



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#20-0254

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 2, 2021

TITLE: Public Hearing to Evaluate All Comments Received and Resolution
Approving the Submittal of a Pre-Application to the Florida Department of
Economic Opportunity for Grant Funding Through the Florida Community
Development Block Grant-Coronavirus (CDBG-CV) Program -
(Commission Districts 1, 2, 3 and 4)

Recommendation

Staff recommends the City Commission convene a public hearing to evaluate all comments received during the comment period and approve a resolution authorizing the City Manager to submit a pre-application to the Florida Department of Economic Opportunity for grant funding in the amount of \$900,000 through the Florida Community Development Block Grant-Coronavirus (CDBG-CV) program.

Background

In April 2020, pursuant to passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the U.S. Department of Housing and Urban Development (HUD) allocated additional CDBG funds to the State of Florida to address issues related to the impacts of COVID-19. The Florida Department of Economic Opportunity announced the availability of these additional funds for Small Cities and Entitlement Units of local government under the CDBG-CV program. The CDBG-CV program is designed to help local governments prepare for, prevent, or respond to the health and economic impacts of COVID-19. The activities must be critical to their locality and primarily used for the benefit of low- and moderate-income residents.

The State of Florida's CDBG-CV allocation methodology uses a formula that acknowledges a baseline level of housing and community development needs and accounts for geographic differences in COVID impacts (both health and economic impacts). As an entitlement community, the City of Fort Lauderdale is eligible to request funds up to \$900,000.

To address the City's continuing COVID-19 recovery efforts, the Housing and Community Development division proposes submitting a pre-application to request use of the grant funding as noted the below:

Broadband Internet Access for low-income areas: \$600,000
Education Enrichment Activities: \$250,000
Administrative Costs: \$50,000

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Create a continuum of education services and support

- The Business Development Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Prosperous.

Attachments

Exhibit 1 – Public Notice for Comment Period
Exhibit 2 – Resolution

Prepared by: Rachel Williams, Housing and Community Development Manager

Charter Officer: Chris Lagerbloom, ICMA-CM, City Manager

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

July 23, 2021

The Honorable Dean J. Trantalis
Mayor, City of Fort Lauderdale
100 North Andrews Ave
Fort Lauderdale, Florida 33301

RE: Technical Assistance Letter
Community Development Block Grant – Coronavirus (CDBG-CV) Entitlement Pre-Application Review

Dear Mayor Trantalis:

The Florida Department of Economic Opportunity (DEO) is pleased to have conducted a review of the submitted Pre-Application from the City for CDBG-CV funds.

The review included the pre-application and supporting materials as provided. The purpose of the pre-application review was to provide technical assistance to the applicant and note potential deficiencies prior to final application. Our review was not designed to identify all deficiencies. Therefore, deficiencies may exist that were not identified. We encourage the applicant to review the references and guidelines provided throughout this review document, and available on the DEO website, prior to submission of your final application to DEO.

DEO appreciates the efforts of the City on the pre-application and is looking forward to working with you to achieve your goals.

A summary of the review is attached.

Should you have questions regarding the technical assistance provided, please contact Andrea Pelton at (850) 717-8401 or Andrea.Pelton@deo.myflorida.com.

Sincerely,

Kate Doyle
Bureau Chief
Bureau of Small Cities and Rural Communities

Attachment

cc: Ms. Rachel A Williams, Housing & Community Development Manager, City of Fort Lauderdale

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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Summary of CDBG-CV Pre-Application Review

City of Fort Lauderdale

DEO conducted a review of the pre-application and supporting materials as provided. The purpose of the pre-application review was to provide technical assistance to the applicant and note potential deficiencies prior to final application. Our review was not designed to identify all deficiencies. Therefore, deficiencies may exist that were not identified. We encourage the applicant to review the references and guidelines provided throughout this review document, and available on the DEO website, prior to submission of your final application to DEO.

Applicant Information

The Applicant Information review is to ensure that entities are eligible for CDBG-CV Entitlement Program funding. [CDBG-CV Entitlement Program Eligible Communities List](#), [24 CFR 570.480\(g\)](#), [2 CFR 25.200](#)

- Our review concluded that all required fields were completed.
- Our review determined that the applicant is listed on the CDBG-CV Entitlement Eligible Communities List.
- Our review determined that the applicant is registered in the System for Awards Management ([SAM](#)).

Grant Request Information

The CDBG-CV Entitlement Program requires that applicants apply for a up to five (5) eligible projects or programs. The maximum grant request allowable is determined by the [CARES Act CDBG-CV Round 2 Allocation Methodology for Florida Communities](#).

- Our review concluded that the applicant submitted a pre-application grant request within the allowable maximum allocation.
- Our review concluded that the applicant submitted a pre-application grant request for 2 projects and/or programs.

Citizen Participation

Section 104(a)(2) of the Housing and Community Development Act provides that local unit of governments requesting CDBG (including CDBG-CV) funds must provide citizens with the opportunity to comment on its housing and community development needs and any proposed activities prior to application for funding to the State. Applicants and grantees must also take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP). [24 CFR 570.486](#), [Executive Order 13166](#), [FR-4878-N-02](#)

- Our review of the affidavit of publication for the first public hearing indicates that it does not appear to comply with program requirements. The notice did not provide enough information about the available funding and allowable activities to allow citizens to be able to provide input on housing and community development needs related to the coronavirus pandemic (refer to Page 5, Public Hearings, the [CDBG-CV Entitlement Program Guidelines](#)).
- Our review determined that the applicant does not appear to have met all Citizen Participation requirements for the CDBG-CV Pre-Application. Specifically, the meeting minutes for the first public hearing do not clearly demonstrate that (a) the City opened the public hearing; (b) that the attendees of the public hearing were provided with a general overview of DEO's CDBG-CV Program, including the total available funds, the amount of funds the City may apply for, what activities may be undertaken with the funds, etc.; (c) the solicitation of comments from citizen attendees regarding their opinion(s) on community needs; and (d) any other subsequent discussion including the closing of the public hearing prior. The City must demonstrate that the aforementioned process was correctly administered or the first public hearing and the second public hearing may have to be re-held in accordance with program requirements. Please contact DEO to discuss the issue further if the City requires technical assistance regarding this matter.

