



# County of Lexington, South Carolina

## Community Development Block Grant Disaster Recovery

### **ACTION PLAN** Updated: January 30, 2017

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## 1.0 Executive Summary

The Disaster Relief Appropriations Act of 2016 (Pub. L. 114-113, approved December 18, 2015) was enacted to appropriate federal funds for disaster relief. The law provides that grants shall be awarded directly to a State or unit of general local government (UGLG) at the discretion of the Secretary. To comply with statutory direction that funds be used for disaster-related expenses in the most affected and distressed areas, funds are allocated using the best available data that cover all of the eligible affected areas. To this end, the Act appropriated \$300 million in Community Development Block Grant Disaster Recovery (CDBG-DR) funds to be made available to the several states that received major disaster declarations in 2015 by the President of the United States. The funds are to be used to satisfy portions of unmet need that still remain after assistance from other federal, state and local assistance, insurance, non-profit, community or religious based organizations and/or other private or public funding has been allocated.

The Act allocated \$16,322,000 for disaster recovery efforts in Lexington County. Additionally, the State of South Carolina, the City of Columbia, SC and Richland County, SC each received a direct allocation of the funds. The Congressional allocations to South Carolina jurisdictions totaled \$156,664,000. In accordance with the Act, the state or local government must expend the funds within six years of the signed agreement between HUD and the grantee. Only with approval from HUD can these expenditures extend beyond the designated deadline. All funds must be used for eligible disaster-related activities, and as is the case with annual appropriations of CDBG Funds, 70% of all CDBG-DR funding must benefit low-to-moderate income households.

Expenditures of all CDBG and CDBG-DR funds must meet one of three national objectives: 1) benefit to low-to-moderate income households, 2) elimination or prevention of slums and blight, and 3) urgent need. As required by HUD, this action plan is submitted to outline our assessment of unmet needs in the areas of housing, infrastructure, and economic development. Additionally, the plan outlines the county's allocations for effectively addressing outstanding recovery needs, proposed use of funds, eligibility criteria, and other aspects of the County's long-term recovery.



The following chart depicts the county's proposed allocation of CDBG-DR funds to meet unmet recovery needs in the community.

Lexington CBDG-DR Funding		
Activity	Allocation	Percentage of Total Funding
Disaster Recovery Program Planning	\$250,000	1.5%
Disaster Recovery Program Administration	\$630,000	3.9%
Public Infrastructure Improvements	\$3,000,000	18.4%
Housing Buy-outs & Acquisitions	\$10,000,000	61.2%
Minor Rehabilitation of Owner Occupied Housing	\$2,452,000	15.0%
<b>Total Funding Available</b>	<b>\$16,332,000</b>	<b>100%</b>



## 2.0 Introduction

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In late September 2015, discussions of a serious storm threatening the midlands of South Carolina were underway. Local government jurisdictions were talking with personnel from the State Emergency Management Division, staff from the National Weather Service, local news media and emergency response personnel about the potential for severe damages throughout the community. Preparations were made in case a response was needed.

On the evening of October 1<sup>st</sup>, as the rain continued to fall, Governor Nikki Haley issued a Declaration of a State of Emergency throughout South Carolina. Over the next 72 hours, as the storm intensified, trees began to topple and citizens grew more nervous, the Emergency Management Division of the County of Lexington closely monitored the events occurring throughout the county – hoping things would improve, yet suspecting the situation would get worse before it got better. That suspicion soon became truth and at approximately 5:30 a.m. on October 4<sup>th</sup>, the County of Lexington Emergency Operations Center reached OPCODE 1 (operation condition 1), the center was brought to full operational level and the first responders throughout the county were staged and ready to respond. At approximately 9:00 a.m. that morning, the first of the emergency shelters opened. Citizens who were in need of shelter and/or other immediate assistance, and were able to get about, were directed to those shelters.

Over the course of that morning, numerous efforts were put forth to notify the citizens of Lexington County's communities of the severity of the situation. At approximately 1:48 p.m. an evacuation notice was issued for residents of the Whispering Wind area. Again, at 4:26 p.m. residents along the Saluda and Congaree Rivers received evacuation notices; at 5:18 p.m. an evacuation notice specific to Riverland Park (a subdivision adjacent to the Congaree River) was issued.

As the sun set on October 4<sup>th</sup>, the rains continued to fall and the waterways continued to rise. At 1:20 a.m. on October 5<sup>th</sup>, emergency responders evacuated eighty-seven (87) residents of the Pineglen neighborhood. Less than 5 hours later, the South Carolina Electric & Gas Company opened three (3) spillway gates at the Lake Murray Dam, and the Saluda River continued to swell at a rapid pace. At 9:52 a.m., an evacuation notice was issued to all remaining residents of Pineglen. Approximately 50 minutes later, an evacuation notice went out to residents along the adjacent Bush River Road corridor and at 11:04, residents along St Andrews Road received an evacuation notice. Finally, at 11:48 a.m. an evacuation notice was sent to all those residing in the Saluda River area. Both Bush River Road and St. Andrews Road run close by and parallel



to the Saluda River. On October 5, 2015, President Obama issued a Federal Disaster Declaration for 24 counties in South Carolina activating federal resources and funding aid. On October 20, 2015, a Public Meeting was scheduled and notices were posted on each home suspected of flooding by the County. The public meeting was attended by approximately 400 citizens as well as County and state officials, representatives from FEMA, and various Local Media outlets.

As the waters finally began to subside, County of Lexington personnel began the task of assessing the damage. Within several days, aerial photography over the most impacted areas was completed, and staff from the GIS/Mapping Department began updating maps to identify areas where damage assessment was needed. Personnel from the County Assessor's office, the County Public Works Department and the County Building Inspections and Safety Division began to determine the extent of the damages to residences, non-residential structures, public facilities and public infrastructure. Shortly thereafter, these personnel began the task of completing Initial Damage Estimates of all structural and infrastructure damage in the County. During this time, shelters remained open and first responders worked to insure the safety of our citizens. Soon, with the assistance of personnel from FEMA and from an outside contractor brought in by the county, the process of completing FEMA Substantial Damage Assessments began.

Initially maps created by first responders were key in developing an area of concentration. The Assessor's office then worked to complete a more in depth investigation of each home that had possible flood damage for the Initial Damage Assessment. Between October 7 and October 15, 2015, appraisers from the County's Tax Assessor's office conducted the initial damage assessment. The appraisers broke up into teams and a building inspector from the County of Lexington Department of Community Development accompanied each team. Teams went door to door in the affected areas to conduct the initial damage assessment. At a minimum, during this process the teams gathered data such as physical address, structure type, and water levels. When available, teams collected other appropriate available data. Data collected was made available to Federal Emergency Management Agency personnel in the area.

Using all of the collected data, the County took advantage of a robust GIS system and staff to prepare a desktop assessment of all homes in the regulatory floodplain. This desktop assessment resulted in the development of a comprehensive list of homes to investigate for the Substantial Damage Assessments (SDA). The SDA included residential and commercial structures and only structures inside the 100-year floodplain and in the unincorporated areas of the county were included. Municipalities were responsible for the completion of their SDA.



On October 22, 2015, the first field teams went out to collect data for the Substantial Damage Assessment. There were seven (7) teams comprised of County employees from Public Works, Community Development and the Assessor's Office, as well as AMEC Foster Wheeler employees. On the first day, the teams worked in pairs to work through the data collection process and maintain consistency. Multiple teams continued to go out to assess damage until November 3, 2015. After the majority of the data was collected only one team continued with damage assessments in order to collect missing or previously unattainable data. FEMA Flood Inundation Maps from the October flooding event were also used to help identify other areas of potential damage. The teams collected field data until December 16, 2015.

The AMEC Foster Wheeler consulting firm managed the County's substantial damage assessment. Field personnel include staff from the County of Lexington Public Works Department, including members of the Storm Water Management group, the County Tax Assessor's Office, County Community Development Office, and AMEC Foster Wheeler. Lexington County Planning and GIS assisted with the data dissemination for the field teams and the collection of data at the end of the day. FEMA's Substantial Damage Estimator (SDE) software was utilized to collect the field data. Existing GIS datasets such as address points, parcels, FEMA floodplains, and LiDAR elevation datasets were used to generate the first set of base data that was uploaded into FEMA's SDE application. Then the field teams collected all of the other data to populate the application and generate the completed report for each home. This data was then quality controlled by AMEC Foster Wheeler.

Once the percent of damage from the Storm Event was ascertained from each assessed structure, this information was used to issue floodplain permits to rebuild and/or repair homes that were damaged less than 50% of the market value. Rehabilitation to any home damaged more than 50% of the market value required the structure be brought into compliance with current floodplain regulations.

As a result of the October 2015 storm event, the County of Lexington was allocated \$16,332,000 as part of Section 420 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations action, of 2016, under Public Law 114-113 and approved December 18, 2015, which made available total funding of \$300 million in Community Development Block Grant (CDBG) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2015. These funds are commonly referred to as Community Development Block Grant – Disaster Recovery or CDBG-DR funds.





Additionally, *Public Law 114-113* states “each grantee must submit an Implementation Plan that describes the grantee’s capacity and ability to manage the CDBG-DR program”. The Implementation Plan was submitted to HUD on July 21, 2016 and is available for review on the County’s Disaster Recovery webpage. In addition to the Implementation Plan, the regulation requires each grantee to submit an Action Plan. The Action Plan must describe the grantee’s plans to carry out the recovery, including the operational and program management functions relative to CDBG-DR funding. The following document has been prepared in compliance with these requirements and constitutes the County of Lexington’s *Disaster Recovery Action Plan (Action Plan)*. The Action Plan establishes how the County will implement the CDBG-DR program effectively and responsibly as stated with *PL 114-113*. We believe this plan offers the most effective and efficient opportunity to use these funds towards helping the citizens of this County to recover.

In conclusion, the Storm Event of October 2015 was indeed a catastrophic event that drastically affected citizens throughout South Carolina. The midlands region was hardest hit, and Lexington County citizens, as well as many of our neighbors across the region, suffered greatly. Eventually, the rains stopped, the water subsided and many citizens were able to get back to their “normal” lives. However, for some, normalcy still has not returned. For many of the citizens of Pineglen, as well as those in nearby Whitehall, Challedon and Coldstream, the “storm” still rages as they try to put back together the pieces of their lives. While the children may be back in school, and the parents might have returned to work, they find themselves living in a home that is not the home they were in on October 3. In some cases, they may be in the same building, on the same piece of land but it is no longer home. We believe this Action Plan provides the best next step in Lexington County’s Disaster Recovery.



## 3.0 Needs Assessment

The CDBG-DR program is considered a “gap” funding source and is intended to assist with recovery needs not covered by other public and private funding sources. While recovery efforts have continued without interruption since October 2015, many impacts remain unaddressed due to several primary factors including: the profound extent and diversity of the damages to housing, infrastructure, and the economy; the unique conditions and vulnerabilities of Lexington County’s residents and businesses; and the limitations of available funding assistance. This unmet need assessment provides essential information to better understand the most impacted areas and populations in the County, and guides development of the most effective recovery programs and priorities.

This section describes Lexington County’s preliminary assessment of unmet recovery needs resulting from the October 2015 severe storm and flooding disaster (DR 4241). When major disasters occur, a significant amount of data and information must be collected and analyzed from numerous agencies, departments, and organizations. Accessing and compiling information on impacts and recovery resources can be a significant challenge due to varying quality, availability, formatting, and timing of different sources. Estimates of unmet needs are based on the best available information as of January 2017, and represent the County’s initial calculation of remaining recovery gaps. This assessment should be considered a living document that will be updated as additional information becomes available.

Unmet needs were estimated through a comparison of financial impacts of the qualified disaster event with subsequent recovery funding that has been received or is anticipated. This assessment incorporates data from the following key sources:

- Federal Emergency Management Agency (FEMA)
  - Individuals Assistance Program (IA)
  - Public Assistance Program (PA)
  - Hazard Mitigation Grant Program (HMGP)
- Small Business Administration (SBA)
- National Flood Insurance Program (NFIP)
- Lexington County Substantial Damage Assessments (SDA)
- Departmental reports and studies
- Engineering estimates
- Public and Stakeholder outreach and feedback.

This assessment is organized into the following categories: Housing, Public Facilities & Infrastructure and Economic Development. Identifying and documenting the needs across these



three core areas allowed the County to strategically allocate limited resources to address the most critical recovery needs while also making proactive resilience investments to minimize impacts of future flood events.

### 3.0.1 Summary of Funding Assistance Received or Expected

While the impacts of the disaster far outweigh the available funding, Lexington County greatly appreciates the contributions and resources provided by the numerous organizations that have assisted with ongoing recovery efforts. Assistance from these recovery partners has allowed for completion of a number of critically important projects including home repairs, debris removal, social services and public facilities & infrastructure repairs among many others. The table below details the various funding that has been provided, or is anticipated, to assist the County and its residents with a full recovery from the October 2015 storm.

Summary of Financial Assistance Received or Anticipated				
Assistance Program	Housing	Public Facilities & Infrastructure	Economic Development	Total
FEMA IA	\$5,059,031.92			\$5,059,031.92
FEMA PA		\$2,347,912.14		\$2,347,912.14
FEMA (HMGP)	\$1,500,775.37			\$1,500,775.37
SBA	\$9,990,800.00		\$1,372,400.00	\$11,363,200.00
NFIP	\$10,387,803.00			\$10,387,803.00
CDBG	\$37,000			\$37,000
<b>Total</b>	<b>\$26,975,410.29</b>	<b>\$2,347,912.14</b>	<b>\$1,372,400.00</b>	<b>\$30,733,722.43</b>



### 3.0.2 Unmet Need Summary

Through the review of best available data and information, **Lexington County identified a total of \$54,849,886 in unmet recovery needs.** Of these needs, housing assistance was identified as the largest area of unmet need followed by infrastructure, and then economic development. It is critical to understand that these figures should only be considered as initial estimates based on the available information at the time this plan was developed. Many impacts are very difficult or impossible to quantify and others cannot be identified at this time due to missing data. As such, the figures presented in this section are to be considered only as preliminary estimates and not as definitive facts regarding the true unmet needs in the County.

The table below provides a summary of estimated unmet needs in Lexington County across the core areas of housing, public facilities & infrastructure, public services and economic development.

