

STD. 400 (REV. 01-2013)

OAL FILE NUMBER Z-2016-0112-06	NOTICE FILE NUMBER 2016-0617-05S	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>RECEIVED FOR FILING PUBLICATION DATE</p> <p>JAN 12 '16 JUN 22 '16</p> <p>Office of Administrative Law</p>	<p>2016 JUN 17 P 4: 08</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>
NOTICE	REGULATIONS

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL 28 2016
3:14 PM

AGENCY WITH RULEMAKING AUTHORITY
Department of Housing and Community Development

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Community Development Block Grant Program	TITLE(S) 25	FIRST SECTION AFFECTED 7062	2. REQUESTED PUBLICATION DATE January 22, 2016
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Patrick Talbott	TELEPHONE NUMBER 916-263-2297	FAX NUMBER (Optional) 916-263-3394
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2016 4-2	PUBLICATION DATE 1-22-16

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT	REPEAL
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 25 CCR	7062.5, 7065.5 per agency request	7062.5, 7065, 7065.5 per agency request

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
MARCH 23, 2016 TO APRIL 7, 2016

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State 5100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON PATRICK TALBOTT	TELEPHONE NUMBER 916-263-2297	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) PATRICK.TALBOTT@HCD.CA.GOV
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE: **Ben Metcalf** per agency request DATE: **4/28/16**

TYPED NAME AND TITLE OF SIGNATORY: **John Giber Chief Deputy Director** **Ben Metcalf, Director**

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ENDORSED APPROVED

JUL 28 2016

Office of Administrative Law

request

Community Development Block Grant (CDBG) Regulations
Title 25, California Code of Regulations
Proposed Adoptions and Amendments to Division 1, Chapter 7, Subchapter 2

§ 7062.5. Special Allocation for Federal Disaster or Other Emergency Supplemental Assistance. ~~[Repealed]~~

(a) The Department can administer funding provided under the Stafford Relief and Emergency Assistance Act or other emergency supplemental assistance appropriated by Congress under the Community Development Block Grant (CDBG) program. Funding from a special allocation is separate from the annual CDBG NOFA process but still subject to applicable federal statutes and regulations as well as state statutes and regulations. Any federal regulations imposed on disaster assistance or other emergency supplemental assistance will supersede any state CDBG statute or regulation, if a conflict between the two occurs. The Department may waive current state CDBG regulations that conflict with or impair the use of disaster or emergency supplemental assistance. The Department may release a special disaster or emergency supplemental NOFA, separate from the annual NOFA process.

(b) Given a presidential declaration of disaster and the enactment of the Stafford Relief and Emergency Assistance Act or the appropriation of emergency supplemental assistance, in order to address the most serious and emergent health, safety, and general welfare needs, the Department reserves the right to invoke any and all means of expediency and funding program design, where not in conflict with any federal statute or regulations, as set forth in Section 7065.5.

Note: Authority cited: Sections 50406 and 50833.1(d), Health and Safety Code; Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended) and 42 U.S.C. 5121-5207. Reference: Section 50833.1, Health and Safety Code; Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended) and 42 U.S.C. 5121-5207; Public Law 105-18; and HUD Disaster Recovery Final Rule (Fed. Reg. Vol. 62, No 173, p. 47344 (Sept. 8, 1997)).

§ 7065. Emergency Special Grant Program Amendments for Disasters.

(a) A grantee may make a written request to the Department to amend or replace a project or activity set forth in a an active grant agreement with a project or activity which would alleviate or mitigate existing conditions which pose a serious actual or impending threat to the health or welfare of the community.

(b) Notwithstanding any other provision of this Subchapter, the Department shall approve such a request and amend the grant agreement accordingly if the Department makes the following findings in writing:

(1) The grantee is located in an area for which a presidential declaration of disaster, or the Governor has proclaimed either a "state of emergency" or a "local emergency"; as those terms are defined in Government Code Section 8558; ~~within 18 months of the grantee's application under this section.~~

(2) The amended or replacement project or activity is designed to alleviate or mitigate existing conditions which pose a serious actual or impending threat to the health and welfare of the community;

(3) The amendments have necessary eligibility documentation for each activity and its associated national objective and there is no duplication of eligible costs; and

~~(3) The grantee is unable to finance the project or activity on its own and other sources of funding are not available; and~~

(4) The amended or replacement project or activity is otherwise eligible for funding under this Subchapter.

Note: Authority cited: Section 50406(h) and 50406(n), Health and Safety Code.
Reference: Sections 50407 and 50825, Health and Safety Code; ~~24 CFR 570.208(e), 24 CFR 570.482; 24 CFR 570.483(d); and 24 CFR 570.489(a)(1)(i).~~

§ 7065.5. Special Emergency Disaster or Emergency Supplemental Assistance NOFAs. [Repealed]

(a) Notwithstanding any provision in this Subchapter to the contrary, in the event of a special appropriation of emergency supplemental assistance or a presidential declaration of disaster, or the Governor proclaims either a "state of emergency" or a "local emergency" as those terms are defined in Government Code Section 8558, the Department may issue a special NOFA. The special NOFA will make CDBG program funds available to otherwise eligible state applicants located in the areas covered by the federal or state disaster proclamation, pursuant to the following special conditions:

(1) The project or activity shall be designed to alleviate or mitigate existing conditions which pose a serious actual or impending threat to the health or welfare of the community;

(2) The Department will review eligibility documentation for each proposed activity and its associated national objective and ensure there is no duplication of eligible costs; and

(3) The proposed project or activity shall be otherwise eligible for funding under this Subchapter or be eligible pursuant to other HUD eligibility criteria.

(b) In order to address the most serious, emergent health, safety, and general welfare needs, the Department Director or Acting Director may direct funding awards to designated project or activity types, or areas. These measures may include, but are not limited to:

(1) Limiting a NOFA to a designated type of project or activity, or geographic area related to the federal or state disaster proclamation;

(2) Awarding bonus points within a NOFA to a designated type of project or activity, or geographic area;

(3) Reserving a portion of funds in a NOFA for a designated type of project or activity, or geographic area;

(4) Establishing maximum award amounts per applicant, type of project, or type of activity;

(5) Making funds available through an over-the-counter process, meaning the Department continuously accepts and evaluates applications until funds are exhausted.

(c) To the extent necessary to address serious, emergent health, safety and general welfare needs, and to expedite the process of making awards, the Department Director or Acting Director may alter or waive state required criteria set forth in Sections 7060, 7062, 7062.1, and 7078. Health and Safety Code Section 50833.1(b) allows for waiving of Sections 50831 to 50833 of the Health and Safety Code. Federal requirements cannot be waived without express written authority from HUD.

Note: Authority cited: Section 50406, Health and Safety Code. Reference: Sections 50406, 50407, ~~and~~ 50825 and 50833.1, Health and Safety Code; 24 CFR 570.483.