

ReOregon

Subrecipient Manual

Version 1



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12 Mitigation

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12 Mitigation

12.1 Introduction

CDBG-DR recipients are encouraged to be proactive in addressing the anticipated impacts of climate change and future natural disasters to ensure that federal grant funds are achieving the goal of building long-term community resilience. Mitigation involves analyzing current conditions, identifying risk, and having a plan to reduce the identified risk. Mitigation is one of the best ways to support the health and well-being of vulnerable community members before disaster strikes.

For CDBG-DR, HUD defines mitigation activities as those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.

12.2 Mitigation Set-Aside

In accordance with the Disaster Relief Supplemental Appropriations Act, 2022 (Pub. L. 117-43) approved September 30, 2021 (the “Appropriations Act”), OHCS must incorporate mitigation measures into its recovery activities and spend an amount equal to at least 15% of their unmet needs allocation for mitigation activities that reduce risk in the identified MID areas. OHCS has conducted an assessment of community impacts and unmet needs to inform its Public Action Plan and also prepared a mitigation needs assessment to inform their mitigation activities. Subrecipients can refer to the mitigation needs assessment in the Public Action Plan for more information on what risks can be addressed with CDBG-DR funding.

The CDBG-DR mitigation set-aside is calculated as 15% of the total estimate for unmet recovery needs allocated for the 2021 disasters. Unlike recovery activities that must demonstrate “tie-back” to the specific disaster and address a specific unmet recovery need for which the CDBG-DR funds were appropriated, activities funded by the CDBG-DR mitigation set-aside activities do not require such a “tie-back” to the specific qualified disaster that has served as the basis for the allocation. The CDBG-DR mitigation set-aside will only fund activities that meet the following provisions:¹

1. Meet HUD’s definition of mitigation.
2. Address a current and future risk as identified in the mitigation needs assessment in the MID areas.

¹ [Community Development Block Grant Disaster Recovery \(CDBG-DR\) Mitigation Set-Aside Funds](#)

3. Be CDBG-eligible activities under Title I of the Housing and Community Development Act or otherwise eligible pursuant to a waiver or alternative requirement.
4. Meet a national objective.

The requirement for the CDBG-DR mitigation set-aside can also be satisfied by including eligible recovery activities that both address the impacts of the disaster (i.e., have “tie-back” to the specific qualified disaster) and incorporate mitigation measures into the recovery activities. To count those activities as part of the CDBG-DR mitigation set-aside, OHCS and its subrecipients will need to document how those activities and the incorporated mitigation measures will meet the definition of mitigation.

At the same time, funding of mitigation activities that do not tie back to the wildfire is limited to no more than 15% of the grant allocation. Therefore, OHCS and subrecipients must carefully consider if an activity can be considered responsive — either directly or indirectly — to disaster impacts and document tie-back in cases where there is connection with the disaster.

12.3 Mitigation Needs Assessment

The mitigation needs assessment (MNA) is a risk-based assessment that summarizes the natural and human-caused threats and hazards in the eight counties most affected by the 2020 Oregon wildfires (DR-4562). The MNA discusses the characteristics and impacts of current and future hazards identified through previously declared disasters. The assessment also addresses risks to indispensable services that enable continuous operation of critical business and government functions and are critical to human health and safety or economic security. Lastly, the assessment considers the costs and benefits of incorporating hazard mitigation measures to protect against the specific identified impacts of future extreme weather events and other natural hazards using historical and projected data on risk that incorporates best available and science tools.

OHCS has completed its mitigation needs assessment and identified in the assessment the type of activities that can be funded by the CDBG-DR mitigation set-aside. The Action Plan can be found on the OHCS website at <https://www.oregon.gov/ohcs/housing-assistance/disaster-recovery/Documents/CDBG-DR-Action-Plan.pdf>.

The mitigation needs assessment documented at least nine natural hazards that pose a risk to the eight MID counties. By characterizing these hazards in terms of their frequency and Oregon’s vulnerability, OHCS and its sub-recipients can draw on this needs assessment and the Oregon’s Office of Emergency Management FEMA-approved [Natural Hazards](#)

[Mitigation Plan](#) to identify current and future hazards in their communities and target CDBG-DR funds toward cost-effective solutions to mitigate them over the long term.

Oregon’s mitigation needs may change and OHCS will amend the mitigation needs assessment and Action Plan when additional mitigation needs are identified and additional resources become available.

12.4 Mitigation Framework

When funding CDBG-DR activities with the 15% mitigation set-aside, OHCS will work with subrecipients to identify how an activity qualifies as “mitigation.” OHCS may work with subrecipients to consider if mitigation dollars are distributed fairly to communities with respect to unmet needs or the 80/20 split for MID areas.

