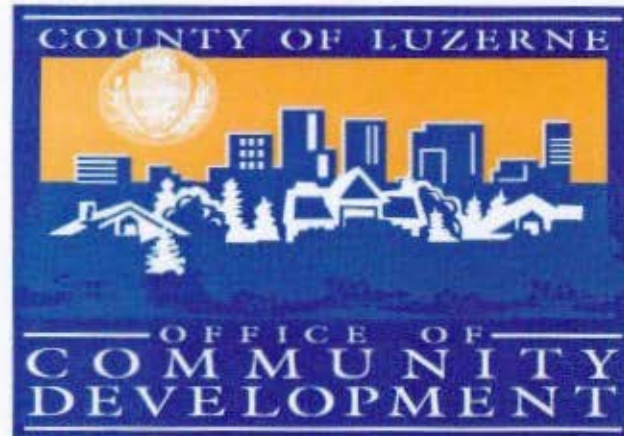


**LUZERNE COUNTY
Action Plan for
Disaster Recovery**



July 2012

Executive Summary

Purpose of the 2012 Disaster Action Plan

During September 2011, Luzerne County witnessed historical flooding from Tropical Storm Lee. The Susquehanna River reached a record high of 42.6 feet (13 meters) in Wilkes-Barre. The river topped the 40.9-foot (12.5 meters) level in flooding caused by Hurricane Agnes in 1972. Due to the recovery and flood protection (primarily a levy) efforts following the Agnes destruction, the City of Wilkes-Barre was spared severe damage.

Not all areas of the County fared as well unfortunately, and thus Luzerne County has been allocated CDBG disaster recovery funds for the purpose of assisting recovery in the most impacted and distressed areas declared a major disaster in 2011 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.5121 *et seq.*).

As of July, 2012, recovery work has been initiated by FEMA, PEMA, and SBA in over 60 municipalities within the County. A total of \$18,248,000 has been targeted for almost 300 properties by FEMA, which represents about 42% of applications submitted. It appears that Flood Insurance in the amount of \$14,000,000 may have also been paid out for covered claims. PEMA's Luzerne County Representative has put together a specific list of 116 properties where buyouts will likely occur and then coordinated with the County's Disaster Action Plan focusing on 5 communities but also serving 10 others, which hopefully will be approved by HUD in mid October, 2012.

Based on the substantial level of unmet need, Luzerne County's designated portion of the 2011 Disaster allocation is \$15,738,806. The Office of Community Development notified and will assist all families, individuals (some in temporary Federal Emergency Management Agency (FEMA) housing), and businesses from 2011 flood impacted County Municipalities identified as Phases 1 and 2 by the Pennsylvania Emergency Management Agency (PEMA) including Conyngham, Dennison, Exeter, Hunlock, Jenkins, Nescopeck, Plains, Plymouth, and Wright Townships, as well as, Duryea, New Columbus, Shickshinny, West Pittston, and West Wyoming Boroughs, and the City of Nanticoke, to identify and submit proposals for individual properties, infrastructure and economic opportunity that require assistance above and beyond assistance previously provided by FEMA, PEMA, the U.S. Army Corps of Engineers (USACE), or the Small Business Administration (SBA).

Finally, during the execution stage, the County will also examine other municipalities that may have sustained some damage not yet clearly identified during the planning stage.

The Act requires the assistance to begin no later than mid October, 2012 or 180 days from the date the Federal Register Notice cited above.

1. Use of Disaster Funds

The Appropriations Act requires funds to be used only for specific disaster-related purposes. The law also requires that prior to the obligation of funds a grantee shall submit a plan detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long term recovery. Thus, this Action Plan for Disaster Recovery, describes uses and activities that are:

- (1) Authorized under title I of the Housing and Community Development Act of 1974 (HCD Act) or allowed by the April 16, 2012 Federal Register Notice [**Docket No. FR-5628-N-01**], and
- (2) A response to a disaster related impact.

