



City of Portsmouth, NH Community Development Block Grant Program

1 Junkins Avenue, Portsmouth NH 03801

Request for Waivers for CDBG and CDBG-CV Funds Used to Support Coronavirus Response Submitted to HUD May 5, 2020

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The City of Portsmouth, NH respectfully requests the following flexibilities and waivers for CDBG and CDBG-CV Grants, effective May 7, 2020:

- 1) **Public Service Activities:** Eliminate the 15 percent cap on the amount of grant funds that can be used for Portsmouth's public services activities for FY 2019 and FY 2020 CDBG grants and CDBG-CV funds.

Statutory/Regulatory guidance: Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.

- 2) **Reimbursement of Costs:** Allow Portsmouth to use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by the municipality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements.

Statutory/Regulatory guidance: For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).

- 3) **Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans):** For FY 2019 and FY 2020 CDBG grants and for CDBG-CV funds, allow Portsmouth to amend its Citizen Participation Plan to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans.

In addition, in-person public hearings are not required. Portsmouth may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

- 4) Deadline to Submit Consolidated Plans (including Annual Action Plans): Grant Portsmouth an extension to submit its CDBG Consolidated Plan and Annual Action Plan, including CDBG-CV plan and activities/budget, by August 16, 2020. It is currently anticipated that Portsmouth will submit its FY 2020-2024 Consolidated Plan and Annual Action Plan no later than May 29, 2020, or close to the original deadline of May 15, 2020.

Statutory/Regulatory guidance: Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019 and 2020 to August 16, 2021. Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15. *The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).*

- 5) Waiver and Alternative Requirement Authority: Portsmouth submits its accordance with the authority of the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus. Prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment.

Statutory/Regulatory guidance: HUD has additional regulatory waiver and statutory suspension authorities that it may use for CDBG Grants before fiscal year 2019 if necessary.