

# **RISE West Virginia Bridge Home Program: Policies & Procedures**

July 2021



# CHANGE CONTROL LOG

VERSION	DATE	DESCRIPTION	AUTHOR
March 2020	July 2020	Updated DOB Guidance Updated Timeliness Goals for Construction Updated Language Assistance Updated Internal QA/QC Process Added Exception Policy and Procedure	Michelle Tharp-Penaloza / Hannah Trautwein
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# TABLE OF CONTENTS

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1 Overview .....	2
1.1 Purpose and Objectives of RISE West Virginia Housing Programs .....	3
1.2 Compliance Requirements of RISE West Virginia Disaster Recovery Programs .....	4
1.3 West Virginia Bridge Home Program .....	5
1.4 Prioritization Methods .....	7
2 Intake .....	7
2.1 Application Process .....	7
2.2 Communication Standards & Status Updates.....	8
2.3 Record Keeping .....	10
2.4 Power of Attorney .....	11
3 Applicant Identification.....	11
3.1 Proof of Identity .....	11
3.2 Citizenship/Residency .....	11
4 Bridge Home Program.....	12
4.1 Eligibility .....	12
4.2 Property Location.....	12
4.3 Ownership or Access Interest .....	12
4.4 Primary Residency.....	14
4.5 Proof of Damage .....	15
4.6 Low to Moderate Income .....	16
4.7 Property Tax.....	17
5 Income Eligibility Determination .....	17

6 Duplication of Benefits.....	20
6.1 Duplication of Benefits Policy .....	20
6.2 Duplication of Benefits Procedure .....	21
6.3 Basic Framework for Calculating Program Awards.....	23
6.4 Subrogation of Funds .....	23
6.5 Permissible Expenses .....	24
6.6 Duplication of Benefits Gap Funding .....	26
6.7 Repayment/Recapture.....	26
7 Damage Assessments.....	28
7.1 Procedures .....	28
8 Cost Reasonableness.....	30
9 Construction Management .....	31
9.1 Subrecipient Responsibilities.....	32
9.2 Performance Evaluation .....	33
10 Labor Standards .....	33
11 Construction Signing Event.....	34
12 Permits and Codes.....	35
13 Construction Close-Out.....	36
14 Disbursement .....	36
15 Remaining on Property .....	37
16 Environmental Review Procedures .....	37
16.1 Introduction .....	37
17 Housing Program Compliance.....	38
17.1 Fraud Protocol: .....	38
18 Quality Assurance and Control .....	39
19 Due Diligence & Inactive Process.....	39

20 Missing Documentation ..... 40

21 Voluntary Withdrawal..... 40

22 Eligibility Determinations and Appeals ..... 41

    22.1 Ineligible Decisions..... 41

    22.2 Appeals..... 41

    22.3 Exceptions.....42

23 Monitoring ..... 43

26 Key Terms..... 45



**EQUAL HOUSING  
OPPORTUNITY**

All Rise West Virginia Programs operate in Accordance with the Federal Fair Housing Law  
(The Fair Housing Amendments Act of 1988)

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:  
1-800-669-9777 (Toll Free) 1-800-927-9275 (TIY)

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

U.S. Department of Housing and Urban Development  
Assistant Secretary for Fair Housing and Equal Opportunity  
Washington, D.C. 20410

or

PITTSBURGH FHEO FIELD OFFICE  
William Moorhead Federal Building  
1000 Liberty Avenue, Suite 1000  
Pittsburgh, PA 15222-4004

# 1 Overview

In June 2016, the state of West Virginia suffered record breaking amounts of rainfall. Between eight and ten inches fell within a period of twelve hours, causing debilitating flooding across twelve counties. Disaster declared counties were Kanawha and Greenbrier. Small towns like White Sulphur Springs and Clendenin were damaged beyond recognition. The damage left by the flood was unprecedented. A state of emergency in 44 of the 55 West Virginia counties was declared by then-Governor, Earl Ray Tomblin. The flooding caused widespread damage to housing, businesses, and infrastructure, leaving thousands of West Virginians homeless and caused the loss of 23 lives. Verified losses reported by FEMA totaled over \$45 million statewide.

West Virginia received long-term flood recovery funds through the Continuing Appropriations Act of 2017 (Pub. L. 114-223, Pub. L. 114-254, and Pub. L. 115-31) that was enacted to provide federal funds for disaster relief to various states with Presidentially Declared Disasters in 2016. A total of \$2.3 billion in Community Development Block Grant - Disaster Recovery (CDBG-DR) funds were appropriated through three separate allocations, the requirements of which are set forth under Federal Register Notices, 81 FR 83254, 82 FR 5591, and 82 FR 36812. From this funding, West Virginia received three allocations totaling \$149,875,000 to be spent in 12 disaster declared counties, specifically Clay, Greenbrier, Fayette, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, and Webster. Of the total funding available, 80% must be spent in the following areas determined to be *most impacted*: Clay, Greenbrier, Kanawha, and Nicholas counties (2016 Flood Award).

The appropriating laws and implementing regulations require the funds to be used to satisfy a portion of unmet housing needs that remain after other federal assistance such as Federal Emergency Management Agency (FEMA) grants, Small Business Administration (SBA) loans, or private insurance has been received. This manual addresses the policies and procedures for implementing West Virginia's CDBG-DR funded RISE Bridge Home Program in compliance with federal, state and local requirements. The RISE West Virginia Bridge Home Program is an activity in the RISE West Virginia Housing Restoration project funds.

# 1.1 Purpose and Objectives of RISE West Virginia Housing Programs

The purpose of the WV CDBG-DR-funded RISE Housing Program is to aid those affected by the 2016 flood. Under the State's Disaster Recovery Action Plan, financial assistance will be provided for rehabilitation, replacement, reconstruction, and new construction of homes (including owner-occupied homes and rental properties), rehabilitation or replacement of private primary access bridges, and multifamily housing projects. Funding will also be available to match the Hazard Mitigation Grant Program (HMGP). This manual specifically addresses activities supporting the Bridge Home Program.

The Program will focus on replacing structurally unsound and damaged bridges serving one or more primary, residential homes. The Program will fulfill this goal by utilizing a standard flood-resistant model bridge designed by a licensed engineer.

The State of West Virginia will manage the construction process through a subrecipient agreement with West Virginia Voluntary Organizations Active in Disaster (WV VOAD). They have been implementing the Bridge Project throughout West Virginia since 2015 with donated funds and voluntary labor (Bridge Project Guidelines for Private Water Crossings, Attachment A). Subrecipient will select a licensed engineer to provide site specific engineering plans for the reconstruction or rehabilitation of the affected bridges. The overall objectives of the Bridge Home Program will follow the WV CDBG DR Action Plan.

## National Objectives

All proposed activities within the Program meet one of the following CDBG-DR National Program Objectives:

- Principally benefit Low-to-Moderate income (LMI) persons
- Address an urgent need
- Slum and Blight

## Unmet Needs Assessment

Based on the State's unmet needs assessment conducted as part of the State's Disaster Recovery Action Plan and approved by HUD as a condition of grant funding, it was determined that there was a need for reconstruction of private bridges to homes. Many residents lost access for emergency vehicles to ingress or egress from their primary residences due to the June 2016 floods and severe storms.

## Resiliency Measures

In conducting its impact and unmet needs assessment, the State also considered the additional costs associated with protecting housing and community investments from future disasters, which included



private bridges. The RISE Bridge Home Program will not only repair or replace damaged bridges but will also address mitigation measures to protect rebuilt bridges from future disasters. Reconstructed bridges will address resiliency solutions that may include the following:

- Bridge design shall seek to avoid impeding the natural flow of water.
- New abutments shall be located outside of the stream channel to minimize interference of the natural streambed and maintain the overall integrity of the waterway.
- Bridge superstructure elevations shall be established with as much clearance above the floodwater elevation as possible.
- Design of bridge abutments shall be to minimize the likelihood that they could be undermined or damaged by erosion and scour.
- Bank stabilization shall be provided with riprap and/or gabions to minimize erosion and scouring.

## **1.2 Compliance Requirements of RISE West Virginia Disaster Recovery Programs**

Requirements for CDBG-DR generally follow the same requirements as CDBG. However, each allocation of CDBG-DR funds contains alternate requirements and applicable waivers which should be consulted for each separate allocation of CDBG-DR funds. The following guidance is applicable to West Virginia's CDBG-DR Program for 2016 flooding and severe storms:

- West Virginia CDBG-DR Action Plan for the response to 2016 Floods
- 24 CFR 570
- 24 CFR 91
- 2 CFR Part 200
- Public Law 114-223; 81 FR 83254
- Public Law 114-254; 82 FR 5591
- Public Law 115-031; 82 FR 36812
- Cost cutting HUD requirements including Section 3 of the Housing Act, conformance with the Civil Rights Act, compliance with the Uniform Relocation Act, the Stafford Act for Duplication of Benefits, and National Environmental Protection Agency requirements.

CDBG-DR Action Plans are the HUD approved implementation plan for operating the CDBG-DR program under a HUD appropriated disaster allocation. HUD approved the West Virginia CDBG-DR Action Plan in April 2017. The approved HUD Action Plan for 2016 floods and severe storms (Action Plan) is the foundational program design utilized when instructing and managing the program aspects. Additional amendments may occur as the program progresses, therefore, any amendments or changes to the Action Plan are published

on the West Virginia disaster recovery website.<sup>1</sup>

### **Affirmatively Furthering Fair Housing**

The Bridge Home Program will be conducted under the auspices of the State’s housing program. The State’s housing programs have been reviewed to ensure the activities will comply with HUD’s Affirmatively Furthering Fair Housing (AFFH) rule. AFFH is a legal requirement for federal grantees to uphold and further the purposes of the Fair Housing Act by taking approaches to community planning that will overcome segregation, discrimination, and promote fair housing choices. The review included an assessment of area demographics, socioeconomic characteristics, housing configuration and needs, educational, transportation, and health care opportunities, environmental hazards or concerns, and all other factors material to the AFFH determination. Housing program applications should show and are reviewed to determine whether projects are likely to meet AFFH objectives. Any subrecipients and partner agencies will certify that they will affirmatively further fair housing in their agreements with the Program and will receive fair housing training and technical assistance in carrying out all CDBG-DR activities to ensure fair housing obligations are met.

## **1.3 West Virginia Bridge Home Program**

The State of West Virginia has allocated funds for this program to provide private access assistance to low-to-moderate income (LMI) households affected by the June 2016 floods and severe storms. Applicants applying for assistance must have suffered documented damage to a bridge accessing their primary residence as a result of the disaster. The Program will conduct inspections to confirm the damage.

Assistance will be provided for rehabilitation or reconstruction of damaged bridges to primary residences dependent upon the Program’s determination of applicant eligibility, remaining unmet needs, and the most cost-effective road to recovery. Additional objectives are to return safe access to homes in flood damaged areas as quickly as possible, with priority given towards those in the RISE Housing Program and those deemed to have the highest level of vulnerability.

### **National Objective**

Benefit to LMI persons

Urgent Need

### **Eligibility Requirements**

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<sup>1</sup> [www.wvfloodrecovery.com](http://www.wvfloodrecovery.com)

All applicants to the Program are held to the following eligibility criteria:

- Bridges must provide access to a primary single-family home or mobile home unit (MHU) located in one of the following disaster-declared counties:

Clay	Monroe
Fayette	Nicholas
Greenbrier	Pocahontas
Jackson	Roane
Kanawha	Summers
Lincoln	Webster

- The bridge must have suffered documented damage as a result of the June 2016 floods and severe storms.
- The bridge must have been the applicant's access to their primary home at the time of the disaster. (NOTE: Second homes as defined by IRS Publication 936 are not eligible for assistance. Additionally, seasonal, short-term and vacation rental properties are not eligible for assistance.)
- Applicants must meet HUD's low-to-moderate income (LMI) requirements or still demonstrate an unmet, urgent need. HUD defines low-to-moderate income as total household income not exceeding 80% of the calculated Area Median Income (AMI).
- One person on the application must have an access interest in-part or in-whole in the property the bridge serves and must be able to demonstrate U.S. Citizenship or Lawful Permanent Residence.
- Applicant's property taxes, if applicable, must have a "paid" or "current" status.

### **Ineligible Activities**

Ineligible Activities include:

- Forced mortgage payoffs
- SBA home/business loan payoffs
- Assistance for second homes, seasonal, short-term and vacation rental properties
- Compensation payments

### **Grant Limits**

The Bridge Home program will fund up to \$30,000 per primary residence access. The following types of assistance are available to eligible applicants based on engineering site specific plans:

- Bridge reconstruction or rehabilitation
- Bridge site mitigation and bank stabilization

## 1.4 Prioritization Methods

### **Prioritization Methods**

To assist the most impacted populations with the disaster recovery, WV VOAD will prioritize and target outreach efforts in the most impacted and distressed areas. Case Management will prioritize RISE Housing Program applicants.