To help meet these requirements, HUD requires Luzerne County OCD to conduct a current assessment of disaster related community impacts and unmet needs to guide the development and prioritization of planned recovery activities. Allocations of funding in this Disaster Action Plan reflect the findings of the County's needs assessment. Funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency (FEMA), the Pennsylvania Emergency Management Agency (PEMA), the U.S. Army Corps of Engineers (USACE), or the Small Business Administration (SBA).

The Luzerne County Disaster Plan and Application consists of five (5) comprehensive activities:

Disaster Recovery Needs Cost

A. Housing (including \$900,000.00 buy-out local share) and Energy	\$ 4,589,096
B. Infrastructure and Disaster Mitigation (includes 25% contingency)	7,001,949
C. Economic Revitalization and Development	1,000,000
D. Planning and Delivery	2,360,821
E Administration	<u>786,940</u>
Total	<u>\$15,738,806</u>

Long Term Recovery Planning

The Disaster Action Plan promotes:

(a) Sound, sustainable long-term recovery planning informed by a post-disaster evaluation of hazard risk, especially land-use decisions that reflect responsible flood plain management, and

(b) How it will coordinate with other local and regional planning efforts and leverages with funding provided by other federal, state, local, private, and nonprofit sources to generate a more effective and comprehensive recovery.

Energy Efficiency Construction

The Disaster Action Plan encourages construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance, including how it will support adoption and enforcement of modern building codes and mitigation of hazard risk, where appropriate;

Provision of Adequate, Flood Resistant Housing for all Income Groups

The Disaster Action Plan encourages the provision of adequate, flood-resistant housing for all income groups, including the activities planned to address, if needed and appropriate, in the flood damaged communities of the County:

(a) The Luzerne County Continuum of Care will continue to serve the transitional housing needs of homeless individuals and families (including subpopulations) that may be located in the flood damaged communities of the County;

(b) The Housing Opportunity Commission and Commission on Equal Opportunity will continue to work for the prevention of low-income individuals and families with children (especially those with incomes below 30 percent of the area median) from becoming homeless in the flood damaged communities of the County;

(c) The Housing Opportunity Commission and Commission on Equal Opportunity will continue to work on the special needs of persons who are not homeless but require supportive housing (e.g., elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, and public housing residents, as identified in 24 CFR 91.315 (e) or 91.215(e) as applicable) in the flood damaged communities of the County;

(d) The County has considered how planning decisions may affect racial, ethnic, and low-income concentrations and is considering ways to promote the availability of affordable housing in low-poverty, non-minority areas where appropriate and in response to disaster related impacts in the flood damaged communities of the County;

(e) The County plans to minimize displacement of persons or entities, and assist any persons or entities displaced in the flood damaged communities of the County;

(f) The County has a Plan in place to handle program income, and the purpose(s) for which it may be used in the flood damaged communities of the County;

(g) The County Monitoring standards and procedures are sufficient to ensure program requirements, including non-duplication of benefits, are met and provide for continual quality assurance and investigation. The County also has an internal audit function with responsible audit staff reporting independently to the County Manager in the flood damaged communities of the County or;

(h) The County has procedures in place to prevent fraud, abuse, and mismanagement of funds (including potential conflicts of interest and duplication of benefits). All such procedures invoked shall be identified in the County's performance reports to HUD for the flood damaged communities of the County;

(i) The County is increasing the capacity of existing grant recipients, sub-recipients, sub-grantees, and any other entity responsible for administering activities under this grant as necessary in the flood damaged communities of the County;

(j) Unmet needs regarding the allocation of CDBG disaster recovery resources have been and will continue to be coordinated with FEMA, PEMA, SBA, USACE for assistance in the flood damaged communities of the County; and

(k) The Disaster Action Plan includes a performance schedule for carrying out programs and/or activities in Section 2. **Disaster Recovery Activities Needs Assessment** below. The schedule includes projected performance in terms of both expenditures and outcome measures) for (1) housing, (2) infrastructure, (3) economic development, (4) planning and administration, and (5) a projected expenditure schedule for the entirety of the grant amount as a whole for the flood damaged communities of the County.

