

SOUTH DAKOTA

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT



CDBG-DR Admin Action Plan

Introduction

"In summer 2024, South Dakota experienced a catastrophic flooding event triggered by an extreme rainfall. Rivers across the state, including the Big Sioux, surged beyond their banks, inundating homes, businesses, and critical infrastructure.

As a result of this disaster event, the U.S. Department of Housing and Urban Development (HUD) announced that the South Dakota will receive \$15,375,000 in funding to support long- term recovery efforts following the 2024 severe storms, straight-line winds, and flooding (DR- 4807) through the South Dakota Governor’s Office of Economic Development (GOED).

Community Development Block Grant-Disaster Recovery (CDBG-DR) funding is designed to address needs that remain after all other assistance has been exhausted.

Historically, CDBG-DR appropriations acts authorize up to five percent of a grant (plus five percent of program income generated by the grant) to be used for program administrative costs by the grantees like GOED. Program administrative costs are reasonable general costs, including carrying charges, of grant management that do not include staff and overhead costs directly related to carrying out other CDBG-DR eligible activities, since those costs are eligible as part of such activities.

Recent CDBG-DR appropriations acts have allowed grantees like the GOED to access funding for program administrative costs prior to the completion of the required CDBG-DR Action Plan and the signing of a grant agreement. To access these funds, GOED must first prepare an Admin Action Plan that describes its proposed use of the admin funds.

This Admin Action Plan will be submitted to HUD and within 15 calendar days from the date of receipt, HUD will determine whether to approve the Admin Action Plan per the criteria identified in the Universal Notice."

General Information

Grantee Name:	Governor’s Office of Economic Development (GOED)
Date Plan Submitted:	4/8/2025
Total Grant Amount:	\$15,375,000
Total Amount of PACs Budgeted:	\$768,750
Grantee Contact (Name):	Jack Valentine
Grantee Contact (Email/Phone):	jack.valentine@state.sd.us
HUD Contact (Name):	Samuel L. Potter
HUD Contact (Email/Phone):	Samuel.L.Potter@hud.gov / (303) 672-5166

Proposed Allocation of Funds

Program Administration Activity/Activities	Criteria for Eligibility	Estimated Budget/Allocation
General management, oversight, and coordination of the CDBG-DR grant, public information, and submission for federal programs.	24 CFR 570.206(a) 24 CFR 570.206(b) 24 CFR 570.206(f)	\$768,750

GOED does not request any reimbursement of past program administration costs for staff or subrecipients. The amount spent on each administration activity could vary with funds being used for eligible activities listed above and eligible by 24 CFR 570.206 interchangeably with the

total amount of administration dollars spend not to exceed 5% of the total allocation of CDBG-DR funds.

GOED will use planning dollars to compile the unmet needs and mitigation needs sections of the Action Plan.

Publication of the Admin Action Plan

The admin action plan will only include Program Administrative Costs to be used by GOED. Therefore, HUD does not require GOED to post the Admin Action Plan for public comment. The Admin Action Plan will be posted to the South Dakota Governor's Office of Economic Development website found at this address: <https://sdgoed.com/partners/financing-incentives/community-development-block-grants/> in the Disaster Relief Funds section of the webpage. GOED is currently working on a dedicated disaster recovery website.

Standard Form 424 (SF-424)

Completed SF-424 attached	<input checked="" type="checkbox"/>
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Certifications

HUD requires GOED to make certifications as outlined in the Universal Notice and also in 24 CFR 91.325. Those certifications are outlined below.

Certifications in Appendix A of the Universal Notice include the following:

- a) **Authority of Grantee:** The grantee certifies that the Admin Action Plan for disaster recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations as modified by waivers and alternative requirements.
- b) **Consistency with the Action Plan:** The grantee certifies that activities to be undertaken with CDBG-DR funds are consistent with its Admin Action Plan.
- c) **Citizen Participation:** The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in waivers and alternative requirements). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in waivers and alternative requirements).
- d) **Use of Funds:** The grantee certifies that it is complying with each of the following criteria:
 - (1) Purpose of the Funds. Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas for which the President declared a major disaster pursuant to the Stafford Act (42 U.S.C. 5121 *et seq.*).

- (2) **Maximum Feasibility Priority.** With respect to activities expected to be assisted with CDBG-DR funds, the Admin Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - (3) **Overall benefit.** The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver) of the grant amount is expended for activities that benefit such persons.
 - (4) **Special Assessment.** The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) the grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).
- e) **Grant Timeliness:** The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements applicable to the use of grant funds.

Certifications in 24 CFR 91.325

In accordance with the applicable statutes and the regulations found at [24 CFR 91.325](#), the State certifies that:

- a) **Affirmatively Further Fair Housing** --The State will affirmatively further fair housing (a)(1)
- b) **Anti-Lobbying** -- To the best of the State's knowledge and belief and in accordance with 91.325 (a)(3):
 - 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
 - 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and 3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers

(including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.


c) **Compliance With Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations in accordance with 91.325 (a)(5)

d) **Excessive Force** -- It will require units of general local government that receive CDBG-DR funds to certify that they have adopted and are enforcing in accordance with 91.325 (a)(6):

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

e) **Compliance with Laws** – The State will comply with applicable laws in accordance with 91.325 (a)(7)

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001, and 31 U.S.C. 3729.


04.08.2025
 Signature of Certifying Official (Date)

Jack Valentine 04.08.2025
 Printed Name of Certifying Official (Date)