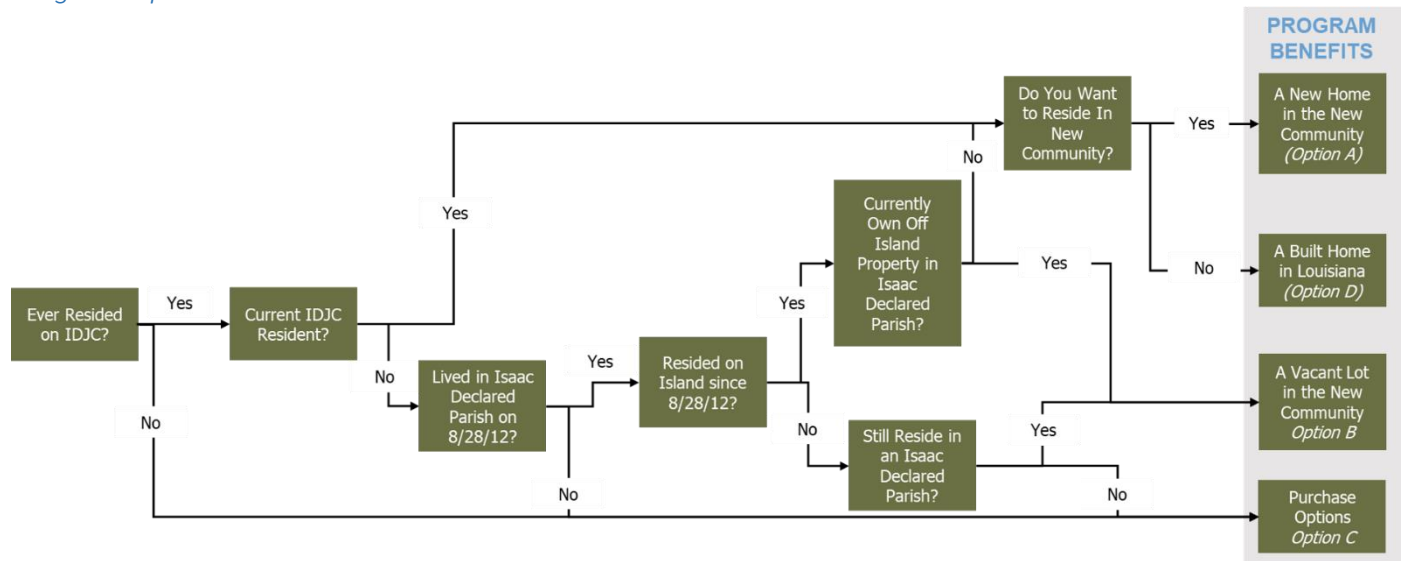
The state has been working with IDJC residents and the broader IDJC community, the parish and other stakeholders in the development of a comprehensive master development plan for the new community (site design, legal structure, on-site commercial development, public facilities and infrastructure, housing,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



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

Under the parameters of the Resettlement program, families or individuals meeting very 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>5</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:
  - a. Have moved because of economic reasons two (2) or more times during the 60 days immediately preceding the application to the IDJC Resettlement 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

<sup>5</sup> [https://www.hudexchange.info/resources/documents/AtRiskofHomelessnessDefinition\\_Criteria.pdf](https://www.hudexchange.info/resources/documents/AtRiskofHomelessnessDefinition_Criteria.pdf)

- 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.

## 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 families 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. Execution of the IDJC Permanent Relocation & Homeownership Assistance Incentive Participation Agreement;
3. Execution of Program Mortgage Agreements for the On-Island and Off-Island Properties;
4. Closing on transfer of subdivided parcel within newly developed IDJC community; and
5. Satisfactory completion of Required New Homeowner Training.

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.

#### *Primary Residence Requirement*

Option A participants are required to occupy the home in the new community as a primary residence for 5 years as a condition of ownership. As such, homeowners will be required to maintain their homestead exemption at the property in the new community during those 5 years 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.

