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<tr>
<th>Version</th>
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| 1.0     | 1/11/2019  | • Change Log added  
• 4.2.6--Added language"Additionally, CSD will verify if: (1) the person applying for assistance had previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and (2) that person did or did not obtain and maintain flood insurance as required under applicable federal law on the damaged property."

| 1.0     | 2/21/2019  | • Section 4.6.1: Added language clarifying that reimbursement for home elevation is only allowed if the elevation raised the home to a minimum of the HUD-required 2 feet of the 100-year floodplain.  
• Added section 4.6.3: Lead-Based Paint Mitigation Requirements and Exemptions

| 1.0     | 3/05/2019  | • Added to section 4.5, Program Eligibility: Minimum reimbursement cost of $500

| 1.0     | 3/21/2019  | • Section 5.2.7--Added clarifying information about grade of materials HCCSD will use as standard for reimbursement.  
• Section 5.2.7--Added clarifying information regarding multiplier used in determining appropriate reimbursement costs.

| 1.0     | 3/28/2019  | • Section 5.2—added details for classification of repairs, instructions for various types of repairs, and subsequent calculation methodology

| 2.0     | 11/15/2019 | • Section 1--Added clarifying information to the purpose of the HQS inspection to include offering the applicant the option to also participate in the HAP program to repair items identified in the inspection.

| 2.0     | 11/15/2019 | • Section 2--Added clarifying information that the SFHA includes the 100-year floodplain.

| 2.0     | 11/15/2019 | • Section 3.1—Introduced AGI as the calculation method for income beginning November 16, 2019 and clarified to be consistent with State GLO policy for persons who do not file income tax returns.

| 2.0     | 11/15/2019 | • Section 3.3—Added clarifying information regarding the flood insurance requirement.

| 2.0     | 11/15/2019 | • Section 3.4.7—Added clarifying information to the purpose of the HQS inspection to include offering the applicant the option to also participate in the HAP program to repair items identified in the inspection.
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<tr>
<td>2.0</td>
<td>11/15/2019</td>
<td>• Section 4.2.2.2-- Added clarifying information to the purpose of the HQS inspection to include offering the applicant the option to also participate in the HAP program to repair items identified in the inspection.</td>
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<td>2.0</td>
<td>11/15/2019</td>
<td>• Section 4.2.8--- Added clarifying information to the purpose of the HQS inspection to include offering the applicant the option to also participate in the HAP program to repair items identified in the inspection.</td>
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<td>11/15/2019</td>
<td>• Section 4.2.9---Introduced AGI as the calculation method for income beginning November 16, 2019.</td>
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<td>2.0</td>
<td>11/15/2019</td>
<td>• Section 4.6.2---Added clarifying information about the floodplain and formatted differently for better clarification.</td>
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<td>3.0</td>
<td>12/18/2019</td>
<td>• Introduction - Added further clarification on health and safety damage inspections.</td>
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<tr>
<td>3.0</td>
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<td>• Introduction - clarified the date for eligible reimbursement costs to be December 31, 2019 or the date the applicant applied for the program, whichever is earlier.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Definitions – clarified the definition of a damage assessment completed for reimbursement purposes and deleted that the home must be brought up to code.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 3.1 – Added clarification for homeowners who do not file taxes. This also is consistent with the GLO policy.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 3.4 - and other sections removed the words Caseworthy and changed to HCCSD Software to better clarify multiple program softwares being used.</td>
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<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 3.4.8 – Deleted language about receipts being used for damage assessment valuation and used the same wording as the GLO’s program.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 4.2.2.2 - Added clarifying information to the purpose of the homeowners ability to “Opt In” or “Opt Out” of the HAP program.</td>
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<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 4.2.6 – Additional clarification was provided for eligible LMI homeowners who are in the 100 year floodplain and do not presently carry flood insurance. The program will pay the first year’s flood insurance premium for those eligible homeowners. Hazard Insurance and TWIA (if applicable) are the homeowners responsibility.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 4.2.8 – Provided additional clarification on a damage repair inspection.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 4.5 – deleted the use of receipts and added Xactmate</td>
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<tr>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 5.1 – Removed the types of eligible documentation for determination of reimbursement amount and listed Xactimate as the tool used to determine eligible reimbursement amount.</td>
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<tr>
<td>3.0</td>
<td>12/18/2019</td>
<td>• Section 5.2.5 – Deleted the language that stated all funds made available from SBA are a DOB and replaced it with language in the GLO policy which reflects the most current law.</td>
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Harris County Community Services Department
2017 CDBG-DR Reimbursement Guidelines Approval Log:

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| Version 1.0 | Harris County Commissioners Court Approved on November 13, 2018  
Texas General Land Office accepted on January 2019 |
| Version 2.0 | Harris County Commissioners Court Approved on December 17, 2019  
Texas General Land Office accepted on TBD |
| Version 3.0 | Harris County Commissioners Court Approved TBD  
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Homeowner Reimbursement Program Guidelines
Harris County, Texas

1. Introduction
The Harris County Homeowner Reimbursement Program (HCHRP) will be administered by the Harris County Community Services Department (CSD) as one of the programs aiding area homeowners affected by Hurricane Harvey. CSD’s needs assessments and community engagement activities revealed that many homeowners were not able to wait for federal funds to be allocated to make their homes safe and livable. Many homeowners depleted critical personal funds to make these repairs, repairs that would have been eligible for federal disaster relief funds if the funds had been available. This program will reimburse eligible expenses paid out by homeowners in Harris County to repair homes damaged in Hurricane Harvey. The County has allocated $15,000,000 toward the HCHRP.

Homeowners who sustained damage to their primary residential property because of Harvey and who repaired their property may be eligible for reimbursement, in whole or in part, for out-of-pocket funds spent repairing their property. Harris County will conduct a housing damage assessment; the purpose of the damage inspection is to verify that work for which the applicant is seeking reimbursement was conducted and to identify if there are any additional Health or Safety items needed to be competed on the home. Upon completion of the inspection the applicant will be given the option to enroll in the Homeowner Assistance Program (HAP) to address remaining work items. The applicant can still be reimbursed for eligible repair costs previously incurred while participating in the HAP program.

Assistance is available to homeowners who completed reconstruction, rehabilitation, elevation, and/or mitigation on a single-family home. In order to be eligible for reimbursement, the applicant must have incurred eligible expenses anytime from the date of the applicable event to the date of reimbursement application submission or December 31, 2019, whichever date is earlier. The Program defines “incurred” as having spent funds prior to the eligible date as defined above. This program will assist homeowners on a first-come, first-serve basis. The program will provide reimbursement of eligible home repairs up to a maximum of $50,000. The applicant, as part of their application, must provide adequate documentation of eligible reimbursable expenses incurred for repair of the home, including receipts, invoices, contracts, and statements showing source of funds for repairs.

Before disbursing final HCHRP awards CSD will, according to federal and state requirements, perform personal and property eligibility checks in addition to ensuring that no homeowner experiences a duplication of benefits.
2. Definitions

**Builder/Contractor** – (Used interchangeably) A person who contracts to construct or repair houses or buildings and/or supervises building operations.

**Case Management** – Working with individual survivors and their families to understand the Program’s housing options, resulting in clear and transparent determination of eligibility. Case managers must consider all special circumstances of the survivor’s needs to decrease their barriers to participate in the program where possible. Staff should meet at designated locations and supply information in a standard format.

**CDBG-DR** – Community Development Block Grant - Disaster Relief funding is allocated by Congress and distributed by HUD to aid communities rebuilding after Presidentially declared disasters.

**Certified Inspector** – A person or persons hired by, or contracted with, CSD who is qualified to inspect for labor and or repairs made to the damaged home in the absence of receipts (also see Home Evaluations).

**Contractors** – Contractors providing supplies, equipment, construction, or services

**Damage Assessment** – An inspection of the housing unit to document repairs that have already been completed and additional damages from the event. The damage assessment by a certified or licensed inspector (HQS, TREC, or similar license) is required to specifically and clearly document storm-related property damages and completed repairs via photographic evidence and detailed narratives (see the GLO’s Damage Assessment Guidelines, found at [www.texasrebuilds.org](http://www.texasrebuilds.org)). Damage assessments must include final cost of repair estimates for any remaining health and safety concerns, and mold remediation.

**Demolition** – The clearance and proper disposal of dilapidated buildings and improvements.

**Designated Area** – The land that is eligible for the Reimbursement program as determined by the State or sub-recipient.