## 2 Intake

### 2.1 Application Process

West Virginia residents will apply for the RISE Bridge Home Program through the WV VOAD website located at [www.wvvoad.org/bridge-home-program](http://www.wvvoad.org/bridge-home-program). They can also call the Kanawha County intake office at (304) 553-0927 to schedule an intake visit. Intake for the West Virginia Bridge Home Program will be conducted and processed by WV VOAD under the direction of the West Virginia Development Office. Intake procedures will be updated regularly as program implementation progresses, remaining nimble to applicant barriers. Applicant information is completed through a series of electronic screens and the scanning and upload of supporting documentation. The case manager/s will complete the Bridge Intake form (Attachment B) over the phone. The application process will require each applicant to sign a consent/release form that permits the Program to obtain 3rd-party data required to support their eligibility. In addition, other documentation that requires each applicant's signature is the Bridge Intake, Hold Harmless Clause, Grant Right of Way, required permitting forms, and a communication designee form, if applicable.

The Bridge Home team will review completed applications and documentation submitted by applicants to determine if they meet the eligibility criteria for the Program. After documentation review, key personnel will schedule a damage assessment meeting with applicants to determine bridge disaster related damages and complete the Bridge Damage Report (Attachment C). Applications are processed using the prioritization methods detailed in the section above.

### **Personal Identifiable Information**

Documentation provided by the applicants is considered personally identifiable information (PII) and must be safeguarded for the security of the individual. To ensure the security of this information the following rules MUST be adhered to:

- Print only the documents necessary to process the applications
- Ensure all printed documents are under cover at all times

- Shred all printed documents that are no longer necessary
- Properly file all hard copies of case files and/or documents in a secure area during non-productive time
- Original documents are scanned in the presence of the homeowner and returned

The protection of personally identifiable information is an absolute and fundamental requirement of this program. Personally identifiable information must be protected from the view of third parties and may not be shared with any other person outside of this program. WV VOAD will provide (PII) training to all new personnel working on the Program and update annually.

### **Limited English and Special Needs Applicants**

All sites must display Multilanguage signage in the applicant reception area (see "I Speak" language indicator card). This includes the HUD Fair Housing poster in both English and Spanish prominently displayed in the front lobby as well as the "I Speak" language chart depicting 16 different languages to serve as a tool for identifying the applicant's preferred language in the case of a communication barrier.

An applicant who identifies a language need other than Spanish, on the "I Speak" card, must be contacted in their native language using an interpreter if forms are not available in their language.

If the front desk receptionist or case manager identifies an applicant with a Limited English Proficiency (LEP) need, they will determine the preferred language for communication. If not, the Greeter or case manager will refer to the language tool chart to identify the applicant's preferred language. If necessary, the case manager will contact the interpreter service line to set up an appointment with a professional translator and work through the translator to set a follow-up meeting.

Intake meetings and personal consultations should be conducted in the applicant's preferred language. Intake application and forms should be reviewed and discussed with the aid of a translator.

## **2.2 Communication Standards & Status Updates**

All communication (in person and via telephone, text and emails) with applicants must be professional and pleasant. Any communication with elected officials, the media, and/or attorneys should be directed to a supervisor or a manager.

The case manager will log all communication with applicants into the casefile throughout the life of the project. All entries should include appropriate language, describe the nature of the communication,

and describe the nature of transmitting documentation. No entries should be written in a negative tone.

### **Information Regarding Application Status**

WV VOAD will ensure the requirements set forth under 81 FR 83254, 82 FR 5591, and 82 FR 36812 are complied with by following the specific procedures outlined below. Two primary considerations are:

- **Timely information on application status.** WV VOAD will maintain adequate procedures to inform applicants of the status of their applications for bridge recovery assistance, at all phases of program activities. Case manager/s will notify senior staff when work load may delay timely assistance to the applicant and ask for support.
  - **Case Manager:** All applicants are assigned a Case Manager once they submit their application to the program. The direct contact information of the Case Manager (office phone number and e-mail address) are shared with the applicant. This will ensure that applicants have a point of contact. The Bridge Home Program team will work together to move applications forward in the process therefore it may be necessary for team members, outside of the assigned Case Manager, to aid applicants and/or process their application.
  - **Email:** Applicants may send an email to their Case Manager to obtain the status of their application and submit general program questions. Applicants will also be provided with the [DisasterRecovery@wv.gov](mailto:DisasterRecovery@wv.gov) email for oversight. This email inbox is monitored by the State and program staff daily. Questions specific to one application are forwarded to the assigned Case Manager and Program Supervisor.
  - **Mail:** Applicants may submit written correspondence to request the status of their application and general program questions to:

**West Virginia Development Office**  
**ATTN: Rise West Virginia**  
**1900 Kanawha Blvd., East Capitol Complex**  
**Building 3, Suite 700**  
**Charleston, WV 25305-0311**

### **Responsible Personnel**

The Program will employ a fully capable staff to handle all application related activities, preconstruction activities, and construction complete activities.

- Program Supervisor
- Team Lead
- Construction Manager
- Permits and Monitoring Manager
- Senior Case Manager

- Case Manager
- Volunteer Coordinator
- Program Liaison

## 2.3 Record Keeping

The casefile is the program system of record and is maintained to document compliance with applicable regulations, program activities, and defined operational processes. Files and records are maintained in paper format and are available at the Program's place of business or via secure access. Program staff ensure that all applicant files and supporting documentation are placed in the casefile when work is completed, reviewed for quality, and/or audited for compliance. Applicant information residing in all systems used to manage and operate the Program is maintained and retained for the period specified by HUD. Program records will be retained for 3 years following grant closeout. The State of West Virginia is required to use the Disaster Recovery Grant Reporting system (DRGR) for all CDBG-DR reporting and will request monthly progress reports from the Bridge Home Program.

## 2.4 Power of Attorney

Applicants may have circumstances that require an appointment of an individual (agent) as Power of Attorney, which gives another person the authority to act on their behalf in specified or all legal or financial matters. The person receiving the Power of Attorney (agent) is the "attorney in fact" for the person giving the power, called the Principal.

There are multiple types of Power of Attorney to include: General (which covers all activities); Medical (can be used only for medical decisions and is not applicable for Program use); Special (limited to specific powers only); and Durable (generally covers all activities and is not affected by subsequent disability or incapacity of the principal). A Power of Attorney generally is terminated when the Principal dies or becomes incompetent, but the Principal can revoke the Power of Attorney at any time.

Any applicant or their agent may submit a signed and notarized Power of Attorney (POA) which allows the agent the right to act in the same capacity as the applicant for all actions related to the application. In the event a Power of Attorney for an applicant is received, Program staff will do the following:

- Review the document to determine the type of power granted (durable, limited, medical, etc.) to the named agent, and that it has been signed and notarized.

- Obtain contact information for the agent with POA and a copy of valid identification for placement in the applicant file.
- Secure or make a physical or electronic copy of the Power of Attorney to be maintained with the applicant file.

## 3 Applicant Identification

### 3.1 Proof of Identity

The Program will confirm the identity of all applicants using nationally recognized 3rd-party database services to validate Program eligibility. Any event of conflicting information will be reviewed by the Program on a case-by-case basis.

All applicants will be required to submit documentation to prove their identity. This documentation must be current and may include, but is not limited to, the following:

- Government Issued Photo Identification (Federal or State issued)
- Driver's License
- Passport
- Military ID Card
- Certificate of Naturalization or Permanent Resident Card

**Note:** Applicants are required to submit proof of birth verification for all household members for identification purposes. Examples Include: Birth Certificate, Passport, Driver's License, Vaccination/Medical Records, School Records, and Tax Forms.

### 3.2 Citizenship/Residency

U.S. Citizens or Lawful Permanent Residents are eligible to receive benefits under this Program. At least one person on the application with an ownership interest in-part or in-whole on the damaged property, must be able to demonstrate U.S. Citizenship or Lawful Permanent Residence to ensure Program eligibility. The documentation needed may include, but is not limited to, the following:

- United States Passport
- Voter Registration Card
- In the event a Passport is not available, applicants that have confirmed assistance using FEMA IA or SBA data for property assistance will be considered verified using this method since both FEMA and SBA validate legal residency.



- Resident Alien Card
- Birth Certificate (verified against government issued photo ID)
- Valid West Virginia Driver's License
- U.S. Certificate of Naturalization

## 4 Bridge Home Program

### 4.1 Eligibility

Applicants who have an interest to a disaster damaged, private bridge may be eligible for the Bridge Home Program. Applicants are screened for eligibility and to ensure all criteria meets primary objectives of the Bridge Home Program. Applicants are required to provide complete and accurate information regarding their household composition, household income, and damages to their primary access. Each application is reviewed for the following eligibility and benefit determination criteria:

1. Property Location
2. Identity and Citizenship
3. Ownership and/or Access Interest
4. Disaster Related Damages
5. Duplication of Benefits
6. Property Tax if Applicable
7. Income by 1040 Tax Returns

### 4.2 Property Location

Damaged properties must be in one of the 12 eligible counties to receive assistance.

Clay	Monroe
Greenbrier	Nicholas
Fayette	Pocahontas
Jackson	Roane
Kanawha	Summers
Lincoln	Webster

### 4.3 Ownership or Access Interest

All primary applicants must be able to demonstrate they have an ownership or access interest in the private bridge at the time of the disaster. In all cases, the Program will validate applicant damaged property addresses and locations will be verified manually using documentation provided by the applicant. Any event of conflicting information received or submitted will be reviewed by the Program on a case-by-case basis.

**NOTE:** All documentation must prove that the applicant had an ownership interest in the bridge at the time of the flood event, June 22-Jun 29, 2016.

#### **A. In Cases of Owner of Record Death**

If the applicant is applying for a property of where the owner of record died after the June 2016 disaster, the applicant may be eligible for assistance if they can demonstrate they have an ownership interest in the damaged property AND show proof the damaged property was their primary residence (refer to Primary Residency Policy) at the time of the disaster. The applicant must submit one of the following items to prove an ownership interest in the property:

- A Probated Will for the deceased owner, which is legally enforceable, granting the property to the applicant in the estate administration; or
- An Heirship Affidavit that has been recorded in the property records that demonstrates the applicant is a direct heir to the property, accompanied by a copy of the deceased owner's death certificate (or a verified report from the Social Security Death Index), and the deceased owner's warranty deed or other proof to show the deceased's ownership of the property.
- In cases in which the death of the deceased owner cannot be proven by a death certificate, an official obituary or document from a funeral home that indicates the death of the owner will be accepted if coupled with a signed and attested to heirship affidavit.

#### **B. 99-Year Lease**

An applicant may be considered to fulfill the ownership requirement if the owner/occupant is the lessor on a lease of the real property, which has a 99-year term or greater.

#### **C. Ownership by Trust**

If any percentage of the damaged property was transferred to the applicant through a family trust by the prior owner of the property, a copy of the Trust document that has been recorded in the property records will satisfy the ownership requirement.

## 4.4 Primary Residency

All applicants must provide evidence that they occupied the property for which they are seeking assistance as their principal residence at the time of the storm/flooding in June 2016 to satisfy the primary residency eligibility criteria. The Program will attempt to automatically validate the applicant's primary residence address using Nationally recognized 3rd-party database services, such as FEMA and SBA datasets or other valid data, in an effort to expedite applicant processing. Any event of conflicting information received or submitted will be reviewed by the Program on a case-by-case basis.

Applicants that have confirmed assistance using FEMA IA, or SBA data for property assistance will be considered verified. Other nationally recognized 3rd-party data will be used to confirm primary residence when FEMA IA or SBA data are unable to match the applicant and/or co-applicant information. Third party data that shows a match for the applicant's damaged structure for primary residence will be considered verified.

Additional documentation that may be considered as proof of primary residency includes, but is not limited to, the following:

- FEMA correspondence to applicant demonstrating the applicant applied for and received FEMA IA (Individual Assistance) for the damaged property address (Letters from FEMA).
- Federal or state income tax return with permanent home and damaged property address matching (2016 returns for applicant or co-applicant).
- Government-issued identification issued prior to date of the affected-storm, and expiring after date of the affected-storm.
- Property Tax Homestead Exemptions for damaged property address (confirmed with county appraisal districts) for the year 2016
- Insurance documentation indicating the insured property matching the damaged property address as the primary residence covering or renewed at the time of the flood
- Utility Bill that shows active usage for the home with the name of the applicant (major utilities, such as electricity, gas, or water with the service address matching the street address of the home) for service within 3 months prior to or after the June 2016 floods
- Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year with the applicant's name and damaged property address.
- Receipt of government benefits received for at least one month between the three months before or after the qualifying storm showing applicant's name and damaged property address (Examples include: Social Security, Medicare, LIHEAP, Medicaid, WIC, and Unemployment).
- Voters Registration with damaged property address valid at the time of the disaster.

