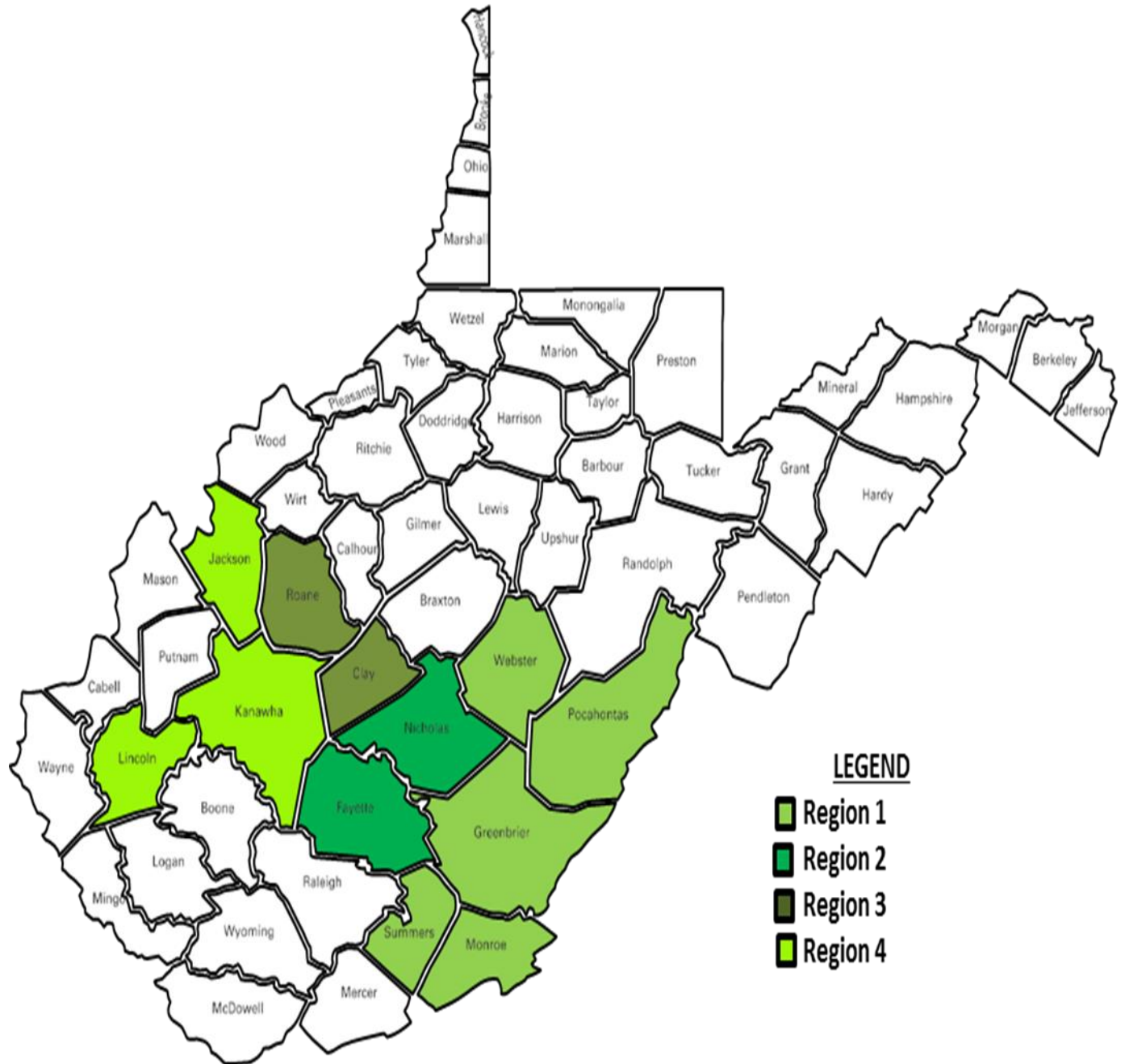




## **RISE WV CLEARANCE AND DEMOLITION PROGRAM POLICIES AND PROCEDURES**



**Most Impacted or Distressed (MID) Counties:** Greenbrier, Kanawha, Nicholas, Clay

**Non-Most Impacted or Distressed (NMID) Counties:** Pocahontas, Monroe, Summers, Webster, Fayette, Roane, Jackson, Lincoln