**Duplication of Benefits** – The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern, or other entity from receiving financial assistance from CDBG-DR funding with respect to any part of a loss resulting from a major disaster as to which he/she has already received financial assistance under any other program or from insurance or any other source.

**Elevation Standards** – Standards that apply to new construction, repair of substantial damage, or substantial improvement of structures located in an area delineated as a flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1).
**Eligible Property** – A property that is located in the designated area, substantially damaged, a health and safety risk, or is under significant risk for damage due to its proximity to a 100-year floodplain, and which required repairs due to damage sustained by Hurricane Harvey that were not repaired by FEMA, or required repairs due to damage sustained by Hurricane Harvey that were only partially repaired by FEMA or other sources.

**Environmental Review** – All qualified projects must undergo an environmental review process. This process ensures that the activities comply with National Environmental Policy Act (NEPA) and other applicable state and federal laws.

**Family** – A household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well-being and the surviving member or members of any family described in this definition who were living in a unit assisted under the Housing Opportunities for Persons With AIDS (HOPWA) Program at the time of his or her death.

**Federal Register (FR)** – A daily publication of the US federal government that issues proposed and final administrative regulations of federal agencies.

**Flood Disaster Protection Act of 1973 and Sec. 582(a) of the National Flood Insurance Reform Act of 1994** – Compliance with the legal requirements of Section 582(a) mandates that HUD flood disaster assistance that is made available in Special Flood Hazard Areas (SFHAs) may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if: (1) the person had previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and (2) that person failed to obtain and maintain flood insurance as required under applicable federal law on such property.

**Flood Insurance** – The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). The SFHA is the area within the 100-year flood plain. To be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

**Floodplain** – FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area.

- “100-year floodplain” — the geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year.
- “500-year floodplain” — the geographical area defined by FEMA as having a 0.2 percent chance of being inundated by a flooding event in any given year.
**Homeowner Reimbursement Activity** – The utilization of CDBG-DR funding to provide reimbursement to homeowners of disaster-damaged homes in which the applicant expended personal funds for repairs to the home. The home to be assisted must have been owner-occupied at the time of the storm.

**Household** – A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the LMI National Objective is based on the LMI of the household.

**Housing and Urban Development Act of 1968, Section 3** – Requires program administrators ensure that training, employment, and other economic opportunities generated by HUD financial assistance shall be directed to the greatest extent feasible and consistent with existing federal, state, and local laws and regulations, to low- and very low-income persons. Recipients of Section 3-covered funding ensure compliance and the compliance of their contractors/subcontractors with the Section 3 requirements, as outlined in 24 CFR 135.32.

**Housing Quality Standards (HQS)** – The HQS establish certain minimum standards for buildings constructed under HUD housing programs. This includes new single-family homes and multifamily housing as outlined in 24 CFR 982.401.

**Housing Unit** – An owner-occupied housing unit damaged or destroyed by an event.

**Individual Mitigation Measures (IMM)** – Activities designed to mitigate and/or reduce risk beyond the pre-disaster condition of a housing unit when the activities are above and beyond federal, state, or local construction or code requirements. In accordance with HUD's guidance, repair and rehabilitation of housing units, and the payment of flood insurance are not IMM activities. Examples of IMM activities include:

- elevation above the base flood elevation level, or
- the addition of storm shutters,
- disaster proof windows,
- Roof straps, etc. as long as those improvements are not required to comply with local code requirements and did not exist on the housing unit prior to the disaster damage.

**Low to Moderate Housing (LMH) National Objective** – Any activity that involves the buyout, acquisition, or rehabilitation of property to provide housing or improve permanent residential structures will upon completion benefit and must be occupied by low- and moderate-income households (42 U.S.C. 5305(c)(3)). Income eligibility will be determined using Area Median Income (AMI), adjusted for family size and verified in accordance with GLO’s Adjusted Gross Income Methodology. The most current income limits, published annually by HUD, shall be used by the subrecipient or the state to verify the income eligibility of each household applying for assistance at the time assistance is provided.
Low to Moderate Income National Objective – Activities which benefit persons of income that does not exceed 80 percent of the area median income:

- Very low: Household’s annual income is up to 30 percent of the area median family income, as determined by HUD, adjusted for family size;
- Low: Household’s annual income is between 31 percent and 50 percent of the area median family income, as determined by HUD, adjusted for family size; and
- Moderate: Household’s annual income is between 51 percent and 80 percent of the area median family income, as determined by HUD, adjusted for family size.

Manufactured Housing Unit (MHU) – A structure, transportable in one or more sections which in the traveling mode is 8 body-feet or more in width, or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mitigation – Improvements made to reduce the possibility of property damage, personal and commercial hardship, as well as long lasting monetary burdens. For example, creating a flood mitigation program such as an acquisition of at-risk flood-prone property/housing, and elevation of housing in high-risk 100-year floodplains are two visible and effective mitigation projects that can be taken to make residents and communities safer in the face of natural disasters.

Modular Housing – A home built in sections in a factory to meet state, local, or regional building codes. Once assembled, the modular unit becomes permanently fixed to one site.

Multifamily Rental – Eight or more rental units in the property.

Needs Assessment – An assessment that determines the type of housing programs that will be offered equitably and based upon an objective assessment of unmet needs in the affected community’s population.

New Construction – A replacement home that substantially exceeds the original footprint on the existing lot (if permitted) or the construction of a new home in a new location.

Reconstruction – Demolition and rebuilding of a stick-built or modular housing unit on the same lot in substantially the same footprint and manner.

Rehabilitation – Repair or restoration of storm-damaged housing units in the impacted areas to applicable construction codes and standards.

Single Family Home – A single-unit family residence detached or attached to other housing structures.
**Subrecipient** – Cities, counties, Indian tribes, local governmental agencies (including COGs), private nonprofits (including faith-based organizations), or a for-profit entity authorized under 24 CFR 570.201(o). The definition of subrecipient does not include procured vendors, private grant administrators, or contractors providing supplies, equipment, construction, or services and may be further restricted by Program rules or other guidance including applications. See vendor definition for further clarification.

**Subrogation Agreement** – An agreement executed by the beneficiary agreeing to repay any duplicative assistance if the beneficiary later receives other disaster assistance for the same purpose as disaster recovery funds already received.

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred (44 CFR 59.1).

**Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure” (44 CFR 59.1).

**Unsecured Forgivable Promissory Note** – An agreement between the assisted beneficiary and Subrecipient/GLO that requires applicants to comply for several terms during a set affordability period. At the end of the affordability period the terms are forgiven after they are met by the homeowner.

**Urgent Need National Objective** – An urgent need that exists because conditions pose serious and immediate threat to the health or welfare of the community; the existing conditions are recent or recently became urgent; and the subrecipient cannot finance the activities on its own because other funding sources are not available. Subrecipients or the state must document how each program and/or activity funded under this category responds to a disaster-related impact.

### 3. Purpose & Program Scope

The primary focus of this Program is to provide financial relief to families who expended their own funds for repairs that would have been eligible for CDBG-DR assistance if funding had been available at the time when repairs were required.

This objective will be met by gathering evidence of Harvey-related damage, subsequent repairs, and funds expended to make those repairs. CSD will assess repairs made to ensure that the repairs would have been eligible to receive CDBG-DR funding. If the homeowner, property, and
expenses are eligible, CSD will reimburse the expenses up to a maximum amount of $50,000.00 per household.

3.1. National Objectives
The national objectives to be utilized for this Program include Low-Mod Housing and Urgent Need per 24 CFR part 570.208 prior to November 16, 2019. After November 15, 2019, Harris County will use the Adjusted Gross Income (AGI) method of income calculation for purposes of determining Low-Mod Housing and Urgent Need unless the applicant did not file a Federal income tax return form for the most recent year. Self-employed applicants will be required to submit the most recent two years of Federal income tax return forms. If the household is among the 3 populations waived by the IRS from filing a tax return, then the AGI Worksheet method will be utilized to verify income. Applicants must certify which member(s) of their household are exempt from filing requirements at the time of application. The validity of the exemption will not be independently verified by the Program. Low-income households who needed to make repairs before funding was available often expended necessary financial resources to make their homes livable. Reimbursement will allow those households to stabilize their financial situation, allowing them to be more self-sufficient and resilient.

Reimbursing those who had urgent needs ensures that families who were most dramatically affected by the eligible disasters are not disadvantaged because of their inability to delay repairs.

3.2. Program Priorities
Applications will be awarded on a first-come first serve basis. CSD will monitor recipients to ensure that at least 70 percent of funding across programs is being allocated to LMI households. CSD reserves the right to skip higher income applicants in favor of lower income applicants if the funding percentage dips below the 70 percent minimum dictated by HUD. Funding will be disbursed until all funds have been exhausted.