- Merchant's Statement addressed to the applicant at the damaged home address and dated during the disaster period (Examples include: merchant statements, credit card bills, delivery notices, or other first class mail).
- Employer's Statement addressed to the applicant at the damaged home address and dated during the disaster period (Examples include: pay stubs and similar documents).
- Current Driver's License or State-Issued Identification Card showing the damaged property address, issued prior to the date of the qualifying disaster and expiring afterwards.

### **Primary Residency Verification Procedures**

The Program will first attempt to verify primary residency automatically using 3rd-party data. If the 3rd-party data cannot be used to verify primary residency, applicants must supply proof of primary residency from the documentation listed above. All documents will be thoroughly reviewed to ensure that they include the applicant's name, the damaged property address, and are dated at the time of the disaster (if applicable) to reasonably substantiate that the damaged property was the applicant's primary residence at the time of the disaster.

### **Primary Residency Exceptions**

Exceptions to this Policy include the following:

- An Owner/Occupant that is/was in the United States military and was deployed outside of the United States may still qualify for an award if he or she was not renting the property to another person.
- An Owner/Occupant that was temporarily living in a nursing home, assisted living facility or other medical facility may still qualify.
- If the Owner/Occupant of the damaged property in June 2016 died after the disaster, the applicant (heir) must provide evidence that the damaged property was also the applicant's primary residence in June 2016.

## **4.5 Proof of Damage**

- The bridge/water crossing an applicant is applying for must have been damaged by the June 2016 flooding and the applicant must still have an unmet need in repairing or rebuilding. The applicant must show confirmation of damage to the bridge and still have unfinished repairs or the need to rebuild due to the disaster. Disaster damage is defined as structural damage due to rain, wind, and/or flooding received as a direct result of the disaster to the damaged property in June 2016, plus subsequent damage related to the original disaster damage. Proof of damages may include the following: FEMA claim letter for housing repair demonstrating payment for structure damage which may include Bridge Line items,

- SBA Loan approval letter or documentation demonstrating payment for structure damage,
- Photos submitted by the applicant, and attested to as disaster-damage, as part of the application.
- Written confirmation from 911, emergency management, OES Director for the applicant's address regarding flooding and no access to home.

The Bridge Home Program team will perform a damage assessment complete with photos and written assessment to confirm the presence of disaster related damage to the bridge, if existent. If disaster related damage to the structure cannot be confirmed by the damage assessment and the applicant is unable to provide documentation to reasonably confirm damage, the structure will be deemed ineligible for assistance.

**NOTE:** An exception to the Disaster Damage Policy may be made on a case-by-case basis in the event that an applicant's bridge received damage from the disaster and was subsequently demolished, removed or replaced with a temporary structure. The applicant must provide sufficient documentation from the listed items above OR supply alternate documentation, such as private, certified 3rd-party property inspection completed prior to the demolition of the structure. Temporary water crossing structures do not meet the standard engineered design for future mitigation nor provide access for emergency vehicles.

## 4.6 National Objectives

Applicants to the West Virginia Bridge Home Program must meet either HUD's Low-to-Moderate Income requirement or demonstrate an urgent need to be eligible for assistance. HUD defines Low-to-Moderate income as households whose total income does not exceed 80% of the local AMI. Applicants that demonstrate an urgent need and fall below 120% AMI may also be eligible.

## 4.7 Property Tax

Property taxes, if applicable, must have a "paid" or "current" status in order to be eligible for the program. Supporting documentation must clearly denote that the property tax status is either "paid" or "current". Supporting documentation for this must be included in the applicant's file.

Examples of acceptable documentation required to verify the tax status are listed below:

- Current printout of the most recent property tax statement which includes the tax payment status or total levied tax with the balance remaining
- Current property tax receipt to include property tax status or total levied tax with the balance remaining.

If the applicant is delinquent on property tax payments, this will be updated in the casefile, the applicant will

be notified, and supporting documentation will be added to the file. The applicant must submit one of the documents listed above to be reviewed by Program staff in order to confirm program-acceptable tax status within 30 days of notification.

If the applicant does not submit the required documentation within 30 days of notification, Program may follow through with the Inactive process for the application.

Note: The Case Manager and Team Lead must confirm the following if statements or tax receipts provided include the total levied tax with the remaining balance:

- The remaining balance must not exceed half the total levied tax if the property tax eligibility review falls between October 1 of the current tax year and March 31 of the following tax year.
- The remaining balance of taxes levied must be zero if the property tax eligibility review falls between April 1 of the current tax year and September 30 of the following tax year.

## 5 Income Eligibility Determination

It is the Program's intention to comply with the Low-to-Moderate Income National Objective for the Bridge Home Program. The Program will use the Internal Revenue Service (IRS) Form 1040 definition of income, as set forth in HUD regulations, for the purpose of determining all applicants' eligibility for this Rise West Virginia Program. The IRS Form 1040 method of calculating income is often referred to as the Adjusted Gross Income or AGI method.

To ensure Program compliance with HUD's National Objective applicant households must be low-to-moderate income with a total household annual gross income that does not exceed 80% of Area Median Income (AMI), adjusted for family size, as published annually by HUD. Applicants will be screened for income eligibility through submission of specific required income documentation or 3rd-party data sources.

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. Household members are all persons (minors and adults) who are living in the damaged home. For housing activities, the test of meeting the low-to-moderate income objective is based on the total adjusted gross income of all household members.

The Program will use the following rules to determine the income of household members to be included in the household income calculation:

- Minors - Earned income of minors, including foster children (under 18) is not counted. Unearned income attributable to a minor is included in the household income calculation (Examples include payments from trusts, stocks, bonds, etc. if the payments are taxable at the Federal level).

- The income of temporarily absent family members is counted in the annual income, regardless of the amount the absent member contributes to the household. Temporarily absent family members are also counted as a member of the household when determining the household size.
- In situations where family members are permanently absent such as when a spouse is in a nursing home, the head of household has the choice of excluding the individual in the household composition, as well as any taxable income they receive. However, if the absent family member is included in the household composition, the taxable income must also be included in the total household income calculation.
- If one of the following special circumstances applies, the income of the referenced individuals will be excluded from the total household income calculation:
  - Persons who are temporarily living with the applicant,
  - Persons who are employed by the household as a live-in aide and/or are a child of that aide. Note: A live-in aide/caregiver that is related does not qualify for the exemption. In such cases, their income will be included in the total household income calculation and the live-in aide and any child of the aide will be included in the total household composition; and
  - If an applicant is married and their spouse is absent from the household, the income absent spouse will not be included in the total household income if documentation of a separate residence for the absent spouse is provided.

### **Determination of Household Income**

During the intake process, applicants will inform the Program of their household size and provide proof of identification for all adult (over age 18) household members. Any adult household member earning income must provide proof of income earned. If required to file taxes, household members must provide a copy of their previous year's filed tax return or tax return transcript, if available, for the AGI of the household to be calculated. The Program will allow use of the previous tax year's tax return in determining household AGI and no other documentation will be required. (For example, an applicant applying for disaster recovery assistance in June 2017 will use the 2016 tax year's return or tax return transcript from tax year 2016). Household members will also be given the option to sign a tax transcript request form allowing the Program to request their income from the Internal Revenue Service.

There may be situations where a household member may have had no income or no obligation to file a return, have not yet filed it, or filed an extension. Any household member earning no income will be noted as such in Casefile. If any household member did not file a prior year income tax return, the household member is required to submit current documentation that reflects their current income. The following income documentation will be required for each household member only if the type of income is applicable and if a prior year income tax return is not available:

- Wages: 3 recent paystubs;
- Retirement/Social Security:

- 3 Monthly Bank Statements (for Social Security Benefits & Pension ONLY),
- Current Social Security Benefits letter (including benefits paid to minors),
- Current Pension/Retirement Benefit letter (if applicable), or prior year 1099, and
- Current Annuity Payment letter (if applicable), or prior year 1099;
- Self-Employment Income:
- Most recent tax return (1040 or 1040A), W-2 Forms, and/or
- Current year profit and loss statement;
- Rental Income: Current lease agreements
- Unemployment Benefits: Current benefit letter with gross benefit amount;
- Court Ordered Alimony/Spousal Maintenance: Copy of court order documentation;
- Taxable Interest and Dividends (including amounts received by, or on behalf of minors): Most recent statement or prior year 1099; and
- Documentation for other less common types of income which may be taxable at the federal level and will be assessed by the Program based on type of income reported.
- West Virginia Department of Health and Human Services Case Statement

NOTE: Applicants (or household members over age 18) who receive no income will be required to submit a No-Income Form as verification.

## 6 Duplication of Benefits

### 6.1 Duplication of Benefits Policy

CDBG-DR funding intends to address the unmet needs of a community. The funds are supplemental to primary forms of assistance, including private insurance and FEMA funds. To avoid duplicative assistance and potential de-obligation of funding, the State must utilize all possible funding sources before applying CDBG dollars to a project. CDBG-DR programs are typically implemented *after* temporary disaster assistance programs, such as FEMA Individual Assistance and are not intended to make someone whole.

The Stafford Act established the requirements for Duplication of Benefits (DOB) analysis and more recently, the Clarification of Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees provided additional guidance on how Grantees should determine duplication of benefits. The Stafford Act prohibits entities, including households, from receiving disaster recovery funding for a loss which has previously received financial assistance from any source. DOB verification and analysis ensures that program funds compensate applicants for damages and needs that have not been addressed by an alternate source, either through funding or assistance.



The Program ensures that a DOB analysis is performed for each applicant to consider all possible disaster recovery funding sources when processing applications for assistance. Common disaster assistance sources include but are not limited to:

- Federal Emergency Management Agency (FEMA)
- Small Business Administration (SBA)
- National Flood Insurance Program (NFIP)
- Increased Cost of Compliance (ICC)
- Private Insurance
- Private and nonprofit disaster assistance
- Coordinated Assistance Network (CAN) Search

Once sources are identified, the Program then determines an applicant's unmet need. Specifically, the Program compares the total assistance previously received to the total estimated need for each applicant. Per the Stafford Act, the Program confirms the intended purpose of assistance received. Funds of similar intent are considered duplicative unless the applicant still has an unmet need. The Program may verify eligible use of funds by collecting pertinent source documentation from third parties such as invoices from a contractor, receipts from a building supply store, or utilizing an inspection to determine repair expenses incurred by an applicant. If the documentation or inspection verifies that the applicant spent all previously received funds in accordance with the funding intent, then no duplication exists and the applicant may be eligible to receive assistance for any remaining unmet need under CDBG-DR. The amount of benefits the applicant used for program-eligible work will be reflected as an offset to benefits received.

If recovery funds received are greater than the offset, the applicant may have a DOB Gap. To account for a DOB Gap, the applicant may pay the difference between the award amount and the DOB Gap to receive the full eligible amount or either accept a reduction in their proposed benefit.

## 6.2 Duplication of Benefits Procedure

### Prevention of Duplication of Benefits

Under federal law, duplication of benefits (DOB) must be deducted from the assistance amount (the amount that will be offered for the purchase of the property or the repair of the structure). The following are sources of funding assistance provided for structural damage and loss that are considered DOB: FEMA Individual Assistance (IA); FEMA National Flood Insurance Program (NFIP); Private Insurance; Small Business Administration (SBA); and other sources. Any additional DOB received by the applicant after the CDBG-DR assistance is awarded must be applied to reduce the award amount. Funds received from any source, including flood insurance, FEMA, and hazard insurance, that were used to cover repair(s) to damaged bridges

may reduce the amount of disaster assistance if the evidence of expenditures is verified. Documentation acceptable to the Program can be provided demonstrating the cost and type of repair conducted.

### **Previous Benefits Verification**

The Program Team collects information from program applicants necessary to verify previous assistance payments for property damage from the June 2016 flooding. The Bridge Program Team then utilizes the best available data from all sources of assistance prior to award. Specifically, the Program Team accesses the most recent data files which include previous payment benefits paid for real property repairs to determine if there was a previous benefit paid to the interested applicant(s) or any member of the household to repair structural deficiencies caused by the flooding. All sources of previous benefits paid are requested from the applicant(s) or any member of the household and must be disclosed on the application. The following duplication of benefits sources are verified:

- FEMA – Federal Emergency Management Agency (Individual Assistance) Bridge Line Items
- Other federal, state or local funding
- Other nonprofit, private sector or charitable funding

For each of these sources, the Program Team will request payment data made for damages to the applicant's damaged bridge/water crossing caused by the June 2016 floods.