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## **SECTION 1: PROGRAM BACKGROUND**

**1.1:** The RISE West Virginia Clearance and Demolition Program addresses the demolition of structures that were directly impacted by the severe storms on June 23, 2016. The program will eliminate specific conditions of slum and blight on a spot basis. The WVDO then entered into an Interagency Agreement with the West Virginia National Guard (WVNG) to assist with management of the Program.

**1.2:** In 2017, the United States Department of Housing and Urban Development (HUD) provided the State of West Virginia with a series of three (3) separate Community Development Block Grant – Disaster Recovery (CDBG-DR) Grants, totaling over \$149,000,000.<sup>00</sup>. Of that funding, \$5,875,000.<sup>00</sup> has been allocated for the Clearance and Demolition Program.

**1.3:** In July 2018, the West Virginia Development Office (WVDO) published four (4) Contract Requests for Quotation (RFQ), to begin identifying potential Vendors for the purpose of demolishing structures damaged by the 2016 storm. Multiple Vendor Bids were reviewed, and in September 2018, these Contracts were awarded to two (2) Demolition Contractors, based on lowest responsible bids.

**1.4:** In compliance with HUD policies, the WVDO submitted the Official Request for the Release of Grant Funds in December 2018. HUD accepted the request and issued the Authority to Use Grant Funds in February 2019.

**1.5:** The objective of the Clearance and Demolition Program is to remove, on a spot basis, structures which contribute to unsafe and unhealthy conditions which threaten public safety and meet the National Objective of Elimination of Slum and Blight as identified in 24 CFR 70.483(c).

## **SECTION 2: PROGRAM ELIGIBILITY**

**2.1:** To meet the basic eligibility requirements, properties must be located within the following 12 counties: Kanawha, Nicholas, Greenbrier, Clay, Roane, Jackson, Pocahontas, Fayette, Monroe, Lincoln, Webster and Summers County. Each of these counties were designated in the Presidential Disaster Declaration 4273.

**2.2:** This is a Voluntary Program, the property must have directly sustained damage by the June 2016 Storm, be vacant, and the applicant must currently own the property. Eligible properties include both residential and commercial structures.

**2.3:** Once Eligibility or Ineligibility has been determined, the applicant will receive a letter from the Case Management Team informing them of eligibility. If the applicant is deemed ineligible, they have the option to contact the WVDO Program Management Team to request an appeal of that determination. The appeal request must be submitted either in electronic form or in writing and will be reviewed by a committee for final determination of eligibility. Sample appeal actions can be found in Appendix B.

## **SECTION 3: ACCESSING THE APPLICATION**

**3.1:** An applicant's the property must have directly sustained damage by the June 2016 Storm, be vacant, and currently own the property for inclusion the RISE WV Clearance and Demolition Program. Applications can be accessed by any of the options listed below:

**3.1.A:** Accessing the WV Flood Recovery website and downloading a copy of the application.

**3.1.A.1:** WV Flood Recovery Website (<http://wvfloodrecovery.com/useful-resources/>)

**3.1.B:** Contacting the WVNG Clearance an Demolition Program Case Management Team.

**3.1.B.1:** WVNG Case Management Phone Numbers – **304-561-6201** or **304-561-6202**.

**3.1.C:** Contacting your County Office of Homeland Security and Emergency Services.

<b>3.1.C.1:</b>	Clay County	<b><u>304-587-2849</u></b>
<b>3.1.C.2:</b>	Fayette County	<b><u>304-574-4951</u></b>
<b>3.1.C.3:</b>	Greenbrier County	<b><u>304-645-5444</u></b>
<b>3.1.C.4:</b>	Jackson County	<b><u>304-373-2208</u></b>
<b>3.1.C.5:</b>	Kanawha County	<b><u>304-257-0991</u></b>
<b>3.1.C.6:</b>	Lincoln County	<b><u>304-546-3443</u></b>
<b>3.1.C.7:</b>	Monroe County	<b><u>304-772-3925</u></b>
<b>3.1.C.8:</b>	Nicholas County	<b><u>304-872-7991</u></b>
<b>3.1.C.9:</b>	Pocahontas County	<b><u>304-799-3985</u></b>
<b>3.1.C.10:</b>	Roane County	<b><u>304-927-0918</u></b>
<b>3.1.C.11:</b>	Summers County	<b><u>304-466-5613</u></b>
<b>3.1.C.12:</b>	Webster County	<b><u>304-847-2122</u></b>

## **SECTION 4: APPLICATION / INTAKE PACKET**

**4.1:** The Application and Intake Packet includes forms necessary to comply with HUD and program requirements. These forms include: The Intake Form, Direct Benefit Data, PII Agreement, Right of Entry and Hold Harmless Agreement, and Personal and Property Specific Documentation.

**4.2: Intake Form:** This form requires the property owner to provide contact information, structure type(s), ownership information such as: titles, deeds, insurance, Small Business Administration (SBA), Federal or other assistance and/or repairs, utility disconnection, structure(s) to be removed, wells and septic systems to be removed or capped, voluntary participation statement, and signatures.

**4.3: Direct Benefit Data:** This form requests information such as; name, address, county, income level, female headed household, own or rent, and demographics. This information is used solely by HUD for direct benefit tracking purposes and is not provided or sold to any outside agency or entity.

**4.4: PII Agreement:** The Letter of Agreement for the use of Personally Identifiable Information (PII) is a required document that assures the applicant that their PII is properly handled and secured, and only accessed by program staff and HUD.

**4.5: Right of Entry and Hold Harmless Agreement:** This document is required to allow any Program personnel, Contractor or Sub-contractor, and Building Inspectors access to the property requested for demolition and to ensure that all entities identified are legally protected from any potential recourse.

**4.6: Personal and Property Specific Information:** The last page of the application requires the Property Owner to provide the Case Management Team with copies of specific information such as: a valid photo identification card, title to a Manufactured Housing Unit (MHU) if applicable, and/or deed to the home.

**NOTE:** A copy of this Application / Intake Document can also be accessed by double clicking the icon below.



Demolition Intake  
Packet\_Fillable.pdf

## **SECTION 5: ADDITIONAL APPLICANT REQUIREMENTS**

**5.1:** This section covers the additional information that the applicant is required to provide to the Case Manager but does not affect eligibility. It will, however, affect the timeliness of getting the applicants packet ready for the demolition stage. The subsequent paragraphs will specify those items needed.

**5.2: Utility Disconnection:** The applicant must provide documentation from their Utility Service Providers validating that those utilities have not only been paid in full but turned off and disconnected from the structure prior to demolition. These utilities include, but are not limited to the following: Water, Electric, Sewer, Gas, and Telephone.

**5.3: Property Cleared:** The applicant will be required to remove any and all personal items they wish to keep from the property, Vehicles, Boats, Tractors, or anything that has a Title must be removed from the property by the property owner. The Contractor will not be responsible for removing these types of items. Anything, outside of the aforementioned items remaining on the property at the time of demolition is thereby considered to be part of the demolition activity.

**5.4: Maintaining Contact:** The applicant is required to update the Case Management Team with any changes in their status or contact information. The applicant will also need to inform the Case Management Team of any changes in information submitted about their property prior to demolition. This includes but is not limited to having a grave located on the property or anything of sentimental significance.

## **SECTION 6: APPLICATION WITHDRAWAL**

**6.1:** The applicant can at any time, up to the point of demolition, withdraw from this voluntary program. The applicant will need to complete sign and date the Withdrawal Form and return it to the Case Management Team.

**NOTE:** A copy of this form can be found on the WV Flood Recovery website or accessed by double clicking the icon below.