3.3. Flood Insurance
All applicants under 120 percent of AMI will be eligible to apply for this program; however, applicants within a 100-year floodplain and above 120 percent of AMI will only be eligible for reimbursement if they had a National Flood Insurance Program policy at the time of the disaster.

3.4. Application Process Overview
Below is a summary of the HCHAP process from pre-application through closing:

1. Pre-application Outreach/Intake Activities
   a. CSD will conduct community outreach as indicated in the Community Outreach Plan. Outreach aims to inform all potentially eligible community members of the existence of the Reimbursement Program.
   b. Intake specialists and call center staff will respond to inquiries and assist applicants with completion of HCHR applications.
   c. HCHR Program Software sends a confirmation email and a physical letter to the applicant when the pre-application is received. Applicants can log in to their accounts at any time to check on their application status.
2. Interest and Waiting List
   a. CSD will maintain an “Interest List” of persons interested in applying for the HCHRP. This listing will be made available prior to program start to allow persons in need of assistance to register their interest, complete a pre-application form, and provide contact information for follow-up.

3. Pre-Application Review
   a. The pre-application review is used to review preliminary data collected on the applicant and the applicant’s property.
   b. This phase will also be used to assess that the property location is likely eligible, and that the residence is not ineligible due to its flood plain status.

4. Application
   a. CSD may maintain a first-come first-serve waiting list if demand for assistance exceeds available resources. In the case that HCCSD adopts a waiting list, the order will be based on date of application in the CSD system.
   b. CSD will use the full application to collect required information, certifications, authorizations, and supporting documentation/verifications to determine program eligibility.
   c. Applicants may log in to their accounts to check their application status. Applicants can also call HCCSD for updated information.
   d. CSD will issue a Missing Document letter via telephone, mail, and email regarding incomplete applications three times, each with a five-business day deadline for submittal. If the application is not completed by the above stated deadline a Failure to Submit letter will be issued to the applicant informing them that their application has been designated as inactive. However, the applicant may contact CSD to reactive their application if funds are available.

5. Eligibility Determination
   a. CSD will use documents gathered during the application phase to verify and calculate household income, review immigration status, establish ownership and primary residency status, establish that client has clear title (which may include providing an affidavit of ownership) and is current on property taxes, establish that the client is current on child support, determine property location/eligibility, review flood insurance documentation if applicant’s household income is 120% or more above AMI, and gather information related to duplication of benefits, etc.
   b. Complete program documents with eligibility specialist including documentation to validate damages—receipts, invoices, contracts, photos, financial records, etc.
   c. Verify that property is in the HCED as a substantially damaged home.

6. Environmental/Historical Review
   a. All properties will be subject to an environmental review as established by both HUD and the GLO.

7. Work Statement and Property Assessment
   a. HCHRP Inspector or designee should assess the repair work completed for each applicant.
   b. HCHRP Inspector will conduct a damage inspection to verify that work for which the applicant is seeking reimbursement was conducted and to identify any
remaining work health and safety items. HCHRP Inspector will send notification of eligible Harvey-related damages, repairs, and costs eligible for reimbursement.

c. CSD will inform the applicant of the remaining work items that still need to be completed. The applicant will be given the option to also enroll in the HAP program to make those eligible repairs.

8. Determine award amount
   a. During the assessment, the Program will value all Program-eligible repairs that were completed in the applicant’s home. This valuation will serve as the basis for the applicant’s reimbursement amount to limit the Program’s risk of reimbursing applicants for unreasonable, unnecessary or fraudulent expenses that were submitted as receipts or invoices. Valuations will be made using October 2017 Xactimate pricing Harris County. The DRV will provide an estimated value of all permanent repairs that were completed in all living areas of the home and the exterior of the home.

9. Appeals
   a. The CSD appeals process will be available to anyone who is being denied program eligibility or who believes that they have been given an award of an incorrect amount.

10. Close-Out
    a. Promissory note is signed
    b. Final award agreements signed
    c. Final payments are processed and issued by CSD

11. Compliance & Monitoring
    a. CSD will retain and manage all files as dictated by HUD and the GLO
    b. Ongoing monitoring and oversight of the HCHRP in accordance with HUD and GLO requirements.

12. Timely Notice to Applicants
    CSD will ensure timely communication of application status to applicants who have applied for disaster recovery assistance. This information will be communicated via the HCCSD program system which will inform clients of their status throughout the program. Additionally, Case Managers will be assigned to each client and they will ensure that the applicant is updated on their status in the program on a regular basis. CSD will ensure the accessibility and privacy of individualized information for all applicants, frequency of applicant status updates, and personnel or unit responsible for applicant’s information on the status of recovery applications.
4. Household & Property Eligibility

4.1. Ownership & Property Title

The assisted property must be wholly residential in character and owned by the applicant for reimbursement funds. Properties containing home-based businesses may be reimbursed for repairs only where it can be clearly shown that the repairs were not made to assist the business contained in or on the property. The following property eligibility requirements are applicable to the assisted unit and must be met for the applicant to receive assistance:

- Home must have sustained damage from Hurricane Harvey;
- Home must be located within Harris County but outside the city limits of Houston;
- Home must have been owner-occupied at the time of the storm;
- Home must have served as primary residence;
- Home must be environmentally-cleared;
- The property must not have any uncorrectable environmental deficiency which would prevent the use of federal funds for reimbursement.

For applicants who have been determined eligible, a Certified Inspector will perform an initial inspection to determine a property’s remaining estimated unmet need, tie-back to the disaster, and estimated cost of repairs already completed by homeowners. Additionally, inspections to verify repairs completed will be performed for applicants that are only seeking reimbursement through HCCSD. Inspections will be made in accordance with Housing Quality Standards (HQS) as defined by 24 CFR 982.401. Inspectors will use Xactimate or a similar software for estimates.

Applicant(s) must hold title to and occupy as his or her primary residence the property for which HCHRP assistance is being provided (or meet eligible exception criteria such as providing an affidavit of ownership). Ownership may be verified by:

1) Warranty Deed- A Contract for Deed does not qualify as holding title or ownership of the property, however, ownership may be verified by a Warranty Deed in the name of the applicant(s).

2) Property Tax Records- CSD may use the Harris County Appraisal District (HCAD) data and compare property and applicant information with the names and addresses on the property tax records from the time of the storm and from the most recent tax year. Tax records must match the name of the applicant and the damaged address to be eligible for assistance. If matches are found, the match establishes ownership at the time of the storm and currently.

If the applicant does not have a Warranty Deed, they may sign an affidavit of current ownership described below. If HCAD only lists one name, the applicant can provide the legal transfer of ownership document showing all owners. At least one name on the document must be present in HCAD. The legal description on the document must match the legal description in HCAD.
In absence of proof of property ownership described above, to be eligible for assistance, the applicant household must provide evidence of ownership interest in the property by doing the following:

1. Provide, on a form prescribed by GLO, an affidavit that sets forth how they are the successors in interest, through devise, intestacy, or conveyance, to the holder(s) or record title and that:
   a. there is no other person entitled to claim any ownership interest in the property; or
   b. each person who may be entitled to claim an ownership interest in the property has given their consent or cannot be located after a reasonable effort and provide to the GLO either:
      i. proof that they have been, for the current and last preceding tax year, and on date of the eligible disaster, the person reflected on the tax rolls as the owners and the person liable for property taxes; or
      ii. other evidence, reasonably acceptable to the GLO that establishes that they have ownership over the property.

CSD will accept alternate forms of ownership, such as an affidavit of ownership. Applicants must include supporting documents.

4.1.1 Special Circumstances Related to Type of Ownership
Special circumstances related to type of ownership include:

4.1.1.1 Purchase Contracts
1. Contract for Deeds are not eligible unless applicants convert their contract to full ownership prior to receiving funding assistance from the program unless the holder of the contract is willing to provide the applicant with a warranty deed AND the applicant can provide verification that they occupied the home as their primary residence at the time of the disaster.
2. Evidence of purchase contracts must prove that an applicant was purchasing a home on a contract by:
   a. The applicant presenting the notarized contract dated and executed prior to the eligible disaster for review by CSD.
   b. The applicant presenting the notarized and executed contract that was filed prior to the eligible disaster in the conveyance records of the County.
3. Proof that a contract has been completed and title conveyed to the purchaser is provided by:
   a. Evidence of recordation of the title in the name of the applicant(s) in the conveyance records of the County, or
   b. Evidence that property was transferred by a warranty deed.

