

**AMERICAN SAMOA GOVERNMENT
COMMUNITY DEVELOPMENT BLOCK GRANT -
DISASTER RECOVERY (DR-4357)**

INITIAL ACTION PLAN – December 04, 2020



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EXECUTIVE SUMMARY

1) **Federal Disaster Funding**

Public Law 115-254 and 116-20 stipulates the appropriation of \$2.43 billion through the Community Development Block Grant – Disaster Recovery (CDBG-DR) program in response to Presidential declared disasters in 2018 and 2019. These CDBG-DR program funds are authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) relevant to disaster relief and long-term recovery for a major disaster that occurred in 2018 or 2019.

American Samoa was devastated by Tropical Storm Gita, also known as DR-4357, and in December 2019, the U.S. Department of Housing and Urban Development (HUD) announced an allocation of \$23 million in CDBG-DR funds to the Territory of American Samoa. This allocation was in accordance with Public Law 116-20 signed by President Trump on June 6, 2019 to address the unmet needs and long-term recovery efforts as a result of widespread damages caused by Tropical Storm (TS) Gita. Flooding from heavy rain, power outages and damaged buildings (residential and commercial) from strong winds were widespread across American Samoa where rainfall in excess of 150 mm (6 inches) was reported.

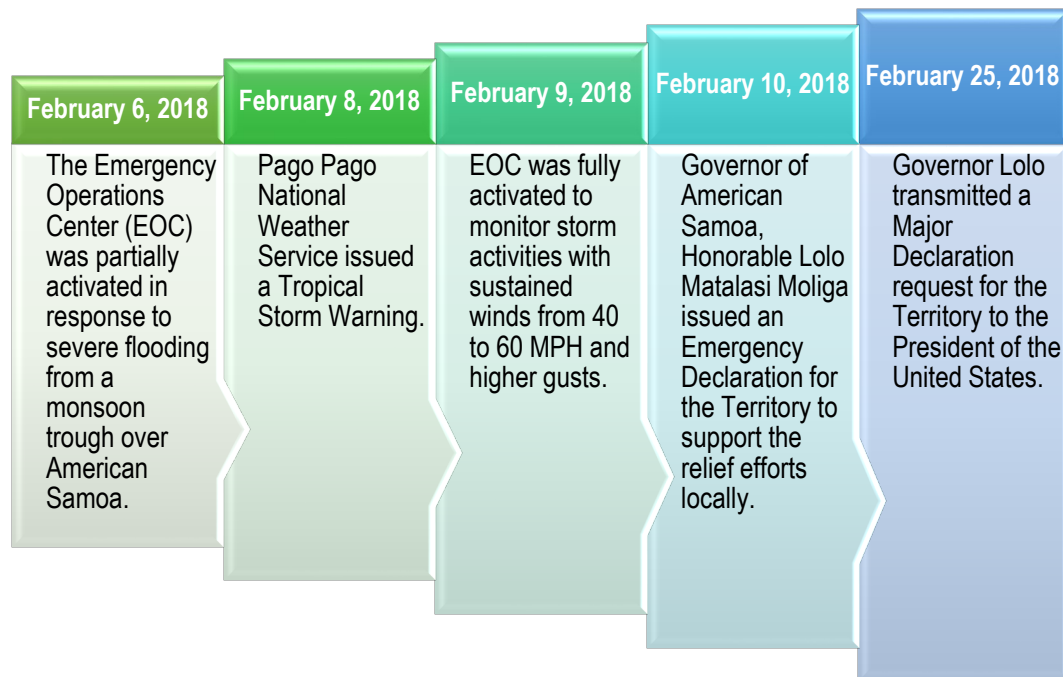
CDBG-DR funds under Public Law 116-20 and 115-254 are allocated directly to the American Samoa Government (ASG). As the American Samoa administering agency for HUD's Community Development Block Grant (CDBG) program since its existence, the American Samoa Department of Commerce (ASDOC) is also the designated grantee for CDBG-DR. Like the administration of CDBG funds, the ASDOC will ensure CDBG-DR funds are intended to benefit low -and-moderate-income households although limited to eligible activities of:

- Immediate Disaster Relief
- Long-term Recovery
- Restoration of Infrastructure and Housing
- Economic Revitalization; and,
- Hazard Mitigation.

Our methodology to determine American Samoa's unmet needs and calculating funding allocation in accordance with the Federal Register Notices is based on home inspection data for FEMA's Individual Assistance Program and Public Assistance Program. This also includes Small Business Administration (SBA) disaster loan program. HUD calculated unmet housing needs as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds already provided by FEMA and SBA.

2) **Federal & Local Response**

The following chart is a sequence of local emergency response in reference to weather conditions that impacted American Samoa prior to TS Gita, and eventually through the devastating impacts of the storm that led to federal response through a Presidential major disaster declaration on March 2, 2018.



The activation of ASG's Emergency Operations Center (EOC) enabled central collaboration for staff and resources from various agencies and non-government organizations to respond to people's emergency needs as a result of TS Gita.

The ASG operated 24 emergency shelters consisting of public-school buildings and community church halls across the Territory for the community to seek refuge during severe weather. This also included the coordination and delivery of food, water and other necessities for immediate relief.

3) **Impact of Disaster**

Gale force winds of over 50 miles per hour (mph) with gusts up to 145mph were recorded for TS Gita. It brought 30 inches of torrential rainfall with severe flooding, landslides, and over \$16 million worth of destroyed crops across the island.

A Presidential disaster declaration for American Samoa also allowed FEMA to provide individual and public assistance to the Territory. During the initial assessment, over 5,400 homes were identified to have been impacted by the tropical storm. Aside from residential homes, small businesses, and public infrastructure (roads, airport, seaport, utilities and telecommunications) were seriously damaged too.

4) Immediate Disaster Relief

A Joint Task Force was immediately activated on February 9, 2018 to operate on a 24-hour basis and to conduct assessments throughout the state of emergency. The Joint Task Force was comprised of emergency service providers including –

- Lyndon B. Johnson (LBJ) Tropical Medical Center
- Emergency Medical Services (EMS)
- Department of Health (DOH)
- Department of Human and Social Services (DHSS)
- Office of Protection and Advocacy
- Territorial Administration on Aging (TAOA)
- Red Cross

The emergency shelters housed a total of 1,114 individuals. The Department of Human and Social Services (DHSS) was assigned to administer all active emergency shelters that opened since Tropical Storm Gita until they closed on February 27th, 2018. By the time the emergency shelters closed, residents received temporary shelters (tents/tarps) or had alternate arrangements. The distribution of tents, tarps and cots were done for the islands of Aunu’u, Manu’a and Tutuila with the data as follows:

Tutuila / Aunu’u	Over 500 tents; 200 tarps and, 400 cots
Manu’a	Over 20 tents, 100 tarps, and 60 cots

During American Samoa’s state of emergency for TS Gita, health assessments were done as well. Medical teams of four (1 Physician, 1 Dentist, 1 Nurses, and 2 Certified Nurse Assistants) were deployed during the storm. As a result, they assisted 2,114 patients, 50 of whom were TS Gita related. There were five dengue fever cases, 4,000 registered senior citizens, 629 individuals with special needs, and 439 were Community Health Center referrals.

Between March 23, 2018 and April 19, 2018, Disaster Survivor Assistance (DSA) Access Functional and Unmet Needs (AFN) assessments were conducted and yielded the following results:

Home Visited	868
Survivor Interactions	3,953
Survivor Registrations	1,842
Case Updates	405
Case Inquiries	123
Whole Community Referrals	1,662
Other AFN Registrations	549

Crisis counseling programs were immediately available for community service program assistance that lasted between April and June 2018. Regular crisis counseling services continued between July 1, 2018 and April 9, 2019. The data for crisis counseling services are as follows:

Immediate Service Program

Individual Counseling	3,487
Group Encounters	173
Brief Education	873

Regular Service Program

Individual Counseling	3,487
Group Encounters	173
Brief Education	746

The American Samoa Government allocated \$500,000 of its local funds for a Disaster Relief Food Assistance Program. Due to limited funding, the team prioritized benefit for the neediest households that were impacted by the tropical storm. An intake application process took place on October 9-22, 2018 to review all applications for assistance. The dissemination of food assistance benefits began on December 21, 2019 as soon as funding became available to the American Samoa Government. The following data is an overall view of the clients or beneficiaries served by the DHSS.