Demo Withdraw  
Form.docx

## **7: PROCESS OVERVIEW**

**7.1:** The process begins with application intake. The application will be considered complete upon receipt of all required documentation and original signature and dated. The ownership of the dwelling will be verified by a title search. A Duplication of Benefits document provided by Federal Emergency Management Agency (FEMA) must be reviewed and determination that no other funds were received for demolition. The WVNG will request an inspection of the property with the property owner.

**7.2:** The owner must grant permission for the inspector to enter the property. An inspection of the property will be conducted to determine property eligibility. The property inspection includes identification of hazardous material, such as household cleaners and paints, oil drums, pesticides, fuel oil, and other dangerous substances. An environmental review is conducted which includes a historical significance review

## **8: APPLICATION PROCESS**

**8.1:** Homeowners will apply directly to the WVNG for household and property eligibility determinations including the County verifying storm related damage.

**8.2:** Program recipient must provide the rationale behind the request to demolish the structure and why the program recipient does not consider rehabilitation a viable option. Demolition applications from a City/County owned or abandoned property should include a letter from the program recipient describing the municipality's condemnation process, acknowledging that condemnation proceedings followed all municipal ordinances and that the municipality has the authority to remove the subject structure. This letter should be signed by the person with authority and training to make this determination.

**8.3:** The program requires a letter from local law enforcement describing any illegal activity reported on the property.

## **9: TITLE SEARCH AND COVENANTS**

**9.1:** The Demolition Management Team will work with a licensed and certified Real Estate Law Firm to conduct Title Searches on each property. This will be used to determine actual ownership of the property and the structures located thereon. A copy of this report will be placed in the property file.



**9.2:** Each property owner will be required to fill out and sign a Covenant for their property that prohibits them from selling the property for a period of three (3) years. If the property is sold during those three (3) years, the owner agrees to refund the Program for the full amount disbursed for the demolition of said structures. Owners must also stay current on all property taxes and must maintain their property and keep it clear of any debris.

**9.2.1:** Owners with multiple properties and businesses/LLCs are limited to only submitting three (3) properties for inclusion into the Program.

**NOTE:** A copy of these forms can be found on the WV Flood Recovery website or accessed by double clicking the icon below.



Demolition  
Municipality County



Demolition Owner  
LLC Covenant v1.doc



Demolition Owner  
Multiple Properties (



Demolition Owner  
Single Property Cove

## **10: WV National Guard Process**

**10.1:** Process the application intake form

**10.2:** Confirm eligibility of property

**10.3:** Confirm ownership of property and process a Covenant with the property owner.

**10.4:** The WVNG will request an inspection of the property with the property owner.

**10.5:** The WVNG will coordinate with the local building inspector to perform an inspection of the property.

**10.6:** A site inspection will be conducted to assess the condition of the property. A minimum of four (4) pictures will be taken from each corner, looking in on the property, to document its state prior to demolition.

**11.** Gather documentation for the environmental review. Conduct and complete the environmental review process.

**10.7:** Coordinate the asbestos testing and abatement if applicable.

**10.8:** Document the property meets the Clearance and Demolition documentation.

**10.9:** Confirm disconnection of utilities

**10.10:** Perform progress and final inspections

**10.11:** Process invoice payments

## **11: WV DEMOLITION TEAM RESPONSIBILITIES**

**11.1:** Site Inspection Team: During the demolition, a minimum one WV National Guard Service Member could be present at all demolition worksite locations. This service member, along with the appointed supervision, will conduct site inspections as part of the oversight process. These inspections will follow the checklist developed by the WV Department of Commerce. This team will also be responsible for oversight and documentation demolition.

**11.2:** Field Supervisor/Assistant Field Supervisor: These individuals are responsible for the leadership and management of the Site Inspections Teams. They also act as liaison between the County, State, and other Government agencies to ensure efficiency in the process to remediate the blighted properties. This management team will also act as Quality Assurance/ Quality Control of the collections, recording, and submission of all required paperwork that pertains to the demolition Any issues regarding supplies, equipment, personnel, contractors, accidents, or injuries, will be routed through these individuals.