2. Disaster Recovery Activities Needs Assessment

The Disaster Action Plan activities address the impact of the Tropical Storm Lee disaster for which funding was appropriated. This means each activity is (1) CDBG eligible (or has received a waiver), (2) meets a national objective, and (3) addresses a direct or indirect impact from the disaster in Luzerne County which is a Presidentially-Declared Area.

A. Disaster Strategic Needs Plan

In response to needs and objectives, Luzerne County's disaster strategic plan outlines the overall goals for addressing housing, infrastructure and economic development needs in the County. The plan will identify how the County intends to use its Federal resources to address priority needs. The specific resources to be discussed include the Stafford Act Community Development Block Grant (CDBG) funding, support from the HOME Program, and local CHDO, and the ESG Program. Finally, Luzerne County is supported by the Housing Opportunities for Persons with HIV/AIDS (HOPWA) Program, administered by the State of Pennsylvania, as well as the Luzerne County Continuum of Care for Homeless Programs.

To provide maximum service and benefit, especially to low to moderate residents, Luzerne County must successfully balance a diverse array of housing and community development issues. Given the range of competing needs, the County must invest its scarce public resources wisely. Therefore, as a general principle, the County will attempt to expend public funds in a way that leverages the commitment of private sector support whenever possible, especially in the most needy communities and neighborhoods.

Through the public participation and consultation process, the County has identified the community's overall goals and objectives, under the Performance Measurement System (PMS). The objectives also appear in DRGR and the objectives are as follows:

- **Housing**
- **Infrastructure including Preparedness and Mitigation**
- **Economic Development**

The County's **Economic Development Needs** under the Disaster Action Plan, are expected to be covered primarily by the County's Business Development Loan Program and tracked under IDIS. However, based on the need to supplement the assistance previously provided by the BDLP, a minimum of \$1,000,000 for economic recovery will be allocated to support about 30 new L/M job opportunities in the Disaster Recovery Communities.

The Disaster Action Plan provides recovery funds only for the purpose of assisting recovery in the most impacted and distressed areas of Luzerne County declared a major disaster in 2011 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.5121 *et seq.*).

Federal requirements clearly state that the funds can be used only for disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Tropical Storm Lee. Requirements provide that the funds be directed to the most impacted and distressed areas within the County. The funds may not be used for activities reimbursable by or for which funds are made available by FEMA, SBA, or the Army Corps of Engineers. The County anticipates requesting waivers to tailor the program to best meet the disaster recovery needs of County Residents as issues arise and are brought forward by the affected municipalities.

Eligible Activities

This Action Plan outlines the County's framework for allocating funding. Unless otherwise stated in the Federal Register, statutory and regulatory provisions governing the CDBG program, specifically 24 CFR Part 570 apply to the use of these funds.

All proposed activities must be eligible CDBG activities according to 24 CFR Part 570, except as waived by HUD, must meet requirements for disaster recovery funding cited throughout this Plan, and must meet at least one of the three national CDBG objectives. All housing, public service, public facility, infrastructure, and business development activities allowable under 24 CFR Part 570 are eligible Application activities and must meet at least one of the three national CDBG objectives. All housing, public service, public facility, infrastructure, and business development activities allowable under 24 CFR Part 570 are eligible Application activities.

Housing activities will include but not be limited to single and multifamily acquisition, demolition, repair, rehabilitation, reconstruction, and new construction as appropriate for the specific local needs to address damage as a result of Tropical Storm Lee. Flood buyouts of homes damaged by Tropical Storm Lee in which the owner will repurchase a home are considered housing activities. Funding provided for these housing activities will be in the form of a grant.