4.1.1.2 Act of Donation
An Act of Donation is a form of property transfer without exchange or payment. For the purpose of HCHRP, an Act of Donation must have been made prior to Harvey unless the applicant can provide verification that the property was their primary residence at the time of the disaster and
that the applicant was paying property taxes for the property at the time the property was
damaged and was paying property taxes for the damaged property. Any Act of Donation must
adhere to all of the following:

1. In writing
2. Witnessed
3. Notarized
4. Recorded in public record

4.1.1.3. Trust
Property held in trust for the benefit of natural persons can be eligible for HCHRP assistance as
long as at least one of the occupants at the time of the storm was a current beneficiary of the
Trust and primary resident of the property. An affidavit of ownership will also be required.

The following is required to confirm eligibility:

1. The applicant must provide a copy of the trust document
2. The trust document or an abstract or extract of the trust must be recorded in the
   conveyance records of the County in which the damaged property is located. This
   recordation in the conveyance records of the County in which the damaged property is
   located may be recorded post-storm if necessary.

The applicable agreement must be executed by trustee(s) unless the trust distributes the property
to a beneficiary, in which event the beneficiary receiving the property must execute the applicable
agreement. If the property was not serving as the primary residence for the current beneficiaries
or trustee, the applicant(s) is not eligible for assistance.

4.1.2. Death of Eligible Owner Occupant
If the homeowner passes away before application, during application, or after the contract has
been signed, the heir to the property may be eligible for the program. If the deceased owner of
the damaged address passed away after the eligible disaster, the heir has to meet all eligibility
requirements. If the deceased owner of the damaged address passed away before the storm, the
heir occupying the property must meet all eligibility requirements and will be processed for
assistance in the same manner as all other applicants. The heir will sign an affidavit and present
documentation in accordance with Texas HB 2450 - 2009. If an eligible owner occupant dies and
leaves their damaged property to a business entity, the application is ineligible for assistance.

An applicant for federally funded financial assistance to reimburse repairs to a home damaged by
natural disaster may establish ownership of the home through nontraditional documentation of
title. The HCHRP shall process an application for that assistance as if the applicant is the record
title holder of the affected real property if the applicant provides to the department:

1. An affidavit summarizing the basis on which the applicant claims to be the holder of
   record title or a successor in interest to the holder of record title and stating that:
   a. There is no other person entitled to claim any ownership interest in the property;
b. Each person who may be entitled to claim an ownership interest in the property has given consent to the application or cannot be located after a reasonable effort.

2. Other documentation, including tax receipts, utility bills, or evidence of insurance for the home, that indicates that the applicant exercised ownership over the property at the time of the natural disaster.

4.1.3. **Other Forms of Acceptable Ownership**

4.1.3.1. **Inherited Property with Multiple Owners**
Under this form of ownership, the applicant must demonstrate that they are the owner-occupant of the property and that they occupy the housing as their principal residence, and pay all costs associated with ownership and maintenance of the housing (e.g. mortgage, taxes, insurance, utilities.) An affidavit of ownership will also be required.

4.1.3.2. **Beneficiary Deed**
A beneficiary deed conveys an interest in real property, including any debt secured by a lien on real property, to a grantee beneficiary designated by the owner and that expressly states that the deed is effective on the death of the owner. Upon the death of the owner, the grantee beneficiary receives ownership in the property, subject to all conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges, and other encumbrances made by the owner or to which the owner is subject during the owner’s lifetime. The owner must occupy the property as their principal residence.

Ownership shall be evidenced and confirmed by review of a Title Status Report from the County Attorney’s Office. An affidavit of ownership will also be required.

4.1.3.3. **Ineligible Ownership**
Business entities are not eligible. This includes but is not limited to: Limited Liability Corporations, Limited Liability Partnerships, Corporations, Etc.

Applicants who lost ownership of their homes due to foreclosure, or are pending foreclosure, properties with outstanding suits, judgments, and tax liens that would jeopardize ownership may be ineligible for assistance.

4.2. **Occupancy—Principal Residence**
To confirm occupancy, the program looks for a homestead exemption in the property tax records provided by Harris County from the time of the eligible disaster. If the tax records have established a homestead exemption, the property is considered occupied by the applicant. In the absence of CSD confirming a homestead exemption from records provided by the County, the following hierarchy will be used to establish occupancy (all occupancy documentation must be from one month prior to the eligible disaster, in the applicant or co-applicant’s name, and the damaged address):

1. Copy of electric, gas, or water bill. The bill must confirm that service was provided during the billing period of the eligible disaster,
2. Letter from electric, gas, or Water Company. The letter must confirm that service was provided during the billing period of the storm, or
3. Other qualified documents may be presented to CSD for consideration of proof of occupancy.

If applicants need additional assistance obtaining documents, they may be referred to a local agency.

4.2.1. **Special Circumstances Related to Occupancy**

Special Circumstances related to occupancy include the following:

1. Active duty military personnel who own a storm-damaged home in Harris County but are currently assigned to duty away from their home or were assigned to duty away from their home at the time of the eligible disaster are eligible to apply. If the applicant is on active duty at the time of application, the applicant may give someone Power of Attorney on his or her behalf.

2. Applicants incapacitated due to illness who own a storm damaged home in Harris County and are currently incapacitated or were incapacitated at the time of the eligible disaster are eligible to apply.

3. Applicants who were incarcerated at the time of the eligible disaster but are no longer incarcerated are eligible to apply for the program. If the applicant is incarcerated at the time of application, the applicant must give someone Power of Attorney on his or her behalf.

4. Applicants who were in a nursing home at the time of the eligible disaster but are no longer in a nursing home are eligible to apply for the program. If the applicant is in a nursing home at the time of application, the applicant must give someone Power of Attorney on his or her behalf.

4.2.2. **Eligible Structures (Dwelling Units)**

Stick built homes must be a single-unit structure or a double-unit structure used as a dwelling unit. A dwelling unit is defined as a residential space that is a place of permanent habitation for a person or family that contains a living room, kitchen area, sleeping area, and bathroom(s).

Attached structures are eligible if they are under the common roof of the damaged single- or double-unit structure.

4.2.2.1. **Two Sides of Duplex on One Tax Parcel**

1. **Situation 1**: Applicant “A” owns both sides of the duplex and occupied one side of the duplex at the time of the eligible disaster. Applicant “A” can apply to HCHRP for the entire property – both sides of the duplex.

2. **Situation 2**: The parcel is owned by Applicant “A” and Applicant “B”. Applicant “A” occupied one half of the duplex at the time of the eligible disaster and Applicant “B” occupied the other half of the duplex at the time of the eligible disaster. The Applicants can apply separately.

4.2.2.2. **Other Structures**

1. Manufactured housing home owners who own their lot are eligible to apply for the reimbursement program. Applicant must own the property (meeting the ownership requirements referenced in these guidelines) on which the manufactured home resides.
Inspectors will complete a damage inspection which will serve to determine eligible reimbursements costs, and which will serve to identify additional health and safety work items. Upon completion of this inspection, the applicant will be informed of the remaining work and be asked if they would like to “Opt In” or “Opt Out” of the Housing assistance program. The applicant can now be reimbursed for eligible repairs they completed and be part of the full housing rehabilitation program. If the homeowner “Opted In” to the HAP program, they will be provided with a completed housing damage inspection to bring their unit up to Harris County’s Minimum Property Standards.

2. An applicant who lived in a boat is not eligible to apply for the program.
3. An applicant who lived in an RV is not eligible to apply for the program.
4. Condominiums and Town Homes where a building or complex of buildings contain a number of individually owned apartments or houses are not eligible to apply for the program.

4.2.3. Property Type
Property is the land and improvements listed on the title or appraisal district record as published on HCAD.org on which the owner-occupant unit is located. A property with two or more units that are not attached and located on one parcel of property is not eligible. Only the owner-occupied unit is eligible for assistance under the program.

4.2.4. Property Taxes
The applicant(s) must be current on all property taxes or must have a payment plan on file with the tax office. CSD staff will work with applicants to set up a payment plan if eligible and applicable.

4.2.5. Location
The property must be located within the unincorporated area of Harris County, Texas, or within the boundaries of a Harris County Cooperative City. The property cannot be located with the city limits of Houston.

4.2.6. Flood Plain and Insurance
If the assisted property is located within a 100-year flood plain, the homeowners where the household income exceeds 120% of the AMI must provide evidence of flood insurance was current at the time of the disaster and is still current.