Disaster Relief Food Assistance Program

Total Applied	7,359 individuals or 1,937
Total Approved	2,325 from 903 households
Total Benefits Issued	2,178 individuals (147 didn't claim benefits due to being away from the territory for the holidays or deceased when benefits were issued by December 21, 2018)
Value of Benefits	\$185 / person
Budget Allocation	\$70,000 for Administrative Costs \$430,000 for Benefits

Disaster Case Management Programs were also provided although it delayed due to challenging issues that the program did not launch until February 2019. As a result, 206 cases were identified and all needed 100% home repairs. Only 6 cases were closed with 200 pending. Disaster cleanup efforts can also trigger emotional stress and strain on families. The overwhelming feeling that each survivor cannot control the situation can cause emotional crisis. Village and community homes which we commonly refer to as guest houses are cultural spaces where village events occur. It is also the center of any community or village to gather to meet, celebrate, mourn or gather for a big family or village event. These traditional houses or guesthouses were not deemed eligible for repair and it led to an unmet need for many whose guesthouses were severely damaged by Gita.

Outreach efforts were conducted by the Disaster Case Management program in collaboration between ASG (in this case the DHSS was the administering agency) and a non-government organization called the American Samoa Volunteer Agencies Active in Disasters (ASVOAD). Both groups worked towards identifying any and all unmet needs. The outreach programs enabled this public-private partnership to identify the types of available programs on island. These outreach programs included community groups like

farmers and ethnic communities like the Fijian, Chinese, Korean, Tongan, and Filipino to ensure they all understand the available resources they can seek assistance based on their needs.

Overall, the preliminary damage assessments (PDA) from FEMA had nearly 5,500 applicants with over 7,816 approved for assistance. This FEMA assistance was valued at \$20.3 million in individual assistance and over \$11 million in Small Business Administration loans.

The Disaster Recovery Center (DRC) was in charge of registering survivors for assistance. It also included streamlining the process to implement a pre-registration process that documented a total of 9,883 applicants as of May 1st, 2018. The DRC identified 7,816 for Other Needed Assistance (ONA) and Housing Assistance (HA) with 682 for Small Business Administration for both business and residential.

As of September 2018, both FEMA and SBA provided assistance to American Samoa residents as a result of Tropical Storm Gita.

Tropical Storm Gita – Individual Assistance

ASG / FEMA Preliminary Damage Assessment (PDA)	5,495 Homes
Registered Individual Assistance (IA)	7,816 Individuals
Approved for Housing Assistance (HA)	3,653 Individuals
Approved for Other Needed Assistance (ONA)	4,900 Individuals
Approved for Small Business Administration (SBA)	682 Residential & Businesses

While there were 3,486 applications for SBA, only 682 were approved. Only 4 deaths as a result of TS Gita were assisted under ONA. This is in relation to the fact that some of these victims were unable to receive emergency health care during the storm, as well as medicine. Some victims died as a result of worsening health conditions due to the tropical storm. A total of 24 individuals received maximum awards for Individual and Household Program (IHP) assistance due to home losses (destroyed by TS Gita).

5) Long Term Recovery Efforts

American Samoa’s long-term recovery from Tropical Storm Gita is focused on restoring its critical infrastructure, revitalizing the economy and incorporating resiliency and sustainability in housing structures across the territory to mitigate damages from future disasters.

Tualauta is the largest district in the territory that sustained damages in homes, businesses and critical infrastructure as a result of severe flooding in the area. To date, the area remains heavily impacted by flash floods during rainy season. Various homes across the territory also remain uninhabited due to various reasons including ineligibility of individuals/families to apply or even the federal assistance awarded to them wasn’t sufficient to bring the home up to standard and livable conditions. American Samoa’s

CDBG-DR Action Plan will provide more details on local and federal response and recovery efforts to date.

PART A – GENERAL ACTION PLAN REQUIREMENTS

NEEDS ASSESSMENT

The needs assessment for Tropical Storm Gita is based on data collected from key stakeholders involved in the American Samoa Government disaster recovery efforts. Data pertaining to federal versus local response and assistance are detailed below to better understand the various resources received to date by the territory. In summary, the following table provides an overall needs assessment for the territory versus the proposed allocation amounts. An unmet need is calculated by the estimated total damage less the funding awarded or obligated amount.

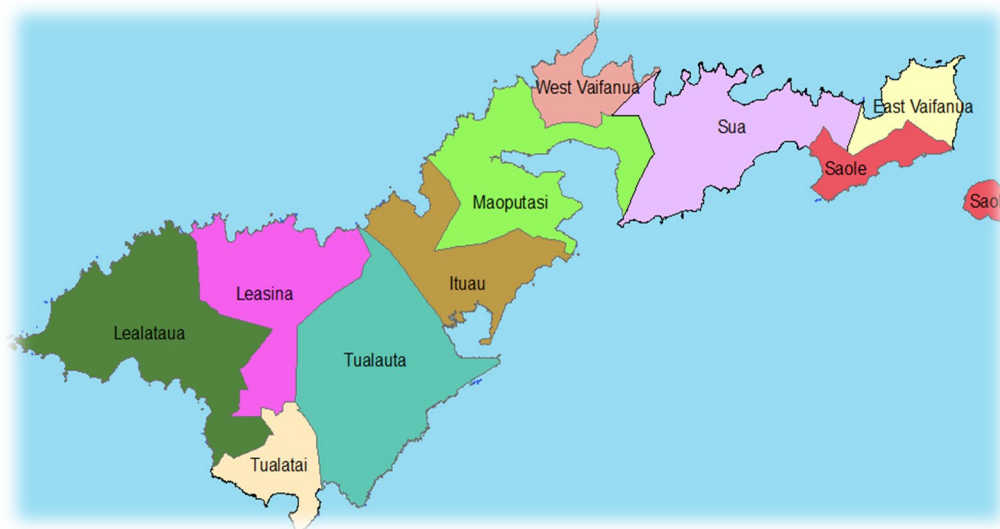
Category	Total Damage	Federal Funding Award	Unmet Need	% of Unmet Need	ASG Allocation Amount	% of ASG Allocation
Housing	\$ 23,494,989.00	\$ 19,896,494.27	\$ 3,598,494.73	-22%	\$ 5,500,000.00	24%
Infrastructure	\$ 13,485,836.00	\$ 6,329,000.00	\$ 7,156,836.00	-43%	\$ 13,000,000.00	56%
Small Businesses	\$ 8,185,219.00	\$ 10,612,600.00	\$ (2,427,381.00)	15%	\$ -	
Other	\$ 9,017,090.00	\$ 33,932,605.31	\$ (24,915,515.31)	150%	\$ -	
Admin	n/a	n/a	n/a		\$ 1,151,950.00	5%
Planning	n/a	n/a	n/a		\$ 3,387,050.00	15%
TOTAL	\$54,183,134.00	\$ 70,770,699.58	\$(16,587,565.58)	100%	\$ 23,039,000.00	100%

The above table provides a summary of the need’s assessment for American Samoa, and how it justifies its priorities for CDBG-DR projects for long-term recovery from TS Gita. Detailed costs are provided as well to better understand the total cost of damages as it pertains to the eligible categories for CDBG-DR. Housing had the most cost in damages from Gita with about \$3.4 million in unmet need costs to account for the remaining households who still in assistance. Given the priority need to focus on housing, ASG proposes to set-aside 24% of its CDBG-DR allocation towards an affordable housing program to address home rehabilitation and the construction of single-family homes who remain unrecoverable since Gita. Furthermore, American Samoa plans to prioritize its CDBG-DR efforts to address the unmet housing needs across the territory.