#### **A. Federal Emergency Management Agency (FEMA)**

The Program will verify the FEMA IA amount provided by the FEMA database. If a FEMA match is found, the Bridge Repair amounts provided by FEMA will be considered a duplication of benefit. If an applicant receives funding for Temporary Living Expenses, it will not be counted as DOB unless the applicant has submitted eligible temporary living expenses. Then, the temporary living funds shall be applied first to offset eligible expenses. If no FEMA match is found, the duplication of benefit amount will be considered zero. Additionally, if a FEMA match is found, the total amount of funds received may be deducted from the duplication of benefit if the funds were used to provide a temporary, non-mitigated means of a water crossing to provide access to a primary residence.

#### **B. Coordinated Assistance Network**

Each case will be reviewed to determine whether the applicant received repair assistance through the Coordinated Assistance Network. To verify CAN benefits, a verification request will be sent by the Program Team to the designated contact with the West Virginia Voluntary Organizations Active in Disaster. Benefits received by the applicant for bridge related damage will be considered a duplication of benefit. Assistance received for housing damage and contents are not counted as DOB.

### C. Other Sources

Applicants will provide documentation to their Case Manager showing funds and assistance received from other federal, state, and local sources other than those listed above, as well as non-profit charitable funding. These funds will be verified by the Program Team directly with the entities. Contact information for the entities will be provided by the applicants. Verified amounts for bridge damage received by the source will be considered a duplication of benefit.

## 6.3 Basic Framework for Calculating Program Awards

In accordance with the *Clarification of Duplication of Benefits Requirements Under the Stafford Act for CDBG-DR Grantees (FR-5582-N-01)*, the WVDO uses the following methodology for calculating disaster recovery awards.

1	Identify Applicant's Total Need Prior to Any Assistance	\$30,000
2	Identify Program-Eligible Assistance Received (Ex: FEMA Individual Assistance)	\$84,000
3	Deduct Assistance Determined to be Duplicative (FEMA Bridge items only)	\$5,000
4	Maximum Eligible Award (item #1 less than item #3)	\$25,000
5	Bridge Program Cap	\$30,000
6	Final Award (lesser of items 4 or 5)	\$25,000

## 6.4 Subrogation of Funds

Subrogation is the process by which duplicative assistance is paid to an applicant after receiving an award of CDBG-DR funds and is remitted to the program to correct a duplication of benefit. Applicants will be required to subrogate any additional funds received for damage caused by the flood to the State of West Virginia. CDBG-DR funding must be the funding of last resort, and if additional funds are paid to an applicant for the same purpose as the assistance they receive through CDBG-DR funding after the State has completed repair/rehabilitation of their bridge, those funds must be returned to the State of West Virginia.

All applicants to the program are required to sign a Subrogation Agreement which will include a provision substantially similar or identical to the following:

*"In consideration of applicant's receipt of funds or the commitment by Subrecipient to evaluate applicant's application for the receipt of funds under the CDBG Disaster Recovery Program (CDBG-DR) administered by Subrecipient, Applicant hereby assigns to Subrecipient all of Applicant's future rights to reimbursement and all payments received under any policy of casualty or property damage insurance or under any reimbursement or relief program related to or administered by the Federal Emergency Management Agency or the Small Business Administration ("SBA") for physical damage to the Structure."*

If it can be established that an applicant has additional need, the subsequent funds would not be considered a duplication of benefit (76 FR 221, 71062). However, if additional need is not demonstrated, disaster recovery funds must be recaptured to the extent they are more than the need and duplicate other assistance received by the applicant for the same purpose. If CDBG-DR funds were provided last and unknowingly create duplication, the method of recapturing those CDBG-DR funds will be consistent with HUD 2 CFR 200.

## 6.5 Permissible Expenses

Not all assistance received by an applicant may be considered as having been available to the applicant; therefore, there are types of assistance received by an applicant which will not constitute a duplication of benefits for bridge replacement. The Program will allow for reductions to assistance totals if the applicant can prove that the use, or control, of the funds meets certain criteria. Such permissible expense types may include, but are not limited to the following:

- Eligible Repairs
- Legal Fees
- Contractor Fraud
- Temporary Living Expenses due to limited access and or damaged home

Since each eligible expense could potentially increase an applicant's grant amount, each expense type requires certain documentation prior to being considered in the award calculation.

### A. Eligible Repairs

Funds spent to repair or reconstruct the damaged property may be eligible to reduce the calculated DOB. The applicant may be required to submit 3rd-party documentation such as invoices or receipts as well as proof of payment such as a bank statement. The repairs will be verified as part of the damage assessment process. The licensed engineer will prepare an estimate of repairs made with recovery benefits received. Once the expenses are verified and deemed eligible, the amount of eligible repair expense reduces the DOB calculation. Note that eligible repair offsets may include assistance received as included in the CAN Database.

## **B. Legal Fees**

In the event of legal fees incurred due to insurance settlement or contractor fraud, a reduction for amounts paid to attorneys in obtaining settlement funds is allowable. Most amounts captured for settlements will be net of the attorney's fees already. It may be necessary to review the settlement payment breakdown to confirm whether the gross or net amounts were included. If sufficient documentation for Legal Fees is provided the amount of the legal fees reduces the DOB calculation.

## **C. Contractor Fraud**

To receive a DOB reduction for contractor fraud, applicants must have filed a complaint with a state or local agency with authority to act against, or otherwise penalize, the contractor. This can be the local District Attorney, State Attorney General, Department of Insurance, etc. This complaint must have been filed prior to initial contact for interest in applying for CDBG-DR funding, and include the contractor's name and a specific amount for which the applicant claims to have been defrauded. If sufficient documentation for Contractor Fraud is provided the amount of the contractor fraud reduces the DOB calculation.

## **D. Temporary Living Expenses**

Funds spent by an applicant for temporary housing from the date of the storm, which can be established by the Program can be deducted from the DOB total. If an applicant receives funding for Temporary Living Expenses, it will not be counted as DOB unless the applicant has submitted eligible temporary living expenses. Then, the temporary living funds shall be applied first to offset eligible expenses. Documents required for temporary housing deductions can include hotel receipts, apartment leases, rental agreements, rental receipts, and/or proof of payment for other temporary living arrangements. Food expenses are ineligible for a DOB reduction. If sufficient documentation for Temporary Living Expenses is provided the amount of the temporary living expenses reduces the DOB calculation.

In some cases, the applicant may have purchased temporary housing due to the extent of damage on their home. The Program will consider FEMA Temporary Housing Units (FTHU) and camping recreational vehicles as temporary housing for DOB offset purposes. Manufactured Housing Units are not considered temporary housing for DOB offset purposes unless the unit meets the local jurisdiction's standard criteria for being condemned. The required documents for the purchase of temporary housing can include receipts, proof of payment, and title (if applicable).

## 6.6 Duplication of Benefits Gap Funding

In some cases, the applicant may have received financial assistance where the amount is greater than the total offsets. The difference between eligible financial assistance received and documented work completed is the duplication of benefits gap (DOB Gap).

In some cases, the construction scope of work can be reduced to offset the DOB Gap. The Program will attempt to reduce or eliminate the DOB gap by reducing the amount funded for eligible construction work. If the DOB gap is greater than zero after all work order reductions have been made, the applicant will be required to provide the DOB gap funds to be eligible for assistance. The case manager will contact the applicant to review the DOB gap information verbally. After the case manager has reviewed the DOB gap information with the applicant, the case manager will mail the applicant a DOB gap letter. Applicants must secure the DOB gap funds in the form of a cashier's check to continue in the program. Applicants who fail to provide the DOB gap funding will be at risk of not being served by the program.

Applicant provided funds will be applied to the applicant's project costs and paid directly to the WV VOAD once construction is complete. WV VOAD will show a reduction for the project costs on the invoice to the State/Grantee. Following the post-construction Quality Control review, the state will issue the payment for the construction work which will include the program-funded portion as well as document the applicant provided portion.

## 6.7 Repayment/Recapture

Instances may arise where an applicant must return all or part of the awarded funding to the respective program. The Program is responsible for recapturing duplicative funds from applicants. This section articulates the policies that will guide West Virginia's CDBG-DR program in its efforts to recapture funds that have been overpaid to applicants. The Program will ensure CDBG-DR grant disbursements are compliant in accordance with West Virginia's Action Plan and any subsequent amendments, the grant agreement executed by and between West Virginia and HUD, and any state and federal regulations. Under the CDBG-DR program applicants are awarded funding pursuant to policies and procedures outlined by the specific program from which funding was sought.

CDBG regulations (24 CFR 570.502) governing grant administration and OMB cost principles (2 CFR 200.403 (a)) require that payment of CDBG-DR funds to beneficiaries be necessary and reasonable; and prohibit beneficiaries from retaining excess funds not used for eligible, approved costs. The provision of CDBG-DR funds more than what is needed for immediate use is also prohibited (2 CFR 200.305 (b) (1)). In addition, the

Stafford Act and the CDBG-DR Notice indicate that funding may only be provided to the extent that it does not duplicate funding provided to a beneficiary for the same purpose.

### **DOB and Repayment/Recapture Examples**

CDBG-DR funding may only be provided to the extent that it does not duplicate funding provided to a beneficiary for the same purpose. Common examples of duplicative funding include, but are not limited to:

- Funding from the Federal Emergency Management Agency (FEMA);
- Charitable donations or work performed by not-for-profits

Common circumstances that may result in a revision to an award, which then may require repayment from an Applicant:

- DOB (as noted above)
- Scope of work change
- Ineligibility
- Substantial program non-compliance
- Awards from multiple programs
- Voluntary withdrawals
- Fraud

### **Recapture/Repayment Process**

All applicant files will be reviewed and reconciled for accuracy to ensure DOB did not occur. Once this process has been completed, if an applicant has been identified as receiving a potential overpayment, the Program will document the amount and basis for the repayment in a written letter to the applicant. In addition, the letter will contain the conditions for repaying funds and all appeal rights available to the applicant.

If an appeal is made to the Program's determination, the Program will review the written appeal and issue a final written determination of its decision. Appeals may be denied or granted in whole or in part. The Program will only review facts and information already included in an applicant's file, unless the applicant submits new documentation. The Program has the discretion to accept or reject new documentation based upon its relevance to the appeal. If the applicant fails to file an appeal with the Program within the time allotted, the inaction will be deemed as an acceptance of the determination and a waiver of any further right to contest or appeal the amount to be repaid. In addition, if the applicant's appeal is denied or there is failure on the part of the applicant to appeal within the allotted timeframe, the Program will proceed with collecting the repayment amount. If the appeal resulted in a revision to the award amount or eligibility the applicant will sign a new grant agreement and fulfill any requirements related to such changes, if needed and will work to repay the remaining overdue amount, if any. The Grantee's Administration Manual defines the appeal process.

Once it has been determined that the applicant must return funds to the CDBG-DR grant fund, the applicant must repay their funds in a timely manner. All repayments shall be expected to be repaid in full as one lump sum amount. The Program will review any applicant claims of financial hardship and may make limited accommodations in some cases. All funds recovered as a result of this policy will be tracked in DRGR and returned to the state's CDBG-DR account or U.S. Treasury in the event that the CDBG-DR grant has been closed out.

## **7 Damage Assessments**

This section is designed to provide guidance to the assessment/inspection staff with regards to inspection protocol and preparation of a damage assessment, scope write up, and verification of DOB (if applicable). The purpose of these procedures is to establish routineness and standardization when conducting assessments. The desired result of this process is to produce a complete Scope of Work as efficiently as possible with the highest degree of completeness and quality assurance for the Rise West Virginia Bridge Home Program. To accomplish the desired result, the damage assessment and environmental site questionnaire is consolidated into a single coordinated inspection (if applicable).

### **7.1 Procedures**

A Hold Harmless (Attachment D) and Right of Entry Agreement (Attachment E) is signed by applicants during the intake process. Applicants will be contacted to schedule their site visit with a documented notice given prior to the site visit. Scheduling is made and tracked in the WV VOAD Google Calendar and the casefile. The purpose of the site visit is to do an initial damage assessment, environmental site questionnaire, verify storm damage, as well as to observe, measure and quantify the repairs for rehabilitation and/or reconstruction of the applicant's bridge in accordance with the Program Policies and Procedures. The team must ensure any repairs suggested are in-line with local code and permitting requirements.

#### **Photographing Damages**

Photographs are taken of the property, water crossing banks and flow, bridge supports, bridge decking and damage.

Photographs should appear on the damage assessment in the following order:

- Reference photos from street
- Water crossing
- Banks



- Bridge supports
- Bridge decking
- Damage

### Access Limitations

- Inspectors do not need to drive across the bridge
- Inspectors do not enter the water

### Unsafe Entry

If a dwelling is deemed unsafe for access by verbal advice of the applicant or visual confirmation of the Damage Assessor (DA), photos of the bridge will be taken only. A short narrative describing the unsafe conditions should be included in the narrative of the Scope of Work.

