

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
AMENDMENT NUMBER 1 TO CONTRACT NUMBER 61200003282
FY 2020 COMMUNITY SERVICES BLOCK GRANT PROGRAM ("CSBG")
DISATER RELIEF SUPPLEMENTAL FUNDS
CFDA NO. 93.569

Awarding Federal Agency: United States Department of Health and Human Services (HHS)
TDHCA Federal Award Number: G-2001TXCOSD
Award Year (Year of Award from HHS to TDHCA): 2019 (Stage I) and 2020 (Stage II)
Unique Entity Identifier Number: 161811138

This Amendment Number 1 to Community Services Block Grant Program Disaster Relief Supplemental Funds Contract Number **61200003282** ("Amendment") by and between the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas ("Department"), and **Hidalgo County, Texas-County of Hidalgo Community Service Agency**, a political subdivision of the State of Texas ("Subrecipient"), hereinafter collectively referred to as "Parties".

RECITALS

WHEREAS, the Department and Subrecipient, executed the 2020 Community Services Block Grant Program Disaster Relief Supplemental Funds Contract Number **61200003282** ("Contract") to be effective on **May 20, 2020**; and

WHEREAS, the Parties desire to amend the Contract in the manner provided herein below.

AGREEMENTS

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 45. FEDERAL AND STATE WAIVERS AND ALTERNATIVE REQUIREMENTS of this Contract is hereby added to read as follows:
"SECTION 45. FEDERAL AND STATE WAIVERS AND ALTERNATIVE REQUIREMENTS
A. Beginning October 1, 2019, notwithstanding the language in 10 TAC §6.3(b)(33)(C), CSBG funds may be used to serve Low-Income Households not to exceed 200% of the Federal Poverty Income Guidelines.

B. Intentionally Left Blank"
2. Exhibit A. Contract Benchmarks, of this Contract is hereby deleted and replaced in its entirety with the attached Exhibit A.
3. Exhibit B. Performance Statement, of this Contract is hereby deleted and replaced in its entirety with the attached Exhibit B.
4. Exhibit C. Budget, of this Contract is hereby deleted and replaced in its entirety with the attached Exhibit C.
5. Exhibit D. Use Of Funds For Repairs And Equipment, of this Contract is hereby amended to add attached Exhibit D.
6. All of the remaining terms of the Contract shall be and remain in full force and effect as therein set forth and shall continue to govern except to the extent that said terms conflict with the terms of this Amendment. In the event this Amendment and the terms of the Contract are in conflict, this Amendment shall govern, unless it would make the Contract void by law.
7. Each capitalized term not expressly defined herein shall have the meaning given to such term in the Contract.
8. This Amendment may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on Parties, notwithstanding that all the Parties shall not have signed the same counterpart.

9. If any of the Parties returns a copy by facsimile machine or electronic transmission, the signing party intends the copy of its authorized signature printed by the receiving machine or the electronic transmission to be its original signature.
10. By signing this Amendment, the Parties expressly understand and agree that its terms shall become a part of the Contract as if it were set forth word for word therein.
11. This Amendment shall be binding upon the Parties hereto and their respective successors and assigns.
12. This Amendment shall be effective on **May 20, 2020**.

AGREED TO AND EXECUTED BY:

SUBRECIPIENT:

**Hidalgo County, Texas-County of Hidalgo Community Service Agency
a political subdivision of the State of Texas**

By:

Title:

Date:

DEPARTMENT:

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS,
a public and official agency of the State of Texas**

By:

Title: Its duly authorized officer or representative

Date:

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
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**EXHIBIT A
CONTRACT BENCHMARKS**

**Hidalgo County, Texas-County of Hidalgo Community Service Agency,
a political subdivision of the State of Texas**

1. Contract 10% expended as provided in the Budget by October 31, 2020.
2. Contract 25% expended as provided in the Budget by December 31, 2020.
3. Contract 50% expended as provided in the Budget by February 28, 2021.
4. Contract 75% expended as provided in the Budget by May 31, 2021.
5. Contract 100% expended as provided in the Budget by July 31, 2021.

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EXHIBIT B
PERFORMANCE STATEMENT

Hidalgo County, Texas-County of Hidalgo Community Service Agency,
a political subdivision of the State of Texas

Contract Term: **10/01/2019 - 07/31/2021**

Service Area : **Hidalgo County**

ACTIVITIES DESCRIPTION

Hidalgo County, Texas-County of Hidalgo Community Service Agency, a political subdivision of the State of Texas ("Subrecipient") agrees to perform the following measurable activities:

1. Community Resilience and Recovery initiative
Designate and train community individuals as "Neighborhood Captains", to be the first to respond during a disaster. They will notify neighbors and implement an action plan to ensure the safety of everyone in their designated zone.
2. In addressing needs of individuals and families, any necessary service or activity meeting needs related to the disaster and neither Federal Emergency Management Agency (FEMA) nor insurance funds have paid or will pay for the assistance they are seeking.
3. Conducting a Needs Assessment to determining the additional needs of households in the affected disaster areas.

