



Implementation Manual

Chapter 17–Housing Guidelines

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TEXAS GENERAL LAND OFFICE

**Community Development and
Revitalization Department**

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The GLO-CDR Implementation Manual provides guidance for CDBG-DR and CDBG-MIT subrecipients and should not be construed as exhaustive instructions.

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CHAPTER 17—HOUSING GUIDELINES

This chapter provides instructions for developing and adopting Housing Guidelines. Links to the GLO-CDR Housing Guidelines, fillable forms and checklists are found in the [Resources](#)—Resource at the end of this chapter and are available at <https://www.glo.texas.gov/disaster-recovery>.

17.1 Housing Guidelines Required

Subrecipients that receive CDBG-DR and/or CDBG-MIT funding to implement housing activities where multiple grants, loans, or other funding awards will be made to individual households or to owners or developers of multifamily housing shall develop and adopt Housing Guidelines in accordance with their Subrecipient Agreements and the action plan for disaster recovery that pertains to the CDBG-DR and/or CDBG-MIT funding.

Guidelines developed by the subrecipient should be modeled on the GLO-CDR Housing Guidelines (see [Resources](#)—Resource 17.2). Any changes to the Housing Guidelines proposed by a subrecipient shall be approved in writing by the GLO. Subrecipient Housing Guidelines shall address the following operational details:

- Eligibility requirements;
- Housing assistance caps;
- Construction standards;
- Accessibility requirements;
- Visitability standards;
- Reporting requirements; and
- Other program requirements.

Subrecipient Housing Guidelines with all modifications clearly indicated shall be submitted to the GLO-CDR prior to the start of the public comment posting period for preliminary review. Subrecipient Housing Guidelines shall be posted for public comment and submitted to the GLO- CDR for approval before they take effect.

17.2 Eligibility Requirements

The Program Design section of the GLO-CDR Housing Guidelines contains discussion of the CDBG National Objectives, eligible activities, proof of event damage, unit sizes, and other requirements that subrecipient shall address in their own guidelines. The Subrecipient may replace program titles with subrecipient-specific names where appropriate or remove references to activities that it will not perform, but otherwise most content in this section should remain unchanged in the Subrecipient Housing Guidelines unless approved by the GLO in writing.

17.3 Housing Assistance Caps

The maximum amount of assistance available to a household through a CDBG-DR and/or CDBG- MIT single family or buyout activity is established for all subrecipients by the GLO-CDR Housing Guidelines in the Housing Assistance Caps section. These caps cover the following items:

- Base unit;
- Manufactured housing unit replacement;
- Coastal and non-coastal elevation;
- Water wells and septic systems;
- Accessibility;
- Abatement of lead based paint and/or asbestos;
- Project soft costs;
- Relocation assistance;
- Down payment assistance;
- Buyout incentives; and
- Homeowner reimbursement.

A subrecipient may establish housing assistance maximums that are equal to or less than the GLO-CDR's housing assistance maximums or request a waiver to exceed the GLO caps for one or more categories of cost including elevation costs. The GLO-CDR will evaluate waiver requests for cost-effectiveness before approving or denying the request.

Subrecipients managing multifamily rental programs where multiple projects will receive assistance will establish total CDBG-DR and/or CDBG-MIT funding request limits for each applicant in their action plan and Housing Guidelines. The GLO has not established per-unit housing assistance caps for multifamily rental programs carried out by itself or by a subrecipient.

Multifamily rental program participants shall follow federal and state procurement requirements that mandate reasonable rehabilitation, reconstruction, or new construction costs. To evaluate reasonable elevation costs, the GLO-CDR and subrecipient will rely on project budget justifications by licensed engineers or architects, third-party estimates using industry-standard cost estimation tools, and underwriting reviews.

The GLO-CDR will encourage subrecipients to consider the costs and benefits of each CDBG-DR and/or CDBG-MIT housing activity when selecting CDBG-DR and/or CDBG-MIT eligible projects. Cost reasonableness shall be determined for each specific housing project using methods which include, but are not limited to, the following:

- Independent third-party cost estimates by licensed professional engineers or architects;
- Estimates that use industry-standard methods and tools;
- Underwriting reviews; or
- Data collected and analyzed by agencies while administering similar housing programs.

17.4 Construction Standards

All Federal procurement standards (2 CFR 200.318 through 200.326) must be followed during the process of securing contract services to ensure that subrecipients are in compliance with the applicable provisions of federal and state laws. GLO's required construction standards are located primarily in the Site and Development Restrictions section of the GLO-CDR Housing Guidelines. These standards may include, but are not limited to, the following:

- Lead-based paint requirements;
- Green Building Standards;
- Elevation standards;
- Resiliency standards;
- Substantial improvement/damage requirements;
- Accessibility requirements; and
- Visitability standards.

