

Damaged Tree Removal/Replanting

April 1, 1994

MEMORANDUM FOR: Joseph J. O'Hern, Deputy Regional Administrator- Regional Housing Commissioner, 7S

ATTENTION: Miguel P. Madrigal, Director, Community Planning and Development Division, 7C

Roger M. Massey, Manager, 7.2S

FROM: Andrew Cuomo, Assistant Secretary for Community Planning and Development, C

**SUBJECT: Community Development Block Grant
Waiver Request - Damaged Tree Removal/Replanting
City of Lincoln, Nebraska**

This is in response to your memorandum dated December 29, 1993, in which the City of Lincoln, Nebraska, has requested a waiver under 24 CFR 570.5 of the Community Development Block Grant (CDBG) program to use disaster relief funds to replace damaged trees on private property.

The Entitlement Communities Division (ECD) in Headquarters had previously advised the Omaha Field Office that there were two ways of carrying out this activity. One method would be to use a special subrecipient under 24 CFR 570.204. The City claims that it does not have in place, in the areas that have been damaged, any neighborhood-based non-profit organizations that meet the requirements of 24 CFR 570.204.

ECD also mentioned to the Field Office that CDBG funds may be used for this activity under the interim assistance eligibility category. Section 24 CFR 570.201(f)(2) permits CDBG funds to pay for improvements to private properties to alleviate an emergency condition. However, the grantee's chief executive officer must determine that emergency conditions threatening the public health and safety exist in the area and require immediate resolution. Documentation of that determination must be maintained.

Provided the grantee can meet the requirements of 24 CFR 570.201(f)(2), a waiver under 24 CFR 570.5 is not necessary. If you have further questions regarding the CDBG program, please contact the Entitlement Communities staff at (202) 708-1577.

cc: Robert P. Allen, SC