



**State of Wisconsin**  
Department of Administration  
(DUNS No. 80-903-6098)

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# **State of Wisconsin Action Plan**

**For CDBG Mitigation Funds  
Supplemental Appropriations for Disaster  
Relief Act, 2018  
(Public Law 116-20)**

**Federal Register: January 6, 2021 (Vol. 86 No. 4)**

**December 2, 2021**

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**State of Wisconsin ■ Tony Evers, Governor  
Department of Administration ■ Joel Brennan, Secretary**

## INTRODUCTION

The State of Wisconsin is required to publish an Action Plan for Mitigation (Action Plan) that describes the proposed use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations for Disaster Relief Act, 2018 (Public Law 116-20, approved January 6, 2021) for mitigation relief of unmet needs resulting from severe storms, tornadoes and flooding in the state. This document will describe:

- mitigation needs assessment
- the citizen participation process used to develop the Action Plan;
- eligible affected areas and applicants, and the methodology to be used to distribute funds to those areas and applicants;
- activities for which funding may be used; and
- grant administration standards.

This Action Plan will be used by the state to guide the distribution of \$980,000 of CDBG Mitigation Funding toward meeting unmet public facility needs in counties designated as Most Impacted and Distressed (MID) Presidential Disaster Areas, as directed by Public Law 116-20 and HUD. This Action Plan is in relation to the U.S. Department of Housing and Urban Development's Notice of Funding Availability provided in Federal Register / Volume 86, Number 4, Docket No. FR-561-N-01.

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## **THE EFFECT OF THE DISASTERS ON WISCONSIN'S RECOVERY NEEDS**

On October 4, 2018, the State of Wisconsin requested a presidential declaration of a major disaster pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.36. The request for declaration followed the severe storms, flooding, landslides, straight-line winds, and tornadoes that occurred August 17 - September 14, 2018. Counties impacted included Adams, Crawford, Dane, Dodge, Fond du Lac, Green Lake, Juneau, La Crosse, Marquette, Monroe, Ozaukee, Richland, Sauk, and Vernon counties for both Public Assistance and Individual Assistance; Iron County for Public Assistance only; and Columbia, Jefferson and Washington counties for Individual Assistance only.

Starting Friday, August 17, a very warm and moist air-mass set up across much of Wisconsin and then persisted through the first week in September. A series of storm systems caused multiple rounds of severe weather and flooding across portions of Wisconsin. The first of these systems moved through southern Wisconsin on August 17, bringing heavy rainfall and flooding across a wide area. The most widespread severe weather day was August 28, 2018, when 19 tornadoes and damaging winds of 90-110 mph occurred from central Wisconsin through east central Wisconsin. The last of the series of storm systems hit on September 5 causing major flooding on the river systems throughout southern Wisconsin. The Rock River at Lake Koshkonong, the last river in southern Wisconsin to recede below major flood stage, finally dropped below major flood stage on September 14. Record crests occurred on the Baraboo River at La Valle (25.2') and Reedsburg (21.85'), and the Kickapoo River at Viola (25.7'), Readstown (23.7'), Gays Mills (22.31'), and Steuben (20.5'). Seven dams failed in this event, resulting in the severe exacerbation of flooding downstream and additional residences impacted. Nine other dams suffered serious damage.

Beginning August 21, 2-1-1 Wisconsin volunteers worked tirelessly to collect damage reports and refer impacted households to available disaster resources. By September 25, 2-1-1 call centers had fielded a total of 4,559 damage reports. Within the 15 impacted counties, 728 callers reported sewage back-up in their basements, and at the time of their damage report 528 callers indicated they could not live in or use their property, and 327 reported flood waters were blocking access to their properties. Of the 15 counties affected during this weather event, Dane County sustained the most damage in the Black Earth Creek and Yahara River watersheds.

On August 17, 2018, six inches of rain fell on Eastern Dane County, causing heavy road damage and minor property damage. Three days later, on August 20, 2018, up to 15 inches of rain fell on Central and Western Dane County, breaking the 11.72 inch-precipitation record set in 1946. This overwhelmed watersheds and caused significant flooding and flash flooding in local rivers, lakes, and municipal storm water systems. As the event progressed, over 1,800 property owners in Dane County reported damages totaling more than \$70 million in losses. Businesses in Dane County reported over \$50 million in damages and profit losses. Public-sector damage exceeded \$28 million. The storm water contaminated private wells. Of the 623 wells tested in Dane County, more than 130 had bacterial contamination. Three emergency shelters were established in Dane County.