Maintenance: Per 24 CFR § 570.207(b)(2), CDBG-DR funds cannot cover costs for operations and maintenance. Subrecipients should be aware that the justification for a CDBG-DR activity should not be based solely on reducing the costs of future maintenance of a facility.

OHCS requires the incorporation of resilience and mitigation measures into all construction and planning projects. Refer to program guidelines for details on resilience standards to be applied or measures to track. The OHCS review and approval of projects that do not have a clearly documented disaster “tie-back” is dependent on their being sufficient budget available for those mitigation-only projects. Given that purely mitigation projects are only currently anticipated within the PIER or Statewide Planning programs, which together constitute less than the 15% maximum, OHCS does not anticipate this being a barrier.

12.5 Coordination on Mitigation

Any subrecipient-identified or subrecipient-led mitigation set-aside project must be conducted in accordance with any adopted local Natural Hazard Mitigation Plan (NHMP) and should be developed in consultation with local emergency management authorities responsible for implementation of that NHMP.

12.6 Mitigation Measures and Resilience Performance Metrics

To improve long-term community resilience, the Allocation Announcement Notice ([87 FR 31636](#)) requires OHCS and its subrecipients to incorporate mitigation measures into its recovery activities that will protect the public, including members of protected classes, vulnerable populations, and underserved communities, from the risks identified. Mitigation

measures also help ensure that communities are more resilient to the impacts of recurring natural disasters and climate change. Examples of **mitigation measures** include:

- Incorporating resilient construction standards
- Using resilient building materials and technology
- Elevating facilities above the Base Flood Elevation
- Buyout/acquisition of properties in high-risk areas
- Providing aid to relocate residents or businesses to lower-risk areas
- Restoration of trees in the urban landscapes
- Use of more renewable energy technologies
- Utilization of backup power for critical facilities

Before carrying out CDBG–DR funded activities to construct, reconstruct, or rehabilitate residential or non-residential structures that are intended to qualify as expenditures to meet HUD’s mitigation set-aside requirement, OHCS and its subrecipients must establish resilience performance metrics for the activity. The process for developing resilience performance metrics includes:

1. An estimate of the projected risk to the completed activity from natural hazards, including those hazards that are influenced by climate change (e.g., high winds destroying newly built homes)
2. Identification of the mitigation measures that will address the projected risks (e.g., using building materials that are able to withstand high winds)
3. An assessment of the benefit of the mitigation measures through verifiable data (e.g., 10 newly built homes will withstand high winds up to 100 mph)

In DRGR, HUD has published specific measures² for mitigation activities such as the number of non-residential buildings constructed, number of fewer outages of critical facilities and utilities, number of linear feet of public improvement, number of public facilities, number of residents protected from future flooding, and number of plans or planning products developed. Examples of other **resilience performance metrics** include:

- Number of acres no longer vulnerable to flood events
- Number of floodplain design standards updated
- Number of energy plans completed

² DRGR Guidance on Grantee Program Projections — [Adding Grantee Program Projection of Outcomes](#)

- Number of resilience plans created
- Number of properties with access above 100-year or 500-year flood level
- Number of homes retrofitted with resiliency measures

12.7 Reporting on Activities

In order to count activities towards the CDBG-DR mitigation set-aside, OHCS must document how those activities and how the incorporated mitigation measures will meet HUD's definition of mitigation. These activities will be reported as a mitigation activity type ("MIT") in the HUD Disaster Recovery Reporting system called DRGR. By tracking these activity types in DRGR, OHCS will be able to demonstrate to HUD how the 15% mitigation set-aside was expended.

Activity types that are available for "mitigation" in the DRGR system include:

- MIT — Direct Housing Payments
- MIT — Economic Development
- MIT — Planning and Capacity Building
- MIT — Public Facilities and Improvements — Covered Projects Only
- MIT — Public Facilities and Improvements — Non-Covered Projects
- MIT — Public Services and Information
- MIT — Rehabilitation/Reconstruction of Residential Structures
- MIT — Residential New Construction

If a project includes mitigation measures or activities, to the extent feasible, subrecipients should delineate those costs as separate line items in the budget. This will allow OHCS to create separate mitigation activities in DRGR to track those costs under a program.

If it is not feasible to separate out the mitigation measures or activities from the larger project, OHCS may treat the entire cost of a project as counting towards the 15% mitigation set-aside. Subrecipients should inform OHCS of their intent in how they wish to identify qualified mitigation expenditures. OHCS will coordinate with HUD, where necessary, and approve or modify the subrecipients' approach.