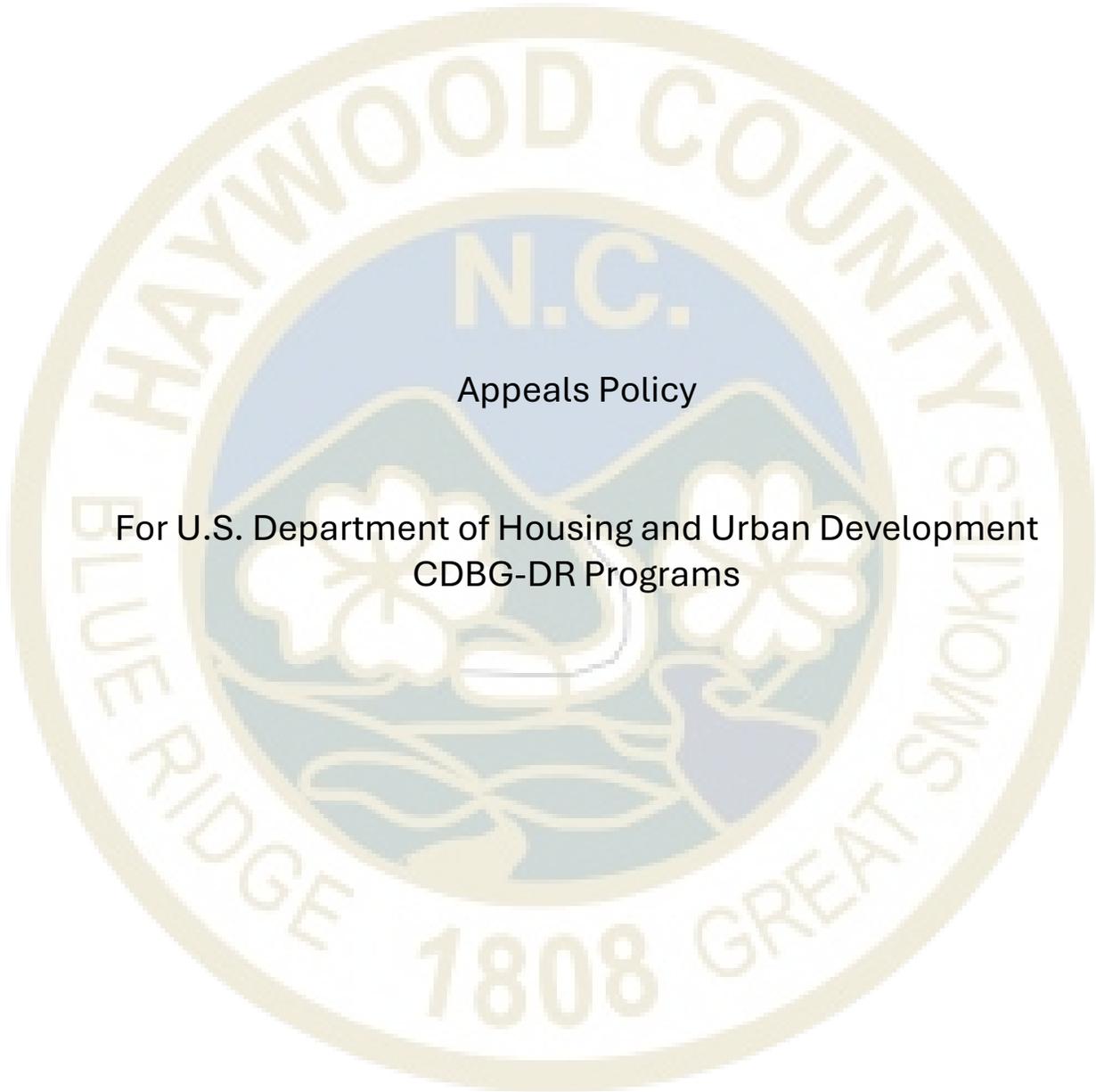


Haywood County, North Carolina

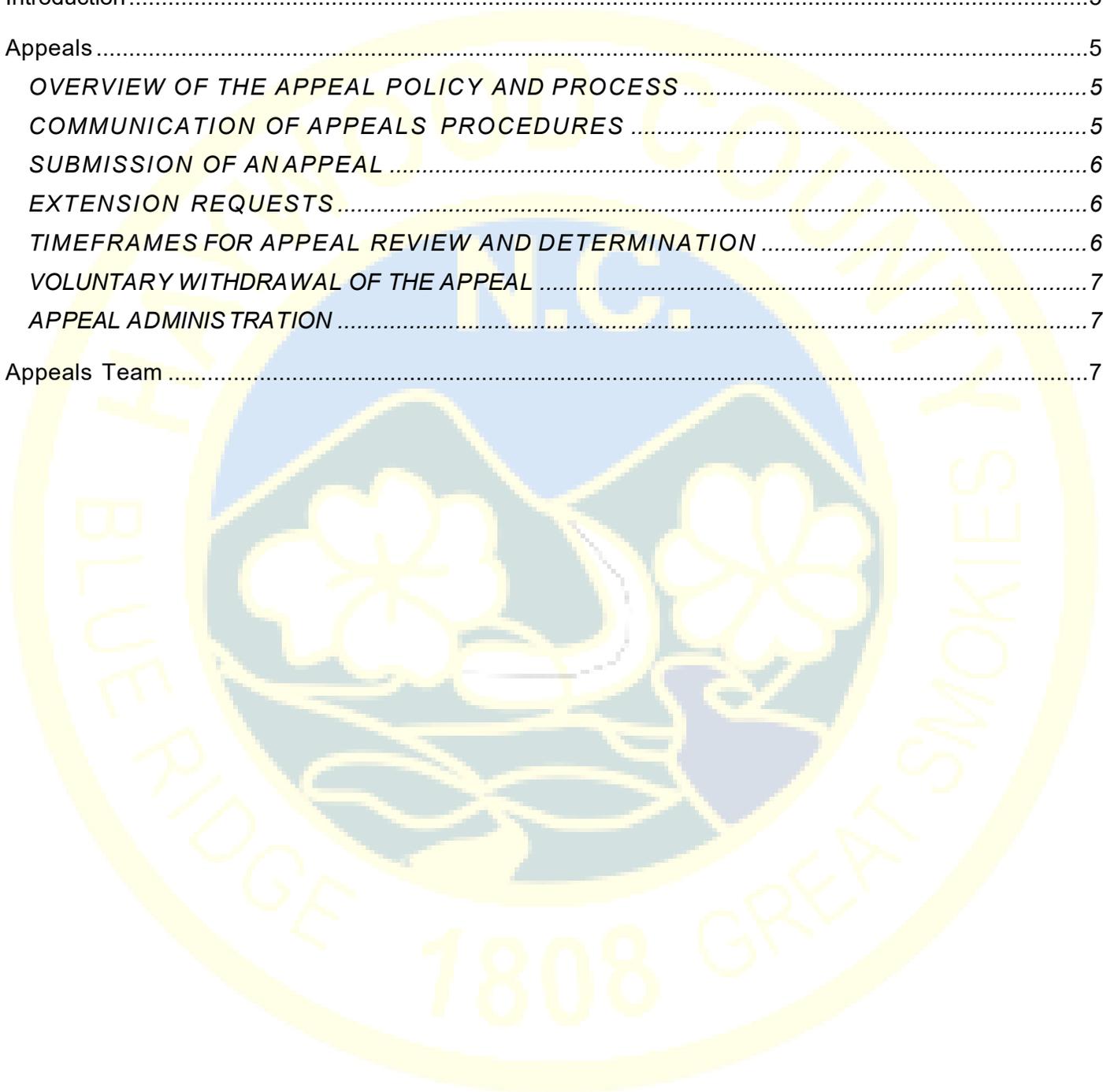


Appeals Policy

For U.S. Department of Housing and Urban Development
CDBG-DR Programs

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Revision History

Version Number	Date Updated	Summary of Changes
1.0	June 1, 2025	First version



Definitions and Acronyms

Appeal: A formalized written request by an applicant asking for a reversal or revision of a program's determination that affects their eligibility and/or amount of assistance they receive from the program

Applicant: Any individual who submits an application for assistance to the HUD CDBG-DR programs

CDBG-DR: Community Development Block Grant-Disaster Recovery

CDBG-MIT: Community Development Block Grant-Mitigation

[CDBG-DR or CDBG-MIT] Action Plans: The planning document required by HUD that describes the State of North Carolina's strategy for storm recovery including information on programs and the allocation of CDBG-DR and CDBG-MIT funding. The opportunity for citizen review and input on the proposed plan and associated amendments is part of the required plan and amendment development process.

