Planning & Zoning for a Sustainable & Resilient Future

PRESENTED BY

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Agenda

- Introductions
- Building Disaster Resilience
- Resilience Programming
- Grant Resources
- CDBG-DR Compliance



Introductions



Mary Beth Coburn
P.E., Partner (Lead)

- A partner at BB&K and a licensed professional civil engineer.
- Prior to passing the bar exam, Ms. Coburn practiced civil engineering for 10 years specializing in design and construction of public facilities.
- The sole focus of her legal career has been public infrastructure projects covering the spectrum from master planning through claims resolution.
- She has been involved with public infrastructure projects ranging from community centers to rail lines and is typically assisting clients with cumulative project values in excess of $3 billion.

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nma Nan McKay AND ASSOCIATES, INC.

Best Best & Krieger, LLP

- 126 year old, nine office full-service law firm with nearly 200 attorneys
- Nationally recognized leader in the representation of public entities
- Nearly 700 active public agency clients across the country



Introductions



Catherine Ures
Director of Consulting

- 17+ years experience in redevelopment and HUD program management
- $120MM dollars in redevelopment and development efforts funded with highly restricted state and federal funds, including CDBG
- Development focus included infrastructure, affordable housing, and business district revitalization, with an emphasis on sustainable development
- Extensive work at both state and local levels in the implementation of HOME, NSP, and CDBG programs
- Worked internally specializing in federal real estate, federal grant compliance, and disaster recovery services
- Program focus includes CDBG-DR compliance and monitoring tools

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NMA Company Profile

- Organization
  - California corporation
  - 37+ years of experience
  - Section 2 business concern
  - Certifies Woman Owned Business (WBE)
- Staff
  - 300 full-time staff
  - 75 contract employees
- National Presence
  - Work with 99% of PHAs every year
  - Primary markets are the contiguous US, Hawaii, Guam, and Puerto Rico
  - Offices in Chicago, San Diego, and Miami



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Building Disaster Resilience

- What is Disaster Resilience?

"Resilience is what helps cities adapt and transform in the face of these challenges, helping them to prepare for both the expected and the unexpected." *Rockefeller Foundation*

"What is Urban Resilience?" *100 Resilient Cities*, Rockefeller Foundation, 2017, www.100resilientcities.org/resources/.

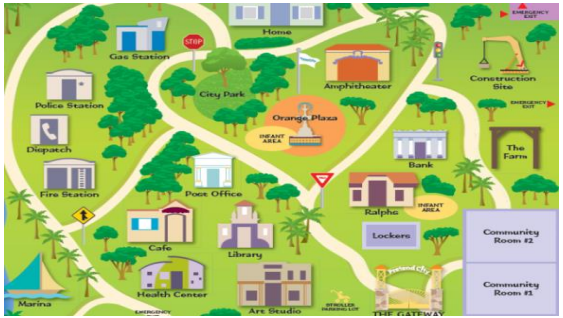


Building Disaster Resilience

- What does this means for municipalities?
  - After a severe weather event like an F-5 Tornado or catastrophic hurricane is your city ready to react and rebuild?
    - What a city does in the first days and weeks after a disaster may limit its ability to receive federal funding.
    - Resiliency can be incorporated into municipal infrastructure after, or in anticipation of, a natural disaster.
    - Funding to help build resiliency is now available to agencies that incorporate resiliency into their infrastructure planning.

Building Disaster Resilience

- Master Planning
  - City's vision for expansion
  - Traffic Circulation
  - Infrastructure Development
  - Environmental Review Standards



- Up to date Zoning
  - Current identification of residential and commercial regions
  - Current densities
- Up to date Building Code
  - Current standards for designing and building structures

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Building Disaster Resilience

- Local Partnerships
  - Non-profits
  - Social Services
  - Advocacy groups
- Funding
  - Federal
  - State
  - Local
  - Private



Resilience Programming

100 Resilient Cities (100RC) – Rockefeller Foundation

- "Pioneered by the Rockefeller Foundation, 100RC is dedicated to helping cities around the world become more resilient to the physical, social and economic challenges that are a growing part of the 21st century."

- Cities apply to become a member of the 100 RC Network and are provided with assist in:
  - Financial and logistical guidance
  - Resilience Strategy Support
  - Access to partners
  - Membership to the network

"About Us." *100 Resilient Cities*, Rockefeller Foundation, 2017, www.100resilientcities.org/about-us/.

Resilience Programming

HUD National Disaster Resilience Competition (CDBG-NDRC).