### Hazardous Conditions Sub-Section

This chart contains examples of hazardous conditions. Inspectors are to be cognizant of any hazardous conditions observed.

Failing framing	Fallen trees on the structure	Decking removed or open deck joists
Suspected supply lines for gas, fuel, or electrical hazards	Debris	Condemned signs affixed
Visibly observed weapons	Aggressive Pets	Contaminated Soil
Dead/live animals, vermin and/or insect infestation (termites, carpenter ants, carpenter bees)	Aggressive Neighbors	Poison Ivy or other toxic plants impeding assessment

### Inspection Completion and Next Steps

The on-site damage assessment is complete once all damages are observed, measured and quantified. Once the on-site damage assessment is complete, the Bridge Home Program team will review and assist in determining program eligibility and permitting. The Program Supervisor and or Team Lead will review DOB and all related documents for overall accuracy and completeness. Documents are then saved to the casefile.

The type of assistance the applicant is to receive (e.g. repair or rebuild) is determined by the Program and dependent upon the Scope of Work and the DOB relative to the value of the bridge and program guidelines regarding grant award per primary residence. After the Scope of Work has

been completed and approved, the engineer will provide a standard site-specific design. WV VOAD will prioritize the construction of each bridge based upon the prioritization form and schedule for completion upon receiving all permitting and the Tier II Environmental.

### **Environmental Questionnaire**

The questionnaire is completed by the site inspector based on their interview and site observations. The questionnaire provides compliance information as part of the initial environmental review.

## **8 Cost Reasonableness**

### **Cost Reasonableness**

As found in 2 CFR Parts 200.400, 200.401, & 200.404, cost reasonableness and cost principles guidelines have been established for recipients of federal awards. These principles must be followed when a non-Federal entity is responsible for the administration of a Federal award and assumes responsibility for administering Federal funds. As such, it is especially important that adherence to these principles be followed when a non-Federal entity is predominately federally funded.

A cost is considered reasonable if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

When assessing cost reasonableness, the WVDO considers the following:

- Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.
- The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.
- Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.<sup>2</sup>

In compliance with Federal Register FR-6012-N-01 dated January 11, 2017, the WVDO has created a cost effectiveness process to determine that each property assisted with CDBG-DR funding is cost beneficial. Options for assistance include rehabilitation or reconstruction of damaged residential bridges.

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<sup>2</sup> 2 CFR 200.400, 200.401, 200.404

West Virginia utilizes various sources of information to ensure that the most cost-effective solution for repairing/rehabilitating or replacing an applicant's damaged structure is chosen. As set forth above in the details regarding the maximum amount of assistance available to applicants under the Bridge Program, individual project cost will be analyzed from Engineer Estimated Costs and documentation costs for volunteer labor.

During construction of the bridge, temporary access to the property will be provided. Types of access may include a shallow water access point, a foot bridge, or a temporary crossing structure. Anticipated need for a temporary crossing would be two weeks.

## 9 Construction Management

The Subrecipient provides Construction Management and Construction Oversight services for the rehabilitation and reconstruction of damaged bridges. Construction Management services include contracting for rehabilitation and reconstruction; for signed and sealed engineering plans and building supplies and equipment. Construction oversight services include coordinating volunteer labor during construction, obtain final inspection in the form of a built bridge certification by the engineer, adheres to project budget, manages work site safety, and obtains/keeps onsite permitting documents.

The Program also prepares a Local Construction Estimate for damaged bridges. The Local Construction Estimate is a vital part of the construction management / oversight process and includes the initial inspection, site specific engineered design, construction supplies and equipment, contractor assignment if needed, and any other eligible construction activities.

### **Reconstruction**

The licensed engineer will provide a site-specific engineered design with project costs.

- Reconstructing new bridge in the same footprint when possible
- Final inspection signed engineered built to design certificate
- All construction activities must comply with U.S. Department of Housing and Urban Development (HUD) requirements.

### **Rehabilitation**

- Engineered site specific design using some parts of existing structure that still meets the Bridge Home Program design standards, access requirements, and resiliency measures. Rehabilitation projects will be cost effective.

## 9.1 Subrecipient Responsibilities

The Program procured engineering to produce site specific bridge designs and the Scope of Work and any offset verification for DOB, if needed.

### Rehabilitation and Reconstruction of Bridges

The Subrecipient is responsible for, but not limited to, the following functions for all bridges:

- Initial Damage Assessment and Environmental Site Questionnaire;
- Obtaining all building permits throughout the construction process;
- Request and obtain Environmental Tier II for each site-specific bridge;
- Demolition and disposal of existing structures;
- Disposal of all construction debris at a licensed construction waste landfill;
- Disposal of all hazardous waste in accordance with State and Federal environmental regulations;
- Ensuring each scope of work is executed in accordance with any and all federal, state, and/or local standards, guidelines, codes, or requirements;
- Performing the entire scope of work identified by the licensed engineer for the cost identified by the standardized tool, or Xactimate;
- Securing a final inspection in the form of a built as designed certificate from the engineer;
- Adherence to timeliness goals, days in construction estimated two weeks for most structures but will be determined by project management based off engineered design.

## 9.2 Performance Evaluation

The Subrecipient is subject to a Program Performance Evaluation by the Grantee on a re-occurring basis to assess their performance under the Program. This evaluation may include, but is not limited to, the following:

- Demonstrated professionalism,
- Adherence to construction schedules,
- Quality of work performed to date,
- Demonstrated safety performance, and
- Capacity (financial and construction) related to number of jobs in progress and completion.

# 10 Labor Standards

When construction work is funded in whole or in part with CDBG funds, adherence to certain Federal labor standard requirements applies. The Subrecipient will be responsible for full compliance and adherence to these applicable requirements. The Program will use volunteer labor when available for construction of the bridges. However, they will be responsible for administration and enforcement of applicable requirements to ensure compliance.

## **Labor Laws and Requirements**

The following labor laws may apply to CDBG-funded construction work:

- **Davis-Bacon Act** – applicable when construction work exceeding \$2000 is funded in whole or in part using CDBG funds. It requires that workers do not receive wages less than those being paid for similar work in the same area. Davis-Bacon does not apply to the rehabilitation of residential structures containing less than eight units. See 40 USC, Chapter 3, Section 276A-276a-5 and CFR Parts 1, 3, 5, 6 and 7 for more information
- **Copeland Anti-Kickback Act** – requires that workers be paid weekly, that deductions from workers' pay be permissible and that contractors maintain and submit weekly payrolls. See 40 USC, Chapter 3, Section 276c; 18 USC, Part 1, Chapter 41, Section 874; and 29 CFR Part 3 for more information
- **Contract Work Hours and Safety Standards Act** – applicable to construction contracts over \$100,000 and requires that workers receive overtime compensation for hours worked over 40 hours in one week. See 40 USC, Chapter 5, Sections 326-332; 29 CFR Part 4, 5, 6, and 8; and 29 CFR Part 70-240 for more information
- **Section 3 of the Housing and Urban Development Act of 1968** – requires that HUD-financed projects provide opportunities for training and employment to lower-income residents of the project area as well as the awarding of contracts to businesses that provide economic opportunities for low and very low-income persons residing in the project area.

The Program must include all applicable labor standards language and the appropriate wage decision in the construction bid and contract documents. During construction, the Program is responsible for enforcing any applicable requirements outlined above. Once construction is underway, the General Contractor should complete weekly payroll for its employees and sign the Statement of Compliance. The contractor is responsible for housing the records. Compliance is monitored and ensured by the Program continuously throughout the construction process, prior to any progress or final payments being made.

# 11 Construction Signing Event

Once the Scope of Work has been approved and all permitting and Environmental Tier II have been completed, the applicant and Program Representative then conduct a construction contract and grant agreement signing event.

## **Attendance Policy**

- A signing event meeting is held prior to any construction work being performed,
- Applicants or agent(s) with POA for the applicant are required to attend the signing event,
- Representative of the State should QC Bridge signing agreements prior to execution with applicants.

## **Aspects of Construction to be Discussed**

- Applicant expectations,
- Accessibility options,
- Construction schedule,
- DOB inquiries to assess repairs that may have been completed by the applicant,
- Bridge Grant Agreement, and
- All other Program required documents for signing event.

## **Procedures**

- A meeting or conference call is held between each applicant and Program representatives to ensure they fully understand the construction Scope of Work, Bridge Grant Agreement, pictures, specifications and other Program required signing event documents.
- The Case Manager acts on behalf of both the Program and the State at the signing.
- Applicants are given the opportunity to sign their Grant Agreement and other Program required documents digitally if needed.
- Bridge grant agreements, and corresponding signing event documents are standard templates and are housed in the Casefile, and
- Applicants and WV VOAD will provide copies of all signed documents via email or printed copy when necessary.

Signing Event documents are available to be signed digitally and paper documentation may be available on a case-by-case basis. The needs of all applicants will be taken into consideration to provide a high level of customer service.

### **Special Needs Policy**

Applicants who are illiterate or otherwise unable to sign their name, may sign with an "X" if there is:

- Third party witness at the signing,
- Photo identification of the applicant in the file, and
- A proper notarized notation on all documents the applicant signs that address special circumstances.

## **12 Permits and Codes**

WV VOAD is responsible for documenting and obtaining all necessary permits to give to the construction manager, for each job site.

The permits are placed in the permit book and available at each site. The Subrecipient must ensure work performed satisfies all Federal, State, and local construction, health and safety code requirements upon project completion.

## **13 Construction Close-Out**

Once construction is completed, WV VOAD and the engineer will complete closeout requirements for each project. Once all construction is completed in accordance with the Scope of Work and Grant Agreement along with all local permit inspections, construction close-out will then commence. WV VOAD will notify the Grantee once the construction is complete. A final inspection built to design certificate will be provided for each bridge construction for closeout documentation. The Bridge team will provide a complete casefile and invoice to the West Virginia Development Office for monitoring and payment.

Upon final invoicing for the bridge project, Bridge Grant Agreements will be updated to include actual costs instead of estimated costs by the engineer. The final bridge grant award will be completed within 90 days of the engineer as-built certification.

## **14 Disbursement**

The Program team will review each submitted invoice for accuracy according to work performed and the project costs estimate. WV VOAD will work with the State of West Virginia to submit required documentation for their subrecipient grant reimbursement. If contractors are deemed necessary for larger projects, they submit an invoice to WV VOAD for project related costs.

## **Ineligible for Payment**

- A contractor is ineligible for a disbursement if the work is not done according to local or other applicable building code.
- A contractor is ineligible for a disbursement if the work fails the inspection conducted by the licensed engineer.
- A contractor is ineligible for a disbursement if payment is requested for work not included in the original project analysts including signed and sealed engineered designs.

## **Procedures**

The Program will review and approve payment requests prior to requesting disbursement from the State of West Virginia and funds will be disbursed as indicated by West Virginia.

# **15 Remaining on Property**

Homeowners are not required to leave the property while a bridge is being constructed. Property owners may be required to park their vehicle on the roadside of the water crossing and access their property via a foot bridge.

# **16 Environmental Review Procedures**

## **16.1 Introduction**

Every project undertaken with federal funds, and all activities related to that project, is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as to the HUD environmental review regulations at 24 CFR Part 58. The primary purpose of this Act is to protect and enhance the quality of our natural environment. The HUD environmental review process must be completed before any federal funds can be accessed for program-eligible activities.

In addition, no work may start on a proposed project before the environmental review process is completed, even if that work is being done using non-HUD funds. In other words, environmental clearance must be obtained for each project prior to the firm commitment of federal or non-federal funds. A violation of this requirement may jeopardize federal funding to this project and disallow all costs that were incurred before the completion of the Environmental Review.



The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites, and to develop procedures to ensure compliance with regulations pertaining to these factors. The HUD environmental review is designed to produce program-specific environmental review procedures in a program that can vary greatly in terms of scope of work. Laws and regulations which contain environmental provisions with which must be complied with include:

1. Historic Preservation (36 CFR 800)
2. Floodplain Management (24 CFR 55, Executive Order 11988)
3. Wetlands Protection (Executive Order 11990)
4. Coastal Zone Management Act (Sections 307 (c), (d))
5. Sole Source Aquifers (40 CFR 149)
6. Endangered Species Act (50 CFR 402)
7. Wild and Scenic Rivers Act (Sections 7 (b) (c))
8. Air Quality (Clean Air Act, Sections 176 (c) and (d) and 40 CFR 6, 51, 93)
9. Farmland Protection Policy Act (7 CFR 658)
10. Environmental Justice (Executive Order 12898)
11. Noise Abatement and Control (24 CFR 51 b)
12. Toxic/Hazardous Materials (24 CFR 58.5(i)(2))
13. HUD Environmental Standards (24 CFR 51 c)
14. Airport Clear Zones and Accident Potential Zones (24 CFR 51 d)

All federally funded projects and activities must have documentation that they are in compliance with NEPA and all other environmental requirements. The purpose of this Section is to provide guidance necessary to prepare the Environmental Review Record (ERR) as required by NEPA and related laws. The ERR serves as a tool to measure the environmental consequences of all federally funded CDBG-DR eligible-program activities for the West Virginia Development Office (WVDO).