The GLO-CDR Housing Guidelines indicate which standards are appropriate for the various housing activities that a subrecipient may undertake. Generally, these standards may not be removed or altered in the Subrecipient's Housing Guidelines and any variations must be approved by the GLO in writing.

17.5 Reporting Requirements

The Reporting Requirements section of the GLO-CDR Housing Guidelines includes instructions for, at a minimum, the following:

- Tracking and reporting of Section 3 compliance;
- Collection and reporting of applicant data; and
- Retention of records.

These requirements should not be altered in the Subrecipient's Housing Guidelines unless approved by the GLO in writing.

17.6 Other Program Requirements

17.6.1 Public Comment and Posting

Subrecipient shall make the Housing Guidelines, including a needs assessment (see [17.6.3](#), below), available to the public for review for at least 30 days on a publicly accessible website. Notice of the posting of the guidelines shall be provided to the GLO-CDR not later than the day of posting to the website. If any public comment is made, the subrecipient must address the comment in a public response. Questions or comments presented by the public that relate to state or federal requirements may be referred to GLO-CDR for further review and response.

17.6.2 Affirmative Marketing and Outreach Plan

GLO-CDR and subrecipient administering the Program are committed to affirmatively furthering fair housing through established affirmative marketing policies (see also Chapter 11—Civil Rights). GLO-CDR and the subrecipient may coordinate with HUD-approved housing counseling organizations in this effort (see [Resources](#)—Resource 17.3 for additional Affirmatively Furthering Fair Housing Resources). Affirmative marketing efforts shall include an affirmative marketing plan, based on HUD regulations. The goal is to ensure that outreach and communication efforts reach eligible homeowners from all racial, ethnic, national origin, religious, familial status, disabled, "special needs", gender groups, and vulnerable populations.

Subrecipient may use GLO-CDR's Housing Marketing and Outreach Plan Checklist (see [Resources](#)—Resource 17.4) to assist in the creation of Marketing and Outreach Plans for their housing programs.

17.6.3 Needs Assessment

GLO-CDR staff members will assist subrecipients regarding the data and analysis methodology required to develop local needs assessments for housing activities where projects will be identified through an application process and needs specific to a particular household or housing unit are unknown. In turn, the subrecipient will consult with affected citizens, stakeholders, local governments, and public housing authorities regarding local unmet needs.

Administrators of multifamily housing programs that will use an application process to select projects may also request GLO-CDR assistance for FEMA Individual Assistance (IA) data related to renters affected by the disaster. This data may be used to demonstrate local and regional damage levels sustained by rental properties and renter households, which in turn may be used to assess unmet need for multifamily rental properties across income categories.

Buyout programs may use FEMA IA data from the current disaster event and repetitive loss (National Flood Insurance Program) data provided by the local flood plain administrator for current and previous events to identify areas of the community that have unmet needs for targeted buyout activities.

For single family housing programs, the local needs assessment and analysis of HUD/FEMA demographic data, including IA data, is used to establish funding goal levels in the Housing Guidelines for each LMI and non-LMI household income category defined by CDBG-DR:

- Earning at or below 30 percent of the area median family income (AMFI), very low income;
- Earning more than 30 percent and up to 50 of AMFI, low income;
- Earning more than 50 percent and up to 80 percent of AMFI, moderate income; and
- Earning more than 80 AMFI, non-LMI (urgent need).

For single family housing programs, deviations from funding goals set during the needs assessment process, as described below, must be approved by the GLO in writing before the subrecipient may move forward with adoption of their Housing Guidelines. If the subrecipient is unable to meet one or more of the LMI category goals during initial housing activity application intake, the subrecipient will execute outreach actions described in its Affirmative Marketing and Outreach Plan ([17.6.2](#)) to encourage participation by households in the underrepresented income categories and seek guidance from the GLO.

17.6.4 Needs Assessment Checklist and Data Requirements

GLO-CDR's Needs Assessment Checklist (see [Resources](#)—Resource 17.5) assists subrecipients with setting single family housing program funding goals across the four CDBG-DR income categories. Subrecipients, working with GLO-CDR, shall collect the following information to complete the Needs Assessment Checklist:

- An analysis of the overall damages including at a minimum FEMA IA registrant data; GLO-CDR may provide redacted FEMA IA data, when available;
- An analysis of the overall damages by FEMA IA registrant reported income, in particular the number of registrant households in each of the four CDBG-DR income categories described above where the registrants owned and occupied the home as their primary residence and where the total amount of FEMA verified loss (FVL) exceeds \$0;
- An analysis of FEMA IA registrants special needs, number of occupants, elderly populations, access and functional needs as captured in the FEMA data;
- HUD Income Limits by County in effect at time of event, used to determine income ranges located at <https://www.huduser.gov/portal/datasets/il.html>; note these income limits are the HUD Section 8 income limits, which describe CDBG very low income persons as “extremely low income,” CDBG low income persons as “very low income,” and CDBG moderate income persons as “low income;”
- The Current fiscal year LMISD Local Governments data by State, the most current 2006-2010 American Community Survey by Place (where FEMA IA data is unavailable, use LMISD to determine LMI levels only);
- The funding amount provided by the awarding agency (GLO, County or Council of Government) through an Action Plan or approved Method of Distribution (MOD); and
- The Needs Assessment will also include an evaluation of the types of public services activities that may be needed to complement the program, such as housing counseling, legal counseling, job training, mental health, and general health services, and other damage data approved by GLO-CDR such as survey data that may include on-site visits to areas identified by local stakeholders, broken out by income category.