Considering the entire Territory was impacted and distressed from Tropical Storm Gita, the Method of Distribution is based on the overall unmet housing needs of the territory with the proposed infrastructure project being chosen as an idea project that addresses the most populated county and district in the territory with the most owner-occupied households that were impacted during Gita. According to Table 6.2 of the 2017 Statistical Yearbook on *Housing Units by Tenure, and District and County*, the county of Tualauta has 60% of owner-occupied households with an average household size of 5.6 in occupied units versus 6.1 owner units. Tualauta county has a population of 20,858 residents according to the 2010 Census data, and the largest population among the western district of Tutuila.

Infrastructural damages as it relates to housing were also sustained with an unmet need of about \$7.2million. This coincides with the severe flooding that impacted many homes during the storm in Tualauta county, and the need to set-aside 56% of the CDBG-DR funds to mitigate

the continuing flood problem since Gita from impacting homes, and especially a significant number of low-income households that have sustained home damages since the disaster in



Tualauta.

In reference to economic revitalization under CDBG-DR, ASG will hold off from identifying any projects until its top two priority needs for housing and infrastructure are fulfilled. However, the table reveals very little to no unmet needs for economic revitalization at this time. Other damage costs are also included to provide an overview of where the highest unmet needs are for the territory, and clearly, other needs have been addressed by other federal programs except for much needed long-term recovery for housing.

1) Federal Disaster Assistance

The American Samoa Department of Commerce initiated the request to obtain data on applicant information, damage assessments and monetary assistance pertaining to the Presidential declared disaster FEMA-DR-4357 and SBA 15446-15447 (AS-00007). This was done in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. In summary, the following table provides an overall view of federal disaster assistance for Tropical Storm Gita.

Program Name	Amount
Individual Housing Program (IHP)	\$19,896,494.27
Small Business Administration (SBA)	\$10,612,600.00
Public Assistance – FEMA	\$11,201,147.00
Insurance	\$14,322,000.00
Hazard Mitigation	\$6,329,000.00
Intergovernmental Service Agreement (IGSA)	\$518,720.00
Disaster Related Grants & Federal Programs	\$3,314,753.01
TOTAL	\$66,194,714.28

ASG’s Cost Share Agreement for IHP, PA and Hazard Mitigation accounts for only 10% local match and 90% federal.

Cost Share Agreement Programs	Total Cost	10% Local Match (ASG)	90% Federal Match
IHP	\$19,896,494.27	\$3,742,664.13	\$33,683,977.15
PA	\$11,201,147.00		
Hazard Mitigation	\$6,329,000.00		
TOTAL	\$37,426,641.27		

i. Small Business Administration (SBA)

The SBA data includes financial assistance through SBA’s low-interest federal disaster loans to local residents and small businesses across the territory. Disaster loans up to \$200,000 were also made available to homeowners to repair or replace damaged or destroyed real estate. Homeowners and renters were eligible up to \$40,000 to repair or replace damaged or destroyed personal property.

Up to \$2million in SBA disaster loans were made available to businesses of all sizes and private nonprofit organizations to repair or replace damaged or destroyed real estate, machinery and equipment, inventory and other business assets. SBA also had the option to lend additional funds to businesses and homeowners to help with the cost of improvements to protect, prevent or minimize the same type of disaster damage from occurring in the future.

SBA’s loan interest rates were as low as 3.58 percent for businesses, 2.5 percent for private nonprofit organizations and 1.813 percent for homeowners and renters with terms up to 30 years. Loan amounts and terms were set by SBA and were based on each applicant’s financial condition.

The aggregate data from FEMA provided just the overall number of assistances provided in form of Housing Assistance (HA), Other Needs Assistance (ONA) and Individual Assistance. This does not include Public Assistance (PA) for emergency and permanent work versus Hazard Mitigation Assistance through its Hazard Mitigation Grant Program (HMGP).

According to ASG Treasury’s records, SBA provided the following assistance for the territory for its Individual Housing Program (IHP).

Federal Assistance	Amount
SBA	\$10,612,600
ONA/HA	\$19,896,494.27
TOTAL	\$30,509,094.27

ii. Federal Emergency Management Administration (FEMA)

Individual Assistance	Amount
Total Housing Assistance (HA) – Dollars Approved	\$13,584,223.45

Total Other Needs Assistance (ONA) – Dollars Approved	\$6,959,563.99
Total Individual & Households Program Dollars Approved	\$20,543,787.44
Individual Assistance Applications Approved	6080

Public Assistance	Amount
ASG	\$6,105,231
ASG Authorities	\$4,056,011
PnP Non-Profit	\$1,039,905
Total Public Assistance Grants Dollars Obligated	\$11,201,147

Hazard Mitigation Assistance	Amount
Hazard Mitigation Grant Program (HMPG) – Dollars Obligated	\$6,329,000

Insurance	Amount
	\$14,322,000

For Public Assistance, only 38 entities had projects that were obligated where only 6 were component units, 4 PnPs and 28 Government departments/agencies. Out of 103 projects, only 9 were funded, 68 were pending final review and approval by FEMA, and 26 (22 ASG departments/agencies, 2 Component Units, and 2 PnPs) pending ASG approval. To date, ASG has received \$62,361,241.27 in federal disaster assistance.

iii. Disaster Related Grants and Federal Programs

A total of \$3,314,753.01 was received by ASG for other disaster related grants and federal programs besides SBA and FEMA.

2) Local Disaster Response

ASG immediately absorbed most of the costs to respond timely and recover swiftly from TS Gita. The following accounts were set-up and utilized to account for various costs relating to Gita.

Account No.	Account Description	Approved Budget	Actual Expenses	Account Balance	Total Revenues (Reimbursements)	Receivables (Unreimbursed Funds)
F80101	EOC – DHS	\$1,010,000	\$889,991.84	\$120,008.16	\$259,346.10	\$630,645.74
F80102	DPW	\$730,000	\$586,035.46	\$143,964.54	\$163,767.08	\$422,268.38
F80103	IGSA DPS Security	\$164,520	\$68,406.85	\$96,113.15	-	\$68,406.85
F80104	IGSA DHR Interpreters	\$221,500	\$152,965.23	\$68,534.77	-	\$152,965.23
F80105	DHSS Part 1	\$186,912	\$167,756.26	\$19,155.74	-	\$167,756.26
F80106	IGSA Port – Ferry	\$20,000	\$12,860	\$7,140	\$12,860	-
F80107	IGSA – Printing	\$35,000	\$3,825.90	\$31,174.10	-	\$3,825.90
F80108	DHR – DUA	\$968,760	\$48,818	\$919,942	-	\$48,818
F80109	IGSA – Translation	\$10,000	-	\$10,000	-	-
F80110	ASTCA PW 003	\$241,651.64	-	\$241,651.64	-	-
F80111	Treasury PW 005	\$63,569.29	-	\$63,569.29	-	-
F80112	ASTCA PW 14 (Poles)	\$381,299.86	-	\$381,299.86	-	-
TOTAL		\$4,033,212.79	\$1,930,659.54	\$2,102,553.25	\$435,973.18	\$1,494,686.36

These costs accounted for staff overtime and vendor payments. To date, ASG has pending reimbursement costs with FEMA. These costs are as follows:

Agency	Pending Amount
EOC – DHS	\$259,346.10
DPW	\$163,767.08
DHR Interpreters	\$152,965.23
TOTAL	\$576,078.41

3) Economic Impact and Recovery

The territory sustained approximately \$461.7million in total damages for private versus public properties. The following table provides an estimated breakdown of damages.

Private Damages	Estimated Cost
Assessed Damage to Homes	\$23,494,989
Personal Property	\$24,166,600
Structures, Equipment, and Inventory	\$1,888,800
Income and Profit Losses	\$5,931,041
Crop Losses	\$16,336,443
Total	\$71,817,873

Public Damages	Estimated Cost
Gita-Related Government Project Costs	\$387,943,296
Immediate Response and Recovery Support	\$920,113
ASG Overtime Pay	\$1,008,936
Total	\$389,872,345

While the above tables indicate significant losses to American Samoa’s economy, the Department of Commerce (DOC) also issued an economic impact report for Tropical Storm Gita on February 28, 2018. The report details the assessment of Gita’s economic impacts by three main categories, and in terms of impacts to: 1) individuals, businesses, and government. The report further states the detail breakdown of direct versus indirect impacts relevant to each category. Direct impacts are referred to as the “nominal value of property that was either destroyed or damaged during the cyclone”¹ and while indirect impacts refer to “current and future losses to income and revenues.”² According to the DOC report, American Samoa had over \$26million worth of damages or 4% of its nominal gross domestic product (NGDP) for 2017.