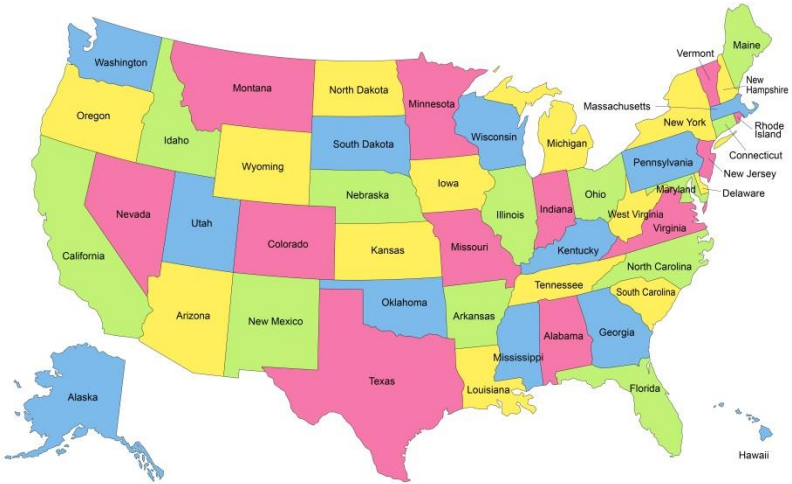
- The Competition awarded almost $1 billion in funding for disaster recovery and long-term community resilience through a two-phase competition process. All states and units of general local governments with major disasters declared in 2011, 2012, and 2013 were eligible to participate in Phase 1 of the competition.
- 40 States and communities were invited to compete for award. Applicants were required to tie their proposals back to the eligible disaster from which they were recovering.

"National Disaster Resilience." *HUD Exchange*, Department of Housing and Urban Development, 2017, www.hudexchange.info/programs/cdbg-dr/resilient-recovery/.

Resilience Programming

Awardees include:

- California - $70,359,459
- Connecticut - $54,277,359
- Virginia - $120,549,000
- New York City - $176,000,000
- Iowa - $96,887,177
- Louisiana - $92,629,249
- City of Minot, ND - $74,340,770
- New Orleans, LA - $141,260,569
- Shelby County, TN - $60,445,163
- Tennessee - $44,501,374
- State of New York - $35,800,000



Grant Resources

- What is CDBG?
  - CDBG is a flexible program that provides communities with resources to address a wide range of unique community development needs
  - Provides annual grants on a formula basis to 1209 general units of local government and states



Grant Resources

- CPD-Notice Issued June 1, 2017
  - Subject: Using Community Planning and Development Program (CPD) funds for Disaster Response and Recovery
  - Use of Entitlement Grant funds for pre-emptive Disaster Recovery Planning



Grant Resources

- What is CDBG-DR?
  - CDBG – Disaster Relief
  - HUD provides flexible grants to help cities, counties, and states recover from presidentially-declared disasters, especially in low-income areas, subject to availability of supplemental appropriations



Grant Resources

- What is CDBG-NDRC?
  - CDBG – National Disaster Resilience Competition
  - Communities were invited to compete in the National Disaster Resilience Competition. These finalists — representing areas that experienced a Presidentially-declared major disaster in 2011, 2012, and 2013 and competed for almost $1 billion in funding for disaster recovery and long-term community resilience



CDBG-DR Compliance

- Utilizing CDBG-DR funds requires compliance with a myriad of regulations
- Compliance is paramount, federal government will "claw back" funds if deficiencies are found
- Compliance required from pre-application through project close out and audit



CDBG-DR Compliance



- Cost reasonableness
- Eligibility
- Procurement
- Environmental reviews
- National objectives
- Prioritization
- Documentation
- LMI
- Unmet needs

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CDBG-DR Compliance

Title 24, Part 570
Housing and Urban Development (CDBG regs)

Title 2, Part 200
Methods of Procurement (CDBG regs)

Title 24, Part 85
Administrative Requirements for Grants and Cooperative Agreements

Title 24, Part 58
Environmental Review

OBM Circulars

CDBG-DR Compliance

- Compliance with the identified National Objective
- Evidence that the projects will meet the 50% overall LMI requirement
- Planning and administrative costs in line with Action Plan
- Administrative fees are reasonable in relation to activity expenditures
- Resolutions to support a quick municipal response
- Ordinances and codes to support DR development and redevelopment
- Evidence of a competitive procurement process
- Agile procurement methodologies in place to support responsive and effective redevelopment

CDBG-DR Compliance

- Zoning ordinances that allow for quick response and development (easements, entitlements)
- Codes that are up to date, and integrate resilient building practices
- Master Planning that establishes a vision for future growth or long term community strategy
- Environmental Code
- Public services in line with Action Plan
- Housing requirements and needs
- Meeting expenditure deadline requirements (24 months PL 113-2)

CDBG-DR Compliance

What can cities do to prepare ?

- Strategic Recovery Management
  - Master Planning
  - Zoning
  - Codes
  - Action Plans
  - Engagement Plans
  - Communication Plans
- Compliance Strategy!
  - LMI
  - Duplication of benefits
  - Section 3
  - DRGR Reporting
  - Procurement compliance
  - Environmental Reviews
  - Eligibility
  - National Objectives







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