In Western Dane County, Black Earth Creek exceeded its previous flood stage record by nearly five feet, imposing devastating damage on the villages of Mazomanie, Cross Plains, and Black Earth. More than 20 percent of homes were flooded in each of these villages, and officials ordered evacuations in all three. Flooding caused a significant number of road and culvert washouts, effectively isolating these flood-damaged communities. Of Mazomanie's population, 14.2% reside below the poverty line, 10.6% are disabled, and only 9% of damaged homes have flood insurance because most are located outside of the floodplain.

Many of the communities impacted by this storm system are among the most economically  
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vulnerable in the state. High poverty rates, an aging population, and significant unemployment have exacerbated the impacts of this event. Homes that have had repetitive flood damage over the years are now rendered completely unlivable. Lack of income and borrowing ability prevent homeowners from repairing critical housing components, like furnaces, water heaters, and foundations. Mold remediation and well testing are also beyond the ability of many residents to complete without assistance. An additional compounding factor is the lack of available housing units. Displaced individuals and families seeking permanent shelter were forced to travel long distances from their former communities and workplaces to find any available rental housing. Any available housing units are often out of the price range of displaced households. Paying for rental housing, while keeping up with mortgage payments on their primary homes is untenable for many displaced individuals in the impacted areas. Impacted parts of the state may see an increase in the number of mortgage foreclosures.

The most applicable damage estimates by county impacted include:

- **Adams County** – Verified damages in Adams County amounted to \$362,424, resulting in a damage per capita amount of \$17.36.
- **Crawford County** – Verified damages in Crawford County amounted to \$1,103,688, resulting in a high damage per capita amount of \$66.31.
- **Dane County** – Verified damages in Dane County amounted to \$11,451,903, resulting in a damage per capita amount of \$23.46. All categories of work had documented damages.
- **Dodge County** – Verified damages in Dodge County amounted to \$289,645, resulting in a per capita amount of \$3.26, which is less than the \$3.78 per capita indicator the county would need for inclusion in a declaration.
- **Fond du Lac, Green Lake, and Ozaukee** counties all had a damage per capita of less than \$10.00. Damages were verified in all categories of work.
- **Iron County** – Verified damages in Iron County amounted to \$70,480. Damages resulted in a per capita amount of \$11.91.
- **Juneau County** – Verified damages in Juneau County amounted to \$1,748,793, resulting in a high damage per capita amount of \$65.59.
- **La Crosse County** – Verified damages in La Crosse County amounted to \$1,359,201, resulting in a damage per capita amount of \$11.86.
- **Marquette County** – Verified damages in Marquette County amounted to \$972,109, resulting in a high damage per capita amount of \$62.94.
- **Monroe County** – Verified damages in Monroe County amounted to \$3,353,164, resulting in a high damage indicator of \$75.06. More than 90% of all damage occurred to roads and bridges.
- **Richland County** – Verified damages in Richland County amounted to \$308,134, resulting in a damage per capita amount of \$17.10.
- **Sauk County** – Verified damages in Sauk County amounted to \$1,487,200, resulting in a damage per capita amount of \$24.00. All categories of work had documented cost.

• **Vernon County** – Of the fifteen counties, Vernon County reported the highest countywide damage per capita loss at \$413.71. Verified damages in Vernon County amounted to \$12,317,472. Damages occurred in all categories of work, with more than half due to multiple dam breaches.

## **MITIGATION NEEDS ASSESSMENT**

84 FR 45840 and 86 FR 561 require the State to include in its CDBG-Mitigation Action Plan a Mitigation Needs Assessment that identifies and analyzes all significant current and future disaster risks. The State is utilizing the most current Hazard Mitigation Plan developed by the Wisconsin Department of Military Affairs, Wisconsin Emergency Management to accomplish this requirement. A link to the full plan may be found here:

<https://dma.wi.gov/DMA/wem/mitigation/2016-hazard-mitigation-plan>

Given the level of funding available, the State has determined that utilizing a statewide risk assessment currently under update through the Federal Emergency Management Agency (FEMA), Hazard Mitigation Planning (HMP) is impractical in addressing the risks currently faced by the State for mitigation. The State has determined the most practical course of action regarding the CDBG-MIT award is to focus on mitigating future risks associated with the geographical area most impacted by the 2018 storm event. Mazomanie, WI, zip code 53560 was considered the epicenter of the storm and was specifically identified in the original Federal Register as Most Impacted and Distressed.

## **METHOD OF DISTRIBUTION**

The State of Wisconsin has developed this CDBG-MIT program in compliance with the HUD-defined National Objectives and will make every effort to ensure that assistance is prioritized toward the most disadvantaged populations. Wisconsin intends to spend the majority of program funds on activities that benefit the Low-and-Moderate Income population. The State will spend no less than 70% of funds allocated for direct benefit to LMI households. Furthermore, the state will take necessary steps to ensure that the needs of very low-income households (30% AMI or below) and low-income households (30% - 50% AMI) are prioritized, followed by moderate income households (51% to 80% AMI).