Summary of Unmet Needs	
Recovery Area	Remaining Unmet Need
Housing (Rehab)	\$3,891,945
Housing (Buy-outs)	\$31,150,295
Economic Development	\$2,616,688
Public Facilities & Infrastructure	\$17,190,957.86
<b>Total</b>	<b>\$54,849,886</b>



### 3.1 Unmet Housing Needs

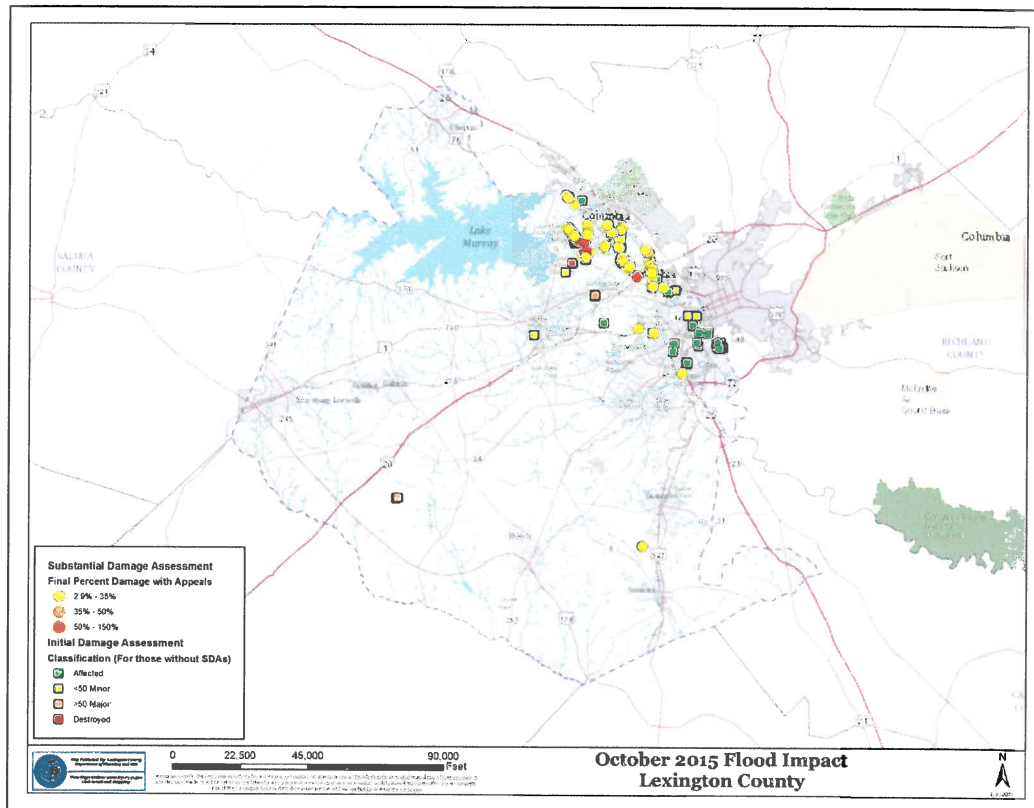
To begin the unmet housing needs analysis, the County has gathered data from FEMA, NFIP, SBA, volunteer organizations in the area as well as significant data provided by multiple County Departments active in the disaster recovery efforts. Below are summary tables that identify the type of assistance provided to-date from each agency.

The vast majority of homes damaged as a result of the October 2015 storm event(s) were located in four specific subdivisions within the same general geographic area of the county. This geographic area is in the northeastern section of the County. This section of the County is bordered on the west by the Saluda River and Lake Murray, on the north by Lake Murray and Richland & Newberry Counties, on the east by Richland County and the City of Columbia, and on the south by Interstate 26 and the Saluda River. This area is sometimes referred to as the Irmo area and sometimes as the St. Andrews Road and/or Harbison area. According to the US Postal Service, the area is part of their Columbia service area. For this reason, there is no widely accepted geographic identifier for the area that includes these subdivisions. These subdivisions are commonly referred to as:

- **Pineglen**
- **Challedon**
- **Whitehall**
- **Coldstream**

These subdivisions are among the oldest suburban areas of the County with development beginning in late 1960's to early 1970's, with a large percentage of the homes built before the advent of zoning regulations and/or flood maps in the area. A large percentage of the homes in these subdivisions are ranch style homes, one-story, two-story and/or tri-level design, usually built on a slab style foundation.





In addition to the Saluda River and Lake Murray, which provide boundaries for the area, there are several major creek systems that run through the area, most running through or adjacent to the above-named subdivisions. Among those water systems are Rawl's Creek, which runs through the Coldstream Subdivision and Kinley Creek, with its K-1 and K-2 tributaries, which run through Pineglen, Challedon and Whitehall. Kinley Creek intersects with the Saluda River within approximately 500 yards of Pineglen. This convergence often creates a situation where high volumes of water coming down the river, coupled with high volumes of water flowing down the creek, causes water to flood the area – at times engulfing many of the homes in the area. In many cases, because of the erosion of the fast-flowing water, the creek has widened into the yards of homeowners so that now the banks of the creek are frequently within 10 to 15 feet of the residential footprint. The water flow through the Kinley Creek system and the Rawl's Creek system is heavily influenced by the tremendous development of the surrounding area. Particularly with the Kinley Creek system, much of the water flow increase is influenced by up-stream growth in Richland County and the expansion of the adjacent I-26. In this case, Lexington County has little to no input in how that up-stream development is designed and/or managed.



In the Spring and Summer of 2015, under the Planning Assistances to States (PAS) program, Lexington County and the United States Army Corps of Engineers partnered to study the long-term issues related to flooding along Kinley Creek and its tributaries K-1 and K-2. The results of this study were published in August of 2015 and are available on the County's website. The report concluded that flooding within this area of Lexington County has been documented as early as 1974, and can be attributed to a myriad of causes, including a historical lack of storm water management and residential development within the floodplain. Multiple houses have experienced repetitive flood damages.

The study and subsequent report analyzed the hydraulic and hydrologic conditions for Kinley Creek below Harbison Boulevard, and tributaries K-1 and K-2 respectively. Management measures addressing flooding were screened, combined into various alternatives, and modeled to determine potential drop in surface water elevation and effectiveness in removing existing structures out of the floodplain. Alternatives were also compared with respect to cost.

Due to the geographic variability and build out of the project area, no single alternative proved cost effective to both reduce flooding and remove structures out of the floodplain. The report recommended that implementation of the following measures would address the flooding within the project area:

- Focus on protecting structures in the 10-Yr. floodplain
- Acquire structures that have a history of repetitive losses
- Modify channel adjacent to Broken Hill Road and downstream of Piney Grove Road
- Construct pond offline of K-1

These initial steps would lower surface water elevations within portions of the floodplain and remove structures out of the floodplain. Unfortunately, none of these measures could be initiated prior to the October 2015 storm event.

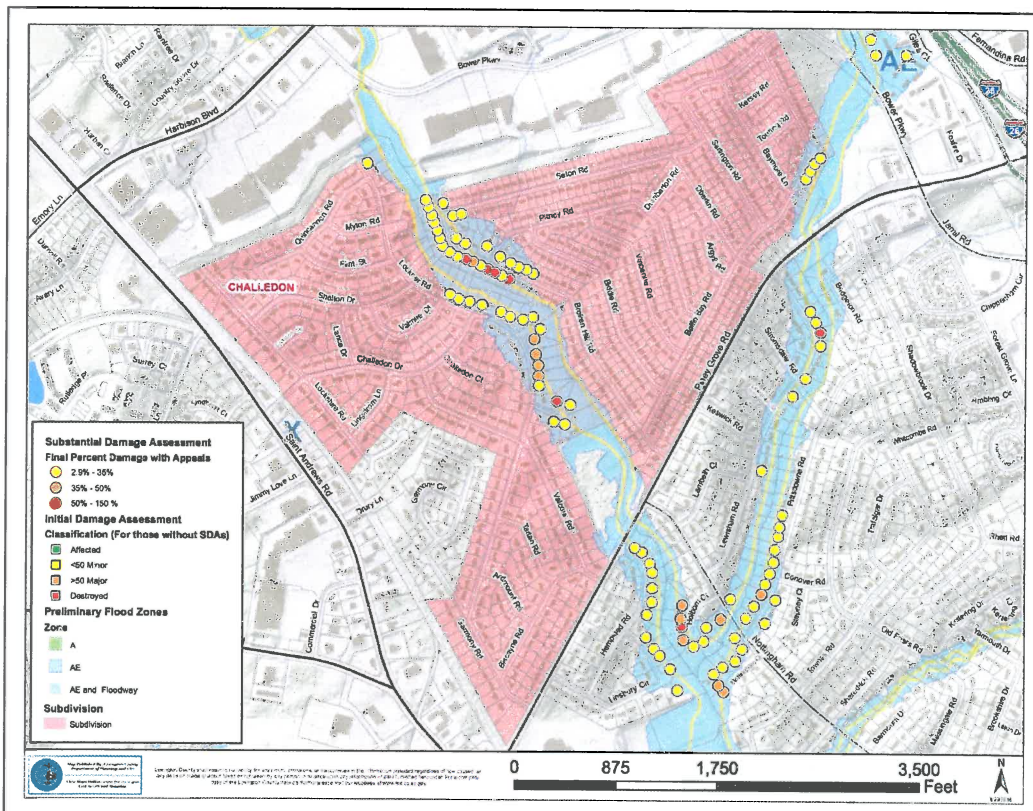
Each of the four named neighborhoods has been identified as a *Disaster Risk Reduction Area*, as defined in P.L.114 - 113. Under the regulatory criteria for determining the *Disaster Risk Reduction Areas*, these neighborhoods each meet the following criteria 1) create hazardous living conditions that were exacerbated by the October 2015 storms and are part of the Presidentially declared disaster and 2) the hazardous conditions create a predictable environmental threat to the safety and well-being of area residents. Descriptions and maps of each neighborhood, identifying the *Disaster Risk Reduction Areas*, are provided on the following pages along with additional details of each neighborhood.



### 3.1.1 Challedon

Within the Challedon neighborhood, 50 homes were assessed as part of the County’s Substantial Damage Assessment (SDA) efforts. The average percentage of housing damage, compared to the housing value, was 28.72%. Five homes were identified as being substantially damaged with percent damages ranging from 63.4% to 94% damage. As of the date of this Action Plan publication, building permits have been issued for the rehabilitation of 24 homes in the neighborhood.

The average pre-storm value of homes in this neighborhood is \$93,804, which puts the average damage calculation at \$26,941 per household. Given the number of permits already issued, there exists a minimum of \$700,466 in housing rehabilitation needs. However, the County has identified this neighborhood as a *Disaster Risk Reduction Area* with a high priority for residential buy-outs. As such, utilizing the SDA data for the 50 homes and the average pre-storm value, there is a potential buy-out need of \$4,690,200 which does not include the costs to clear these lots or any additional incentives that may be provided to homeowners and/or renters in these homes. This neighborhood was the only LMI Area, as defined by HUD, within the County of Lexington that experienced significant storm impacts. Per HUD data, 66% of the households in this area are considered low-to-moderate income.

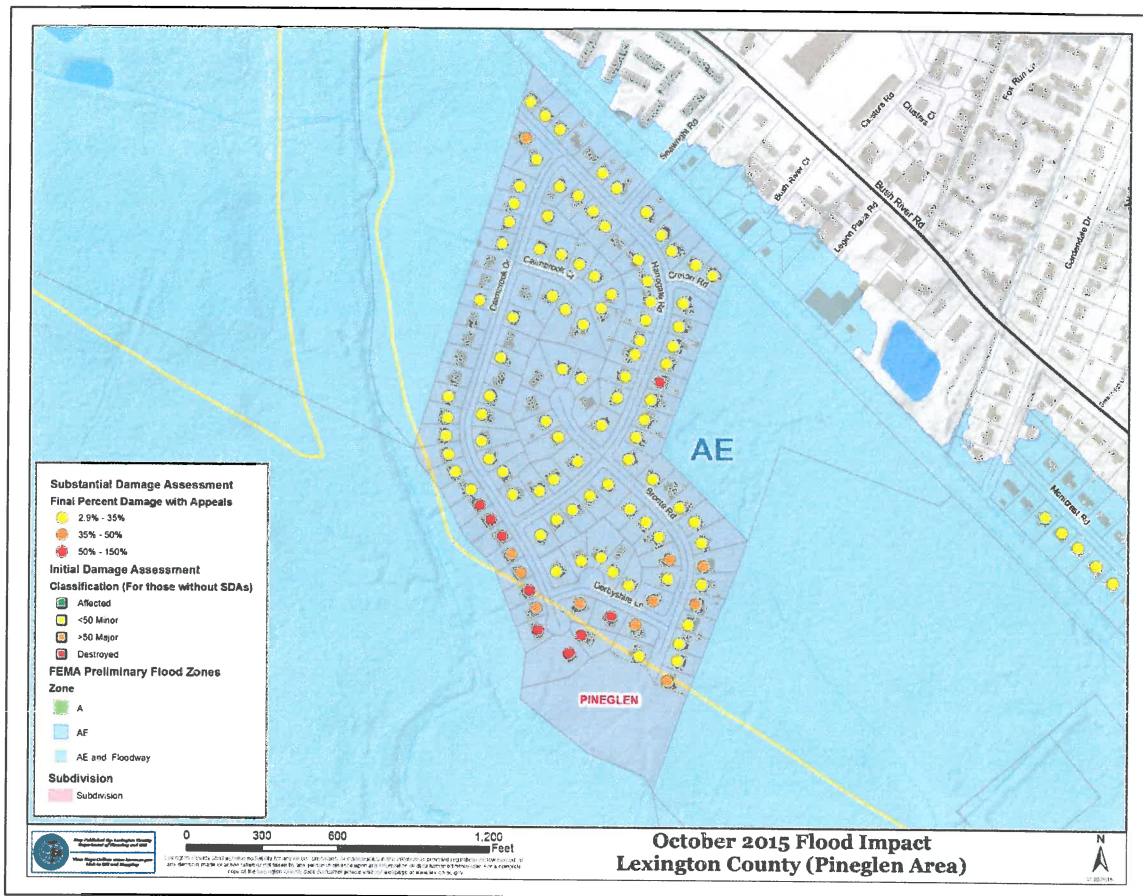




### 3.1.2 Pineglen

Within the Pineglen neighborhood, 111 homes were assessed as part of the County’s Substantial Damage Assessment (SDA) efforts. The average percentage of housing damage, compared to the housing value, was 25.04%. Nine homes were identified as being substantially damaged with percent damages ranging from 57.5% to 100% damage. As of the date of this Action Plan publication, building permits have been issued for the rehabilitation of 82 homes in the neighborhood.

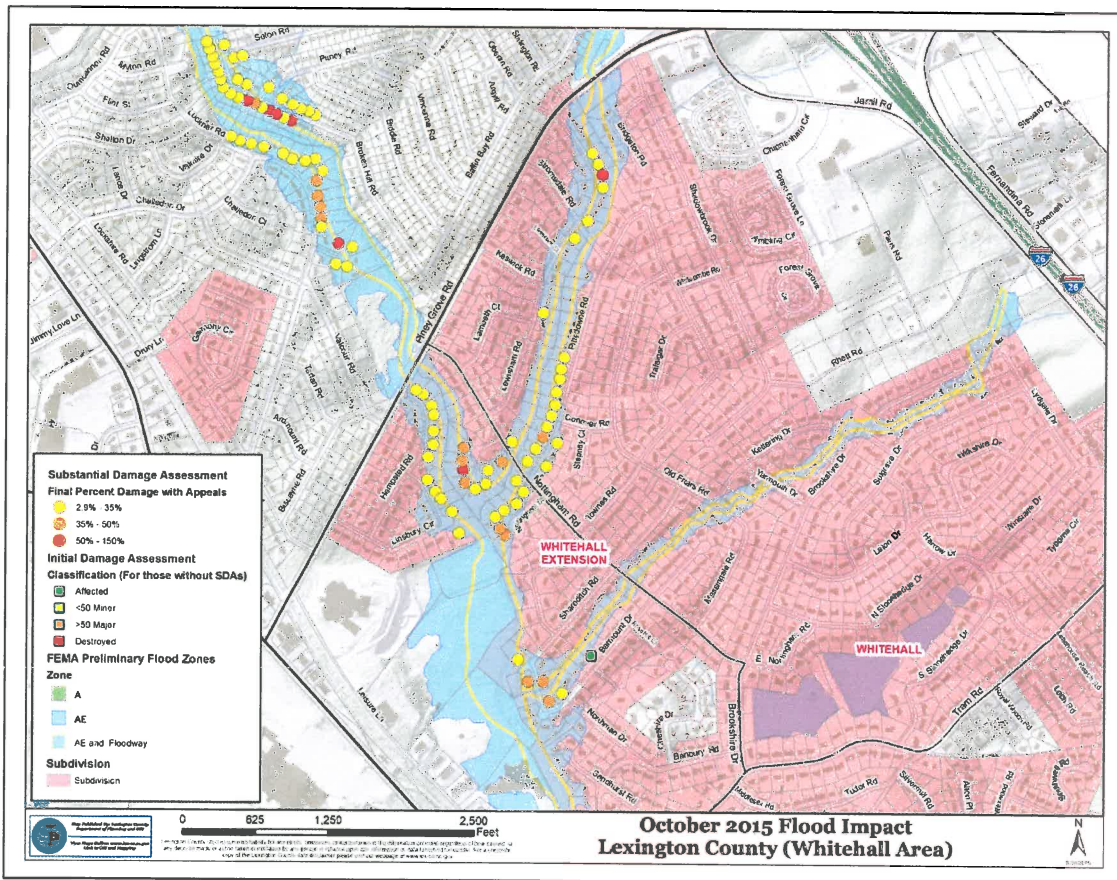
With an average pre-storm value of homes in this neighborhood of \$77,495, the average damage calculation is \$19,405 per household. Given the number of permits already issued, there is at least \$562,745 in housing rehabilitation needs. However, the County has identified this neighborhood as a *Disaster Risk Reduction Area* with a high priority for residential buy-outs. As such, utilizing the SDA data for the 111 homes and the average pre-storm value, there is a potential buy-out need of \$8,601,945 which does not include the costs to clear these lots or any additional incentives that may be provided to homeowners and/or renters in these homes. Per HUD data, 46% of the households in this area are considered low-to-moderate income.



