



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-325, **Version:** 1

Interoffice Memorandum

DATE: February 13, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Mitchell Glasser, Manager

PHONE: 407-836-5190

DIVISION: Housing and Community Development Division

ACTION REQUESTED:

Approval and execution of Funding Approval/Agreement Emergency Solutions Grants Program - RUSH Funding Unique Federal Award Identification Number: E-25-UW-2-003 between Orange County, Florida and the U.S. Department of Housing and Urban Development Office of Community Planning and Development in the amount of \$512,694 to address the needs of homeless individuals and families or individuals and families at risk of homelessness. All Districts. (Housing and Community Development Division)

PROJECT: Emergency Solutions Grant - Rapid Unsheltered Survivor Housing (ESG-RUSH) Program - Grant Agreement

PURPOSE: On January 10, 2025, the U.S. Department of Housing and Urban Development (HUD) made a special allocation of \$512,694 in Emergency Solutions Grant (ESG) funds to Orange County. This special allocation of Rapid Unsheltered Survivor Housing (RUSH) funding is in response to the President's disaster declarations for Hurricane Helene (DR-4828-FL) and Hurricane Milton (DR-4834-FL). These funds will address the needs of homeless individuals and families or individuals and families at risk of homelessness in areas affected. These funds must benefit people whose needs are not otherwise served or met by existing federal disaster relief programs, including the Transitional Sheltering Assistance program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

HUD approved an amendment to the FY 2024-2025 Annual Action Plan that covers federal funding

for housing and community development programs to incorporate the RUSH funds. The next step in the process is to execute a grant agreement with HUD for the ESG-RUSH allocation. To award funds for eligible ESG-RUSH activities, Orange County intends to solicit applications from qualified non-profit organizations. Projects/activities will be selected through a competitive Request for Applications process. The funding recommendations will be presented to the Board for final approval.

BUDGET: N/A

Funding Approval/Agreement

Emergency Solutions Grants Program – RUSH Funding
42 U.S.C. 11364a(c)(1)
Assistance Listing Number 14.231

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

BCC Mtg. Date: March 11, 2025

1. Recipient Name and Address ORANGE COUNTY, FLORIDA 201 S ROSALIND AVE ORLANDO, FL 32801-3527		2. Unique Federal Award Identification Number: E-25-UW-12-0003	
		3. Tax Identification Number: 59-6000773	
		4. Unique Entity Identifier: ZAMZ MX9Z HCM9	
5. Previous Obligation (Enter "0" for initial RUSH allocation)		\$0	
6. Amount of Funds Obligated or Deobligated by This Action (+ or -)		\$512,694	
7. Total Amount of Federal Funds Obligated		\$512,694	
8. Total Required Match: \$0			
9. Total Amount of Federal Award (including Required Match): \$512,694			
10. Period of Performance and Budget Period Start Date/Federal Award Date (the date listed in Box 16 of the Agreement for the initial RUSH allocation) (mm/dd/yyyy) 2/4/2025		11. Period of Performance and Budget Period End Date (the date that is 24 months after the date listed in Box 10) (mm/dd/yyyy) 2/3/2027	
12. Type of Agreement (check applicable box) <input checked="" type="checkbox"/> Initial Agreement (Purpose #1 – Initial RUSH allocation) <input type="checkbox"/> Amendment (Purpose #2 – Deobligation of funds) <input type="checkbox"/> Amendment (Purpose #3 – Obligation of additional funds)		13. Special Conditions <input type="checkbox"/> Not applicable <input checked="" type="checkbox"/> Attached as Appendix A	

General Terms and Conditions:

- I. This Agreement is made and entered into by and between the U.S. Department of Housing and Urban Development (HUD) and the Recipient identified in Box 1 of this Grant Agreement, pursuant to the authority provided under 42 U.S.C. 11364a(c)(1).
- II. The applicable requirements, and waivers and suspension of requirements, for Rapid Unsheltered Survivor Housing (RUSH) funding as stated in HUD’s Federal Register notice on July 18, 2024 (89 FR 58392); the Recipient’s Consolidated Plan submissions (including applicable amendments); and this Agreement, including any special conditions attached to this Agreement; constitute part of this Agreement.
- III. Subject to these general terms and conditions, HUD will make the funds as specified above (RUSH funds) available to the Recipient upon execution of this Agreement by the Recipient and HUD. Pre-award costs may be paid with RUSH funds under the conditions HUD provided on page 58397 of the HUD’s Federal Register notice on July 18, 2024 (89 FR 58392, 58397).
- IV. Except as otherwise provided by this Agreement and applicable HUD waivers and suspensions of Emergency Solutions Grants (ESG) requirements, the Recipient must use RUSH funds in accordance with Section 103 and Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) and the ESG regulations at 24 CFR Part 576 (as now in effect and as may be amended from time to time).
- V. In the event of any conflict between 24 CFR part 576 and applicable Federal statutes, including 42 U.S.C. 11364a and section 100261 of the MAP-21 Act, the Federal statute will control. In the event of any conflict between Title IV of the McKinney-Vento Homeless Assistance Act and 42 U.S.C. 11364a, 42 U.S.C. 11364a will control.
- VI. The Recipient agrees to assume responsibility for environmental review, decision making, and action under 24 CFR Part 58, except that where the Recipient is a state and distributes RUSH funds to a unit of general local government, the Recipient must require the unit of general local government to assume that responsibility and must comply with the state’s responsibilities under 24 CFR 58.4.
- VII. The Recipient must apply the following minimum criteria for purposes of determining eligibility for services or rental assistance provided with RUSH funds: Each individual or family must: (1) be

“homeless” or “at risk of homelessness” as those terms are defined at 24 CFR 576.2 or meet the criteria in section 103(b) of the McKinney-Vento Homeless Assistance Act; (2) have been residing in an area identified as eligible for FEMA Individual Assistance when a “major disaster” is declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act); and (3) have needs that will not be served or fully met by other existing Federal disaster relief programs.

A household will not be required to requalify as homeless or at risk of homelessness for purposes of RUSH funds if the household was already determined “homeless” or “at risk of homelessness” and was receiving ESG assistance when the disaster occurred.

RUSH grants are not subject to the requirements for “serving youth who lack 3rd party documentation or live in unsafe situations” that HUD typically includes in its grant agreements for annual ESG grants, because those requirements apply only to grants made under the “homeless assistance grants” heading of the annual appropriations act for HUD.

“Existing Federal disaster relief programs” means the Federal and non-Federal cost share under Federal programs that provide assistance for the purpose of disaster relief and are permanently authorized as of the Federal award date (box 10). These programs include the Transitional Sheltering Assistance (TSA) program ([42 U.S.C. 5170b](#)) and Non-Congregate Sheltering (NCS) administered by the Federal Emergency Management Agency (FEMA).