Category	Values of Damages	% o-f Gross Domestic Product
Total Individual Impact	\$17,086,078	2.6%
Direct Individual Impact	\$14,995,177	2.3%
Structures	\$10,159,889	
Personal Property	\$4,835,288	

¹ Impacts of Cyclone Gita on the Economy of American Samoa

² Impacts of Cyclone Gita on the Economy of American Samoa

Indirect Individual Impact	\$2,090,901	0.3%
Loss of Wages	\$1,623,482	
Loss of Rental Income	\$467,419	
Total Business Impact	\$2,254,178	0.3%
Direct Business Impact	\$1,468,000	0.2%
Structures, Equipment, and Inventory	\$1,468,000	
Indirect Business Impact	\$786,178	0.1%
Loss in Corporate Profits	\$786,178	0.1%
Total Government Impact	\$6,984,175	1.1%
Structures and Infrastructure	\$6,984,175	
Total Direct Impact	\$24,233,529	3.7%
Total Indirect Impact	\$2,090,901	0.3%
Total Impact	\$26,324,430	4.0%

Aside from destroyed and damaged homes as a result of Gita, some individuals also suffered loss of wages and rental income. Workers were either temporarily or permanently displaced immediately after the tropical storm.

Businesses including commercial, industrial and non-profit entities were also destroyed or sustained major damages to structures, equipment, and inventories that also led to the displacement of at least 148 workers on island. Additionally, a short-term slowdown in personal consumption was anticipated as well as low corporate profits.

Government on the other hand experienced damages in its infrastructure. Debris removal clean-up efforts were immediately underway after the storm, which also cost the ASG millions of dollars.

Overall, damages to individual homes, government properties were devastating and were forecasted to result in diminished consumer spending in 2018.

4) Impact to Public Services

Public services were impacted when public buildings and critical infrastructure (utilities) were damaged. This also meant a lot of debris removal efforts to ensure public services could resume services back to normal. Restoring protective emergency services, which predominantly included restoring power to critical locations cost about \$63,000. It was later determined that about \$7million worth of government property damages were sustained by various agencies as listed in the following table.

ASG Agency	Debris Cleanup	Emergency Protective Measures	Public Buildings	Utilities	Total
Community College			\$244,000		\$244,000
Power Authority	\$88,436	\$63,438		\$1,719,677	\$1,871,551
Telecommunications Authority				\$3,223,440	\$3,223,440
Agriculture	\$2,800		\$340,044		\$342,844
Education	\$41,960		\$611,000		\$652,960
Parks & Recreation	\$64,000				\$64,000
Public Works	\$221,880		\$363,500		\$585,380
TOTAL	\$419,076	\$63,438	\$1,558,544	\$4,943,117	\$6,984,175

5) Housing Related Impact & Need

Property Damage Assessments done by the American Samoa Department of Homeland Security (ASDHS) with assistance from FEMA revealed significant impacts to housing properties across the Territory. The level of housing impacts is listed in the following table.

Level of Housing Impact	Number of Homes/Households
Affected	1,792
Minor	1,992
Major	1,329
Destroyed	382
TOTAL	5,495

In response to the immediate housing needs of local residents, federal assistance was received by a number of households through FEMA's Individuals and Households Program (IHP) who received awards in the following range of funding assistance.

Total Number of Households with Individuals & Household Programs (IHP) Awards	Range of Financial Assistance
1,405	\$50 - \$1,000
3,556	\$1,001 - \$5,000
820	\$5,001 - \$10,000
158	\$10,001 - \$15,000
54	\$15,001 - \$20,000
32	\$20,001 - \$25,000
22	\$25,001 - \$30,000
10	\$30,001 - \$35,000
17	\$35,001 - \$40,000
6	\$40,001 - \$45,000

Total Number of Households with Housing Assistance (HA) Awards	Range of Financial Assistance
533	\$100 - \$1,000
2,599	\$1,001 - \$5,000
474	\$5,001 - \$10,000
100	\$10,001 - \$15,000
47	\$15,001 - \$20,000
26	\$20,001 - \$25,000
14	\$25,001 - \$30,000
10	\$30,001 - \$35,000
16	\$35,001 - \$40,000

Total Number of Households with Other Needs Assistance (ONA) Awards	Range of Financial Assistance
866	\$20 - \$500

1,284	\$501 - \$1,000
2,838	\$1,001 - \$5,000
36	\$5,001 - \$10,000
5	\$10,001 - \$15,000

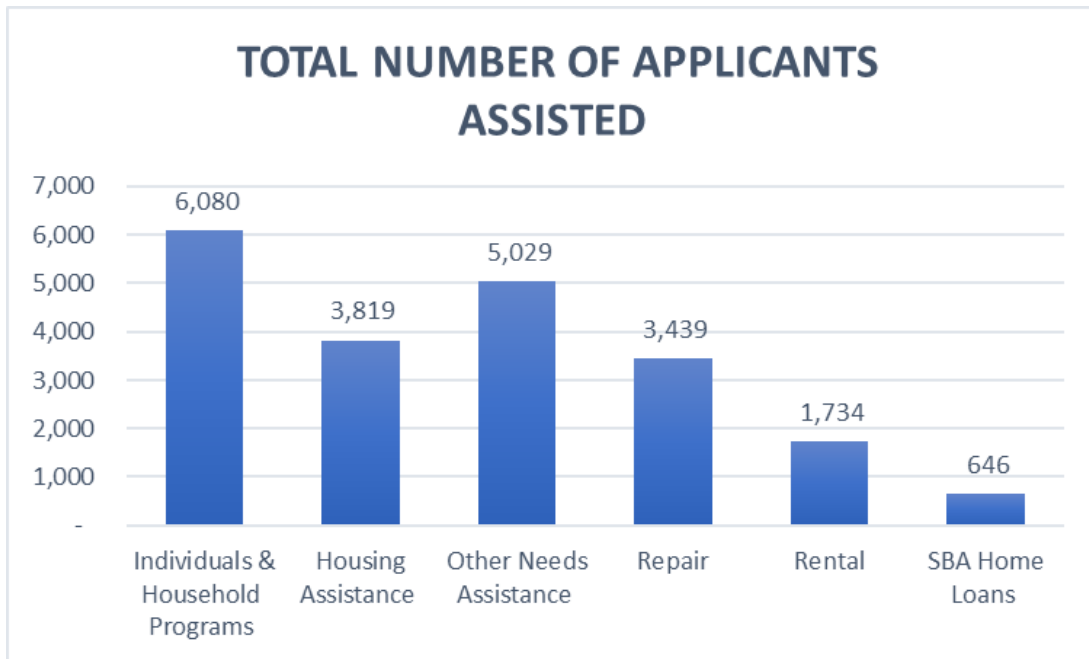
Total Number of Households with Repair Awards	Range of Financial Assistance
737	\$100 - \$1,000
2,198	\$1,001 - \$5,000
336	\$5,001 - \$10,000
71	\$10,001 - \$15,000
44	\$15,001 - \$20,000
19	\$20,001 - \$25,000
11	\$25,001 - \$30,000
23	\$30,001 - \$35,000

Total Number of Households with Rental Awards	Range of Financial Assistance
1	\$500 - \$1,000
1,730	\$1,001 - \$5,000
4	\$5,001 - \$10,000

Total of Households with Approved SBA Home Loans	Range of Financial Assistance
634	\$100 - \$50,000
8	\$50,001 - \$100,000
2	\$100,001 - \$200,000
2	\$200,001 - \$300,000

Although 646 households were approved under SBA's Home Loan Program, approximately 916 applicants were declined, 201 were withdrawn, while 1,087 are in-process.