Non-Housing activities will include but not be limited to FEMA Infrastructure Grant Program match, FEMA Hazard Mitigation Grant Program match (including drainage projects, flood buyouts in which the property is converted into open, undeveloped land, and safe-space), flood and drainage projects, roads and bridges, water control facilities, water and waste water facilities, buildings and equipment, utilities, parks and recreational facilities, debris removal, public/community shelters, and loan funds for businesses. All of these activities must be related to addressing damages created by Tropical Storm Lee.

Anticipated Accomplishments

Given the very limited amount of available CDBG Disaster Recovery Funding as compared to the tremendous need, the County expect to make focused efforts to restore housing units lost or severely damaged by the storm and to make repairs to public infrastructure damaged by Tropical Storm Lee.

The County anticipates that low to moderate income (LMI) residents will be the primary beneficiaries of the program. Under HUD program guidelines, "low to moderate income" individuals reside in households that earn less than 80 percent of the area median family income. Applicants for the funds will be required to specify activities, proposed units of accomplishment, and proposed beneficiaries in the Application. These anticipated accomplishments will be reported by the County to HUD during the first quarter of reporting using the online Disaster Recovery Grant Reporting System.

National Objectives

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, primarily benefit LMI persons). HUD is granting an overall benefit waiver that allows for up to 50 percent of the grant to assist activities under the urgent need or prevention or elimination of slums and blight national objectives.

The primary objective of Title I of the Housing and Community Development Act and of the funding program of each grantee is the "development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income." The statute goes on to set the standard of performance for this primary objective at 70 percent of the aggregate of the funds used for support of activities producing benefit to low and moderate income persons. Since extensive damage to community development and housing affected those with varying incomes, and income-producing jobs are often lost for a period of time following a disaster, HUD is waiving the 70 percent overall benefit requirement, leaving a 50 percent requirement, to give grantees even greater flexibility to carry out recovery activities within the confines of the CDBG program national objectives.

B. Disaster Action Plan Activities

In order to achieve the goals of the Disaster Action Plan, the County will follow with the objectives set forth in the April 16, 2012 Federal Register Notice [**Docket No. FR-5628-N-01**]. Listed below are the overall objectives established by Luzerne County's Disaster Action Plan process:

Priority #1: Decent Affordable Housing
A. Affordable Homeownership
Objective: Continue to increase homeownership opportunities under programs that maximize CDBG-DR and other eligible resources providing both the local share of the FEMA/State/County Buyout Program and other funds for rehabilitation and home purchases.
Strategies: Maintain existing partnerships with real estate and lending entities and create new partnerships as necessary to assist low-income households in purchasing their new home.
Output: 150 low-income homebuyers, including transitional housed families, may purchase a home. Additionally, 75 homebuyers between 81-100% of median income funded through the CDBG-DR and/or HOME, County's Housing Trust Fund and/or NSP will become homeowners.
Outcome: Homeownership in flood damaged municipalities should be increased by 25% in the next five years.

Priority #1: Decent Affordable Housing
B. Affordability of Rental housing
Objective: Preserve existing affordable rental units and develop new units.
Strategies: Work with owners of small rental developments to promote development and availability of rental opportunities for lower income renters
Output: 100 rehabilitated and/or new rental units; 125 households assisted
Outcome: Reduction in the number of low-income (below 80% of AMI) renters and homeless that experience housing problems

Priority #2: Suitable Living Environment and Infrastructure**Sustainability of institutional structure and coordination of resources**

Objective: Assist the flood damaged townships and boroughs as well as non-profit agencies to maintain infrastructure to provide economic and neighborhood development linked with housing and necessary support services

Strategies: Support flood recovery planning initiatives, including comprehensive and consolidated planning (including ongoing recovery), waste water management, plans for municipal coordination and cooperation, local government planning, transportation, and economic development.