Activity Description

All CDBG-CV Small Cities Program activities must be eligible per Section 105(a) of the Housing and Community Development Act (activities listed at 24 CFR 570.202 may be used as a safe harbor). Per the CARES Act expenditure requirements, DEO requires grantees to complete all funded activities within 18 months of contract award.

- The City intends to submit an application for a Public Service project or program.
- Our review of the Pre-Application narrative and documents concluded that each activity appeared to be eligible under Section 105(a) of the Housing and Community Development Act.
- Our review of the proposed timeline concluded that the applicant has developed a reasonable and feasible timeline for the implementation of proposed activities.

Sub-Recipient Information

Activities may either be carried out directly by the local government or by a nonprofit/s as a subrecipient of the subgrantee. The nonprofit must not be on the federal debarment list and must demonstrate to DEO and the subgrantee that they have the capacity to carry out the activity and meet all requirements of the [DEO State and Entitlement CDBG Program](#).

- Our review of the Pre-Application concluded that the applicant does not intend to utilize a sub-recipient to carry out the proposed activity.

Proposed Budget

All CDBG-CV Entitlement Program costs must be for activities that are eligible and allowable under both CDBG-CV regulations and 2 CFR 200.

- Our review of the Summary Budget concluded that all costs appear to be eligible under Section 105(a) of the Housing and Community Development Act and allowable under 2 CFR 200.

Acquisition

All CDBG-CV activities are subject to the procedures set forth by the Federal Uniform Relocation and Real Property Acquisition Policies Act (URA).

- The City has indicated that the project/program *will not* require the acquisition of real property or that all activities will take place on property that is already under the control of the local government or sub-recipient.

All applicants must ensure that any acquisition activities necessary for the CDBG-CV funded project follow the requirements of [49 CFR 24 Subpart B](#).

More information on the requirements of acquisition on CDBG-CV funded projects can be found in [HUD Handbook 1378, Chapter 5. 49 CFR 24 Subpart B](#).

Applicants must also ensure that no Choice Limiting Actions ([24 CFR 58.22](#)), such as purchase agreements or lease agreements, take place prior to receiving Environmental Release of Funds from DEO. See Environmental Review section below.

Eligibility and National Objectives

All activities funded with CDBG-CV funds must not only be an eligible activity but must also meet a national objective under [Section 570.483](#) of the program regulations both at the time of initial determination for funding and throughout the implementation of the activity.

- The City has selected Benefit to Low- to Moderate-Income Persons as the intended national objective for their project/program.
- Our review of the Pre-Application narrative and attached documents concluded Benefit to Low- to Moderate-Income Persons is the appropriate national objective for the activities described.
 - Income surveys must meet DEO and HUD standards. Information on conducting and documenting a CDBG income survey can be found in HUD's [CPD Notice 19-02](#) and [CPD Notice 14-013](#), and DEO's [SC-49 Household Income Certification Form](#).

All applicants should note that [24 CFR 570.486\(b\) and \(c\)](#) require that all activities carried out by a recipient of State CDBG-CV program funds (Subgrantee and/or sub-recipient) must significantly benefit residents of the jurisdiction of the local government grant recipient. For an activity to significantly benefit residents of the recipient jurisdiction, the CDBG funds expended by the unit of general local government must not be unreasonably disproportionate to the benefits to its residents.

CARES Act Justification

Federal regulations require that all activities assisted with CDBG-CV funds will prevent, respond to, or assist in the recovery from the coronavirus pandemic.

- Our review of the CARES Act Justification narrative concluded that the proposed activity appears to prevent, respond to, or assist in the recovery from the coronavirus pandemic.

Environmental Review

Recipients of CDBG-CV funds are required to comply with the requirements of the National Environmental Policy Act of 1969 (NEPA) found at [24 CFR Part 58](#) and [Florida Executive Order 19-12](#) and complete the appropriate Environmental Review Record (ERR).

- The City has indicated that the proposed activity is Exempt or Categorically Excluded Not Subject To and will need to provide a signed Certificate of Exemption form. DEO encourages you to utilize our new Online Environmental Review Portal. Click the following link to complete an electronic version of an Exempt/CENST Activities Environmental Review: [Online Exempt/CENST Environmental Review](#) or, to download the paper version from the DEO website, utilize the following link: [Certificate of Exemption](#). If the City makes any changes to the project/program scope of work, the required level of review could change, and DEO must be notified as soon as possible.

Applicant Capacity

Federal regulations require that DEO establish criteria for selecting local government grantees and assessing risk. The criteria should be used to determine whether a prospective Subgrantee has the necessary systems in place to carry out the proposed project/activity and to comply with applicable rules and regulations.

- Our review of the applicant capacity narrative and attached key personnel documents concluded that the City and/or its selected sub-recipient appear to have the necessary experience and capacity to carry out the proposed activity.
- The City will need to demonstrate that they have satisfactory financial management practices in place that meet the requirements of [2 CFR 200.302](#) and [24 CFR 570.489\(p\)](#).