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

Units within the new community 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 home within the newly constructed community at a 1:1 ratio.

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>;

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<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"](#)

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;
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.

#### *Occupancy Requirements & Securitization*

All recipients of an improved parcel will be subject to a 5-year primary occupancy requirement during which participating families must occupy the housing unit conveyed as a primary residence. This requirement will be secured in the form of a forgivable mortgage equal to:

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

- 75 percent of the appraised value of the parcel and unit in the new community, if the participant owns a property on the Island; or
- 100 percent of the appraised value of the parcel and unit in the new community if the participant is not a homeowner on the Island, or if they own their on-Island property and execute a deed restriction tied to the use of it.

The mortgage will carry terms at a rate of zero percent interest with all payments deferred and 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 loan is forgiven in the event of the death(s) of all awarded homeowner(s).

#### *Unit Size*

Unit sizes to be constructed within a newly developed IDJC community shall adhere to generally accepted HUD Housing Quality Standard (HQS) Rules:

Unit Size	Minimum Occupancy	Maximum Occupancy
1-BR	1	2
2-BR	2	4
3-BR	4	6
4-BR	6	8
5-BR	8	10
6-BR	10	12

While it is not contemplated housing units in excess of six (6) bedrooms will be constructed within a newly developed IDJC community, such units may be contemplated if demand warrants. 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*

Applicants may request a larger unit than specified by the chart illustrated above if the applicant can establish that adherence to the *Unit Size* policy illustrated above would require the applicant to downsize from their current IDJC residence. This request will be evaluated based on documented evidence of current unit size and composition of an IDJC residence in concert with

the Program conducting a site visit to the current IDJC residence in conjunction with the initial application intake visit.

This provision does not apply to any applicant displaced from the Island prior to the Program launch date.

#### *Unit Assignment*

- Units will be assigned based on unit sizes and their locations within a newly developed IDJC community. Locations may be constrained by design considerations. Assignments of individual homesites will take into consideration, as much as possible, personal preferences including water vs. park facing, construction stage, and potential neighbors.
- Accessibility and physical needs of family members and need for relative proximity to community features; and
- Physical housing space needs, based on family composition.

#### *Closing Costs*

Families conveyed an improved parcel through Option A will not bear any closing costs related to the transfer of the improved parcel in the new community.

#### *Moving Expenses*

Option A-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 bedroom composition of the Island property, and cannot be duplicated from other funding sources:

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

#### *Requirements Relative to On-Island & Off-Island Property*

In exchange for assistance under this program, participants will agree to certain terms contained within mortgages associated with on-Island property and property in the IDJC new community.

#### *IDJC New Community Forgivable Mortgage*

The IDJC New Community Forgivable Mortgage terms are intended to achieve the following goals:

- Provide a permanent primary residence for at-risk families in a new community that is safer and more sustainable than the eligible family's current living situation; and
- Provide a sustainable and resilient residential community.

The IDJC New Community Forgivable Mortgage will be valued at:

- 75 percent of the appraised value of the parcel and unit in the new community, if the participant owns a property on the Island; or



- 100 percent of the appraised value of the parcel and unit in the new community if the participant is not a homeowner on the Island, or if they own their on-Island property and execute a deed restriction tied to the use of it.

The IDJC New Community forgivable mortgage will include the following terms:

- 5-year initial occupancy requirement;
- 5-year initial 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.

### 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 based on family size, with the largest family/household size subject to an overall program cap of \$200,000
- Applicant eligible for the lesser of the actual cost of the new home or the program cap based on family/household size

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)

### Primary Residence Requirement

Option D participants are required to occupy a housing unit acquired through Option D housing assistance as a primary residence for 5 years as a condition of ownership. As such, homeowners

will be required to maintain their homestead exemption at the property acquired through Option D in order throughout the 5 years to stay in compliance with the terms of their loan agreement. Failure to comply with the primary residence requirement may result in an event of default with the terms of the forgivable loan.

