



CITY OF DELRAY BEACH



June 16, 2020

Ann Chavis, Director,
Office of Community Planning and Development
U. S. Department of Housing and Urban Development
Miami Field Office
Brickell Plaza Federal Building
909 SE First Avenue, Room 500
Miami, FL 33131-3028

Dear Mrs. Chavis:

SUBJECT: City of Delray Beach (CITY) Request of Waivers in Response to COVID-19 Pandemic

In response to the COVID-19 pandemic and to mitigate economic impacts caused by COVID-19, the City requests immediate regulatory relief and request waivers to simplifying the notification process to expedite the delivery of assistance.

This waivers request includes the following program:

Community Development Block Grant (CDBG)

The declared-disaster areas include the municipal boundaries of the city of Delray Beach. The City's effective date to start is July 1, 2020.

Thus far, the City of Delray Beach has declared a State of Emergency Order to properly prepare for and respond to the virus in order to protect the public health, safety, welfare and has rendered extensions of the state of emergency as necessary. Many program participants are suffering economic consequences from the mass shutdown of businesses and lack of availability of traditional mainstream benefits.

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the CDBG Program and consolidated planning requirements for all CPD formula programs.

The following regulatory waivers will allow City the flexibility to effectively respond quickly to the

community, economic and housing stabilization needs to address this crisis. We request the following waivers:

CONSOLIDATED PLAN REQUIREMENTS

1. Citizen Participation Public Comment Period for Consolidated Plan Amendment

Requirement:	30-day Public Comment Period.
Citations:	24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
Explanation:	A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.
Justification:	Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG funds.
Applicability:	This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

2. Citizen Participation Reasonable Notice and Opportunity to Comment Requirement:

Reasonable Notice and Opportunity to Comment.

Citations:	24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
Explanation:	As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be

given.

Justification: HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Applicability: This authority is in effect through the end of the 2020 program year.

The CDBG program plays a vital role in our efforts to prepare, prevent and mitigate against the economic impact caused by COVID-19 for eligible households. If you have any questions or need additional information, please contact Ferline Mesidort at mesidort@mydelraybeach.com or (561) 243-7282.

Sincerely,



David Weatherspoon

Interim Director of Neighborhood and Community Services