Additionally, CSD will verify if: (1) the person applying for assistance had previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and (2) that person did or did not obtain and maintain flood insurance as required under applicable federal law on the damaged property.

Flood insurance may be purchased on behalf of the assisted homeowner by the program for one year from the date of assistance. Eligible homeowners are limited to LMI homeowners that the damaged unit is in the 100-year floodplain and the homeowner does not presently carry flood insurance. The program will purchase the first year’s premium provided by NFIP insurance agent and $50,000 value on contents. Homeowners are required to maintain flood insurance after the first year.
for at least 4 additional years. HCCSD will monitor this for compliance. Failure to maintain flood insurance will impact future disaster assistance. Hazard insurance and Texas windstorm insurance (if applicable) are the responsibility of the homeowner.

4.2.7. **Storm Damage**
The home must be registered for and categorized by FEMA as having been damaged, or the applicant must provide proof of SBA loan for damage or hazard/flood insurance award for damage. In the absence of FEMA, SBA, or Insurance award, the program may accept certified damage assessments evidencing that the property received damage from an eligible disaster from local governments, faith-based organizations, or other third-party disaster assistance organizations if they are supported with physical evidence of those repairs (i.e. photographs). If no third-party verifications are available, storm damage may be verified by both media reports identifying damage in the area in which the home is located; AND pictures of the damage to the property that a third-party inspector certifies occurred as a result of the eligible disaster. HCHRP inspectors may also be utilized to verify storm damage if other forms of verification are not available.

If an applicant’s residence is substantially damaged, CSD will refer the applicant to the CSD’s Homeownership Assistance Program, which is a program that reconstructs and rehabilitates properties. If a family is referred to the HAP Program, they will not be eligible for help in the Reimbursement Program.

4.2.8. **Damage Repair Inspection**
HCHRP Inspector will conduct damage repair inspections to verify that work for which the applicant is seeking reimbursement and to identify any remaining health and safety work items. Upon completion of the inspection the applicant will be informed as to the items still needed to be completed and provided with the option to enroll in HAP to make those repairs. The applicant can still be reimbursed for eligible repairs incurred while also participating in the HAP program or not.

4.2.9. **Household Income**
The HCHRP requires that each applicant household provide their household income for purpose of determining their eligibility to receive assistance. Income amounts will be verified through the Income Policies and Procedures. The Department of Housing and Urban Development’s (HUD) Income Calculator or a similar calculator tool will be used to determine if applicant meets HUD’s low to-moderate income criteria. The program will use the 24 CFR Part 5 definition of annual income. (See Income Policies and Procedures prior to November 16, 2019. After November 15, 2019, Harris County will use the Adjusted Gross Income (AGI) method of income calculation for purposes of determining Low-Mod Housing and Urgent Need unless the applicant did not file a Federal Income tax form for the most recent year. Self-employed applicants will be required to submit the most recent two years of Federal income tax forms. If the applicant did not file an income tax return, then the 24 CFR part 570.208 will be used to determine Low-Mod Housing and Urgent Need. Income limits are established by HUD and updated annually.

4.2.10. **Finances & Credit Check**
A credit check will be conducted to verify the applicant’s identity, that there are no judgments, liens, etc. on the property that may place the property in jeopardy of foreclosure, and child
support payments are current if applicable. An applicant’s credit score is not taken into consideration. Prior to the signing event, all applicants must be current on:

1. Property Taxes, qualify for and receive a payment plan for delinquent taxes, or awarded a tax deferral as allowed under Section 33.06 of the Texas Tax Code; and

CDBG-DR funds may not be used to pay delinquent taxes nor child support back payments. Applicants with a mortgage or a reverse mortgage at the time of the eligible disaster are eligible.

4.2.11. Declined SBA Loans
In cases where an applicant previously declined an SBA loan, the applicant must submit an explanation of the circumstances and provide the reason for the decision to decline the SBA loan. Verification of the information submitted may be required. CSD staff will utilize this information to determine if the assistance requested on the application are still supported as a necessary and reasonable recovery expense.

4.2.12. Environmental/Historical Review
The property must pass an environmental and historical evaluation as required by 83 FR 5844 and the GLO.

4.2.13. Fraudulent Application
Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

If an applicant knowingly makes a misstatement or omission in any statement, document, or application in connection with the Applicant’s request for assistance, as determined at the sole discretion of the County, the Applicant may be prohibited from applying for HCHR assistance for a period of five (5) years from the date the County notifies the applicant of its discovery of such misstatement or omission. In addition to the disqualification from the HCHR, the applicant may be subject to both civil and criminal prosecution and a demand for immediate repayment of any funds disbursed on behalf of the applicant for reimbursement.

4.3. Certification Requirements to Receive Assistance
All applicants must agree to the following to receive assistance:

1. Sign a release so that information provided by the applicant(s) can be shared with state and federal agencies and other third parties in order to verify information given to the program. The applicant, co-applicant, and all household residents age 18 or older are required to sign a release of information form (unless one of the eligible owner-occupants has provided power of attorney to the other to represent them, then the eligible owner-occupant does not need to sign release).
2. Agree to verification of their ownership status, the amount of disaster-related damage to the home, and assistance received.
3. Swear to the accuracy and completeness of all information provided to CSD under penalty of law.
4. Power of attorney: Applicant(s) may grant power of attorney to someone who can apply on their behalf.
5. Agree to maintain flood insurance if applicable.
6. Agree to provide notice to the new owner if the home is sold after before the affordability terms flood insurance must be maintained in perpetuity.
7. Agree to the recording of the Subrogation Agreement.

4.4. **Immigration Status Requirements**
The homeowner must be a United States citizen, or an eligible immigrant as verified by a signed declaration and one of the following:

1. **U.S. Citizen**
   a. A United States Passport
   b. Birth Certificate
      i. In the absence of a birth certificate, an elderly applicant may substitute a Social Security Benefits Determination document for the birth certificate.
   c. Certificate of Naturalization
2. **Eligible Immigrant**
   a. Form I-551 Alien registration receipt card
   b. Form I-94 Arrival Departure Record annotated with one of the following:
      i. Admitted as a Refugee Pursuant to Section 207
      ii. Section 208
      iii. Section 243 (h) or “Deportation” stayed by Attorney General
      iv. Paroled Pursuant to Section 221 (s)(5) of the USCIS
   c. Form I-94 Arrival-Departure Record with no annotation accompanied by:
      i. A final court decision granting asylum (only if no appeal is taken)
      ii. A letter from an USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from an USCIS district director granting asylum (application filed before 10/1/90)
      iii. A court decision granting withholding of deportation
      iv. A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90)
      v. A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified.

4.5. **Program Eligibility**
The following requirements must be met for a homeowner to be eligible for assistance.

- Homeowners expended personal funds for clean-up and repairs are a result from the direct impact of Hurricane Harvey
- Repairs will be verified by an inspector using Xactimate software.
- Cost of repairs exceeds all sources of assistance received (e.g., FEMA, SBA, Insurance, other)
- Unreimbursed expenditures exceed $500
- Costs were incurred as a result of an eligible disaster but prior to applying for the HCHRP or costs incurred by December 31, 2019, whichever is earlier.

As required by the 83 FR 5844 Harris County is prohibited from providing CDBG-DR assistance for homeowner reimbursement if the combined households income is greater than 120 percent Area Median Income (AMI) or the national median, the property was located in a 100-year floodplain at the time of the disaster, and the property owner did not maintain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance.

4.6. Eligible & Ineligible Activities

4.6.1. Eligible Activities

For the purposes of this program, all costs associated with reconstruction, rehabilitation, elevation, and/or mitigation must be adequately documented, and HCHRP will not reimburse applicants for work completed after the submission of an application or costs incurred after December 31, 2019, whichever is earlier. All eligible work must be considered necessary and reasonable by CSD. Only work performed within the existing footprint of the damaged structure, sidewalk, driveway or other developed areas will be eligible for reimbursement. Proof of event damage can be documented as follows:

- FEMA, SBA or Insurance award letters;
- Photographs

In the event that the above-referenced documentation is not available, an inspection report/damage assessment (complete with photos of the damage and a written assessment of the damage by each photo taken) conducted by a certified or licensed inspector (MPS, TREC, or similar license) must be supplied certifying that the damage occurred as a result of the event. If an applicant was denied assistance by FEMA, assistance through the CDBG-DR Disaster Recovery Program may still be available. Applicants are not solely ineligible based on a denial by FEMA. All applications will be reviewed on a case-by-case basis.