## **17 Housing/Bridge Program Compliance**

### **17.1 Fraud Protocol:**

In the course of the program, team members or applicants may become aware of suspected fraud incidents. Applicants of the program as well as individuals representing themselves as members of law enforcement, employees of governmental agencies, etc. may contact program team members and requesting confidential Applicant and or Client information. Due to the sensitive nature of suspected fraud, abuse, and waste, it is critical that all members of this team be aware of the protocols we have in place with respect to communication of the above as included in the West Virginia CDBG-DR FWA policy.

## **18 Quality Assurance and Control**

Throughout the course of the application and intake process, the Program conducts several QA/QC checks to ensure adherence to the policies and procedures set forth for the Program. Specifically, QA/QC checks are conducted at three points over the course of application processing:

1. First level QA/QC check is conducted post eligibility phase and prior to applicant signing. An independent secondary review of the applicant's eligibility will be conducted to ensure compliance with eligibility criteria for the Program prior to the applicant signing.
2. Second level QA/QC check is conducted via engineer review at the post construction phase and prior to payment being disbursed.
3. Third level QA/QC is conducted at time of funds being requested for reimbursement just prior to closeout in Casefile.

## **19 Due Diligence & Inactive Process**

Upon application to the Program, applicants will be contacted to schedule Personal Consultations as well as Damage Assessment to obtain documentation as necessary throughout the recovery process. Applicants are also expected to provide any required documentation in a timely manner to ensure that their application can be processed as quickly as possible. If at any point during the intake and eligibility process, the applicant becomes unresponsive to Program calls, messages or requests, the Program may place the applicant in Inactive status and/or close case.

### **Due Diligence Process**

- The Program will attempt to reach the applicant and record three unsuccessful contact attempts in Casefile.
- If, within 30 days of the last date of contact, contact has not been made with the applicant, the applicant will be sent a letter notifying them of their ineligibility status and the file will be closed by the Case Manager upon program supervisor's approval. Requests to appeal case may be made by the applicant and reviewed on a case-by-case basis by the Program.

### **Inactive Process and Case Closed**

An application may also result in an inactive status or case closed if any of the following conditions exist:

- Insufficient documentation has been submitted to verify all eligibility requirements;
- Due to lack of information, a program assistance award calculation cannot be completed; or
- Other reasons which may be determined over the course of the Program as needed.

Any applicant being closed will be sent a letter outlining the reason. If requested by an applicant, closed files will be reviewed on a case-by-case basis to determine return to active status, if applicable, and will be subject to the discretion of the Program.

## **20 Missing Documentation**

Applicants must submit all required documentation for their application to be complete. Only after all documentation has been received, can an application be processed to completion and a final eligibility determination be made. Applicants will be encouraged to submit all requested documentation before the Intake process is complete. As stated above, failure to submit required documentation may result in closed case for the application and potential disqualification from the Program.

## **21 Voluntary Withdrawal**

An applicant may request to withdraw from the Program at any time before construction begins. The voluntary withdrawal process will be followed in the event an applicant requests to withdraw from the Program.

### **Voluntary Withdrawal Process**

- The applicant will notify their Case Manager of their desire to withdraw from the Program and the request to withdraw will be recorded in Casefile.

- The Case Manager will send a voluntary withdrawal letter to the applicant or applicants may withdraw using an electronic method.
- Upon completion of the withdrawal request and receipt of applicant signature on any required forms, a withdrawal confirmation letter will be sent to the applicant and the application status will be updated to “Withdrawn.”

## 22 Eligibility Determination and Appeals

### 22.1 Ineligible Decisions

All applications are thoroughly reviewed during the intake and eligibility process to ensure applicants are eligible for the Program prior to construction. If at any point during this process, it is determined that the applicant is ineligible for the Program, they are notified via Program Ineligible Letter. This letter outlines the eligibility determination made and outline next steps, if applicable. Applicants have sixty days from the receipt of an Ineligible Letter to file an Appeal if they believe the Program’s eligibility determination to be inaccurate.

### 22.2 Appeals

#### Appeals

If an applicant wishes to appeal their ineligibility with CDBG-DR program, they must follow the appropriate procedure, included in the Administrative Policies and Procedures Manual.

To appeal this decision, applicant **MUST** submit a written appeal. The appeal must be received on or before [Month Date, Year], which is 60 calendar days from the date of the closed letter. The appeal should be mailed to the following address:

**West Virginia Development Office,  
Attn. RISE West Virginia Program Appeals Team,  
Capitol Complex, 1900 Kanawha Blvd E, Building 3, Suite 700  
Charleston, WV 25305.**

Please include the following information:

- Date of appeal;
- Name;

- Current mailing address;
- The street address of the property or residence listed on application;
- Application identification number (see above);
- Copies of all supporting documentation the program should consider with appeal; and
- A specific, written explanation of the reasons for disagreement with the decision.

## 22.3 Exceptions

During the program's implementation and delivery of grant services, decisions will be made based on established policies and procedures for each program and the grants approved Action Plan. These decisions are made based on applicable statutes, codes of federal regulation, state and local codes and ordinances, local guidelines, and program operational procedures, as each is interpreted by the State of West Virginia.

The West Virginia Development Office, Community Advancement and Development (Grantee) will strive to deliver equal and fair opportunity to each individual applicant based on the guidance of established policies and procedures, at the time of grant delivery. However, the Grantee reserves the right to make exceptions from the policies and procedures in order to best serve applicants' in their recovery efforts. The Grantee will follow the governing Federal Registers for the RISE West Virginia program but will allow for exceptions.

### **Purpose**

To assist an applicant who is not eligible in accordance to the West Virginia, CDBG-DR policy, an exception may be granted if it does not alter local, State or Federal regulations. A policy exception is different from an appeal. An appeal is based on a disagreement with an award or eligibility decision. A policy exception occurs when an applicant is not eligible in accordance to policy but may still be determined eligible based on other types of documentation or circumstances not anticipated by the current policy. For example, an applicant may not have had a water bill in their name, but has a good justification for that bill being in another person's name and other bills or documents are in the applicants name such as the cable bill, voter's registration, or driver's license. This would be an exception to the current policy related to occupancy but may still achieve the purpose of verifying occupancy.

### **Request**

A request for an exception to the Action Plan and the program policies and procedures will be initiated by the case manager or CDBG-DR program specialist.

### **The Case Manager/CDBG-DR Program Specialist**

Needs to obtain any supporting documentation demonstrating that the applicant is eligible. Will collect the documentation to support the exception and complete the policy exception form.

### **Case Management Supervisor/CDBG-DR Program Manager**

The forms and documents for justification will be presented to the Case Management Supervisor (CMS)/CDBG-DR Program Manager.

The CMS/PM will request additional documents from the case manager assigned to the file if needed.

The CMS/PM will review the request and recommend accepting or denying the exception.

The case manager/program specialist may be required to answer any questions pertaining to the case.

After review, the CMS/PM agree to the exception, both will sign the exception form as approved. The applicant will then proceed through the process as any other eligible applicant.

If the applicant is deemed ineligible, the CMS/PM will sign and mark the exception as disapproved.

The determination will be sent back to the requestor.

Each Subrecipient or Contractor will maintain a spreadsheet of all their exception files with the outcomes; the approval or disapproval determination form will also be saved in the applicant's file.

## **23 Monitoring**

As per CDBG regulation, 24 CFR 570.501(b), grantees of CDBG-DR funds are responsible for carrying out their programs to meet compliance with CDBG Program, statutory and regulatory requirements, including monitoring their project administrators, contractors and subcontractors. As such, throughout the application, eligibility, and construction phase of the program, the WVDO will conduct internal monitoring of processes, procedures, applications and construction phases. Monitoring is designed to make sure that program funds are operating efficiently and effectively and that Disaster Recovery CDBG funds are being used appropriately. Effective internal monitoring evaluates a program's compliance against the program requirements and procedures; and, it also identifies areas of strong performance and areas that need improvement.

WVDO utilizes a Monitoring Plan that details the reasons monitoring reviews occur, timelines, specific approach to monitoring, documentation requirements and corrective actions necessary to resolve issues or concerns discovered through a review. This plan details monitoring procedures, scheduling, and standards, to provide HUD-funded activity compliance and performance reviews for all funding recipients, including internal WVDO program operations. WVDO performs monitoring and compliance reviews based on risk assessments and predetermined scheduling, as well as monitoring related to an acute or chronic matter uncovered by an external audit or necessitated by the possibility of fraud, waste, or mismanagement. The

monitoring process reviews consist of entrance meetings, analysis of documentation, interviews, exit meetings, development and issuance of compliance review reports, corrective action plans, and if necessary, follow up reviews and letters.

The monitoring process has three primary objectives:

- Gauge the overall program progress and effectiveness of the contractors, State Grantees, Local Grantees and/or Subrecipients, as applicable, in meeting the program objectives, goals and requirements set forth under the Binding Agreement(s),
- Serve as a management tool to identify issues that may compromise program integrity, funding, and service delivery for corrective action and resolution, and
- Serve as a technical assistance tool to identify areas in which to strengthen program capacity and quality of service delivery.

### **Monitoring Priority and Frequency**

All applications are thoroughly reviewed by Program staff during the intake and verification of benefit processing levels to ensure consistency with program documentation and data requirements. Additional monitoring is then completed at regular scheduled intervals using sample populations. WVDO's monitoring strategy includes the use of desk reviews by the WVDO program staff and onsite monitoring by the WVDO compliance staff. Identification of the entities to be monitored are done quarterly, based on the results of the risk assessments and the threshold established (i.e., percentage of funds expended, total allocation, number of projects). The monitoring reviews are prioritized so that high-risk entities are monitored first.

The complete West Virginia Monitoring Plan / Policies and Procedures (Monitoring Plan) were included in the Certification Documentation submitted to HUD. As demonstrated herein, WVDO already possesses the necessary policies, systems and procedures which formally establish the critical monitoring strategies for all cross-cutting regulatory requirements. These well-established systems include HUD program rules and regulations, civil rights, environmental, labor standards, fair housing, Section 3, citizen participation, reporting and recordkeeping requirements. Not only do the systems exist, but they have proven to be successful approaches in the oversight of projects supported with CDBG and previously allocated CDBG-DR funds. The current CDBG-DR award leverages these existing resources and adapt them to the requirements of Public Law 114-223/254 and any subsequent related guidance. Monitoring functions ensure funding recipients, developers, contract service providers, and all contracted agencies adhere to state and federal regulations and requirements when operating, facilitating, or developing WVDO administered programs and activities.

## 26 Key Terms

**IA:** IA stands for FEMA Individual Assistance. In West Virginia, 12 counties are eligible for Individual Assistance.

**LMI – Low Income:** The Low-Income category describes applicants with household income levels between 51% and 80% of the Area Median Income level.

**LMI – Very Low Income:** The Very Low-Income category describes applicants with household income levels between 31% and 50% of the Area Median Income level.

**LMI – Extremely Low Income:** The Extremely Low-Income category describes applicants with household income levels between 0% and 30% of the Area Median Income level.

**PA:** PA stands for FEMA Public Assistance. In West Virginia, 17 counties are eligible for Public Assistance.

**Recipients:** As defined in 24 CFR 8.3(c) “Any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. An entity or person receiving housing assistance payments from a recipient on behalf of eligible families under a housing assistance payments program or a voucher program is not a recipient or sub-recipient merely by virtue of receipt of such payments.” (24 CFR 8.3(c) under Qualified individual with handicaps)

**WVDO:** WVDO represents the “West Virginia Development Office” and is the State office in charge of the Disaster Recovery Program.