**11.3:** Program Manager: This individual is responsible for the execution of the entire Clearance and Demolition Program.

**11.3.1:** Maintain record of all demolition at the approved demolition locations.

**11.3.2:** Ensure that contractor is following all Federal, State and Local Laws.

**11.3.3:** Provide training and equipped service members that will perform inspections.

**11.3.4:** Perform site inspections keeping track of all demolition debris coming from the approved demolition locations.

**11.3.5:** Ensure that all debris removed from the demolition sight is properly sorted and all hazardous materials are disposed of properly and in accordance to Federal, State and Local Laws.

**11.3.6:** Responsible for the Initial Site Visit along with the contractor for the environmental testing of the structures that will be demolition and assist in the measurement of the said structure.

**11.3.7: Progress Inspections:** After notice to proceed, the Site Inspection Team is responsible for periodic site visits to ensure that all work conducted is performed in the manner as described in the written specifications used to procure demolition contractors. It should be noted that the Site Inspection Teams may not always schedule progress inspections with the contractor or the Program Recipient, ensuring that the Contractors are always correctly performing their required duties.

**11.3.8:** Perform the Environmental Site Inspection worksheet on the individual properties in the assigned counties and ensure that this document gets processed and recorded.

**11.3.9:** Ensure that local law enforcement clear the structure prior to demolition and to take photographs before, during and after the demolition process and report those up the designated chain of command.

## **12: CONTRACTOR PROCESS**

**12.1:** Once the Notification to Proceed is provided, the demolition process may begin.

**12.2:** Contractors must post with Notice of Demolition and obtain permits from the applicable jurisdiction. The contractor performing the demolition should contact the respective County representatives in order to obtain the permits for that County.

**12.3** Submit properties to asbestos contractor and abate asbestos if applicable.

**12.3.1:** Contractors are required to provide their inspection reports from each property to the Department of Environmental Protection and Bureau for Public Health prior to asbestos removal or demolition.

**12.4:** Final Inspection: Final inspections are conducted before final payment to confirm completion of demolition. These inspections are conducted by the Site Inspection Team and will include 4 pictures documenting the appearance and completion of the demolition for that property.

## **13: FILE STORAGE AND CLOSEOUT PROCESS**

### **13.1: Personally, Identifiable Information**

The files containing the information on each individual property and property owner will be controlled in the regards that the information contained is in fact Personally Identifiable Information (PII). It. The counties and other organizations utilizing these records should take the necessary steps in the management and protection of these documents. This is essential for good governance and accountability of all PII used during the CDBG DR process. The WV National Guard will ensure that all PII or sensitive data will be locked in a cabinet behind two locks and at no time be left out and will at all times be in positive control while be utilized.

**13.2:** Once the demolition has been completed of the structure on the approved property the Monitor Should have the ability to assess the completion of the demolition. The contractor once all demolition has been completed is responsible for bringing the property back to its natural state and to level green space. The property should be properly filled with fill dirt, with the area leveled to reflect the surrounding natural lay of the property and both grass seed and straw laid to cover all barren areas of the property. Upon completion the property will be evaluated by the Monitor and a finished photo will be taken from all four corners of the work sight. An inspection must also be completed by the local jurisdiction. The photos taken will be reported up the chain of command and entered into the packet. The individual packet will go thru a QC process and at this time, if all documents and photos are present, be closed out and a copy given to that county EOS Director. An electronic copy will be made for historical record and the original paper copy will be filled away and considered completed.

## **14: AUDITING/ COMPLIANCE (STATE AND FEDERAL)**

**14.1:** Complete and accurate records should be kept, both paper and electronic copies of individual packets, as to have quick orderly access for the dissemination of information. A habit should be formed to periodically review as in the QC process internally to ensure that all individual case files are in order and completed. This control procedure will allow for full compliance and accuracy in the audit process. The OIG 2016 Audit Plan calls to improve HUD's execution and accountability for grant funds.