### 3.1.3 Whitehall

Within the Whitehall neighborhood, 52 homes were assessed as part of the County’s Substantial Damage Assessment (SDA) efforts. The average percentage of housing damage, compared to the housing value, was 20.58%. Two homes were identified as being substantially damaged with percent damages of 57.7% and 81.0% damage. As of the date of this Action Plan publication, building permits have been issued for the rehabilitation of 29 homes in the neighborhood.

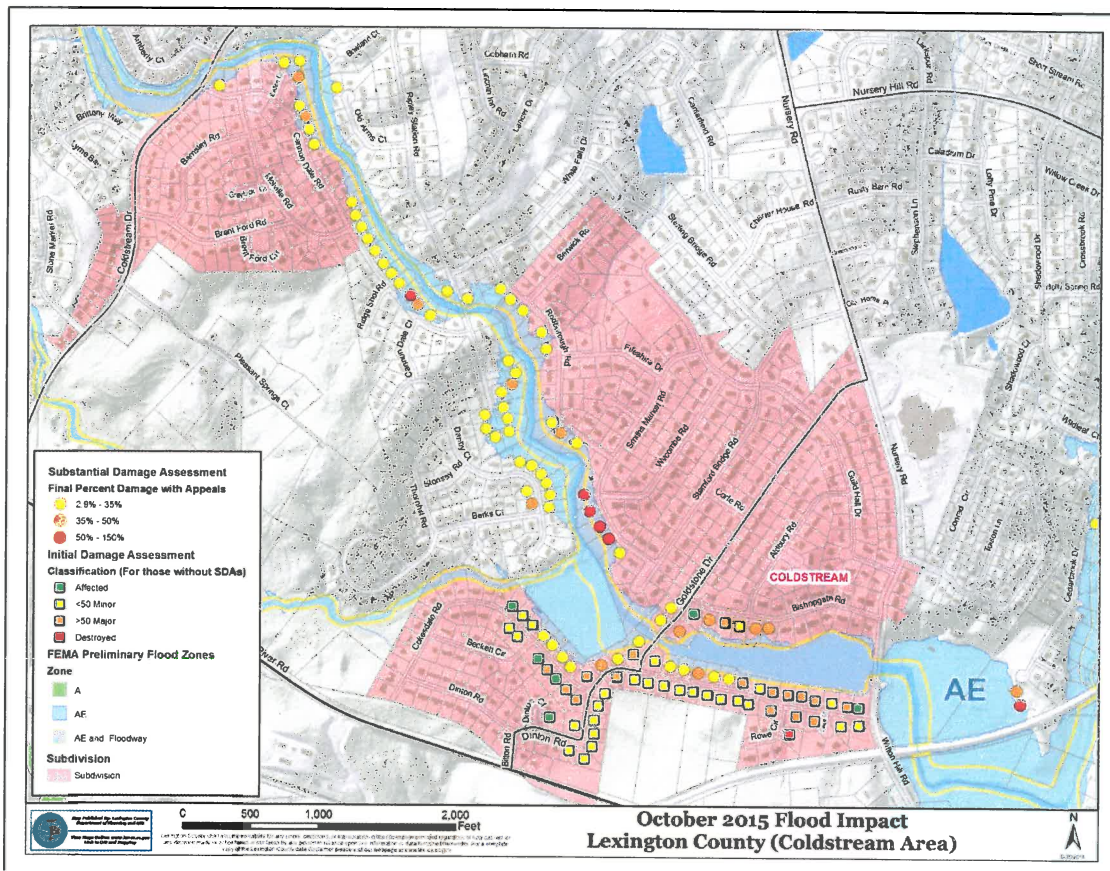
The average pre-storm value of homes in this neighborhood is \$135,457. Thus, the average damage calculation is \$27,877 per household. Given the number of permits already issued, there exists a minimum of \$641,172 in housing rehabilitation needs. However, the County has identified this neighborhood as a *Disaster Risk Reduction Area* with a high priority for residential buy-outs. As such, utilizing the SDA data for the 52 homes and the average pre-storm value, there is a potential buy-out need of \$7,043,764 which does not include the costs to clear these lots or any additional incentives that may be provided to homeowners and/or renters in these homes. Per HUD data, 10% of the households in this area are considered low-to-moderate income.



### 3.1.4 Coldstream

Within the Coldstream neighborhood, 72 homes were assessed as part of the County’s Substantial Damage Assessment (SDA) efforts. The average percentage of housing damage, compared to the housing value, was 25.15%. Five homes were identified as being substantially damaged with percent damages ranging from 69.0% to 100.0% damage. As of the date of this Action Plan publication, building permits have been issued for the rehabilitation of 45 homes in the neighborhood.

Given the average pre-storm value of homes in this neighborhood of \$134,623, the average damage calculation is \$33,858 per household. Considering the number of permits already issued, there is at least \$914,157 in housing rehabilitation needs. However, the County has identified this neighborhood as a *Disaster Risk Reduction Area* with a high priority for residential buy-outs. As such, utilizing the SDA data for the 72 homes and the average pre-storm value, there is a potential buy-out need of \$9,692,856 which does not include the costs to clear these lots or any additional incentives that may be provided to homeowners and/or renters in these homes. Per HUD data, 27% of the households in this area are considered low-to-moderate income.



### 3.1.5 Other Housing Needs

In addition to the four neighborhoods identified above, the County completed an additional 65 Substantial Damage Assessments for homes across the County. The average percentage of housing damage, compared to the housing value, was 18.16%. One home was identified as being substantially damaged with damage of 50.4%. As of the date of this Action Plan publication, building permits have been issued for the rehabilitation of 26 homes in the county, excluding those in the four previously mentioned areas.

The average pre-storm value of damaged homes, outside of the previously identified neighborhoods, is \$151,562, which makes the average damage calculation \$27,523 per household. Given the number of permits already issued, there exists a minimum of \$1,073,397 in housing rehabilitation needs for homes outside the four identified neighborhoods that were the hardest hit communities.

### 3.1.6 FEMA IA Assistance

Immediately following the storm, FEMA provided funding to home-owners and renters through its Individual Assistance program. These funds were provided as grants for one time assistance for households needs following the storm as well as home repairs as needed. Through this program FEMA assisted 4,034 owner-occupied households in Lexington County with an average assistance of \$912.53.

Owner Occupied Housing Assistance provided by from FEMA Individual Assistance (IA)			
Total Owner Households Assisted	Total Destroyed Owner Households	Total Repair/ Replacement Assistance Award	Average Replacement/Repair Assistance Provided
4034	2	\$3,681,150.63	\$912.53



Also through the Individual Assistance program, FEMA provided assistance to 1,177 renter-occupied households an average assistance of \$1,170.67.

Rental Housing Assistance provided by FEMA Individual Assistance (IA)			
Total Renter Households Assisted	Total Destroyed Renter Households	Total Rental Assistance Award	Average Rental Assistance Provided
1177	0	\$1,377,881.29	\$1,170.67

### 3.1.7 National Flood Insurance Program (NFIP) Claims

The National Flood Insurance Program (NFIP) provides additional information regarding locations and extents of damages in the County. As of January 2017, 310 claims had been filed through the NFIP, and a total of \$10,387,803 had been provided to Lexington County residents. The average claim amount to date has been \$41,385. When comparing the 310 total NFIP claims with the more than 400 homes with assessed damages from the County's Substantial Damage Assessments, it becomes clear that a significant number of homes in the County were damaged that did not have flood insurance.

National Flood Insurance Program (NFIP)				
Households w/ Filed Claims	Households w/ Paid Claims	Total Claims Paid	Average Claim Paid	Total Denied Claims (based on average of approved)
310	251	\$10,387,803	\$41,385	\$2,441,754



### 3.1.8 Small Business Administration (SBA) Loans

SBA loans are another key source of information for estimating unmet needs. Unlike FEMA damage inspections, SBA damage assessments and loans represent the full damage to the home and the amount necessary to fully repair it back to pre-storm conditions. For this reason, SBA data are typically used to calculate an average rebuild cost and unmet needs. As of January 2017, SBA had provided \$9,990,800 in low interest loans for homeowners. Unfortunately, information regarding the total number of loans approved and individual loan amounts was not available at the time this plan was developed.

Small Business Administration Disaster Loan Program (Residential Assistance)					
	Applications Received	Applications Approved	Approved Amount	Average Loan	Total denied loans (based on average of approved)
Home Loan Applications	769	380	\$9,990,800	\$26,292	\$10,227,424

### 3.1.9 Volunteer Organizations Active in Disaster (VOADs)

The Midlands Long Term Recovery Group, led by the United Way of the Midlands in partnership with several Volunteer Organizations Active in Disaster (VOADs), has provided the following update as of December 2016. Their case managers currently have 74 open cases in Lexington County with applicants seeking assistance with the rehabilitation of their homes impacted by the October 2015 storm. To-date, these organizations have completed or have started the rehabilitation of 32 homes in Lexington County.



### 3.1.10 Public Housing, Housing for Persons with Special Needs & Homeless Shelters

In addition to the SDA efforts, the County made efforts to meet with local providers of public housing, special needs housing and housing services as well as the local homeless Continuum of Care organization. Each of these organizations provided feedback related to how the storm impacted their organizations and clients.

The Cayce Housing Authority, managed and operated by the Columbia Housing Authority (CHA) owns and manages 41 units of public housing in the City of Cayce. These are the only public housing units in Lexington County. Working with the CHA, it was determined that no public or HUD-assisted housing units were damaged during the storm of October 2015. Additionally, only one multi-family rental housing complex was impacted by the storm. County staff contacted the owner of the complex and confirmed that the damaged apartments have been rehabilitated using private insurance funding.

Lexington County staff also met with leadership from the Midlands Area Coalition on Homelessness (MACH) to determine the extent of storm impacts on the are homeless population and on local homeless shelters and service providers. Due to limited resources and results of the unmet needs assessment, Lexington County is prioritizing housing resources for the rehabilitation of single family homes and buy-outs for residences within the Disaster Risk Reduction Areas. Therefore, the County will not be assisting homelessness directly through CDBG-DR funding. However, Lexington County has provided \$37,000 of Community Development Block Grants (CDBG) funds to Transitions Homeless Recovery Center which provides services to homeless persons in Lexington County. The center also receives financial assistance through a County general fund budget allocation.

At this time, it is the County's determination that there is no remaining unmet need for residents of public housing, multi-family housing or organizations serving the homeless and special needs populations. However, should needs be identified, CDBG-DR assistance may be made available through an amendment to this Action Plan.



### 3.1.11 Housing Unmet Need Calculation

HUD defines unmet housing needs as the number of housing units with unmet needs times the estimated cost to repair those units, less repair funds already provided. As a result of extensive community outreach and review of available data, Lexington County has estimated that a minimum of 144 homes remain in need of repair representing approximately **\$3,891,945 in unmet homeowner needs**. In addition, it is estimated that 350 households may benefit from participating in a buy-out program that would move home owners out of flood prone areas. As such, there is a potential unmet need for buy-outs of **\$31,150,295**.

Summary of Unmet Housing Needs		
Neighborhood	Unmet Rehab Need	Unmet Buy-out Need
Challdon	\$700,466	\$4,690,200
Pineglen	\$562,745	\$8,601,945
Whitehall	\$641,171	\$7,043,764
Coldstream	\$914,166	\$962,856
Balance of County	\$1,073,397	\$9,851,530
<b>Total</b>	<b>\$3,891,945</b>	<b>\$31,150,295</b>





### 3.2 Unmet Public Facilities & Infrastructure Needs

In addition to homes and businesses being impacted, a variety of public facilities and public infrastructure were damaged as a result of the October storms. Several public facilities received minor damage including the County Administration Building and the public restroom facilities at the Saluda Shoals Park; the latter is managed by the Irmo-Chapin Recreation Commission. Both of these facilities have been repaired using local resources.

Across the County, public and private infrastructure assets were more severely damaged than the above identified facilities. Damaged infrastructure included more than twenty miles of public roads that were severely damaged, three public bridges were determined un-safe and have been closed, and 24 private dams were damaged. At least 16 roads are still closed due to storm damage, 8 private dams have not been substantially rehabilitated, and the three bridges are still closed due to safety concerns. The County identified \$19,538,871 in estimated costs associated with repairs and mitigation efforts as a result of the storm. Applications for Public Assistance (PA) funding from FEMA have been made in the categories shown in the table below.

Facilities & Infrastructure FEMA Public Assistance (PA)			
Public Assistance Category	Identified Need	Funded (Federal Share)	Unmet Need
Debris Removal (A)	\$113,580.00	\$79,215.23	\$34,363.77
Emergency Response (B)	\$1,316,606.00	\$571,112.27	\$745,493.73
Roads & Bridges (C)	\$5,900,000.00	\$1,689,420.86	\$4,210,579.14
Water Control Facilities (D)	\$1,415,000.00	\$0.00	\$1,415,000.00
Buildings & Equipment (E)	\$149,894.00	\$8,163.78	\$141,730.22
Utilities (F)	\$756,700.00	\$0.00	\$756,700.00
Other (G) (includes road mitigations)	\$9,887,091.00	\$0.00	\$9,887,091.00
<b>Total</b>	<b>\$19,538,871.00</b>	<b>\$2,347,912.14</b>	<b>\$17,190,957.86</b>



### 3.2.1 Public Facilities & Infrastructure Unmet Needs Calculation

Due to the extreme impacts of this event, Lexington County remains in great need of recovery and rebuilding assistance to address unmet infrastructure and public facility needs. While County departments, with support from numerous organizations and volunteers, were successful in addressing many urgent and critical needs during the immediate aftermath of the disaster, substantial need remains. The estimated unmet infrastructure need is based upon FEMA Public Assistance project worksheets, pending project funding applications, and County-department-led assessments and capital improvement planning. The estimated remaining unmet need for public facilities and infrastructure projects is \$17,190,957.86.