- VIII. The Recipient must establish and maintain adequate procedures to prevent any duplication of benefits with RUSH funds as required by section 312 of the Stafford Act, as amended (42 U.S.C. 5155).
- IX. The Recipient agrees to comply with the applicable requirements at 2 CFR part 200, as may be amended from time to time. Where any previous or future amendments to 2 CFR part 200 replace or renumber sections of part 200 that are cited specifically in 24 CFR part 576, activities carried out after the effective date of the part 200 amendments will be governed by the part 200 requirements as replaced or renumbered by the part 200 amendments.
- X. RUSH funds are not subject to 24 CFR 576.201 or other match requirements. Program income may be treated by the Recipient as an addition to the Recipient’s RUSH grant (or the subrecipient’s subgrant, if the income is generated by the subrecipient’s activities), provided that the program income is used in accordance with the purposes and conditions of that grant or subgrant. Otherwise, program income must be deducted from allowable costs as provided by 2 CFR 200.307. The program income definition in 24 CFR 576.2 will apply, except that costs that are incidental to generating program income and not charged to the RUSH grant or subgrant may be deducted from gross income to determine program income, as allowed under 2 CFR 200.307.
- XI. The Recipient must complete Appendix B (“Recipient’s Indirect Cost Rate(s)”) and return it to HUD with this Agreement. The addendum HUD receives from the Recipient will be incorporated into and made part of this Agreement, provided that the rate information is consistent with the applicable requirements under 2 CFR part 200. The Recipient must immediately notify HUD upon any change in the Recipient’s indirect cost rate, so that HUD can amend the Agreement to reflect the change if necessary.
- XII. The Recipient must comply with the Award Term in Appendix A to 2 CFR Part 25 regarding System for Award Management (SAM.gov) and unique entity identifier (UEI) requirements and the Award Term in Appendix A to 2 CFR Part 170 regarding reporting subaward and executive compensation. If the Total Amount of Federal Award (Box 9) exceeds \$500,000, the Recipient must also comply with Appendix XII to 2 CFR part 200—Award Term and Condition for Recipient Integrity and Performance Matters.
- XIII. Nothing in this Agreement shall be construed as creating or justifying any claim against the Federal government or the Recipient by any third party.
- XIV. Without the Recipient’s execution of an amendment or other consent, HUD may amend this Agreement either to provide additional funds to the Recipient under 42 U.S.C. 11364a(c)(1) or to deobligate funds under this Agreement in accordance with applicable law.

- XV. To make a change described in 24 CFR 576.200(b), the Recipient must amend its plan as provided by 24 CFR 576.200(b), except that the Recipient will not be required to comply with any consultation or citizen participation requirements with respect to the amount provided in the initial RUSH allocation, provided that the Recipient publishes its planned changes on the Internet at the appropriate Government web site or through other electronic media.

- XVI. Any person who becomes aware of the existence or apparent existence of fraud, waste or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form. The Recipient must comply with 41 U.S.C. § 4712, which includes informing employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a government contractor, subcontractor, grantee, and subgrantee—as well as a personal services contractor—who make a protected disclosure about a Federal grant or contract cannot be discharged, demoted, or otherwise discriminated against as long as they reasonably believe the information they disclose is evidence of: 1. Gross mismanagement of a Federal contract or grant; 2. Gross waste of Federal funds; 3. Abuse of authority relating to a Federal contract or grant; 4. Substantial and specific danger to public health and safety; or 5. Violations of law, rule, or regulation related to a Federal contract or grant.

14. For the U.S. Department of HUD (Name, Title, and Contact Information of Authorized Official) Lori Serino, CPD Director 400 W. Bay St STE 1015, Jacksonville, FL 322022	15. Signature DocuSigned by: X LORI SERINO WORKING CONTRACT	16. Date (mm/dd/yyyy) 2/4/2025
17. For the Recipient (Name and Title of Authorized Official) fd Jerry L. Demings, Orange County Mayor 201 S. Rosalind Ave., Orlando, FL 32801	18. Signature X <i>Jerry L. Demings</i>	19. Date (mm/dd/yyyy) 3/11/2025

Funding Information (HUD Accounting Use Only):
 Program Code: HDG
 Office: Jacksonville
 Region: 4
 Appropriation: 1192
 Appro Symbol: 86 X 0192-16
 Allotment: 5