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**EXHIBIT C
BUDGET**

**Hidalgo County, Texas-County of Hidalgo Community Service Agency,
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Contract Term: **10/01/2019 - 07/31/2021**

PERSONNEL	\$ 20,089.50
FRINGE BENEFITS	\$ 7,482.84
TRAVEL	\$ 1,140.00
EQUIPMENT	\$ 0.00
SUPPLIES	\$ 1,500.00
CONTRACTUAL	\$ 2,000.00
OTHER	\$ 148,082.66
INDIRECT COSTS	\$ 0.00
TOTAL	\$ 180,295.00

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EXHIBIT D

USE OF FUNDS FOR REPAIRS AND EQUIPMENT

**Hidalgo County, Texas-County of Hidalgo Community Service Agency,
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A wide range of expenses maybe permissible, as long as the household is income eligible (below 200% of the federal poverty income guideline), the need that is addressed was as a result of the designated natural disaster, and the expense cannot otherwise be reimbursed through Federal Emergency Management Agency (FEMA) or private insurance.

Subrecipients must ensure that expenditures:

- (a) Adhere to **Uniform Administrative Requirements**, specifically, 2 CFR 200.439, to ensure that any use of CSBG Disaster Supplemental funds are consistent with these requirements. The Office of Management and Budget (OMB) cost principles, which apply to the eligible entities, indicate that capital expenditures for general purpose equipment, buildings, and land are *unallowable* as direct charges, except with the prior written approval of the Health and Human Services (HHS) awarding agency or pass-through entity (i.e., TDHCA). This requirement would apply to capital improvements at the eligible entity (e.g. repairs or upgrades to a service center).
- (b) If CSBG DRSF funds are to be used for repairs or weatherization improvements, if they were included in the disaster community needs assessment and in the performance statement and budget. Construction or permanent improvements include structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility; the extension of a facility to increase its floor area; or extensive alteration of a facility such as to significantly change its function and purpose. Construction or property improvements may be permitted with a federal waiver, but minor disaster-related home property repairs may be allowed as
- (c) **Other Issues to Consider Regarding Disaster Expenditures**
The general expectation regarding any disaster repairs is that the repairs will return a property to its operable condition prior to the disaster. However, additional issues to consider are the following:
 - **Upgrades Required by Law** - If the local building codes have changed and require changes to the structure or materials used, the entity should assure that the codes are met.
 - **Payment to Contractors Contingent on Meeting Building Code** - Eligible entities should make payment contingent on passing building code inspections.
 - **Required by Circumstance** - If the original materials or equipment are no longer available, the entity should use the comparable equivalent. The entity may also consider energy efficiency and the potential for future disasters in this selection process.
 - **Immaterial in Nature** - The entity may consider minor upgrades or improvements in the course of repairs. The Department will consider anything below 1% of the total repairs for the household as immaterial.
- (d) **Guidance Regarding Specific Costs:**
 - (1) *Heating, Ventilation and Air Conditioning (HVAC)* - The cost of repair or replacement may be permitted as a replacement for a prior system disabled by the disaster. However, installing a new HVAC system when a home did not have one prior to the disaster would be considered a permanent improvement and would not meet the disaster supplemental criteria. Any repair or replacement cost exceeding \$6,500 per household must receive TDHCA approval.

- (2) *Appliances* - This cost may be allowed if disabled in the disaster and if the replacement costs for major appliances are reasonable. If the replacement cost exceeds \$800 for a refrigerator, \$600 for a stove, \$700 for a washer, \$400 for a dryer, \$300 per microwave (cost estimates excludes delivery and installation costs) per household must receive TDHCA approval. Repair costs in excess of \$75 per item must receive TDHCA approval.
- (3) *Furniture* - This cost may be permitted to replace furniture lost as a result of a disaster. Any repair or replacement cost exceeding \$2,000 total per household must receive TDHCA approval.
- (4) *Flooring* - This cost may be permitted to repair or replace flooring damaged or destroyed as a result of a disaster. Any repair or replacement cost exceeding an average cost of \$800 per room per household must receive TDHCA approval.
- (5) *Insulation* - The subrecipient has flexibility for this to further improve the energy efficiency of the dwelling.
- (6) *Skirting (on Mobile Homes)* - This cost is generally permitted for disaster-impacted households. Any repair or replacement cost exceeding \$2,500 per household must receive TDHCA approval.
- (7) *Well Damage* - This cost is permitted as a repair for disaster damage. Upgrades to pump motors may be permissible. Any repair or replacement cost exceeding \$2,500 per household must receive TDHCA approval.
- (8) *Duct Work* - This cost is permitted for repair to disaster damage. Any repair or replacement cost exceeding \$1,500 per household must receive TDHCA approval.
- (9) *Mold Clean Up* - This cost is generally permissible to address disaster damage not reimbursed through FEMA or private insurance. Any cost exceeding \$500 per room per household must receive TDHCA approval.
- (10) *Drywall* - This cost is generally permitted for disaster damage. Ensure that the materials and work completed to the home is up to code. Any repair or replacement cost exceeding \$3.00 per square foot must receive TDHCA approval.
- (11) *Paint* - This cost is permitted for disaster repairs subject to qualifications above. Any repair or replacement cost exceeding \$4.00 per square foot per household must receive TDHCA approval.
- (12) *Electrical* - Permitted for disaster repairs. Any repair or replacement cost exceeding \$2,500 per household must receive TDHCA approval.
- (13) *Sump Pumps* - Permitted for disaster repair or replacement. Any repair or replacement cost exceeding \$1,500 per household must receive TDHCA approval.