### 3.3 Unmet Economic Needs

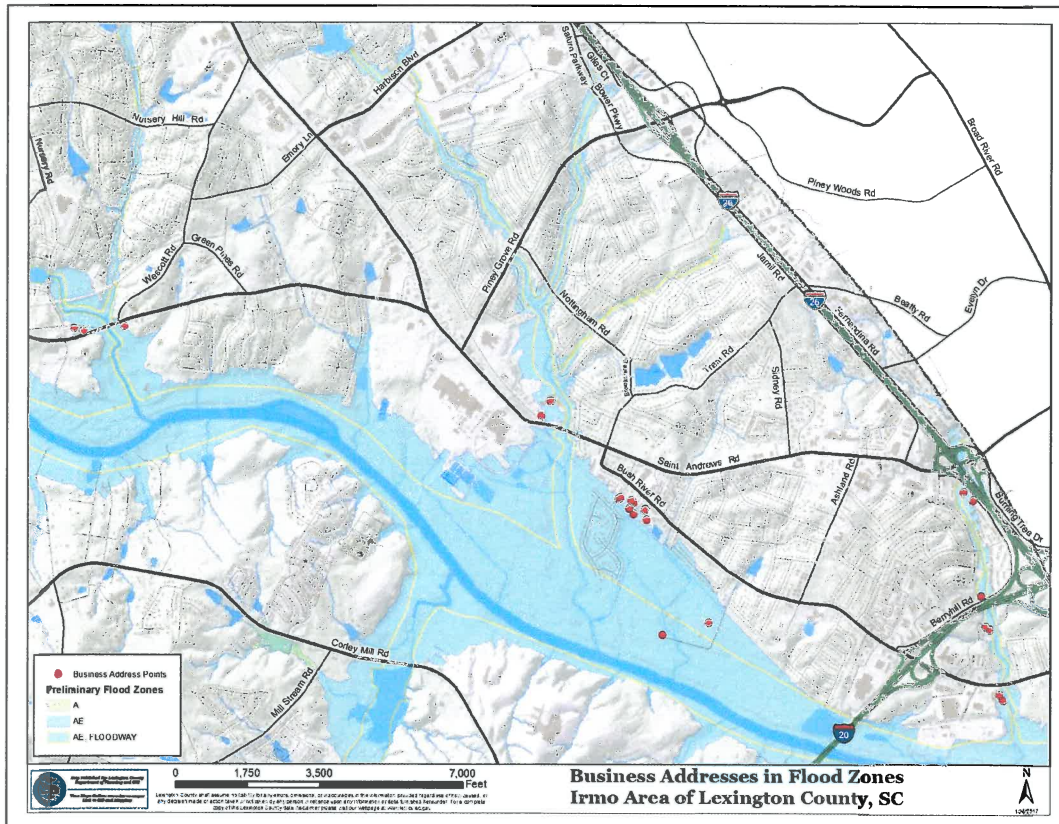
The estimate of economic unmet needs is based upon several key data sources including SBA loans as well as public feedback and stakeholder outreach. According to the best available data, fortunately very few commercial structures were damaged across Lexington County. Some businesses experienced direct damages while others were impacted by damaged infrastructure preventing access by employees and customers. As less recovery assistance is typically available for businesses than homes, many businesses were slow to recover, which resulted in lost jobs and tax revenues, and commercial vacancies.

As of January, 2017, The Small Business Administration has received 59 applications from businesses in Lexington County; 19 of those applications were approved providing a total of \$1,071,300. The average approved business loan was \$56,384. Additionally, SBA received 11 applications for assistance for Economic Injury Disaster Loans; five of these applications were approved for a total of \$301,100 or an average loan of \$60,220. Again, based on the number of denied applications and the average loan amount for those approved, there is a potential remaining unmet need of \$361,320 to assist with recovery from economic injury.

Small Business Administration Disaster Loan Program (Business Assistance)					
	Applications Received	Applications Approved	Approved Amount	Average Loan	Total Denied Loans (based on average of approved)
Business Loss Loan Applications	59	19	\$1,071,300	\$56,384	\$2,255,368
Economic Injury Loan Applications	11	5	\$301,100	\$60,220	\$361,320



Further analysis by the Lexington County GIS Department has identified 24 businesses located in the floodplain around the Saluda River and Kinley Creek area that was hardest hit by the October 2015 storm. The map below identifies the location of these businesses in relation to the flood plain. At this time, the County has not identified any remaining unmet need for these businesses. However, damaged businesses in this area may represent additional recovery challenges, as business owners in these areas may be less able to secure long-term recovery assistance.



### 3.3.1 Economic Development Unmet Need Calculation

While the County has not received any feedback from area businesses indicating unmet needs, based on the number of denied SBA business loan applications and the average amount of the approved loans, there remains a potential unmet need of \$ \$2,616,688. The County will continue to work with local business leaders and stakeholders to determine if in-fact there are remaining needs in the business community.



## 4.0 Citizen Participation Efforts

### 4.1 Public Meetings & Consultation

In an effort to ensure all citizens had an opportunity to provide feedback, the County has completed extensive Citizen Participation efforts. These efforts included neighborhood meetings, stakeholder meetings and interviews, an unmet needs survey and several public presentations to County Council, as well as providing comment cards and contact information should citizens wish to provide direct feedback. Translation services were made available for all public meetings and for the review of all public documents, reports and survey instruments.

A Public Meeting was held on October 20, 2015, and notices were posted on each home suspected of flooding by the County. The public meeting was attended by approximately 400 citizens as well as County and state officials, representatives from FEMA, and various Local Media outlets.

CBDG-DR Public Meetings		
Meeting	Date	Location
Staff presentation to County Council Presentation during regularly scheduled meeting	June 28	County Council Chambers 212 South Lake Drive Lexington, SC 29072
General Information Meeting	July 28	Seven Oaks Park 200 Leisure Lane Columbia, SC 29210
General Information Meeting	August 22	Cayce Public Library 1500 Augusta Road West Columbia, SC 29169
Staff presentation to County Council Presentation during regularly scheduled meeting	August 23	County Council Chambers 212 South Lake Drive Lexington, SC 29072
General Information Meeting	September 1	Seven Oaks Park 200 Leisure Lane Columbia, SC 29210

The County hosted three neighborhood meetings open to the public. The meetings were advertised on the County's website, and through local print and television media via the County's Public Information Office. The first of the neighborhood meetings was held on July 28<sup>th</sup> at Seven Oaks Park, which is centrally located among several of the high impact areas and



generally serves the neighborhoods of Challedon, Pineglen, Whitehall and Coldstream. There were well over one hundred residents in attendance along with local media outlets and representatives from County government and from County Council. Staff, along with consultants, presented the County's initial plan for implementation of the CDBG-DR program. While attendees were generally receptive to the plans, there were significant concerns with the allocations and the initial goals for the program. At this meeting, staff provided attendees with an *Unmet Needs Survey* as well as a general *Comment Form*. Samples of the *Unmet Needs Survey Form* and the *Comment Form* are provided as addenda to this Action Plan. The survey and comment forms were also made available on the County's website and during all other public meetings. The feedback garnered from this event was instrumental in determining the County's CDBG-DR funding allocation rationale and the program goals.

The second neighborhood meeting was held on August 22<sup>nd</sup> at the Lexington County Public Library's Cayce – West Columbia Branch. During this meeting, staff presented an updated plan for the CDBG-DR program that more heavily favored buy-outs across the high impact neighborhoods. While turnout was low, the feedback supported the County's updated plan for funding allocations and program goals.

The final neighborhood meeting was held on September 1<sup>st</sup> at Seven Oaks Park. The purpose of this meeting was to present the residents of these communities with the County's updated Action Plan including funding allocations, program goals & guidelines, as well as the application process for residents interested in participating in one of the County's CDBG-DR programs. At this meeting, several residents expressed an interest in home elevations, as permitted by FEMA. Though this is an eligible use of CDBG-DR funds, the County has determined that home elevations are not the best strategy for mitigation and resiliency to protect against future disasters. Therefore, the County will not be utilizing CDBG-DR funds to assist with home elevations.

In addition to the neighborhood meetings, staff, along with its consultants, provided numerous updates to the County Administrator and to County Council including two presentations during County Council meetings which are open to the public. The first presentation was made on June 28, 2016 and described staff's initial plan for the CDBG-DR program. As indicated above, citizen feedback on this initial plan influenced staff to make changes to the allocation methodology and the program goals. With this in mind, staff made an updated presentation again to County Council on August 23<sup>rd</sup> as part of the regularly scheduled County Council meeting. The second presentation updated the Council on the citizen feedback and the revised plan for allocation of the CDBG-DR funding.



The Draft Action Plan was made available for public review and comment from Monday August 29<sup>th</sup>, 2016 through Monday September 12<sup>th</sup>, 2016. The Action Plan draft was and still is available on the County's CDBG-DR website:

<http://www.lex-co.sc.gov/departments/DeptAH/communitydevelopment/Pages/CDBG-DR.aspx>

### 4.2 Summary of Public Comments

The citizen feedback in all formats has been supportive of a well-funded buy-out program. As described in the Unmet Needs section of this Plan, the high impact neighborhoods in the County are older neighborhoods that have a long history of flooding. To-date forty-two residents have provided completed unmet needs surveys, and many of these respondents indicated they would be interested in a housing buy-out over other program options. In addition to buy-outs, residents also expressed interest in rehabilitation efforts and home elevations. Along with the unmet needs surveys, twenty-seven residents completed comment cards with responses mostly focusing on the allocation and implementation methodology. As mentioned above, the feedback provided by citizens has had a significant impact on the shaping of the County's CDBG-DR program design as well as the completion of this Action Plan. County staff responded directly via phone and/or email to all phone calls and emails from citizens seeking additional information about this Action Plan and the County's plans for the CDBG-DR program.



### 4.3 Consultation with Stakeholder Organizations

In addition to feedback from various County departments & divisions, County Council and County residents, staff also met with a variety of stakeholder organizations to gather information about their clients' needs and their feedback related to the County's plan for the CDBG-DR program.

CDBG-DR Stakeholder Meetings		
Meeting	Date	Location
Stakeholder Roundtable with VOADs	July 18	United Way of the Midlands 1818 Blanding Street Columbia, SC 29201
Stakeholder Roundtable with civic organizations, non-profit service providers and public school districts	July 19	Greater Columbia Community Relations Council offices 930 Richland Street #1 Columbia, SC 29201
Stakeholder meeting with the Columbia and Cayce Housing Authorities & area Continuum of Care	July 22	Columbia Housing Authority 1917 Harden Street Columbia, SC 29204

The County of Lexington, in partnership with Richland County, hosted two stakeholder roundtables, the first of which was held on Monday July 18<sup>th</sup> at the offices of the United Way of the Midlands in Columbia. Attendees at this meeting included a variety of VOADs already working in the area, as well as representatives from the United Way of the Midlands. The second meeting was held on Tuesday July 19<sup>th</sup> at the Greater Columbia Community Relations Council offices in Columbia. Attendees at this meeting included Civic Organizations, Non-profits as well as Richland and Lexington school districts.

A third stakeholder meeting was held in partnership with both counties and the City of Columbia on Friday July 22<sup>nd</sup> at the offices of the Columbia Housing Authority. Attendees included representatives from the Columbia Housing Authority, which also administers the Cayce Housing Authority, as well as representatives from Midlands Area Continuum for the Homeless (commonly known as MACH). These organizations provided feedback about the existing need for affordable housing options across the region. However, none of these groups identified any remaining storm damage to their facilities and/or housing units, nor did any of these groups identify any remaining storm impacts limiting their delivery of social services for their respective clients.





#### 4.4 Action Plan Amendments

Throughout the course of the CDBG-DR program, it may become necessary to amend the County's Action Plan. There are two types of Action Plan amendments: 1) Minor Amendments and 2) Substantial Amendments. Minor Amendments include making changes to the plan to correct typographical errors or improved and updated information provided to the plan. A Substantial Amendment includes adding additional program options or eligible activities, removal of an existing program or activity, a change in the target areas served by the program or a significant change in the allocation of funds to the various programs previously identified within the plan. A significant change in the allocation of funds is further defined as an increase or decrease of funding allocation to one or more project by 10% or more of the current allocation level(s). Any changes to the Action Plan that are considered minor or non-substantial do not require the Citizen Participation process, however, the County will post the amendment to the County's CDBG-DR website and notify HUD of the non-substantial amendment.

If a Substantial Amendment becomes necessary, the County will first publish the Substantial Amendment for a fifteen (15) day public comment period. The County, though not required to do so, will also host at least one public meeting, which may include a presentation to County Council, in order to publicly present the changes and the rationale for making such changes. Following the Citizen Participation process, the County will submit the amended Action Plan to HUD for approval. Upon HUD approval, the revised Action Plan will be posted to the County's CDBG-DR website.



## 5.0 Planning & Coordination

Effective communication between and within departments is a major focus of the County of Lexington on all projects, operations and efforts. In addition to normal telephone and e-mail correspondence, the County Administrator holds a weekly Department Head/Senior Staff meeting during which he discusses important activities of the County, and attendees are required to provide updates to major activities occurring in their department(s).

Furthermore, specific to CDBG-DR, the proposed Organization Structure for the County of Lexington CDBG-DR team includes a “Program Review Committee”. This committee is appointed by and answers to the County Administrator and will be chaired by the Director of Community Development. The membership of the committee will consist of Department Heads and/or Senior Staff and/or team leaders from the following groups:

- Finance Department
- Procurement Department
- Public Safety (Emergency Management)
- County Sheriff’s Department
- Human Resources
- Planning & GIS/Mapping,
- Community Development (Zoning Management, Landscape & Open Space Management, Building Inspections & Safety)

This Program Review committee will meet on a regular basis and as-needed for specific issues. The committee will also serve as an outlet for citizens to appeal decisions of the program staff when needed. The County Administrator may request additional departments to assist in monitoring/reviewing the progress of the CDBG-DR program (s).

Although the needs for each of the many jurisdictions impacted by the 2015 storm event are different and the make-up of the CDBG-DR program(s) for each jurisdiction will be varied, it is important that we be a part of a regional response to issues when possible. To this end, we continue to meet with representatives of the other local jurisdictions and the state to discuss specific issues – especially issues that are common among the group. Additionally, an e-mail list has been created of interested persons and organizations that we use to share information and to receive comments and other information. Information regarding scheduled events such as community meetings will be shared with other local governments, state agencies, school districts, non-profits and any other groups requesting to be provided this information.



An example of such organizations is the Midlands Flood Recovery Group (MFRG) which is organized by United Way of the Midlands. The MFRG assists people who are low income and often vulnerable for other reasons including age, disability or household composition. The MFRG also collaborates with agencies and other HUD and FEMA funded program administrations to address the needs of people affected by disaster.



## 6.0 Allocation of Funds

The following chart provides a summary of how the \$16,332,000 in CDBG-DR funding, awarded to the County of Lexington, will be allocated for proposed eligible activities to be carried out as part of the County's CDBG-DR program. Following this summary section are more details about each activity to be funded.

Lexington CDBG-DR Funding		
Activity	Allocation	Percentage of Total Funding
Disaster Recovery Program Planning	\$250,000	1.5%
Disaster Recovery Program Administration	\$630,000	3.9%
Public Infrastructure Improvements	\$3,000,000	18.4%
Housing Buy-outs & Acquisitions	\$10,000,000	61.2%
Minor Rehabilitation of Owner Occupied Housing	\$2,452,000	15.0%
<b>Total Funding Available</b>	<b>\$16,332,000</b>	<b>100%</b>



## 6.1 Disaster Recovery Program Planning

Description: Since the announcement of the PL114-113, the CDBG-DR congressional appropriation to address unmet needs in South Carolina and Texas, the County of Lexington has employed the consulting firm Civitas LLC to assist in the planning stages of this program. It is the County's intention to continue to utilize the consultant on an as-needed basis once this Action Plan is approved. Additionally, the County will employ contractors to manage the following program planning functions:

- Program Marketing & Initial Client Intake
- Tiered Environmental Review(s)
- Residential Base Floor Elevation Surveys

The length of time these contractors are included in the program will be dependent on the success of the program and the availability of the funds supporting the program. The funds will be utilized to develop the Implementation Plan and Action Plan and also to plan for the housing and infrastructure programs.