As stewards of federal CDBG funds, the State of Wisconsin complies with the Department of Housing and Urban Development's (HUD) mission to develop viable communities by the provision of decent housing, a suitable living environment and expanding economic opportunities, principally for LMI persons. To this end, all funded activities administered by the State of Wisconsin will meet one of three named HUD national objectives:

- 1) Benefitting LMI Persons;
- 2) Preventing or Eliminating Slums or Blight; or
- 3) Meeting Urgent Needs.

Provisions of assistance will be made to eligible applicants in the identified impacted counties, as funds are available, with priority given to applicants with verified household income at 80% or below the area median income (AMI) for the region in which they reside. Any awards tied to infrastructure improvements will support housing needs and will depend on the type, scale and location of the project. HUD directed the State to spend at least 70% of the funds on LMI households. Distribution of funds is based on the individual citizen. The State will adhere to HUD's requirements to expend all funds within 6 years of the award date. The State does not intend to use urgent need unless the applicant requests it. If needed, the action plan will be amended to include details on the use of the

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urgent need national objective. In addition, the State will further target benefits within these income categories by considering disability and age-dependent status. Where practicable, vulnerable and special needs populations will be prioritized for assistance.

**PROGRAM BUDGET**

The State intends to make a single award encompassing the entirety of assistance dollars for mitigation activities due to demonstrated localized need coupled with the size of the award. The project is not a Covered Project, as defined in 84 FR 45850, 84 FR 47530, 85 FR 4676, or 86 FR 561.

The project will focus on responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency and intensity of precipitation events in the area as well as downstream. It is expected that the project will reduce the risk of loss of life and property from future disasters while yielding community development benefits, such as increased security due to reduced likelihood of property damage resulting from potential flood events. The project will support adoption and enforcement of applicable building codes and mitigation of hazard risk, including possible high winds, storm surge, and flooding. Any long-term operation and maintenance costs pursuant to the project will be absorbed by the municipality, county or state as appropriate.

The project must be a high-priority of the municipality, county and the State of Wisconsin and should align with other planned capital improvements. The project must rank highly with community-level and regional planning for current and future disaster recovery efforts and additional mitigation investments. The project will enable continuous operations of critical business and government functions and is critical to human health and safety and economic security.

Program	Amount Allocated
Rehabilitate Owner Occupied Housing	\$0
Rehabilitate Rental Housing	\$0
Build New Rental Housing	\$0
Build New Owner-Occupied Housing	\$0
Acquisition/Demolition	\$0
Assist Communities with Infrastructure Enhancements	\$896,000
Provide Business Assistance	\$0
Planning	\$35,000
Program Administration	\$49,000
TOTAL	\$980,000

Units of General Local Government (UGLG’s) located within Dane county are eligible to apply for program funds administered by the State. HUD has further stipulated that at least 50% of the allocation, or \$490,000 must address unmet needs within Dane and Vernon Counties. The State plans to expend 95% of the total award within those counties, including 100% of the awarded assistance funds.

**LEVERAGING OF FUNDS**

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CDBG-MIT funds are a last resort funding source. The state has worked with HUD, FEMA, SBA, other federal agencies and state-funded agencies to identify and catalog available sources of assistance to mitigate future storm events. Given the size of the CDBG-MIT award, coordinating and aligning with other planning and mitigation projects funded by FEMA, the U.S. Army Corps of Engineers (USACE), the U.S. Forest Service, and potentially other agencies was not deemed appropriate. Rather, the State prioritized mitigation measures within the MID zip code most impacted by the 2018 event in order to most effectively reduce the likelihood of future events. The State will ensure that CDBG-MIT funds are only used to address funding needs not satisfied by other funding sources, many of which are already providing disaster relief, including, but not limited to:

- FEMA Individual Assistance grants
- FEMA Public Assistance grants
- FEMA Hazard Mitigation Grant Program
- SBA Disaster Loans
- National Flood Insurance Program payments
- Private insurance
- Federal Highway Administration Emergency Relief Program
- Natural Resources Conservation Service Emergency
- Watershed programs
- WI DNR's Municipal Flood Control Program

The State will seek out funding partners and attempt to maximize investments from additional financing sources for flood recovery and mitigation efforts. In accordance with the Robert T. Stafford Act, as amended, the state will implement policies and procedures to ensure no individual receives duplication of benefit for the same purpose and/or effect to recover from the floods. Federal law prohibits any person, business concern, or other entity from receiving Federal funds for any part of such loss as to which the entity has received financial assistance under any other program, from private insurance, charitable assistance or any other source.

For infrastructure projects using CDBG-MIT funds, mitigation measures will be integrated into rebuilding activities. The extent to which infrastructure activities will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction will be given preference for funding. If the state funds stormwater management, the construction or rehabilitation will be addressed as per the Notice.