HOGA: Homeowner Grant Agreement

HUD: U.S. Department of Housing and Urban Development

Limited English Proficiency (LEP): A designation for persons who are unable to communicate effectively in English because their primary language is not English, and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English. An LEP person benefits from an interpreter who translates to and from the person's primary language. An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

Offer to Purchase and Contract: Formal final offer to purchase storm damaged property provided to an eligible applicant on NC Form 2-T

Tenant: A person who has the temporary use and occupancy of real property owned by another as defined 49 CFR

§ 24.2(26) or in applicable program guidelines

URA: The *Uniform Relocation and Real Property Acquisition Policies Act of 1970*, as amended (Title 49 CFR Part

24) (42 U.S.C. 4601 et. seq.). Applies to all acquisitions of real property or displacements of persons resulting from federal or federally-assisted program or projects. URA's objective is to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects. For the purposes of these guidelines, URA mostly applies to residential displacements in involuntary (49 CFR Subpart B) acquisition or multifamily damaged/occupied activities that require the relocation of the tenants.

Introduction

The following appeals policy applies to all CDBG-DR programs and activities carried out by Haywood County, its project developers, and/or agents. This policy applies to any appeal of a CDBG-DR programmatic concerning applicant or tenant eligibility, award/benefit determinations, or involuntary withdrawal from a program, except in cases of potential fraud, recapture, or revocation of assistance, as determined by Haywood County. While this policy applies to all HUD funded CDBG-DR programs, each program may have additional guidelines. Additional guidelines are outlined in each program's corresponding program policy manual, Homeowner Grant Agreement, Offer to Purchase and Contract, and/or other legally binding documents executed by CDBG-DR program applicants and/or tenants if such policies substantially differ from those contained herein. This policy is effective from the date adopted.

An **appeal** is defined as a formalized written request by an applicant or tenant, as applicable, asking for a reversal or revision of a program determination that affects their eligibility and/or assistance they may receive from the CDBG-DR program. This policy refers to **applicants** of a CDBG-DR program and includes those persons actively applying to or participating in any CDBG-DR program or individuals empowered to act on an applicant's behalf. It also applies to persons who may be relocated involuntarily, either temporarily or permanently, due to the activities of a federally funded CDBG-DR program; such persons are referred to here as **tenants**.

Haywood County is committed to providing a fair and complete review of all appeals. In the review of all appeals, Haywood County shall consider pertinent justification and materials submitted by the applicant or tenant, and all other available information to ensure a fair and complete review of an appeal.

Appeals

OVERVIEW OF THE APPEAL POLICY AND PROCESS

Applicants and tenants may submit a written appeal related to any determination made by a CDBG-DR program that affects their eligibility or assistance they may receive, except in cases of potential fraud, recapture, or revocation of assistance, as determined by Haywood County.

The appeals process is composed of a thorough review of all relevant materials, while a consultation with the applicant will also be offered to obtain any relevant information. After all materials are reviewed, the appeal will receive a determination by Haywood County.

If at the conclusion of the appeals process the tenant or applicant is not satisfied with the appeal determination, the tenant or applicant may seek a judicial review of Haywood County's determination on their own accord.

COMMUNICATION OF APPEALS PROCEDURES

Appeals procedures when they apply to a CDBG-DR program, follow the North Carolina Office of

Recovery & Resiliency (NCORR) process. To explain the system for the resolution of concerns or disputes applicants may have with program determinations provided by Haywood County. Further, when a determination of eligibility and/or assistance is made, appeals procedures are provided to applicants once more, along with the necessary documents to submit an appeal. The appeals policy and related documents are always also available on the program website (<https://www.haywoodcountync.gov/880/Housing-Programs>) or (<https://www.rebuild.nc.gov/>) for ease of access and review by applicants and their designees.

SUBMISSION OF AN APPEAL

All Appeal Requests

All requests for appeals must be submitted to the CDBG-DR program according to the process described in the program’s appeals procedures.

Programmatic Appeals: Timeframes for Appealing a Program Determination

Applicants may appeal a program decision that affects their eligibility or the assistance they may receive within **thirty (30) calendar days** from the date that a written notification of determination was sent.

Acknowledging All Appeal Requests

NCORR will acknowledge the applicant’s or tenant’s request for appeal in writing within **fifteen (15) business days** of receipt.