**14.2:** The WV Department of Commerce will follow the above procedures to meet Applicable Federal regulations and the Federal Register guidance. This can be found in the 24 CFR 200.

**14.3:** 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.

**14.4:** 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.

**14.5:** The monitoring process has three primary objectives:

**14.5.1:** 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)

**14.5.2:** Serve as a management tool to identify issues that may compromise program integrity, funding, and service delivery for corrective action and resolution

**14.5.3:** Serve as a technical assistance tool to identify areas in which to strengthen program capacity and quality of service delivery

## **14.6: Monitoring Priority and Frequency**

**14.6.1:** 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.

**14.6.2:** To initiate monitoring, the WVDO initially limits the population to those projects where 50% or more funds have been expended. Program Managers select a sample of projects to be reviewed based on number of projects and project type.

**14.7:** 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.

## **15: REFERENCES**

**CDBG CFR 24**

**WV Flood Tool**

**24 CFR Parts 200 to 400**

**24 CFR Parts 500 to 699**

**24 CFR Sections 92.252 / 92.254**

**CDBG DR Tool Kit**

**State Declaration from FEMA Declaration Number FEMA-4273-WV**

**Housing and Community Development Act of 1974**

## Appendix A-Demolition Process Checklist

ORDER	STEPS	ACCOUNTABLE
1	Authority to Use Grant Funds from HUD	WVNG
2	Application Intake Form: <i>(which includes)</i>	WVNG
a	Case Number	
b	Applicant Name(s)	
c	Structure Address	
d	Applicant Contact Information	
e	Insurance information	
f	Structure Type(s) and property information	
g	Previous Assistance Received	
h	Repairs Completed	
i	Voluntary, Unoccupied, No Rebuild Statement	
j	Utility information	
k	Signatures (need original signatures in file)	
3	Direct Benefits Data form	WVNG
4	Use of Personally Identifiable Information (PII) Agreement	WVNG
5	Right of Entry and Hold Harmless Agreement	WVNG
6	Property Owner(s) Photo ID	WVNG
7	Title / Deed from Owner	WVNG
8	Copy of Previous Tax Year Paid Property Taxes	WVNG
9	Covenant (with Notary Stamp)	WVNG
10	Title Search Report (Lawyers)	Law Firm
11	2016 Storm Damage Verification Letter	Local Jurisdiction

## Appendix A continued:

ORDER		STEPS	ACCOUNTABLE
12		WV Flood Tool Parcel Map	WVNG
13		Letter of Imminent Threat ( <i>meets definition of Slum and Blight per WV State code</i> )	Local Jurisdiction
	a	Must document local/state code or ordinances that the structure is in violation of, and must be signed by person with authority and training to make the determination	
14		Illegal Activity Letter	WVNG
15		Duplication of Benefits Review	WVNG
16		Environmental Record Review (ERR) ( <i>must have signatures</i> )	WVNG
17		Letter of Program Eligibility-from Director	WVDO
18		Issue Notification to Proceed Letter	WVNG
19		Initial Site Inspection	WVNG/Contractor
20	a	Square Footage	WVNG/Contractor
	b	Debris Totals	
	c	Septic Tanks / Fuel Oil Tanks	
	d	Other Structures	
21		Documented disconnection of Public Utilities	WVNG/Contractor
22		Post property with demolition notice	Contractor
23		Asbestos test	Contractor



## Appendix A continued:

ORDER	STEPS	ACCOUNTABLE
24	Asbestos abatement if applicable	Contractor
25	Obtain Demolition Permit <i>(if required)</i>	Contractor
26	Debris and landfill report	WVNG/Contractor
27	Inspection report from jurisdiction	Local jurisdiction
28	Take Before, During, and After Photos	WVNG
29	Fill, level and reseed property	Contractor
30	Perform Final Inspection	WVNG
31	Submit Invoice to WVDO	Contractor
32	Submit Invoice Supporting Documentation to WVDO	WVNG
33	Place Close out Documents in Case File	WVNG
34	Close Case Management File	WVNG

## **APPENDIX B – APPEALS:**

During the program's operations, decisions will be made on applications and/or Program Eligibility. 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.