#### *Housing Incentive General Eligibility Parameters*

Housing incentive assistance will be offered to families fitting within two primary eligibility requirements:

1. Families ‘currently<sup>11</sup>’ maintaining permanent residency on IDJC<sup>12</sup>;
2. Families displaced from a permanent residence on IDJC on or after August 28, 2012.

Households and families are eligible for consideration to receive assistance toward a housing unit at a 1:1 ratio<sup>13</sup>. Requests for multiple units which may arise from individuals living in the same current location will be reviewed on a case-by-case basis, with applicants participating in an interview with a state review committee to include discussions of financial capacity for management of expected household expenses in the new home. The state review committee may require information and documents it deems necessary to analyze the applicant financial capacity.

Household/family definitions are found in “Unit Conveyance Policy” section above.

#### *Occupancy Requirements & Securitization*

All Option D recipients will be subject to a 5-year primary occupancy requirement during which Program participants must occupy the housing unit conveyed as a primary residence. This requirement will be secured in the form of a forgivable mortgage equal to:

- 75 percent of the appraised value of the parcel and unit in the new community, if the participant owns a property on the Island; or
- 100 percent of the appraised value of the parcel and unit in the new community if the participant is not a homeowner on the Island, or if they own their on-Island property and execute a deed restriction tied to the use of it.

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

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<sup>11</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 participating in the ORA program at that time. Any family establishing residency on IDJC after the date of Program launch will not be eligible for assistance through the Program.

<sup>12</sup> ‘On IDJC’ refers to permanent residences with an affixed address on Island Road with a house number of 300 or above in Terrebonne Parish, Louisiana.

<sup>13</sup> For the purposes of a 1:1 ratio, this accounts for occupancy of 1 to a maximum of 12 individuals to occupy a single unit. For families in excess of 12 members, multiple units will be conveyed.

The mortgage will be forgiven at a rate of 20 percent (1/5) per year upon compliance with mortgage requirements. 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 loan is forgiven in the event of the death(s) of all awarded homeowner(s).

#### *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/>.

#### *Closing Costs*

Families conveyed a housing unit through Option D may not bear any closing costs related to the transfer of real property; however, these costs will be included as part of a cap on total eligible benefits conveyed through Option D.

#### *Moving Expenses*

Option D-eligible families are eligible for assistance for moving expenses, subject to program caps and schedules. Eligible families may choose to receive payment for moving and related expenses at a flat rate based on the chart below, based on the bedroom composition of the Island property:

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

#### *Requirements Relative to On-Island & Off-Island Property*

In exchange for assistance under this program, participants will agree to certain terms contained within mortgages associated with on-Island property, if applicable, and/or property acquired through Option D. Participants will also agree to terms under a Homeowner Assistance Agreement and a Personal Homeowner Undertaking Agreement. All documents can be reviewed in the Policy Addendum.

#### *Mortgage on Property Acquired through Option D*

The Option D Mortgage is intended to provide an alternative outside of a new community for permanent primary residence for at-risk families, which is safer and more sustainable than the eligible family's current living situation.

The Option D Mortgage will be valued at:

- 75 percent of the appraised value of the parcel and unit in the new community, if the participant owns a property on the Island; or
- 100 percent of the appraised value of the parcel and unit in the new community if the participant is not a homeowner on the Island, or if they own their on-Island property and execute a deed restriction tied to the use of it.

Option D mortgage terms will include:

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

#### *ON- ISLAND MORTGAGE: FOR BOTH OPTIONS A AND D*

All Option A and D participants who also have any ownership interest in any property on the Island, will be required to enter into either a mortgage agreement or a specific deed restriction relative to such on-Island property ownership interest.

The on-Island Mortgage terms are intended to achieve the following goals:

- Prevent demolition of the on-Island property;
- Provide continued ownership and use of on-Island properties for recreational, cultural and historical purposes (i.e. as camps), and
- Prevent on-Island property (of program participants) from being used for residential purposes, becoming second homes, or being further developed.