Any infrastructure projects undertaken with CDBG-MIT funds will support either the provision of housing or the recovery of housing through providing family-supporting jobs, energy provision or expansion of energy availability or necessary upgrades to community infrastructure to support housing. DEHCR will leverage all stakeholder groups including, but not limited to: local units of government, federally-recognized Native American tribes, not-for-profit organizations, and public housing authorities to ensure all eligible recipients of funding are represented.

Wisconsin will implement construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, resilience, and mitigation against the impact of future disasters. CDBG-MIT funds will be used to mitigate future natural hazard-related impacts especially impacting minority or low-income neighborhoods as well as in areas where the risk of future damage is moderate or high from a similar event.

To prevent duplication of benefits, the State will require that all sources (federal, state, local, private) and amounts of disaster mitigation assistance received or reasonably anticipated to be received are

documented by sub-grantees. Recipients must subrogate any additional funds received for damage mitigation back to the State.

## **ANTI-DISPLACEMENT**

The State will minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds. The policies and procedures will:

- Account for Section 504 and ADA requirements to ensure that their communications with persons with vision, hearing, and/or speech disabilities are as effective as communication with nondisabled persons.
- Give primary consideration to the type of auxiliary aide (sign language interpreter, braille documents, etc.) requested by the individual and consider the nature and complexity of the communication.
- Provide a sign language interpreter or relevant documents in braille or electronic format.

The State will consider the needs of populations such as LMI persons, persons with disabilities, Limited English Proficiency, and minority communities, particularly those with ties to local racial, ethnic, religious, or cultural organizations in the area should displacement or relocation become necessary. However, the State retains the ability to conduct buyouts or acquisitions for destroyed and extensively damaged units or units in a floodplain. The State will ensure that the assistance and protections afforded to persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and Section 104(d) of the Housing and Community Development Act of 1974 are available. The URA provides that a displaced person is eligible to receive a rental assistance payment that covers a period of 42 months.

The State accepts the HUD waiver of the Section 104(d) requirements which assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under FR-5938-N-01. The State will designate a URA specialist to ensure compliance with the Uniform Relocation Act (URA), where applicable.

## **DEMONSTRABLE HARDSHIP**

Demonstrable hardship is defined using its two component words:

- Demonstrable – proved or shown, by objective evidence (not subjective feelings).
- Hardship – an economic impact that is burdensome or very difficult to bear, causing economic distress well beyond mere inconvenience.

A demonstrable hardship is a substantial change in an applicant's financial situation that will prohibit or severely affect their ability to provide a minimal standard of living or the necessities of life, including food, housing, clothing and transportation without causing economic distress well beyond mere inconvenience as shown by objective evidence.

A demonstrable hardship must be occurring after the 2018 damage event. The term is not necessarily a definable term of fixed and inflexible content or meaning. The demonstrable hardship must be of a severe, involuntary, and unexpected nature. It must not be one that is generally shared by other property owners affected by the 2018 damage event or within the disaster area.

Examples of a demonstrable hardships may include job loss, failure of a business, divorce, severe medical illness, injury, death of a family member or spouse, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural

disaster, etc. None of the listed examples above, individually or taken together, automatically establish a demonstrable hardship, nor is the listing above exhaustive as there may be other factors relevant to the issue of demonstrable hardship in a particular case. The existence of a demonstrable hardship will be evaluated on a case-by-case basis after review of all the circumstances. Whether or not there is a demonstrable hardship heavily depends on the facts and circumstances.

Persons claiming a Demonstrable Hardship will be required to provide evidence of the claimed Demonstrable Hardship to the grantee for a decision. A written decision will be made, including approval or denial, and returned to the person claiming the Demonstrable Hardship.

**FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO) REQUIREMENTS**

All data other than what is relayed below, related to FHEO requirements relative to the impacted counties included is contained in the State’s HUD approved 2020-2024 Consolidated Plan and Analysis of Impediments to Fair Housing Choice. Additional FHEO data for Dane County is contained in the County’s approved 2020-2024 Consolidated Plan, Analysis of Impediments to Fair Housing Choice. All documents are attached in DRGR. Any data not contained in these reports is unavailable.