EXTENSION REQUESTS

Programmatic Appeals: Extension Requests

Applicants may request an extension beyond the thirty (30) calendar day, time period for submitting an appeal by submitting a written request for an extension. Requests for extensions should be submitted within thirty (30) calendar days from the date that a written notification of determination was sent. An extension request is limited to thirty (30) additional calendar days, however, requests for extension beyond thirty days may be considered on a case-by-case basis. Applicants can request a reasonable extension for their appeal two (2) times.

Extension Approvals

If the program determines that an appeal extension request is justified, NCORR will approve the request. Haywood County will inform the applicant or tenant of the program’s decision to grant or deny the extension.

TIMEFRAMES FOR APPEAL REVIEW AND DETERMINATION

Appeal Readiness for Appeals Review

In order for an appeal to be considered, necessary documentation must be available for review. If additional documentation is needed, Haywood County will contact the applicant or tenant. The necessary documentation must be submitted to the program staff to allow sufficient time for a complete review. If time permits a Request for Information (RFI) may be submitted by the program to the applicant or tenant to request additional information needed for the program to make the appeal determination.

Timeframe and Notification of Appeal Determinations

The Appeals Team will aim to generally provide a determination on an appeal within thirty (30) to sixty (60) calendar days from when the appeal is complete and ready for review. The time to reach appeal readiness will vary as more complex appeals can require the performance of major program tasks including but not limited to re-verification of duplication of benefits, review of eligibility or benefit documentation and determinations, re-inspection, re-appraisal, and/or re-calculation of the award, offer, or benefit amount(s). In addition, an appeal determination can take longer than sixty (60) calendar days from appeal readiness if an appeal review is tabled to obtain further information, perform further analysis, or consult third party organizations. Appeals that involve the revision of major programmatic tasks or require more information may require up to one hundred twenty (120) calendar days from appeal submission to appeal determination. In these cases, the program will inform the party exercising their appeal rights of the progress made and if any additional information is needed or required for a determination.

Once made, the written determination is sent to the applicant or tenant. Once an appeal determination is made, the Haywood County will proceed with implementation according to the determination appeal. All determinations will provide a final determination for applicants and any remaining next steps available for tenants.

VOLUNTARY WITHDRAWAL OF THE APPEAL

Applicants and tenants have the option to voluntarily withdraw their appeal request at any time prior to a final appeal determination being sent. The applicant or tenant must submit their request for appeal withdrawal in writing.

APPEAL ADMINISTRATION

Tracking Appeals

The program staff will track appeals in the CDBG-DR system of record. Program staff will monitor appeal progress, appeal decisions, and the impact of appeal determinations on program policies.

System of Record Documentation

The program staff will upload all documentation, supporting materials, and correspondence regarding the appeal(s) and determination(s) into the applicant's or tenant's file in CDBG-DR's system of record.

Consistency and Monitoring

The program staff is responsible for monitoring response timeframes and the content of the responses to ensure consistency across CDBG-DR_ programs. Haywood County will review its appeals processes and practices to ensure compliance with the action plan(s), regulatory requirements, program policies, and legally binding program documents.

Appeals Team

APPEALS TEAM (ALL APPEALS)

The Appeals Team is composed of authorized Haywood County staff designated to review all submitted appeals. The Appeals Team will consider all appeals unless the issue that is being appealed is specifically defined under current program-specific policy, the issue that is being appealed is based on federal, state, or local regulation, or an applicant or tenant has submitted an appeal prior to receiving a formal determination.

The Appeals Team shall review all relevant appeal documentation for consideration in advance of a determination. The Appeals Team may only assess written statements and documents provided to support the appeal. Haywood County's Appeals Team members shall not have been directly involved in the action appealed. Program subject matter experts may serve as advisors if needed.

Once a determination has been made, the decision is documented and entered into the system of record. A written appeal determination is sent to the applicant or tenant as set forth in section 3.6.2 above. Program staff will then take further appropriate action to implement the determination if needed.

Reasonable Accommodation Grievances/ Appeals: Additional Information

Grievances related to a reasonable accommodation request or decision are managed separately from this Policy, Reasonable accommodation or reasonable modification requests or grievances that are included in an applicant's programmatic appeal that are subject to this Policy shall be routed to or coordinated with the FHEO Officer or otherwise identified designee.