Option A-eligible and Option D-eligible families who own full or partial interests in on-Island property must execute a mortgage with the state or its designee in an amount that is valued at 25 percent of the appraised value of the benefits conveyed through Option A or D, unless they execute a specific deed restriction tied to the use of the on-Island property.

Activities that are allowable as minor 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. 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.

The Option A or D Mortgage and the on-Island Mortgage shall be cross-defaulted, giving the holder of the mortgage the right to enforce either mortgage for a default by the mortgagor under either mortgage.

If the Mortgagor defaults, Mortgagee may foreclose on Mortgagor’s New Home and/or Island Property under the mortgages. If someone other than Mortgagor violates the use restrictions of the Island Property, Mortgagee will not foreclose on the New Home property, but Mortgagee may foreclose on the Island Property if a third party (i.e. co-owner) is using the Island Property in a manner that the Mortgagor could not.

Note: Any person who owned any full or partial interest in their on-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>14</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>15</sup>, who do not currently own a home off-Island and are living in an Isaac eligible Parish;
- Current permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012 but were living in an Isaac eligible parish at that time; OR
- Former permanent, primary IDJC resident families who were not permanent, primary IDJC resident families on August 28, 2012, but lived in an Isaac eligible parish at that time; were permanent, primary IDJC residents after August 28, 2012; were displaced since, currently live in an Isaac eligible parish, who do not currently own a home off-Island.

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<sup>14</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>15</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>

### 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 address on the application.

- 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 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
- Title search results that yield proof of homestead exemption.
- Occupancy documentation from lines above for February or March 2019 showing proof of current occupancy at Island address, 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 on-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
- Occupancy documentation from lines above for February or March 2019 showing proof of current occupancy in a parish declared a federal disaster area as a result of Hurricane Isaac (see section below)

*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 of 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 parish declared a federal disaster area as a result of Hurricane Isaac, which includes Allen (Parish), Ascension (Parish), Assumption (Parish), East Baton Rouge (Parish), East Feliciana (Parish), Iberville (Parish), Jefferson (Parish), Lafourche (Parish), Livingston (Parish), Morehouse (Parish), Orleans (Parish), Plaquemines (Parish), Pointe Coupee (Parish), St. Bernard (Parish), St. Charles (Parish), St. Helena (Parish), St. James (Parish), St. John the Baptist (Parish), St. Martin (Parish), St. Mary (Parish), St. Tammany (Parish), Tangipahoa (Parish), Terrebonne (Parish), Washington (Parish), West Baton Rouge (Parish), and West Feliciana (Parish).

#### *Homeowner Education Requirement*

Option A and D 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 – Options A and D shall remain open from the date of its launch and remain open for family intake and acceptance for a duration to last no less than six (6) months and for an intake and acceptance period to coincide with the launch of Option A.

### *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, at a point subsequent to Options A and D as needed.

Option B offers those applicants who provide documentation of occupancy on the Island an unimproved lot in the new community, subject to their capacity to build a new home on the lot within a specified time period. Option B grantees would be subject to a one-year occupancy requirement in the new community. Option B applicants would be ranked in eligibility based upon how recently they lived on the Island. Option B applicants must have been living in an Isaac-eligible parish at the time of that storm to be eligible to participate in this program. Option B will also be available for past permanent Island residents who lived on the Island on August 28, 2012, but currently own a home where they are residing as a permanent resident, to allow them to access a lot in the new community if they sell their current home.

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 Housing Program and related closeout procedures shall be completed no later than September 30, 2022.

### *Application Process*

Families meeting IDJC Housing Program – Option A or D 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 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, the requirement to record a mortgage on owned on-Island and property acquired via Option A 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

#### Personally 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 subrecipient 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, subrecipients, 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 subrecipients. 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 New Built Home in Louisiana*
2. Act of Mortgage (New Home Property) – *for New Home in New Community*
3. Act of Mortgage (Island Property)
4. Act of Transfer (New Home Property)
5. Homeowner Assistance Agreement
6. Notice of Homeowner Assistance Agreement
7. Personal Homeowner Undertaking
8. Deed Restriction (Island Property)