17.6.5 Needs Methodology

The Needs Methodology calculates the proportional amount of damage sustained by single family owner occupied households in each of the four CDBG-DR income categories described above, using the following steps:

1. Establish minimum target Floor Goal Percentages by calculating the percentage of FEMA IA recipient households in each of the four income categories. If necessary, ensure that at least 70 percent of the total is reflected in the three LMI categories by reassigning any percentage points for the non-LMI category that exceeds 30 percent of the total to the “non-targeted” LMI category;
2. Establish maximum Ceiling Goal Percentages by calculating the number of FEMA IA registrants proportionally across only the three LMI categories;
3. Calculate the housing funding allocation floor for each income category and the other category by multiplying percentages calculated in step 1 by the total dollar amount available for the activity; and
4. Capture FEMA Calculation Data by Income Categories in a table. Include a qualifier for applicants with special needs, elderly, access and functional needs, etc.

The following figure illustrates the Needs Methodology funding targets calculation:

Funding Targets (%) by Income Category

Income Category	Count	% of Count	Minimum Target (LMI)	Maximum
Greater of 0-30% AMFI or Federal Poverty Level	1,000	20.00%	20.00%	
31-50% AMFI	500	10.00%	10.00%	
51-80% AMFI	1,500	30.00%	30.00%	
0-80% AMFI (Non-Targeted)			10.00%	
Above 80% AMFI	2,000	40.00%		30.00%
Total	5,000	100.00%	70.00%	30.00%
Total LMI	3,000	60.00%	70.00%	100.00%

Funding Targets (\$) by Income Category

	Minimum Target (LMI)	Maximum
Budget	\$5,000,000.00	
Greater of 0-30% AMFI or Federal Poverty Level	\$1,000,000.00	
31-50% AMFI	\$500,000.00	
51-80% AMFI	\$1,500,000.00	
0-80% AMFI (Non-Targeted)	\$500,000.00	
Above 80% AMFI	\$0.00	\$1,500,000.00
Total	\$3,500,000.00	\$1,500,000.00
Total LMI	\$3,500,000.00	\$5,000,000.00

17.7 Quick Guides

Subrecipients are encouraged to develop simplified, summarized quick guides to assist program participants and staff with referencing Housing Guideline requirements. For example, the GLO has created a Quick Guide for its Homeowner Reimbursement Program that lists applicant eligibility criteria, defines reimbursable expenses, and describes documentation needed to identify duplication of benefits.

17.8 Resources

GLO-CDR has created a comprehensive website which contains necessary forms, checklists, detailed guidance documents, and additional resources to supplement this Implementation Manual. Please see <https://www.glo.texas.gov/disaster-recovery> for more information. The following resources are referenced within this chapter and will be updated as new forms and documents are developed.

Resource Number	Topic	Web Page URL	File Located Under Section / Accordion
Resource 17.1	GLO-CDR Housing Guidelines	https://www.glo.texas.gov/disaster-recovery/housing-guidelines	N/A
Resource 17.2	GLO-CDR State Housing Forms and Checklists	https://www.glo.texas.gov/disaster-recovery/state-program-forms	Eligibility, Pre-Construction Setup, Financial Draws, Program Inspection Forms and Construction Standard, Closeout and Affordability Period Monitoring
Resource 17.3	Affirmatively Furthering Fair Housing Resources	https://www.glo.texas.gov/disaster-recovery/grant-administration/grant-implementation/housing	Affirmatively Furthering Fair Housing Rules
Resource 17.4	GLO-CDR's Housing Marketing and Outreach Plan Checklist	https://www.glo.texas.gov/disaster-recovery/grant-admin/2015-2016-subrecipients	2015-2016 Flood Grant Administrator
Resource 17.5	GLO-CDR's Needs Assessment Checklist	https://www.glo.texas.gov/disaster-recovery/grant-admin/2015-2016-subrecipients	2015-2016 Flood Grant Administrator

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Questions: Please direct all questions regarding your specific program or project to your assigned GLO Grant Manager. Send comments related to the GLO-CDR Implementation Manual to ImplementationManual.glo@recovery.texas.gov.