### **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 a Program Ineligible Letter by the Case Management team. This letter outlines the eligibility determination made and next steps, if applicable. Applicants have sixty days from the receipt of a Program Ineligible Letter to file an Appeal if they believe the Program's eligibility determination to be inaccurate.

### **Appeals**

If an applicant wishes to appeal their Ineligible Letter, the following steps should be followed:

- Applicant sends a written appeal to  
West Virginia Development Office,  
Attn. RISE West Virginia Program Appeals Team  
Capitol Complex,  
1900 Kanawha Boulevard, E., Building 3, Suite 700  
Charleston, WV 25305.
- Appeal Letter should include date of appeal, client name, client's current mailing address, street address of the property or residence listed on application, client application identification number, copies of all supporting documentation the program should consider with your appeal, and a specific, written explanation of the reasons for the client's disagreement with the decision.
- The Appeals Coordinator will record the applicants request for Appeal via an email to Case Management as well as the Program Manager, send an Appeal Receipt Letter (See Attachment A) to the client, and schedule an appeal meeting with the Tier I Appeals Review Team.

- From the time of the appeal receipt letter, the Tier I Appeal Review Team has 30 days to either reopen the client's case or push to Tier II Appeal Review.
- The Tier I Appeals Review Team is made up of (at minimum) a representative from:
  - West Virginia Development Office, RISE Staff
  - West Virginia National Guard, Construction and Demolition Staff
  - West Virginia National Guard, Case Management Team
- If the decision is made by the Tier I Appeals Review Team to reopen the client's case, the client will receive an Appeal Approved Letter (See Attachment B) and the case will be reopened in Case Management.
- If the decision is made by the Tier I Appeal Review team that the case should not be reopened, they will then request a meeting with the Tier II Appeal Review team for further review.
- The Tier II Appeal Review Team has 30 days to review the client's case and either approve, deny, or ask for an extension.
- The Tier II Appeal Review Team is made up of (at minimum) a management level representative from:
  - West Virginia Development Office, RISE Program Manager, or CAD Director
  - West Virginia National Guard, Construction and Demolition Staff
  - West Virginia National Guard, Case Management Team
- If the decision is made by the Tier II Appeal Review Team to reopen the client's case, the client will receive an Appeal Approved Letter (See Attachment B) and the case will be reopened in Case Management.

- If the decision is made by the Tier II Review Team that the client does not meet eligibility requirements set forth under the RISE West Virginia Flood Recovery Program, then they will inform Case Management that the case will be closed, and the client will receive an Appeal Denied Letter (See Attachment C) informing them of the result of their appeal.
- If there is need for further review, the Appeals Team may request an extension of Appeal Review through an Appeal Extension Letter (See Attachment D). A final determination must be made within 30 days of an Appeal Extension Letter.

## **ATTACHMENT A TO APPENDIX B – Appeal Received Letter**

[Month Date, Year]

[WV-FL16-0####]

[Applicant Name]

[Applicant Mailing Address Line 1]

[Applicant Mailing Address Line 2]

Dear [Mr./Mrs./Ms./Miss] [Insert Applicant Name]:

This letter is an acknowledgement that we have received your official appeal regarding your denial from the RISE West Virginia Recovery Program.

The appeals process was initiated on the date of our receipt of your letter. The RISE WV Program Appeals Team will now review your entire case file and your written appeal, along with all supporting documentation.

The Appeals Team consists of representatives from the West Virginia National Guard, the Community Advancement and Development Division of the West Virginia Development Office. This team will meet in-person to make an official decision on the validity of your appeal and thereby determine whether to uphold or reverse the initial decision that your application was ruled ineligible for the RISE WV Program.

Once the RISE WV Appeals Team makes its final determination, you will receive a letter in the mail to inform you of the full appeals process and the final decision.