**Vernon County Demographics and Poverty Rates**

Total:	30,714
Population of one race:	29,828
White alone	29,315
Black or African American alone	127
American Indian and Alaska Native alone	49
Asian alone	96
Native Hawaiian and Other Pacific Islander alone	10
Some Other Race alone	231
Source: 2020: DEC Redistricting Data (PL 94-171)	

	Households	
Label	Estimate	Margin of Error
▼ Total	12,071	±173
Less than \$10,000	6.0%	±0.9
\$10,000 to \$14,999	6.0%	±0.9
\$15,000 to \$24,999	11.4%	±1.5
\$25,000 to \$34,999	10.1%	±1.3
\$35,000 to \$49,999	14.2%	±1.4
\$50,000 to \$74,999	19.8%	±1.4
\$75,000 to \$99,999	13.0%	±1.0
\$100,000 to \$149,999	14.0%	±1.1
\$150,000 to \$199,999	2.8%	±0.6
\$200,000 or more	2.7%	±0.5
Median income (dollars)	52,459	±1,435
Mean income (dollars)	65,262	±1,457
▼ PERCENT ALLOCATED		
Household income in the past 12 months	38.6%	(X)
Family income in the past 12 months	(X)	(X)
Nonfamily income in the past 12 months	(X)	(X)

The State of Wisconsin worked with the Federal Emergency Management Agency (FEMA) to identify and gather data on the proximity of communities, including those with significant percentages of members of protected classes, to hazardous material facilities. FEMA did not have data on hazardous material facilities in either Dane or Vernon Counties.

The State utilized a demographic analysis to identify and assess how CDBG-MIT funds may affect members of protected classes. It is expected that the project funded with CDBG-MIT funds will increase the resiliency for housing that serves vulnerable populations in the impacted area. It is not known whether the watershed currently contains transitional housing, permanent supportive housing, permanent housing serving individuals and families that are homeless and at-risk of homelessness and public housing developments. Due to the location and nature of the 2018 disaster, as identified earlier in the Action Plan, the disaster did not impact racially or ethnically concentrated areas or areas on concentrated poverty.

The State has prioritized activities with CDBG-DR funds to have the potential to respond to the needs of protected classes and will endeavor to market these activities to persons who belong to protected classes. Members of protected classes will be encouraged to utilize housing provided pursuant to CDBG-DR funds, will receive preference for any housing rehabilitated with CDBG-DR funds and will benefit from infrastructure built or re-built using CDBG-DR funds.

## **PROGRAM ADMINISTRATION**

### **CITIZEN PARTICIPATION PLAN**

The State values citizen and stakeholder engagement. Wisconsin has developed a Citizen Participation Plan in compliance with § 24 CFR 91.115 and applicable HUD requirements to set forth the policies and procedures applicable to citizen participation, intended to maximize the opportunity for citizen involvement in the planning and development of the Wisconsin CDBG-MIT recovery program. The goal of the Citizen Participation Plan is to provide all Wisconsin residents with an opportunity to participate in the planning and assessment of the State's CDBG-MIT recovery program. DEHCR will leverage all stakeholder groups including, but not limited to: local units of government, federally-recognized Native American tribes, engage members of protected classes, not-for-profit organizations, public housing authorities and State and local emergency management agencies that have primary responsibility for the administration of FEMA mitigation funds, including the State Mitigation Officer (SHMO) for HMGP alignment to ensure all eligible recipients of funding are represented.

The Division shall encourage participation in the development of its CDBG-MIT award through the following means as appropriate:

- 1) Mass mailing paper copies or emailing electronic copies of notices to the assembled distribution lists of the Division of Energy, Housing and Community Resources and local unit of government clerks;
- 2) Notices to the various media outlets;
- 3) Listening sessions and information dissemination at statewide affordable housing and homeless conferences and other relevant events.
- 4) Posting of public notices concerning the CDBG-DR award on the Internet at the Wisconsin DOA-DEHCR website.
- 5) Online comment opportunity on the State of Wisconsin DOA-DEHCR website.

### **Participation of Municipalities and Other Units of Government**

The Division of Energy, Housing and Community Resources shall notify municipalities and other units of government by posting updates to its website.

The Division of Energy, Housing and Community Resources shall solicit ideas regarding the distribution method and priorities for housing and community development funds annually at related conferences and events. The target audiences are units of government, housing agencies, economic development associations, consultants, homeless and special needs service providers. The Division of Energy, Housing and Community Resources may engage the committee process when soliciting comments and input regarding program design.

### **Participation of Public and Private Agencies**

Public and private sector agencies that provide assisted housing, health services, social services, and economic development shall receive notification by mail or email of the CDBG-DR award Action

Plan development. The Division shall encourage written and electronic comments and attendance at listening sessions, public hearings and use of the Wisconsin DOA-DEHCR website. In addition, the Division shall work with representatives from public and private agencies to help with data analysis and to provide feedback on Wisconsin's housing and community development needs and potential solutions.

Public and quasi-public agencies include: the Wisconsin Economic Development Corporation (WEDC), WHEDA; the Departments of Health Family Services, Children and Families, Administration, Veterans Affairs, and Corrections, the University of Wisconsin, USDA Rural Development, and local county or nonprofit economic development associations.