In general, eligible repair activities for reimbursement consist of the removal of deficiencies or health and safety hazards, improving energy efficiency, enhancing accessibility, remediating lead-based paint, and extending the useful life of the property. All improvements must be attached to the property and permanent in nature. To be eligible for reimbursement, improvements must comply with HUD’s guidance on lead-based paint mitigation outlined in section 4.6.3.

The following lists examples of eligible expenditures:

- Foundation repair, including home elevation (as long as the home was elevated, at minimum, to the HUD-required level of two feet above the base flood elevation in a flood plain);
- Structural repair;
- Electrical rewiring or repair;
- Plumbing repair;
• Roof replacement or repair;
• Heating, venting, and cooling system installation or repair;
• Window and door replacement;
• Repair or replacement of floor coverings where they pose a hazard;
• Essential appliances (e.g. refrigerator, stove/oven, dishwasher);
• Permits and inspection fees;
• Removal of construction debris;
• Demolition
• Septic or sewer system repair;
• Well or water system repair.

4.6.2. Ineligible Activities

The following activities are ineligible for reimbursement:

• Forced mortgage payoff;
• Incentive payments to households that move to disaster-impacted 100-year floodplain;
• Expenditures for rehabilitation or repair of homes located in the floodway;
• Expenditures for a home in which:
  o The combined household income is greater than 120 percent AMI or the national median and
    ▪ The property was in a 100-year floodplain at the time of the disaster, and
    ▪ The property owner did not maintain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance;
• Ineligible homeowner based on previous federal assistance requirement—Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a states that no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for “repair, replacement, or restoration” for damage to any personal, residential, or commercial property if that person at any time has received Federal flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable Federal law on such property. The program may not provide disaster assistance for the repair, replacement, or restoration of a property to a person who has failed to meet this requirement.
• Appliances and housing components that are not integral to the structure of the home such as washers, dryers, and detached garages and carports are not eligible as repairs to be reimbursed under the Reimbursement Program.

Ineligible activities also consist of:

• Unnecessary physical improvements, repairs to sheds, and repairs to garages or any structure not attached to the living unit.
- Any repairs including luxury items such as marble and granite counters, custom cabinets, high end appliances, etc.
- Landscaping, except to protect the structural viability of the house, such as for drainage, or if required by local ordinance. Items done for beautification or energy efficiency must be in conjunction with a repair required for health or safety reason.
- Increasing the number of units on a property;
- Detached garages and other detached structures that do not pose a health and safety risk.
- Private road improvements; and
- Garage door openers.

4.6.3. Lead-Based Paint Mitigation Requirements and Exemptions

HUD's Lead Safe Housing Rule (24 CFR part 35, subparts B-R) implementing the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. 4821 et seq.), and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.), applies to all pre-1978 housing units assisted with CDBG funds, including single- and multifamily units, whether publicly- or privately-owned. Assistance provided for an applicant's pre-application incurred demolition costs will be exempt from the Lead Safe Housing Rule under 24 CFR 35.115(a)(6)). Assistance provided for an applicant's incurred pre-application rehabilitation costs may be exempt from the Lead Safe Housing Rule if the unit falls within a regulatory exemption set forth at 24 CFR 35.115. A housing unit is likely to fall within an exemption if:

- The housing unit was constructed on or after January 1, 1978;
- The CDBG-DR applicant undertook CDBG-eligible activities that qualify as emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage due to natural disaster, fire or structural collapse. This exemption applies only "to repairs necessary to respond to the emergency" as provided in 24 CFR 35.115(a)(9). However, the Lead Safe Housing Rule would apply to any work undertaken subsequent to, or beyond, such emergency actions;
- The rehabilitation did not disturb any painted surface;
- The property meets the definition of "housing for the elderly," or the residential property is designated exclusively for persons with disabilities; but only if no child less than six years of age resides or is "expected to reside" in the dwelling unit.
- An inspection performed according to 24 CFR 35.1320(a) found the property contained no lead-based paint; or
- According to documented methodologies, lead-based paint has been identified and removed, and the property has achieved clearance. This exemption does not apply where enclosure or encapsulation have been used as a method of abatement.

Many owners that apply for CDBG-DR assistance for rehabilitation costs they have incurred may be able to qualify their property under certain exemptions in the list above. Applicants may certify to the applicability of each of the first four exemptions in the list above (those covering post-1977 housing, emergency actions, non-disturbance of painted surfaces, and housing for elderly or exclusively for persons with disabilities). To ensure the accuracy of the certifications, HCCSD will...
randomly perform on-site reviews of a portion of the assisted properties. If necessary (e.g., if none of the first four exemptions apply), the grantee may need to inspect the property according to HUD standards, and ensure all lead-based paint has been removed and the property has achieved clearance.

Applicants who are ineligible for the HCHRHP due to HUD’s lead-based paint requirements will be referred to HCCSD’s Homeowner Assistance Program.

4.7. **Accessibility Improvements**

Properties occupied by a disabled or elderly household member(s) who used their own funds to make accessibility repairs or improvements can qualify for reimbursement. Such repairs or improvements must comply with and be inspected according to Texas Accessibility Standards found at [https://www.license.state.tx.us/ab/abtas.htm](https://www.license.state.tx.us/ab/abtas.htm).

Eligible accessibility improvements include but may not be limited to:

1. Grab bars
2. Transitional floor coverings
3. Zero entry showers with seats
4. Bathtubs with seats
5. Replacement of door knobs with lever action handles
6. Plumbing alteration or modifications
7. Ramps
8. Sliding doors
9. Kitchen cabinet modifications
10. Widening doorways and hallways
11. Electrical switches and convenience outlet relocation
12. Toilet alteration or modification

Single Family Housing Units must meet the accessibility requirements at 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the GLO’s Visitability Standards. Every effort possible will be made to validate that the repairs are in accordance with Section 504 by ensuring a licensed inspector is knowledgeable of Section 504.

4.8. **Harris County Advisory Services**

Applicants may need support throughout the process. Applicants may have suffered significant losses and emotional hardships. The simple mechanics of applying to the program may be complicated by the loss of documents or temporary residence outside the area. Harris County maintains partnerships with local and community liaisons such as banks, counseling agencies, legal services, title companies, etc.

Harris County Case Managers and Advisory Services will work in collaboration to assist owners and displaced persons from inception to close out of their recovery needs. Each applicant will be assigned a single point with a case manager through eligibility and then will be assigned a single point of contact with a relocation advisor for each survivor to ensure that survivors have the immediate contact information and needs to be successful in their long-term recovery efforts. As
survivor applications are being accepted and reviewed for determinations of eligibility to participate in the Program, each survivor will be counseled and made aware of their application status.

5. Calculation of Awards

5.1. Documentation of damage and subsequent repairs

Applicants will discuss the damages done to their residence by Hurricane Harvey as outlined in the Eligible Activities section, 4.6. Xactimate will be used to determine the amount eligible for reimbursement.

Inspectors will confirm that corresponding repairs were made. They will also confirm the repairs meet applicable HUD and GLO standards. Inspectors will then generate a damage repair estimate that estimates both damages caused by the disaster and value of repairs made. The HCHRP can only reimburse applicants for confirmed repairs.

Once the gross reimbursable amount has been determined, CSD will deduct any duplication of benefits that may have occurred to arrive at a final award amount.

5.2. Determining Reimbursement Amount

During the damage assessment, the applicant must identify to the assessor what repair or replacement work was performed and who performed the work. The cost of repair estimate will classify each repair line item into one of the following four (4) categories:

- Completed by a construction contractor or other construction trade or professional;
- Completed by the homeowner themselves;
- Completed by the PREPS or DALHR programs; or
- Completed by a philanthropic or charitable organization that was not paid by the applicant.

**Completed Contractor Repairs**

When assessing the appropriate amount for reimbursement of completed contractor repairs, HCCSD inspectors will use, as a standard, the equivalent of the Xactimate program’s High-grade materials level.

Xactimate (or equivalent) base pricing includes only those material and subcontractor labor costs that would normally be incurred by a construction contractor that was performing work on an applicant’s home. The Xactimate (or equivalent) base costs do not include the contractor’s supervision, insurance, overhead and profit, which are ordinarily included in the total cost of a project. To account for these missing cost elements, HCCSD has provided that a 1.25 adjustment factor be added to the base pricing for repairs when the applicant states that repairs were completed by a construction contractor, construction trade, or other professional where such costs would have been included in the normal course of business. HCCSD has relied on the GLO’s determination that this adjustment factor represents an average, reasonable cost adjustment factor.
The formula for completed contractor repairs shall be: 
(Xactimate (or equivalent) Base Labor x 1.25) + 
(Xactimate (or equivalent) Base Materials x 1.25) + 
(Xactimate (or equivalent) Base Materials x 0.0625) = Final Line Item Cost

**Completed Self-Performed Repairs**

If an applicant states that they completed their own repairs in their home, the damage assessment will value those repairs using the Xactimate (or equivalent) material cost only. The cost of repair estimate will not include costs for labor or any adjustment factors for a contractor’s supervision, insurance, overhead and profit as these costs were not incurred by the homeowner. Accordingly, applicants will not be given credit for their own labor (“sweat equity”) in their repair projects. Self-completed repairs will be valued in the same manner as contractor completed repairs when calculating substantial damage and improvement.