Output: Initiated and supported funding and local projects that serve the flood damaged communities in opening up housing and economic development opportunities for low-moderate income residents using the network of public and non-profit sub-recipient organizations.

Outcome: Increase the access to quality public as well as private facilities and services, improved living conditions and job opportunities for low-moderate flood community residents

Priority #3: Create Economic Development Opportunities**Sustainability of flood damaged neighborhoods and municipalities by supporting empowerment opportunities through revitalization and micro-enterprise funding**

Objective: Sustain, as well as, create a more desirable employment and business environment in the flood damaged areas of the County

Strategies: Work with municipality and neighborhood groups to identify and address potential economic development issues in flood damaged area, and concentrate resources in industrial and commercial development projects.

Output: Construct or reconstruct public facilities and infrastructure to serve the low/mod income population of the 15 affected municipalities; Create and retain 30 jobs and; Create additional affordable housing opportunities.

Outcome: Increase in real estate property values; Visual attractiveness of the neighborhoods; Improvement in skill level of low- and moderate-income job seekers; Increase in number of jobs created and retained; Increased housing affordability for lower income persons

General Requirements

A. Flood Plain Management and Regulatory Barriers

Any property acquired with disaster recovery grants being used to match FEMA Section 404 Hazard Mitigation Grant Program funds is subject to Section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, which requires that such property be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. In addition, with minor exceptions, no new structure may be erected on the property and no subsequent application for federal disaster assistance may be made for any purpose. A deed restriction or covenant must require that the property be dedicated and maintained for compatible uses in perpetuity.

Flood insurance is mandated for any assistance provided within a floodplain. The federal requirements set out for this funding provide further guidance on activities that are to be conducted in a flood plain. The Departments will provide further guidance regarding work in the floodplain upon request.

B. Recovery Planning and Affirmatively Furthering Fair Housing

The Disaster Action Plan has been developed in coordination with the Commonwealth of Pennsylvania DCED, FEMA, PEMA, SBA, Corps of Engineers, and the communities damaged by Tropical Storm Lee in July 2011 including Conyngham, Dennison, Exeter, Hunlock, Jenkins, Nescopeck, Plains, Plymouth, and Wright Townships, as well as, Duryea, New Columbus, Shickshinny, West Pittston, and West Wyoming Boroughs, and the City of Nanticoke. Additionally, the County is updating the Analysis of Impediments to Fair Housing Choice, which will give special attention to all flood damaged communities to insure fair housing opportunity to all protected class victims as well as L/M families and individuals. Finally, the County will attempt to work with municipalities that FEMA and PEMA have provided concepts for revitalization to the extent feasible.

C. Coordination of Activities with Federal, State, Local and Non-Profit Programs

Luzerne County promotes sound short- and long-term planning of future growth at both the municipal, County, and State and local levels through the Pennsylvania Emergency Management Agency (PEMA). The Joint "Regional" Comprehensive Plan with Lackawanna County identifies 'flood plains' and other natural systems that each local government must take into consideration in planning its future. Additionally, as the Regional Comprehensive Plan is being completed, other neighboring Governments, such as Wyoming County (State administered) and potentially affected parties, (e.g municipalities, local development Authorities, Regional Development Centers, Chambers of Commerce, have an opportunity to review the draft Plan electronically and provide comments, suggestions etc. to the County prior to submission to HUD.

D. Leveraging HUD funds with Federal, State, Local and Non-Profit Programs

Every Entitlement CDBG dollar received by the County for Housing, and Infrastructure is some way leveraged on an annual basis. Therefore, the CDBG-DR funds will be considered in the same fashion.

The County's successful Business Development Loan Program, funded through It's revolving loan fund continues to be the focus of County economic development activities. The goal of the County's Program is to create new businesses in the area, as well as strengthen existing businesses, thereby creating new employment opportunities, generating additional tax revenues, and stimulating the overall area economy. Coupled with existing state and federal programs, the BDLP has had major impact on business expansion and creation activities, along with providing employment opportunities for area residents.