Administering Entity: The County of Lexington will directly manage all Program Planning Activities utilizing Community Development Department staff and the contractors listed above. Initial Program Planning Activities have already begun and should last for only the first few months following HUD approval of this Action Plan. Action Plan approval is expected by February 1, 2017. Additional Program Planning efforts will be necessary when work on the proposed Public Infrastructure improvements begin. Overall, Program Planning Activities should be completed around June 30, 2018.

Proposed Start/End Dates: June 2016 – June 2018

Geographic Area Served: Lexington County, South Carolina

Funding Allocated: The County has allocated \$250,000 or 1.5% of total allocation for disaster recovery related planning efforts. This includes an estimated \$92,000 in pre-agreement expenses that the County will incur prior to executing a written agreement with HUD. These pre-agreement expenses include contracting with Civitas LLC for planning and program development assistance, with Hearts & Hands for initial program marketing and client intake, and with Amec, Foster, Wheeler for the completion of residential base floor elevation surveys in the hardest-hit neighborhoods identified earlier in this plan.



Basis for Allocation: CDBG-DR regulations allow for up to 15% of the total grant allocation to be used for planning related expenses. However, the County does not anticipate needing the maximum allowable allocation for planning purposes.

Outcome Measure: The outcome of these planning efforts will be a HUD approved Implementation Plan and Action Plan as well as adequate planning measures for the housing and infrastructure programs.



## 6.2 Disaster Recovery Program Administration

Description: Proper administration of the CDBG-DR grant will support the delivery of programs in the areas of financial management, procurement, information management and quality assurance and technical assistance. As of November, 2016, the County has hired a CDBG-DR Administrator, as a temporary grant-funded employee, to serve as the leader of the day-to-day activities of the administrative team. This person will serve to coordinate the activities of the contractors that will be hired to manage the activities of the individual programs. Additionally, the County has employed and will continue to employ a consulting company whose primary functions will be to provide Technical Assistance to the county and to other contractors and to assist in the Quality Assurance function as it relates to gathering and storing accurate, appropriate documentation of the overall program and the individual programs. The Quality Assurance/Technical Assistance team leader and the CDBG DR Administrator will work closely in seeing that all CDBG DR rules and regulations, as well as spending and procurement activity, are accomplished according to appropriate standards.

Both the CDBG-DR Administrator and the Quality Assurance/Technical Assistance team leader will report to the County of Lexington Community Development Director. The Community Development Director will remain the chief administrator for the Disaster Recovery Effort.

Administering Entity: County staff, including the Community Development Director and the CDBG-DR Administrator, will directly oversee and manage all administrative efforts related to the CDBG-DR program. Funds will be utilized, by the County, to administer the CDBG-DR program throughout the duration of the program, which is expected to last roughly three and ½ years from June 2016 through June 2020.

Proposed Start/End Dates: June 2016 – June 2020

Geographic Area Served: Lexington County, South Carolina

Funding Allocated: The County has allocated \$630,000 or 3.9% of total allocation for the administration of these disaster recovery programs over the estimated three-year program delivery schedule.

Basis for Allocation: CDBG-DR regulations allow for up to 5% of the total grant allocation to be used for administrative related expenses. However, the County does not anticipate needing the maximum allowable allocation for administrative purposes.



Outcome Measure: Successful management of the CDBG-DR programs which will serve the maximum number of residents possible while maintaining adequate program controls as required within the HUD regulations.





### 6.3 Public Infrastructure Improvements

Description: The County has identified over \$17,000,000 in unmet public facilities and infrastructure needs. However, the County has decided to utilize these very limited funds to directly serve impacted households. Only \$3,000,000 of the CDBG-DR allocation will be utilized to make infrastructure repairs and improvements. Specific projects have not been identified at this time however, it is likely that these improvements will be made within the Challedon neighborhood in an effort to mitigate against future flooding events. Funds will be utilized to repair and/or build improved infrastructure facilities within the impacted low-to-moderate-income (LMI) areas in the County. These funds will serve to meet the Low-Moderate Income Area (LMA) national objective serving a primarily low-to-moderate income area, as defined by HUD.

Across Kinley Creek from Challedon is an approximately 12-acre tract of undeveloped land. The land borders on the creek bed and is owned by the County of Lexington. During the Kinley Creek study, the land was considered for use as a retention or detention pond; however, the study indicated that it would not be large enough to have a measurable impact on flood control. The presence of the homes along the creek in Challedon and the commercial and residential development up stream would simply generate too much run-off for the 12-acres to accommodate.

In November, 2016, staff from Lexington County's Community Development Department and Public Works Department met with Mr. Colton Bowles with the US Army Corps of Engineers. During the meeting, the group discussed possible ways in which the October 2015 Storm Event might have affected the findings of the Kinley Creek Study. During that discussion, the question was raised as to what, if any, the removal of forty or more homes and reclamation of the properties along Kinley Creek might have on the flood control plan for the area. Mr. Bowles and county engineers all expressed the idea that the reclamation of those properties might be enough to make the inclusion of 12-acre tract of land in a flood control plan a reasonable effort.

Lexington County has asked the Corps to provided additional funding and support to expand that previous study to include the addition of Housing Buyouts in the Challedon area. It is our belief that the additional properties will allow for improvements along the creek that would then allow for development of the 12-acre tract into a large retention pond that could also include a recreation component in the way of trails, static fitness stations and plant and/or wildlife observation. This effort would likely involve the Irmo-Chapin Recreation Commission (a SC Special Purpose District providing Recreation, Leisure and Seniors Services in the area), the County of Lexington, and the US Army Corps of Engineers, collaborating with other



organizations and stakeholders in the community. Our Action Plan includes an allocation of \$3,000,000.00 towards mitigation and resiliency as an area benefit to infrastructure in this Low-to-Moderate Income Area. Our plan would leverage that money against additional funding that may be available from USACoE, possible other federal, state and/or local grants, donations from local business and commercial enterprises and community organizations to redevelop this flood prone area into a usable community asset.

Administering Entity: The County's Community Development Department and Public Works Department will work together to directly manage all public infrastructure improvement activities. Contractors will be procured to carry out the actual labor and construction/installation of the to-be-identified activities. Public infrastructure activities are not scheduled to commence until after the residential buy-out program is completed. Therefore, it is estimated that these activities would begin in late 2017 or early 2018 and should be completed by the end of 2019.

Proposed Start/End Dates: November 2017 – December 2019

Geographic Area Served: Low-to-Moderate Income Census Tracts within Lexington County that experienced storm damage. The Challedon neighborhood is likely to be the primary focus of CDBG-DR infrastructure improvements.

Funding Allocated: The County has allocated \$3,000,000 or 18.4% of total allocation for infrastructure improvements within the impacted LMI areas.

Basis for Allocation: The Challedon neighborhood, described above, is the only LMI Area that experienced significant flood impact. Buy-outs are the highest priority in this community followed by infrastructure improvements to serve the remaining homes as well as homes downstream.

Outcome Measure: Improved infrastructure capacity, specifically storm water controls, serving the Challedon neighborhood and the surrounding community.

National Objective: Because these funds will only be utilized for activities and improvements identified in the Challedon neighborhood, 100% of these funds will serve to meet the Low-Moderate Income Area (LMA) national objective.



## 6.4 Housing Buy-outs & Acquisitions

Description: Funds will be utilized to purchase homes in the flood prone areas. Once purchased, the County will demolish the housing structures and clear the lots. Once cleared, the County will either convert the property to green space or utilize the property for future flood mitigation infrastructure capacity.

Administering Entity: The County will directly oversee and manage the residential buy-out program utilizing the services of a contractor specialized in disaster recovery buy-out programs. The residential buy-out program shall begin immediately following the conclusion of the program-planning phase of this grant. Applications should be made available beginning in February 2017 and all buy-outs should be completed by December 2018.

Proposed Start/End Dates: February 2017 – December 2018

Geographic Area Served: All homeowners within the Lexington County jurisdiction are eligible to participate in this program. However, priority will be given to households within one of the four *Disaster Risk Reduction Areas* identified in the Housing Needs Assessment section of this Action Plan.

Funding Allocated: The County has allocated \$10,000,000 or 61.2% of total allocation for home buy-outs.

Basis for Allocation: The storm event of October 2015 impacted some of the most vulnerable neighborhoods in the County. As described in the unmet needs assessment above, four neighborhoods have been identified as *Disaster Risk Reduction Areas*. These areas have experienced, and continue to experience, hardships related to heavy storm impacts. Through the unmet needs analysis and the citizen participation process, it was determined that a well-funded buy-out program would provide for the greatest reduction in future risk to life and property. Therefore, in an effort to mitigate against future storm impacts, the County has allocated \$10,000,000 in funding towards the purchase of homes in the most flood prone areas of the County.

Outcome Measure: The County anticipated being able to utilize CDBG-DR funds as well as additional funding through the HMGP program to provide for 65 residential buy-outs within the most flood vulnerable neighborhoods.



National Objective: No less than \$8,432,400 of the \$10,000,000 allocated for residential buy-outs will serve low to moderate income households thus meeting the Low-Moderate Income Housing (LMH) national objective. To be classified as low-to-moderate income, a household must have a combined income of not more than 80% of the Area Median Income, adjusted for household size. Specific income limits are posted on the County's CDBG-DR website. The remaining \$1,567,600 will not be income restricted, but preference shall be given to low-to-moderate income households. Households not meeting the LMH national objective shall remain eligible under the Urgent Need national objective due to the nature of this program as a risk reduction and hazard mitigation program.

Eligibility Requirements: The CDBG-DR program rules, specifically P.L. 114-113, make a distinction between real property acquisitions and buy-outs. Beginning on page 65 of P.L.114-113, the differences between these purchase options are described in detail. In short, homeowners who have purchased their homes since the October storm did not experience a direct disaster impact and therefore cannot be considered beneficiaries of the CDBG-DR program. These homeowners are still eligible to participate in this program, however their homes will be purchased using a voluntary acquisition option rather than a buy-out option; both options are described in more detail below.

Unfortunately, not all homes can be purchased and many households will continue to suffer from flood events. Due to the limited funding available at this time, the County, with assistance from the County Floodplain Manager, has developed a *Flood Vulnerability Index (FVI)* in an effort to prioritize the most vulnerable households in the County. The FVI utilizes five basic factors to calculate a household's overall flood vulnerability. These five factors are described in more detail below.



**Vulnerability Factor #1: Height**

The height factor is the most heavily weighted item as relates to the physical property characteristics with a possible score of 25. The biggest component in determining the vulnerability of a home is the elevation of the lowest finished floor compared to the base flood elevation. Height is also the key determining factor for flood insurance premiums. The scoring used in the calculations indicates the finished floor height below the base flood elevation. A score of 0 would indicate the height of the finished floor is above the base flood elevation. The following table illustrates the scale that determines the score for this factor.

First Floor Height below base flood elevation	Score
0	0
0 - .49	2
.5 – 0.99	4
1.0 – 1.49	6
1.5 – 1.99	8
2.0 – 3.99	10
4.0 – 5.99	15
6.0 – 8.0	20
> 8	25

**Vulnerability Factor #2: Floodway Location**

The second most heavily weighted physical characteristic vulnerability factor is the floodway scale. Homes designated within the floodway are also at significant risk for damage during future flood events. In the proposed flood vulnerability index, the floodway factor is a binary scale of 0 or 10, and makes up about one quarter of the composite vulnerability score. The following table illustrates scoring for the floodway factor.

Floodway Designation	Score
No (False)	0
Yes (True)	10



**Vulnerability Factor #3: Percent Damage in October 2015 Storm**

Past flood insurance claims and the October 2015 Lexington County Flood event make up the next two pieces of the index. The home's percent damage from the 2015 storm is on a scale from 0 to 6 with homes over 50% damaged receiving the highest score. The following table displays the scoring for the percent damage factor from the October 2015 storm event.

Percent Damage in October Flood	Score
0%	0
1-10%	1
11-20%	2
21-30%	3
31-40%	4
41-50%	5
> 50%	6

**Vulnerability Factor #4: Past Insurance Claims**

Past insurance claims are scored based simply on a 1:1 ratio. The following table indicates scoring for the past flood claims factor.

Number of Past Claims	Score
0	0
1	1
2	2
3	3



**Vulnerability Factor #5: Household Income**

Household Income is the final factor in determining future Flood Vulnerability. Households with lower incomes are assumed to be at higher risk for future flood impacts and are therefore weighted more heavily than higher income households. The following table indicates scoring for the household income factor.

Household Income as a % of Area Median Income (AMI)	Score
0 – 30% AMI	25
31 – 50% AMI	20
51 – 80% AMI	15
81 – 100%	10
101% - 120%	5
121% or greater	0

**Grant Size Limits:** Once households have been identified for buy-outs (or acquisition), the County and its program managers will work with residents to determine their eligible purchase amount. For buy-outs this will start with the pre-storm fair market value. For homeowners participating in the voluntary acquisition program, the County will determine the current fair market value (FMV) rather than the pre-storm FMV.

Once the FMV has been determined, the County will deduct any previous assistance the applicant may have received. This is known as a duplication of benefits and is described in more detail later in this Action Plan. Once the duplication of benefits determination has been made, the County will make an offer to buy-out, or purchase, the home from the current owners. Sale of the property is completely voluntary and the County may not use Eminent Domain to acquire any property as part of the CDBG-DR program. In addition to the purchase price for the home, all homeowners will be provided with an additional \$5,000 in moving expenses. If the home is occupied by renters or was occupied by renters, the \$5,000 in moving expenses will be provided directly to the renter household in an effort to mitigate displacement of the renters. Renters may also be eligible for Relocation Assistance as required by CDBG-DR regulations.

Furthermore, those households that complete a buy-out or acquisition transaction will be offered an additional \$10,000 towards the purchase of a new home, within Lexington County. This home must have been purchased no earlier than October 5<sup>th</sup>, 2015 up to six months after the date of the buy-out transaction.



## 6.5 Minor Rehabilitation for Owner Occupied Housing

Description: The single-family owner occupied minor rehabilitation program will provide housing assistance to homeowners who were impacted by the severe storms and flooding that occurred in October 2015. This program will focus on repair or rehabilitation of single family housing units in the disaster-impacted areas to applicable construction codes and standards.

Administering Entity: The County will directly oversee and manage the residential minor rehabilitation program utilizing the services of a contractor specialized in disaster recovery housing rehabilitation programs. The minor residential rehabilitation program shall begin immediately following the conclusion of the program-planning phase of this grant. Applications should be made available beginning in February 2017 and all rehabilitations should be completed by December 2018.

Proposed Start/End Date: February 2017 – December 2018

Geographic Area Served: All storm damaged properties within the Lexington County jurisdiction, with remaining unmet needs, are eligible to participate in this program.

Funding Allocated: The County recognizes that while there may be a lower unmet need for housing rehabilitation, compared to both infrastructure and buy-out assistance, there are many homeowners who require assistance with remaining repair needs. These homes are not considered substantially damaged and thus will not require significant funding nor will elevation be required. The minor rehabilitation program will be open to homeowners across the county who experienced storm impacts and have a remaining unmet need as defined by P.L. 114-113. The County has allocated \$2,452,000 or 15% of total allocation towards housing rehabilitation.