According to the ASG Treasury, SBA funded \$10,612,600 worth of Individual Housing Program assistance while FEMA's ONA/HA funded \$19,896,494.27. Thus, a total of \$30.5 million worth of Individual Housing Program assistance was provided for American Samoa.



The above table summarizes the number of applicants who received certain types of housing assistance from FEMA and SBA. According to the housing unit's tenure data by district and county across American Samoa from the American Samoa 2017 Statistical Yearbook, 23% of households across the territory live in renter-occupied units compared to the 65% of homeowner-occupied units. The remaining 12% are vacant housing units. This also explains the 8% of applicants who received FEMA and/or SBA housing assistance are rental home unit applicants. Thus, there is greater unmet housing needs among home-owner occupied units, both rehab and new construction.

Public services that may be deemed necessary to complement the activities intended to address housing will be included such as case management, housing counseling, as well as services to address health and welfare including but not limited to child care, substance abuse treatment, and job training. Public services will be done on an as need basis for

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Table 6.2. HOUSING UNITS BY TENURE, AND DISTRICT AND COUNTY, AMERICAN SAMOA: 2010

Districts Counties	Housing Units			Rental vacancy rate (%)	Tenure		Average household size		
	Total	Occu- pied	Vacant		Owner- occupied	Renter- occupied	Occupied units	Owner units	Renter units
DISTRICTS									
American Samoa	10,963	9,688	1,275	4.1	7,106	2,582	5.6	6.0	4.5
Eastern District	4,490	3,982	508	2.8	2,898	1,084	5.6	6.0	4.5
Manu'a District	376	282	94	4.0	258	24	4.1	4.1	3.9
Swains Island	7	6	1	-	4	2	2.8	3.8	1.0
Western District	6,090	5,418	672	5.0	3,946	1,472	5.7	6.1	4.5
COUNTIES									
Ituau	936	818	118	2.2	559	259	5.5	6.1	4.3
Ma'oputasi	1,999	1,782	217	3.1	1,250	532	5.5	6.0	4.4
Sa'ole	466	406	60	1.6	289	117	5.4	5.7	4.4
Sua	595	543	52	7.4	456	87	6.0	6.2	4.9
Vaifanua	494	433	61	-	344	89	5.9	6.0	5.3
Faleasao	40	38	2	-	34	4	4.3	4.2	5.0
Fitiuta	70	66	4	33.3	64	2	4.1	4.1	4.5
Ofu	103	55	48	-	49	6	3.2	3.3	2.5
Olosega	79	45	34	-	41	4	3.9	4.0	3.0
Ta'u	84	78	6	-	70	8	4.6	4.6	4.6
Swains Island	7	6	1	-	4	2	2.8	3.8	1.0
Lealataua	1,038	875	163	3.6	743	132	5.8	6.0	4.6
Leasina	336	297	39	-	255	42	6.1	6.2	5.1
Tualatai	636	589	47	3.9	520	69	6.0	6.1	4.9
Tualauta	4,080	3,657	423	5.4	2,428	1,229	5.6	6.1	4.5

SOURCE: 2010 American Samoa Census Profile

the beneficiaries of the CDBG-DR housing program. Public Service activities are subject to a 15% cap.

6) Vulnerable Populations

As a federal grantee, the American Samoa Government ensures its federally funded programs include the needs of its vulnerable population or clientele. Thus, programs like CDBG-DR will also account for the needs of its vulnerable populations, specifically accessibility and inclusiveness of protected classes during disaster recovery.

Vulnerable populations include the elderly, persons experiencing homelessness or at risk of homelessness, families with children, especially those with a household income below 30 percent of the area median income, and persons and their families who require

supportive housing such as persons with disabilities, alcohol or other drug addiction, and persons with HIV/AIDS.

Community workshops will be done with accessibility to vulnerable populations to participate and ensure they're treated fairly within the review process. The program shall not single-out anyone who's deemed part of the vulnerable population. Partnership with key stakeholders like the Office of Protection and Advocacy for the Disabled, the Territorial Administration on Aging office will be utilized as part of our efforts to make sure services such as these are available to the most vulnerable. This will include home plans or designs that cater to the needs of the most vulnerable (e.g. ADA accessible home)

The determination of the most impacted and distressed communities by using FEMA and SBA damage assessments will be followed by an analysis of population characteristics that may impact one's ability to evacuate and/or recover from a disaster is American Samoa's method to prioritize CDBG-DR funding to benefit the low-to-moderate income groups, address any specific housing needs of vulnerable populations, and affirmatively further fair housing and equality.

PART B - PROJECTS AND ACTIVITIES

BASIS FOR ALLOCATIONS

The availability of CDBG-DR funds to a jurisdiction is to address any unmet needs in response to a Presidentially declared disaster. Accordingly, CDBG-DR funds must address long-term recovery, restoration of infrastructure and housing, and economic revitalization from Tropical Storm Gita.

The entire territory of American Samoa (including the islands of Tutuila, Swains, Aunu'u, and Manu'a) is identified as the most impacted and distressed area. CDBG-DR funds will address the pl within the HUD-identified most impacted and distressed (MID) areas. The unmet needs assessment depicts the need to prioritize the housing needs of local residents impacted by TS Gita. Accordingly, ASG will allocate twenty-four percent of its total CDBG-DR funds for homeowner rehabilitation and the new construction of single-family homes. To further address the need to protect and mitigate severe flooding as to low-income family homes, a public infrastructure (drainage system) will be designed and built with CDBG-DR funds.

While 5% of the total CDBG-DR funds will be set-aside for program administration, including pre-award costs for CDBG-DR staff salaries and start-up costs, 15% of the total allocation is set aside for planning activities. At least 70% of CDBG-DR funds also requires that it benefits low- and moderate-income persons. American Samoa's proposed CDBG-DR budget is detailed below:

Category	Budget	Description
Admin (5%)	\$1,151,950	Salaries, Supplies, Training, etc.,
Planning (15%)	\$3,387,050	Site Assessment, Environmental Review, Survey, Consulting Services (architectural design and scope of work)
Projects (80%)	\$18,500,000	Housing, Infrastructure, and Economic Revitalization projects relating to unmet needs from TS Gita. [Note: 70% must benefit low-moderate income households.]
TOTAL	\$23,039,000	

The following table is a detailed list of proposed budgets by eligible program type as a result of the territory's assessment of unmet needs.

Programs	Total Budget	Percentage of Allocation	Total Percentage by Program Type
Housing (including project delivery cost)			
Homeowner Rehab	\$2,500,000	11%	80%
Single Family New Construction	\$3,000,000	13%	
Infrastructure			
Roads/Drainage System	\$13,000,000	56%	

Administration	\$1,151,950	5%	5%
Planning	\$3,387,050	15%	15%
TOTAL	\$23,039,000	100%	100%

1) Criteria for Eligibility

Similar to CDBG, projects funded under CDBG-DR must meet one or more of the CDBG National Objectives such as:

- 1) Benefiting low-and-moderate-income persons;
- 2) Eliminating slums and blight; and,
- 3) Urgent Need

In accordance with 24 CFR § 570.482, CDBG-DR funds may only be used for activities including housing, public services, real property improvements, public facilities and economic development. The use of CDBG-DR funds for other allowable activities include mitigation as defined by waivers and alternative requirements as stipulated in applicable Federal Register Notices. Any mitigation project funded by CDBG-DR must have nexus to Tropical Storm Gita. Typically, CDBG-DR funds are used to address unmet needs that other federal programs have not yet addressed. CDBG-DR funds can also be used as match for state and federal funding with certain restrictions. Each CDBG-DR activity must do the following:

- Address a disaster related impact (direct or indirect) in a Presidentially declared area for the covered disaster;
- Be a CDBG eligible activity; and,
- Meet a CDBG National Objective

It is deemed ineligible to use CDBG-DR funds for projects in which other federal funds are already available for.

a) Restoration of Housing

CDBG-DR funds for American Samoa will focus on housing rehabilitation and/or reconstruction of single-family homes that were damaged as a result of a disaster. New construction is also allowed upon approval of a HUD waiver or alternative requirement to allow it, and that it addresses a direct and/or indirect impact of the disaster.