Since the Business Development Loan Program has played a key role in funding projects ranging from the development and expansion of major business parks to aiding "Mom and Pop" businesses in the County, it will be the primary vehicle to implement the disaster recovery economic development needs.

The County's successful efforts are due in part to the close working relationship with the economic and workforce development agencies in the area. The County has formed a strong partnership with the Workforce Investment Development Agency to ensure that a majority of new jobs created are made available to low/moderate income residents. The various Chambers of Commerce are in constant contact with the County to provide information on potential economic opportunities in the County. In addition, the County works with Penn's Northeast for an ongoing analysis of the regional economic climate including job retention, upgrading the skill level of the workforce, and reducing the out migration of County residents including those uprooted by this Disaster.

Key economic development needs that have been identified in the County as a result of the Disaster are:

- Funding for regional economic development programs to increase business in all 15 affected municipalities.
- Development and retention activities through a consolidated approach in all 15 affected municipalities.
- Provide focus to the maximum extent feasible on downtown/neighborhood revitalization in the municipalities that have been developing action Plans supported by FEMA

E. Construction Methods to Mitigate Risk

Properties purchased under the FEMA Buyout Program and assisted by the State/County will be maintained in a open space, public status not to be built upon. Properties reconstructed or rehabilitated must be built at an elevation outside the flood hazard zone.

F. Provide adequate flood resistant Housing for all Income Groups

Generally individuals and families assisted will not be allowed to reside in flood hazard zones so hopefully there should be minimal need for flood resistant housing. However, the County will study each situation closely and require rehabilitation or new construction to include flood resistance techniques and measures that will protect properties to the extent practicable.

G. Minimize Displacement

Other than minimal temporary relocation, the County does not expect to relocate owners and tenants beyond assisting in the FEMA buyout program, which will be carried out on a voluntary acquisition basis. Therefore displacement will not be an issue. In the unlikely event permanent relocation is required, the County will follow the Uniform Relocation Act and/or the relocation procedures authorized under 24 CFR 570.

H. Use of Program Income

Although the County does not expect much, if any, Program Income to be generated during the execution phase of the Disaster Program, in the event P.I. is received, those funds will be used prior to drawdown of funds from the U.S. Treasury and recorded in DRGR as such. The County will therefore follow the Program Income Policy currently in effect.

I. Performance Schedule

The Performance schedule is included in Section 2.

B. Disaster Action Plan Activities, above.

3. Prevent Fraud, Abuse of Funds and Duplication of Funds

A. Monitoring Standard and Procedures

Luzerne County has been operating CPD programs (CDBG initially, followed by HOME and ESG) for over 37 years and has been extremely active in various housing, infrastructure, economic development, stimulus, neighborhood revitalization, and HUD redevelopment programs (over 50 years). The County Office of Community Development is responsible for establishing and maintaining an internal control structure designed to ensure that assets are protected from loss, theft or misuse and to ensure that adequate accounting data are compiled to allow the preparation of financial statements in conformity with generally accepted accounting principles.

As a recipient of Federal and State financial assistance, the County is also responsible for ensuring that an adequate internal control system is in place to ensure compliance with applicable laws and regulations related to those programs. The County utilizes the HUD Monitoring Guide as well as specific standards of its own for monitoring various public (Municipalities and Redevelopment Authority) and non-profit provider projects to insure compliance with regulations and the Consolidated Plan. Some of these standards are carried out at various stages of the application and funding process, while others require ongoing monitoring subsequent to project completion.

To the greatest extent feasible, the County works to comply with the requirements of Section 3 by the hiring of low and low-to-moderate income persons. The County promotes this through formal bid procedures and advertising of bid requests in the local newspaper. The County also requires that contractor's performing work under the community development programs sign a Certification of Compliance with regards to Section 3.