Basis for Allocation: The provision of safe, disaster-resistant housing for impacted residents is at the core of the County of Lexington's long-term recovery strategy. Based on the best available data, the County has determined that single family owner-occupied homes were the most impacted housing stock in the County. This program will assist in repairing homes that were directly impacted by the federally declared disaster. Home repairs and improvements funded through this program will be designed to help minimize the impacts of future storm and flood events. By addressing the most pressing unmet housing needs resulting from the disaster and encouraging high-quality, disaster-resistant construction, the County will improve the long-term safety and stability of its communities. In addition, making necessary repairs and stabilizing damaged neighborhoods will also create additional long-term recovery benefits





including retention of consumers for local businesses, preservation of the local tax base, and encouragement of new investment.

Outcome Measure: The County anticipates being able to provide for the minor rehabilitation of roughly 70 households across the County.

National Objective: These activities shall meet either the Low-to-Moderate Income Housing (LMH) national objective or the Urgent Need (URG) national objective for households that do not meet the LMH criteria.

Eligibility Requirements: All applicants of this program must meet certain eligibility standards to qualify for assistance. The following threshold requirements must be met for an applicant to be eligible for assistance. Eligibility does not assure assistance and it is expected that there will be more eligible applicants than can be served with available funds. Threshold requirements are those that upon their face will either allow an applicant to continue to move forward in the program or result in disqualification. All applicants to the owner occupied minor home rehabilitation program must meet the following minimum requirements:

- 1) The home must have been damaged by the storm and/or flooding of October 2015 and must have unrepaired damage as of the date of application. Applicants need not have registered for FEMA individual assistance to be eligible.
- 2) Damaged property must be located within Lexington County.
- 3) Applicant must provide proof of ownership at the time the disaster damage occurred and have maintained ownership since the storm event.
- 4) Damaged structure must be the applicant's principal place of residence.
- 5) Applicant must be current on property taxes or current on an approved payment plan (including exemptions under current law).
- 6) Applicant must be current on any child or spousal support obligation.
- 7) For properties located inside the flood plain, applicant must maintain insurance coverage (not less than contract amount), inclusive of casualty (hazard) and flood insurance.
- 8) For properties located outside of the flood plain, applicant must maintain hazard insurance coverage not less than the contract amount.



- 9) Property must be an eligible structure under the SFHRP. Eligible structures for this program include single unit, single family stick-built dwelling units. Attached structures are eligible if they are under the common roof of the damaged single structure. Improvements must be physically attached to the house and be permanent.
- 10) Homes used for both residential and commercial purposes are eligible for the program; however, the portion of the home that is residential is the only portion that may be rehabilitated. The applicant must provide his/her most recent tax return to determine the percent of the property that is used for commercial purposes. Damages to the commercial portion of the home will not be repaired.
- 11) Garages, sheds, and outbuildings not attached to the main dwelling unit are not eligible for repair.
- 12) No condominiums, co-operatives, townhomes, or other housing units that share any common wall or area will be eligible.
- 13) Recreational vehicles and camper trailers used as a residence are not eligible for the program. Houseboats used as a residence are not eligible for the program.
- 14) Vacation or second homes are not eligible for the SFHRP.

Grant Size Limits: The County will provide rehabilitation assistance up to 49% of the value of the home not to exceed \$45,000 in hard costs associated with the rehabilitation.



## 7.0 Duplication of Benefits

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Federal law prohibits any person, business concern, or other entity from receiving Federal funds for any part of such loss as to which he/she has already received financial assistance under any other program, private insurance, charitable assistance or any other source. Such duplicative funding is called Duplication of Benefit (DOB). This prohibition laid out in the Robert T. Stafford Act (Stafford Act), as amended, is a significant added layer of regulation not found within the County's entitlement CDBG program. This is a new regulation with which the County will comply for its CDBG-DR grant.

Pursuant to the Stafford Act, the County will establish and follow policies and procedures to uphold the safeguard against DOB within its program guidelines for each eligible activity. Understanding that prevention of DOB is especially critical in the context of housing programs and in anticipation that some form of housing assistance will be identified to fulfill unmet disaster recovery needs at the conclusion of the County's Action Plan development process, the County has established a framework for identifying potentially duplicative sources of funds and reducing documented duplications from potential project awards prior to any award actually being made.

During the application period and eligibility determination, a case manager will document all sources of funds received or approved from private insurance, SBA, FEMA and / or volunteer organizations (including in-kind assistance) used for the same purpose that the CDBG-DR award will be intended. Once all sources have been identified and after determining an applicant's remaining unmet recovery need, any sources of funds previously received for the same recovery need will be deducted except where those funds were spent on activities that are excludable per Stafford Act and HUD guidance, sometimes known or referred to as Allowable Activities. Allowable Activities will not result in a reduction of the final award. Additionally, per the Federal Register Notice and longstanding HUD guidance, forced mortgage payoffs will not be considered duplicative as those funds were never available to the applicant.

We understand that applicant benefits from FEMA, SBA, and insurance can be a moving target with additional funds received much later than initial payouts due to appeals and litigation. Further, all funding sources may not be known at the time of application. Therefore, the County of Lexington will continuously monitor program applicants and perform its due diligence to verify benefits that may have been secured from FEMA, SBA, private insurers, charitable contributions and any other available financial assistance after the date of application. Late or additional benefits from other sources can also result in a change to the outcome of the award



amount for which an applicant is ultimately eligible. Applicant awards may have to be adjusted as new sources are identified to prevent DOB and minimize recapture. The County is in the process of securing FEMA and SBA data that it will use as a part of its DOB analysis and is working to put agreements in place to obtain updated data feeds.

The County has already established relationships with volunteer organizations that have provided assistance to disaster affected citizens. The County will work to leverage these relationships and applicant release forms to obtain additional DOB data from philanthropic sources.

As a part of its case management process, the County will require applicants to execute an Application for Assistance, which will include:

- Income Certification
- Insurance Certification
- Philanthropic Release of Information
- Subrogation Agreement

These documents will become part of each applicant's record. Furthermore, these documents will hold each applicant accountable to the accuracy of information provided and also give the County recourse if it is determined at a later time that applicants received other financial assistance that was not identified at the time of application. If a duplication of benefit arises within the term of the applicant benefit delivery and compliance/monitoring period, the County of Lexington will adhere to the guidelines set forth in OMB Circular A-87 and the Stafford Act (chapter 37 of title 31) for the recapture of funds. Beneficiaries of CDBG-DR program funds will be informed of fund recapture in an agreement executed with the County if it is determined that a DOB exists. The County of Lexington Department of Community Development will bear responsibility for ensuring compliance with DOB regulatory requirements at the eligibility stage and for monitoring latent additional funding sources.



## 7.1 Necessary and Reasonable Costs

Part of the process in the duplication of benefits procedures involves verifying necessary and reasonable costs. This helps ensure that funds are efficiently and effectively utilized. The determination of necessary and reasonable costs will apply to any project or program receiving funding as well as administrative and planning funds. The County will utilize the cost principles described in 2 CFR Part 225 (OMB Circular A-87) to determine necessity and reasonableness. According to 2 CFR part 225, "A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made." The County will follow these principles and fund only project costs that are deemed necessary and reasonable.



## 8.0 Monitoring Standards & Reporting Requirements

At the County of Lexington, we have a monitoring process which includes several layers of approvals before funds are expended, allowing us, in essence, to “monitor” the use of funds on an individual basis. This process includes multi-level review of the use of funds. These reviews occur throughout the organization, from the front-line contractor(s) up through the Community Development Director (CDD), the procurement office and ultimately the County’s Chief Financial Officer (CFO). The CDD and the CFO each answer directly to the County Administrator. At every level of the process, there is an evaluation made to determine that the use of funds is legitimate and in keeping with the requirements of the governing policies, procedures, rules, regulations, ordinances and laws. If any other determination is reached, the use of funds is delayed until further information is obtained. If the additional information does not result in a positive determination, the use of funds for that purpose will not be allowed. Because the County will be directly overseeing the delivery of all CDBG-DR activities, monitoring will be an on-going effort. The newly-hired CDBG-DR Administrator will personally monitor all contractors including direct review and approval of all contractor invoices. The CDBG-DR Administrator will conduct periodic on-site monitoring and a County Building Inspector will conduct inspections for each property involved in the CDBG-DR housing programs. In addition, the CDBG-DR Administrator will directly oversee quality control related to client application, file management, contractor relations with homeowners as well as the public reporting requirements described below.

### 8.1 Disaster Recovery Grants Reporting Database (DRGR)

For disaster recovery programs, HUD utilizes a specific online database system, Disaster Recovery Grants Reporting Database, more commonly referred to as DRGR. Use of this system is required by all CDBG-DR grantees. The County will ensure staff has adequate training for the effective management of the DRGR Database.

### 8.2 Quarterly Performance Reports (QPRs)

Within DRGR, all grantees are required to produce Quarterly Performance Reports or QPRs. QPRs are due 30 days after the end of each calendar year quarter. Once approved by HUD, the County will publish all QPRs on its CDBG-DR website.

A quarterly performance report (QPR) will be submitted to HUD no later than 30 days following the end of each quarter after grant award and continuing until all funds have been expended and all expenditures have been reported. No less than three (3) days prior to submitting to HUD, the County will post the QPR to the website for public comment. In addition to these



required reports, the County will also post its procurement policies, executed CDBG-DR contracts as well as the status of services or goods currently being procured by the County.

### 8.3 Program Income Reporting & Tracking

P.L. 1114-113 defines Program Income as “gross income generated from the use of CDBG-DR funds and received by the Unit of General Local Government (UGLG).” Examples of program income include, but certainly are not limited to, the following: a) proceeds from the disposition by sale or lease of real property purchased or improved with CDBG-DR funds, b) proceeds from the disposition of equipment purchased with CDBG-DR funds, c) net income from the use of rental property owned by the ULGG. Based on the definitions provided in P.L. 114-113 and the County’s current Action Plan, the County does not anticipate generating any program income. However, should program income be generated, the County will track the receipts within the County’s financial records and report the receipts to HUD via the DRGR database as required in the regulations. All program income received prior to grant closeout shall be utilized for additional eligible CDBG-DR activities. Any program income remaining after the CDBG-DR program closeout will be transferred into the County’s regular CDBG program.

### 8.4 Disaster Recovery Program Website

The County of Lexington has created a website to keep the public informed about flood recovery activity and resources. The website will be maintained by the County’s Information Services Department. It will be accessible through the main page of the County Government website. The County will maintain this website throughout the full recovery period. It will serve as the primary repository of information for the County’s disaster recovery actions and resources and will contain links to all action plans, action plan amendments, quarterly performance reports (QPRs), citizen participation plans, procurement policies, procurement notices/advertisements, notices of public meetings, executed contracts, activity/program information for activities described in the action plan and other information relevant to the CDBG-DR program funds. Updates to the dedicated disaster recovery website will be made in conjunction with any new activity associated with the CDBG-DR program action plan and funds. Constituents will be able to lodge complaints via an email link on the website. The email address will be monitored daily. The County will respond promptly within fifteen (15) days of receipt of each complaint. The Assistant Program Manager of CDBG-DR will monitor the email address, log all complaints and coordinate to provide the response.

All documents will be made available in a language other than English upon request.



### 8.5 Internal Auditor

In conjunction with the administration and oversight of the CDBG-DR programs, the County will contract with an independent internal auditor who will report directly to the County Administrator. The role of the internal auditor will be to conduct internal monitoring/audits of county administered CDBG-DR programs and activities as required by HUD guidelines and P.L. 114-113. The internal auditor will also be responsible for the coordination of and response to external audits or monitoring by county, state and federal agencies. In addition, the internal auditor will be responsible for the detection and prevention of fraud, waste, and abuse in county- and contractor-administered programs as well as the coordination of investigations of alleged fraud with county, state and federal law enforcement agencies. This responsibility includes the presentation of cases to the Office of Inspector General for the H.S. Department of Housing and Urban Development and/or the U.S. Attorney's office for prosecution if necessary.





## 9.0 Other CDBG-DR Requirements

### 9.1 Low to Moderate Income (LMI) Households Set-Aside

P.L. 114-113, following standard CDBG regulations, requires that no less than 70% of the Disaster Recovery funding go towards serving low-to-moderate income households. Funding is said to meet this requirement by either serving low-to-moderate income households directly, through one of the two housing programs described above, or by providing an area benefit in a HUD defined low-to-moderate income area – an example would be improvements to water and sewer systems in an LMI Area. HUD defines a low-to-moderate income area as a census area where 51%, or more, of the households within the area have incomes at or below 80% of the County’s Median Income. The only area in the County, with significant storm impact, that meets the LMI Area definition is the Challedon neighborhood.

**Funding Breakdown by National Objective to be Served**

National Objective	Funding Allocated	Percentage of Total Funding	Activities Included
Low-to-Moderate Income Household (LMH)	\$8,432,400	51.6%	Housing Buy-outs & Acquisitions
Urgent Need (UN)	\$1,567,600	9.6%	Housing Buy-outs & Acquisitions
Low-to-Moderate Income Area (LMA)	\$3,000,000	18.4%	Public Infrastructure Improvements
Urgent Need (UN)	\$2452,000	15.0%	Minor Rehabilitation of Owner Occupied Housing
Other	\$250,000	1.5%	Disaster Recovery Program Planning
Other	\$630,000	3.9%	Disaster Recovery Program Administration
<b>Total Funding Meeting LMH or LMA National Objective</b>	<b>\$11,432,400</b>	<b>70.0%</b>	<b>Housing Buy-outs &amp; Acquisitions; Public Infrastructure Improvements</b>



## 9.2 Disaster Resistant Housing for All Income Groups

Households of Low and Moderate Income, and particularly those who also include children, elderly or the disabled, may experience increased challenges during recovery. To assist residents with the greatest potential need, priority for each housing program will be given to applicants who qualify as Low or Moderate Income, as defined by HUD's established income limits for the County. Additional priority status will also be given to households with existing health and safety concerns where children, elderly persons, or persons with disabilities are present in the home. Providing these preferences should serve to prevent low-income individuals and families with children, especially those with incomes below 30 percent of the area median income, from becoming homeless. Unfortunately, due to the extremely limited nature of these funds, no CDBG-DR funding will be allocated, at this time, to specifically serve the special needs of persons who are not homeless but require supportive housing. While CDBG-DR funding will not be allocated to serve the transitional housing, permanent supportive housing or permanent housing needs of individuals and families that are homeless or at risk of being homeless, the County has leveraged \$37,000 in CDBG funding to support a local homeless services provider, Transitions Homeless Recovery Center.

As a result of the housing buy-out program, the County may affect the concentration of low-income households within the Challedon neighborhood, the only LMI neighborhood that experienced significant storm damage. While some homeowners may relocate to less flood-prone areas of the neighborhood, many are expected to relocate to other areas of the County or the Columbia-Midlands Region. In an effort to provide for affordable housing in low-poverty, non-minority areas, the County will be providing financial assistance to assist with moving expenses as well as purchase assistance for those families that decide to purchase another home in Lexington County.



### 9.3 Uses of Urgent Need National Objective

The use of all CDBG-DR funds, other than Planning & Administrative funds, must meet a National Objective as described by CDBG regulations and P.L. 114-113. In general, funds must primarily go towards serving low-to-moderate income households either through a direct benefit or an area benefit (described above). However, in some cases, households receiving CDBG-DR assistance will not be low-to-moderate income nor will they meet the criteria for the area benefit classification. In such cases, the County will utilize funds to serve these households under the *Urgent Need* national objective as defined by CDBG regulations. All activities funded under the Urgent Need national objective must serve households that have direct impact from the October 2015 storms as well as a remaining unmet need. The use of this national objective classification will be limited to the homeowner rehabilitation program and the buy-out program. Furthermore, no more than \$4,019,600 will be utilized, across all programs, to serve *Urgent Need* households.