Private agencies include grantee and applicant organizations of the Division of Energy, Housing and Community Resources which are located throughout the state, and statewide agencies such as: Foundation for Rural Housing; Wisconsin Community Action Program Association; and the Wisconsin Association of Housing Authorities.

### **Participation of Citizens**

The Division of Energy, Housing and Community Resources shall encourage the participation by Wisconsin's citizens in the CDBG-MIT award Action Plan development. In order to maximize the participation of citizens of low income, with mobility or other impairments, or with a language barrier, the Division shall, in addition to the steps outlined above:

- 1) Schedule hearings and forums at times and locations that are convenient to potential and actual beneficiaries.
- 2) Ensure that hearing and forum sites can accommodate persons with mobility impairments (the advertisement mentioned above will include this information).
- 3) Arrange for special communication accommodations in multiple languages, if notified by potential participants at least one week prior to the public hearing.
- 4) Accept comments via email and TTY in multiple languages.

### **Access to Information**

The Division of Energy, Housing and Community Resources shall make available to units of local government, citizens, agencies, and other interested parties information on the amount of anticipated revenue for housing and community development activities for the following year. Furthermore, the Division of Energy, Housing and Community Resources shall make available information on its proposed range of activities, including the estimated amounts of funds that are proposed to benefit persons or low and moderate income. The Division of Energy, Housing and Community Resources shall address and minimize any displacement that its activities would create. The Division will provide assistance to any persons displaced, will specify the types and levels of assistance the

Division will make available (or require others to make available) to persons displaced, even if the Division expects no displacement to occur. This information will be available upon request.

### **Publication of Proposed CDBG-MIT Action Plan**

The Division of Energy, Housing and Community Resources shall have the proposed CDBG-MIT Action Plan available in print and by electronic means on the Internet.

The public comment period for the proposed CDBG-MIT Action Plan will be at least 45 days. The Division of Energy, Housing and Community Resources shall publish a notice of the availability for comment in the Wisconsin State Journal on or before the first day of the comment period.

The Division of Energy, Housing and Community Resources shall publish a summary in the Wisconsin State Journal. This summary will include how the public can obtain copies or examine the proposed CDBG-MIT Action Plan.

The Division of Energy, Housing and Community Resources shall also make copies available free of charge to the public, both in printed form and by electronic means. A reasonable number of copies will be printed; if that supply is exhausted, the Division of Energy, Housing and Community Resources shall provide additional copies in electronic form only.

Comments on the CDBG-MIT Action Plan should be sent to the Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970.

The Division of Energy, Housing and Community Resources shall consider the comments it receives during the comment period as it prepares the final CDBG-MIT Action Plan. The Division of Energy, Housing and Community Resources shall append a summary of these comments, both those accepted and those rejected, to the final CDBG-MIT Action Plan.

### **ACTION PLAN AMENDMENTS**

The following events would require a substantial amendment to the Action Plan:

- Addition or deletion of any allowable activity described in the Plan;
- Change in the planned beneficiaries;

If enough applications meeting the criteria described in a Division of Energy, Housing and Community Resources program are not received, the Division of Energy, Housing and Community Resources reserves the right to redirect the program's unused funds to other programs described to ensure maximum utilization of funds without a substantial amendment.

Prior to the submission of a substantial amendment to HUD, the Division of Energy, Housing and Community Resources shall publish notice of its intention to make the substantial amendment in the Wisconsin State Journal. The text of the proposed substantial amendment will be available from the Division of Energy, Housing and Community Resources.

The comment period will be not less than 30 days in length unless the Department of Housing and Urban Development waives the 30-day comment period. The Division of Energy, Housing and Community Resources shall consider any comments or views received when preparing the final version of the substantial amendment.

Comments should be sent to the Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970.

The Division of Energy, Housing and Community Resources shall append a summary of these comments, both those accepted and those rejected, to the final version of the substantial amendment.

## **PERFORMANCE REPORTS**

In accordance with HUD requirements, Wisconsin will submit a Quarterly Performance Report (QPR) through the HUD Disaster Recovery Grant Reporting (DRGR) system no later than thirty days following the end of each calendar quarter. Within three days of before submission to HUD, Wisconsin will post each QPR for public review and comment on The Division of Energy, Housing and Community Resources website. Program QPR's will be posted on a quarterly basis until all funds have been expended and all expenditures have been reported.

Comments should be sent to the Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970

## **ACCESSIBILITY OF CONSOLIDATED PLAN, AMENDMENTS, AND PERFORMANCE REPORT TO PUBLIC**

### **Availability of Documents**

The Division of Energy, Housing and Community Resources shall make available to the public the final Consolidated Plan, any substantial amendments, and annual performance reports. Copies will be available in printed form or electronic means.

Interested parties should request printed or electronic copies from the Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970.