According to 83 FR 5861, 42 U.S.C. 5305(a) and 24 CFR 570.207(b)(3), new housing construction is permitted as waived and adopted in alternative requirements to the extent necessary to permit new housing construction. Green building standards, elevation requirements, accessibility, broadband infrastructure, and resilient construction standards are all described in 83 FR 5861.

While it is important to address the rehabilitation and/or construction of rental properties, whereas each activity must meet the low-moderate-income household national objective

to meet the overall benefit requirement. This means at least 51% of the units in a CDB-DR funded property must be occupied by persons or households whose incomes are equal to or less than 80% of its area median income. However, the rental housing market in American Samoa was developed not too long ago with the availability of HUD's Section 1602 Program where affordable housing units were constructed to serve the rental housing needs of the community.

Section 1602 rental units are privately owned but are still deemed unaffordable under HOME investment partnership program rental rates. Majority of these units are still new and do not require repairs due to its modernized and resilient design. Thus, the American Samoa Government proposes to focus on the development of single-family homes, given the significant number of unmet housing recovery needs of the community.

The affordability period for CDBG-DR-funded Homeownership Programs is a minimum of five years on all newly constructed single-family housing made available for low- and moderate-income homeownership through a CDBG-DR-funded homeownership program. If ASG builds new single-family housing, an affordability period of not less than five years will be required by resale or recapture restrictions through recorded use or deed restrictions, communal land-lease, or other similar mechanisms.

ASG proposes to fund two types of housing programs under CDBG-DR, one for homeowner rehabilitation and another one for the construction of new single-family homes. A significant number of households whose homes were damaged during Gita remain undone due to various reasons. This was also revealed during our citizen participation period where a number of residents were interested in applying for assistance. However, we further explained to them what the Action Plan was for. Depending on the current situation of the home, the CDBG-DR housing case manager will look into developing a review sheet to determine when a project is deemed eligible for rehabilitation versus new construction. A review sheet to assess how much would be treated as sufficient for home rehab would also be developed by the staff to ensure the home project can be restored to a safe and decent space for the household. If new construction is determined for a household, then a standard plan will be utilized to build a new and affordable home.

The concept for new construction will be similar to the existing HOME Investment partnership home plan where 3 different sets of standard plans are in place to determine the best and most affordable new home to a family, depending on the outcome of the underwriting.

The American Samoa Government does not plan to fund rehabilitation and/or new construction of rental housing due to very little to no rental units impacted during Gita. A 5-year affordability period must be in place for newly constructed single-family homes with a resale and recapture policy in place.

i) Resale

If the housing unit designated as an affordable unit does not continue to be the principal residence of the approved homebuyer(s) for the duration of the period of affordability, the home shall be made available for subsequent purchase only to another qualified low-moderate level income household. The new borrower must meet the CDBG-DR program definition, and will use the property as its principal residence. The remaining resale restrictions will apply to the new homebuyer(s). If additional CDBG-DR assistance is provided to the new homebuyer(s), the period of affordability for the unit starts anew.

ii) Recapture

Borrowers who violate the affordability period requirements by selling or renting the CDBG-DR assisted property may be subject to foreclosure by the bank and subsequent sale of the property. Net proceeds from the sale of such homes will be used first to recapture as much of the CDBG-DR investment made to construct the house as soon as possible. Any proceeds in excess of this amount will be returned to the borrower. All subsidy amounts (in the form of loans) that directly benefited the property owner (i.e., through down payment and/or closing cost assistance, deferred payment loans, interest rate buy-down, property discount, etc.) are also subject to recapture. Recapture is capped at what is available out of net proceeds. Net proceeds are defined as the sales price less superior non-HOME debt (if any) less closing costs.

i) Minimize or Address Displacement

To minimize or address the displacement of persons or entities, the program will fully comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act (URA). Case Managers shall prepare documentation to ensure whether or not housing program clients may be displaced from their homes under rehabilitation or construction. This is where public service is also provided and referred to our clients to ensure they're prevented from being at risk for homelessness.

ii) Maximum Assistance and Cost Reasonable Assessment

A reasonable cost shall be determined by an architect/engineer will also be in place based on the unmet need of the family and the condition their home is in during the time of CDBG-DR funding consideration. The only exemption from maximum assistance would be situations where Americans with Disabilities Act (ADA) specifications are required for a home with ADA accessibility.

iii) Elevation Standards

Elevation standards are applicable for new construction, the rehabilitation of substantially damaged structure, or substantial improvements to residential structures in flood zone areas. Home plans will be developed to include stilts (between 4 to 8 feet above ground) to ensure the home continues to be protected even throughout future disasters.

[Insert HOME policy costs for homes in flood zones]

Proper documentation during pre-construction period is key to ensure we have a record of a neighborhood or local government level that elevation, as opposed to alternative strategies, is cost reasonable to promote long-term recovery.

iv) **Protection of People and Property; Construction Method**

[to be determined by Architect/Engineer]

v) **Use of Urgent Need**

[To be determined after all key details are in place by Architect/Engineer]

b) Public Facilities & Infrastructure

Publicly owned facilities and infrastructure like streets, playgrounds, underground utilities, and buildings owned by non-profits that are open to the general public are identified as Public Facilities and Improvements under the Community Development Block Grant.

Safe and accessible infrastructure is essential to a community's quality of life. Infrastructure is significant in developing communities to be resilient, diverse and stabilized, especially in times of disaster. It is imperative to look into designing infrastructural projects with multiple benefits, investments in public facilities and improvements can be strengthened by working with partners and leveraging non-CDBG-DR resources. Partnership and coordination, especially those relevant to utilities and roadway projects, help the construction process proceed more smoothly and to save money.

Improvements in the phrase Public Facilities and Improvements are often referred to as infrastructure projects by state and local governments. For example, streets and sidewalks, water and sewer improvements, utility lines, flood and drainage systems, and tree planting. Such improvements can also include public art installations, aesthetic improvements like decorative street lighting, benches and planters.

Any infrastructure project located in a floodplain area must meet the requirements in 24 CFR Part 55 "Floodplain Management and Protection of Wetlands." To construct new infrastructure, it must be considered eligible for CDBG-DR by justifying a nexus between the infrastructure and the applicable disaster (in this case, Tropical Storm Gita).

For CDBG-DR funding, ASG proposes to fund a drainage system to address the severe flooding that impacted many families and their homes during Gita. The proposed flood mitigation project is to match the hydraulic capacity of the existing bridges on Route 001-Main Road; however, the approach structures will be reconstructed by widening and trimming the existing features in order to re-establish original bank lines to provide 15-year storm event working area limits and to provide greater scour protection and improved

conveyance capacity. Heavy rainfall from Gita engulfed the existing watersheds from various villages on the west side causing flooding on the main road and into family homes within the area.

i) Mitigation Measures

The proposed infrastructure project for CDBG-DR funding is deemed a priority due to its flood mitigation purpose to protect homes and people's lives from any disasters. The main road and homes were inundated with water throughout the disaster and has become even worse today. The infrastructure project includes mitigation measures to protect people's lives and homes from future disasters, as it was during TS Gita's time that there was severe flooding in the area due to lack of a proper drainage system.

c) Community Resilience

83 FR 5851 elaborate on preparedness and resiliency activities, and to ensure that CDBG-DR funds are used for authorized disaster recovery purposes, all assisted activities must respond to the impacts of the declared disaster. Grantees are encouraged to incorporate preparedness and resiliency measures into CDBG-DR assisted activities to rebuild communities that are more resilient to future disasters. Resiliency measures that are not incorporated into those rebuilding activities must be a necessary expense related to disaster relief or long-term recovery that responds to the eligible disaster. Minimizing harmful impacts of weather-related hazards on island is encouraged for the safety of people and to protect local and HUD-invested projects.

