

## **TEXAS DEPARTMENT OF AGRICULTURE DISASTER RELIEF ASSISTANCE AFTER STORMS**

In the aftermath of natural disasters and storms, communities may consider applying for the Texas Community Development Block Grant program, Disaster Relief Fund (TxCDBG-DR). These grants are available through the Texas Department of Agriculture (TDA). The following information applies to the TxCDBG-DR program for projects other than drought-related disasters.

### **Who declares a disaster?**

The chief local elected official, such as a mayor or county judge, first declares a disaster situation - municipalities then request assistance from the county. The county judge requests assistance from the governor's office, then the governor issues a declaration of disaster for the designated area. The state also may request federal assistance, which could result in a presidential disaster declaration for all or part of the affected area.

### **What should I do first?**

Evaluate the damage and determine the community's needs.

- Complete a Disaster Summary Outline (DSO) form available from the Texas Division of Emergency Management (TDEM).  
You can find this form online at <http://www.txdps.state.tx.us/dem/downloadableforms.htm>.
- Request a visit from TDEM to your community to perform a Preliminary Damage Assessment (PDA). The assessment will document the damage observed and support the repair or replacement cost estimates. A PDA is required for TxCDBG-DR funding, so be sure to request a copy of all reports.

Determine what needs must be addressed immediately and what repairs can wait until funding is secured.

- The safety of the community and its residents is always our highest priority, and TDA will work with each community to identify any eligible costs incurred for work that must be completed immediately.
- If a presidential declaration is issued for public assistance, FEMA may fund 75 percent of the work identified on the FEMA project worksheets. TxCDBG-DR funds may be requested for the remaining 25 percent, up to \$350,000. Some communities may benefit most by applying to TxCDBG-DR after FEMA funds become available.

Download the TxCDBG-DR preliminary forms packet and application on TDA's website at [http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/CDBGResources/Applications/DisasterReliefFundApplicationandGuide.aspx](http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/CDBGResources/Applications/DisasterReliefFundApplicationandGuide.aspx).

### **When can I start work?**

The community may request approval for "pre-agreement" costs, which allows eligible costs to be incurred beginning from the date of the disaster event and reimbursed later if a grant is awarded. TDA approval of pre-agreement costs is not a guarantee of funding, rather it allows the community to begin work right away. See the TxCDBG-DR preliminary forms packet for a sample request.

### **When will I receive funds?**

Once the application is submitted to TDA, TxCDBG staff will expedite its review and processing. TxCDBG-DR awards are typically announced within 2 weeks of receiving the completed documentation.

After the award is announced, a grant contract outlining the project and the community's responsibilities will be prepared. A TDA contract specialist will be assigned to ensure that the various program requirements have been documented, including receipts or invoices for costs incurred. Funds will be released to reimburse the community once all requirements have been documented as complete.

## What about federal requirements?

All federal, state and TxCDBG program requirements apply to DR funding. However, certain activities may qualify for exemptions or waivers to some of these requirements.

- **Competitive Procurement:** The community may request TDA approval for non-competitive procurement in cases when the usual competitive procurement process would cause hardship by delaying the project. Non-competitive procurement may be approved for construction costs, as well as contracts for the administrative and engineering services necessary to complete the project. See the TxCDBG-DR preliminary forms packet for a sample request.
- **Environmental Review:** Many TxCDBG-DR projects may be considered “exempt” and subject to an abbreviated environmental review process, if the project falls into the following category:  
*“Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration”.*

In addition, exempt projects must not be located in a floodplain, a known critical habitat for endangered species, an historic property, or a known hazardous site (see HUD Memo 12-11-12).

- For projects meeting this definition, complete the exemption determination form in the TxCDBG-DR preliminary forms packet, sign immediately and submit the form with the application for TxCDBG-DR funding.
- For projects not meeting this definition, please contact TDA for guidance by emailing David Brown, TxCDBG Environmental Regulatory Officer for TDA, at [David.Brown@TexasAgriculture.gov](mailto:David.Brown@TexasAgriculture.gov).
- Requirements for Davis Bacon labor standards, acquisition of real property, financial management, contractual clauses, and civil rights will not be waived. Information on all TxCDBG requirements can be found in the TxCDBG Project Implementation Manual on the TDA website at [http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/CDBGPublications.aspx](http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/CDBGPublications.aspx).

## What other information do I need for an application?

- An annual audit, including an auditor’s opinion letter, the annual general fund expenditures, and the total unrestricted balance for fiscal year ending 2013 or after.
- An active SAM registration: [www.SAM.gov](http://www.SAM.gov)
- Notice of a public hearing prior to requesting TxCDBG-DR funds

## Are all disaster-related costs eligible for reimbursement?

TxCDBG-DR funding is available to repair or replace public infrastructure damaged by a natural disaster. TDA has prioritized requests for funding to match FEMA funding, and infrastructure projects to meet basic human needs based on the Disaster Summary Outline information:

- Category C – Road & Bridge (roads, bridges, culverts);
- Category D – Water Control Facilities (dams, levees, dikes); and
- Category F – Public Utility Systems (gas, electric, sewer, water).

The funds cannot be used for:

- Improvements to public infrastructure beyond repairs or replacement of the damaged facility;
- New facilities that did not exist prior to the disaster event;
- Repair costs that are covered by insurance;
- Temporary improvements or emergency measures that are not a long-term solution;
- Repair of private homes or businesses; and
- Costs of preparing an application for funding.

As additional funding becomes available, TDA will partner with other agencies to address community needs.

For questions or more information, contact TxCDBG Assistant Director Erica Garza at [Erica.Garza@TexasAgriculture.gov](mailto:Erica.Garza@TexasAgriculture.gov).