

**Attachment 4 & 4a- Optional waiver(s) Request and
GLO Response**

Minimum Threshold Waiver Request

Low-to-Moderate Income (LMI) Threshold Waiver
Request



March 1, 2022

Mr. Alex Swift
Community Development & Revitalization
Texas General Land Office
1700 Congress Avenue
Austin, Texas 78701

RE: Waiver Requests for Houston-Galveston Area Council Preliminary Method of Distribution

Dear Mr. Swift,

On February 15, 2022, the Board of the Houston-Galveston Area Council approved submitting our preliminary Method of Distribution to the Texas General Land Office. The Board action also included requesting two waivers: one regarding a slight decrease in the minimum allocation threshold and a second requesting the low-to-moderate income requirement be normalized with our regional average. Both waivers are intended to increase access to much-needed funds in communities that have substantial mitigation needs and to ensure areas of low to moderate residents in our region are not overlooked.

Pursuant to Sections 5.4.6.5.vii and 6.11 of the *State of Texas CDBG Mitigation (CDBG-MIT) Action Plan Amendment I*, the Houston-Galveston Area Council is requesting two waivers for its Method of Distribution being developed as part of the Texas General Land Office's Regional Mitigation Program for CDBG-MIT funds.

Minimum Threshold Waiver Request

H-GAC is seeking a waiver to the minimum allocation threshold of \$1,000,000 that would apply to any local government whose allocation is within 10% of the minimum threshold (i.e., \$900,000 or higher). This waiver will expand access to much-needed funding for communities that would otherwise not receive an allocation due to minor changes in calculations or re-allocation of funds. Under the current preliminary Method of Distribution, one jurisdiction, The City of Iowa Colony meets this criterion, but other entities may be included in this category if their allocation changes before the final Method of Distribution is approved.

The City of Iowa Colony has an allocation under H-GAC's preliminary Method of Distribution formula of \$958,800. Iowa Colony is a fast-growing Home Rule city located in Brazoria County. Its LMI population is 53% and 21% of the City's total population is located within the floodplain (includes Floodway, 100-year and 500-year flood plain). Considering the city's significant Low-to-Moderate Income population and the substantial population at risk from future storms H-GAC believes this waiver, which is just \$41,200 below the minimum threshold,

is warranted. H-GAC may request subsequent waivers for other local governments that fall within this 10% threshold as the Method of Distribution formula is finalized based on public input and any redistribution of funds resulting from local governments not accepting their allocation.

Low-to-Moderate Income Threshold Waiver Request

Based on the Houston-Galveston Area Council Board of Directors action approving H-GAC's Method of Distribution, H-GAC is also requesting a waiver for its Low-to-Moderate Income threshold requirement for this Method of Distribution to be set at 44%, the regional percentage of Low-to-Moderate Income population, of funds to be expended on projects benefitting 51% or higher Low-to-Moderate Income population. H-GAC believes this waiver is warranted in that it represents the diversity of communities impacted by disasters in the region that remain vulnerable to future disasters.

Seventy-two percent (72%) of the region's total Low-to-Moderate Income population outside of Harris County live in cities or unincorporated portions of counties where the overall Low-to-Moderate Income percentage is less than 51%. H-GAC believes that meeting the 50% funding threshold could in fact reduce the number of Low-to-Moderate Income residents who would benefit from much-needed projects. Reducing the Low-to-Moderate Income threshold to the 44% regional average would provide greater flexibility, particularly in delivering larger scale impactful projects.

H-GAC respectfully urges the Texas General Land Office to grant both waiver requests. Thank you in advance for your consideration and please let me know if you have any questions.

Sincerely,



Chuck Wemple

cc: Alexandra Gamble
Shawn Strange
Margaret Adams



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

May 18, 2022

Charles Wemple, Executive Director
Houston-Galveston Area Council
PO Box 22777
Houston, TX 77227

Re: Houston-Galveston Area Council (H-GAC) CDBG-MIT Regional Mitigation Program Waiver Requests

Dear Mr. Wemple:

The Texas General Land Office Community Development and Revitalization program (GLO-CDR) has reviewed the requests to reduce the minimum funding allocation total to \$900,000 and to reduce the minimum regional Low- and Moderate-Income total expenditures from 50% to 44% of the total COG allocation and have come to the below decisions:

Minimum Threshold Waiver Request

The reduction of the minimum funding total of \$1,000,000 by 10% to \$900,000 will potentially result in additional entities receiving needed mitigation funding, while remaining large enough to allow for use on significant project(s). Because of this, we are pleased to inform you that this waiver request has been approved under section 5.4.6.5.viii of the Action Plan, as amended.

Low-and Moderate-Income Waiver Request

A significant portion of the CDBG-MIT Action Plan funds have not been expended, therefore the GLO is unable to ensure that a decrease to the H-GAC LMI minimum threshold would be accounted for in other programs. This waiver request has been denied under section 5.4.6.5.xiv of the Action Plan, as Amended.

Thank you for your hard work to help the region recover from the many disasters which have recently beset it, as well as better prepare Texas for any future storms. If you have any questions or require additional information, please contact Alex Swift at alex.swift.glo@recovery.tex.gov.

Sincerely,

Alexandra Gamble, Policy Development Director
Community Development and Revitalization

Cc: Shawn Strange, Community Development and Revitalization Policy Development Manager