Moving forward, every CDBG-DR funded home in American Samoa must be built up to code with disaster proof homes in mind. Home plans within a flood zone area versus one in a mountainous terrain, and versus one on flat land shall all be considered with resiliency in mind. This can be achieved with home plans designed according to the construction site as well as coordinating with hardware stores to order disaster-proof materials for homes.

Establishing partnership with relevant agencies within the Project Notification Review System board consisting of agencies like Public Works, Commerce, Environmental Protection Agency, etc., would also be a one-stop shop for a construction and land-use matters for local and regional planning efforts.

iii) Resilience to Natural Hazards

Project Architect/Engineer to provide further details

iv) Disaster Recovery and Response Plan

American Samoa has a Hazard Mitigation Plan in place aside from a Disaster Recovery and Response Plan that was initiated by FEMA as part of the long-term recovery from Gita and all future disasters faced by the territory.

v) Leveraging Funds

Many other disaster recovery funds are focused on addressing the specific goals and objectives of their programs while SBA and FEMA are the only two that targeted a lot on housing recovery.

vi) Construction Standards

[To be determined further by Architect/ Project Engineer]

d) Economic Revitalization

Economic revitalization projects must address the economic impacts caused by TS Gita. Such projects may address job losses, negative impacts to tax revenues or businesses. For example, CDBG-DR may fund loans and grants to businesses, fund job training, improving commercial/retail districts, and financing other opportunities to create or retain jobs in communities affected by the disaster, in which case, 51% must be filled by persons with low-to-moderate income. All infrastructure and economic revitalization activities will be in support of housing. Priority in ASG CDBG-DR funds will be given to meeting American Samoa's unmet housing needs and public infrastructure that lead to mitigating hazardous impacts on housing. Economic revitalization will be a placeholder for now depending if any funding resources are left over from the first two key priorities for CDBG-DR.

e) Duration of Funding

Each grantee is required to expend 100 percent of its allocation of CDBG- DR funds on eligible activities within 6 years of HUD's initial obligation of funds pursuant to an executed grant agreement. However, in accordance with 31 U.S.C. 1555, HUD shall close the appropriation account and cancel any remaining obligated or unobligated balance if HUD's Office of the Assistant Secretary for Community Planning and Development determines that the purposes for which the appropriation has been made have been carried out and no disbursements have been made against the appropriation for two consecutive fiscal years. In such case, the funds shall not be available for obligation or expenditure for any purpose after the account is closed.

PART C – CLARITY OF PLAN & CITIZEN PARTICIPATION

CITIZEN PARTICIPATION & COMMUNITY ENGAGEMENT

The American Samoa Government must ensure adequate citizen involvement by providing everyone an opportunity to be part of the planning, implementation and evaluation process of its CDBG-DR funding allocation.

To ensure CDBG-DR funds are awarded and implemented timely, the Citizen Participation requirements for American Samoa's CDBG-DR funding does not mandate public hearings. Accordingly, the provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c) are waived. However, the Citizen Participation requirements for CDBG-DR in American Samoa will be as follows:

1) Participation

The Citizen Participation Plan for CDBG-DR mandates ASG to encourage and facilitate the participation of all its residents, including minorities and non-English speaking persons, persons with disabilities in the planning process for its CDBG-DR funds. Service providers, government agencies, and others in the development of the CDBG-DR Action Plan and Amendments (substantial or non-substantial) are also encouraged to participate.

Participation is highly encouraged in discussion pertaining to identified needs, prioritization, funding allocation, and recommendations relevant to the unmet needs of the territory as a result of Tropical Storm Gita. The ASG shall provide for and encourage citizen participation with particular emphasis on:

- 1) Low-and-moderate-income persons;
- 2) All persons residing in American Samoa as a low-moderate income area; and,
- 3) Persons residing in areas affected by the proposed use of CDGB-DR grant funds.

ASG shall ensure that non-English speaking persons have meaningful access to federally funded programs, services and written materials. The territory is also committed to complying with the Americans with Disabilities Act (ADA). Reasonable modifications enabling full participation of residents with disabilities will be provided upon request.

American Samoa's CDBG-DR Action Plan was coordinated through the Governor's Office and in collaboration with key ASG agencies including the: Office of Disaster Assistant and Petroleum Management, Department of Human and Social Services, Department of Homeland Security, Department of Public Works, the American Samoa Community College, the American Samoa Power Authority, the American Samoa Telecommunications Authority, the LBJ Tropical Medical Center, Port Administration, and Treasury. These agencies were involved in immediate disaster recovery efforts for the territory, and are all deemed as

stakeholders to review and determine the unmet priority needs of American Samoa as a result of Tropical Storm Gita.

2) Public Comments

ASG is required to provide residents, service providers, government agencies, and other stakeholders ample time, not less than 30 days, to review and/or comment on the proposed use of CDBG-DR funds.

Public notices shall invite interested persons to submit comments in writing via email or letter addressed to the ASG CPD Coordinator. Contact information must be provided on all public notices as well as on any of the documents or materials being considered. All comments will be reviewed with documented response as to why such comment(s) will be incorporated or excluded from the proposed use of CDBG-DR funds.

3) Availability and Accessibility of the CDBG-DR Action Plan

Public notices will be published via newspaper of general circulation to announce the purpose, time and for a 30-day public comment period. A copy of the CDBG-DR Action Plan will be available at the Department of Commerce and one on the agency website. A copy of the plan can also be made available upon request. When the need is anticipated or requested, language translation services shall be made available for non-English speaking residents as well as accessible means for persons with disabilities. This will also include performance reports and any substantial or non-substantial amendments.

Public comments on the CDBG-DR Action Plan are welcome within the 30-day comment period as required by 24 CFR Part 91. A copy of the Action Plan can be accessed on the DOC office website at www.doc.as or specifically at <https://doc.as/community-development-block-grant-disaster-recovery-cdbg-dr/cdbg-dr-public-notice-draft-plan/> and a hardcopy can be reviewed at the Department of Commerce. Translation into and out of native language (Samoan) that is widely spoken will be provided.

The CDBG-DR Action Plan also complies with Title II of the Americans with Disabilities Act (ADA) where persons who may need auxiliary aids, services or special modifications to participate in the public comment process may contact ASG's CPD Coordinator Ms. Petti Matila via email or office phone for assistance.

The general public is invited to submit written comments via email or letter concerning the CDBG-DR Action Plan no later than 4:00 p.m. on Monday, November 23, 2020. All comments received by the aforementioned date and time will be considered. Written questions or comments regarding the CDBG-DR Action Plan may be addressed to:

Mr. Petti Matila, CPD Coordinator

Department of Commerce
A.P. Lutali Executive office Building, 2nd Floor,
Pago Pago American Samoa 96799

or via email at peti.matila@doc.as. She can also be reached at the office at (684) 633-5155 with any questions concerning this public notice.

4) Consultation

Stakeholder meetings were held among ASG agencies and non-government organizations who were involved in disaster recovery during Gita were all included in meetings to discuss potential projects for CDBG-Dr funding consideration based on a complete unmet needs' assessment. Everyone came with their proposed projects in mind, but the ultimate priority was housing and infrastructure for long-term recovery from Gita.

5) Substantial Amendments

There are times when it may be necessary for ASG to process a 'substantial amendment' to its CDBG-DR Action Plan to allow for new project activities; modification of existing activities or other program administrative actions.

Any substantial amendment is subject to the CDBG-DR Citizen Participation Process, and requires formal action by the ASG and final approval from HUD. A thirty (30) day public notice is published to provide an opportunity for the public to review and comment on the proposed substantial amendment(s). ASG will consider all written and verbal comments received from the public. A summary of these comments will be included in the final submission to HUD. The summary will include unacceptable comments and reasons why they may be deemed unacceptable.

In accordance with 24 CFR Pat 91.505(b), the grantee is required to identify the criteria for determining if a proposed action is considered a 'Substantial Amendment.' The following criteria will be used by ASG - if any one of the following criteria applies:

- 1) A new activity not previously listed and described in the CDBG-DR Action Plan;
- 2) When a proposal is made to amend the description of an existing activity in such a way that the newly described purpose, scope, location or beneficiaries differ significantly from the original activity's purpose, scope, location or beneficiaries;
- 3) An increase in the amount of CDBG-DR funds allocated to an existing activity when the following apply:
 - An increase in funding for a CDBG-DR public service type activity in an amount greater than \$500,000 over the current funded amount; or,

- An increase in funding for other activities (housing, infrastructure, and economic revitalization) in an amount greater than \$1,000,000 over the current funded amount.