Appendix A – Special Conditions and Requirements

1. In accordance with 24 CFR 5.110 and as provided in the Department’s letter notifying Recipient of its first RUSH allocation, the same waivers HUD made available in the July 1, 2024 memorandum “Availability of Waivers of Community Planning and Development Grant Program and Consolidated Plan Requirements to Facilitate Recovery from Presidentially Declared Major Disasters”, are made available for the same justifications and subject to the same conditions with respect to the RUSH funding allocated to the Recipient. For reference: https://www.hud.gov/sites/dfiles/CPD/documents/Presidentially_Declared_Major_Disasters_Megaw_aiver.pdf and https://www.hud.gov/sites/dfiles/CPD/documents/Presidentially_Declared_Major_Disasters_Streaml ined.pdf
2. In accordance with 2 CFR 200.458 and as stated in HUD’s letter notifying Recipient of its initial RUSH allocation, HUD provided prior approval of pre-award costs, subject to the following conditions:
 - i. The pre-award costs must satisfy all allowable criteria under 2 CFR 200.403, except that the pre-award costs may be incurred on any date between and including the date of HUD’s letter notifying Recipient of its initial RUSH allocation and the date immediately preceding the start date of the period of performance/budget period for the grant.
 - ii. The pre-award costs must be necessary for efficient and timely performance of eligible RUSH activities.
 - iii. Before committing to use RUSH funds to reimburse each pre-award cost, the Recipient must either make a written determination that the pre-award cost is for an activity that is exempt from environmental review or categorically excluded and not subject to review under related environmental laws and authorities under 24 CFR part 58, or part 50 if applicable, or verify that the applicable environmental review has been completed and a Request for Release of Funds has been approved in accordance with 24 CFR part 58, if applicable.
 - iv. Although the pre-award costs may consist of costs incurred by the Recipient or its subrecipient(s), the subrecipient must receive the Recipient’s prior written approval before incurring any pre-award costs and that written approval must be consistent with all of HUD’s conditions for prior approval of pre-award costs.
 - v. The documentation supporting each pre-award cost reimbursed with RUSH funds must show compliance with each of these conditions for HUD’s prior approval of pre-award costs.
 - vi. The Recipient must assume the risk of all pre-award costs it incurs or approves before executing its RUSH grant agreement with HUD. HUD will not be required to reimburse pre-award costs if for any reason the Recipient does not receive a RUSH grant, if the grant is less than anticipated and inadequate to cover such costs, or if the pre-award costs do not meet the conditions listed above.

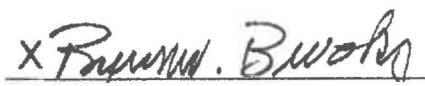
Appendix B: Addendum to Agreement # E-25-UW-12-0003 Recipient's Indirect Cost Rate(s)

As the duly authorized representative of the Recipient, I certify that the Recipient:

- Will not use an indirect cost rate to calculate and charge indirect costs under the grant.
- Will calculate and charge indirect costs under the grant by applying a *de minimis* rate as provided by 2 CFR 200.414(f), as may be amended from time to time.
- Will calculate and charge indirect costs under the grant using the indirect cost rate(s) listed below, and each rate listed is included in an indirect cost rate proposal developed in accordance with the applicable appendix to 2 CFR part 200 and, *if required*, was approved by the cognizant agency for indirect costs.

Agency/department/major function	Indirect cost rate	Type of Direct Cost Base
Housing & Community Development Div.	3.35 %	Provisional Rate (MTDC)
	%	
	%	

Name of Authorized Official:
 for Jerry L. Demings
Title:
 Orange County Mayor

Signature:


Date (mm/dd/yyyy):
 3/11/2025

Instructions for the Recipient's Authorized Representative:

You must mark the one (and only one) checkbox above that best reflects how the Recipient's indirect costs will be calculated and charged under the grant. Do not include indirect cost rate information for subrecipients.

The table following the third box must be completed only if that box is checked. When listing a rate in the table, enter both the percentage amount (e.g., 10%) and the type of direct cost base to be used. For example, if the direct cost base used for calculating indirect costs is Modified Total Direct Costs, then enter "MTDC" in the "Type of Direct Cost Base" column.

If using the Simplified Allocation Method for indirect costs, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

If using the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.

If the Recipient is a government and more than one agency or department will carry out activities under the grant, enter each agency or department that will carry out activities under the grant, the indirect cost rate(s) for that agency or department, and the type of direct cost base to which each rate will be applied.

To learn more about the indirect cost requirements, see 2 CFR part 200, subpart E, and Appendix VII to Part 200.