



Mitigation

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12 Mitigation

12.1 Introduction

Community Development Block Grant Disaster Recovery (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, the U.S. Department of Housing and Urban Development (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 (Public Law 117-43) approved Sept. 30, 2021 (the “Appropriations Act”), Oregon Housing and Community Services (OHCS) must incorporate mitigation measures into its recovery activities. It must spend an amount equal to 15% of its unmet needs allocation for mitigation activities that reduce risk in the identified most impacted and distressed (MID) areas. OHCS has assessed the community impacts and unmet needs to inform its Public Action Plan. It has prepared a mitigation needs assessment (MNA) to inform mitigation activities. For more information on what risks can be addressed with CDBG-DR funding, subrecipients can refer to the MNA in the Public Action Plan on the OHCS website at oregon.gov/ohcs/disaster-recovery/Pages/ReOregon-Action-Plan.aspx.

The CDBG-DR mitigation set-aside is calculated as 15% of the total estimate for unmet recovery needs allocated for the 2020 Labor Day Disasters. Unlike recovery activities that must demonstrate “tie-back” to the specific disaster activities funded by the CDBG-DR mitigation, set-aside activities do not require a tie-back to a specific disaster. The CDBG-DR mitigation set-aside will fund only activities that meet the following provisions:¹

- Comply with HUD’s definition of mitigation
- Address a current and future risk as identified in the MNA in the MID areas

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

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

The requirement for the CDBG-DR mitigation set-aside can be satisfied by including eligible recovery activities that both address the impacts of the disaster (i.e., have a tie-back) 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 must 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 wildfires is limited to no more than 15% of the grant allocation. Therefore, OHCS and its subrecipients must carefully consider if an activity is responsive, either directly or indirectly, to disaster impacts and document tie-back in cases where there is a connection with the disaster.

12.3 Mitigation Needs Assessment

The 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 Labor Day wildfires and straight-line winds (FEMA DR-4562). The MNA discusses the characteristics and impacts of current and future hazards identified through previously declared disasters. The assessment addresses risks to indispensable services that enable the 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. It uses historical and projected data on risk that incorporates the best available scientific tools.

OHCS has completed its MNA and identified 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 oregon.gov/ohcs/housing-assistance/disaster-recovery/Documents/CDBG-DR-Action-Plan.pdf.

The MNA 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 subrecipients can draw on this needs assessment and Oregon's Office of Emergency Management Federal Emergency Management Agency (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 MNA and Action Plan when additional 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 to the MID and non-MID areas.

Maintenance: Per 24 CFR Part 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 there being sufficient budget available for those mitigation-only projects. Given that purely mitigation projects are currently anticipated within the Planning, Infrastructure, and Economic Revitalization (PIER) or statewide planning programs only, which together constitute less than the 15% maximum, OHCS does not anticipate this being a barrier.

12.5 Mitigation Coordination

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
- Buying out/acquiring properties in high-risk areas
- Providing aid to relocate residents or businesses to lower-risk areas
- Restoring trees in urban landscapes
- Using more renewable energy technologies
- Using backup power for critical facilities

Before carrying out activities funded by CDBG–DR to construct, reconstruct, or rehabilitate residential or nonresidential 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:

- Estimating 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)
- Identifying the mitigation measures that will address the projected risks (e.g., using building materials that can withstand high winds)
- Assessing the benefit of the mitigation measures through verifiable data (e.g., 10 newly built homes will withstand high winds up to 100 mph)

In Disaster Recovery Grants Reporting (DRGR), HUD has published specific measures² for mitigation activities such as the numbers of nonresidential buildings constructed, fewer outages of critical facilities and utilities, linear feet of public improvement, public facilities, residents protected from future flooding, and plans or planning products developed. Examples of other **resilience performance metrics** include the numbers of:

- Acres no longer vulnerable to flood events
- Floodplain design standards updated
- Energy plans completed
- Resilience plans created

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

- Properties with access above 100-year or 500-year flood level
- Homes retrofitted with resiliency measures

12.7 Reporting on Activities

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

Activity types that are available 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, subrecipients should list 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 difficult to separate the mitigation measures or activities from the larger project, OHCS may count the entire project cost towards the 15% mitigation set-aside. Subrecipients should inform OHCS about how they want to identify qualified mitigation expenditures. As needed, OHCS will coordinate with HUD and approve or modify the subrecipients' approach.