The Division of Energy, Housing and Community Resources shall make these materials also available in a format for persons with disabilities and in multiple languages upon request.

### **Access to Records**

The Division of Energy, Housing and Community Resources shall make available to citizens, public agencies, and other interested parties its records relating to the Consolidated Plan, and the use of assistance under this Plan. The Division of Energy, Housing and Community Resources may provide certain data, if voluminous, only in summary format. Any information released will protect the confidentiality of program beneficiaries.

The Division of Energy, Housing and Community Resources shall make an effort to respond to requests for records within fifteen working days.

The Division of Energy, Housing and Community Resources shall maintain such records for a period of five years.

Interested parties should request records on the CDBG, HOME, ESG and HOPWA programs from the Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970.

Interested parties should request records on the HTF program from the Wisconsin Housing and Economic Development Authority, P.O. Box 1728, Madison, WI 53701-1728.

### **CITIZEN PARTICIPATION REQUIREMENTS FOR LOCAL GOVERNMENTS (CDBG PROGRAM)**

Units of general local government applying for CDBG funding must adhere to the citizen participation requirements promulgated in the Code of Federal Regulations, Part 24, Section 570.486 (24 CFR §570.486). Specifically, the Division of Energy, Housing and Community Resources shall require that local governments:

- 1) adopt a resolution in support of a citizen participation plan that is in conformance with 24 CFR §570.486;
- 2) include the citizen participation plan in its CDBG application materials;
- 3) provide evidence (e.g., sign-in lists for public hearings) that elements of the citizen participation plan were followed in the preparation of its CDBG application.

### **COMPLAINTS**

The Division of Energy, Housing and Community Resources shall accept any complaint concerning the CDBG-DR Action Plan, substantial amendments, and annual performance reports. Complaints should be in written form and should be mailed to:

Division of Energy, Housing and Community Resources, Department of Administration, P.O. Box 7970, Madison, WI 53707-7970

The Division of Energy, Housing and Community Resources shall respond to complaints in writing within fifteen working days. Complaints should be addressed to the Division of Energy, Housing and Community Resources, Department of Administration no later than one year after their comment period expires.<sup>1</sup>

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<sup>1</sup> Editing note: The Final Rule is silent on the length of time within which complaints should be accepted. Given that amendments are generally issued annually, and the action plan is updated annually, a one-year limit on complaints is a reasonable time standard.

## **PROGRAM INCOME**

The State does not intend to implement any programs that generate income as described in 24 CFR 570.489.

If program income is generated, the State of Wisconsin will follow guidance provided in 19. Program income alternative requirement on pages 13 – 14 of 83 FR 6066 (2018). Per that guidance, income received prior to the grant closeout will be utilized as additional CDBG-DR funds in the same manner as other CDBG-DR funds referenced. Any income received after the grant closeout, will be transferred to Wisconsin's annual CDBG award.

## **PRE-AGREEMENT ACTIVITIES**

The provisions of 24 CFR 570.489(b) and 570.200 (h), as clarified by CPD notice 14-17, permits a state to reimburse itself for otherwise allowable costs incurred by itself or its recipients sub grantees or sub recipients on or after the incident of the covered disaster. The provisions at 24 CFR 570.200(h) and 570.489(b) apply to grantees reimbursing costs incurred by itself or its recipients or subrecipients prior to the execution of a grant agreement with HUD. This includes but is not limited to activities supporting program development, action plan development and stakeholder involvement support and other qualifying eligible costs incurred in response to an eligible disaster covered under Public Law 116-20.

DEHCR incurred pre-award costs and is seeking reimbursement for these costs that are reasonable and allowable under this regulation. DEHCR intends to recover the pre-award costs consistent with the authority cited in this section. These costs include the cost for salary, employer fringe benefits, and direct operating cost for each employee based on their individual percentage of time spent on the planning of the CDBG-DR program during a pay period.

## **MONITORING**

DEHCR will use these CDBG Program policies and guidelines in monitoring grantees:

A. Monitoring of local programs is the responsibility of all staff members, and monitoring is an ongoing activity.

B. Monitoring is carried out by on-site reviews; desk reviews of routine or special performance reports; rental compliance; financial audits; other verbal and written exchanges with the Grantee; conversations with Grantee, clients, and fellow funders or partners of the Grantee; etc. At least one of these methods is conducted at least once during the contract per applicable federal or state regulations. DEHCR uses a risk assessment tool or performs individual risk assessments to evaluate grantee performance factors and determine the appropriate level of monitoring.

C. On-site field monitoring visits are conducted per established monitoring formats.

D. Every attempt will be made to provide written notice at least 30 days in advance of the scheduled visit.

E. On-site monitoring visits are coordinated, where possible, for Grantees administering more than one CDBG program. The scope of the on-site monitoring review is as comprehensive as possible, taking into consideration all applicable contractual, program, and state and federal requirements.