4) In an effort to efficiently utilize CDBG-DR funds, ASG will consider reprogramming unspent funds from completed and cancelled activities to other eligible activities. Activities under the territory's thresholds may be cancelled for cause and funds reprogrammed without resulting in a substantial change. Examples of cause are:

- a. Cancellation requested by the subrecipient (if any);
- b. Determination that insufficient funding prevents accomplishment of the activity; and,
- c. Determination that the project cannot be carried out in a timely or eligible manner.

In the event that any of the above administration reprogramming actions are over the threshold, and fall under the 'substantial amendment' criteria, the proposed actions are subject to the Citizen Participation process and will require formal action by the ASG, and notification to HUD.

6) Non-Substantial Amendments

ASG shall notify HUD at least 5 business days before an amendment becomes effective for a CDBG-DR Action that is deemed non-substantial. All CDBG-DR Action Plan amendments must be numbered sequentially and posted on the website.

7) Public Website

The CDBG-DR Action Plan, amendments (substantial and non-substantial), performance reports, citizen participation requirements, policies & procedures, procurement policies, and list of activities or projects described in the action plan will be made available online for public access. Contracts will also be posted as defined in 2 CFR 200.22. The DOC website shall dedicate a section to the CDBG-DR funds for the territory.

APPLICABLE LAWS & REGULATIONS

The CDBG-DR grant is subject to comply with other applicable laws, both federal and local. A summary of specific laws and regulations are provided herewith with reference to the Community Development Block Grant and disaster recovery.

1) Robert T. Stafford Disaster Relief and Emergency Assistance Act

Commonly known as the Stafford Act, the Robert T. Stafford Disaster Relief and Emergency Assistance Act was signed into law on November 23, 1988, which amended the Disaster Relief Act of 1974. The Stafford Act constitutes the statutory authority for most federal disaster response activities especially as they pertain to FEMA programs. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, among other things, establishes various authorities that the executive branch may exercise in an

“emergency. The Act defines an “emergency” as any circumstance in which the President determines that federal assistance is necessary to supplement state and local efforts to protect public health and safety.

2) Public Law 116-20

Congress passed Public Law 116-20 on June 6, 2019, titled the *2019 Appropriations Act*, making \$2,431,000,000 in CDBG-DR funds available for major disasters occurring in 2017, 2018, or 2019. American Samoa received an allocation of \$23,039,000 under Public Law 116-20.

3) Public Law 115-254

This public law provides supplemental CDBG-DR appropriations for the Disaster Relief Act, 2018 which was approved on October 5, 2018 and made available \$1.68billion in CDBG-DR funds for major disasters declared in 2018.

4) Federal Register Notices

A Federal Register Notice is published for each public law passed appropriating disaster recovery funds under the Community Development Block program for disaster recovery. The notice is issued by HUD’s Office of the Assistant Secretary for Community Planning and Development. Each Federal Register Notice:

- Allocates funding to grantees
- Limits spending funds to the most impacted and distressed areas
- Describes waivers and alternative requirements governing the allocation
- Lays out the process grantees must follow prior to executing their grants
- Describes ongoing requirements for financial management and reporting

The Federal Register Notice published covering Public Law 116-20 is titled *Allocations, Common Application, Waivers, and Alternative Requirements for Disaster Community Development Block Grant Disaster Recovery Grantees* and commonly referenced as 85 FR 4681. References to Prior Notices in each subsequent notice point to existing requirements that still pertain to the new appropriation. The HUD Exchange website for the CDBG-DR program lists the Federal Register Notice that corresponds to each year of disaster events.

5) Fair Housing, Handicapped Accessibility and Equal Opportunity

The Office of Fair Housing and Equal Opportunity (FHEO) is an agency within HUD. The mission of the FHEO is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws. Other law that are implemented and enforced by FHEO include:

- Title VI of the Civil Rights Act of 1964
- The Fair Housing Act of 1968, amended by Fair Housing Amendment Act of 1988
- Section 109 of the Housing and Community Development Act of 1974
- Section 504 of the Rehabilitation Act of 1973
- Titles II and III of the Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Age Discrimination Act of 1975
- Title IX of the Education Amendments Act of 1972
- Section 3 of the Housing and Urban Development Act of 1968

All activities undertaken with federal funding received from HUD are subject to the laws enforced by the FHEO. Together, federal and state laws prohibit housing discrimination based on a person's race, color, religion, ancestry/national origin, sex, familial status, physical or mental disability, marital status, age, HIV infection, sexual orientation, and gender identity.

6) HUD Community Development Block Grants

HUD's CDBG Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic 24 CFR 570 Community Development Block Grants covers federal law requirements of grantees receiving annual grants. 24 CFR § 570.429 CDBG- and CDBG-DR-funded activities must qualify as meeting one of the three National Objectives of the program. This requires that each activity, except those carried out under the basic eligibility categories of Program Administration and Planning and Capacity Building, meet specific tests for either:

- Benefiting low- and moderate-income persons.
- Preventing or eliminating slums or blight
- Meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Both the annual CDBG grant and the CDBG-DR grant can be applied to eligible activities for housing, public services, real property improvements, public facilities, and economic development.

7) Citizen Participation Plan

The Citizen Participation Plan (CPP) describes the territory's policies and procedures for involving local residents or citizens in the administration of its federal-funded Community Planning and Development Programs. The CPP seeks to encourage citizens to engage and participate, especially among persons in lower income groups. Furthermore, the CPP allows citizens, especially those likely to be affected, in particular, residents of slum and blighted areas and in very-low and low-income neighborhoods in which program funds are proposed to be used, to express their needs. Amendments to the CPP also encourage citizen participation in the disaster recovery program.

8) CDBG-DR Grant Requirements

Disaster Recovery funds are allocated to states and units of local government recovering from a qualifying major disaster declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.). Federal Register Notices provide detailed requirements for grantees to uphold grant compliance throughout each stage of the grant process. Prior to executing a grant agreement, HUD requires grantees to submit specific documentation for the purpose of certifying that the grantee has proficient financial and management controls, procurement standards, and staffing capacity. HUD also requires grantees to submit an Implementation Plan and an Action Plan prior to executing a grant agreement authorizing use of CDBG-DR funds.

i) Cross-Cutting Federal Requirements

Other applicable federal requirements include the National Environmental Policy Act through an Environmental Review; understanding the Flood Insurance requirements for federally funded projects; applying labor standards like the Davis Bacon Act and related laws; fostering Section 3 of the Housing and Urban Development Act of 1968 for economic development opportunities; upholding the Federal Funding Accountability and Transparency Act; complying with the Federal Financial Management and Procurement Act as well as Lead-Based paint regulations along with the Uniform Relocation Assistance and Real Property Acquisition Act.

PART D - GRANT MANAGEMENT AND BUDGET

1) Budget

Refer to page 19 under Project Plans and Activities for the proposed budget.

2) Cost Verification

To be done by Architect/Engineer, Inspector and Finance Officer

3) Program Income

Program Income will be generated through the Housing Loan Program, specifically in form of loan repayments. As clients start paying back their loans, program income must be collected and deposited into a separate account for CDBG-DR. That Program Income account can be used by the regular CDBG program to fund new projects or in case of future disasters, can be used as a revolving loan fund to build new homes and/or rehabilitate homes impacted by a future disaster.

4) Uniform Relocation Act

Further details to be determined

5) Projections for Expenditures & Performance Outcomes

[To Be Determined once other key details are in place for construction and infrastructure projects in order to determine an estimated projection of expenditures that coincides with performance outcomes]

6) Certification and Risk Analysis Documentation

To be completed once all key details are included by other key staff (Architect/ Engineer)

7) CDBG-DR Certifications

See separate submission via email

8) SF-424

Please see attachment