The County requires written verification on the work accomplished with all request for funds from sub recipients or contractors prior to release of payment.

B. Performance Quality Assurance

The County Office of Community Development is responsible for establishing and maintaining an internal control structure designed to ensure that assets are protected from loss, theft or misuse and to ensure that adequate accounting data are compiled to allow the preparation of financial statements in conformity with generally accepted accounting principles.

C. Independent Internal Audit Functions and Reporting

Management evaluates the internal control system periodically to achieve these objectives. The County tests its single audit system to determine the adequacy of the internal control structure, including the portion related to federal financial assistance programs, and determines that the government has complied with applicable laws and regulations.

The County's annual audit is designed to meet the requirements of the Federal Single Audit Act of 1984 and related OMB Circular A-133. All audit findings are resolved immediately upon discovery, and there are currently no unresolved or outstanding audit findings for any grants under the Office of Community Development.

D. Prevent Fraud and Conflicts of Interest

The main guidance to prevent fraud and avoid conflicts of interest are found in Luzerne County's "**ACCOUNTABILITY, CONDUCT, AND ETHICS CODE (5/24/12)**", **PERSONNEL CODE (5/10/12)**, as well as 24 CFR Part 570.611 "Conflicts of Interest". Adherence to these codes and regulation, together with due diligence and appropriate monitoring provide the basis of internal controls within the County Office of Community Development Staff, Contractors, and sub-recipients.

E. Capacity

The Luzerne County Disaster Recovery Project will be administered by the Office of Community Development. The mission of the Community Development Staff is to administer and implement policies, programs, and services authorized by the Luzerne County Manager and County Council that shape the physical environment and provide services to the citizens of the County in a professional manner.

The Staff consists of:

The Executive Director, assisted by the Deputy Director/Financial Director oversees and supervises all of the activities within the Office of Community Development.

The Municipal Projects Manager who administers and monitors programs to assist low and moderate-income citizens, including federal CDBG and HOME programs and local affordable housing initiatives.

The Public Service Manager who works with citizens, neighborhood groups, business and property owners, local commissions and organizations, and elected officials to revitalize and preserve the County's Municipalities.

The Economic Development Manager serves as the administrator of the Business Loan and Micro Enterprise Programs.

The Environmental Officer will process all activities undertaken under 24CFR Part 58.

4. Certifications

- A. The grantee certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within its jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.601(a) (2).)
- B. The grantee 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.
- C. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- D. The grantee certifies that the Action Plan for Disaster Recovery is authorized under State and local law and that the grantee, and any entity or entities designated by the State, 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.
- E. The grantee certifies that activities to be undertaken with funds under this Notice are consistent with this Notice.
- F. The grantee certifies that it will comply with the acquisition and relocation Requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- G. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- H. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each unit of local government receiving assistance from the 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).

I. The grantee certifies that it is complying with each of the following criteria:

(1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding that occurred in September, 2011, for which the President declared a major disaster covering several counties in Pennsylvania, including portions of Luzerne County declared major disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.5121 et seq.)

(2) With respect to activities expected to be assisted with CDBG disaster recovery 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 disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons.

(4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

(A) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or

(B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

J. The grantee 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.

K. The grantee certifies that it has adopted and is enforcing the following policies :

- (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.

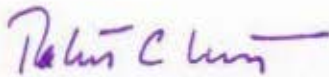
L. Each State or unit of local government receiving a direct award under this Notice certifies that each and any sub-recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the unit of local government will develop a plan to increase the capacity of any administering entity where such capacity is lacking.

M. The grantee certifies that it will not use CDBG disaster recovery funds for any activity in an area 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.

N. The grantee certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps unless it also ensures that the action is designated or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55 ,

O. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A,B,J,K, and R.

P. The grantee certifies that it will comply with applicable laws.



Signature/Authorized Official Date

7/13/2012

S. M.