F. Every attempt is made to complete and mail out a follow-up monitoring letter within 40 days of the visit. A copy of this letter is sent to the Bureau Director, who will be responsible for alerting other applicable program staff of potential problems.

G. If concerns, deficiencies, or findings are identified the Grantee is asked to take steps to resolve these and respond by letter within 60 days. For HQS [Housing Quality Standards] project deficiencies identified, a rework letter is issued as soon as possible (even prior to the formal monitoring letter) to inform grantees of the project items that need to be corrected. Timely issuance of this letter to stimulate correction of health or safety hazards and to take advantage of the six-month project funding window is important. Appropriate follow up as well as an acknowledgment letter is provided on a timely basis.

H. All monitoring materials, correspondence, etc. are included in the Grantee's official file located at DEHCR.

## GRANTEE CERTIFICATIONS

### Certifications

- a. The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity any activity assisted with CDBG–MIT funding.
- b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The grantee certifies that the Action Plan is authorized under State and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG–MIT funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this notice. The grantee certifies that activities to be undertaken with CDBG–MIT funds are consistent with its action plan.
- d. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in this Notice.
- e. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- f. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- g. The grantee certifies that it has consulted with affected local governments in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the uses of funds, including method of distribution of funding, or activities carried out directly by the State.
- h. The grantee certifies that it is complying with each of the following criteria:
  - (1) Funds will be used solely for necessary expenses related to disaster relief, long-term mitigation, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2015,2016, 2017, and 2018 pursuant to the Robert T. Stafford Disaster Relief and emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
  - (2) With respect to activities expected to be assisted with CDBG-MIT funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
  - (3) The aggregate use of CDBG-MIT funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the grant amount is expended for activities that benefit such persons.

(4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-MIT grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) disaster mitigation grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

- i. The grantee certifies that it grant will conduct and carry out the grant in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations, and that it will affirmatively further fair housing.
- j. The grantee certifies that it has adopted and is enforcing the following policies. In addition, States receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:
  - (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  - (2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- k. The grantee certifies that it (and any subrecipient or administering entity ) currently has or will develop and maintain the capacity to carry out disaster mitigation activities in a timely manner and that the grantee has reviewed the requirements of this notice. The grantee certifies to the accuracy of its Mitigation Financial Management and Grant Compliance certification checklist (Public Laws 115-123) or 116-20 and 115-254 Financial Management and Grant Compliance certification checklist, or other recent certification submission, if approved by HUD, and related supporting documentation referenced at A.1.a under Section V and its Implementation Plan and Capacity Assessment and related submission to HUD referenced at A.1.b under Section V (84 FR 45838) and its Implementation Plan and Capacity Assessment and related submission to HUD referenced at (86 FR 561).
- l. The grantee certifies that it considered the following resources in the preparation of its action plan, as appropriate: FEMA Local Mitigation Planning Handbook: [https:// www.fema.gov/media-library-data/20130726-1910-25045-9160/fema\\_local\\_mitigation\\_handbook.pdf](https://www.fema.gov/media-library-data/20130726-1910-25045-9160/fema_local_mitigation_handbook.pdf); DHS Office of Infrastructure Protection: [https:// www.dhs.gov/sites/default/files/ publications/ip-fact-sheet-508.pdf](https://www.dhs.gov/sites/default/files/publications/ip-fact-sheet-508.pdf); National Association of Counties, Improving Lifelines (2014): [https:// www.naco.org/sites/default/files/ documents/NACo\\_ResilientCounties\\_ Lifelines\\_Nov2014.pdf](https://www.naco.org/sites/default/files/documents/NACo_ResilientCounties_Lifelines_Nov2014.pdf); the National Interagency Coordination Center (NICC) for coordinating the mobilization of resources for wildland fire: [https:// www.nifc.gov/nicc/](https://www.nifc.gov/nicc/); the U.S. Forest Service’s resources around wildland fire ([https://www.fs.fed.us/managing-land/ fire](https://www.fs.fed.us/managing-land/fire/)); and HUD’s CPD Mapping tool: <https://egis.hud.gov/cpdmaps/>.

- m. The grantee will not use grant funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the State, local, or tribal government or delineated as a special flood hazard area (or 100-year floodplain) in FEMA’s most recent flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the State, local and tribal government land use regulations and hazard mitigation plan and the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
  
- n. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
- o. The grantee certifies that it will comply with environmental requirements at 24 CFR Part 58.
- p. The grantee certifies that it will comply with applicable laws.

[Signed Certifications submitted to HUD]

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

Joel Brennan, Secretary, State of Wisconsin Department of Administration