This entire appeals process may take up to two months to complete. If more time is required to review your case, an additional notification will be mailed to your address. No further action will be necessary at this time.

Thank you for your continued patience as the RISE WV Appeals Team takes adequate time to fully and carefully consider your appeal. In the meantime, if you have any questions or concerns, you may contact the RISE WV Service Center at 304-561-6201.

Sincerely,

Michelle Tharp Penalosa  
RISE Program Manager

## **ATTACHMENT B TO APPENDIX B – Appeal Approved Letter**

[Month Date, Year]

[WV-FL16-0####]

[Applicant Name]

[Applicant Mailing Address Line 1]

[Applicant Mailing Address Line 2]

RE: Appeal Submitted [Month Day, Year]

Dear [Mr./Mrs./Ms./Miss] [Insert Applicant Name]:

This letter is to inform you the RISE West Virginia Program Appeals Team has reached a final decision regarding your eligibility for assistance through the program.

After careful consideration of your written appeal and review of supporting information the Appeals team has approved the reopening of your case and your application for assistance will be reinstated into Case Management.

A case manager with the West Virginia National Guard will reach out to you promptly to review the next steps necessary to continue moving your case through recovery.

While this decision returns your case to Active Status, there are additional federal guidelines that govern program eligibility and you must remain in compliance with these guidelines in order to receive assistance.

We appreciate your patience throughout our review of your appeal. If you have any additional questions or concerns, you may contact the RISE WV Service Center at 304-561-6201.

Sincerely,

Jennifer Ferrell  
Interim Director  
Community Advancement and Development

**ATTACHMENT C TO APPENDIX B – Appeal Denied Letter**

[Month Date, Year]

[WV-FL16-0#####]

[Applicant Name]

[Applicant Mailing Address Line 1]

[Applicant Mailing Address Line 2]

RE: Appeal Submitted [Month Day, Year]

Dear [Mr./Mrs./Ms./Miss] [Insert Applicant Name]:

This letter is to inform you that the RISE West Virginia Program Appeals Team has reached a final decision on your appeal request.

The RISE WV Program Appeals Team consists of representatives from the West Virginia National Guard and the Community Advancement and Development Division of the West Virginia Development Office. This team met in-person to consider your appeal and review all supporting documentation.

After thorough review and consideration, your case has been deemed ineligible according to the federal guidelines governing the program and your appeal has been denied. This decision is final.

Sincerely,

Jennifer Ferrell  
Interim Director  
Community Advancement and Development

**ATTACHMENT D TO APPENDIX B – Appeal Extension Letter**

[Month Date, Year]

[WV-FL16-0#####]

[Applicant Name]

[Applicant Mailing Address Line 1]

[Applicant Mailing Address Line 2]

RE: Appeal Submitted [Month Day, Year]

Dear [Mr./Mrs./Ms./Miss] [Insert Applicant Name]:

This letter is to inform you, that due to the unique and complex circumstances regarding your appeal, the RISE West Virginia Program Appeals Team will require additional time to complete its review.

The RISE WV Program Appeals Team consists of representatives from the West Virginia National Guard and the Community Advancement and Development Division of the West Virginia Development Office. This team met in-person on [Month Day, Year] to consider your appeal and review all supporting documentation. Additional review is needed before we can make a final determination for this case.

The RISE WV Appeals Team seeks to give your individual case the full amount of time and attention it deserves. Our team is actively reviewing your appeal to ensure that all available RISE WV Recovery Programs and federal regulations are being considered to make an accurate decision in your appeal.

Please know that your case is a top priority to the RISE WV Appeals Team, and we will mail you our final determination within 30 days from the date of this letter. If you have any additional questions or concerns, you may contact the RISE WV Service Center at 304-561-6201.

Thank you for your continued patience as we work to ensure that our decision is made carefully and correctly as we seek to abide by the federal guidelines that govern the RISE WV Recovery Program.

Sincerely,

Michelle Tharp Penaloza  
RISE Program Manager