**WV VOAD:** WV VOAD represents the “West Virginia Volunteer Organizations Active in Disaster”

**U.S. Citizenship or Lawful Permanent residence:** Refers to CBDG-DR Fund eligible individuals. In determining eligibility for benefits, WV will comply with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”); Attorney General Order No. 2353-2001, F.R. Doc. No.: 01-1158; and the guidance provided in the August 5, 2016 joint letter from US Attorney General Lynch, HHS Secretary Burwell, and HUD Secretary Carson. PRWORA provides that with certain exceptions, only US citizens and eligible noncitizens are eligible for federal, state, and local benefits. Those eligible for benefits is similar to



those in Section 214, with some slight exceptions: They include US Citizens or Nationals, Lawful Permanent Residents (“Green Card” holders), Refugees and Asylees, an alien paroled into US for a period of more than one year, all aliens with deferred deportation, Cuban/ Haitian Entrants, and Battered immigrants where battery causes the need for the benefit. Note: If a potential Program disaster relief recipient is not a citizen or eligible non-citizen, the Program will refer that person to the VOADs for possible assistance

# **Attachment A:**

## **West Virginia VOAD Bridge Project Guidelines**

**for**

## **PRIVATE WATER CROSSINGS**

**October 2018**

Previous Editions:

April 6, 2017

November 25, 2015



**JZ ENGINEERING**  
[www.JohannZimmermann.com](http://www.JohannZimmermann.com)

## **TABLE OF CONTENTS**

<b>1.</b>	INTRODUCTION.....	3
<b>2.</b>	PROJECT OWNERSHIP AND REGULATORY CONDITIONS .....	3
<b>3.</b>	LIABILITY.....	4
<b>4.</b>	PROJECT CONTEXT .....	4
<b>5.</b>	PROJECT INTENT .....	5
<b>6.</b>	CODE AND DESIGN CRITERIA .....	5
<b>7.</b>	TECHNICAL AND COST CONSIDERATIONS.....	6
<b>8.</b>	DESIGN LOADS .....	6
<b>9.</b>	DESIGN DETAILS.....	8
<b>10.</b>	BRIDGE PLANS.....	10
<b>11.</b>	APPENDICES .....	11
	A.1: WV VOAD BRIDGE COMMITTEE MEMBER LIST .....	11
	A.2: BRIDGE COMMITTEE PARTNERS.....	11
	A.3: BRIDGE COMMITTEE ADVISORS.....	11
	B.1: BRIDGE TYPES.....	12
	B.2: ABUTMENT TYPES .....	12
	B.3: DECK TYPES .....	13
	B.4: TYPICAL BRIDGE PLANS .....	13

## **1. INTRODUCTION**

Southern West Virginia residents experienced three separate flooding events from storms on April 3, April 8 and July 10 of 2015. Many residences were damaged and over 300 private water crossings were reported damaged or completely destroyed due to powerful floodwaters and heavy floating debris. In Lincoln County alone, where the pilot project was performed, over 80 residences experienced bridge or culvert destruction. Without aid, many of these families may never have the ability to safely access their houses.

Members at the monthly WV VOAD meeting in Charleston, WV on August 18, 2015 requested the development of a guideline for the design and construction of private bridge replacement for bridges that were destroyed by the flooding. The WV VOAD Bridge Committee was formed as a result to oversee this effort. This guideline was developed with the input of local, state, and federal agencies and advisors and accepted in November 2015. The participants of the WV VOAD Bridge Committee, Bridge Committee Partners and Bridge Committee Advisors are listed in the appendices.

Seventy bridges have been designed since the original guidelines were written and almost all have been constructed. The present edition includes the revisions that have been made based on the experience of these projects.

## **2. PROJECT OWNERSHIP AND REGULATORY CONDITIONS**

- 2.1 The bridges to be replaced are all on private land and privately owned by individuals.
- 2.2 The County Floodplain/Building Permits Manager and WV VOAD shall coordinate and monitor progress of required permits to ensure that all permits are filed with the respective agencies. The county floodplain/building permit shall be the first permit issued so as to ensure all applicable local and FEMA floodplain requirements are met before filing the remaining permits. The required permits are listed below, in no particular order of precedence:
  1. US Army Corps of Engineers (USACOE) Nationwide Permits:
    - NWP 3 Maintenance
    - NWP 13 Bank Stabilization
    - NWP 14 Linear Transportation Projects (Bridges)
  2. WV Division of Natural Resources (WVDNR)- Endangered Species
  3. WV Division of Natural Resources (WVDNR)- Land and Streams
  4. WV Department of Highways (WVDOT) – Encroachment Permit (Driveway Permit)
  5. WV State Historic Preservation Office (WVSHPO) review
  6. County Building Permit

- 2.3 Most of the bridges to be replaced are located in FEMA Zone A (Approximated Zones) or FEMA Zone X (outside the 100 year flood zone) flood zones. Most of the proposed bridge replacements are also designed to be from top of bank to top of bank, such that the structures are completely outside the waterway and therefore do not require USACOE permits.

### **3. LIABILITY**

- 3.1 The property owner shall assume all liability for the bridge. A hold harmless agreement to this effect, drafted by WV VOAD Legal Aid, shall be signed by the property owner before the commencement of any work.
- 3.2 The hold harmless agreement shall hold harmless the agency or entity performing or assisting the construction of the bridge, WV VOAD, local county commissions and their employees, and any sub-contractors hired to do specialty work for the job.
- 3.3 The home and property owner shall be given and shall sign a document spelling out the maintenance requirements for the bridge. This document shall include spelling out the weight capacity limitations and responsibilities to make public notice of those weight limitations.

### **4. PROJECT CONTEXT**

The majority of the destroyed private bridges were situated in a manner that created obstructions to the stream channel. The bridge superstructures were either below the flood water elevation and were therefore overtopped and/or the abutments were built protruding into the stream channel, restricting its natural width.

Bridge superstructures should ideally be reconstructed above the flood water elevation. For many of the sites this document addresses however, it is topographically impractical to achieve this since the bridge location itself is below the flood water elevation. In some cases, the abutments of the bridges are directly adjacent to the highway right-of-way (generally 15ft from the center of the road in the project area) and ramping up to a higher elevation is not possible.

Economic resources in this area are severely limited. Substandard construction of most of the bridges attests to the fact that the owners have limited economic means for design and construction. State and federal assistance is either unavailable or very limited for private bridges. A State of Emergency was declared for the storm events described in the introduction. Individual Assistance was requested for each event but denied by FEMA.

## **5. PROJECT INTENT**

Due to their location, it is inevitable that bridges in this area will be overtopped by floodwaters caused by severe storms within their expected lifetimes. As such, they will be subject to destructive forces. It is important to note that the proposed bridge replacement designs are not guaranteed to withstand these severe storms since that would make their construction cost prohibitive. The intent of the bridge replacement program is to provide structures that are as resilient as possible given the limited economic resources available.

Resiliency is aimed for by utilizing the following design principles:

1. Design shall seek to avoid impeding the natural flow of the water. New abutments shall be located outside of the stream channel so as to minimize interference with the natural stream bed and to maintain the overall integrity of the waterway. Several of the existing damaged bridges have piers located in the stream bed. In these cases, the piers may be reutilized if they are stabilized or reinforced where necessary.
2. Bridge superstructure elevations shall be established with as much clearance above the floodwater elevation as possible. This, in conjunction with installing abutments outside of the stream channel, will generally result in longer bridge spans than the bridges that are being replaced.
3. Design of bridge abutments shall be to minimize the likelihood that they shall be undermined or damaged by erosion and scour.
4. Bank stabilization shall be provided with riprap and/or gabions so as to minimize erosion and scouring.

## **6. CODE AND DESIGN CRITERIA**

All of the bridges to be replaced are privately owned. Therefore, design and construction is not required to conform to The American Association of State Highway and Transportation Officials (AASHTO) or Federal Highway Administration (FHWA) specifications. Building to AASHTO specifications would be cost prohibitive. Bridges also do not fall under the International Residential Code (IRC) for private dwellings or the International Building Code (IBC). Instead, structural design criteria were developed to meet the loading conditions of vehicle sizes expected to cross the private bridges while still keeping the construction economically feasible.

These guidelines were developed utilizing information from the following sources:

The International Residential Code (IRC) 2012  
The International Building Code (IBC) 2012  
FEMA P-778 Private Water Crossings, June 2009  
Private Water Crossing #2 DR-4219-WV  
AASHTO "LRFD Guide Specifications for Design of Pedestrian Bridges" Dec 2009  
AASHTO "Guide Specifications for Design of Pedestrian Bridges" Dec 1997  
AASHTO "Standard Specifications for Highway Bridges" 17<sup>th</sup> Edition

## **7. TECHNICAL AND COST CONSIDERATIONS**

Due to the limited economic resources and the anticipated construction by individuals and not-for-profit agencies who may have limited technical experience in bridge building, the following shall be considered in the design of the bridge:

1. The bridge construction shall be as economical as feasible.
2. Construction techniques shall be as simple as feasible so as to minimize skilled construction supervision needs.
3. Semi-skilled volunteer-friendly construction methods shall be maximized.
4. Heavy and expensive construction equipment shall be minimized.
5. Design details shall aim to minimize the need for bridge maintenance.

## **8. DESIGN LOADS**

The bridges shall be designed to carry pedestrians and a low volume of private passenger vehicles and heavy-duty pickups. Their design is not intended to carry typical highway traffic. The following design loads shall be used:

### **8.1 Pedestrian Live Loading**

40 pounds per square foot (psf) on bridge walking area.

Commentary: The AASHTO "LRFD Guide Specifications for Design of Pedestrian Bridges" specifies a uniform pedestrian loading of 90psf. It is unlikely that a private bridge will be subjected to this loading. The IBC specifies 40psf live load for residential areas.

## **8.2 Vehicle Size and Weight Class**

7.5 ton vehicle loading. Single vehicle capacity. A single vehicle shall be placed to produce the maximum load effects. The vehicle live load shall not be placed in combination with the pedestrian live load.

Commentary: The weights of the vehicles most likely to cross these private bridges are listed as follows:

- Small pickup or minivan  $\approx$  6,000 pounds (3 tons)
- Heavy duty pickup  $\approx$  12,000 pounds (6 tons)
- Rescue vehicle (i.e. ambulance)  $\approx$  13,000 pounds (6.5 tons)
- Moderate sized machinery (e.g. small backhoe)  $\approx$  15,000 pounds (7.5 tons)

Discussion with local fire departments concluded that in most cases, private bridges need not be designed for fire trucks (H2O loading category) since fire trucks stay on the main road and will not access private driveways due to unknown conditions. The largest rescue vehicles used by fire departments and private companies that would cross the bridges in the affected counties weigh 13,000 pounds.

## **8.3 Wind Loading**

50 pounds per square foot (psf) applied to the projected vertical area of the bridge.

Commentary: As per AASHTO "Guide Specifications for Design of Pedestrian Bridges". In general, this wind load is less than the anticipated transverse water loading.

## **8.4 Transverse Water Loading**

For many of the bridges it is highly probable that the flood waters will overtop the superstructure, subjecting it to pressure from the flowing water and resulting drift buildup. To account for this, bridges to be subjected to flood water forces shall be designed to withstand a transverse pressure of 280psf applied to the superstructure with a uniform distribution.

Commentary: Pressures as per AASHTO Standard Specifications for Highway Bridges 3.18.1.1. 280psf corresponds to a stream velocity of 10 feet per second and a drift buildup against a square-edged superstructure.

## **8.5 Uplift Loading**

Provision shall be made for adequate attachment of the superstructure to the substructure due to buoyant forces. To prevent uplift loading from trapped air, air release holes shall be installed in the decks of bridges that may be subject to being overtopped by water.

Commentary: As per AASHTO Standard Specifications for Highway Bridges 3.17.1



## **8.6 Curb Loading**

250 pounds per linear foot of curb, applied at the top of the curb.

Commentary: This is one-half of the loading given in AASHTO "Standard Specifications for Highway Bridges" 3.14.2.1. Due to the location of the bridges at driveway entrances, maximum speeds of 15mph are expected, which results in greatly reduced impact loads.

## **9. DESIGN DETAILS**

### **9.1 Deflection**

Allowable live load deflection shall not exceed either of the following:

1. Allowable live load deflection shall not exceed  $l/360$  for pedestrian loading and H5 (5 ton) loading.
2. Allowable live load deflection shall not exceed  $l/240$  for a vehicle weighing 7.5 tons.

Commentary: The AASHTO "Standard Specifications for Highway Bridges" 10.6.2 states that spans preferably should be designed so that the live load deflection shall not exceed  $l/800$ . The deflection limits specified in the AASHTO specification are not mandatory, only recommended criteria that are up to the judgment of the engineer. The AASHTO "Guide Specifications for Design of Pedestrian Bridges" specifies a deflection limit of  $l/500$  for pedestrian load. Since the deflection criterion is what in many cases controls the size and therefore the cost of the beams, allowing a more liberal deflection criterion results in significant cost savings. The IRC specifies an allowable live load deflection not to exceed  $l/360$  for floor beams and not to exceed  $l/240$  for "all other structural members".

### **9.2 Vibrations**

Vibration analysis need not be considered.

Commentary: Due to the location of the bridges at driveway entrances as well as their narrow widths, maximum speeds of 15mph have been observed, limiting objectional vibrations.

### **9.3 Bridge Deck Width**

The total clear width of the bridge deck shall be 11 feet for bridge decks starting at a distance greater than 10 feet from the edge of the highway.