### 9.4 Leveraging Funds

The County will leverage its CDBG-DR funds with other federal and non-federal funding sources to maximize the impact of disaster relief monies and prevent duplication of benefits. The County has programmed CDBG-DR funds to address funding needs not satisfied by other funding sources such as FEMA Individual Assistance and Public Assistance grants, SBA Disaster Loans, NFIP claims and private insurance claims. The County plans to leverage its CDBG-DR dollars with funding from the FEMA Public Assistance and Hazard Mitigation Grant Programs (HMGP). CDBG-DR funds will complement, not supplant, these resources. Residents participating in the HMGP buy-out program will remain eligible to participate in the CDBG-DR buy-out program. In the event that the HMGP funds are awarded, the County will provide CDBG-DR funds to satisfy the 25% match required by the HMGP program. The current HMGP acquisition & demolition program request is for a total leveraging amount of \$1,500,775.37.

The County has also been awarded \$2,347,912.14 from FEMA for repairs to storm damaged public facilities and infrastructure. The US Army Corp of Engineers will provide up to \$100,000 to assist with a survey and planning efforts for the planned CDBG-DR infrastructure improvements around Kinley Creek in the Challedon neighborhood. If the infrastructure project is approved, the US Army Corp of Engineers will provide up to another \$750,000 to assist with these efforts.

In addition to the above resources, through an ongoing focus toward developing and strengthening public-private partnerships with corporations, foundations, nonprofits, and other stakeholders, the County will assist and integrate efforts of organizations active in the recovery.



To this end, the County has provided \$37,000 in CDBG funding, from the County's 2016 Annual Allocation, to the local homeless shelter provider, Transitions Homeless Recovery Center. These funds will support shelter operations supporting individuals and families, from Lexington County, experiencing homelessness.

### 9.5 Timely Expenditure of the Funds

Per Federal Register Notice 5938-N-01, CDBG-DR funds must be expended within a six (6) year time frame beginning on the date the grant agreement is signed by HUD. However, we understand that HUD will periodically review the County's progress in drawing down funding from its Line of Credit (LOC). The County of Lexington will review in-house expenditures and beneficiary expenditures to ensure that funds are spent on eligible costs and in a timely manner. Project funds and schedules will be monitored by The County of Lexington's Finance Department, the Department of Community Development and the County's planning and management consultant(s), and ultimately audited through the County's independent audit function.

As the County of Lexington is an entitlement community, County staff members already have experience with monitoring the expenditure rate of its annual CDBG allocation. (The County's CDBG Policies & Procedures are provided as an appendix to this document.) With the County's current allocation of CDBG funds, the County of Lexington's Department of Community Development maintains detailed spreadsheets monitoring the expenditure of funds and project schedules. Considering that the CDBG-DR grant to the County is more significant than the usual annual allocation, the County will adapt and enhance its current processes by establishing standard tracking mechanisms, processes and templates to ensure consistency and continuity among program activities. The County of Lexington will also maximize its use of technology to support and augment any standard processes instituted to ensure timely expenditure of funds.

The County of Lexington will hold all contractors accountable through the establishment of benchmarks and other critical milestones. Contractors will be required to provide detailed reports concerning expenditure of funds and project progress to the County upon request. Frequency of reporting will be established on a per project basis given the potential varied nature of eligible activities that the County may choose. It is expected that the County will require contractors to provide monthly reports; however, due to the varying nature of each project, specific projects may be asked to provide those project updates more frequently.

The County expects, at this time, that it will directly administer all CDBG-DR programs and will use contractor augmentation to execute implementation. When contracting with vendors, the County will establish certain benchmarks that must be achieved prior to the release of funding.



As a part of their contractual obligations to the County, contractors will be required to present the County with a plan on how they will implement procedures to reach the determined benchmarks. Each contract with contractors will require that penalties be implemented for failure to reach benchmarks. In addition to ensuring that contractors are meeting project timelines, these benchmarks will allow the County to project expenditures for each individual project. The following chart provides an estimated time frame of expenditures for each of the identified programs.

Summary of Expenditure Milestones					
Activity	Total Allocation	Program Time Frame	25% Expenditure Benchmark	50% Expenditure Benchmark	100% Expenditure Benchmark
Disaster Recovery Program Planning	\$250,000	June 2016 – June 2018	March 1, 2017	January, 2018	June, 2018
			\$62,500	\$125,000	\$250,000
Disaster Recovery Program Administration	\$630,000	June 2016 – June 2020	December 1, 2017	December 1, 2018	June 30, 2020
			\$157,500	\$315,000	\$630,000
Public Infrastructure Improvements	\$3,000,000	November 2017 – December 2019	July 1, 2018	January 1, 2019	December 31, 2019
			\$750,000	\$1,500,000	\$3,000,000
Housing Buy-outs & Acquisitions	\$10,000,000	December 2016 – December 2018	June 1, 2017	December 1, 2017	June 30, 2018
			\$2,500,000	\$5,000,000	\$10,000,000
Minor Rehabilitation of Owner Occupied Housing	\$2,452,000	December 2016 – December 2018	July 1, 2017	December 1, 2017	June 30, 2018
			\$613,000	\$1,226,000	\$2,452,000
<b>Total Funding Available</b>	<b>\$16,332,000</b>	<b>June 2016 – June 2020</b>	<b>January 1, 2018</b>	<b>January 1, 2019</b>	<b>June 30, 2020</b>
			<b>\$4,083,000</b>	<b>\$8,166,000</b>	<b>\$16,332,000</b>



## 9.6 Timely Information on Application Status

Effective communication is paramount to the successful delivery of complex public programs, particularly in the wake of a disaster. The County of Lexington will, at a minimum, engage in a two-tiered applicant communication strategy, with larger program-wide information being made available on the County's disaster recovery website and proactive case management to move applicants along within program processes, notifying applicants of status at each critical juncture.

The County of Lexington believes that an effective and comprehensive communications strategy will better allow community access to create a culture of personal resilience and sustainability. The County has been proactive in engaging the community and keeping them informed of disaster recovery efforts transpiring within the community in an effort to create this culture, using the disaster recovery website as a clearinghouse of resources for community stakeholders. The County intends to maintain this website as the central repository of information to connect citizens to resources available from the CDBG-DR program activities we undertake.

The County understands that a lack of information about program resources, progress, filed claims, and applications for assistance can exacerbate frustration from potential program beneficiaries. Further, the processes required to deliver benefits, particularly in housing-related activities, are multi-step complex processes that require extensive documentation. The incremental steps within a program require time, and often patience. To mitigate the anxiety of applicants and keep them apprised of application progress, the County of Lexington will need to institute systems that allow for real-time status updates to applicants upon request. Although the County will not know the volume of case management needed until the conclusion of the Unmet Needs Assessment and Action Plan development, we anticipate instituting the following status update options:

- Providing direct access to an applicant's designated case manager
- Monitor case manager caseloads and adjust as necessary to keep caseloads at reasonable levels that will ensure frequent applicant contact
- Sending electronic status notifications after critical milestones have been achieved as well as outlining next steps
- Sending printed status updates to applicants who do not have access to electronic media
- Face-to-face consultations with case managers



- After-hours voicemail systems monitored daily and instituting a policy of return calls within 24-hours of voicemail receipt
- Case manager email contact information provided to applicants

Hearts & Hands Disaster Recovery (HHDR) is a not-for-profit neighbor-helping-neighbor organization which pairs volunteers with care receivers in their community for a variety of services to include disaster recovery. Their mission is to ensure the most vulnerable and low income property owners become top priority for program assistance. This is especially important for clients with limited resources and income. HHDR is providing a critical service to the Lexington county residents that have been affected by the October 2015 Flood event.

HHDR Disaster Case Managers (DCM) are working with Lexington County residents to complete the application intake process. DCMs are also responsible for assessing applicant vulnerability and unmet needs. The following information is required from the applicant:

- Title or deed of the home
- Last year's tax return
- 3 months of bank statements
- FEMA Inspection Report, if applicable
- Homeowners or Flood Insurance Award or Rejection Letter, if applicable
- Retirement Account Statement, if applicable
- Current disability or social security letter (if applicable)
- Receipts for all work done using federal funds given for rebuilding
- List and description of any prior work done to repair damages in the home
- Property structure and type
- Remaining funds available to be attributed to the project from Homeowner's
- Insurance, Flood Insurance, FEMA, SBA and/or any additional federal funds given for rebuilding
- Damage assessment from Lexington County
- Temporary Housing availability from the homeowner

The assigned DCM remains in constant contact with the property owner to make them aware of potential resources and funding. Qualified property owners are then referred to local resources for assistance. Many Lexington County property owners are depending on the CDBG-DR program because the need outweighs the available resources. While waiting for program funding, DCMs are working with property owners to complete the application and gather all required documentation. HHDR will remain active with the applicant until all necessary



documentation has been gathered and the application has been submitted to Lexington County Disaster Recovery.

### 9.7 Access to Records

During the term of the grant, the County will provide the public with reasonable and timely access to information and records concerning documents related to CDBG-DR15 and to the use of the County's CDBG-DR funds. As previously stated, the County will maintain a comprehensive website which will provide updated information about the program, the Action Plan (including amendments) as well as the Quarterly Performance Reports and all other relevant program related reports and announcements. Requests for additional information should be sent to:

County of Lexington SC,  
Community Development Department  
212 S. Lake Drive, Suite 401  
Lexington SC 29072

By Phone: (803) 785-8121  
By Email: [disasterrecovery@lex-co.com](mailto:disasterrecovery@lex-co.com)

### 9.8 Complaints

Written complaints from the public related to this Action Plan (or its amendments), QPRs, or the County's activities or programs funded with CDBG-DR, will receive careful consideration and will be answered in writing, or other effective method of communication, within fifteen (15) business days, where practicable. Written complaints should be sent to:

County of Lexington SC,  
Community Development Department  
212 S. Lake Drive, Suite 401  
Lexington SC 29072

By Phone: (803) 785-8121  
By Email: [disasterrecovery@lex-co.com](mailto:disasterrecovery@lex-co.com)





## 9.9 Appeals Process

The County will institute both a complaint and an appeals process to address citizen concerns and applicant grievances. Applicants will be notified, in writing, of their opportunity to appeal decisions and the process for appealing at the application stage of the process. They will be reminded of their right to appeal through details provided on all program status notifications. Information about the appeals process will also be posted to the County's disaster recovery website.

All complaints and/or grievances will be submitted in writing to the CDBG DR Administrator. The administrator will review the complaint and make every effort to solve the issue in such a way as to meet the needs of the citizen as well as the County and the CDBG DR program. If a solution cannot be reached, the administrator will forward the issue to the Community Development Director. The Director, with assistance from the Quality Assurance team, will review the complaint in an effort to mediate the issue to an acceptable resolution. Every effort will be made to reach this point of the process within five (5) business days.

If no resolution is found, the Director will convene the Disaster Recovery Technical Review / Appeals Committee. A member of the Quality Assurance team will present all information regarding the issue and the applicant making the complaint will be given the opportunity to present additional pertinent information and/or documentation to support their position. The committee will take the matter into consideration and applicants will receive a written notification of the committee's findings within five (5) business days. At each stage of this process, every appropriate effort will be made to reach a resolution that meets the needs of the applicant, the County and CDBG Disaster Recovery governing laws. If resolution is not reached, the applicant will be given an option to continue in the program based on the original decision or to opt out of the program. In any case, the decision of the Disaster Recovery Technical Review / Appeals Committee will be final.

The Technical Review / Appeals Committee will consist of the following Lexington County Staff:

1. Deputy Finance Director
2. Procurement Manager
3. Public Works Director
4. Emergency Management Director
5. Chief Building Official
6. Flood Plain Manager
7. County Assessor



The Community Development Director will serve as Chair of this Committee but will be a non-voting member. As chair, the director may contribute general information as to the program policies and procedures and/or the HUD guidelines and regulations. The chair will not provide information specific to the issue before the committee.

The committee meeting will adhere to appropriate county meeting regulations as determined by the County Council and monitored by the Clerk to Council. Minutes for all meetings will be kept and distributed to all members of the committee. Approval of the minutes by the membership shall occur either at the next meeting of the committee, or when appropriate by documented e-mail vote.

### 9.10 Construction Methods

As described in the program descriptions, the only construction related activity to be carried out by the County, using CDBG-DR funds, will be minor rehabilitation of owner-occupied residential structures. The County and its contractors shall utilize the guidelines for rehabilitation specified in the HUD CPD Green Building Retrofit Checklist which is available on the HUD Exchange website. The County will apply these guidelines to the extent possible and where financially feasible for all minor rehabilitation activities; all scope of repairs for approved projects will have incorporated the applicable items HUD CPD Green Building Retrofit Checklist. To ensure that all approved construction scopes have incorporated these necessary items, each project scope will be completed with an attached HUD CPD Green Building Retrofit Checklist showing which items will be addressed in the household to conform to the regulations outlined on applicable items on the checklist. Additionally, when older or obsolete products are replaced as part of the rehabilitation work, the County will use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances. All projects under the Minor Rehab Program will go through a series of inspections ensuring not only the accuracy of scope of repairs, but that all items listed in the scope of repairs were completed to the highest standard possible. The County will inspect the proposed scope of repairs ensuring HUD CPD Green Building Checklist compliance, the contractor will sign the scope of work agreement with the County as well as the homeowner, and the County will perform its routine inspections throughout the life of the projects. When the contractor completes the project, it will obtain the certificate of occupancy from the County ensuring compliance to the scope of repairs.

In addition to HUD requirements, all projects with construction activities, funded through CDBG-DR, will use high-quality materials and will meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. International



Residential Code (IRC) 2012 will be adhered to as required and where appropriate. All rehabilitation projects will comply with Housing Quality Standards (HQS) and all applicable local codes and ordinances. All deficiencies identified in the final inspection must be corrected before final retainage is released.

### 9.11 Contractor Standards

Contractors interested in participating in the CDBG-DR program:

- Must not be listed on the Federal, State, or County debarment list.
- Must submit a completed *Contractor Application* and new vendor packet.
- Must participate in the County's Contractors' Workshop (a certificate of completion will be issued).
- Must have verification of current contractor liability, worker's compensation, and auto insurance.

Once all applicable requirements are satisfied, contractors will be placed on a list of approved contractors for Lexington County and will be given the opportunity to bid on projects as they become available. The bidding process is handled through the Procurement Department and follows Lexington County Procurements Rules and Regulations.

Once a contractor is awarded a project, the contractor is responsible for the quality of their work, the work of his/her employees, and work performed by any subcontractors and their employees. For housing rehabilitation projects, the contractor will be responsible for providing all manufacturers' warranties to the homeowner and copies of each to the County at the time of the final inspection. The contractor must warranty all work for a period of one (1) year from the date of completion (final inspection and acceptance by homeowner) of the entire job under contract. The contractor will correct any defects that occur during that period at no additional cost to the homeowner or the County.

The County reserves the right to debar any contractor or subcontractor from participating in this program on the basis of unsatisfactory performance or impropriety with the contractor's participation in the program. The contractor's or subcontractor's insurance agency shall allow the County ten (10) days before said insurance can be canceled. This provision shall be included in the Homeowner – Contractor Agreement.