The formula for self-performed repairs shall be: 
(Xactimate (or equivalent) Base Materials x 1.25) + 
(Xactimate (or equivalent) Base Materials x 0.0625) = Final Line Item Cost

**Completed PREPS Temporary Repairs**

Repairs competed by the FEMA-funded Partial Repair and Essential Power for Sheltering (PREPS) program were intended to be temporary in nature. Accordingly, those repairs may have been removed and replaced by applicants as homes were repaired in a permanent manner. If an applicant received repair assistance through the PREPS Program and any of those repairs remain in the home, the cost of such repairs will not be included in the applicant’s cost of repair estimate that is used for reimbursement calculation purposes. However, if the applicant removed and replaced the repairs that were made by PREPS, those repairs will be valued as either contractor or self-completed based upon information provided by the applicant during the damage assessment. PREPS repairs that remain in the home will be valued in the same manner as contractor completed repairs when calculating substantial damage and improvement.

**Completed DALHR Repairs**

Repairs competed by the FEMA-funded Direct Assistance for Limited Home Repair (DALHR) program were intended to be permanent in nature. Therefore, it is not likely that those repairs were removed and replaced by applicants. If an applicant received repair assistance through the DALHR and the repairs that were completed by DALHR remain in the home, the cost of those repairs will not be included in the applicant’s cost of repair estimate that is used for reimbursement calculation purposes. However, if the applicant removed and replaced the repairs that were made by DALHR, those repairs will be valued as either contractor or self-completed based upon information provided by the applicant during the cost of repair estimate. If an applicant claims to have removed and replaced DALHR repairs, the assessor will perform additional due diligence regarding duplication of benefits before including the repairs in the valuation used for reimbursement calculation purposes. It is important to note that DALHR repairs that remain in the home will be valued in the same manner as contractor completed repairs when calculating substantial damage and improvement.
**Completed Philanthropic/Charitable Repairs**

Repairs completed by philanthropic or charitable organizations may have been temporary or permanent in nature. If such repairs remain in the home, the cost of those repairs will not be included in the applicant’s cost of repair estimate that is used for reimbursement calculation purposes. Repairs completed by philanthropic or charitable organizations that remain in the home will be valued in the same manner as contractor completed repairs when calculating substantial damage and improvement, but only to the extent that materials or labor was unreimbursed.

**Estimated Cost to Repair (ECR)**

If a home is located within the 100-year floodplain and HCCSD has not obtained substantial damage or substantial improvement data from HCFCD, the assessment must provide an estimated cost to repair all unrepaired storm damage that remains in the home. The purpose of the ECR is to provide data for the HCCSD’s substantial damage and improvement calculation, if applicable. Incomplete repairs will be estimated at the same cost as completed contractor repairs under the assumption that the applicant may hire a contractor to complete those repairs in the future or that those repairs will be complete by Harris County’s Homeowner Assistance Program. Estimates will be made using the same pricing that is utilized by the Harris County Homeowner Assistance Program with the appropriate adjustments and constraints. The formula for the ECR shall be: \[(Xactimate \text{ (or equivalent) } \text{ Base Labor} \times 1.25) + (Xactimate \text{ (or equivalent) } \text{ Base Materials} \times 1.25) + (Xactimate \text{ (or equivalent) } \text{ Base Materials} \times 0.0625) = \text{Final Line Item Cost}\]

**Valuation Methodology Chart**

The following chart is a synopsis of the valuation methodology outlined above.

<table>
<thead>
<tr>
<th>Repair Type</th>
<th>Reimbursement Calculation Value</th>
<th>Substantial Damage and Improvement Calculation Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor Completed Repairs</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
</tr>
<tr>
<td>Self-Completed Repairs</td>
<td>Xactimate (or equivalent) Base Material Cost + Sales Tax on Materials</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
</tr>
<tr>
<td>PREPS Repairs</td>
<td>$0.00</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
</tr>
<tr>
<td>DALHR Repairs</td>
<td>$0.00</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
</tr>
<tr>
<td>Philanthropic &amp; Charitable Repairs</td>
<td>$0.00</td>
<td>Xactimate (or equivalent) Base Cost + HCCSD Adjustment Factor + Sales Tax on Materials</td>
</tr>
</tbody>
</table>
5.3. Duplication of Benefits

The following are sources of funding assistance provided for structural damage and loss that are considered a duplication of benefits (DOB):

1. FEMA Individual Assistance (FEMA IA)
2. FEMA National Flood Insurance Programs (NFIP) insurance
3. Increased Cost of Compliance (ICC)
4. Private Insurance
5. Small Business Administration (SBA)
6. Nonprofit and charity disbursements

Under federal law DOB must be deducted from the Deferred Forgivable Promissory Note assistance amount. Assistance received in the form of services instead of money, for home repairs from any source is not considered a duplication of benefits. Any additional duplication of benefits received by the applicant after the deferred forgivable promissory note is awarded must be applied to reduce the award amount, which the homeowner must acknowledge by signing a subrogation agreement. Funds received from any source including flood insurance, FEMA and hazard insurance that were used to cover repairs to the applicant's home do not reduce the amount of disaster assistance if the evidence of expenditures at least equals the amount of assistance from those sources. Documentation must be provided demonstrating the cost and type of repair conducted. CSD will conduct a work write-up that will inspect, confirm and estimate value of repairs based upon applicant's statement of repair work already completed.

5.3.1. FEMA Individual Assistance (FEMA IA)

FEMA IA will be determined and verified by CSD through the FEMA database. If I-IDRP is unable to verify the FEMA IA amount through the FEMA database, CSD will use the payment amount provided by the applicant at the time of application. If an applicant is able to provide documentation demonstrating that the FEMA IA amount provided by the FEMA database includes amounts not paid for Repair, Replacement, or Permanent Housing Construction, CSD will use the documentation provided by the applicant to adjust the FEMA IA payout amount. The documentation provided by the applicant must come from FEMA.

5.3.2. FEMA National Flood Insurance Programs (NFIP) Insurance

Any payments for loss to the dwellings under NFIP insurance policies are deducted from the amount the applicant is eligible to receive. Payments for contents or other expenses are not deducted from the applicant's award.

The Payment to applicants under NFIP policies will be determined and verified by CSD through the FEMA database and cross referenced with GLO provided disks. If CSD is unable to verify the NFIP insurance proceeds through the NFIP database, CSD will use documentation supplied by the applicant. If an applicant is able to provide documentation demonstrating that the insurance proceeds amount provided by the FEMA database includes items not covered in the
home evaluation or not paid to cover structural loss, CSD will use the documentation provided by
the applicant to adjust the insurance payout. The documentation provided by the applicant must
come from the insurance company which issued the payments.

5.3.3. Increased Cost of Compliance (ICC)
The program will determine duplication of benefits regarding ICC funds for elevation and/or
demolition activities.

5.3.4. Private Insurance
All private insurance settlement amounts for loss to the structure of the home are deducted from
the applicant's award. Private insurance payments for contents or other expenses such as fences,
storage sheds, etc., are not deducted from the applicant's award.

Insurance proceeds are determined and verified by CSD through the applicant's insurance
settlement. If an applicant is able to provide documentation demonstrating that the insurance
proceeds amount provided by the insurance company includes items not covered in the home
evaluation or not paid to cover structural loss, CSD may use the documentation provided by the
applicant to adjust the private insurance DOB. The documentation provided by the applicant
must come from the insurance company which issued the payments.

5.2.5 Small Business Administration (SBA)
Awarded SBA real estate loans for the repair, replacement or mitigation of the property listed on
the application are considered duplicative. The amount considered potentially duplicative is
determined by the status of the loan. If the applicant drew all or part of the loan amount, the
total amount of real estate funds awarded by SBA is counted as the benefit received regardless
of whether the entire awarded amount has been drawn by the applicant. Loan amounts that
were cancelled or revoked are not considered duplicative, including both full and partial
cancellations or revocations by both the applicant and by SBA.