The total clear width of the bridge deck shall be 13 feet for bridge decks starting at a distance between 6 feet and 10 feet from the edge of the highway.  
For bridges starting at a distance less than 6ft from the edge of the highway, or those with difficult access or abutting high volume roads, a wider width or flaring shall be considered.

Commentary: AASHTO "Guide Specifications for Design of Pedestrian Bridges, 1997"

1.2.1.2 specifies a clear deck width of 6 feet to 10 feet for a H5 Truck and a clear deck width over 10 feet for an H10 Truck. Since these bridges are generally at the driveway entrance, a slightly wider deck has been found necessary for maneuverability. Standard vehicle swept path analysis and turning simulation software yields results that are often not feasible for these bridges, given their topographical and geometric constraints. Instead, the geometric recommendations are based on observed user satisfaction and empirical data, keeping in mind that increasing the deck width increases cost.

## **9.4 Curbs and Guardrails**

A bridge curb shall be installed. The height of the bridge curb above the roadway shall be not less than 8 inches and preferably not more than 10 inches.

Guardrails shall not be required.

Commentary: Curb height complies with AASHTO "Standard Specifications for Highway Bridges" 2.2.5. For bridges with high elevations above water and high pedestrian use, guardrail installation is recommended.

## **9.5 Signage**

A marker guide post shall be installed at each of the four corners of the bridge superstructure. One of the posts facing the highway shall include the maximum vehicle loading limitation.

## **9.6 Bridge Approach Ramp**

The difference in angle between the approach ramp and the bridge deck shall be less than a 10 percent grade difference (5.7 degree angle) so as to avoid bottoming out of the vehicle. The approach ramps to the bridge shall be surfaced with compacted crusherrun material. The sides of the ramp shall be protected against erosion with rip rap or gabions.

## **10. BRIDGE PLANS**

Plans shall be developed for each bridge site for permitting and construction purposes. Each plan set shall include the following:

1. Cover Page with site location map
2. Bridge Profile and Plan
3. Superstructure
4. Decking
5. Abutments
6. Specifications
7. Material Estimate
8. Traffic Control Plan

## **11. APPENDICES**

### **A.1: WV VOAD BRIDGE COMMITTEE MEMBER LIST (2016)**

Jenny Gannaway: WV VOAD  
Jim Ditzler: United Church of Christ  
Barbara Chalfaut: Presbytery of WV Jack  
Cobb: American Baptist Men Byron  
Boggs: Southern Baptist Men  
Dale Peercy (NVOAD): Lutheran Disaster Response Jeff  
Allen: Council of Churches  
Jason Yancey (NVOAD): Operation Hope  
MDS personnel: Kevin King, Larry Stoner and Rodney Burkholder Johann  
Zimmermann, JZ Engineering PLC

### **A.2: BRIDGE COMMITTEE PARTNERS (2016)**

Michelle Breeland: FEMA  
Marilyn Lynch: WV-DHSEM State IA Officer Kevin  
Sneed: State Flood Plain Manager  
County Flood Plain and Building Permits Managers: Rick  
Helton - Lincoln County  
Amanda Starr - Mingo County  
Greg Lay - Boone County  
Ray Perry - Logan County  
Randy Fry - Wayne County  
Annette Taylor - Nicholas County Dan  
Riley - McDowell County  
Duval Fire Department: Wendy Beaver

### **A. 3: BRIDGE COMMITTEE ADVISORS (2016)**

Jimmy Wriston, PE: WVDOT Chief Transportation Engineer  
Randy Campbell: United States Army Corp of Engineers (USACOE)

## **B.1: BRIDGE TYPES**

Numerous types of structures are available for bridging the water ways. Each location lends itself to different options at different costs and levels of complexity. The range of options includes the following:

1. Culverts: These shall only be used for crossing drainage ditches and small waterways due to their potential to restrict the stream flow.
2. Low water crossings: These shall be avoided due to impassable conditions during inclement weather.
3. Poured-in-place concrete: These will in general be too expensive.
4. Precast concrete bridges: These will in general be too expensive.
5. Prestressed concrete plank: These may be an economic alternative for shorter spans, but are not readily available in the project region.
6. Steel truss: These may be the only option for larger spans, but their cost is beyond the economic constraints of this project.
7. Laminated timber superstructures: These may be economically and technically suitable in some situations.
8. Steel beam: From field observations of existing bridges that have withstood flooding in the project region, this option most economically meets the design criteria for most of the sites.

The "Typical Bridge Plans" in Appendix B4 show a steel beam bridge.

## **B.2: ABUTMENT TYPES**

Large concrete abutments with footings in structurally sound soils well below the scourline or on bedrock and with wing walls to redirect water flow, typical of highway bridges, are beyond the economic constraints of this project.

Abutments shall be located outside the stream channel, so they do not impede the flow of the stream. They shall be protected against erosion and scour.

Along with deck failures, failure of footings that were not supported on bedrock was observed to be the main cause of past bridge failures. Flood waters resulted in erosion around and over abutments, and the undermining of footings that did not extend below the scour elevation. After the experience of constructing several bridges, the decision was made that unless a concrete footing can be installed directly on bedrock without requiring dewatering of the excavation, all footings for the new bridges of this project

shall rest on micropiles driven to resistance, which is usually on bedrock. This bedrock can generally be encountered within 4 to 15 feet below the stream bed. It was found that 4" diameter steel micropiles could be successfully vibrated through river stone with the weight of a backhoe bucket to the depth of about 4 feet. Below that depth, a driver attachment on a 1500 pound breaker hammer can be used as an economical pile driver.

The micropiles support a concrete footing in one of the following ways:

- A. The footing is installed at an elevation so that the deck beams rest directly on it.
- B. The bottom of the footing is installed above the water level and an abutment wall is built up to the elevation needed for the installation of the deck beams. (By keeping the excavation for the footing at or above the water table, dewatering costs are avoided.)

The "Typical Bridge Plans" in Appendix B4 show option A, with deck beams directly supported on the footing.

### **B.3: DECK TYPES**

Cast-in-place concrete, laminated pressure-treated lumber, and locally sourced white oak planking were considered as viable options for the bridge decking. All were economically feasible.

Due to the limited schedule for the construction time of the bridges, the time required for forming, pouring, and removing of forms for a cast-in-place concrete deck is often excessive. As such, this option was found impractical for most volunteer projects.

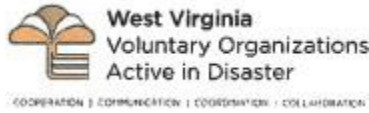
Pressure-treated decks composed of nail-laminated 2x lumber (vertically oriented) have been shown to last 20 to 30 years in the project area. A crew of several semi-skilled laborers can install a deck, together with curbs, in a day's time. This construction speed, together with the cost of materials, makes this a highly economical and time efficient decking option for these bridges. The "Typical Bridge Plans" in Appendix B4 show this option.

White oak decking is durable and is frequently used for private bridges in this area. Although it has yet to be used on any of the bridges already constructed using this guideline document, it remains a viable option.

### **B.4: TYPICAL BRIDGE PLANS**

Can be reviewed upon request to WV VOAD

# Attachment B:



## Bridge Intake

Case File \_\_\_\_\_

Intake Date \_\_\_\_\_

Disaster Date \_\_\_\_\_

County \_\_\_\_\_

Report By \_\_\_\_\_

Name \_\_\_\_\_

Disaster Address \_\_\_\_\_  
(Street) (City, State) (Zip)

Current Address \_\_\_\_\_  
(Street) (City, State) (Zip)

Primary Phone \_\_\_\_\_ Secondary Phone \_\_\_\_\_

Homeowner  Renter  Property Owner  If Renter, Owners Name \_\_\_\_\_

\_\_\_\_\_ Phone \_\_\_\_\_

Household Members: Adults \_\_\_\_\_ Children under 18 \_\_\_\_\_ Elderly – over 65 \_\_\_\_\_

Health Issues- \_\_\_\_\_

Income Level - \_\_\_\_\_

Under \$20,000 \_\_\_\_\_

\$20,000 to \$30,000 \_\_\_\_\_

Over \$30,000 \_\_\_\_\_

Number of Families Affected: \_\_\_\_\_

Completed By: \_\_\_\_\_

# Attachment C:

## Bridge Damage Report

County \_\_\_\_\_ Case # \_\_\_\_\_  
Flood Event \_\_\_\_\_ Reported By \_\_\_\_\_  
Date \_\_\_\_\_ Watershed \_\_\_\_\_  
Stream \_\_\_\_\_

<b>Location &amp; Contact Information</b>	
Address _____	Phone _____
Latitude _____	
Longitude _____	<input type="checkbox"/> <input type="checkbox"/>

<b>Bridge Information</b>			
Culvert <input type="checkbox"/>	Concrete <input type="checkbox"/>	Wood & I-beams <input type="checkbox"/>	Other <input type="checkbox"/>
Damaged <input type="checkbox"/>	Destroyed <input type="checkbox"/>		
Is it the families <b>Sole Access</b> ? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Creek Span _____			
_____			

Description of Damage:

Completed by:

*A licensed engineering firm will determine the extent of damage.*



# Attachment D & E:

## Hold Harmless and Right of Entry Agreement

AGREEMENT  
BETWEEN

\_\_\_\_\_ and West Virginia Voluntary Organizations Active in Disaster (hereafter **WV VOAD**) for the construction, repair, rehabilitation, and/or other actions related to providing access to private real property.

**THIS AGREEMENT** is made and entered into on the day of \_\_\_\_\_, \_\_\_\_\_ by and between \_\_\_\_\_ and **WV VOAD**.

**WHEREAS**, \_\_\_\_\_, et al, lacks the necessary resources to undertake the repair or replacement measure(s) necessary to assist disaster survivors displaced due to inaccessibility by the June 2016 flood disaster.

**WHEREAS**, \_\_\_\_\_, and have agreed to apply to WV VOAD and its member organizations for funding in order to assist the disaster survivor(s) named above in accordance with the application and permitting requirement.

**WHEREAS**, **WV VOAD** has agreed to comply with all State of West Virginia and local codes and ordinances for construction, demolition, and installation of structures and devices within any Special Flood Hazard Area or regulatory wetland; and,

**WHEREAS**, **WV VOAD** have agreed to comply with all State of West Virginia and local codes and ordinances governing procurement, purchasing, contracting, professional services, Voluntary Agency services and labor use.

### **NOW, THEREFORE:**

1. \_\_\_\_\_, et al, and **WVVOAD** hereby agrees to accept and arrange for use by disaster survivor(s), the \_\_\_\_\_ waterway as specifically described and identified in the permitting process for local governing officials
2. **WV VOAD** hereby agrees that the sole purpose of this measure is to provide disaster survivor(s), invitees of said survivor(s), and other persons performing official duties at or near the damaged property with reasonable and safe access to said survivor's real property.
3. \_\_\_\_\_ hereby agrees that the sole purpose of this measure is accurately and correctly outlined in Article 2, above, and grants full Right of Entry to said individuals and officials to the real property identified in the Agreement.
4. **WVVOAD** hereby agrees to not to sell, transfer, donate, or otherwise dispose of any capital and/or accountable property purchased with WV VOAD funds without prior written permission and not before the end of the project's performance period.
5. **WV VOAD** hereby agrees to follow Federal, State and local laws, ordinances, requirements, and procedures for the repair/replacement measure provided, including, but not limited to, the

following:

- a. West Virginia Code of State Regulations
- b. Local Government building permit process
- c. Special Flood Hazard Area or regulatory wetland restrictions

6. **WVVOAD** hereby agrees to notify WV VOAD of any change of scope, cost under or over-run, time delay, or other condition that may adversely affect the implementation, progress, or completion of the approved measure.

7. During the period of performance, WV VOAD hereby agrees to provide quarterly status reports to WV VOAD that list the current status of the approved measure.

8. Upon completion of the approved measure, \_\_\_\_\_ and hereby agree to hold harmless and indemnify the **WV VOAD** (to include member agencies) from any responsibility for any and all claims or causes of action, including any judgment, action, debt, liability costs, attorney's fees, and any other requests for money, or any other type of relief arising from any incident related to the use, maintenance, lack of maintenance, occupancy, repair, or other general or special damages.

9. **WV VOAD** hereby agrees not to encumber the mitigated real property belonging to \_\_\_\_\_ with any liens or claims for payment.

10. This Agreement may only be modified through a written request, signed by the parties to this Agreement.

11. Nothing in this Agreement is intended to conflict with current federal, state or local laws or regulations or the directives of DHSEM or the State of West Virginia. If a term of this Agreement is determined to be inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

12. The points of contact for this Agreement are:

**WV VOAD:**

\_\_\_\_\_  
**Jenny Gannaway, Executive Director**

\_\_\_\_\_  
**Date**

**Property Owner:**

\_\_\_\_\_