## 9.12 Construction Warranty

Saint Bernard's Project (SBP) is a non-profit organization working to rebuild properties damaged during the October 2015 Flood event. SBP is committed to shortening the time between disaster and full recovery by ensuring that disaster-impacted citizens and communities recover in a prompt, efficient and predictable manner.

Once SBP receives the list of processed applications from the Lexington County Community Development Block Grant-Disaster Recovery Administrator, with Low-to-Moderate Income applicants tagged as priority, SBP's Disaster Case Manager will contact the homeowners by phone within 10 business days to schedule a construction walk with a SBP Construction Manager (Project Manager or Director of Construction). The SBP Construction Manager will assess the damages at the property, completing a full scope of repair and estimate detailing all work to be completed and the cost per item, including soft costs for each project. The SBP Construction Manager will utilize the guidelines for rehabilitation specified in the HUDCPD Green Building Retrofit Checklist for each project. To ensure that all approved construction scopes have incorporated these necessary items, each project scope will be completed with an attached HUD CPD Green Building Retrofit Checklist showing which items will be applicable and feasible to be addressed in the household to conform to the regulations outlined on applicable items on the checklist. The program will provide rehabilitation assistance up to 49% of the value of the home not to exceed \$45,000 in hard costs associated with the rehabilitation. Therefore, no estimate will exceed \$45,000 per project, including hard costs, soft costs and developer's fee. Repair expenses include, but are not limited to:

- Structure repairs (i.e. roof, foundation, electrical, plumbing, and windows)
- Limited debris removal
- Mold remediation
- Labor, material, and equipment rental to permanently or temporarily repair the damaged residence (includes carpeting, cabinetry, appliances, flooring, fixtures, doors, walls, and ceilings)
- Demolition costs
- Installation septic tanks, electricity, HVAC and plumbing
- Grading or leveling of property
- Rental of Disposal and Removal Equipment (i.e. backhoes and dumpsters)
- Tree/shrub removal if the tree/scrub blocks access to the home or presents a safety hazard.

Once the SBP Construction Manager completes the scope of repairs and estimate, they will submit the scope of repairs and estimate to a licensed Environmental Review Contractor to test all affected items in the home for asbestos and lead. With these results, the SBP Construction



Manager will revise the scope of repairs and estimate to address any items that will need asbestos and/or lead abatement. SBP will then submit the final repairs application back to the CDBG-Disaster Recovery Administrator for approval. The CDBG-Disaster Recovery Administrator will review the scope of repairs and estimate to confirm its compliance to the program and to confirm that Lexington County Inspectors will be able to approve the project to code with its current assessment of repairs within 30 days. If approved, the CDBG-Disaster Recovery Administrator will submit it to SBP with its approval letter, signaling SBP's Notice to Proceed with the project. If the CDBG-Disaster Recovery Administrator does not approve the scope or repairs and/or estimate, they will notify SBP within 30 days. Depending on the reasoning for denial, SBP will be able to revise and resubmit the scope or repairs and/or estimate to the CDBG-Disaster Recovery Administrator for reassessment. If unable to revise the scope of repairs and/or estimate within the \$45,000 limit, SBP will notify the CDBG-Disaster Recovery Administrator who will deny the homeowner's application to the program.

If approved from the CDBG-Disaster Recovery Administrator, SBP will receive Notice to Proceed and will schedule a meeting with the homeowner to review the approved scope of repairs. The homeowner must sign an agreement approving the scope of repairs; homeowner agreement and willing partner agreement (see attachments). If signed and approved by the homeowner, SBP will proceed with scheduling and performing construction work.

A contractor appropriately licensed by the South Carolina Department of Labor, Licensing and Regulation will complete all projects performed under the Minor Rehab Program. All contractors interested in performing work under the Minor Rehab Program will provide proof of liability insurance and W9 documentation prior to work approval. Additionally, all volunteers who perform work on under the Minor Rehab Program must be registered through SBP before arriving on site. All persons working on a Minor Rehab Program site will do so under the direction and at the discretion of the SBP Construction Manager to ensure quality control and safety.

County inspections will occur periodically throughout the construction process, leading up to the final inspection. These will be scheduled with County of Lexington Building Inspections by the contractor (SBP, or SBP approved subcontractors). To pass final inspection and receive certificate of occupancy, the scope or repairs needs to be completed in full and all activities must be completed to IRC compliance. Before the Minor Rehab Program can sign off on a project, a sign off agreement must be signed by the homeowner. With this agreement, the homeowner must confirm that all items on the scope of repairs were completed with the proposed standards.



This agreement between the homeowner and County will signal a closed project. If a homeowner does not agree that all items on the scope of repairs were completed to the proposed standards, the contractor will work with the homeowner to address these concerns. If the contractor deems that all items were completed to the proposed standards, the case will be discussed in an Escalated Appeals Panel held by the County who will ensure that all items were completed per the scope of repairs, if not already done so. Payment will be processed through SBP to the County in two increments, 50% expenditures complete and 100% expenditures complete. To receive the final, 100% payment, SBP will submit the final inspection report from the County's Building Inspections office as well as the homeowner sign-off agreement approving of the completed work unless approved by the county to overrule a homeowner's refusal to sign-off.

The sign-off agreement signifies that work by SBP has been performed and completed in accordance to the terms of the agreement. Signing the agreement also initiates the one year construction warranty on all work completed within the scope of repairs. Under the warranty agreement, if the homeowner submits a "rework claim" to SBP within the one year period, stating work completed within the scope of repairs failed to function properly, SBP will repair the item(s) to bring the home into compliance.

### 9.13 Elevation of Homes

As previously mentioned throughout this Action Plan, the County will not utilize any CDBG-DR funding to support elevating homes within the County. Furthermore, at this time, the County will not provide CDBG-DR funding for any activity that statutorily triggers elevation of homes.

However, should the County decide to Substantially Amend this Action Plan to include home elevation activities, the County will then apply elevation standards for new construction, repair of substantially damaged structures and for any substantial improvements to residential structures in flood hazard areas, such that the lowest floor is at least two feet above the one percent annual floodplain elevation.

### 9.14 Mitigation & Resiliency Measures

All mitigation measures implemented through a CDBG-DR funded program will be a necessary expense related to the disaster relief, long-term recovery, and restoration of public infrastructure or residential structures. This will include detailed assessments of each proposed mitigation measure including buy-out and demolition of residential structures in flood prone areas followed by improved storm water management infrastructure in these areas to mitigate future damage for surrounding communities. As previously stated, at this time, the County will not be funding any home elevations as the County feels this does not properly mitigate risks to



residents and first responders in the case of a future storm or disaster response. Any and all infrastructure improvements will be planned specifically to provide for future storm mitigation measures.

### 9.15 Protection of People & Property

The County will closely monitor each project utilizing CDBG-DR funding to verify that quality materials and standards are being utilized, that all necessary permits and approvals are in place, and that green building standards are being incorporated when possible and cost effective. To improve the protection of County residents and property, site visits will be conducted regularly during construction to verify that the proper materials and construction standards are being applied during the project. This will include the use of high quality materials as well as adherence to other standards that will increase resident safety and property protection.

### 9.16 Minimizing Displacement

Consistent with the County's Consolidated Plan, CDBG-DR funded activities will be designed to eliminate (or minimize) the occurrence of displacement. The County will minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds. This is not intended to limit the ability of the County to conduct buy-outs or acquisitions for destroyed and extensively damaged units or units in a floodplain.

The County 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. Given its priority to engage in voluntary acquisition and optional relocation activities to avoid repeated flood damage and improve floodplain management, the County will utilize the HUD waiver of the Section 104(d) requirements, which assures uniform and equitable treatment by setting the URA and its implementation regulations, as the sole standard for relocation assistance under P.L. 114-113. Efforts to conduct voluntary buy-outs (or acquisitions) for destroyed and extensively damaged buildings in a floodplain may not be subject to all provisions of the URA requirements.



### 9.17 Uniform Relocation

Under the Uniform Relocation Act (URA) displaced persons are eligible to the following benefits:

- Advisory services;
- Offer of a comparable replacement unit;
- Replacement housing payments; and
- Moving expenses. Under the URA, the term "displaced person" means:
  - 1) A person who moves permanently from the real property after the property owner (or person in control of the site) issues a vacate notice to the person, or refuses to renew an expiring lease in order to evade the responsibility to provide relocation assistance, if the move occurs on or after:
    - a. The date the Grantee submits a project application for CDBG-DR funds for the project that is later approved, if the Grantee has site control; or,
    - b. The date the Grantee obtains site control, if that occurs after the project application is submitted and approved.
  - 2) A person who moves permanently from the real property after the initiation of negotiations, unless the person is a tenant who was issued a written notice of the expected displacement prior to occupying the property (otherwise known as a "Notice of Eligibility for Relocation Assistance").
  - 3) A person who moves permanently and was not issued a Notice of Non-displacement (Exhibit 10-32) after the application for CDBG-DR funds is approved.

#### *Demonstrable Hardship*

A household claiming a demonstrable hardship can have their case reviewed regarding financial compensation based on rental costs exceeding 30% of household income. This exception is described in Federal Register 81 FR 39700, published on June 17, 2016.

A demonstrable hardship must be able to be proven or "demonstrated". There must be documented evidence supporting the existence of the hardship. A hardship is any occurrence which provides additional financial stress on a household which is not typically experienced but other applicants. The hardship must severely impact the household's financial ability to provide





a minimal standard of living without causing severe economic distress. 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. Additional hardships may exist beyond this list and the County reserves the right to review each claim on a case-by-case basis. These examples, individually or taken together, do not automatically establish a demonstrable hardship.

### *Not Suitable for Rehabilitation*

A unit in substandard condition which cannot be brought into compliance in order to no longer meet the definitions of a substandard structure for any reason, is not suitable for rehabilitation. Any unit requiring rehabilitation costs that exceed 49% of the market value of the property in order to adequately address the property so that it no longer meets the definition of a substandard structure, will be considered “not suitable for rehabilitation”. Costs for lead based paint testing and correction are not included in this calculation. Additionally, any unit located in an area that poses a substantial health or safety risk as identified in the phase 2 environmental review which cannot be addressed without exceeding the 49% criteria described above will also be deemed “not suitable for rehabilitation”.

### *Substandard Unit*

A residence is considered to be in substandard condition when, as determined by the County’s Inspector, it does not meet the standards set out in the International Existing Building Code and/or Property Maintenance Code to such a degree that the unit:

- 1) Is dilapidated (to the point that it):
  - a. Does not provide safe and adequate shelter and endangers the health, safety, and wellbeing of the occupants; or
  - b. Has one or more critical defects or combination of intermediate effects in sufficient number or extent to require repair or rebuilding.
- 2) Does not have operable indoor plumbing;
- 3) Does not have a useable flush toilet inside the unit for the exclusive use of unit’s occupants;



- 4) Does not have a useable bathtub or shower inside the unit for the exclusive use of the unit's occupants;
- 5) Does not have, or has inadequate or unsafe, electrical service;
- 6) Does not have safe or adequate source of heat;
- 7) Does not have a functioning kitchen;
- 8) Has been declared unfit for habitation by a government agency

Residential units assisted by funds provided through this program must meet the International Residential Building Code Minimum Housing Standards upon completion of rehabilitation

### **9.18 Broadband Infrastructure**

P.L. 114-113 requires installation of broadband infrastructure for all new construction or substantial rehabilitation activities, as defined by 24 CFR 5.100, of a building with more than four rental units. At this time, the County will not be funding new construction or substantial rehabilitation programs and therefore this requirement will not be prompted.



## 10.0 Program Certifications

Each State or UGLG receiving a direct allocation under this notice must make the following certifications with its action plan:

- a. Lexington County certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- b. Lexington County certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. Lexington County certifies that the action plan for Disaster Recovery is authorized under State and local law (as applicable) and that Lexington County, and any entity or entities designated by Lexington County, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this notice. Lexington County certifies that activities to be undertaken with funds under this notice are consistent with its action plan.
- d. Lexington County 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. Lexington County 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. Lexington County certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each UGLG receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- g. Each State receiving a direct award under this notice certifies that it has consulted with affected UGLGs in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the uses of funds,



including the method of distribution of funding, or activities carried out directly by the State.

- h. Lexington County certifies that it is complying with each of the following criteria:
- (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2015 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.) related to the consequences of Hurricane Joaquin and adjacent storm systems, Hurricane Patricia, and other flood events.
  - (2) With respect to activities expected to be assisted with CDBG-DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
  - (3) The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register notice) of the grant amount is expended for activities that benefit such persons.
  - (4) Lexington County will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
    - (a) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or
    - (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, Lexington County certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).
- i. Lexington County certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations, and that it will affirmatively further fair



housing.


- j. Lexington County certifies that it has adopted and is enforcing the following policies, and, in addition, States receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:
  - (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  - (2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- k. Each State or UGLG receiving a direct award under this notice certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that Lexington County has reviewed the requirements of this notice and requirements of Pub. L. 114-113 applicable to funds allocated by this notice, and certifies to the accuracy of Risk Analysis Documentation submitted to demonstrate that it has in place proficient financial controls and procurement processes; that it has adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, to ensure timely expenditure of funds; that it has to maintain a comprehensive disaster recovery website to ensure timely communication of application status to applicants for disaster recovery assistance, and that its implementation plan accurately describes its current capacity and how it will address any capacity gaps.
- l. Lexington County certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the State, local, or tribal government or delineated as a Special Flood Hazard Area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the State, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.



- m. Lexington County certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
- n. Lexington County certifies that it will comply with applicable laws.

**Unit of Local Government:** County of Lexington, South Carolina

**Name/Title of Certifying Official:** Joe Mergo, III, County Administrator

**Signature:** 

**Date:** 1/30/2017





# Community Development Block Grant - Disaster Recovery

County of Lexington, SC  
Community Development Department

[disasterrecovery@lex-co.com](mailto:disasterrecovery@lex-co.com)

<http://www.lex-co.sc.gov/departments/DeptAH/communitydevelopment/Pages/CDBG-DR.aspx>

## UNMET NEEDS SURVEY

Date: \_\_\_\_\_

*Contact information optional unless you would like us to contact you!*

Name \_\_\_\_\_

Contact  
Address \_\_\_\_\_

Phone (     ) \_\_\_\_\_

E-mail \_\_\_\_\_

*Check One*

Did you experience damage to your home as a result of the October 2015 Rain/Flood event?     Yes     No

Did you receive funds from sources such as FEMA, NFIP, Homeowners Insurance, Non-Profits, Volunteer Organizations, or Service Organizations to help you with repairs to your home?     Yes     No

Have you completed some or all of the needed repairs to your home since the damage from the Rain/Flood occurred?     Yes     No

Do you still have un-met needs as a result of the damages to your home?     Yes     No

If your home were to be identified as a likely property for a buy-out opportunity, would you be interested in discussing that opportunity?     Yes     No

Please provide the address of your damaged property if different from the address above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





COMMUNITY DEVELOPMENT BLOCK GRANT —  
**DISASTER RECOVERY**

County of Lexington , SC  
Community Development Department

**disasterrecovery@lex-co.com**

<http://www.lex-co.sc.gov/departments/DeptAH/communitydevelopment/Pages/CDBG-DR.aspx>

**COMMENT FORM**  
**(PLEASE PRINT LEGIBLY)**

Name: \_\_\_\_\_ Date \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Address Damaged by Flood \_\_\_\_\_  
(if different from above): \_\_\_\_\_

Day-time Phone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

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(Please use back of page or additional pages if needed)

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County of Lexington SC, Community Development Department Suite 401 212 S. Lake Drive, Lexington SC 29072 803-785-8121