5.2.6. Rental Assistance Proceeds
Although Rental Assistance is not considered to be a source of DOB under this Program,
temporary housing expenses can offset the potential DOB amount. To offset the total amount,
the following applies:

1. The offsetting amount would be the amount of documented expenses that exceed the
   amount received for Rental Assistance.
2. Self-certifications of the amount spent on or the value of rental resources obtained is not
   sufficient to off-set potential DOB.

Applicants can provide documentation for allowable activities to off-set potential DOB. Allowable
activities are temporary housing such as rent or hotel stays that occurred because of
temporary displacement from their primary residence because of the eligible disaster. Eligible
temporary displacement is from the time of the storm until the date of re-occupancy. Evacuation
costs are not eligible for DOB Offset.
If an applicant was a victim of contractor fraud, the amount paid to the contractor may not be counted as a duplication of benefit. The applicant would have had to file a police report within six (6) months of the date of the application being submitted. If an applicant's mortgage company placed a force payment on insurance proceeds, the insurance amount may not count as a duplication of benefits. The applicant would have to provide the document proving that the mortgage company did not release the insurance proceeds.

### 6. Close-out

Upon calculation of the award, supported by appropriate documentation, a CSD eligibility specialist will finalize the application files and notify the Financing Department of the authorization to release the final award amount.

All applicants receiving assistance through the reimbursement program must sign an Unsecured Forgivable Promissory Note. The Note will expire 1 year after the execution of the agreement. The homeowner will be required to maintain ownership of the property during the Note’s duration. If the property is sold, the balance left on the Note will be returned to the CSD.

The client must also sign the final contract agreeing to the final award amount, and a subrogation agreement acknowledging that if any DOB is discovered after the disbursement, the additional amount of DOB must be returned to the HCCSD.

### 7. Appeals

#### 7.1 Grievance Policy/Procedure

Harris County is responsible for responding to complaints and appeals in a timely and professional manner. A grievance and appeals procedure will be afforded to applicants to provide a quick and efficient system for resolution of concerns or disputes that applicants may have with the procedures followed and services provided by Harris County. The appeals procedure will include both an informal and a written grievance process which may include but not be limited to informal hearings, third-party review and director approval. Harris County will keep a record of each complaint or appeal that it receives to include all communications and their resolutions. Complaints alleging violation of fair housing laws will be directed to the U.S. Department of Housing and Urban Development for immediate review (see Grievance and Appeals policy). Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: hotline@hudoig.gov). If an applicant disagrees with the county’s decision, he or she can appeal to the Texas GLO.

The Harris County Project Recovery Complaint and Appeal Policy and Procedures 2019 contain the applicable policies and procedures for complaints and appeals and as described below.

#### 7.1.1 Complaints

When a complaint or appeal is received, a representative will respond to the complainant or appellant within fifteen (15) business days where practicable. For expediency, the Harris County shall utilize telephone communication as the primary method of contact; however, email and postmarked letters will be used as necessary.
7.1.2 Responsibilities
Harris County will identify staff within their program tasked with handling all applicant and participant inquiries.

These staff will be responsible for (1) determining whether or not complaints and appeals relate to the business or authority of Harris County, (2) ensuring that a response to all complaints and appeals are within the appropriate time frame (a response must be provided within 15 working days of the receipt of the complaint), and (3) ushering all complaints and appeals through to a resolution.

Harris County has a Grievance and Appeals policy that addresses handling incoming complaints, including a complaint escalation process in order to ensure that complaints are handled at the earliest stage in the process.

7.1.3 Documentation
Documentation for each complaint or appeal must be maintained. Each file must include the following:

- Contact information for the complainant;
- Initial complaint;
- Address and Harris County assigned project number (if applicable);
- Any communications to and from complainant or appellant;
- Results of the investigation, together with any notes, letters, or other investigative documentation;
- The date the complaint or appeal was closed; and
- Any other action taken.

8. Fair Housing and Affirmative Marketing

8.1 Fair Housing
CSD shall ensure that no person shall on the ground of race, color, national origin, religion, sex, sexual orientation, age, familial status, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or be denied access to the Program. Marketing will occur, and referrals will be accepted through Harris County and local non-profit and community-based organizations. CSD will take additional measures to affirmatively market the CDBG Disaster Recovery Program, as follows:

1. When necessary, CSD will make the program accessible to persons who are considered members of a protected class under the Fair Housing Act by holding informational meetings in buildings that are compliant with the Americans with Disabilities Act (ADA), provide sign language assistance when requested, and provide special assistance for those who are visually impaired when requested.
2. CSD will provide reasonable accommodations as needed to make the Program accessible to people with disabilities.
3. CSD will retain documentation of all marketing measures used, including copies of all advertisements and announcements that will be available for public viewing upon request.
4. CSD will use the Fair Housing logo in advertising, post Fair Housing posters and related information, and, in general, inform the public of its rights and obligations under Fair Housing regulations.

CSD will engage community members in areas throughout Harris County as well as those in potentially impacted, adjacent communities to gather stakeholder input, disseminate important program information, and to answer questions. See Community Engagement and Marketing Plan for further details.

HCHAP information will be readily available and maintained on the Harris County Recovery website, http://harrisrecovery.org/

Program information in the form of brochures will be available at public engagement, and community outreach events. Annually all marketing material will be reviewed and updated as needed. All information will be published in common languages predominantly used in the service area and target communities and will comply with the CSD Limited English Proficiency (LEP) policy.

In addition to marketing through widely available media outlets, CSD will take additional measures to HCHAP as follows:

1. CSD will advertise with media outlets which provide unique access for persons who are considered members of a protected class under the Fair Housing Act.
2. Applications will be accepted in person in multiple locations throughout Harris County.

CSD will accept applications as follows:

1. In person during regular business hours at a CSD office
2. At client’s homes when necessary and requested

Special arrangements will be made for individuals who have a disability, with special needs, language interpretation needs, or for persons needing alternate times and locations by calling 832-927-4961 (TTY 771) or emailing a request to rebuildharris@csd.hctx.net

9. Compliance and Monitoring

CSD will establish a monitoring/oversight protocol to ensure that HCHRP assistance is being provided to eligible owners, for eligible properties, and receiving the proper assistance amounts.

9.1 Conflict of Interest

Under the CDBG program regulations (24 CFR 570.611), in general no person who is an employee of the subrecipient (Harris County) who exercises any function, or decision-making responsibilities with respect to CDBG, or HOME funds may obtain a financial interest or benefit from these activities either for themselves or for those with whom they have immediate family ties.¹

¹ Family is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law), and children of an official covered under the CDBG conflict of interest regulations at 24 CFR Sec. 570.489(h).
Exceptions to this rule are available, but only upon written review and approval by HUD, after public disclosure of the conflict is made and the County Attorney has ruled that this conflict does not violate local or state law. In general, CSD employees and immediate family members directly involved in the administration and operation of the HCHAP are not eligible to receive assistance from the Program.

Applicants who knowingly participate in the Program and receive benefit, and who have immediate familial ties to CSD employees shall be referred to the County Attorney for further action. Harris County employees employed outside of CSD that have no direct involvement with the HCHRP and are not considered subject to the Conflict of Interest policy.

9.2 Section 3
Harris County will adhere to all Section 3 requirements and will perform regular monitoring of any required contractors and interlocal partners and their contractors.

9.3 Record Retention
The HCHRP will adhere to the stricter of retention policies of either Harris County, the State of Texas, or HUD for the use of CDBG-DR funds as required by the grant.

All official records on programs and individual activities shall be maintained for at least five-years beyond the closing of the grant between the GLO and HUD. Applicant records may be maintained electronically.

9.4 Project Closeout
Harris County CSD will ensure records are complete, that all affordability requirements are adhered to and that the county has performed all monitoring processes. The County will create project and grant closeout checklists that will be maintained with the project file.

9.5 Anti-Fraud and Compliance Policies
Harris County will aggressively investigate all allegations of misconduct, fraud, waste or abuse regarding eligibility and the disbursement of award amounts to applicants. Information in both English and Spanish has been posted on the Harris County Recovers website.

9.6 Contact

Website:  www.harrisrecovery.org

Email:  rebuildharris@csd.hctx.net

Phone Number:  832-927-4961
The provisions of these guidelines may be amended, or exceptions granted from time to time, as determined and approved in writing by the Director of the Harris County Community Services Department, by order of the Harris County Commissioners Court, and/or in accordance with the requirements dictated by the Texas General Land Office, or the U.S. Department of Housing and Urban Development.